



## Cabinet

**Monday 15 December 2014 at 7.00 pm**

Board Room 4&5 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

**Lead Member  
Councillors:**

**Portfolio**

Butt (Chair)	Leader of the Council
Pavey (Vice-Chair)	Deputy Leader of the Council
Crane	Lead Member for Environment
Denselow	Lead Member for Stronger Communities
Hirani	Lead Member for Adults, Health and Well-being
Mashari	Lead Member for Employment and Skills
McLennan	Lead Member for Regeneration and Housing
Moher	Lead Member for Children and Young People

**For further information contact:** Anne Reid, Principal Democratic Services Officer  
020 8937 1359, [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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**[democracy.brent.gov.uk](http://democracy.brent.gov.uk)**

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence.

**Item** **Page**

**1 Declarations of personal and prejudicial interests**

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

**2 Minutes of the previous meeting** 1 - 10

**3 Matters arising**

**Central Reports**

**4 Budget 2015/16 and 2016/17** *Circulated separately*

This report provides an update on the financial position for the next two financial years and sets out the draft officer savings proposals for initial consideration.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Mick Bowden, Operational Director, Finance  
Tel: 020 8937 1460 [mick.bowden@brent.gov.uk](mailto:mick.bowden@brent.gov.uk)

**5 Brent's Borough Plan 2015-2019** 11 - 36

This report sets out – through its attached appendix – the first draft of the proposed Brent Borough Plan for 2015 - 2019. The Borough Plan constitutes a community strategy for Brent and sets out how the Council, its partner services, local residents, local business and the voluntary and community sector – will, working together, improve the quality of life for local people. The priorities and the promised outcomes identified are firmly rooted in what local people have told us they believe to be the most most important things to be achieved. Nevertheless, the Plan was drafted before the closing date for responses and these all need to be considered before finalising the Plan.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Cathy Tyson, Assistant Chief Executive's Service  
Tel: 020 8937 1045 [cathy.tyson@brent.gov.uk](mailto:cathy.tyson@brent.gov.uk)

## 6 Senior Manager Restructuring proposals

37 - 50

These proposals have been agreed by the General Purposes Committee, subject to consultation with staff, and approval is now required by Cabinet to delete, create or amend the posts. As staff consultation does not end until 5 December, 2014, any proposed changes relating to the recommendations in this report will be reported orally at the meeting. Job descriptions and person specifications for the relevant post will follow later.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Butt  
**Contact Officer:** Christine Gilbert, Chief Executive  
Tel: 020 8937 1007  
christine.gilbert@brent.gov.uk

## Children and Young People reports

### 7 School Budget Proposals - 2015/16

51 - 56

This report sets out the school budget proposals for 2015/16. The total schools' budget for 2015/16 is provisionally estimated as £213m. This includes an additional £11m funding to be received as part of the Department for Education's (DfE) 2015/16 "fairer funding" distribution, and also the inclusion of some academies (non-recoupment academies) that were not in the framework as well as free schools within the formula. The increase in funding for schools represents, on average, a five percent increase for primary schools and a seven per cent increase for secondary schools.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Moher  
**Contact Officer:** Sara Williams, Operational Director, Early Help and Education  
Tel: 020 8937 3510 sara.williams@brent.gov.uk

### 8 Permanent expansion of Manor Special School

57 - 100

This report informs the Cabinet of the outcome of the statutory proposals to increase the number of places at Manor Special School from September 2015 and recommends that the expansion be approved.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Moher  
**Contact Officer:** Judith Joseph, School Admissions  
Tel: 0202 8907 1061 judith.joseph@brent.gov.uk

- 9 Consultation on Community Schools Oversubscription Criteria and Admission Arrangements** 101 - 134

This report sets out proposals to consult on amendments to the oversubscription criteria for Brent primary community schools.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Moher  
**Contact Officer:** Sara Williams, Operational Director, Early Help and Education  
Tel: 020 8937 3510 sara.williams@brent.gov.uk

### Environment and Neighbourhoods reports

- 10 Agreement to a Revised Service Level Agreement between LB Brent and LB Harrow for the Trading Standards Consortium** 135 - 138

This report seeks approval to revise the longstanding service level agreement with London Borough of Harrow for the continued provision of trading standards through a shared service arrangement.

**Ward Affected:** All Wards  
**Lead Member:** Councillor Crane  
**Contact Officer:** Michael Read, Operational Director (Environment and Protection)  
Tel: 020 8937 5302 michael.read@brent.gov.uk

- 11 Delegation of powers to London Councils Transport and Environment Committee: Appeals service for parking on private land** 139 - 150

This report asks members to confirm previous arrangements and agree the ongoing delegation of powers to the London Councils Transport and Environment Committee Joint Committee (LCTEC) for the purpose of providing an appeals service for parking on private land via a contract, and that members agree that the LCTEC Governing Agreement be formally varied accordingly.  
*(Appendix referred to below)*

**Ward Affected:** All Wards  
**Lead Member:** Councillor Crane  
**Contact Officer:** Michael Read, Operational Director (Environment and Protection)  
Tel: 020 8937 5302 michael.read@brent.gov.uk

- 12 Changes to Council-Owned Car Parks** 151 - 194

This report proposes changes to several of the Council's car parks. The report recommends: Changing the operational use of some car parks, including their charge tariffs; Introducing charges and operational controls to Northwick Park Car Park and Disraeli Road Car Park; Formalising changes which have already occurred, such as the closure of the Town Hall Car Park.

**Ward Affected:**

Barnhill;  
 Dudden Hill;  
 Northwick Park;  
 Preston;  
 Stonebridge;  
 Wembley  
 Central

**Lead Member:** Councillor Crane**Contact Officer:** Michael Read, Operational Director (Environment and Protection)

Tel: 020 8937 5302 michael.read@brent.gov.uk

**Adult Social Care reports**

- 13 Authority to award Enhance Reablement** 195 -  
204

In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award four contracts for Enhanced Reablement Services for a term of 1+1 year. To support the recommendation the report also provides further details on the scheme and details the process undertaken to select the preferred providers.

*(Appendix referred to below)***Ward Affected:**

All Wards

**Lead Member:** Councillor Hirani**Contact Officer:** Amy Jones, Commissioning and Quality

Tel: 020 8937 4061 amy.jones@brent.gov.uk

- 14 Authority to award a contract for Social Care and Support Services in Extra Care Housing** 205 -  
264

In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award a 2+1+1 year social care and support services contract for a new Extra Care Housing (ECH) scheme at Willow House. The support services will be provided to older people (55+) who have Mental Health, Learning Disabilities, Physical Disabilities and/or Sensory Impairment(s). To support the recommendation the report also provides further details on the scheme and details the process undertaken to select the preferred provider.

*(Appendix referred to below)***Ward Affected:**

All Wards

**Lead Member:** Councillor Hirani**Contact Officer:** Amy Jones, Commissioning and Quality

Tel: 020 8937 4061 amy.jones@brent.gov.uk

**Regeneration and Growth reports**

- 15 Procurement of Web Customer portal** 265 -  
294

This report requests authority to award a contract for the provision, maintenance and support of an on line Community web portal, as required by Contract Standing Order No 88. The report summarises the process undertaken in tendering this contract, the outcomes of tender

evaluation and a recommendation for the award of the contract.  
(Appendix referred to below)

**Ward Affected:** All Wards  
**Lead Member:** Councillor Butt  
**Contact Officer:** Margaret Read, OD Customer Services  
Tel: 020 8937 1521  
margaret.read@brent.gov.uk

**16 Temporary Accommodation: Hotel Leasing and Brent House Conversion** 295 - 308

This report requests authority to acquire one-year leases of three hotels to provide emergency accommodation to homeless households. The report also requests authority to grant a lease for the use of Brent House for emergency accommodation for a limited period, subject to planning permission. arrangements are designed to assist the Council in meeting its statutory emergency housing obligations to homeless households at a time of increasing demand, and to minimise the cost of such provision.  
(Appendix referred to below)

**Ward Affected:** All Wards  
**Lead Member:** Councillor McLennan  
**Contact Officer:** Jon Lloyd-Owen, Operational Director, Housing and Employment  
Tel: 020 8937 5199 jon.lloyd-owen@brent.gov.uk

**17 Recommendation for Award of a High Value Construction Contract at Manor School** 309 - 346

In August 2014 Cabinet approved the allocation of additional funds to meet estimated costs of providing additional school places at Manor School in order to meet the Council's statutory duty (£2.182m total project cost). Cabinet also approved the commencement of the procurement process for the building contract works, based on pre-tender considerations set out in the report. Tenders have been received and evaluated on the basis of the evaluation criteria as set out in the August Report. As such, this report requests authority to award a building contract, as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and recommends to whom the contract should be awarded.  
(Appendix referred to below)

**Ward Affected:** All Wards  
**Lead Member:** Councillors McLennan and Moher  
**Contact Officer:** Cheryl Andani, Property and Asset Management  
Tel: 020 8937 3227 cheryl.andani@brent.gov.uk

**Central Reports (continued)**

- 18 Authority to award Public Health Contracts** 347 -  
400
- This report seeks the approval of Cabinet to award contracts for the provision of Public Health services as required by Standing Order 88.  
(Appendix referred to below)
- Ward Affected:** All Wards  
**Lead Member:** Councillor Hirani  
**Contact Officer:** Ben Spinks, Assistant Chief Executive  
Tel: 020 8937 6677 ben.spinks@brent.gov.uk
- 19 Independent North-West London Healthcare Commission** 401 -  
408
- This report seeks agreement from the Cabinet for the council to participate in the proposed Independent North-west London Healthcare Commission. The Independent commission has been proposed to examine.
- Ward Affected:** All Wards  
**Lead Member:** Councillor Hirani  
**Contact Officer:** Cathy Tyson, Assistant Chief Executive's Service  
Tel: 020 8937 1045 cathy.tyson@brent.gov.uk
- 20 Annual Audit Letter** 409 -  
416
- This report presents the Annual Audit Letter for 2013/14, which was produced by the Council's external auditors KPMG.
- Ward Affected:** All Wards  
**Lead Member:** Councillor Pavey  
**Contact Officer:** Mick Bowden, Operational Director, Finance  
Tel: 020 8937 1460 mick.bowden@brent.gov.uk
- 21 Collection Fund Report** 417 -  
420
- As part of the Council Tax setting process for 2015/2016 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2015. This must be done by 15 January 2015 in relation to Council Tax, and this report asks Members to approve the estimated balance for both Council Tax and Business.
- Ward Affected:** All Wards  
**Lead Member:** Councillor Pavey  
**Contact Officer:** Mick Bowden, Operational Director, Finance  
Tel: 020 8937 1460 mick.bowden@brent.gov.uk
- 22 Q2 Performance Report** 421 -  
442

The purpose of this report is to provide Members with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively.

**Ward Affected:**

All Wards

**Lead Member:** Councillor Butt

**Contact Officer:** Ben Spinks, Assistant Chief Executive

Tel: 020 8937 6677 ben.spinks@brent.gov.uk

## **23 Appointment to Committees and Outside Bodies**

- London Councils Grants Committee
- Barham Park Trust Committee

## **24 Reference of item considered by Scrutiny Committee - none**

## **25 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:**

- Delegation of powers to London Councils Transport and Environment Committee: Appeals service for parking on private land
- Authority to award Enhance Reablement
- Authority to award a contract for Social Care and Support Services in Extra Care Housing
- Procurement of Web Customer portal
- Temporary Accommodation: Hotel Leasing and Brent House Conversion
- Recommendation for Award of a High Value Construction Contract at Manor School
- Authority to award Public Health Contracts

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

### **APPENDIX**

Temporary Accommodation: Hotel Leasing and Brent House Conversion

## **26 Any other urgent business**

Notice of items to be raised under this heading must be given in writing to



the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

**Date of the next meeting:            Monday 26 January 2015**



Please remember to set your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 10 November 2014 at 2.00 pm

PRESENT: Councillor Butt (Chair), Councillor Pavey (Vice-Chair) and Councillors Crane, Hirani, Mashari, McLennan and Moher

Also present: Councillors Filson, Long, Mahmood and Perrin

Apologies for absence were received from: Councillor Denselow

1. **Declarations of personal and prejudicial interests**

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 13 October 2014 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Authority to tender a contract for Independent Reviewing officer (IRO) Service for Looked After Children**

Councillor Moher (Lead Member, Children and Young People) introduced the report which requested approval to invite tenders in respect of the contract for the Brent Independent Reviewing Officer team (IRO) for Looked After Children as required by Contract Standing Order 88 and 89. Aid Hour was currently contracted by Brent Council to source and provide local independent IROs to enable the Local Authority to fulfil its statutory duty in this area of work. A new contract was entered into with Aid Hour, following approval under exemption from tendering, set out in CSO86 (e) (i). This contract was awarded for the period 1 April 2012 to 31 March 2014, with the option to extend for a further year, which was duly utilized.

Councillor Moher emphasised the need for high quality providers to be attracted to tender so that a good service could be available to support young people in care.

RESOLVED:

- (i) that approval be given to the invite of tenders for Brent Independent Reviewing Service for Looked After Children on the basis of the pre-tender considerations set out in paragraph (vi) of the report from the Strategic Director of Children and Young People;
- (ii) that the tender be let for a term of two years with the option to extend for a further 12 months;
- (iii) that officers evaluate the tenders referred to in paragraph (i) above on the basis of the evaluation criteria set out in paragraph (vi) of the report.

## **5. Future Development of Children's Centres**

The report from the Strategic Director Children and Young People set out proposals to consult with staff and service users on the development of a sustainable model for the borough's children's centre provision to be implemented from September 2015. The aim of this process would be to retain and current service levels, while improving outputs and outcomes for 0 to 5 year olds while delivering efficiency savings. Councillor Moher (Lead Member, Children and Young People) in introducing the report, paid tribute to the role of children centres in supporting many parents and carers. Proposals now before the Cabinet involved a new model of delivery while maintaining responsibility.

In discussion, members referred to the increased opportunity for public health involvement and increased partnership working with school nurses within the environment. With the consent of the Chair, former councillor Helga Gladbaum addressed the meeting and expressed concern at accounts of staff shortages at children centres, pressure of work and sickness absence. She reminded the Cabinet of the contribution children's centres made in increasing employment and urged the council to identify additional sources of funding in service areas engaged in similar work. Helga Gladbaum also referred the need for children's centres to reach out and offer services to those communities most in need of support, in particular newly arrived families, often hindered by language barriers.

Councillor Butt (Chair, Leader of the Council) paid tribute to the ability of children's centres to operate despite the severe financial restrictions on the council and the need to find a unique delivery model to allow support for children and parents to continue.

RESOLVED:

that officers commence a programme of consultation and engagement with service users, staff and other stakeholders, reporting back to Cabinet in January 2015 with proposals for a sustainable model of delivery for the children's centres.

## **6. Allocation Scheme Review**

Councillor McLennan (Lead Member, Regeneration and Housing) introduced the report from the Strategic Director Regeneration and Growth which set out proposals for alterations to the council's housing Allocation Scheme intended to align the scheme more effectively with strategic objectives, make best use of available resources and correct anomalies in the existing Allocation Scheme. She reminded

the Cabinet that the scheme had been reviewed in February 2014 and that in the intervening period the need for further changes had been identified. Consultation had taken place with registered providers and households on the housing register which indicated broad support. Areas of contention were related to bedroom allocation as a result of which the strategy has been reviewed. Councillor McLennan acknowledge that evidence indicated that the changes would have an adverse effect on some ethnic communities but this would be kept under review.

Councillor Pavey (Deputy Leader) referred to the overall shortage of housing and the proposal to allow couples with one child to bid for one bedroomed properties which he felt would encourage many to change their living areas into second bedrooms. Councillor McLennan responded that residents would welcome the opportunity to stay in the borough and more properties were coming on stream. In response to a request from Councillor Mashari (Lead Member, Employment and Skills) Councillor McLennan summarised the employment incentives referring to the opportunity to be discharged from welfare reform.

RESOLVED:

- (i) that the responses provided in the consultation process as summarised in Sections 4 and 5 of the report from the Strategic Director of Regeneration and Growth report (and as set out in more detail in Appendix 3 and in the Equality Impact Assessment in Appendix 1 to the report);
- (ii) that the content of the Equality Impact Assessment as set out in Appendix 1 to the report be noted;
- (iii) that approval be given to the proposed changes to the Council's Allocation Scheme as set out in paragraphs 5.1 to 5.8 of the report and summarised as follows:
  - (a) In specified circumstances, the Allocation Scheme will allow bids to be placed automatically through Locata where a household fails to bid.
  - (b) Band C priority should be restored for homeless households accepting a Qualifying Offer.
  - (c) The Allocation Scheme should allow direct offers to be made at the council's discretion rather than limited to exceptional circumstances.
  - (d) Adult children should not be allocated a separate bedroom if they are able to share with a same-sex sibling of any age.
  - (e) Parents who have only one child residing with them will be able to bid for one-bedroom properties where they choose to do so.
  - (f) Where the applicant is an under-occupier, adult children may be included as part of the household if the move is to a smaller home.

- (g) Households who were not employed at the time of application should be able to request the award of additional waiting time once they enter employment through submission of a change of circumstances form.
  - (h) Residence criteria should apply to homeless households as they do to other applicants.
  - (i) Overcrowding cases should move from Band B to Band C for all tenures.
  - (j) The omission of the Voluntary Sector Quota from the current Allocation Scheme should be corrected.
- (iv) that it be noted that a report on the impact of the changes based on the first six months following implementation would be presented to the Policy Coordination Group in July 2015.

## **7. Housing Private Finance Initiative project agreement revisions**

As a result of a number of external factors the council's Housing Private Finance Initiative (PFI) project currently faced considerable financial challenges and a projected deficit which fell on the Local Authority. The report from the Strategic Director Regeneration and Growth proposed a number of contractual revisions to provide the council with flexibility in order to improve the financial performance of the project and substantially reduce the prospective deficit. These have been arrived at following a period of negotiation with the Council's PFI contract partner, Brent Co-Efficient (BCE) and following consultation with the Homes and Communities Agency (HCA) the Department for Communities and Local Government (DCLG). Councillor McLennan (Lead Member, Regeneration and Housing) in introducing the report, reminded the Cabinet that the PFI agreement was due to end in 2028 and, on current estimation, there would be a £17.1m deficit mainly due to welfare reforms introduced by central Government which led to rental income to fund required payments not having risen as assumed. The proposed changes introduced flexibility over the way in which the 364 units intended for use as temporary accommodation were used and the rents charged, with the effect of reducing the deficit to an estimated £1m by the end of the contract.

The Chief Finance Officer contributed that project was susceptible to legislative changes and would be kept under review. The Borough Solicitor added that this was seen to be the best way of the council meeting its fiduciary duties.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

RESOLVED:

- (i) that the proposed revisions to the Project Agreement (and related documents) as set out in paragraphs 4.1 to 4.15 of the report from the Strategic Director Regeneration be noted and authority to agree of the final terms of revision to the Project Agreement (and related documents) contract be delegated to the Strategic Director for Regeneration and Growth in consultation with the Chief Finance Officer and the Borough Solicitor;
- (ii) that authority be delegated to the Strategic Director for Regeneration and Growth, in consultation with the Chief Finance Officer and the Borough Solicitor, to agree the variation to the PFI Project Agreement and all other related documents, in order to enable the contract revisions to be properly documented;
- (iii) that the Borough Solicitor, or an authorised delegate acting on her behalf, be authorised to execute all of the legal agreements, contracts and other documents on behalf of the council and such other legal agreements and documentation which may be necessary to give full effect to the variation to the PFI Project Agreement, subject to her receiving confirmation of continuing credit approval from the Department for Communities and Local Government, through the Homes and Communities Agency (HCA) or, executing such contracts and other documentation with a pre-condition that they shall only come into full effect upon the issuing of such PFI credit approval by the HCA/DCLG;
- (iv) that the Chief Finance Officer can issue, on behalf of the council, such certificate or certificates under the Local Government (Contracts) Act 1997 to:
  - a. Brent Co-Efficient in respect of the Deed of Amendment (or such other document) to give effect to the variations to the PFI Project Agreement;
  - b. Brent Co-Efficient's funders in respect of any the Direct Agreement Amendment Deed (or such other document) to give effect to the variations to the Direct Agreement entered into between the council, such the funders and Brent Co-Efficient; and
  - c. Hyde Housing Association and the Brent Co-Efficient's funders in respect of a the Residual Value Amendment Deed (or such other document) to give effect to the revised Residual Value Deed to be entered into between the council, Hyde Housing Association and the funders.
- (v) that the Chief Finance Officer be fully indemnified by the council in the event of any claim against him arising from the provision of any Certificate he may issue in accordance with recommendations/decisions in (iv) above.

## **8. Review of Revenues Collection post 2016**

Councillor Mashari (Lead Member, Employment and Skills) introduced the report which considered the options available to the council for the future provision of the Revenues and IT service beyond April 2016. The existing contract for the

administration and collection of Council Tax and Non Domestic Rates (NNDR) along with the provision of IT for Revenues and Benefits was awarded to Capita for a 5 year period commencing in May 2011, with an option to extend for the further 3 years from 1 May 2016 to 30 April 2019. Councillor Mashari advised that the recommended option was to extend the existing contract for three years; the terms of the contract have been re-negotiated in order to achieve cumulative savings and improved collection targets. She referred to planned changes to Universal Credit the impact of which would be clearer at the point of retender in 2017. Councillor Moher drew attention to the anticipated cumulative savings of £1.901,593 between 2015/16 to 2018/19 and whether more were anticipated. The Strategic Director, Regeneration and Growth confirmed that discussion would continue to achieve more and regular meetings were scheduled.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) that the options for the future provision of Revenue and IT services as outlined in paragraphs 3.2 to 3.6 of the report from the Strategic Director of Regeneration and Growth be noted;
- (ii) that approval be given to officers' recommended option to exercise the contractual provision to extend the existing Revenues and IT contract with Capita for three years from 1 May 2016 to 30 April 2019.

## **9. Authority to award Employment Services Provider Framework**

Councillor Mashari (Lead Member, Employment and Skills) introduced the report from the Strategic Director, Regeneration and Growth which sought authority to appoint providers onto the Brent Employment Services Framework, as required by Contract Standing Order 88. The report summarised the process undertaken in tendering the Framework and, following the completion of the evaluation of the tenders, recommended to whom the Framework should be awarded.

Councillor Mashari drew attention to evaluation criteria on which submissions were assessed and referred to upcoming call offs which included the re-commissioning of a Job Brokerage service and European Social Fund specifications due to be launched in January 2015.

RESOLVED:

that approval be given to approve the appointment of the twelve providers listed in Para. 3.15 of the report from the Strategic Director of Regeneration and Growth to the Brent Employment Services (multi-provider) Framework for an initial period of two years with an option to extend up to a further two years.



**10. Disposal of basement space at 48d Mapesbury Road, London NW2 4JE**

The report from the Strategic Director Regeneration and Growth sought approval to proceed with the disposal of the council owned basement space within the Housing Revenue Account (HRA) at flat 48d Mapesbury Road, London NW2 7JE for a capital receipt.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) that approval be given to the leasehold disposal of the Council's basement space directly lying beneath 48d Mapesbury Road to the leaseholder of the same address, for a capital receipt;
- (ii) that authority be delegated to the Operational Director of Property and Projects to agree the terms of the disposal and grant a new lease for the sale of the basement space.

**11. Annual report of the Director of Public Health for Brent 2014**

The report from the Director of Public Health considered the health of the people in Brent. It outlined the major causes of mortality and morbidity as well as describing health related behaviours in Brent. It contained a number of examples of how the council and local people were responding to the health challenges in the borough. Councillor Hirani (Lead Member, Adults, Health and Well-being) advised that the report would be submitted to the Health and Well-being Board for reflection on the findings. He drew attention to key concerns in the report including sexually transmitted infections, life expectancy variation within the borough and the need to address conditions such as obesity, diabetes and the causes of premature deaths. Councillor Hirani was pleased to report a significant reduction in rates of teenage pregnancy in Brent.

Members in discussion raised questions on the finding that oral health in Brent was relatively very poor and the risk of child deaths increasing with co-sleeping and bed sharing. On sickle cell in the borough, the Director of Public Health advised that the council was reliant on the NHS and there would be greater focus on this in the near future. Members heard that the poor oral health was in the main attributed to low levels of registrations with dentists, misunderstanding on the use of baby bottles and poverty with dental care featuring low on the list of priorities. The cabinet also heard that life expectancy was improving for deprived communities however people were living longer with conditions and were pleased to note that a dedicated dementia workshop was due to take at the Health and Well-being Board.

RESOLVED:

that the Annual Report of the Director of Public Health for Brent 2014 which would be presented to the Health and Wellbeing Board for consideration be noted. The Health and Wellbeing Board will review its work programme and priorities in the light of the report.

## 12. **Award of Contracts for Gas and Electricity**

Councillor Pavey (Deputy Leader) introduced the report which requested authority to award contracts as required by Contract Standing Order No 88. The report summarised the process undertaken in procuring these contracts and recommended to whom the contracts should be awarded. Councillor Pavey referred to rising energy prices and efforts made to manage risk and control costs. The proposals would allow for consistent supply and value for money.

With the consent of the Cabinet, Councillor Perrin raised the question of reducing energy costs through changes to street lighting provision. The Chief Finance Officer responded that the framework would allow for best price at the appropriate time. He also advised, in response to a question from Councillor Filson, that schools would be recommended to take advantage of the cheaper option of purchasing energy through the council's framework and the cabinet agreed that school governors should be alerted to this opportunity through their newsletter and the Schools Forum.

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 Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) that the contract for the Supply of Electricity be awarded to Npower Limited and Kent County Council for four years from 1 October 2016 via a call-off from the LASER framework;
- (ii) that the contract for the Supply of Gas be awarded to Total Gas and Power Limited and Kent County Council for four years from 1 October 2016 via a call-off from the LASER framework.

## 13. **2014/15 Mid-Year Treasury Report**

Councillor Pavey (Deputy Leader) introduced report from the Chief Finance Officer which provided an update on treasury activity during the 2014/15 financial year. The Chief Finance Officer advised that the situation regarding the return of funds outstanding from Icelandic Banks continued to be monitored. Referring to high levels of interest on loans, the Chief Finance Officer reminded the Cabinet that these were taken out 20-30 years ago when interest rates were higher. Detailed consideration was being given to means of exit however the redemptive premium was prohibitive. The situation may change should interest rates rise.

RESOLVED:

that the 2014/15 mid-year Treasury report, which has been presented to the Audit Committee and will also be submitted to Full Council be noted.

14. **Any other business**

The Cabinet expressed support for the London Living Wage week (2-8 November) and for the forthcoming Small Business Saturday on 6 December 2014.

The meeting ended at 3.05 pm

M BUTT  
Chair

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> <b>15 December 2014</b></p> <p style="text-align: center;"><b>Report from the Chief Executive</b></p>
For action	
<b>Brent Borough Plan 2015 - 2019</b>	

## 1. Introduction

1.1 This report sets out – through its attached appendix – the first draft of the proposed Brent Borough Plan for 2015 - 2019. The priorities and targets set out with the plan have been informed by an extensive programme of consultation with residents, partners, the voluntary sector, local businesses and Members over the past three months. The priorities within the Plan build upon the Administration's commitment to fairness, driving local economic growth and creating strong communities. The Brent Borough Plan provides:

- a shared vision for the borough and the priorities for making sure that vision is achieved
- the promises and specific outcomes on which we will be concentrating over the period from April 2015 – to January 2019.

1.2 The Borough Plan constitutes a community strategy for Brent and sets out how the Council, its partner services, local residents, local business and the voluntary and community sector – will, working together, improve the quality of life for local people. The priorities and the promised outcomes identified are firmly rooted in what local people have told us they believe to be the most important things to be achieved. Nevertheless, the Plan was drafted before the closing date for responses and these all need to be considered before finalising the Plan.

## 2. Recommendations

Members of the Cabinet are asked to:

- 2.1 note the progress made in developing the Borough Plan and comment on the draft document
- 2.2 agree to use the draft plan and the borough plan consultation findings as the basis for further discussion with partners between now and formal adoption of the plan by Council in March 2015.

## 3. Detailed considerations

- 3.1 The Council has a key role in overseeing the Borough Plan for Brent, which sets out the community strategy for the borough. The borough's Local Strategic Partnership, Partners for Brent, has a key role in this.
- 3.2 The Borough Plan 2015 - 2019 details the priorities and specific targets on which the Council and its partners intend to concentrate for the period to January 2019.

### **Challenges and context for the Borough Plan 2015 – 2019**

- 3.3 The next four years will be the most critical period of change that local government has experienced in recent decades and a key moment to redefine the role and relationship it has with both residents and partners. As we experience continued reductions in central government funding, the council will need to build a strong consensus on those services which are local priorities, innovate across service and organisational boundaries to maximise efficiencies and develop capacity within local communities to build on their strengths to become more independent and resilient in the future.
- 3.4 The council will need to redefine its role as a direct provider of services and focus its resources on building relationships and influence across the public, community and business sectors to ensure future investment and growth is attracted to Brent. Within this context, the Borough Plan 2015 – 2019, provides the basis on which to shape the strategic partnership agenda for Brent and gives the vision and narrative to create ownership and commitment to the plan's priorities across all sectors.

### **Public Consultation on Developing the Plan.**

- 3.5 Since September 2014, the council and its partners have undertaken an extensive public consultation exercise to better understand the priorities and aspirations of local people for them and their families, also for Brent as a place.
- 3.6 There have been a variety of ways that local people could contribute their views and priorities to the Borough Plan. These covered:-
  - A call for evidence on the Council and key partners websites, which as people to respond to four key questions on their service priorities, where the council could reduce expenditure and ways that they could contribute to making Brent a better place to live. Even before the closing date for consultation, 210 people responded with their views and comments.
  - A self- fill questionnaire asking the same four questions distributed at libraries and community venues.
  - A series of discussions conducted at all five Brent Connects forums, seeking people's feedback on local priorities and actions to engage people in the local neighbourhoods. These were attended by approximately 185 residents.
  - 11 independently facilitated focus groups, including two with young people aged 11 – 19 years. Participants in the focus groups were recruited based on a demographic profile to ensure that they were representative of the wider population. In total 350 people took part in a focus group, including 64 young people.
  - The Residents Attitude Survey covering 2,100 interviews with local people, again structured to reflect the demographic profile of the population.
  - The CVS has run five workshops with local community groups.
  - Strategic Directors held discussions with local partnership networks and stakeholders.
  - Local businesses were invited to a number of business breakfast discussions.

- 3.7 Residents were very receptive to the various consultation events and welcomed the opportunity to shape the future of Brent. While peoples' priorities many vary, there was a consistent message that they enjoy living in Brent and have a strong sense of community and neighbourhood identity. They described Brent as a friendly, inclusive place and value the cultural, ethnic and religious diversity of the area. These are strengths that should be developed and sustained in our future plans.
- 3.8 Analysis of residents, businesses and partners responses have shaped the three priorities of the Brent Borough Plan and the individual actions which sit underneath the priorities:-
- Better lives
  - Better place
  - Better locally
- 3.9 Details of the priorities identified during the consultation are set out within each section of the draft Brent Borough Plan.

### **Making the Vision Happen - The Borough Plan and the Planning Framework**

- 3.10 Planning is a major thread running through all organisations. It enables them to set objectives and priorities, turn policy decisions into action, decide how best to allocate resources, and review results so that learning feeds back into the decision-making process.
- 3.11 It is through an effective planning framework, with clear processes for monitoring and evaluating progress that all stakeholders can understand exactly what goals are being worked towards and assess progress towards them. An effective planning framework also reflects the role of the organisation and each of its various services and teams – and of each individual within those services and teams – in achieving those goals, and it sets out how performance will be judged.
- 3.12 There are many providers of public services in Brent, including the council, schools, health services, the police, the voluntary and community sector, businesses. The need for better co-ordination and integration between services has become all the more important because so many of the key issues affecting local communities cut cross organisational boundaries.
- 3.13 The Borough Plan is therefore an overarching plan, which sets out the vision and priorities for the borough as a whole, and how this can be achieved by all of us – the council, partner services, local residents, local business and the voluntary and community sector – working together.

## **4. Financial Implications**

- 4.1 The Borough Plan provides the strategy framework for the Council's Medium Term Financial Strategy reflecting the Administration's priorities for the borough and response to the needs of Brent residents. Over the coming period, the council will face a considerable reduction in its available resources and it is critical that budget decisions are taken within the context of a clear strategic intent, while still settling ambitious targets to improve service standards and deliver value for money.

## **5. Legal Implications**

- 5.1 Under section 4 of the Local Government Act 2000, every local authority in England must prepare a sustainable communities strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom. A local authority may modify its sustainable communities strategy from time to time. When preparing or modifying its strategy, a local authority consults with and seeks the participation of “each partner authority” it considers appropriate, and any other person the local authority considers appropriate.
- 5.2 A local authority also needs to have regard to guidance from the Secretary of State under section 4 of the 2000 Act, any arrangements for co-operation to reduce child poverty in the local area (as set out section 21 of the Child Poverty Act 2010), any local child poverty needs assessment (as set out in section 22 of the Child Poverty Act 2010) and any joint child poverty strategy for the area (as set out section 23 of the Child Poverty Act 2010). This list of what constitutes a “Partner authority” is set out in Chapter 1 of Part 5 of the Local Government and Public Involvement In Health Act 2007 and includes, inter alia, the metropolitan police district, a joint waste authority, Transport for London, a Primary Care Trust, youth offending team, local probation board, NHS trust/foundation trust and the London Fire and Emergency Planning Authority. As stated above, it is for the local authority to decide which partner authority it considers is appropriate to consult with.
- 5.3 In table 3 of Part 4 of the Council’s Constitution, it states that the Cabinet is responsible for formulating and preparing the sustainable communities strategy and then submitting the same to Full Council for consideration and adoption or approval. The sustainable communities’ strategy constitutes part of the Policy Framework.

## **6. Equalities Implications**

Reducing inequality of opportunity and improving the quality of life experienced by all local people is the central objective of the Brent Borough Plan 2015 – 2019. Each individual aspect of the plan or changes to services deriving from the plan will be supported by equality assessments.

### **Contact Officers:**

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Chief Executive

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## BRENT BOROUGH PLAN

STRAP LINE: BRENT: JUST BETTER

### LEADER'S FOREWORD

TBC

### ABOUT THIS DOCUMENT

This document – the **Brent Borough Plan** – sets out how we will go about building a better Brent together. Led by the Council working with our partners in **Partners for Brent**, it is an ambitious plan for the future of the borough.

The plan is based on *your* priorities for *your* services: the things that you said matter most to you when asked in our recent wide-ranging consultation. It is a plan for working together, in genuine partnership, to build a better Brent; a plan for making Brent a better place to live in, a safe and attractive place, environmentally friendly and with good quality housing and engaging arts and leisure facilities; a plan for inclusion, for making sure that all who live and work here – including our children and young people and the most vulnerable of our residents – have better opportunities to improve their lives, to achieve, to work and to prosper, to live healthily and to be supported and cared for when they need it most.

The **Borough Plan** is not only about our shared aspirations for the borough. It also sets out exactly what we intend to achieve and how we will go about achieving it.

### OUR VISION

#### ***A great place to live and work***

Our vision is to make Brent a great place to live and work, where people feel that they have real opportunities to change their lives for the better, where they feel that they and their children are safe and cared for and achieve well, and where they receive excellent services when they need them. A place where business and enterprise can prosper and where local people can find employment; a place with plentiful access to arts, leisure and cultural activities; a place where people from different backgrounds feel at ease with one another; a place where the principles of fairness, equality, good citizenship and respect for people and place are valued.

We intend to achieve this vision, even in the context of some of the most pressing financial challenges experienced in public services for decades.

It is an aspirational and ambitious vision: but it is one that can be achieved if everyone with a stake in the borough works together with a clear focus on our common goals and we make the best possible use of our resources. We shall have to find new ways of doing things if we are to maintain high standards of service in the face of rising demand and falling funding. We will have to stop doing things more quickly when they are no longer having an impact. We will have to develop more targeted, tailored and localised services; and we will have to work much more in partnership.

#### ***Services and citizens working together***

This will mean everyone – the council, its public service partners in the NHS, the police and fire service, housing associations, local businesses, voluntary organisations – working

together collaboratively towards our common goals. It will also mean *you*, the people who live and work here – doing your bit to help make Brent an even better place to live. Mostly that will mean doing the kinds of things that the majority of you are already doing: helping to keep the streets clean and litter free, recycling, using your cars a bit less, being considerate neighbours, helping out when people are in need, parking sensibly, reporting antisocial behaviour. There are other ways of getting involved too: participating in neighbourhood watch, for instance, or volunteering. In any event, maintaining and improving the quality of life in the borough will, as always, be very much dependent on your continued good citizenship.

The **Brent Borough Plan** is a starting point for achieving our vision. It is built around the three key priorities set out below, agreed after extensive consultation with local people and organisations.

## **OUR PRIORITIES**

### **1. Better lives**

This means:

- making sure that local people have the best possible life chances, regardless of their starting position
- supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
- making sure that our schools are amongst the best and that our children and young people achieve to their potential
- enabling people to live healthier lives and reducing health inequalities
- supporting vulnerable people and families when they need it.

### **2. Better place**

This means:

- making sure that Brent is an attractive place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
- continuing to reduce crime, especially violent crime, and making people feel safer
- increasing the supply of affordable, good quality housing
- supporting good quality, accessible arts and leisure facilities.

### **3. Better locally**

This means:

- building resilience and promoting citizenship, fairness and responsibility amongst local people and strengthening the sense of community amongst the people who live and work here
- promoting cohesion and integration amongst our communities
- making sure that everyone has a fair say in the way that services are delivered, that they are listened to and taken seriously
- making sure that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
- building partnership – between local service providers and between local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.

What these priorities will mean in practice – exactly what we are aiming to achieve and how we intend to go about it – is set out later in this document.

Achieving the goals of the Borough Plan will require the best possible local services. Brent's services are already good quality by most measurable standards, but we aim to make them even better: by working together to find new ways of doing things that will make services 'seamless', reduce duplication and provide a genuine focus on 'customer needs'; and by commissioning services in a way that tailors them more effectively to individual, family and neighbourhood needs and improves value for money.

## **BRENT TODAY: the context and the challenges**

Well-connected by public transport within one of the great world cities and home to one of the world's most iconic sporting stadiums, Brent is attracting new investment, new business, new visitors and new residents every year. This makes the borough an exciting, dynamic and vibrant place to live and work, and it brings both opportunities and challenges.

### ***Our population***

Our population has increased by 18% over the past ten years, to 312,000, and we are now the fifth largest of the London boroughs and the fourteenth most densely populated area in the country. The number of under five-year olds has increased by 37 per cent and those aged 5-19 years by eight per cent in this time, giving Brent a young population, often living in extended families.

### ***Our communities***

Brent is also one of the most culturally diverse boroughs in the UK. People from black, Asian and minority ethnic backgrounds make up 64 per cent of the total population, and we continue to welcome new communities today, such as the growing Eastern European, Filipino and Somali populations. We are proud of our historic ability to welcome different cultures, support their integration and create a context in which people from different backgrounds and cultures feel they get on well together. The cultural diversity of the borough and the cohesion between its different communities are major factors in Brent's characteristic vibrancy and dynamism.

Achieving and maintaining cohesion and promoting integration has to be worked at, however. Citizenship and good relations need to be fostered, nurtured and supported. Different communities need to work to understand each other's perspectives, and service providers must work to engage with our different communities – longer-established groups as well as new arrivals and those who are vulnerable and at risk of being marginalised – and to understand their needs.

### ***Our economy***

Most of the employment in the borough is in small and medium sized enterprises, underlining the entrepreneurial spirit of residents. Supporting these businesses to grow, identifying opportunities and developing local supply chains is vital to the new Employment and Enterprise service. New start-up spaces will be needed to support local entrepreneurs, and the burden of bureaucracy for local businesses needs to be reduced. The borough has benefited from a significant investment in regeneration in recent years, with the development of Wembley and the designer outlet and the new Civic Centre providing an outstanding community and cultural facility, while the Willesden Green Cultural Centre will provide a great cultural venue and better access to services in the south of the borough. We know that more still is needed, however, and five growth areas have therefore been identified across the borough, with capacity for new housing, jobs and better local shops and services. Local people need to benefit from the job opportunities these create.

The median household income in Brent is currently the third lowest in London. One in every three children in the borough is living in poverty, and this increases to 50 per cent in our most deprived wards. Poverty, unemployment and adult skills levels are key challenges for the borough, underpinning the pressing need to promote growth in job opportunities, to encourage and support residents to access them and to tackle inequalities.

### ***Our housing***

Brent has the fifth highest private rent levels in London, making even two bedroom properties unaffordable for many on average earnings. There is a greater reliance in Brent than many other places on benefits and social housing. For families affected by the benefit cap, larger homes are not affordable and even two bedroom accommodation is becoming increasingly difficult to find. As a result, the government's changes to the welfare system will have a more widespread and more severe impact in Brent than in most other parts of the country. We need to tackle this by getting more people into work and by promoting and encouraging progress towards a living wage.

We also need more homes to be built and to be affordable so that we can house our growing population, and we need to make sure that all housing is of a decent standard. This will require close and constructive working partnerships between the council, housing associations, private landlords and developers.

### ***Our health and well-being***

Living in poverty generally contributes to poorer health, well-being and social isolation. Statistics show that people on low incomes are more likely to have a life-limiting health condition, take less exercise and have a shorter life. Obesity is an increasing concern, and more people are experiencing mental health problems. This happens to too many Brent residents, and more needs to be done to encourage and support healthier lifestyles, to promote and support more community participation in sports, physical and recreational activities, and to ensure prompt access to appropriate treatment. We have excellent health services in Brent, and some first class leisure and arts facilities, and we need to find new ways of making the best use of them.

### ***Our schools***

The majority of Brent's schools have been judged as good or better by Ofsted, but we need to make sure that *all* our schools are good. The attainment levels of our children have improved significantly in recent years: we need to make sure that this continues, and that all our children from all our communities in all parts of the borough are achieving well. And we need to make sure that our young people have the very best opportunities to improve their lives in and out of school, and are in the best possible position to move into further and higher education and employment. A rapidly rising population has also put pressure on school places, and Brent needs more primary, secondary and special places to make sure that all children get places in our schools as and when they need them.

### ***Our safety***

The level of crime in the borough has fallen significantly over the past few years. Burglary, street crime and robbery are all down. However, violent crime has increased, particularly in two or three of our wards. Domestic violence and gang activity have also increased which, as well as having a devastating effect on individuals and families, is increasing demands on services. The *fear* of crime and antisocial behaviour, moreover, remains a concern for many Brent residents. Preventing and reducing crime are key priorities, along with making sure that people feel safer and better protected on the streets and in their homes.

### ***Our environment: our streets, green spaces, parks and transport***

Brent's performance in keeping the borough's streets clean, on recycling, on maintaining our parks and open spaces in good condition, and on keeping our roads in good repair compares well with other areas. Even so, we know that we need to do better to make sure that we achieve the highest possible standards for our public realm, which people living, working and visiting want and deserve. The borough is generally well-served by local transport, but our residents want there to be more safe walking and cycling routes, and they want the buses to be less crowded. In addition, the need to improve and protect our environment for future generations has never been more pressing. We must make sure that the policies and practices of public service providers are environmentally friendly and that environmentally responsible behaviour is promoted and encouraged.

### ***Our finances and our services***

Public service finances in the borough have been well-managed. Huge savings have been made over the past four years in response to the economic climate, but the quality of most services has remained high as efficiency and value for money has improved. However, further serious financial challenges lie ahead, with public services facing dramatic cuts in funding from central government. By 2018, Brent Council's budget alone will have been cut in half. These challenges will mean more fundamental changes to the way local services are commissioned and delivered. This will almost certainly include an enhanced role for our voluntary and community sector partners, with their knowledge of our vulnerable residents and communities, and the ability of many of them to provide quality services at a good price.

The Brent Borough Plan describes how we will build on our strengths and work together to address the challenges ahead and build a better Brent for all who live and work here.

## **ACHIEVING OUR PRIORITIES**

This section sets what we intend to achieve for each of our priorities and how we will go about it. The objectives will remain common for the life of the plan, right through to 2019, but the activities to achieve them and their associated outcomes will be refreshed every year.

### ***Doing things differently***

To achieve our objectives and maintain high standards of service in the face of rising demand and falling funding, we shall have to find new ways of doing things. The plan reflects this. We will have to stop doing things more quickly when they that are no longer having an impact. We will have to develop more targeted, tailored and localised services; and we will have to work much more in partnership.

### ***Working together***

This will mean everyone – the council, its public service partners in the NHS, the police and fire service, housing associations, local businesses, voluntary organisations – working together collaboratively towards our common goals. It will also mean *you*, the people who live and work here – doing your bit to help make Brent an even better place to live. Mostly that will mean doing the kinds of things that the majority of you are already doing: helping to keep the streets clean and litter free, recycling, using your cars a bit less, being considerate neighbours, helping out when people are in need, parking sensibly, reporting antisocial behaviour. There are other ways of getting involved too: participating in neighbourhood watch, for instance, or volunteering. In any event, maintaining and improving the quality of life in the borough will, as always, be very much dependent on good citizenship.

### ***Equality and fairness***

In meeting these challenges and pursuing our priorities, the focus must be on equality and fairness. We need to protect the most vulnerable in our communities and improve their

quality of life. This means reducing poverty levels, the inequality in wages levels, promoting the London Living Wage, and supporting independence and choice. And we need to develop practical responses to issues such as fuel debt, expensive childcare, loan sharks and poor health outcomes related to poverty. An enhanced role for our voluntary and community sector partners, with their knowledge of our vulnerable residents and communities, and the ability of many to provide quality services at a good price, will be key in ensuring that these aims are met.

## THE PLAN FOR THE COMING YEAR

### 1. BETTER LIVES

*What you told us you want:*

- Local jobs which pay a living wage, with fair conditions of employment.
- Access to adult education courses that help people to progress in their employment.
- Practical help for local entrepreneurs with premises, business advice and peer mentoring.
- Help with returning to employment when you have been out of work for a while.
- A high quality education for every child, wherever they live in the borough.
- Good quality local nurseries and flexible childcare.
- Support for families in difficult times.
- Youth activities that help young people to gain life skills and successfully go on to further education or work.
- More local apprenticeships.
- Being able to get an appointment with your GP easily and quickly.
- Easy and affordable ways to keep fit and look after your health.
- More early help for people with mental health problems.
- Vulnerable people should receive care that is compassionate and lets them live with independence, choice and dignity.

#### What we are doing

<p><b>Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay</b></p> <p><b>Outcomes to be achieved by 2019:</b></p> <ul style="list-style-type: none"> <li>• Significantly increased investment and economic activity in the borough</li> <li>• Employment rates at least as good as the London average</li> <li>• Employment rates for young people at least as high as the London average</li> <li>• Average incomes at least as high as the London average</li> <li>• The proportion of local people earning at least the London Living Wage as high as the London average</li> </ul>	
<p><b>What we promise to do in 2015-16</b></p>	<p><b>What we aim to achieve by April 2016</b></p>
<p><b>We will</b></p> <ul style="list-style-type: none"> <li>• Pursue investment in Brent from the private, public and community sectors, in line with our regeneration priorities.</li> </ul>	<ul style="list-style-type: none"> <li>• All planning applications will have been determined within benchmark timescales, and Community Infrastructure Levy and section 106 planning gain from major developments will have been secured.</li> <li>• Additional investment will have been secured through successful bids for New Homes</li> </ul>

<ul style="list-style-type: none"> <li>• Support local Town Teams to deliver town centre improvements.</li> <li>• Put into effect our employment, skills and enterprise strategy and our new 'Start' service, providing vocational training linked to the skills needs of local employers.</li> <li>• Target employment increases in priority neighbourhoods and support the most excluded households into work.</li> <li>• Promote and encourage payment of the London Living wage amongst local businesses – particularly those who do work on behalf of public services.</li> <li>• Provide advice, information and support – including help to access employment and training – to people affected by changes to the welfare benefits system.</li> <li>• Make it easier for local businesses to access advice and support services.</li> </ul>	<p>Bonus, ESF, ERDF, Mayor's High Street Fund, Housing Zones and other external funding streams.</p> <ul style="list-style-type: none"> <li>• New investment into the Park Royal industrial estate will have been secured.</li> <li>• A new Property &amp; Assets Strategy will set out how the council's property portfolio can be maximised and community asset transfer best managed.</li> <li>• New investment and infrastructure possibilities will have been lobbied, such as a Crossrail stop at Wembley Central.</li> <li>• More empty premises will have been brought back into use through the promotion of 'meanwhile uses'.</li> <li>• Substantive town centre improvements will have been delivered by local Town Teams.</li> <li>• £1 million in additional external employment and skills funding and fewer residents with 'no qualifications', with progress towards the London average.</li> <li>• A reduction in the overall rate of unemployment in the borough, with progress towards the London average, and a closing of the gap in employment levels between priority neighbourhoods and the rest of the borough.</li> <li>• A reduction in the proportion of residents earning less than the London Living Wage, and progress of average incomes towards the London average.</li> <li>• All households affected by Universal Credit and changes to the benefit system will have been offered tailored advice and choices to mitigate the impact of the changes.</li> <li>• There will be fewer than 150 households in temporary accommodation because of the impact of benefit capping.</li> <li>• A new Local Welfare Assistance scheme will be developed with voluntary sector partners</li> <li>• A single point of contact for advice on local business support provided by the Employment and Enterprise Team and accessible on the council website.</li> </ul>
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<ul style="list-style-type: none"> <li>• Deliver increased local employment through our physical regeneration schemes</li> <li>• Promote and support apprenticeships for local young people, through schemes like through Brent Council's Apprenticeship Programme"</li> <li>• Use our purchasing power to secure the best value for money, and to benefit the social and economic well-being of the borough</li> </ul>	<ul style="list-style-type: none"> <li>• More new local jobs will be created each year through local regeneration schemes, totalling 5,000 by 2019.</li> <li>• Create 100 intermediate, advanced and Higher-level apprenticeship job opportunities with the council.</li> <li>• Provide 20 apprenticeship job opportunities for looked after children.</li> <li>• Additional local apprenticeships, training opportunities and employment will have been created through our procurement principles and supply chains.</li> </ul>
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<p><b>Making sure that our children and young people have access to the best education and training, achieve to their potential and have the best start in life</b></p>	
<p><b>Outcomes to be achieved by 2019:</b></p> <ul style="list-style-type: none"> <li>• All local children will have appropriate school places</li> <li>• All Brent schools will be rated as good or outstanding</li> <li>• Attainment levels will be amongst the best in London for all age groups</li> <li>• The proportion of young people not in employment, education or training will be amongst the lowest in London</li> </ul>	
<p><b>What we promise to do in 2015-16</b></p>	<p><b>What we aim to achieve by April 2016</b></p>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Provide sufficient school places in all sectors.</li> <li>• Work with the Brent Schools Partnership and other education partners to support and challenge local schools to ensure that all of them provide a high quality education.</li> </ul>	<ul style="list-style-type: none"> <li>• 1785 additional primary school places will be available for local children for September 2015, and 2940 primary school places available for September 2016, with enough reception places available for all who need them by July 2016.</li> <li>• Fewer pupils with special educational needs will require out of borough placements.</li> <li>• All primary, secondary and special schools in the borough to be rated 'good' or 'outstanding' by Ofsted by 2017.</li> <li>• At least 95% of all schools in the borough will have attendance rates above the national average.</li> </ul>



<ul style="list-style-type: none"> <li>• Work with partners to ensure that our 18 year olds get the qualifications and skills they need to succeed in life</li> <li>• Provide the best quality support to ensure that all Looked After Children achieve their potential</li> <li>• Provide a high quality education for children with special educational needs and disabilities</li> <li>• Provide young people with the support they need to improve their lives.</li> </ul>	<ul style="list-style-type: none"> <li>• The Level 3 Average Point Score per student will be at least 20 points above the national average</li> <li>• 100% of looked after children have up to date education plans in place</li> <li>• For the year 2016 our looked after children will have achieved 5 or more A* to C grades (excluding English and Maths) at GCSE at a rate above the London average.</li> <li>• For the year 2016 our looked after children will have stayed on in education, training or have obtained employment at age 17</li> <li>• All special schools will be 'good' or 'outstanding'</li> <li>• All children with statements of special educational needs transition to Education, Health and Care Plans by September 2015.</li> <li>• No more than 4.6% of young people are not in education, employment and training (NEET).</li> </ul>
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<p><b>Enabling people to live healthier lives and reducing health inequalities</b></p>	
<p><b>Outcomes to be achieved by 2019:</b></p> <ul style="list-style-type: none"> <li>• Local health services – including mental health services – will be amongst the best in London</li> <li>• Childhood obesity rates will be amongst the lowest in London</li> <li>• Health inequalities, including those related to smoking, diabetes, heart disease and substance abuse will be reduced to at least the London average</li> </ul>	
<p><b>What we promise to do in 2015-16</b></p>	<p><b>What we aim to achieve by April 2016</b></p>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Pursue our programme of Primary Care Transformation.</li> <li>• Make improvements to children's public health services.</li> </ul>	<ul style="list-style-type: none"> <li>• Seeing GPs will be easier, and more treatments will be available in a community setting.</li> <li>• An improved contract for the Schools Nursing service</li> <li>• The upward trend in childhood obesity will be halted, and the number of overweight 4 to 5 year olds reduced by 225.</li> <li>• A 5% increase in fluoride varnish applications to improve child dental health.</li> </ul>

<ul style="list-style-type: none"> <li>• Take action to tackle preventable ill-health and early death, especially in our most deprived communities</li> <li>• Strengthen partnership working to tackle substance misuse and sexual health</li> <li>• Develop and implement our programme for mental health transformation.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved targeting of smoking and tobacco services with a 5% increase in the number of people helped to stop smoking.</li> <li>• 14,000 health checks will have been offered with a take-up of at least 50%.</li> <li>• 15 Diabetes Champions will be working amongst our communities to tackle the risk of diabetes.</li> <li>• New joint contracts will be in place for substance misuse services; sexual health services; young people's substance misuse and sexual health services; local HIV prevention services.</li> <li>• Successful completion of alcohol treatment will be 2% above London average rates.</li> <li>• There will be 50 recovery champions working with patients, and the Amy Winehouse Foundation will be working with 5 Brent Schools.</li> <li>• A whole system mental health and wellbeing strategic plan will be in place.</li> </ul>
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<b>Supporting vulnerable people and families when they need it</b>	
<b>Outcomes to be achieved by 2019:</b> <ul style="list-style-type: none"> <li>• Safeguarding procedures and outcomes for vulnerable adults are judged as amongst the best in London</li> <li>• Safeguarding procedures and outcomes for children and young people are judged as amongst the best in London</li> <li>• Fostering and adoption outcome measures amongst the best in London</li> <li>• Outcome measures for those identified as vulnerable to domestic violence amongst the best in London</li> </ul>	
<b>What we promise to do in 2015-16</b>	<b>What we aim to achieve by April 2016</b>
<b>We will:</b> <ul style="list-style-type: none"> <li>• Have zero tolerance of abuse of adults at risk.</li> <li>• Provide effective systems to ensure access to the right advice and support for vulnerable adults, to prevent the need for long term support.</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of Safeguarding alert screenings completed within 24 hours, and no more than 10% of all safeguarding investigations are judged as inconclusive.</li> <li>• Outcomes measures – through local experience research, annual service user and carer surveys, and multi-agency outcome audits of 10% of all referrals.</li> </ul>

<ul style="list-style-type: none"> <li>• To improve the early intervention services offered across health and social care to promote independence.</li>   <li>• Enable and support choice and control for those with ongoing social care needs, to ensure improved health and well-being.</li>   <li>• Implement the 2014 Care Act funding reforms to ensure that everyone with a social care need is appropriately supported, and provide a new service to carers in line with the Act.</li>   <li>• Integrate health and social care services, building them around the individual and their needs.</li>   <li>• Provide high quality safeguarding to keep children and young people safe.</li>   <li>• Take effective action against domestic violence.</li> </ul>	<ul style="list-style-type: none"> <li>• Outcomes measures – annual service and carer survey on information and advice.</li>   <li>• More people still at home after 91 days following hospital discharge and an increase in the percentage of people still living in the community after integrated re-ablement.</li> <li>• More people supported to live independently through telecare and telehealth solutions.</li> <li>• An increase in the number of people whose care needs reduce after intervention.</li>   <li>• Positive feedback in annual service and carer survey on independence.</li> <li>• All service users offered self-directed support, and increased take up of Direct Payments across all user groups.</li> <li>• Individuals’ goals met, as confirmed by annual assessment.</li> <li>• A significant increase in the number of deferred payments, all financial assessments completed on time and income maximised and debt minimised</li>   <li>• Positive responses from carers in the Carer survey on their inclusion in the process and their perceptions of support, choice and control</li>   <li>• All individual care plan aims achieved.</li>   <li>• Fewer unnecessary admissions to hospital, a reduction in delayed discharges from hospital and increased speed of discharge.</li> <li>• Fewer people requiring residential and nursing care.</li>   <li>• The multi-agency Local Safeguarding Children Board will be rated as ‘good’ by Ofsted.</li>   <li>• All women and children referred to the <i>Brent Family Front Door</i> for domestic abuse will be given information on available support services.</li> <li>• A 10% reduction in the number of children requiring a child protection plan for a second time as a result of domestic abuse.</li> <li>• An increase in the number of joint investigations completed by Brent police and</li> </ul>
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<ul style="list-style-type: none"> <li>• Bring together services to provide direct and co-ordinated support around our families with the most complex needs</li>   <li>• Recruit more foster carers in Brent and provide high quality support and training, to make sure that looked after children get the support they need in a local family environment</li>   <li>• Ensure high quality, affordable childcare is available, especially to disadvantaged families.</li> </ul>	<p>Brent Social Care.</p> <ul style="list-style-type: none"> <li>• 810 families in Phase 1 of the Troubled Families Programme are turned around.</li>   <li>• 53% of looked after children will be placed with Brent foster carers by March 2016.</li>   <li>• 95% of families with 3 and 4 year olds take up the free child care places.</li> <li>• Families of 5755 of disadvantaged 2 year olds take up childcare places.</li> <li>• 80% of private, voluntary and independent childcare settings are judged 'good' or 'outstanding' by Ofsted.</li> </ul>
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## 2. BETTER PLACE

*What you told us you want:*

- Our Streets cleaned regularly to a consistently good standard.
- Enforcement action against the people who dump rubbish on the streets and public spaces of the borough.
- Regular collection of household waste with help to recycle more of your waste.
- You really enjoy our parks: they should be well maintained and safe to use.
- A neighbourhood police presence that you know and also understands your area.
- Visible policing that makes you feel safe and tackles anti-social behaviour and drug dealing.
- Better regulation of parking and residents parking zones.
- Public transport is good but needs to be expanded to cope with the local demand particularly new bus routes.
- Private rented accommodation needs to be better regulated and tenants rights protected.
- More housing built in the borough across all tenures, which more shared ownership schemes to help people into home ownership.
- Our libraries are great: please make sure that they are well stocked and used.
- Community events are valued and important in building cohesion and local networks: how can we find more private sponsorship to make them continue.

### What we are doing

<p><b>Making sure that Brent is an attractive place to live, with a pleasant, sustainable environment, clean streets and well-cared for parks and green spaces</b></p> <p><b>Outcomes to be achieved by 2019:</b></p> <ul style="list-style-type: none"> <li>• Outcome measures for street cleanliness and waste management and recycling amongst the best in London</li> <li>• Residents' satisfaction with the cleanliness and appearance of the borough's streets, parks and green spaces amongst the highest in London</li> </ul>	
<p><b>What we promise to do in 2015-16</b></p>	<p><b>What we aim to achieve by April 2016</b></p>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Implement our Public Realm contract, ensuring that streets and neighbourhoods are cleaned and maintained to a high standard</li> </ul>	<ul style="list-style-type: none"> <li>• Fewer than 10% of streets below standard for litter, fewer graffiti incidents and a 10% reduction in landfilled waste. Reduced fly-tipping and dumped waste, with a range of successful prosecutions against those committing litter and waste nuisance</li> <li>• A reduction in air pollutants and respiratory diseases, and a 15% reduction in carbon emissions</li> <li>• Improved waste arrangements at houses in Multiple Occupation</li> <li>• More examples of communities taking action for themselves to care for their neighbourhoods</li> <li>• Improved public satisfaction with cleanliness of streets as measured by the Residents Attitude Survey</li> </ul>

<ul style="list-style-type: none"> <li>• Protect and maintain the quality of parks and open spaces</li> <li>• Take action to improve compliance with business regulations and prosecute rogue traders</li> <li>• Promote and support the development of sustainable transport opportunities and manage the use of the road network</li> </ul>	<ul style="list-style-type: none"> <li>• More examples of communities taking action for themselves to care for their local parks and green spaces</li> <li>• Improved public satisfaction with parks and open spaces as measured by the Residents Attitude Survey.</li> <li>• 85% of food businesses will be compliant and communities will be effectively safeguarded against the risk of food poisoning</li> <li>• More licensed premises, safeguarding communities against the risk of infectious diseases</li> <li>• Fewer accidents in commercial premises</li> <li>• All events at Wembley Stadium will have been safe and free from major incidents</li> <li>• Reduced congestion through improved traffic flow, and increased footfall and improved pedestrian, cycling and public transport facilities in town centres</li> <li>• 39 cycle training courses will have been provided for over 600 school children in the borough, and over 300 lessons for adults</li> <li>• 75 new street trees will have been planted as part of highway improvement projects</li> <li>• Investment to improve cycle routes and parking in the borough</li> <li>• Work Place and School Travel plans will have contributed to more people travelling by walking, by bicycle, and public transport</li> </ul>
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<p><b>Continuing to reduce crime, especially violent crime, and making people feel safer</b></p>	
<p><b>Outcomes to be achieved by 2019:</b></p> <ul style="list-style-type: none"> <li>• Levels of crime and the fear of crime amongst the lowest in London</li> <li>• Significant reductions in violent crime, including domestic violence</li> <li>• No wards feature amongst the 10% of localities experiencing the highest crime levels nationally (TBC)</li> </ul>	
<p><b>What we promise to do in 2015-16</b></p>	<p><b>What we aim to achieve by April 2016</b></p>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Implement our crime reduction strategy to reduce the levels of crime and fear of crime in the borough and the risk of offending and re-offending</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce levels of violent crime in five hotspot areas in Brent.</li> <li>• Reported cessation of domestic abuse including physical abuse, emotional abuse, harassment and controlling behaviours for at least 68% of all supported victims.</li> <li>• Fewer than 210 first-time offenders, and a 20%</li> </ul>

<ul style="list-style-type: none"> <li>• Target gangs and serious youth violence</li> <li>• Target areas identified as experiencing the highest levels of crime</li> </ul>	<p>reduction in the number of crimes by repeat offenders</p> <ul style="list-style-type: none"> <li>• A fall of at least 2% in the rate of re-offending amongst young people</li> <li>• At least 3 Gang Call in events to take place in targeted affected areas within the borough.</li> <li>• Increase the number of known gang members successfully exiting gang involvement</li> <li>• Reduced crime levels in targeted areas</li> </ul>
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<b>Increasing the supply of affordable, good quality housing</b>	
<b>Outcomes to be achieved by 2019:</b> <ul style="list-style-type: none"> <li>• Development of 5,000 (<i>timescale?</i>)</li> <li>• All social housing in the borough will reach the decent homes standard</li> </ul>	
<b>What we promise to do in 2015-16</b>	<b>What we aim to achieve by April 2016</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Deliver transformational change and support and promote neighbourhood planning across the Borough, targeting identified priority and growth areas.</li> <li>• Pursue our commitment to the development of 5,000 affordable homes in the borough.</li> <li>• Take action to improve the condition and performance of the Council's housing stock.</li> <li>• Raise private rented housing standards through Additional and Selective Licensing schemes.</li> </ul>	<ul style="list-style-type: none"> <li>• Investment Plans in place for each of the Borough's growth areas and continued delivery of the South Kilburn Regeneration objectives.</li> <li>• Two new Housing Zones secured in Wembley and Alperton, and new developments brought forward on sites at Church End, Bridge Park, Copland school and Stonebridge.</li> <li>• The regeneration of Old Oak Common will be advanced through work with the new Mayoral Development Corporation.</li> <li>• By end of 2016:- <ul style="list-style-type: none"> <li>450 homes at Bridge Park.</li> <li>70 homes at Stonebridge</li> <li>235 home at Kilburn</li> <li>67 homes for temporary accommodation (date and figures need confirmation)</li> </ul> </li> <li>• One-seventh of the council's stock will have undergone Investment standard works.</li> <li>• 90% of eligible properties will be covered by licences, and non-compliant properties will have been identified with enforcement actions to raise standards.</li> </ul>

<b>Providing good quality, accessible arts and leisure facilities</b>	
<b>Outcomes to be achieved by 2019:</b>	
<ul style="list-style-type: none"> <li>Participation rates in sport, physical recreation and cultural activities amongst the highest in London</li> </ul>	
<b>What we promise to do in 2015-16</b>	<b>What we aim to achieve by April 2016</b>
<b>We will:</b> <ul style="list-style-type: none"> <li>Work through the Culture Sport and Learning Forum to develop, support and promote programmes for sport and physical activity and for cultural and arts activities</li> </ul>	<ul style="list-style-type: none"> <li>An increase in participation levels in sport and physical recreation and a reduction in zero activity levels amongst residents</li> <li>A high profile cultural programme will have been supported at the Civic Centre and the Willesden Green Cultural Centre</li> </ul>

### 3. BETTER LOCALLY

*What you told us you want.*

- Better information about council services and local events.
- More information provided on-line and by direct email.
- Opportunities to talk to the council in less formal meetings and places.
- Communicate in plain English in our letters.
- Simple ways to help you volunteer in your neighbourhoods.
- Befriending schemes for vulnerable people.
- Some initial help to look after services such as local parks, libraries and youth projects.
- The council to facilitate sharing of skills and resources between businesses and communities to build strength and resilience collectively.

**What we are doing?**

<b>Building community resilience and promoting citizenship</b>	
<b>Outcomes to be achieved by 2019:</b>	
<ul style="list-style-type: none"> <li>The proportion of people who say that 'Brent is a place where people from different backgrounds get on well together' will be amongst the highest in London</li> <li>At least 4,000 additional volunteers registered across the borough</li> <li>Equality outcome measures amongst the best in London</li> <li>Significantly more examples of communities taking action for themselves to improve the quality of life in their neighbourhoods</li> </ul>	
<b>What we promise to do in 2015-16</b>	<b>What we aim to achieve by April 2016</b>



<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Support the development of a thriving culture of volunteering by commissioning a 'Volunteering Centre' to encourage more local volunteering.</li> <li>• Funding independent advice and training for voluntary sector organisations through Brent CVS and securing funding for local projects through the <i>Voluntary Sector Initiative Fund</i></li> <li>• Offer one route for voluntary sector organisations to engage with the council on a range of issues</li> <li>• Support and foster good relations between communities and address inequalities wherever they are identified</li> </ul>	<ul style="list-style-type: none"> <li>• 1000 new volunteers recruited each year with a focus on currently under-represented groups.</li> <li>• 25 unemployed volunteers placed into employment.</li> <li>• 100 volunteers placed into training.</li> <li>• 5 large corporations engaged in staff volunteering initiatives.</li> <li>• A 50% increase the number of voluntary sector organisations that are members of the CVS network</li> <li>• A 4% increase in external funding secured for local groups and investment of £2 million in support of local projects</li> <li>• Provide all information on the voluntary sector webpage</li> <li>• The proportion of people who say that 'Brent is a place where people from different backgrounds get on well together' will be amongst the highest in London as measured by the Residents Attitude Survey.</li> <li>• The council will have achieved an 'Excellent' standard on the Equality Framework for local government for its equality policy and practice.</li> </ul>
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<p><b>Making sure that everyone in the borough is able to participate in local democracy, has a fair say in the way that services are delivered, and is listened to and taken seriously</b></p>	
<p><b>Outcomes to be achieved by 2019:</b></p> <ul style="list-style-type: none"> <li>• X % of residents will be registered to vote under the individual voter registration scheme</li> <li>• Election turnouts amongst the highest in London</li> <li>• Thriving Brent Connects Forums, with higher participation rates year-on-year</li> <li>• Significantly more young people participating in local democracy events and processes like the Youth Parliament</li> <li>• A significant number of examples of local services being materially influenced by user views</li> </ul>	
<p><b>What we promise to do in 2015-16</b></p>	<p><b>What we aim to achieve by April 2016</b></p>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Promote and support greater participation of residents in decision-</li> </ul>	<ul style="list-style-type: none"> <li>• 95% of residents will be registered to vote under the new individual voter registration</li> </ul>

<p>making, such as voting and council affairs</p> <ul style="list-style-type: none"> <li>• Provide rigorous and effective scrutiny and challenge to local public services, partners and council decisions</li> <li>• Consult local people and service users in a meaningful way, with transparency about the reasons for difficult decisions, about the services and issues that are most important to them</li> </ul>	<p>scheme.</p> <ul style="list-style-type: none"> <li>• 72 young people will be elected to the Brent Youth Parliament and regularly consulted on local issues.</li> <li>• Live streaming of Council meetings, and events such as Brent Question Time.</li> <li>• The concerns of local people will be fully reflected in the council's Scrutiny programme and local people will have been successfully engaged in Scrutiny task group projects</li> <li>• A significant improvement in attendance at the <i>Brent Connects Forums</i>, with residents having more influence on agendas.</li> <li>• Issues raised by the <i>Brent Residents Attitude Survey</i> will be addressed in the planning and design of services.</li> <li>• Local people in each ward will be engaged in helping to shape services and influence local priorities.</li> </ul>
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**Working with partners to find new ways of providing services that are more finely tailored to individual, community and local needs**

**Outcomes to be achieved by 2019:**

- X % of residents will be registered to vote under the individual voter registration scheme
- Election turnouts amongst the highest in London
- Thriving Brent Connects Forums, with higher participation rates year-on-year
- Significantly more young people participating in local democracy events and processes like the Youth Parliament
- A significant number of specific public service initiatives undertaken in each locality in the borough in response to needs identified by people living and working there

<b>What we promise to do in 2015-16</b>	<b>What we aim to achieve by April 2016</b>
<p><b>We will:</b></p> <ul style="list-style-type: none"> <li>• Develop partnership shared services and collaborative commissioning to Improve the efficiency of service delivery</li> <li>• Develop and promote locality-based data and information that enables residents to have a better understanding of what's happening in</li> </ul>	<ul style="list-style-type: none"> <li>• New service models will have been developed in partnership with local people and voluntary sector providers, with more opportunities for voluntary and community organisations to provide local services</li> <li>• A multi-agency week of action will have been undertaken in each ward, with demonstrable improvements in resident's satisfaction</li> <li>• Regular free and easily accessible e-newsletters tailored to the needs and interests of different areas of the borough</li> </ul>

<p>their area and what services are available to them</p> <ul style="list-style-type: none"> <li>Continue to build a culture for customer-focused services, in which residents' needs and transparency drive service design and workforce behaviours</li> <li>Redesign face-to-face arrangements to provide those residents with complex needs with a more personalised approach</li> </ul>	<ul style="list-style-type: none"> <li>Redesign will have resulted in all key services being available 24/7 via digital channels, with this being the access channel of choice for most residents</li> <li>It will be easier to access services on line through one personalised Brent Account</li> <li>Residents will no longer have to provide information multiple times to different services, with <i>Tell Us Once</i> systems automatically updating the key services they are known to</li> <li>Residents' experience when telephoning Brent Council will be significantly improved and all complaints and valid Freedom of Information requests will have been responded to promptly</li> <li>We will have responded to 100% of complaints within our publicised targets, and the Council will remain within the top quartile across London for its performance in handling Ombudsman complaints</li> <li>We will have responded to 100% of valid freedom of information requests within 20 working days.</li> <li>Enquiry handling will have been integrated to cover a range of services (e.g. housing, benefits and Council Tax), improving residents' experience and enabling enquiries to be handled more efficiently</li> </ul>
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**WHAT'S NEXT?**

The promised activities will be monitored closely through the coming year to make sure that they are happening and achieving their intended outcomes. Each of the public services has its own strategy and action plan for the year ahead, which shows how it intends to contribute to the goals set out in the Borough Plan. Those plans are much more detailed, with a wider range of activities designed to support the achievement of their goals.

A comprehensive review of the Borough Plan will be undertaken every year, with a fresh set of promised activities and outcomes identified for the following year. A revised Borough Plan, summarising our progress so far and incorporating these changes, will be published each annually.

## **PARTNERS FOR BRENT**

There are many partnerships in Brent where people work together to provide services for local residents, but none of them is as wide-ranging or ambitious as **Partners for Brent**, which is responsible for developing, implementing and overseeing the Brent Borough Plan.

Led by the council, Partners for Brent brings together all of those with an interest in the borough – residents, police, the health service, public services, voluntary and community groups, faith communities and businesses. Partners for Brent gives residents a much stronger say in the way that the priorities for the borough are determined and in how local services are provided. It ensures that services work in collaboration, with each other and with residents and users, to achieve the goals set out in this Borough Plan.

To find out more about Partners for Brent: [\[weblink\]](#)

## **HOW TO GET INVOLVED? WHAT YOU CAN DO? YOUR ROLE / RESPONSIBILITIES?**

### **Why to get involved and how**

#### ***Strengthening citizenship and community***

We recognise that not everyone wants to be 'involved in the community. Everyone wants to feel confident that they are safe at home and on the streets; that the streets are clean, the parks green and their bins cleared; that they have easy access to health services, reliable and safe transport, good schools for their children, and places nearby where they can relax and enjoy themselves. But most people just want to get on with their busy lives and for things to run smoothly: quite rightly, they expect local services to make sure that happens.

Even so, most people also understand that things won't run smoothly unless they play their part. They hold on to their litter to help keep our streets and parks clean; they recycle and put out their rubbish at the right times and in the right places; they are considerate neighbours who help out when people are in need; they drive carefully and park sensibly; they make sure that their children attend school, support them with their school work and make sure that they have a healthy diet and lifestyle; they use health services thoughtfully.

In short, most people are responsible citizens most of the time. But, if we really want Brent to be an even better place to live, perhaps there's more that can be done. This is especially the case when the money available to provide public services is being cut dramatically. Of course, public services need to cut their costs and be much more efficient, and to weed out unnecessary management and administration. That has been happening over the past few years, and is continuing to happen. Even so, the scale of the cuts will mean that we will need to find new and innovative ways of providing services, ways that involve service users more and which often rely even more on good citizenship.

For example, we need to increase participation in recycling, we need people to use their cars less, to do more to prevent poor health and lower the demands on health services, especially hospitals and GPs. Also, communities are strengthened when people get together to make a difference, through Neighbourhood Watch or Residents' and Tenants' Associations, for example.

Volunteering has enormous potential to build community and citizenship and to make a real contribution to the locality. There is no doubt that, even now, the quality of life for many people in Brent would be much poorer without our thriving voluntary and community sector,

and it was notable that, in our consultation on the development of this Borough Plan, so many people mentioned volunteering as something to be encouraged and strengthened.

There are many ways in which residents can contribute but, in any event, it remains true that building a better Brent will continue to be very much dependent on good citizenship.

### ***Have your say***

Our consultation on the Borough Plan has confirmed that some of the best ideas about local services come from residents and users. These ideas will be used to help shape our services, and we would very much welcome more of your views for the future.

You can let us know what you think at **(weblink)**

And if you have a specific complaint about any of our services, you can let us know at **(weblink)**

You can also have a say through your **Ward Councillor (weblink)** while the **Brent Connects Area Forums** provide regular forums for local people to have their say on issues that concern them **(weblink)**

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**Cabinet  
15 December 2014**

**Report from the Chief Executive**

For Action

Wards affected:  
ALL

**Restructuring of the senior management of the council**

**1 SUMMARY**

- 1.1 The past four years have seen some of the most challenging financial conditions ever faced by local government. In common with other councils, Brent has had to make very substantial savings - £80 million over this period – involving difficult decisions and requiring rapid implementation of change.
- 1.2 In doing so, the council has focused on achieving efficiencies in administrative and back office services, as well as significant restructuring and downsizing across all management tiers, including the Corporate Management Team and senior management teams. Nevertheless, substantial savings have also had to come from reducing or closing some local services.
- 1.3 It is clear that the pressure on public finances will continue well beyond the lifetime of this parliament. The overall funding position for local government and the public sector over the next four years will become even more severe, with the period to 2016/17 already presenting as financially challenging. The pace and scale of savings required in Brent are forecast to accelerate sharply over the next four years with the council's budget reducing by between a third and a half.
- 1.4 In this environment, we must continuously reassess the way the council is organised in order to reduce costs even further, as well as ensure we are equipped to steer a course through this storm of change, rather than being buffeted by it. This report outlines proposals for a further restructuring with two aims:
  - refocusing the Council's senior management and corporate centre to meet the substantial challenges the organisation must manage over the next period and inevitable reduction in staffing;
  - further streamlining to deliver a £1.4 million saving in senior management costs.

These proposals have been agreed by the General Purposes Committee, subject to consultation with staff, and approval is now required by Cabinet to delete, create or amend the posts. As staff consultation does not end until 5 December, 2014, any proposed changes relating to the recommendations in this report will be reported orally at the meeting. Job descriptions and person specifications for the relevant post will follow later.

## **2 RECOMMENDATIONS**

2.1 For Cabinet to agree, subject to staff consultation, the deletion of the following senior officer posts:

- Strategic Director, Environment and Neighbourhoods
- Operational Director, Neighbourhoods (Vacant)
- Operational Director, Environment and Protection
- Assistant Chief Executive
- Director of Legal and Procurement
- Operational Director, Finance
- Operational Director, ICT
- Operational Director, Brent Customer Services

2.2 For Cabinet to agree, subject to staff consultation, the creation of the following posts:

- Chief Operating Officer (at Strategic Director level)
- Operational Director, Strategic Commissioning
- Operational Director, Community Services
- Chief Legal Officer (and Monitoring Officer)

2.3 For Cabinet to agree that the post of Chief Operating Officer be appointed on a one year fixed term basis, in the first instance.

2.4 For Cabinet to authorise the Chief Executive, in consultation with the Leader of the Council, to make such other changes as may be needed to give effect to the proposals in this report.

## **3 A COMMUNITY FOCUSED APPROACH**

3.1 The scale of the continuing reduction in local government funding cannot be managed solely through further streamlining of staffing, tightening of access or eligibility to services, or reductions in volumes of service, which may be of reduced quality. This scenario of 'managed decline' offers nothing positive for our communities, residents or staff, nor does it recognise the substantial changes in our residents' expectations of the way they interact with and use public services.

3.2 Both these factors – the negative one of funding pressures and the positive factor of changing customer and community expectations – mean we cannot carry on operating with the same conceptual and operational models, but more importantly, this conjunction of factors points to a different approach to managing through this turbulent period. This starts from the changing expectations of our service users and residents, and the opportunities this presents to rethink the way we develop, commission and deliver services.



- 3.3 At the heart of this different approach is the well-recognised shift away from service users and residents as passive recipients of services delivered to provider requirements, to more active users with control of what they receive, as well as when, where and how they receive it. This move to the 'active user' is developing in different ways across the public sector, whether in the social and health care sectors as personalisation or the self-care undertaken by those with chronic health conditions, or on-line self-service for residents of a wide range of public realm services, to the new and evolving notion of co-production. Even in the delivery of universal services, whether in-house or outsourced, residents are playing a more active and indeed essential role, for example, in the co-production required for waste recycling.
- 3.4 For service users and residents, the shift is driven by the benefits it brings them, whether this is greater control in meeting their needs, greater convenience, flexibility and responsiveness in using services, or opportunities to meet community and social responsibilities. For the council, the shift is determined by user and resident expectations and the substantial operational and cost benefits. As an example, the estimated costs for on-line contact are significantly lower than face to face or phone contact and this is the basis for our changing approach to customer access.
- 3.5 This creates a set of opportunities that the council must vigorously pursue. At its most far-reaching, the reframing of the provider/user relationship would include different approaches to the ownership and running of services, developed in collaboration with local people and our partners. It would be based on a better understanding of not just the needs in our communities and borough, but also the assets within those communities and how these can be combined with public sector assets to create additional benefits.
- 3.6 While we have made progress in pursuing elements of this community focused approach in a number of areas, it has been piecemeal and is neither broad enough nor moving at the necessary pace. As a consequence, we have not realised the extent of efficiencies, cost savings and service improvements that are achievable. We must be much more ambitious across the whole of the council, with a coherent, cross-council approach that can deliver much faster, comprehensive change with radically different approaches to the way we think about, design, purchase and deliver services.

### 3.7 **Key features of a community focused approach**

This community focused approach has a number of key features and requirements:

- a much deeper understanding of our service user and residents' needs and behaviours that informs what services need to be provided and, more importantly, translates this into outcome focused approaches
- making best use of the council's ability to influence and shape not only services that it does not directly provide or pay for but also the market, even when the obligation to meet citizens' needs lies outside of the council's direct control
- effective demand management involving an active, intelligent approach to preventing, eliminating and reducing demand, allied to a shift to the most cost-effective channels

- developing alternative ways of meeting demand where individuals and communities are equipped to produce their own solutions
- integrated approaches whether around individuals, care pathways or user groups, bringing together all public sector services to facilitate a more personalised and coherent sets of services
- new ways of organising and working, using digital technologies to improve access and service, staff productivity and use of information
- a mixed economy of provision, determined by the solutions that best meet the needs and interests of local people

### **3.8 The methodology for developing community focused approaches**

3.8.1 The public sector has been grappling with these issues for well over a decade and while there is no single, uniform approach, there is a growing body of tools and techniques under the umbrella of strategic commissioning that provides ways of developing more community focused solutions.

3.8.2 Strategic commissioning is often conflated with procurement or contract management. While they do have important linkages, they are distinct sets of activities. In brief, the former is focused on 'big picture' considerations relating to understanding needs, defining outcomes, designing solutions and evaluating impact, while procurement (or purchasing) is focused on delivery of the required solutions and their management. Crucially, in reviewing and evaluating services as part of this approach, the emphasis is on seeing things from a citizen or user perspective as well as a professional one.

3.8.3 Strategic commissioning should enable the best use of all available resources to produce the best outcomes for people in Brent. It involves a set of cyclical and iterative activities that, in summary, include:

- identifying needs and trends
- understanding current provision and its match to needs
- engaging with communities, users, residents and markets
- determining priorities and outcomes
- defining appropriate models and solutions, to achieving required outcomes
- making decisions on allocation of resources
- assessing and evaluating delivery and outcomes (in part, through continuing engagement with communities, users and residents).

## **4 CREATING THE CAPACITY**

4.1 The proposed restructuring of departments and the corporate centre aims to put in place the necessary capacity and structures to strengthen our strategic commissioning and community focus, so that we can develop and deliver the comprehensive change programme that is necessary over the next few years. In broad terms, it would include further streamlining of departments, as well as corporate services. This involves reducing the number of senior managerial layers across the council with an increased emphasis on the importance of heads of service as key agents of change as well as lead officers for delivery. The changes, which

have been approved by the General Purposes Committee, are summarised below and shown in the structure charts at Appendices 2 and 3 (Appendix 1 sets out the current structure).

This structure is less rooted in traditional departments and should have the flexibility to manage the various changes, both known and unknown, that will occur over the next few years.

## **4.2 Summary of changes in departments**

### **4.2.1 Adults**

As indicated in a previous report (November, 2013) to General Purposes Committee, this Department has a narrower, more discrete focus than others in the council. However, legislative change in this area is likely to have huge ramifications over the next few years and as the role and costs of adult social care, and our relations with health, are central to the lives of local people, no major change to the department is proposed. Nevertheless, this report proposes moving Adults commissioning to a new central unit. It also proposes streamlining the senior management of the Department by the reduction of one head of service post by April 2015.

The post of Strategic Director, Adults, continues to carry more general, strategic responsibilities for adults across all council services.

### **4.2.2 Children & Young People**

The new Strategic Director, Children and Young People, has now been in post six months and is currently finalising improvement and restructuring plans. These will be ready no later than the beginning of January 2015 and will give greater focus and pace to the Department's work.

As with Adults, the proposal is to move Children and Young People's commissioning to a new central unit. This report also proposes that the senior management of the Department is streamlined by at least one head of service post.

The post of Strategic Director, Children and Young People, continues to carry more general, strategic responsibilities for children across all council services.

### **4.2.3 Environment & Neighbourhoods**

Now that many of the services in Environment & Neighbourhoods have been successfully outsourced, the Strategic Director has confirmed that the time is right for structural change in this area. It is therefore proposed to move most of the Department's functions into a new Department, headed up by a Chief Operating Officer. The Strategic Director post and the two Operational Director posts are deleted but most heads of service posts are retained in the new structure. The latter posts have considerable interaction with members of the public and link closely to the collection of services described below as Community Services most of which have a significant contract management dimension.

However, given the proposed budget cuts for 2015/17, reductions in Arts, Libraries, Sports and Parks are likely. It is therefore proposed to delete the two heads of service posts: Sports & Parks and Libraries, Arts & Heritage, and to replace them with a new post, Head of Culture. This will sit in Community Services in the new Chief Operating Officer's Department.

Regulatory Services are likely to sit more appropriately within the Regeneration and Growth Department. These services are currently undergoing an extensive review which will not be completed until 2015. Given the obvious synergies with Planning and Building Control, it is proposed that Regulatory Services report to the team led by the Operational Director, Planning and Regeneration. This position will be re-assessed when the findings of the Regulatory Services review are produced.

#### **4.2.4 Regeneration & Growth**

Regeneration and Growth is currently the biggest Department with four Operational Directors and the largest number of Heads of Service. If early discussions with another London borough progress as anticipated over the next six months, the number of Operational Directors will reduce by one in April 2015. The savings from this post have not been included in the savings from this restructuring. The report to General Purposes Committee also proposed that the Department streamline its senior management by at least one head of service post by April 2015.

As indicated above, the proposal is to move Regulatory Services from Environment & Neighbourhoods to the Regeneration and Growth Department, more specifically to the Planning and Regeneration team.

Given its strong focus on residents, Brent Customer Services seem to sit best in the new structure with Community Services in the new Chief Operating Officer's Department. Bringing these services together should enable a more positive and consistent interaction with the public and the effective implementation of our new community access strategy. Brent Customer Services will retain strong links with Regeneration and Growth, particularly in relation to both benefits and business.

This seems an appropriate time too to move the web team from Brent Customer Services into Communications as we now have a new Head of Service and a fully established team.

#### **4.2.5 Corporate & Support Services**

Given the significant budgetary cuts of at least 40 per cent in these areas, change has to be radical. All teams have been drawing up proposals to find these reductions with at least 20 per cent in 2015/2016.

The services that currently sit in the Assistant Chief Executive's area will transfer in much reduced form, to the new Chief Operating Officer's Department. The post of Assistant Chief Executive will be deleted. In transferring services, we will explore the feasibility of the third sector taking on responsibility for functions such as allocation and management of grants and for the greater use of framework agreements for specific tasks. Over the coming months too, we will assess whether it is more cost effective to provide some services in-house rather than buy them from other councils.

Legal & Procurement Services will be broken up and the post of Director deleted. A new Chief Legal Officer post, at Head of Service level will be established. This will necessitate a review of the current senior management structure in Legal Services. The new Chief Legal Officer will continue to explore a legal partnership with other boroughs to produce the necessary budget reduction and will have to find significant savings for 2015/2016. The Chief Legal Officer will act as the Monitoring Officer. Legal Services will sit within Corporate and Business Support in the Chief Operating

Officer's Department. Procurement will move to the new Strategic Commissioning Unit and will be headed up by a more senior post at Head of Service level.

Finance, Human Resources and BIBS (Brent Integrated Business Support) are each required to find cuts of 40 per cent so change will be dramatic though this will be felt more strongly in 2016/ 17 than the previous year. Keeping a focus on streamlining and reducing managerial costs, Finance will be required to lose one Operational Director and one Head of Service post while HR and BIBs will have to lose one Head of Service too.

Information & Communication Technology (ICT) will move to the Strategic Commissioning Unit but will be renamed Digital Services to emphasise the importance of digitalisation in planning, delivering and reviewing services.

### **4.3 THE CHIEF OPERATING OFFICER'S DEPARTMENT**

#### **4.3.1 The Chief Operating Officer**

Three groups of services– community services, strategic commissioning, corporate and business support – will make up a new department under a Chief Operating Officer. This post will have responsibility at CMT level for the strategic direction and leadership of the Council's strategic commissioning programme, with a specific focus on the development of partnerships across the public, commercial and third sectors, as well as overall responsibility for the services within their department. It will also provide leadership for the day-to-day business of the Council and the universal services we, or our partners or contractors, provide. The post will have a focus on service efficiency, quality and customer and community services.

#### **4.3.2 Community Services**

This brings together services from Environment & Neighbourhoods with Brent Customer Services (from the Regeneration and Growth Department) to create a set of functions with a very strong focus on residents and communities with the necessary local knowledge, capacity and skills to take forward the development and implementation of a comprehensive community services strategy. Bringing them together enables a stronger focus too on effective contract management with the potential for others to learn from areas of strength such as that currently operating in support of the Public Realm contract.

#### **4.3.3 Strategic Commissioning**

This will develop a strategic commissioning function, encompassing policy and business intelligence which currently sit within the Assistant Chief Executive's service, alongside the procurement function (transferred from Legal & Procurement), in line with the strategic commissioning model. It will bring together the Business Intelligence team with the Programme Management Office in a new unit, Performance and Programme Management, under a new Head of Service post.

This group will have overall responsibility for leading the development of user, resident and community-focused commissioning across the council, including that for Children & Young People, for Adults and for Public Health. Bringing the commissioning functions for the latter together will require a fundamental review once the new Operational Director is in post. Strategic Commissioning will work closely with the Community Services group to develop new models for the development and

delivery of the services across the Council, as well as the council-wide strategic commissioning programme.

A small team, Partnership and Transformation, will be established to support the development of partnership work with local communities. This will take on aspects of the current work of the current Partnership and Community Engagement team. This new team will also work internally to support cultural change and business improvement across the council, including the re-design of services.

As indicated above, a new team, established from the ICT Service, will be established in this area. The new name, Digital Services, indicates the key emphasis of the work of the team and a shift in direction from ICT Services.

#### **4.3.4 Corporate & Business Support**

This further streamlines corporate and business support functions, with continuing responsibility for corporate support to the organisation. It will have strong links to the strategic commissioning and customer services groups to support their work.

### **5. IMPACT ON THE SENIOR MANAGEMENT STRUCTURE**

5.1 The reconfiguration described above will result in the following posts at Operational Director level or above being deleted in addition to a number of Heads of Service:

- Strategic Director, Environment and Neighbourhoods
- Operational Director, Neighbourhoods (Vacant)
- Operational Director, Environment and Protection
- Assistant Chief Executive
- Director of Legal and Procurement
- Operational Director, Finance
- Operational Director, ICT
- Operational Director, Brent Customer Services

The new posts are:

- Chief Operating Officer (at Strategic Director level)
- Operational Director, Strategic Commissioning and Business Intelligence
- Operational Director, Community Services
- Chief Legal Officer (Monitoring Officer)

In addition, there will be new Head of Service posts as outlined in the body of the report but these are not subject to Cabinet decision.

5.2 The overall structure at senior management level is therefore:-

- Chief Executive
- 3 Strategic Directors
- 1 Chief Operating Officer
- 12 Operational Directors (currently 16)
- 35 Heads of Service (currently 41)

CMT will comprise the Chief Executive, three strategic directors and the Chief Operating Officer, advised by chief officers as appropriate.

An extended CMT meeting will operate monthly with the Chief Finance Officer, Director, HR and Administration, and Operational Director, Strategic Commissioning, also in attendance.

- 5.3 Following the approval of General Purposes Committee, these proposals have been subject to staff consultation which ends on 5 December 2014. Any changes relevant to the recommendations in this report will be reported at the Cabinet meeting. It is proposed that the post of Chief Operating Officer be appointed on a one year, fixed term contract so the new chief executive has some involvement in the permanent appointment. This will also ensure the new structure can get up and running quickly. Recruitment to the vacant posts in the new structure will be advertised as quickly as possible following the consultation period. Appointments to all posts at Operational Director level and above, including the interim Chief Operating Officer, will be by the usual Member Panel for posts at this level

## **6 FINANCIAL IMPLICATIONS**

- 6.1 The total savings from this reorganisation are approximately £1.4m.
- 6.2 It should be noted that an additional piece of work is being undertaken by the HR Director to review the terms and conditions of employment of staff with a view to generating additional savings. It is anticipated that this review will result in a reduction in salaries for some senior manager posts through reconfiguration of the Hay grading system. Any affected staff will be subject to one year's pay protection so efficiencies from this exercise will impact in year 2 (2016/17). Any impact on Chief Officer terms and conditions will be subject to approval of General Purposes Committee.

## **7 LEGAL IMPLICATIONS**

- 7.1 The proposed structure ensures compliance with various legislative requirements in respect of the creation of the statutory posts that the council is obliged to maintain. Outside of the relatively small number of statutory posts, the council has a wide discretion to create a senior manager structure to reflect the current needs of the organisation.
- 7.2 The proposed changes will require management through the application of the Council's Managing Change Policy and procedures. The actions and timescales set out in this report adequately address the provisions of the Managing Change Policy and represent a fair and reasonable process.
- 7.3 These proposals have already been approved by General Purposes Committee. In accordance with Standing Orders, it is necessary to seek Cabinet approval to create, amend (other than a minor variation) or delete posts at Operational Director level or above. It is also necessary to agree arrangements in respect of the Monitoring Officer function which is covered in the body of this report. This report is in accordance with this requirement and outlines the key proposed responsibilities for the new posts and the financial implications arising there from.

## **8 DIVERSITY IMPLICATIONS**

8.1 As part of this restructuring, twelve posts, including those at Head of Service level, have been proposed for deletion. Two of these posts are currently vacant. The diversity impact has been assessed in respect of these postholders, although further postholders will have a change of line management which is considered less significant. There will be further posts affected at Head of Service level as a consequence of this restructuring but it is not yet known which posts these will be. This represents a small proportion of the council's workforce as a whole, however, an initial analysis of the profile of those affected compared to the council's overall workforce profile indicates that:

- Half of those affected are male (50%) whereas the majority of the workforce overall are female (65%). Males are disproportionately affected by the proposals when compared to the gender profile of the council as a whole.
- 100% of those affected are White British. This represents a disproportionate affect on this group compared to the percentage council wide but is unsurprising given a larger proportion of senior managers in the council are White.
- The majority of those affected (60%) are aged between 50-59 years old. There are two members of staff affected between 40-49 years old, one person between 17-39 years old and one person between 60-69 years old. There is a disproportionate effect on this age range as the average age in the workforce is 44 years.
- There is a disproportionate effect on disabled staff with 20% of affected staff declaring a disability (workforce average 8%).
- The majority (70%) of those affected are married or in a same sex partnership which is in line with the organisational profile.
- It is not possible to analyse the other protected characteristics of sexual orientation, gender re-assignment, or pregnancy and maternity due to lack of available data.

8.2 A full predictive and retrospective Equality Assessment is being undertaken in consultation with the Equality Team to ensure that adverse affects on vulnerable groups are mitigated wherever possible. A meaningful Equality Assessment is compromised by lack of available data for some of the protected characteristics as individuals have chosen not to provide this data.

### **Background Papers**

Restructuring of the Senior Management of the Council, GP Report 7/11/13

### **Appendices**

Appendix 1 Current top structure of the Council

Appendix 2 Proposed top structure

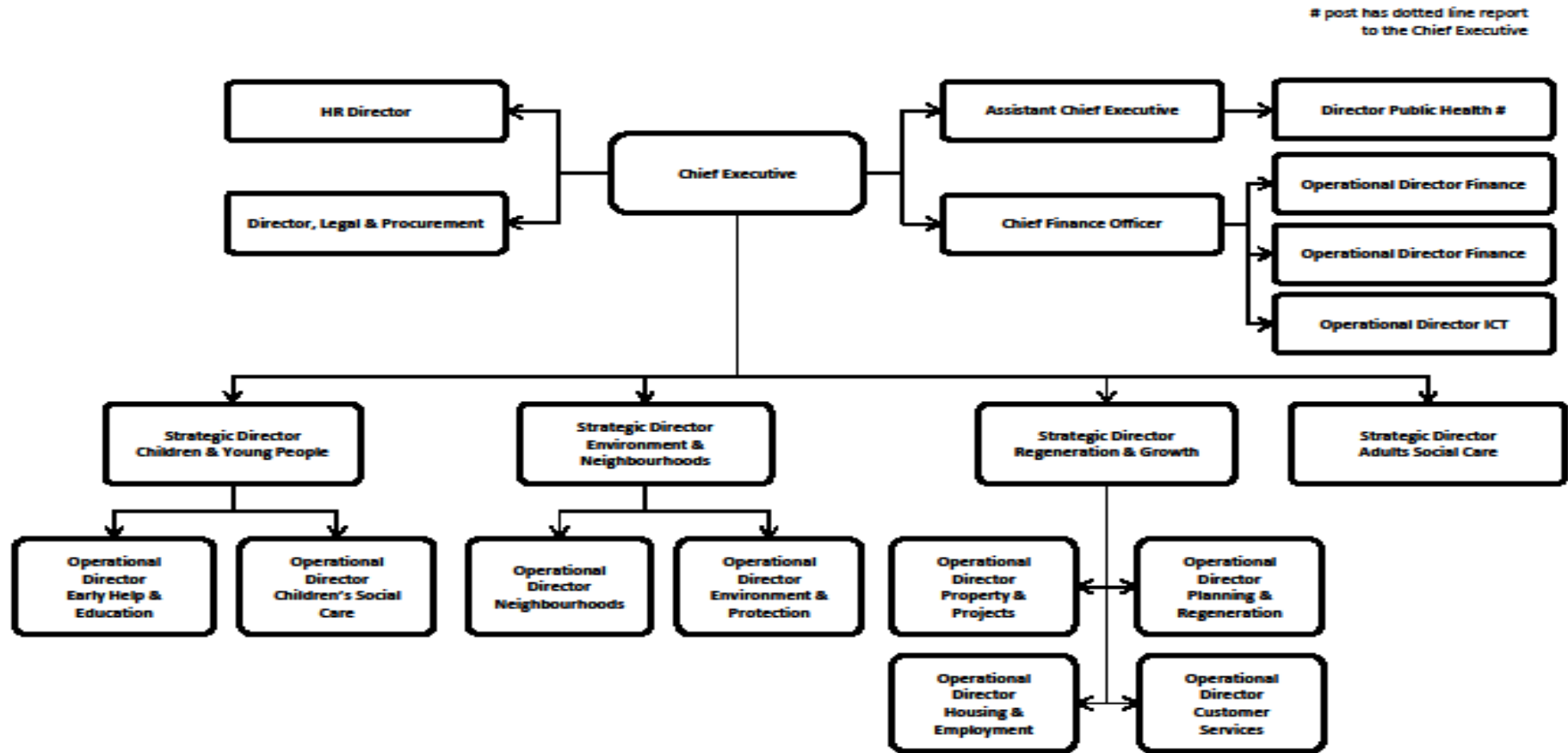
Appendix 3 Proposed Chief Operating Officer's Department

### **Contact Officer**

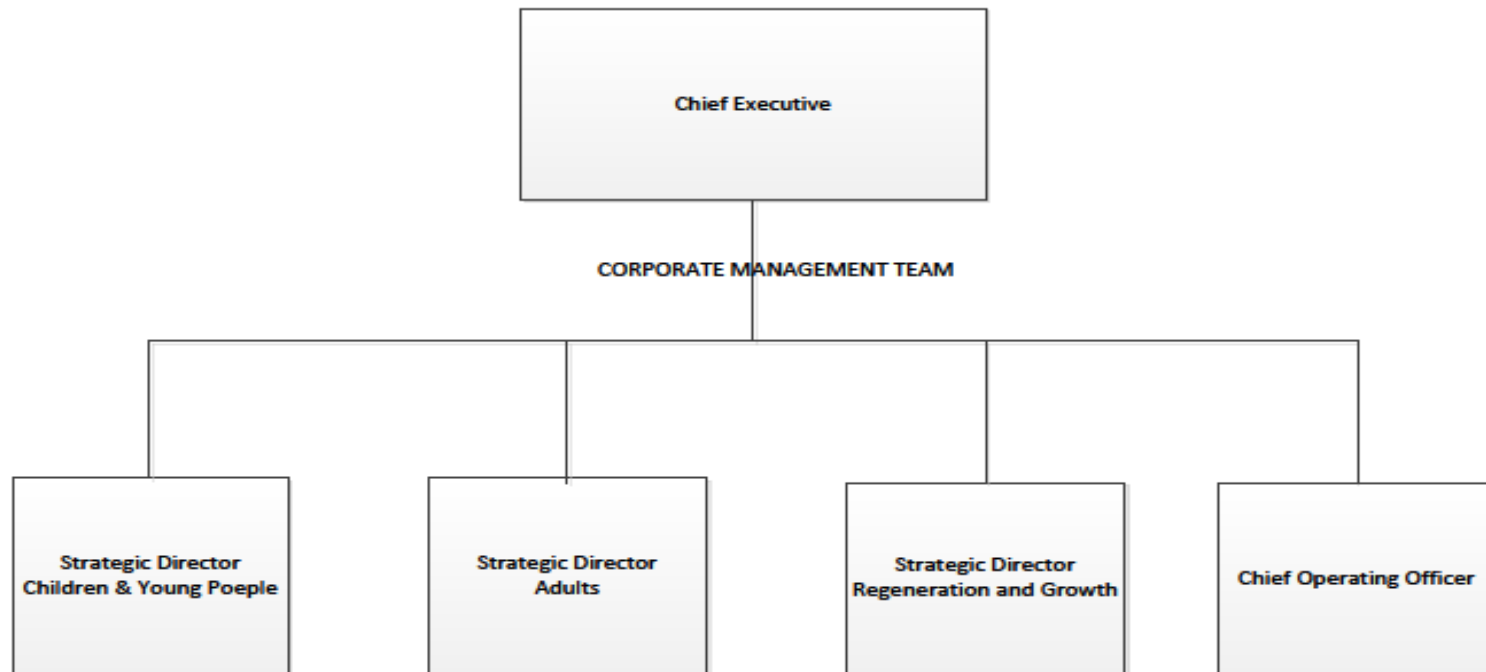
Christine Gilbert, Chief Executive



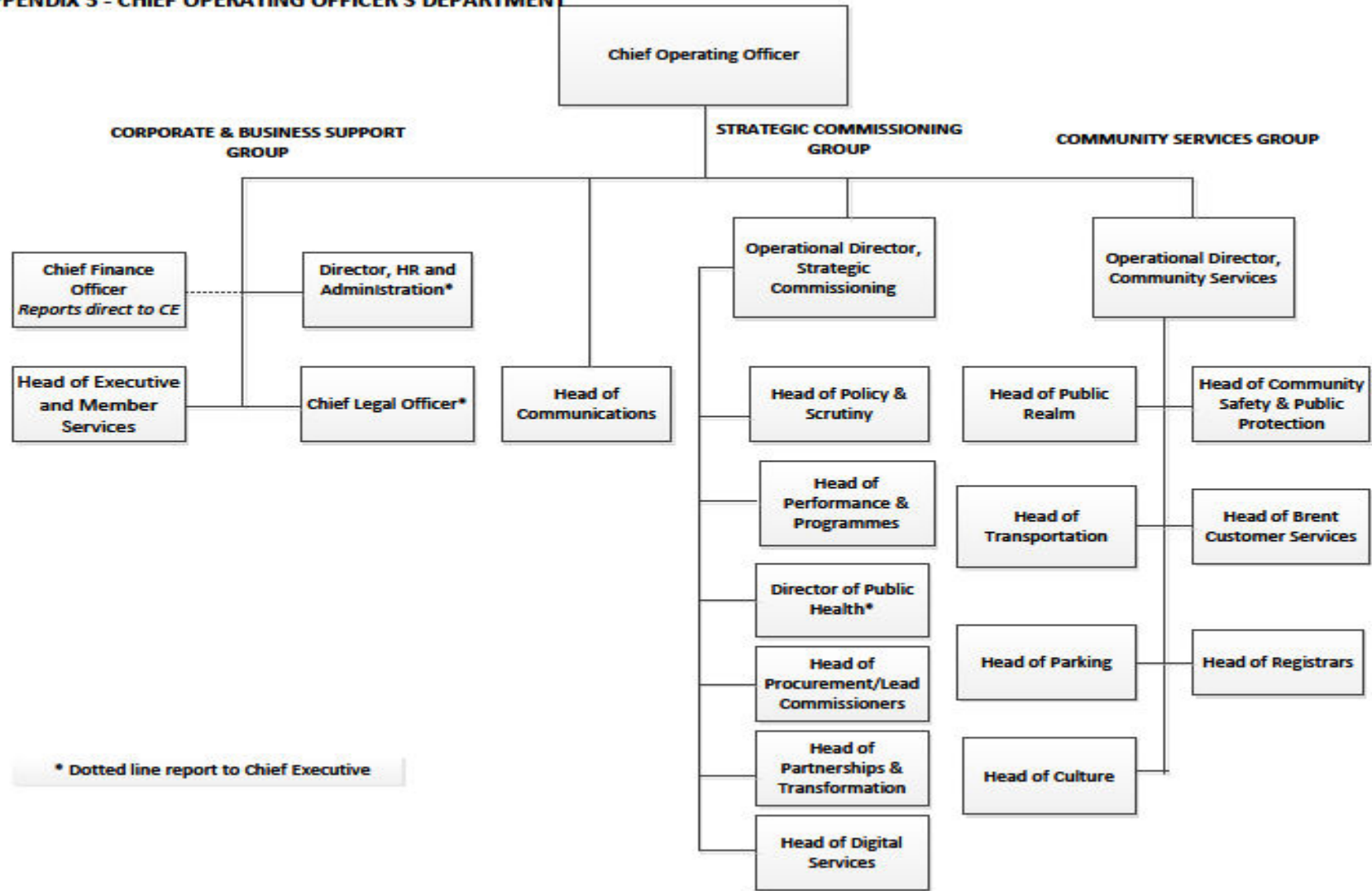
### Senior Management Structure




**APPENDIX 2 - PROPOSED TOP STRUCTURE**



**APPENDIX 3 - CHIEF OPERATING OFFICER'S DEPARTMENT**



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 <p><b>Brent</b></p>	<p><b>Cabinet</b> <b>15 December 2014</b></p> <p><b>Report from the Strategic Director of Children and Young People</b></p>
For action	
<b>School Budget Proposals – 2015/16</b>	

## **1 Summary**

- 1.1 This report sets out the school budget proposals for 2015/16. The total schools' budget for 2015/16 is provisionally estimated as £213m. This includes an additional £11m funding to be received as part of the Department for Education's (DfE) 2015/16 "fairer funding" distribution, and also the inclusion of some academies (non-recoupment academies) that were not in the framework as well as free schools within the formula.
- 1.2 The increase in funding for schools represents, on average, a five percent increase for primary schools and a seven per cent increase for secondary schools.

## **2 Recommendation**

- 2.1 The Cabinet is recommended to approve the proposed schools' budget for 2015/16.

## **3 Detail**

- 3.1 The past two years have seen major reform of the schools' funding system as a result of the government's commitment to simplifying this system and to working towards the introduction of a national school fair funding formula with local discretion. The aim is to ensure that schools across the country can attract similar levels of funding for their pupils.
- 3.2 Whilst the government is still committed to a national "fair funding" formula, for 2015/16 there will be no further changes to the formula. Instead the move to a national formula is expected in the next spending review (beyond 2015/16).
- 3.3 However, the DfE consulted in March 2014 on proposals to provide additional funding to the least fairly-funded local authorities in 2015/16. As a result in July 2014 additional funding of £390m was announced for distribution in 2015/16, to ensure that funding is allocated to local areas based on the actual characteristics of their pupils and schools, rather than simply their historic levels of funding. Brent schools will therefore benefit by at least £11m for 2015/16.

- 3.4 In addition, the DfE announced at the same time that non-recoupment academies and free schools will convert for funding purposes to “recoupment” academies from April 2015/16, therefore simplifying the current academy funding system and funding them all through the local formula. There are currently two such academies in Brent – ARK Academy and Capital City Academy, and one new free school – Michaela Community School which opened in September 2014. Previously these schools were not included within Brent’s schools’ funding calculations, nor were they included within Brent’s DSG allocations, but they will be from 2015/16. This will have a neutral financial impact for Brent, as whilst the DSG allocations have increased, the amount to be recouped by the DfE will increase by the same amount.
- 3.5 The Schools Forum has been consulted, and as a result recommends the 2015/16 proposed budget which includes the distribution of the additional funding.
- 3.6 The council has the statutory responsibility to approve and set the fair funding formula following consultation with the Schools Forum and this report therefore seeks the Cabinet’s approval of the proposed 2015/16 budget.
- 3.7 Proposals for Brent’s Fair Funding Formula for 2015/16  
For the additional funding of £11m in 2015/16, the Schools Forum agreed that the best method of distribution would be through proportionately increasing all the pupil-led factors. No other changes were proposed to the formula for distribution, therefore the funding formula remains the same and the amount for distribution prior to the introduction of the additional £11m remains the same (cash flat) as for previous years.
- 3.8 In 2013/14 Brent had the lowest ratio in England in relation to the funding between the primary and secondary sectors (1:1.09), and after much discussion the Schools Forum agreed to move towards the national average (then 1:1.27). It was also agreed at the time, by the Schools Forum, that if this ratio diverged in the future from the national average that this would be reviewed accordingly. Therefore the funding ratio for 2015/16 is proposed at 1:1.29 – the current national average, and all calculations have been done on this basis and the Schools Forum is fully aware of this.
- 3.9 It is also worth noting that as a result of the historic ratio described in the previous paragraph, in 2013/14 Brent also had the highest quantity of resources allocated under the minimum funding guarantee (MFG) in England at £28m. MFG is a mechanism by which schools are protected from losing no more than 1.5 per cent per pupil year-on-year on pupil-led factors. In adjusting the ratio last year, the intention was also to reduce MFG and narrow the gap between pre and post MFG funding. This would produce a more realistic budget in anticipation of any potential removal of MFG. This was achieved with a MFG total of £2m in 2014/15. While MFG will continue for 2015/16, due to the additional funding being distributed, this is currently estimated at only £0.8m as demonstrated in the table in 4.4.
- 3.10 The schools’ provisional budget is calculated based on the principles above, using pupil numbers as at October 2013 census. The final schools’ budget will be calculated in December based on the current pupil numbers as at October 2014 census. The following table demonstrates the 2015/16 schools’ funding in comparison to 2014/15.

Provisional Schools Funding 2015/16

SECTOR	2014/15				2015/16				INCREASE	
	Primary	Secondary	TOTAL	RATIO	Primary	Secondary	TOTAL	RATIO		%
Pupil Numbers	24,790	12,867	37,657		24,790	12,867	37,657		0	0.0%
Pupil Numbers (NRA & FREE)					354	1,772	2,126		2,126	New
<b>Pupil Numbers TOTAL</b>	<b>24,790</b>	<b>12,867</b>	<b>37,657</b>		<b>25,144</b>	<b>14,639</b>	<b>39,783</b>		<b>2,126</b>	<b>5.6%</b>
	£'000	£'000	£'000		£'000	£'000	£'000		£'000	%
Funding	113,841	74,828	188,668		119,765	79,670	199,436		10,767	5.7%
Funding (NRA & FREE)					1,505	11,550	13,055		13,055	New
<b>Funding TOTAL (PRE-MFG)</b>	<b>113,841</b>	<b>74,828</b>	<b>188,668</b>		<b>121,271</b>	<b>91,220</b>	<b>212,490</b>		<b>23,822</b>	<b>12.6%</b>
MFG	-394	2,536	2,142		497	339	836		-1,306	-61.0%
<b>Funding TOTAL (POST-MFG)</b>	<b>113,446</b>	<b>77,364</b>	<b>190,810</b>		<b>121,768</b>	<b>91,558</b>	<b>213,326</b>		<b>22,516</b>	<b>11.8%</b>
	£	£	£		£	£	£		£	%
PER PUPIL FUNDING (PRE-MFG)	4,592	5,815	5,010	1.27	4,823	6,231	5,341	1.29	331	6.6%
PER PUPIL FUNDING (POST-MFG)	4,576	6,013	5,067	1.31	4,843	6,254	5,362	1.29	295	5.8%

\*NRA = Non-Recoupment Academy

3.11 The table shows the schools' block of funding only - High Needs and Early Years funding sits outside of these calculations. The table above illustrates the following:

- The increase of funding of £11m, as well as a further £13m for the non-recoupment academies.
- The comparison of funding by sector using the same pupil numbers as at October 2013, with the non-recoupment pupil numbers added in. The pupil numbers used will however be replaced by the October 2014 census for the final submission to the DfE in January.
- The reduction in MFG which protects schools from losing more than 1.5 per cent per pupil year-on-year. This is a result of the increased funding. However, for a small minority of schools, MFG will continue where their level of MFG last year is not cancelled out by the increase in funding this year.

3.12 It is worth noting that this year's changes represent an increase in funding (before MFG) of five per cent for Primary schools and seven per cent for Secondary schools.

3.13 Proposals for SEN Funding – High Needs Block

Confirmation of the 2015/16 High Needs Allocation for local authorities should be reflected in the DSG Allocations Announcement by the DfE in December 2014. The allocation for 2014/15 was £56m and no substantial changes are anticipated to High Needs for 2015/16. This will allow the reforms introduced in 2013 to embed fully in all local areas, with a longer-term plan by the DfE to review this block of funding and move towards a more formulaic approach in the future, if possible.

3.14 The following remains in place for 2015/16:

3.14.1 Schools are required to fund the first £6k of the cost of supporting each child with a statement of special educational needs. Whilst the initial impact for Brent

schools was £4m, the schools most affected by this were granted a three year phased protection, and will therefore feel the full impact of this from 2015/16.

3.14.2 Schools that have been identified as being overly disadvantaged by these changes (with an exceptionally high number of statemented pupils compared to other schools in the borough) will continue to receive £5k for each pupil above the expected (average) number of statemented pupils. For 2014/15 this protection amounted to £70k.

### 3.15 Budget Timetable

The timescales for 2015/16 are summarised below:

<b>Date</b>	<b>Action</b>
<b>2 October 2014</b>	School Census Day
<b>Mid-October 2014</b>	LA: Schools Forum Consultation for Provisional 2015/16 School Budget
<b>31 October 2014</b>	LA: Deadline for submission of Provisional 2015/16 School Budget Proforma to the EFA
<b>w/c 15 December 2014</b>	EFA: Publication of DSG Schools Block allocations for 2015/16 (prior to Academy recoupment)
<b>Mid-January 2015</b>	LA: Schools Forum Consultation for Final 2015/16 school budget
<b>20 January 2015</b>	LA: Deadline for submission of Final 2015/16 School Budget Proforma to the EFA
<b>27 February 2015</b>	LA: Deadline for confirmation of School Block funding to maintained schools.

## 4 **Financial Implications**

4.1 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 (DSG). The DSG funding is based on calculations within the proforma submission and there will therefore be 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.

## 5 **Legal Implications**

5.1 The Authority is required to comply with The School and Early Years Finance (England) Regulations 2013 which came into force on 1 January 2014, in determining school budget shares for the 2015/16 financial year..

5.2 Under Regulation 9 the Authority is required to consult with the Schools Forum and schools with regard to any proposed changes to the formula which they will use to determine the budget shares for maintained schools.



## **Background Papers**


- A. Fairer Schools Funding: Arrangements for 2015 to 2016
- B. Schools Revenue Funding 2015 to 2016: Operational Guide

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GAIL TOLLEY  
Strategic Director Children and Young People

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 15 December 2014</p> <p style="text-align: center;"><b>Report from the Strategic Director of Children and Young People</b></p>
Wards Affected: ALL/	
<b>Permanent expansion of Manor Special School</b>	

## 1.0 Summary

- 1.1. This report informs the Cabinet of the outcome of the statutory proposals to increase the number of places at Manor Special School from September 2015 and recommends that the expansion be approved.

## 2.0 Recommendations

The Cabinet is recommended to:

- 2.1. Approve the expansion of Manor Special School by adding 44 new places for students aged 4 to 11 from September 2015.

## 3.0 Detail

### 3.1 Background

- 3.1.1 Brent Council has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. This extends to pupils with SEN who need special school places and access to special units in mainstream schools (Additionally Resourced Provision).
- 3.1.2 These proposals are part of a review of the range of existing provision for meeting pupils' SEN across Brent schools in line with current and projected demand. The aim

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of this review is to ensure that children achieve the best outcomes possible in high quality good value, cost effective school provision into the future.

#### Manor School

- 3.1.3 Manor School, Chamberlayne Road, London, NW10 3NT, is a maintained community special school located in south east of the London Borough of Brent. It is designated to provide school places for primary aged pupils between the ages of four to 11 years old with Moderate Learning Difficulties (MLD) / Autism Spectrum Disorder (ASD).
- 3.1.4 The school currently has provision for 132 permanent places and the proposal is to increase the school to 176 permanent places by September 2015. In April 2014 a temporary/bulge class of eight places was created. These eight places will become part of the 44 permanent places for September 2015.
- 3.1.5 The council's Special Educational Needs (SEN) and Disability services have been facing pressures arising from increased demand for special education placements for a number of years. This increase in demand is in line with a national trend due to advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions, particularly autism. It has also been exacerbated in Brent by increased inward migration. The council has a statutory duty to provide sufficient school places for children within its area. This increase is set to continue at least in line with the overall growth in the pupil population which will continue to grow rapidly until at least 2020. The school population in Brent has increased by 3,151 in less than four years, and correspondingly there is also an increase in demand for special school places. The alternative to in-borough special school places are generally expensive out-borough independent placements. At the same time as the number of special school places has increased, so has the proportion of children with special educational needs in mainstream schools which is now around the London average.
- 3.1.6 Manor is a special school with a Good Ofsted rating. The school offers places to pupils aged from four to 11 with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with autism and moderate learning difficulties. The proposal to provide an additional 44 places will help meet growing demand and achieve considerable educational and financial benefits. It will enable 44 children with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses. This will reduce the amount of time they have to spend on daily transport and will enable them to mix with other children closer to their home addresses, maximising the chances of developing local friendships. Manor School is popular with parents and pupils, and its expansion would also help meet parental demand.
- 3.1.7 A recent feasibility study shows Manor School has the capacity to provide much needed additional school places at the current school site. This can be achieved by adapting the existing accommodation through internal remodelling and the building of a part single/part two storey extension. There are also plans for external works to form better all weather play surfaces. Details of the proposed construction works are addressed in a separate report to Cabinet from Regeneration and Growth, 15 December 2014.

- 3.1.8 The proposed expansion will represent a significant investment in the school to ensure that the premises are adapted according to the feasibility to fully meet the needs of the new intake of pupils. This project will be part funded by targeted basic need funding from the Department for Education.
- 3.1.9 Brent Council has been consulting with staff, parents and the community on the proposal to increase the pupil numbers.

### 3.2 **Statutory Process**

#### Stage One Consultation

##### 3.2.1 Manor School

The Local Authority, with the support of the Governing Body of Manor School consulted with key interested parties on the expansion proposals. The consultation document is attached as Appendix 1. Over 300 copies of the consultation document were distributed via email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties.

- 3.2.2 Consultation meetings with staff, parents and the community were held at the school on Tuesday 8 July 2014.
- 3.2.3 The informal consultative stage of the proposal to expand was completed on Friday 25 July 2014.
- 3.2.4 The Manor School proposal received ten responses to the consultation (nine completed the grid below whilst one gave a written comment only – see paragraph 3.4.6). All ten either strongly agreed or agreed with the proposal – one with a proviso as outlined in paragraph 3.4.6.

<b>Expansion would mean we could:</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Don't know</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Improve educational facilities for SEN pupils:	8	1			
Help meet the growing demand for school places:	7	2			
Offer more places to children within the area	8	1			
I support the proposal:	8	1			

3.2.5 A breakdown of who responded is in the table below:

Parent / Carer	7
Members of Staff	0
Local Resident	1
Governor at the School	0
Prospective Parent	0
Other – Brent NUT Secretary + unspecified	2
<b>Total</b>	<b>10</b>

3.2.6 All written comments received are listed below:

- “I have no doubt the existence of parents who have pupils of educational needs desperately need an offer of a school for their son/daughter. Maybe this expansion will help families in the near future. I strongly agree [with the expansion]” - Parent / Carer
- “Manor School is a very good school. My child has been very happy there. She has made loads of friends and got on with all the teachers, so I hope more parents send their children to Manor School. I think they should help the children with more writing and spelling words” - Parent / Carer
- “I have consulted the Teachers Panel and the Manor School Rep about this expansion and we are in favour of it, with the following proviso; That existing members of staff do not have any increase in workload as a result of this expansion. I look forward to receiving the statutory consultation papers in due time” - Brent NUT Secretary

3.2.7 Following the end of consultation, the council therefore agreed to publish the statutory notice and full proposal.

3.2.8 All applicable statutory requirements to consult in relation to these proposals have been complied with.

#### Publication of Statutory Notice

3.2.9 Following the informal consultation stages outlined above, the Local Authority with the support of the governing body of Manor School, published the Statutory Notices detailing the proposals, in two local newspapers.

3.2.10 A copy of the full statutory proposal is attached as Appendix 1 and the statutory notice as Appendix 2.

## Representation

- 3.2.11 The statutory notices were followed by a six week statutory period (Representation stage), during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal and ensures that they will be taken into account by the Cabinet when the proposal is determined.

### **Responses received during the Representation Stage:**

- 3.2.12 No representations were received during the six week statutory period.

### **3.3 Next Steps**

- 3.3.1 The anticipated dates for the key project milestones following a decision by the Cabinet to determine this proposal to alter Manor School are set out in the timetable below:

<b>Milestone</b>	<b>Date</b>
Cabinet Decision to expand the schools	15 December 2014
Award of contract for building works (subject to December Cabinet approval)	31 December 2014
Building work completes	31 August 2015
44 new places available on	1 September 2015

### **4.0 Financial Implications**

- 4.1 The Education Funding Agency, upon receiving an application from Brent Council, awarded the Council £1.541m of Targeted Basic Need (TBN) grant funding in October 2013 to support capital works required to accommodate an additional 44 pupils at Manor School. The EFA states that the whole of the TBN grant is to be spent by end of August 2015, of which £357k was to be spent by end of August 2014. These targets have or will be met, by means of enabling works, associated fees and development costs and all 44 additional pupils will be accommodated at Manor School, thereby it is anticipated that the scheme will deliver on TBN compliancy requirements. The capital grant agreement requires that any underspend or surplus funds after the completion of the projects should be notified to and will be subject to reclaim by EFA. It is not intended to allow surplus funding to be used to extend the scope of projects or to deliver other projects. If the Cabinet were to decide not to proceed with the expansion at Manor School, all of the TBN funding (£1.54m) would be subject to reclaim by the EFA.
- 4.2 In August 2014 the Cabinet approved the allocation of £641k from Basic Need Capital grant allocated to the council for the provision of school places in order to address a funding gap between the allocated TBN grant and the total forecast project cost of £2.182m.

- 4.3 Members should note that if Manor Special School is not expanded, the pupils will have to be placed in out borough provision or Independent provision. As such, there are further financial benefits to be gained by progressing the expansion of Manor School through the cost avoidance associated with not placing pupils in such alternative provision. The average annual cost for a place at Manor School is £24k, whereas the average annual cost of an out borough independent school is £40k, a difference of £16k per annum per place. On this basis, the provision of 44 additional pupil places at Manor would, in a full year, deliver cost avoidance of £704k. In addition, the average annual cost of transporting an SEN pupil to an in borough school is £3k; the average cost of transporting an SEN pupil out borough is £9k, a difference of £6k. In a full financial year this would equate to avoided costs of £264k on transport. These figures relate to the avoidance of additional costs rather than savings to existing revenue budgets.
- 4.4 The expansion of pupil numbers at the school will result in increased revenue costs associated with the increased provision. From April 2013 changes to schools funding from the Department for Education means SEN places are funded from the High Needs Block of the Dedicated Schools Grant. The Council will commission places and provide top up funding based on the number of pupils on roll. This is to eliminate funding empty places. The increase in places at Manor will be funded from the Dedicated Schools Grant based on the formulaic calculation of £10k per pupil plus a "Top Up" amount per pupil on a varying scale according to the individual pupil needs.

## **5.0 Legal implications**

- 5.1 The procedure for the change of character, alteration and enlargement of Manor Special School is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. The Local Authority is entitled to make prescribed alterations to Manor Special School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 4 Part 1 and Schedule 5 of the Regulations.
- 5.2 The Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Regulation 30 of The School Organisation Regulations 2007 as amended.
- 5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them. The local authority has a statutory duty to make suitable and appropriate educational provision for children and young people who have special educational needs in its area in accordance with the relevant provisions of the Education Act 1996 (as amended by the Education Act 2011), The Special Educational Needs and Disability Act 2001, the Apprenticeship Skills



Children and Learning Act 2009 and the Special Educational Needs Code of Practice.

5.4 The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 paragraph 30 of the School Organisation Regulations.

5.5 The Cabinet would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal. Paragraphs 4.1 to 4.80 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form is applicable.

5.6 If the local authority fail to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the two month period.

#### 5.7 **Decision Making:**

5.8 There are four key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided.

**All necessary information has been provided.**

- Does the published notice comply with statutory requirements?

**The statutory notice is complete and in line with the statutory requirements. The six week statutory representation period closed on 30 October 2014.**

- Has the statutory consultation been carried out prior to the publication of the notice?

**All applicable statutory requirements to consult in relation to the proposal have been complied with.**

- Are the proposals “related” to other published proposals?
- **No, the proposals are not related to other proposals.**

#### 5.9 **Types of Decision**

5.10 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

5.11 In considering prescribed alteration proposals, the Decision Maker can decide to:

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- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the implementation date);  
or
- approve the proposals subject to them meeting a specific condition.

5.12 The following bodies may appeal against an LA decision:

- The local Church of England diocese;
- The Bishop of the local Roman Catholic diocese;
- The governing body of the Community School that is proposed for expansion.

5.13 Any appeals must be submitted to the LA within four weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within one week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals must also be sent to the schools adjudicator.

5.14 Procurement: The construction contract/s associated with these expansions will be addressed as part of the wider primary school expansion, with preference to undertake one procurement exercise for a construction contract covering all schemes within the same phase of the programme. Appropriate procurement routes are currently being reviewed with LBB Procurement and Legal Services and a further report will be brought to the Cabinet in accordance with Council Standing Orders for approval to procure and approval to award any contract.

## **6.0 Diversity Implications**

6.1 The school proposed for expansion has an ethnically diverse pupil population and works to improve the life chances of pupils with disabilities. Manor School would enable the Council to provide additional new places required for Brent's growing pupil population.

6.2 The expansion will improve choice and diversity of provision. The impact on equalities will be kept under review and reported as the school expansion programme is reviewed.

6.3 The Equality Impact Assessment for the school has been completed.

## **7.0 Staffing Issues**

7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the school's budget.

## **Background Papers**

- i) Equality Impact Assessment for Manor School
- ii) Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

Appendix 1 Manor Special School – consultation document

Appendix 2 Manor Special School – statutory notice

## **Contact Officer(s)**

Judith Joseph, School Place Planning Officer  
Early Help and Education  
Tel: 020 8 937 1061. Fax: 020 8 937 3222  
Email: Judith.Joseph@brent.gov.uk

Sara Williams  
Operational Director Early Help and Education  
Tel: 020 8937 3510  
Email: Sara.Williams@brent.gov.uk

GAIL TOLLEY  
Strategic Director, Children and Young People



## Proposal to Expand Manor School by 44 Places by September 2015

### Why are we consulting you?

This consultation document is to inform you of the possible expansion of Manor School, Chamberlayne Road, London, NW10 3NT. Manor School is a maintained community special school located in south eastern region of the London Borough of Brent. It is designated to provide school places for primary aged pupils between the ages of 4 to 11 years old with Moderate Learning Difficulties (MLD) / Autism Spectrum Disorder (ASD).

The school currently has provision for 132 permanent places and the proposal is to increase the school to 176 permanent places by September 2015. In April 2014 a temporary/bulge class of 8 places was created. These 8 places will become part of the 44 permanent places for September 2015.

We would like to hear your views on the proposal to expand. You can either respond by:

- Completing the form at the back of this document and return it by **Friday 25 July 2014**
- sending an email to [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk) or
- attending a consultation meeting on **Tuesday 8 July 2014**

### What is the proposal?

The Local Authority, Brent Council is proposing to expand Manor School by 44 places (from 132 to 176) by September 2015 for students aged 4 to 11.

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A recent feasibility study shows Manor School has the capacity to provide much needed additional school places at the current school site. This can be achieved by adapting the existing accommodation through internal remodelling and the building of a part single/part two storey extension. There are also plans for external works to form better all weather play surfaces.

The proposed expansion will represent a significant investment in the school to ensure that the premises are adapted according to the feasibility to fully meet the needs of the new intake of pupils. This project will be part funded by target basic needs funding from the Department for Education.

This proposal supports the aims of Brent's overarching plan for Children and Families (Children and Young People's Plan). It is aimed at priority 1, ensuring that children and young people are healthy and safe and priority 2, ensuring sufficient local school places to meet continuing increasing demand from local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

Brent Council is therefore consulting with staff, parents and the community on the proposal to increase the pupil numbers.

### **Who is this consultation for?**

This consultation is for anybody who feels they may be affected by the proposal. We would like to hear your views whether they be in support, objections or comments. This document has been sent to the following:

Manor School: parents, staff and student council if applicable  
All maintained schools and Academies in Brent  
Governing Body of Manor School  
Brent Council  
Westminster Diocesan Education Service  
London Diocesan Board for Schools  
London Borough of Ealing  
London Borough of Barnet  
London Borough of Camden  
London Borough of Harrow  
London Borough of Hammersmith and Fulham  
London Borough of Westminster  
Royal Borough of Kensington and Chelsea  
Kensal Rise Resident Association, 94 Chamberlayne Road, NW10  
All Councillors  
Local Member of Parliament  
All Brent Customer Service Shops  
All Brent Libraries  
Brent Children Centres  
Any trade unions who represent staff of Manor School  
Representatives of main trade unions in Brent

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Brent PCT – Maternity and Child Health Steering Group members  
Any local partnerships, including the main voluntary agencies for SEN and Disabilities that Brent has relations with *e.g.*  
Partnership / groups who use the school premises on a contractual basis  
Partnerships / groups who use the school under extended services arrangements

## **Why are we proposing to expand Manor School?**

The Council's Special Educational Needs (SEN) and Disability services have been facing pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend due to advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased inward migration. The council has a statutory duty to provide sufficient school places for children within its area. There will be increasing demand for school places as a result of the growing pupil population which will continue to grow rapidly until at least 2020. The school population in Brent has increased by 3151 in less than four years, and correspondingly there is also an increase in demand for special school places. In recent years the council has had to place pupils in expensive out borough independent provision as special schools within Brent are full.

Manor is special school with a Good Ofsted rating. The school offers places to pupils aged from 4 -11 with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with autism and moderate learning difficulties. The proposal to provide an additional 44 places will help meet growing demand and achieve considerable educational and financial benefits. It will enable 44 children with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses. This will reduce the amount of time they have to spend on daily transport and will enable them to mix with other children closer to their home addresses maximising the chances of developing local friendships. Manor School is popular with parents and pupils, and its expansion would also help meet parental demand.

## **What is the process to be followed?**

Brent Council in partnership with Manor School intends to meet with staff, parents and the local community, to receive their views.

If, after this consultation, the Council decides to proceed with the changes then the statutory consultation will begin with the publication of a statutory notice in the local papers. The notice will also be placed on Brent website, on Manor School website and in public places such as at the main entrances to Manor School. Thereafter, a 6 week representation period will commence during which anybody can write to make formal representations on the proposal.

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Representations can be in the form of support, suggestions or objections to the proposal. All representations will be presented to Brent Council's Executive Committee which will make a decision on the proposal.

Stages	Procedure	Approximate timelines
This consultation	The issue of this document marks the beginning of the informal consultation during which the views of any interested parties are sought. These views will be considered before the formal statutory consultation begins.	25 June 2014 – 25 July 2014
<b>Stage 1 - Publication</b>	Dependent upon the outcome of the informal consultation (outlined above), a decision on whether to publish a statutory notice must be made by the LA (Brent Council) in partnership with the Governing Body of the school. This publication marks the start of the statutory consultation.	September 2014
<b>Stage 2 – Representation</b>	Following the publication of the statutory notice 'representations' can be made on the proposals – this is another opportunity to submit views (support, objections or comments) before the final decision is made.  The representation period will last for 6 weeks.	September 2014 – October 2014
<b>Stage 3 – Decision</b>	Within two months after the representation period ends the Brent Executive will make the final decision on the proposal.	October 2014 - December 2014
<b>Stage 4 - Implementation</b>	If the proposal is approved, the changes would then be implemented. The aim is to provide the additional places from <b>1 September 2015</b> .	December 2014 onwards

**How can you give your views?**

**Please send the response form attached by Friday 25 July 2014 to:**

Judith Joseph, School Place Planning Officer  
Brent Civic Centre  
5<sup>th</sup> Floor, Brent Civic Centre  
Engineers Way, Wembley  
HA9 0FJ

**Or send an email by Friday 25 July 2014 to:**

[judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk)

**Or attend a meeting :**

Date - **Tuesday 8 July 2014**  
Time - **6pm**  
Venue - **Key Stage 2 Hall, Manor School  
Chamberlayne Road, London  
NW10 3NT**



**Please tear this page off**

## **Manor School – Response Form**

Please indicate your views (support, comments or objections) on the proposal to expand Manor School by 44 places by September 2015 by ticking the most appropriate boxes.

<b>Expansion would mean we could:</b>	<b>Strongly</b>	<b>Agree</b>	<b>Don't</b>	<b>Disagre</b>	<b>Strongl</b>
Improve educational facilities for SEN pupils:					
Help meet the growing demand for school places:					
Offer more places to children within the area					
I support the proposal:					

Please add other comments on the proposal (continue overleaf if necessary)

Name: \_\_\_\_\_

Address: \_\_\_\_\_ (optional)

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I am a:

Parent/ Carer	<input type="checkbox"/>	Member of Staff	<input type="checkbox"/>	Local Resident	<input type="checkbox"/>
Governor at School	<input type="checkbox"/>	Prospective Parent	<input type="checkbox"/>	Other, specify	<input type="text"/>

**Please return the response form to the address below by Friday 25 July 2014.**

Judith Joseph, School Place Planning Officer  
Brent Civic Centre  
5<sup>th</sup> Floor, Brent Civic Centre  
Engineers Way, Wembley  
HA9 0FJ

**Alternatively, you could leave the form in the school reception for collection.**

Comments continued if necessary



## **Statutory Notice**

### **Brent Council proposed changes to Manor School**

Notice is given in accordance with Sections 19(1) and 21(2) of the Education and Inspections Act 2006 (as amended by the Education Act 2011) that the London Borough of Brent (the Local Authority) intends to make a prescribed alteration to Manor School, Chamberlayne Road, London, NW10 3NT (DfE number 3047006) from 01 September 2015.

Manor School is a maintained community special school located in the south eastern region of the London Borough of Brent. It is designated to provide school places for primary aged pupils between the ages of 4 to 11 years old with Moderate Learning Difficulties / Autism Spectrum Disorder (ASD).

The Local Authority, Brent Council is proposing to change the character of Manor School by expanding the school by 44 places for students aged 4 – 11.

The school currently has provision for 132 permanent places and the proposal is to increase the school to 176 permanent places by September 2015. In April 2014 a temporary/bulge class of eight places was created. These eight places will become part of the 44 permanent places for September 2015.

A recent feasibility study shows Manor School has the capacity to provide much needed additional school places at the current school site. This can be achieved by adapting the existing accommodation through internal remodelling and the building of a part single/part two storey extension. There are also plans for external works to form better all weather play surfaces.

The proposed expansion will represent a significant investment in the school to ensure that the premises are adapted according to the feasibility

to fully meet the needs of the new intake of pupils. This project will be part funded by target basic needs funding from the Department for Education.

This proposal supports the aims of Brent's overarching plan for Children and Families (Children and Young People's Plan). It is aimed at priority one, ensuring that children and young people are healthy and safe and priority two, ensuring sufficient local school places to meet continuing increasing demand from local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and Special Educational Needs (SEN) and the proportion of school buildings accessible to students with disabilities.

All applicable statutory requirements to consult in relation to this proposal have been complied with.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Judith Joseph, School Place Planning Officer, 5th Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk). Alternatively a copy of the complete proposal can be obtained from: <http://www.brent.gov.uk/consultations.nsf>.

A limited translation and interpretation service is available for this document and upon request. Please contact Judith Joseph on 0208 937 1061.

Within six weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Judith Joseph, School Place Planning Officer, 5<sup>th</sup> Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ. Email: [judith.joseph@brent.gov.uk](mailto:judith.joseph@brent.gov.uk). **The deadline for representation is Thursday 30 October 2014.**



Signed:

**Sara Williams, Operational Director Early Help and Education**

**Publication Date: Thursday 18 September 2014**

#### **Explanatory Notes**

- The proposed change to expand and broaden the designation of Manor School will not affect the education of students currently attending.

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# Equality Analysis Guidance and Form



## 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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> <b>Children and Families</b>  <b>Service Area:</b> <b>Pupil and Parent Services</b>	<b>Person Responsible:</b> Name: Judith Joseph Title: Place Planning Officer Contact No: 020 8937 1061 Signed:
<b>Name of policy:</b> School Expansion	<b>Date analysis started:</b> on going  <b>Completion date</b>  <b>Review date:</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Title: Date Contact No: Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Title: Date Contact No: Signed:	<b>Decision Maker:</b> Name individual /group/meeting/committee:  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.

**Special Educational Needs school places**

Brent Council is in the process of working with schools to expand SEN provision for Brent resident children. The growth in Brent’s population is reflected in the increasing demand for school places. Numbers of four year olds on school rolls are expected to rise strongly over the next three to four years as demonstrated in the table below. With a growth in the overall school population there will be corresponding growth in children with SEN needing specialist provision.

Academic Year	Actual 4 year olds on roll (or out of school) and projected numbers on roll
2010/2011	3,623
2011/2012	3,898
2012/2013	3,804
2013/2014	3,995
2014/2015	4,146
2015/2016	4,317
2016/2017	4,320
2017/2018	4,380
2018/2019	4,400
2019/2020	4,387

Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. Each LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child’s educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

The council in conjunction with Manor Special School is therefore consulting with staff, parents and the community on the strategy to increase mainstream and SEN school places.

The school currently consulting:

**Manor Special School**

According to the current roll projections, by 2020-21 Brent would require 21FE additional primary places, up to 19FE secondary places and 192 new SEN

places.

Subject to the availability of funding, it is proposed to create 19.5FE primary places by 2015 and 19FE secondary places by 2021 through existing school expansion.

### **Special Educational Needs Places**

The service to be assessed is the additional provision of 44 places for children with Special Educational Needs at Manor Special School. The proposed expansion is aimed at increasing and improving the quality of provision to meet the needs of primary aged children with moderate to severe learning difficulties, and Autistic Spectrum Disorder (ASD)

There is a strong national legislative context which underpins the work of Local Authorities in assessing special educational needs development (SEND) and determining placement and support required to meet those needs. The LA has to take account of the SEN Code of Practice, and the SEND reforms within the Children and Families Bill effective from 1<sup>st</sup> September 2014 which provides statutory advice. The proposed development will increase the range of provision available to children with moderate to severe learning difficulties and ASD. It will provide opportunities for more children to be educated locally, within a peer group which allows the establishment of local friendship groups, and ensure that children do not have long journeys morning and evening in travelling to and from school.

The proposed change for consultation on expanding Manor School during 2014 is:

- Manor Special School – to expand by 44 places

### **3. Describe how the policy will impact on all of the protected groups. What evidence have you relied on to reach these conclusions?**

SEN: The Council's Special Educational Needs (SEN) and Disability services have faced pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend and is due to a combination of factors including: advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased in-migration and population growth.

By 2020, it is projected that 192 new SEN places will be required; of which 86 will be for primary aged children and 106 for secondary school pupils. The 44 places at Manor will contribute to the primary requirement of 86



places. The SEN requirement is over and above the mainstream places needed in Brent. If no action were taken many children with special educational needs would have no local school place and would have to travel to another borough, which could involve journeys of two hours each way.

Expanding the places at Manor School would create a disproportionate positive impact on age and disability ie SEN.

**Please give details of the evidence you have used:**

Demand for SEN Places

Details of the policy to expand school places are include in the following Cabinet reports:

School Expansion Programme – Revised Expansion Strategy 24 March 2014

School Place Planning Strategy 2014 - 2018

Below is a summary of previous and current policies for the creation of new places. There is no evidence that any of the protected groups were negatively impacted.

**SEN**

At the time of the consultation on the proposed development there were approximately 174 young people with special educational needs who have had to be placed in schools outside the Borough boundary to ensure that they access the support they need to overcome their difficulties and achieve their educational potential. This involves them having to spend a large proportion of their day travelling which does not support their learning. There has been extensive analysis of data on children and young people with SEN that underpins the reason for this development.

**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;**

The policy will create new places, increase parental choice and will be available for both boys and girls of primary school age regardless of their culture or religion.

SEN

The proposed development will increase access to educational opportunity for

children with special educational needs, in line with the provisions for overcoming discrimination and disadvantage to disabled groups as outlined in the Equality Act 2010.

**(b) Advance equality of opportunity;**

This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. Manor Special School is non-denominational, and able to meet the educational needs of children of all faiths. This school popular with parents, who consider a place at the school as an opportunity to improve their child's life chances and reach their full potential.

**(c) Foster good relations**

Expanding Manor School will inevitably lead to an increase in traffic and footfall in the local area. However, this is a relatively small expansion, many children walk to school, but those who do not walk are transported from home to Manor Special School by Brent Transport Services. The majority of pupils arrive together on vehicles that are supervised by school staff when children are dropped off and when they are leaving. No adverse comments were received from the first stage of consultation.

**5. What engagement activity did you carry out as part of your assessment? Who did you engage with? What methods did you use? What did you find out? How have you used the information gathered? How has it affected your policy?**

Please refer to stage 3 of the guidance.

In 2011, the Council consulted with all schools on its school place expansion strategy. Responses were received from headteachers, governors and others. This informed us of the level of interest in the five principles developed by the authority:

- Sufficiency of demand
- Improving learning outcomes
- Efficient use of resources
- Improving local SEN provision
- Diversity of type of provision

The results were reviewed and formed one of the factors of the school

expansion programme Executive report for August 2012.

We undertook further statutory consultations for individual schools by engaging with Headteachers, governing bodies, staff and parents of each school identified in the school expansion programme.

We engaged with the wider community by distributing detailed consultation documents tailored to the school and invited the community to have their say at a consultation meeting.

Statutory notice for the expansion of Manor School to be published on 18 September 2014. Responses and representations received are illustrated below.

School	Consultation responses received	Date statutory notice published	Representations received
Manor Special School	10	18/09/14	0

**SEN**

There has been consultation with the school the schools Governing Body, the staff of the school and the local community involved on this proposed development. Most of the consultation has been through face to face meetings and continuous dialogue. Brent Children’s Partnership has been consulted on SEN development within the broad range of actions the Authority is proposing to improve provision for children and young people with SEN and Disabilities.

**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 negate this impact.**

Please refer to stage 2, 3 & 4 of the guidance.

No negative impact on any protected group has been identified. No unmet needs/ requirements that affect specific protected groups have been identified.

**Please give details of the evidence you have used:**

School expansion will fully meet the requirements of the SEN Code of Practice and the SEND Reforms, Children and Families Act 2014, and the accessibility standards. A range of special education needs will be met within the expanded provision. The aim is to provide a maximum of 192 new SEN places across Brent over a period of time. Further analysis will take place to

complete the due diligence in order to validate the savings over a period of time by limiting the demand for out borough provision.

### 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

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

### 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.

### **No major change**

Your analysis demonstrates that:

- The policy is lawful
- The evidence shows no potential for direct or indirect discrimination
- You have taken all appropriate opportunities to advance equality and foster good relations between groups.

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

**Sections 1 to 8 of this document outlines why the policy is lawful why there is no potential for direct or indirect discrimination and the ways we have tried to foster good relations between groups. In summary -**

- **the policy is to create new primary SEN school places for all those children who currently do not have a school place, or will need one in future years. This a statutory duty of the council.**
- **the policy is to create much needed additional special educational needs school places.**
- **consultations have been carried out according to Department for Education guidelines.**
- **local residents, governing bodies, staff, parents, other schools, neighbouring authorities etc. have all been informed and given a chance to give their views on each consultation**
- **all views have been considered and put before the Brent Executive to make the final decision.**

### **Adjust the policy**

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).

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.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

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.

**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:

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.

**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.

It is a statutory duty of the council to provide sufficient school places. In order to carry out this duty officers monitor the flow of school aged children into and out of the borough on a regular basis. Officers also forecast the need for places up to a decade in advance using existing data and trends. Annual reports are written for the Executive outlining the strategies for creating (or indeed removing) primary, secondary and special needs school places.

Appropriate action is then taken e.g consulting with schools to expand therefore creating additional school places where required in the borough.

## 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.

## **Introduction**

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

### *The Equality Act 2010*

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### *What is equality analysis?*

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### **What should be analysed?**

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an



EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

#### *When should equality analysis be done?*

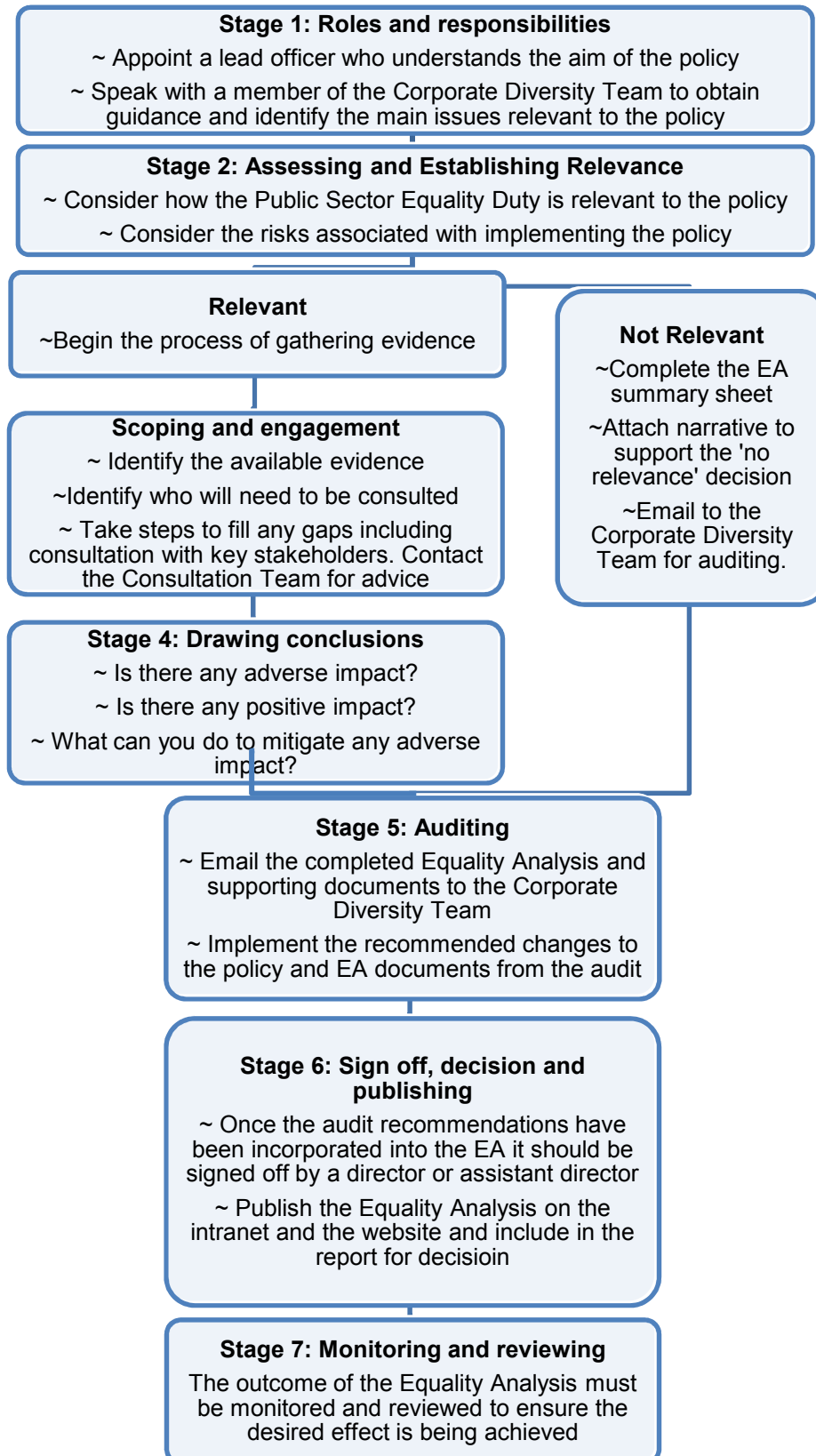
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

#### **Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## **Stage 2: Assessing and Establishing Relevance**

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### *Key Questions:*

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### *“Not relevant”*

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

#### *Sources of information*

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.
- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### *Service user information*

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### *Identify your information gaps*

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### *Engagement*

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

#### *Decision-making*

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.



## **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:


- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

	<p><b>Cabinet</b> 15 December 2014</p> <p><b>Report from the Strategic Director Children and Young People</b></p>
For Action	Wards Affected: ALL
<p><b>Consultation on proposed community schools oversubscription criteria and admission arrangements for the 2016/17 admission round</b></p>	

## 1.0 Summary

- 1.1. This report sets out proposals to consult on amendments to the oversubscription criteria for Brent primary community schools. The changes proposed are:
- 1.2. To create an additional criterion which prioritises siblings who live within the catchment area of Brent Community Schools over siblings who live outside the schools catchment.
- 1.3. To change the method of measuring the distance in the 'tie breaker' within each criterion from shortest safe walking distance using public rights of way, to straight line measurement.
- 1.4. To amend the wording and expand the explanation of the social medical criterion to provide clearer information for parents and carers.

## 2.0 Recommendations

- 2.1. To agree to carry out statutory consultation on the proposed changes to Community Schools Oversubscription Criteria to take effect from September 2016/17. The consultation is as required by the Admissions Code, revised February 2012.
- 2.2. To note that the results of the consultation will be reported back to the Cabinet for final decision on the proposals in March 2015.

### **3.0 Detail**

- 3.1. Currently there are 61 primary schools in Brent made up of Community, Voluntary Aided (VA) Foundation Schools and Academies. VA, Academies and Foundation schools are their own admission authority and determine their own admission arrangements. The council is the Admission Authority for primary community schools in Brent. There are 33 primary community schools. There are no secondary community schools in Brent. The recommendations in this report relate solely to Brent primary community schools a list of which is attached as appendix 1.
- 3.2. A catchment area is the defined neighbourhood in which the school is sited. It is generally bounded by major roads and/or railway/tube. The catchment area is defined by the local authority and is designed to ensure that each address in the borough falls into the catchment area of one school. Information on which streets make up a catchment area is available for parents/carers on the council's web site.
- 3.3. The Admissions Code requires that Admission Authorities have a mechanism to rank applications in order of priority. All schools and Admission Authorities must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by Admission Authorities.
- 3.4. **Consultation arrangements**  
As the Admissions Authority for Brent Community Schools the council is required to consult widely on any proposed changes to the admission arrangements and oversubscription criteria for 2016/17. This consultation must be for a minimum of eight weeks and be completed by 1 March 2015. As part of the consultation officers will ensure that the proposed changes are published on the internet, in the local press, circulated to schools, places of worship, nurseries and children's centres. Consultation meetings will be held locally for parents to attend.
- 3.5. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.

### **4.0 Proposed changes to be included in the consultation**

#### **4.1 Changing the sibling criterion**

- 4.2. Currently the Community School Oversubscription Criteria prioritises applications in the following order;
1. A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order.
  2. Children attending an infant school on the same site as a junior school.
  3. Children for whom it is essential to be admitted to a *specific school* because of special circumstances to do with significant medical needs, social needs or special educational needs.
  4. Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, and who will continue to do so on the date of admission.
  5. Children living within the school's catchment area.
  6. All other applicants.



- 4.3. It is proposed to consult to amend the oversubscription criteria as follows highlighted in bold
1. A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order.
  2. Children attending an infant school on the same site as a junior school.
  3. Children for whom it is essential to be admitted to a *specific school* because of special circumstances to do with significant medical needs, social needs or special educational needs.
  4. Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, **living in the catchment area of the school** and who will continue to do so on the date of admission.
  5. Children living within the school's catchment area.
  6. Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, and who will continue to do so on the date of admission.
  7. All other applicants.
- 4.4. There is considerable pressure on primary school places in Brent with a number of schools heavily oversubscribed. In some of the most popular and oversubscribed schools historically up to 50 per cent of places have been allocated to siblings. Not all siblings who secure a place live within the catchment of the school. Some siblings live up to 9,000 metres from the school they secure a place in. Once a sibling connection is established, the family can move out of the catchment but as long as there is a sibling in the school, retain priority for a place for other children in the family.
- 4.5. This can lead to families securing a place at a particular school and moving out of the area, holding on to the place and then siblings who live a distance away still have priority over local children.
- 4.6. The current sibling criterion (Criterion 4) which does not stipulate that brothers or sisters must live within the catchment of the school significantly reduces the chances of securing a place for local applicants who live within the catchment but do not have a sibling already in the school.
- 4.7. In recognising that it is important for siblings who live locally to the school to have priority it is proposed to create a new criterion which stipulates that siblings who live within the catchment will have a higher priority than those where families have moved out of the schools catchment.
- 4.8. Siblings where the family no longer live in the catchment will still have a priority but will be ranked after children who live in the catchment with no sibling. Wandsworth is carrying out statutory consultation on prioritising siblings living within 800m of a school having a higher priority than those living further away. Ealing currently prioritises siblings living within a school's priority area over those children living outside of the area, but are carrying out statutory consultation on whether all siblings regardless of where they live should have priority.

4.9. **Social or medical needs**

4.10. Criterion 3 refers to the social or medical needs of a pupil and while the published explanation provides interpretation of the criterion it is often misunderstood by parents and carers, leading to increased admission appeals and parental dissatisfaction. The current wording is set out below:

4.11. "Children for whom it is essential to be admitted to a *specific school* because of special circumstances to do with significant medical needs, social needs or special educational needs."

4.12. It is open to any parent to make an application under this criterion. The application should be supported, where possible, with a recommendation in writing from a recognised professional of senior status; medical consultant, head teacher of current school or other appropriate officer.

4.13. The recommendation for this specific school should demonstrate knowledge of the school in terms of resources and organisation which deems it essential that the named pupil be admitted to the specific school.

4.14. *This criterion relates to the child's medical, social and special needs and not to the needs of any other member of the child's family. Decisions regarding whether children fall under this criterion are made by the local authority. If you are unsure if your application meets this criterion, please contact the Brent School Admissions Service for further advice. It is better to send information to support your application. The local authority can only consider information it has received.*

4.15. It is proposed to amend the wording of the criterion and explanation to the following:

4.16. **Special circumstances to do with significant medical needs and or social needs.**

4.17. This criterion relates to the child's medical and or social needs. Such requests will only be considered for the school closest to the home address. The application must be supported by written evidence that set out the particular reasons why the school in question is the most suitable and the difficulties that would be caused if the child had to attend another school. The recommendation for this specific school should demonstrate knowledge of the school in terms of resources and organisation which deems it essential that the named pupil be admitted to the specific school. The council will not give higher priority to children under this criterion if the required documents have not been submitted.

4.18. **Medical Needs**

4.19. Applications made on medical grounds must be accompanied by compelling medical evidence from a hospital Consultant at the time of application. The letter from the hospital consultant must provide information about the child's medical condition, the effects of this condition and why, in view of this, the child needs to attend the parent's preferred school. If the school is not the closest to home, the consultant must set out in detail the wholly exceptional circumstances for attending this school and the difficulties if the child had to attend another school. Medical claims will only be considered for one school and this should be named by the consultant. In assessing these applications, advice will be sought from Brent's Special Education Needs Service.

#### 4.20. **Social Needs**

4.21. Applications made on social grounds must be accompanied by compelling evidence at the time of application. Social needs claims will be considered where there is involvement from a social worker, or other professional and where it can be demonstrated that the child has exceptional social needs that cannot be met at any other school. Parents' circumstances can have an impact on a child's social needs and evidence of this will be considered.

#### 4.22. **Distance measurement**

4.23. 'Tie Break' measurement. Within each criterion priority will be given to the applicant who lives closer to the school. This has been done by measuring the shortest safe walking distance using road networks including public rights of way\* from the child's home to the school gate. Where a school has more than one gate as defined in the admission arrangements distances will be measured to the nearest school gate from the child's home. Where schools have an agreed travel plan, this also includes any routes which schools have determined as being "safe routes to walk". (The travel plan used for this purpose will be the plan which is operational for the school at the closing date for applications.)

4.24. \*A public right of way is one which is determined by The Countryside Act 1968. Where applicants live in the same block of flats, internal walkways will be treated as public rights of way when calculating distance travelled (measurements will be taken from the door of each individual dwelling).

4.25. Given the scale of housing development in the borough it is difficult to ensure that the street maps are continuously updated and accurate. Parents often cite short cuts across estates and through underpasses as the routes they take to a particular school.

4.26. It is recommended to change the method for measuring the distance from the child's home to school from the shortest safe walking distance to straight line measurement. A straight line measurement undertaken by the Admissions software is the most straightforward to operate for the admissions service, dispenses with the requirement to update street maps, and is easy to understand for parents and carers.

4.27. The distance from home to school will be measured by straight-line, from a point in the property to a point in the school determined by the grid references for the centre of the school's postcode. The measuring system is an integral part of the admission software produced by Tribal Technology Ltd. It uses Ordnance Survey maps and the LLPG (Local Land Property Gazetteer) and is accurate to one metre. Adopting this method would bring Brent into line with current practice in Harrow and Ealing.

### **5.0 Financial Implications**

5.1. There are no specific financial implications for this report.

### **6.0 Legal Implications**

6.1. The School Admissions Code has been issued under Section 84 of the School Standards and Framework Act. The suggested changes to the council's oversubscription criteria adhere to the requirements of the Admissions Code, revised 1 February 2012.

- 6.2. Admission Authorities are responsible for admissions and must act in accordance with the Code, the School Admissions Appeals Code, other laws relating to admissions and relevant human rights and equalities legislation.
- 6.3. As the Admissions Authority for Brent Community Schools the council is required to consult widely on any proposed changes to the admission arrangements and oversubscription criteria for 2016/17.
- 6.4. This consultation must be carried out for a minimum of eight weeks ending on 1 March 2015.

## **7.0 Diversity Implications**

- 7.1. The predictive Equalities Impact Assessment is attached. In general the admissions policy aims to protect the interests of those who are disadvantaged or vulnerable. The changes should benefit those less able to 'work the system' by for example moving into specific catchment areas of popular schools. The consultation will however look for unintended consequences and downsides, in particular in relation to the consequences of welfare reform.

## **8.0 Staffing/Accommodation Implications**

- 8.1. There are no staffing or accommodation implications from this report.

## **Appendices**

- i) List of community primary schools
- ii) Equalities Impact Assessment

## **Contact Officer(s)**

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Tel: 020 8937 6422  
Email: gail.tolley@brent.gov.uk

<b>Type of School</b>	<b>Name of school</b>	<b>Headteacher name</b>
Community	Anson Primary School	Ms Saadia Lansiquot
Community	Barham Primary School	Ms Karen Giles
Community	Braintcroft Primary School	Ms Nadine Ferguson
Community	Brentfield Primary School	Mrs Paola Riddle
Community	Byron Court Primary School	Mrs Martine Clark
Community	Carlton Vale Infant School	Ms Helen Mooney
Community	Chalkhill Primary School	Ms Rose Ashton
Community	Donnington Primary School	Mr Roger Roberts
Community	Elsley Primary School	Mr Raphael Moss
Community	Fryent Primary School	Mrs Jean Thwaites
Community	Furness Primary School	Mrs Sylvia Libson
Community	Harlesden Primary School	Ms Linda Perrier
Community	Kingsbury Green Primary School	Ms Laura Wynne
Community	Leopold Primary School	Ms Audrey Kendall
Community	Lyon Park Infant School	Mrs Nicola Yudin
Community	Lyon Park Junior School	Mrs Nicola Yudin
Community	Malorees Infant School	Ms Sian Davies
Community	Mitchell Brook Primary School	Mrs Theresa Landreth
Community	Mora Primary School	Ms Nicola Denton
Community	Mount Stewart Infant School	Mrs Naomi Ninvalle
Community	Mount Stewart Junior School	Mrs Bindu Rai
Community	Newfield Primary School	Ms Sarah Bolt
Community	Northview Primary School	Ms Judith Keen
Community	Oliver Goldsmith Primary School	Mrs Martine Clark
Community	Park Lane Primary School	Miss Enid Lewis
Community	Preston Park Primary School	Mr John Redpath
Community	Roe Green Infant School	Mrs Nicole Lobo
Community	Roe Green Junior School	Ms Melissa Loosemore
Community	Salisbury Primary School	Mrs Linda Kiernan
Community	The Stonebridge School	Ms Sophie Allen
Community	Uxendon Manor Primary School	Mr Jonthan Parry
Community	Wembley Primary School	Mr Rob Fenton
Community	Wykeham Primary School	Mr Everent Sharpe

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2014

# Equality Analysis Guidance and Form



## 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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<p><b>Directorate:</b> Children and Young People</p> <p><b>Service Area:</b> Early Help and Education</p>	<p><b>Person Responsible:</b></p> <p>Name: Carmen Coffey</p> <p>Title: Head of Pupil and Parent Services</p> <p>Contact No: 020 8937 3033</p> <p>Signed:</p>
<p><b>Name of policy:</b></p> <p><b>Community Schools Oversubscription Criteria 2016/17</b></p>	<p><b>Date analysis started: November 2014</b></p> <p><b>Completion date March 2015</b></p> <p><b>Review date:</b></p>
<p><b>Is the policy:</b></p> <p>New <input type="checkbox"/> Old <input type="checkbox"/> Old policy, but asking cabinet to carry out statutory consultation to amend the oversubscription criteria for admission to Brent Community Schools</p>	<p><b>Auditing Details:</b></p> <p>Name:</p> <p>Title:</p> <p>Date:</p> <p>Contact No:</p> <p>Signed:</p>
<p><b>Signing Off Manager:</b> responsible for review and monitoring</p> <p>Name: Carmen Coffey</p> <p>Title: Head of Pupil and Parent Services</p> <p>Date:</p> <p>Contact No:</p> <p>Signed:</p>	<p><b>Decision Maker:</b></p> <p>Name individual /group/meeting/ committee:</p> <p>Date:</p>



**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 policy is the criteria used to prioritise applications for admission to Brent Community Schools. The Proposal in the Cabinet report for 15<sup>th</sup> December 2014 is to consult on amending the oversubscription criteria to be used when schools are oversubscribed, i.e. when they have more applications than places available from the 2016/17 academic year. If Cabinet agree to consult on changes to the Oversubscription Criteria a further report will be submitted to cabinet in March 2015 with the results of the consultation to make a decision. This EIA will be updated for the March cabinet meeting. The council is the Admission Authority for Brent Community Schools and responsible for determining their admission arrangements.

In detail; to change the sibling criteria to rank children living within the school catchment area above siblings who live outside of the catchment.

To change the method of measuring the distance from home to school from shortest safe walking distance to straight line.

To provide further clarification on the social/medical criterion to make it clearer for parents and carers.

The Admissions Code dated February 2012 requires that Admission Authorities have a mechanism to rank applications in order of priority. All schools and Admission Authorities must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements are determined by Admission Authorities.

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

Protected Group Age

The policy will impact on children and young people attending primary schools as some children who would under the existing policy secure a place at a school would not do so if the policy were to change. However, other children who currently would not secure a place will do so.

Protected Groups children with SEN and disability

These children are protected within the Admissions Code as their places are secured through the LA's SEN department.

Protected Group Gender reassignment

Not applicable

Protected Group Marriage and Civil Partnership

Not applicable

Protected Group Pregnancy and Maternity

Not applicable

Protected Group Race

Not applicable – not part of the oversubscription criteria

Protected Group Religion or Belief

Not applicable – not part of the oversubscription criteria for Community Schools

Protected Group Sex or sexual orientation

Not applicable – all community schools are co educational

The Admissions Code states that oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs. Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated. The Admissions Code states the highest priority must be given to looked after children and previously looked after children. The Admissions Code states admission authorities must not:

- a) place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements;
- b) take into account any previous schools attended, unless it is a named feeder school;
- c) give extra priority to children whose parents rank preferred schools in a particular order, including ‘first preference first’ arrangements;
- d) introduce any new selection by ability;
- e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation, including any religious authority;
- f) give priority to children according to the occupational, marital, financial or educational status of parents applying (though children of staff at the school may be prioritised in arrangements);
- g) take account of reports from previous schools about children’s past behaviour, attendance, attitude or achievement, or that of any other children in the family;
- h) discriminate against or disadvantage disabled children or those with special educational needs;
- i) prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination);
- j) in designated grammar schools that rank all children according to a pre-determined pass mark and then allocate places to those who score highest, give priority to siblings of current or former pupils;
- k) in the case of schools with boarding places, rank children on the basis of a child’s suitability for boarding
- l) name fee-paying independent schools as feeder schools;
- m) interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on

whether to offer a place.

n) request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process – including for tests; or

o) request photographs of a child for any part of the admissions process, other than as proof of identity when sitting a selection test.

The Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable according to the local circumstances. The existing and the proposed oversubscription criteria are in general use within Admission Authorities.

If the proposal to consult on the changes to the community schools oversubscription criteria is agreed, in addition to the requirements of the statutory consultation described below, the council will carry out in depth consultation with parent groups in public meetings and through schools.

When changes are proposed to admission arrangements, all admission authorities must consult by 1 March on their admission arrangements. Consultation must last for a minimum of 8 weeks and must take place between 1 November and 1 March in the determination year.

Admission authorities must consult with:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d) whichever of the governing body and the local authority who are not the admission authority;
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and
- f) in the case of faith schools, the body or person representing the religion or religious denomination.

For the duration of the consultation period, the admission authority must publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought. Admission authorities must also send upon request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.

**Please give details of the evidence you have used:**

The existing and proposed oversubscription criteria for Brent Community schools are compliant with the statutory Admissions Code.

**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;** The proposed oversubscription criteria are fair and transparent and are compliant with the Admissions Code

**(b) Advance equality of opportunity;**

The proposal to consult on changes to the oversubscription criteria if agreed, offers local children a greater opportunity to be admitted to a local school.

**(c) Foster good relations**

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

To be carried out if Cabinet agree to consult on changes to the Oversubscription Criteria.

**i. Who did you engage with?**

**ii. What methods did you use?**

**iii. What did you find out?**

**iv. How have you used the information gathered?**

**v. How has it affected your policy?**

**6. Have you 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.

None identified so far but to be completed if Cabinet agree to consult on the proposed changes.

**Please give details of the evidence you have used:**

## 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			√

## 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.

### No major change

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

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

**Adjust the policy**

*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).*

*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.*

*If you have identified mitigating measures that would remove a negative impact, please detail those measures below.*

*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.*

**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:*

*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.*

**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.

**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.



## **Introduction**

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

## ***The Equality Act 2010***

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

## ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

## **What should be analysed?**

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new.

There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

#### *When should equality analysis be done?*

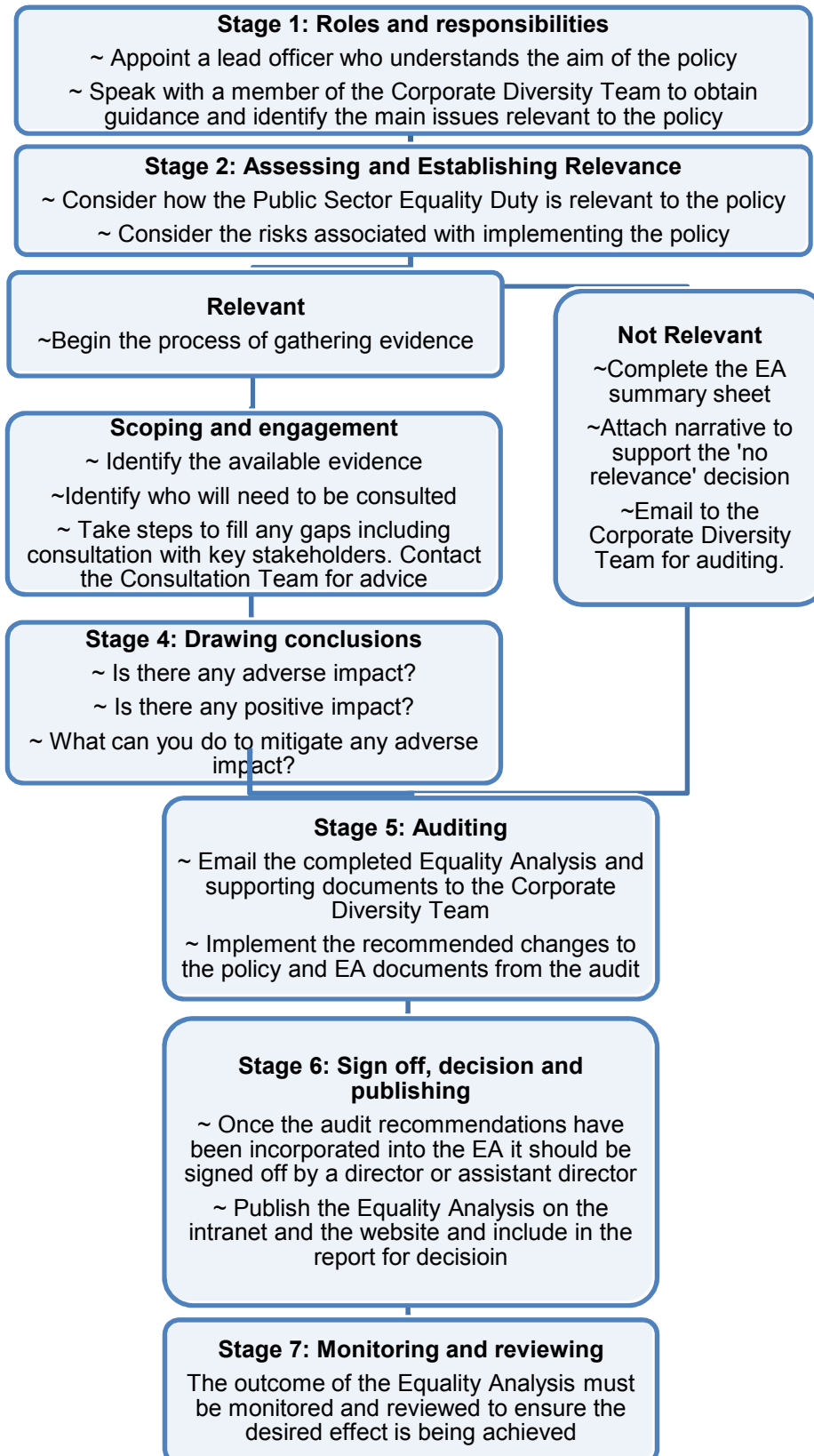
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

#### **Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## **Stage 2: Assessing and Establishing Relevance**

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### ***Key Questions:***

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### ***“Not relevant”***

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement

can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?



If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

## **Decision-making**

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

### **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.

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**Cabinet**  
15 December 2015

## **Report from the Strategic Director of Environment and Neighbourhoods**

For Action

Wards Affected: ALL

### **Agreement to a Revised Service Level Agreement between LB Brent and LB Harrow for the Trading Standards Consortium**

#### **1.0 SUMMARY**

1.1 This report seeks approval to revise the longstanding service level agreement with London Borough of Harrow for the continued provision of trading standards through a shared service arrangement.

#### **2.0 RECOMMENDATIONS**

2.1 That Cabinet agree the continued provision of trading standards through a shared service arrangement with the London Borough of Harrow.

2.2 That Cabinet delegates authority to the Strategic Director, Environment & Neighbourhoods in consultation with the Director of Legal & Procurement to agree revisions to the service level agreement necessary to enable shared service arrangements to continue to operate in an efficient and effective manner.

#### **3.0 DETAILS**

##### **Background**

3.1 Brent has provided a Trading Standards service for Harrow on a consortium basis since the demise of Middlesex County Council on 1 April 1965 – thus the shared service will celebrate its 50th anniversary next April. Originally, the service encompassed the Boroughs of Harrow, Brent and Ealing. However, Ealing left the consortium in early 1994.

3.2 In 1996, a formal consortium agreement was drawn-up between Brent and Harrow based upon the prior agreement between the three parties but with safeguards to allow each borough to establish its own preferred level of service. Brent's ability to determine the level of service and require the other boroughs to contribute proportionately to the costs of the service had been a major issue motivating Ealing to leave the Consortium.

3.3 In 2001 further change was required to the Consortium arrangements with the introduction of the Executive system of governance. Prior to this point the Consortium had been overseen by a Joint Consortium Committee which had some limited decision making powers. With the introduction of the Executive arrangements the Committee could only retain decision making powers if the Committee became a Sub Committee of the Executive. The decision was taken to remove the decision making powers from the committee and a Joint Advisory Board comprising three Members from each authority was established. Provisions regarding the remit of the Joint Advisory Board are contained in Part 2 of the Constitution.

### **Service Level Agreement**

3.4 Although a working text of a new Consortium Agreement was prepared and agreed between Brent and Harrow officers in 2003 (the Agreement) it is believed that it was never formally signed. Both Boroughs have operated the Agreement as though it had been signed. Harrow have, in any event, made specific delegations of powers to Brent officers to enable the Brent staff to undertake their duties in Harrow and to act on Harrow's behalf. The Joint Advisory Board has met as required by the Agreement. All the financial provisions of the Agreement have been honoured by both parties.

3.5 The 2003 Agreement is now out-dated in many respects. The Agreement included for example references to fixed costs, activity costs and apportionable costs assuming that the Trading Standards service would continue to hold devolved budgets for elements such as accommodation, finance, HR and IT support . In Brent these have now been centralised.

3.6 Given that changes to the Agreement have been identified as necessary to ensure the continued efficient and effective operation of a shared trading standards service, Officers from Brent and Harrow have been in discussion regarding a revised agreement. The proposed revised agreement would address the issues detailed in paragraph 3.5, simplifying and making more workable the budget setting processes for the two boroughs and reflecting the changed Executive arrangements for both boroughs. It proposes some other changes, including:

- simplified invoicing and payment arrangements to cover the cost of the service;
- updated definitions of overheads and fixed costs to reflect the changes in accounting for these costs within Brent Council - the host authority;
- adjusted dispute resolution arrangements to exclude the Secretary of State and instead use the Institute of Arbitration;
- shortening the 'do nothing' period that allows for a review of whether to recruit by both boroughs, in the event of staff vacancies;
- removed references to the demised Best Value government requirement;
- updating performance and financial reporting and oversight arrangements;
- extending the notice required by either party to dissolve the arrangement from 12 months to 24 months, as the longstanding notice period is shorter than the length of many of the complex criminal cases that the service undertakes nowadays.

3.7 Recent changes in managerial arrangements for commissioning at Harrow, and for delivery of the service at Brent, have assisted in the development of a revised service level agreement.

- 3.8 The arrangements for the shared service were reviewed by Harrow’s Cabinet on 15 January 2014, and Harrow’s Cabinet agreed to:

“Note and agree the continued joint arrangements for the Trading Standards service with Brent Council ....”

and

“Delegate authority to the Corporate Director Environment and Enterprise in conjunction with Brent Council’s Strategic Director of Environment and Neighbourhood Services and in consultation with the Portfolio Holder for Community Safety and Environment to conclude the year on year changes to the SLA to reflect the operational needs of the Council and to execute such documents as necessary .....”<sup>1</sup>

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Efficiencies of scale, permit both councils to deliver trading standards services that have a far greater impact than would be achieved alone. Both councils make savings from sharing management costs and the costs of fixed resources such as laboratory and evidence stores. The scale of the service means that specialisations such as financial investigation and the recovery of assets under the Proceeds of Crime Act are possible which a smaller service could not afford.
- 4.2 The proposed changes to the service level agreement have no budgetary implications.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The shared service arrangement in respect of trading standards between Brent and Harrow is longstanding and the majority of fundamental issues for a shared service are agreed. As a result the intention is merely to review and where appropriate revise existing arrangements.
- 5.2 Under any revised agreement Harrow will continue to delegate powers to Brent Officers to act on its behalf. Brent will continue to provide the service back to Harrow pursuant to the Local Authorities (Goods and Services) Act 1970, whereby local authorities are able to provide administrative and technical services to other local authorities. Under Standing Order 87, Cabinet approval is required to enter into any arrangement over £150,000 per annum through which Brent provides services to others.
- 5.3 Brent Council and Harrow Council are both weights and measures authorities by virtue of Section 69 Weights and Measures Act 1985. This service level agreement is a joint arrangement under section 101(5) of the Local Government Act 1972 for the discharge of functions of a weights and measures authority.

#### **6.0 DIVERSITY IMPLICATIONS**

- 6.1 None.

#### **7.0 STAFFING / ACCOMMODATION IMPLICATIONS**

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<sup>1</sup> <http://www.harrow.gov.uk/www2/documents/s111953/Trading%20Standards.pdf>

7.1 The shared service is delivered from Brent Civic Centre and the proposed revisions to the service level agreement have no current staffing or accommodation implications.

## **8.0 BACKGROUND PAPERS**

8.1 None

## **9.0 CONTACT OFFICERS**

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**SUE HARPER**  
**Strategic Director of Environment and Neighbourhoods**

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> <b>15 December 2014</b></p> <p><b>Report from the Strategic Director of Environment and Neighbourhoods</b></p>
<p>For Action <span style="float: right;">WARDS: All</span></p>	
<p><b>Delegation of powers to London Councils Transport and Environment Committee: Appeals service for parking on private land.</b></p>	

## 1.0 Summary

- 1.1 This report asks members to confirm previous arrangements and agree the ongoing delegation of powers to the London Councils Transport and Environment Committee Joint Committee (LCTEC) for the purpose of providing an appeals service for parking on private land via a contract, and that members agree that the LCTEC Governing Agreement be formally varied accordingly. The service has been provided on a cost recovery basis by London Councils through a contract with the British Parking Association since October 2012 and it is proposed that it should continue in this way until the end of the contract period in October 2015.

## 2.0 Recommendations

That Cabinet:

- 2.1 formally confirm that the functions delegated to London Councils Transport and Environment Committee to enter into the arrangements with the British Parking Association were and continue to be delivered pursuant to section 1 of the Localism Act 2011;
- 2.2 expressly delegate the exercise of section 1 of the 2011 Act to London Councils Transport and Environment Committee for the purpose of providing an appeals service for parking on private land under contract on a full cost recovery basis; and

authorise the Strategic Director Environment and Neighborhoods to take all relevant steps to give effect to the matters set out in 2.1 and 2.2 above through a formal variation to the LCTEC Governing Agreement

### **3.0 Detail**

- 3.1 This report arises following a report to the LCTEC on 11<sup>th</sup> September 2014 a copy of which is attached as **Appendix 1**. The LCTEC agreed at that meeting to recommend to participating Councils that the aforementioned resolutions be made.
- 3.2 The background to this matter as set out in the attached report is that on 15<sup>th</sup> March 2012 LCTEC agreed that London Councils should provide an appeals service for parking on private land for the British Parking Association (BPA) under contract on a cost-recovery basis. On 14<sup>th</sup> June 2012, LCTEC received a report to say that the basis for providing such a service had been accepted by the BPA and agreed that a contract should be entered into to provide the service. The service, known as POPLA (Parking on Private Land Appeals) started on the 1<sup>st</sup> October 2012 and has since provided the appeals service to more than 25,000 motorists. The service operates on a full cost recovery basis.
- 3.3 An objection was raised on the London Councils consolidated accounts by an interested person that LCTEC did not have the legal power to provide the service. London Councils' auditors, PWC, have been investigating this. There are legal points in support of the contention that it has been properly delegated, but there are some arguments that it should have been more specifically stated.
- 3.4 In order to clarify, for any avoidance of doubt, the authority of LCTEC to deliver the POPLA service and to facilitate a conclusion to the issue with the Auditor PWC and the objector, the LCTEC recommend that the participating councils affirm the original position delegating authority to act to LCTEC in this regard, expressly delegate in detail the power for the future, and resolve to amend the agreement with LCTEC accordingly.

### **4.0 Financial Implications**

- 4.1 There are no financial implications for the Council arising from these recommendations

### **5.0 Legal Implications**

- 5.1 Under the Localism Act 2011 section 1 the Council has wide powers to enter into arrangements for a variety of activities. The Cabinet has authority under the Local Government Act 2000 and regulations made thereunder to delegate functions to a joint committee. It is therefore open to members to delegate powers to the LCTEC for the purposes outlined and it is prudent to make such express provision moving forwards. As for the position in the past, this is for the reasons outlined in the attached report not as clear as it could be and the proposed resolution adds some clarity to the position. Attached as **Appendix 2** is further legal advice which is exempt from publication.

### **6.0 Diversity Implications**

6.1 None

**7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None

**Background Papers**

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# London Councils' TEC Executive Sub Committee

## TEC Agreement – POPLA Amendment

Item No: 04

**Report by:** Nick Lester      **Job title:** Corporate Director, Services  
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**Summary:** This report seeks the agreement of the TEC Executive to recommend to all councils that they each formally resolve to expressly delegate the exercise of section 1 of the Localism Act 2011 to the TEC joint committee for the sole purpose of providing an appeals service for parking on private land for the British Parking Association under contract, confirming for the avoidance of doubt that the existing arrangements are and have been delivered on that basis to-date, and that the TEC Governing Agreement be formally varied accordingly. The service has been provided on a cost recovery basis by London Councils since October 2012 and it is proposed that it should continue in this way until the end of the contract period in October 2015. An express delegation of the exercise of section 1 for this purpose by individual councils, and the variation of the TEC Governing Agreement to reflect this, would remove any legal doubt as to TEC's authority to deliver the service and allow London Councils' auditors, PWC, to conclude an outstanding issue in relation to an objection to the accounts.

**Recommendations:** Members are recommended to:

- Recommend to all 33 London local authorities that they: formally confirm that the functions delegated to TEC to enter into the arrangement with the British Parking Association were and continue to be delivered pursuant to section 1 of the Localism Act 2011; resolve to expressly delegate the exercise of section 1 of the 2011 Act to the TEC joint committee for the sole purpose of providing an appeals service for parking on private land for the British Parking Association under contract; and that the TEC Governing Agreement be varied to this end.

## **Background**

On 15<sup>th</sup> March 2012 TEC agreed that London Councils should provide an appeals service for parking on private land for the British Parking Association under contract. This was on the basis that this would complement the service provided by PATAS which deals with appeals made against parking enforcement on the highway. It was considered at the time that providing the service on a cost-recovery basis would be in the public interest as: restrictions on parking within London on private land would have a direct impact upon London local authorities, their resources and residents; a significant proportion of the public affected and inclined to avail themselves of the POPLA service were likely to come from the Greater London area; and, having regard to those matters, as TEC was the only interested, qualified bidder. On 14<sup>th</sup> June 2012, TEC received a report to say that the basis for providing such a service had been accepted by the BPA and agreed that a contract should be entered into to provide the service.

The service, known as POPLA (Parking on Private Land Appeals) started on the 1<sup>st</sup> October 2012 and has since provided the appeals service to more than 25,000 motorists. The service operates on a full cost recovery basis and at no cost to the London Council Tax payer.

An objection was raised on the London Councils consolidated accounts by an interested person (residing within London) that TEC did not have the legal power to provide the service. London Councils' auditors, PWC, have, for some time, been investigating this and numerous other objections submitted by the same individual.

PWC has informed London Councils of legal advice it has had from the Audit Commission on the Commission's view on the power of London Councils to provide the POPLA service. In essence, the Audit Commission advice accepts that the London local authorities have the power under Section 1 of the Localism Act 2011 to provide the service and that the exercise of these functions could be delegated to TEC. London Councils agrees with this conclusion.

The Audit Commission advice, however, questions whether the exercise of those functions has been properly delegated to TEC. The issue turns on whether the Committee could be said: to have existing delegated authority under the terms of the TEC Governing Agreement; alternatively whether it made or confirmed such a delegation by virtue of the decisions it made to provide the service in 2012; or whether each individual authority should have expressly resolved to delegate the exercise of section 1 of the 2011 Act to the joint committee for the purposes of TEC's delivery of the POPLA service with the TEC Agreement being formally varied accordingly.

PWC has asked for London Councils' view on this advice in advance of making a formal determination about the objection. London Councils and its legal advisors remain of the view that the service is currently being delivered by TEC on a lawful basis on behalf of all the participating authorities with their consent and proper authority under the existing terms of the TEC Governing Agreement, and confirmed by the Committee resolving to provide the service in 2012 with these matters having been raised with local authorities prior to those decisions being taken in the normal way in respect of TEC business. However, it is accepted, that there is room for argument as to whether individual councils had to state expressly that they agreed that the arrangement with the BPA was pursuant to exercise by TEC of their powers under section 1 of the 2011.

## **Next Steps**

Taking active and expedient steps to expressly clarify the authority of TEC to deliver the POPLA service is intended to satisfy London Councils' auditors and inform their determination in respect of the objection raised by the interested member of the public on the consolidated accounts for the 2012/13 year. Further, this would help PWC to sign off the TEC and the consolidated accounts for 2013/14 by the statutory deadline.

Accordingly, for the avoidance of doubt and to facilitate a conclusion to the issue with the Auditor PWC and the objector, it is recommended that all authorities be asked to:

- (a) formally confirm that the exercise of functions delegated to TEC to enter into the arrangement with the British Parking Association were and continue to be delivered pursuant to section 1 of the Localism Act 2011;
- (b) formally resolve to expressly delegate the exercise of section 1 of the 2011 Act to the TEC joint committee for the sole purpose of providing an appeals service for parking on private land for the British Parking Association under contract; and
- (c) take all relevant steps to give effect to the matters set out in (a) and (b) above through a formal variation to the TEC Governing Agreement

#### **Legal Implications for London Councils**

The legal implications are set out in the body of the Report.

#### **Financial implications for London Councils**

There are no financial implications for London Councils from this recommendation

#### **Equalities Implications for London Councils**

There are no equalities implications for the boroughs or London Councils arising from this report.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Cabinet**  
15 December 2014

**Report from the Strategic Director,  
Environment and Neighbourhoods**

For Action

Wards Affected:  
Barnhill; Dudden Hill; Northwick Park; Preston;  
Stonebridge; Wembley Central

**Changes to Council-Owned Car Parks**

## 1. SUMMARY

- 1.1. This report proposes changes to several of the Council's car parks. The report recommends:
- Changing the operational use of some car parks, including their charge tariffs
  - Introducing charges and operational controls to Northwick Park Car Park and Disraeli Road Car Park
  - Formalising changes which have already occurred, such as the closure of the Town Hall Car Park
- 1.2. This report is intended to address pressing issues affecting some specific car parks. Officers will review the impact of implemented proposals, and a further report will be brought to Members in 2015 which will include a strategic pricing review of all Council-owned car parks, linked to the Council's Transport Strategy.

## 2. RECOMMENDATIONS

- 2.1. That Cabinet agrees to the removal of the Town Hall, Church End Road, and Cecil Road Car Parks from Schedule 1 and 2 of the Council's Off-Street Traffic Order, as detailed in paragraph 3.1.
- 2.2. That Cabinet agrees to include Disraeli Road and Northwick Park Car Parks in the Schedules to the Council's Off-Street Traffic Order, including the proposed operational hours and parking tariffs set out in paragraphs 3.3 to 3.8; subject to any amendments arising following statutory consultation.

- 2.3. That Cabinet agrees to revise the cost of season ticket parking for Preston Road Car Park (Preston) to the prices set out in paragraph 3.9 to 3.18; subject to amendments arising following statutory consultation.
- 2.4. That Cabinet agrees to introduce season ticket parking for Elm Road Car Park (Wembley Central), to the proposed prices as set out in paragraphs 3.19 to 3.25.
- 2.5. That Cabinet considers whether to amend the Car Park tariffs in the Wembley Event zone; extend parking controls; and permit long stay parking at market rates (details in paragraphs 3.26 to 3.30).
- 2.6. That Cabinet delegates authority to the Operational Director (Environment & Protection) to implement any minor alterations following statutory consultation, in consultation with the Cabinet Member (Environment).

### **3. PROPOSALS**

#### Removing Car Parks from the Off-Street Traffic Order

- 3.1. There is a need to formally remove several car parks from the off-street traffic order following charges which have been agreed over the past two years.
  - Town Hall Car Park (Barnhill). The Council is no longer the operator of the Town Hall Car Park, following the sale of the building. This car park needs to be removed from the schedules of the off-street traffic order.
  - Church End Car Park (Dudden Hill). This car park is to be closed in order to facilitate development on the land (planning application 13/1098).
  - Cecil Road Car Park (Wembley Central) was leased to the Council. In 2013, the freeholder of the land decided to break from the lease agreement. The Council are therefore no longer operating this car park.
- 3.2. These car parks now need to be removed from the schedules of the off-street traffic orders.

#### Disraeli Road Car Park (Park Royal)

##### 3.3. Background.

3.3.1. Disraeli Road Car Park, NW10, is a small car park in Stonebridge Ward, with capacity for 74 vehicles. The car park is surrounded by several industrial units and the Grand Union Canal is to its north. Harlesden Station is approximately 10 minutes walk, to the north of the car park.

3.3.2. The car park is not currently contained within the Council's Traffic Order, and is therefore not regulated in any way. This has created some problems for the Council, with demand for parking at the facility outstripping capacity.



3.3.3. In 2013, the condition of Disraeli Road car park attracted a number of complaints from local businesses regarding fly tipping on the site, and unlicensed vehicles left parked. In response the car park was cleaned and new height barriers installed to prevent large vehicles (capable of large scale fly tipping) from accessing the site. There are several factors which may have contributed to the fly tipping issues at the site: the lighting is poor; the trees are overgrown and hide the car park from the public highway; and local footfall is low in the evenings as the site is within an industrial area. Officers are addressing issues with tree foliage and lighting levels; however, bringing the car park into the off-street traffic order will mean that the site will also have regular patrols, thereby limiting opportunist crime.

3.3.4. Repairs are being made to the trees on the site which had become overgrown and unsafe, and made several parts of the car park inaccessible. Maintenance is also being carried out on the four lighting columns which have fallen into a state of disrepair.

3.3.5. The site currently does not provide any income for the Council, although the Council spends £8,700 p.a. on business rates for the land. In effect, the users of the car park are being subsidised from the Council's general revenue income

### **3.4. Survey and findings**

3.4.1. In October 2014 a survey of the car park was undertaken to establish occupancy levels and determine who the core users of the site are. Details of this survey can be found in Appendix B.

3.4.2. The site is mainly used by businesses operating in the local area. The car park is fully occupied at the start of the working day, and remains so until business hours close.

3.4.3. On normal midweek days, the parking bays were on average 85% occupied. However, for some parts of the day bays were 97% occupied, and the car park would have reached saturation had all bays been accessible. Including vehicles parked outside of marked bays, the car park exceeded its safe capacity reaching 108% at its peak. Many of the vehicles in the car park are parked before 10am and remain there until at least 5pm.

3.4.4. Demand for the car park eases at the weekend, with occupancy reducing to 53% of its capacity on Saturdays and 43% on Sundays.

### **3.5. Proposals**

3.5.1. Officers recommend that the car park be added to the Council's off-street traffic order. This will enable the Council to regulate the car park using standard terms and conditions to prevent the facility from being misused. Officers propose that parking controls are in place between the hours of 8am and 8pm from Monday to Sunday; during these hours the car park will be subject to parking enforcement.

3.5.2. Officers also propose that users of the car park should be charged a market rate for its use. This would cover the cost of providing the facility and its enforcement, but without preventing legitimate users from continuing to have access. On this basis, it is proposed to introduce a low-cost all-day tariff of £3 per day Monday to Friday. Officers

propose that payment would only be permitted by cashless means (via mobile telephone) thereby minimising the operating costs of the car park and the risk of cash theft. The London Borough of Ealing operates a similar all-day tariff for cashless car park users.

3.5.3. Statutory consultation would be required. The Strategic Director (Environment and Neighbourhoods) will consider any objections, in consultation with the Cabinet Member (Environment), before making the formal Traffic Order.

3.5.4. Officers will monitor uptake of the parking tariff over the course of the 2015/2016 fiscal year, and will recommend further changes to Cabinet should there be an operational requirement.

### **Northwick Park Car Park**

#### **3.6. Background**

3.6.1. Northwick Park car park (Northwick Park) is a small car park within the boundary of Northwick Park, with vehicle access from The Fairway. The car park has capacity for 96 vehicles, including three parking bays set aside for disabled users.

3.6.2. Neighbours of the park include Northwick Park Hospital, the University of Westminster, and Northwick Park London Underground station.

3.6.3. The car park, adjacent to the park's pavilion, is primarily intended to facilitate parking for those using the Council's sports fields. However users have reported that they are often unable to find available parking, prompting further investigation.

#### **3.7. Survey and findings**

3.7.1. The car park was surveyed over a week in October 2014. The number of vehicles was counted, and the vehicle registration marks recorded on each visit.

3.7.2. The car park is heavily used on weekdays, reaching 95% of its capacity between the hours of 9am and 4pm, with very little vehicular turnover. At times occupancy rises to 97% of the car park's capacity, with additional vehicles parked outside of bay markings.

3.7.3. Occupancy recorded over the weekend was much lower, reaching 43% of the car park's capacity on Saturday, and 34% on Sunday.

3.7.4. A number of regular users are staff working in Northwick Park Hospital. The hospital's own staff car park is at full capacity on most weekdays; a monthly charge is made for staff parking permits.

#### **3.8. Proposals**

3.8.1. It is recommended that the car park is added to the Council's off-street traffic order. This will enable the Council to regulate the car park using standard terms and conditions to prevent the facility from being misused. Officers propose that parking

controls are in place between the hours of 8am and 6pm from Monday to Friday; during these hours the car park will be subject to parking enforcement.

- 3.8.2. In order to control demand, officers are proposing to implement a parking tariff designed to deter commuters from using the car park for a full day, without discouraging those wishing to make use of the Council's sporting facilities.
- 3.8.3. To permit enforcement it is proposed to implement a cashless parking tariff for this facility. In order to avoid disadvantaging park visitors, this would be free for the first three hours of parking provided that users register their vehicle and time of arrival at the car park. Three hours is sufficient time for genuine users of the sports facilities to complete their activities. Those wishing to park beyond three hours – principally commuters - would be charged a flat fee of £7.50 (Monday to Friday). Note that £7.50 is the cost of all-day cashless parking charges levied at the Council's other public car parks; in this case, the charge would cover the cost of processing free tariff transactions for all users of the car park, including those parking during the initial free period. The lower levels of occupancy at weekends suggest that operational controls would be unnecessary on weekends. This will be kept under review.
- 3.8.4. The car park is currently closed at dusk in line with the opening hours of the park. The hours of car park operation are therefore currently limited by the hours of daylight. In the winter the car park may close as early as 4pm. The car park gates are closed at dusk by Veolia staff acting for Sports and Parks. It is proposed that opening and closing responsibilities for this car park are transferred to the Parking and Lighting Service, which has staff from its operational contractor available later in the evening; this will facilitate a fixed closure time of 6 pm (Mon-Fri) for the car park throughout the year.
- 3.8.5. Statutory consultation would be required. The Strategic Director (Environment and Neighbourhoods) will consider any objections, in consultation with the Cabinet Member (Environment), before making the formal Traffic Order.
- 3.8.6. Officers will monitor uptake of the parking tariff over the course of the 2015/2016 fiscal year (including the ratio between paying customers and those using the free tariff), and will recommend further changes to Cabinet should there be an operational requirement. The Council will also monitor the effects of displaced parking on local on-street free parking. On-street parking levels are generally high in the local area during the hospital's main hours of operation. Other car parks in the local area, owned by the hospital, charge a fee for use.

## **Season Ticket Parking**

### **3.9. Background**

3.10. The off-street traffic order currently makes provision for customers to buy season tickets at Preston Road Car Park; however, to date there has been no interest from members of the public.

3.11. Officers believe that the main cause of this is cost, with season ticket prices set too high to attract interest. Current season ticket costs are:

£806 for a half day season ticket for six months

£1,000 for a full day season ticket for six months

£1,606 for a half day season ticket for twelve months

£2,000 for a full day season ticket for twelve months

3.12. Some car parks are significantly underused as short-stay pay and display facilities; in fact some car parks operate at a loss, requiring subsidy from the Council's general revenue funding and making it difficult to justify the offer of these facilities to residents and businesses.

3.13. In order to improve levels of car park use at some of the least used sites, officers are now proposing the changes set out below.

### **Preston Road Car Park**

3.14. Preston Road car park (Preston) is one of the Council's larger car parks, with capacity for 164 vehicles.

3.15. Pay and display charges apply between 8am and 6.30pm, and the car park is open from 7am to 8pm. Part of the car park, the top level, is open 24 hours a day. The charges applied at Preston Road car park vary from other car parks; parking is free for the first hour of parking in order to encourage use of this facility instead of on-street parking.

3.16. Outside of the free parking period, there is little use of the car park. From April 2014 to September 2014, Preston Road car park accounted for 31% of the Council's off-street parking capacity, but only 3% of revenue. This suggests that there is ample spare capacity to encourage season ticket parking at this facility without impacting on short-stay users.

3.17. Over a full year it is estimated that Preston Road car park will provide the Council with an income of just over £13k. The car park's business rates for 2014/2015 are £11.5k. Taking account of maintenance and enforcement costs, this indicates that Preston Road car park is currently operating at a significant loss.

3.18. In order to safeguard the future of the car park, and optimise its use, officers propose to significantly reduce the price of season tickets dedicated to this car park. It is proposed that annual season tickets are offered at a much reduced price of £400 per annum, and that season tickets be made available to Council staff on a salary surrender basis.

3.19. Occupancy surveys will be carried out over the course of the year to monitor the effect of these proposals on parking capacity.

### **Elm Road Car Park**

- 3.20. Elm Road car park (Wembley Central) is located north of High Road, Wembley. The car park is operated by the Council on a lease from Octavia Housing and Care until 31<sup>st</sup> December 2017. It is subject to a car park management plan limiting how the car park may be used. It has a capacity of 100 vehicles.
- 3.21. The car park management plan, linked to the terms of the lease, stipulates that the car park must be closed overnight, and there is a requirement for the car park to be staffed.
- 3.22. The constraints of the lease add significant costs to the Council, with staffing alone costing £48k p.a. The car park is underground, and therefore requires a significant budget for artificial lighting. Business rates for the car park (2014/2015) are more than £14k p.a.
- 3.23. The car park under-performs financially. About £60k of income is projected for 2014/2015, based on extrapolated receipts for the period April-September 2014. Customer demand for short-stay pay and display parking is weak, and does not cover the cost of running the facility. The car park accounts for 19% of the Council's off-street parking stock but only 12% of income generated from car parks.
- 3.24. Action is therefore required in order to address these failings, and ensure that the site at least covers its costs to prevent closure being considered.
- 3.25. The effect on parking demand of the move to the new Civic Centre site has not yet been fully realised. Whilst LB Brent staff no longer work in Brent House, many of those who commute to work by car continue to use the Brent House car park. Once this site has fully closed, additional pressures will be placed on free parking sites in the roads surrounding the Civic Centre.
- 3.26. It is therefore recommended that season tickets are made available to the public for Elm Road, and that a Council staff parking season permit is offered through a salary surrender scheme. In the first year of operation, it is recommended that the issue of season tickets is capped at 75% of the total parking capacity of the site, and sold on a first come first served basis. The proposed annual charge for season tickets in the first year of operation is £400.

### Event Day Tariffs

- 3.27. The Council has a long-standing arrangement to limit off-street parking to a maximum of two hours on Wembley Event days; this is to discourage visitors from driving to visit the Stadium on event days, and encourage instead the use of more sustainable modes of transport to reach the venue.
- 3.28. However, private parking operators in the vicinity of the stadium have taken a different approach. Visitors to the stadium are encouraged to park close to the venue. Private operators raise their tariffs in order to manage demand; tariffs range from £25 to £30 per vehicle on event days. The Council is therefore missing the opportunity to generate an income stream by providing secure and convenient parking to motorists who would in any case drive to the venue.
- 3.29. It is therefore recommended that the Council offers parking spaces to event day visitors at the market rate. In order to dissuade opportunist parking which may create unnecessary traffic, and manage demand, officers propose to offer parking on a pre-booked basis only via cashless parking.

- 3.30. It is recommended that an Event Day cashless tariff of £20 per vehicle is introduced. This would be monitored for uptake and impact over the 2015/2016 financial year.
- 3.31. It is recommended that the off-street traffic order is amended in order to include this provision at the following car parks: Elm Road Car Park; Lonsdale Avenue Car Park; and Preston Road Car Park. In light of the popularity of St Johns Road Car Park with shoppers, the proposal for this facility is to restrict event day parking just to evening events at the stadium; i.e. it will only be available to customers who arrive after 6pm. Limiting Event Day parking by releasing it as a pre-booked service will also mean that the Council will be able to restrict the number of spaces sold.

#### Statutory Consultation

- 3.32. Should Cabinet approve the above recommendations, officers will follow a standard process to implement the necessary changes to the off-street traffic order. The process will take a maximum of 15 weeks to complete.
- 3.33. Part of the process will include a statutory consultation (6-10 weeks), inviting comments on the proposals and an opportunity to raise objections.
- 3.34. It is proposed that these objections are considered by the Strategic Director for Environment and Neighbourhoods, in consultation with the Cabinet Member for Environment, and that delegated authority is granted for making minor amendments to the proposed order in response to consultation feedback.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1. There are no adverse financial implications contained within this report.
- 4.2. Budgeted income from the Council's car parks (excluding the Civic Centre Car Park) for the 2014/2015 financial year is £480k. Recent forecasts suggest that the Council will generate an actual income of £495k for the full year.
- 4.3. It is anticipated that, by implementing new tariffs and services where capacity allows, additional income would be achieved. Estimates, from 2015/1016, are set out in the tables below.
- 4.4. Implementing tariffs at Disraeli Road and Northwick Park Car Parks would generate significant income. The below table sets out income expectations based on a 50% uptake:

	Capacity	Tariff A (£)	Tariff B (£)	Occupancy	Weekly Revenue (£)
Northwick Park Car Park	93	0	7.5	50%	1,744
Disraeli Road Car Park	74	3	0	50%	555
<b>Total</b>	167				2,299
<b>Annual Revenue</b>					<b>119,535</b>

4.5. The implementation of season tickets is anticipated to generate additional income as set out in the table below:

Car park	Vehicle Capacity	Season Ticket Price (£)	Season Ticket Cap	Assumed Uptake	Gross annual Revenue (£)
Elm Road (Wembley)	100	400	75	70%	21,000
Preston Road (Preston)	164	400	120	60%	28,800
<b>Annual Revenue</b>					<b>49,800</b>

4.6. Should the Cabinet approve the recommendation to implement an event day tariff in Wembley car parks, the Council could anticipate additional income, as set out below.

Car park	Bays in total	Event Day Tariff (£)	Occupancy	Gross Revenue per event (£)
Elm Road (Wembley)	100	20	60%	1,200
Lonsdale Avenue (Wembley)	33	20	60%	396
Preston Road (Preston)	164	20	40%	1,312
St Johns Road (Wembley)	78	20	60%	936

Revenue per Event	£ 3,844.00
Per annum (Gross)	£ 76,880.00

4.7. It should be noted that the above estimates are based upon projected customer demand. It is anticipated that additional income of approximately £250k could be achieved from these car park proposals from the 2015/2016 year onwards, and this has been incorporated into the proposed savings proposals that are currently being developed.

4.8. Additional expenditure will be incurred in implementing these proposals. Costs are generally limited to the costs of advertising and consulting on the order, erecting new signage, and configuring relevant databases. The full cost of implementation will be under £10k, and can be absorbed within the operational running costs of the Parking and Lighting service.

## **5. LEGAL IMPLICATIONS**

5.1. Traffic Orders are made under the provisions of Schedule 9 to the Road Traffic Regulation Act 1984(a) as amended. The proposed amendments shall be made to the Brent (Off-Street Parking Places) (No.1) Order 2013 (attached as Appendix A).

5.2. Regulation (enforcement) of the order is carried out under the provisions of the Traffic Management Act 2004.

## **6. DIVERSITY IMPLICATIONS**

6.1. Implementing controls at Northwick Park car park and Disraeli Road car park may improve access to these areas for disabled members of the community. The dedicated three disabled bays at Northwick Park car park will be enforced, ensuring that they are made available exclusively for holders of Blue Badges. Blue Badge holders are also permitted to park free of charge and without time constraint in pay and display bays in any of the Council's car parks. It is recognised, however, that a person may be considered 'disabled' for the purposes of the Equality Act 2010, whilst still being ineligible for a Blue Badge.

6.2. Officers have also had due regard to the fact that a number of the current Northwick Park car park users are likely to be patients of the nearby hospital. A significant portion of those patients are likely to possess the protected characteristic of 'disability' or 'pregnancy and maternity' under the Equality Act 2010. Whilst such individuals may have to pay to use the Northwick Park car park (and thus be potentially disadvantaged by these proposals), the countervailing factor is that the car park is intended for users of the sports fields, not the hospital. In particular, parking for disabled people wishing to use the sports facility would be protected. The Council would want to encourage the use of the sports facilities for policy reasons. Furthermore, the hospital does have its own car park intended for hospital users.

## **7. STAFFING / ACCOMMODATION IMPLICATIONS**

7.1. None



## **BACKGROUND PAPERS**

None

## **CONTACT OFFICERS**

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## **List of Appendices**

- A. The current off-street traffic order and schedules
- B. Survey Results

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LONDON BOROUGH OF BRENT

## TRAFFIC MANAGEMENT ORDER

2013 No. 115

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The Brent (Off-Street Parking Places) (No. 1) Order 2013

Made 1 October 2013

Coming into operation 14 October 2013

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The Council of the London Borough of Brent, after consultation with the Commissioner of Police of the Metropolis, in exercise of the powers conferred by sections 32, 35 and 124 of, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984(a) as amended, and all other powers thereunto enabling hereby make the following Order:-

### PART 1 - GENERAL

#### Commencement and citation

1. This Order shall come into operation on 14 October 2013 and may be cited as the Brent (Off-Street Parking Places) (No. 1) Order 2013.

#### Definitions and Interpretation

2. (1) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"authorised agent" means a parking services contractor appointed by and acting on behalf of the Council for the purposes of the enforcement and supervision of the provisions of this Order;

"authorised vehicle" means a motor vehicle constructed or adapted to carry not more than 8 passengers and goods vehicles not exceeding 1525 kgs unladen weight (the overall height of which does not exceed 2.00 metres and the overall length of which does not exceed 5.50 metres, except in the Elm Road parking place where the overall height of said vehicle does not exceed 1.90 metres and the overall length of which does not exceed 5.50 metres), a motor cycle or an invalid carriage;

"Brent vehicle band" means either band 1, 2, 3, 4, 5, 6 or 7 which is allocated to a vehicle under the provisions of Article 4(2) and Schedule 8, for the purposes of determining the charge for a resident's permit.

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(a) 1984 c.27

Published by the London Borough of Brent  
Brent Civic Centre, Engineers Way  
Wembley, Middlesex, HA9 0FJ

"business permit" means a permit issued under the provisions of either Article 30 or Article 31;

"business permit holder" means a person to whom a business permit has been issued;

"business user" means a person who occupies premises the postal address of which is in any street or part of a street in the London Borough of Brent specified in Schedule 7 and who uses such premises for non-residential purposes;

"chargeable hours" means the hours specified in relation to a parking place as set out in Item 4 of Schedules 2, 3, 4, 5 or 6, being the hours during which a parking charge must be paid in respect of a vehicle left therein;

"Council" means the Council of the London Borough of Brent;

"credit card" and "debit card" have the same meanings as in Section 35A(6) of the Road Traffic Act 1984;

"disabled person's badge" has the same meaning as in Regulation 3(1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(a);

"driver", in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"electric vehicle" means a vehicle in which the electrical motive power is derived from an electrical storage battery which is not connected to any source of power when the vehicle is in motion;

"enactment" means any enactment whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"event day" means any day specified in Schedule 9 to this Order;

"hand-held device" means a wireless hand-held computer which is programmed to interface with the telephone or electronic payment system;

"invalid carriage", "motor vehicle", "motor cycle" and "trailer" have respectively the same meanings as in section 136 of the Act of 1984, provided that for the purpose of this Order the term "motor cycle" shall be deemed to include either a solo motor cycle or a motor cycle with sidecar attached;

"issue" in relation to a permit means to issue a permit made of paper, card or similar;

"owner" in relation to a vehicle means the person by whom such vehicle is kept;

"parking bay" means any area within a parking place which is provided for the leaving of only one vehicle at a time and is indicated as such by markings, being white lines or otherwise, placed on the surface of the parking place to show the limits of the parking bay;

"parking period" means a period of time for which payment of the parking charge has been made in respect of a vehicle and during which, subject to the provisions of this Order, a vehicle may be left in a parking place;

"parking charge" means an amount referred to in Article 23 which is payable, subject to the provisions of this Order, either at a pay and display machine or by the telephone or electronic payment system in respect of a vehicle left in a parking place;

"parking place" means any area of land specified by name in Item 1 of either Schedule 1, Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 provided by the Council under section 32 of the Road Traffic Regulation Act 1984 for use as an off-street parking place;

"particulars", in relation to a parking ticket, means the time and date of expiry of the parking period for which payment of the parking charge has been made in respect of a vehicle left in a parking place;

"pay and display machine" means an apparatus or device installed in a parking place which, for the purposes of this Order, is designed to accept payment of the parking charge and to issue a ticket;

"permit" without more means either a business permit or a resident's permit;

"registration date", in relation to a vehicle, means the date of first registration of that vehicle as specified on the UK registration certificate issued in respect of that vehicle;

"relevant position" means:

(a) in relation to the display by a vehicle of a disabled person's badge, in the prescribed manner specified in Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; or

(b) in relation to the display by a vehicle of a valid ticket –

- (i) on the inside of the windscreen, the side window or dashboard of the vehicle; or
- (ii) where the vehicle does not have a windscreen, side window or dashboard, in a conspicuous position on the front or nearside of the vehicle;

"resident's permit" means a permit issued under the provisions of Article 29;

"season ticket" means a season ticket issued under the provisions of Article 28;

"season ticket holder" means a person to whom a season ticket has been issued;

"service provider" means the contractor authorised by the Council:

(a) in relation to pay and display parking, to accept payment of the parking charge on its behalf and to keep a record of that parking charge and the vehicle, the parking place and parking period in respect of which payment has been made

- (b) in relation to residents/business permits & season tickets, to accept payment of the charge specified in Article 25, 26 or 27 on its behalf and to keep a record of that parking charge together with the name and address of the resident, business user or person who has made the payment

“telephone or electronic payment system” means an electronic system, using a telephone connection or electronic application set up and maintained by the service provider whereby:

- (a) in relation to a vehicle parking in a pay and display parking place:
  - (i) the driver of a vehicle, or some other person authorised by that driver on their behalf, uses a telephone or electronic apparatus to communicate with the service provider and make payment of the parking charge in respect of a specified vehicle, a specified parking place and for a specified parking period by use of a debit or credit card, in accordance with instructions given by the service provider at the time of using the system; and
  - (ii) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in paragraph (a)(i) of this definition and records such payment together with the parking period for which payment has been made, the parking place in which the vehicle is left, and the registration mark of the vehicle in respect of which payment has been made; or

- (b) in relation to residents/business permits and season tickets:
  - (i) a resident uses a telephone or electronic apparatus to communicate with the service provider and make payment of the charge specified in Article 37 by use of a debit or credit card, in accordance with instructions given by the service provider at the time of using the system; and
  - (ii) the service provider, on behalf of the Council, accepts payment of the charge by the method referred to in paragraph (b)(i) of this definition and records such payment together with the name and address of the resident who has made the payment;

“ticket” means a ticket issued by a pay and display machine in accordance with Article 24(1) which indicates that the parking charge has been paid and the date and time of expiry of the parking period;

“UK registration certificate” means a current registration document issued to a vehicle in the United Kingdom under the provisions of Regulation 10(4) and 10A of the Road Vehicles (Registration and Licensing) Regulations 2002;

“valid”, in relation to a ticket, means that:

- (i) the ticket is clearly displayed on the front of the vehicle in respect of which it was issued; and
- (ii) the date and time of expiry of the parking period indicated on that ticket has not elapsed.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

(3) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

### Revocation

3. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Brent (Off -Street Parking Places) (No. 1) Order 2012(a) is hereby revoked.

## PART 2 - USE OF PARKING PLACES

### Use of Land and Parking Places

4. (1) Each parking place specified in item 1 of Schedules 1 to 6 inclusive may be used, subject to the following provisions of this Order, as a parking place for such classes of vehicles in such positions on such days and during such hours and on payment of such charges as are specified in relation thereto in items 2 - 6 of Schedules 1 to 6 inclusive and Articles 25, 26 and 27 in relation to permits displayed in Kingsbury Road car park, Lonsdale Avenue car park or Preston Road car park.

(2) For the purposes of this Order, every vehicle in respect of which an application for a resident's permit is made in accordance with Article 29, shall have a vehicle band allocated to it in accordance with the provisions of Schedule 8.

5. The driver of a vehicle shall not permit it to wait in a parking place other than in a parking bay and for this purpose, except with the permission of the Council, every part of the vehicle must be within the limits of the parking bay and not more than one vehicle at a time shall occupy any one such parking bay.

6. (1) The driver of a vehicle shall not permit it to wait in a parking bay that has been reserved by means of a sign or surface marking specifically for use by electric vehicles unless:

(a) that vehicle is an electric vehicle; and

(b) as soon as it is reasonably possible to do so, that electric vehicle is connected to the electric charging point provided at that parking bay for the purposes of the recharging that vehicle's battery until immediately prior to it being taken away from that parking bay:

- (2) An electric vehicle shall not be left in a parking bay that has been reserved by means of a sign or surface marking specifically for the use by electric vehicles for a continuous period exceeding three hours.

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(a) L.B.B. 2012/49 – the relevant amending Order is L.B.B 2012/99

- (3) No electric vehicle which has been taken away from a parking bay that has been reserved by means of a sign or surface marking specifically for use by electric vehicles shall until the expiration of three hours from the time it was taken away again be left in that parking bay or other parking bay reserved by means of a sign or surface marking specifically for use by electric vehicles in the same parking place.
7. The driver of a vehicle shall not permit it to wait in a parking bay that has been reserved by means of a sign or surface marking specifically for use by disabled persons unless:
  - (a) the vehicle is displaying a disabled person's badge; and
  - (b) the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking bay and that person (whether the driver or a passenger) is the person to whom the badge was issued.
8. The driver of a vehicle shall not permit it to wait in a parking bay that has been reserved by means of a sign or surface marking specifically for use by business permit holders or resident permit holders unless:
  - (a) the vehicle is displaying a valid business or residents permit, as the case may be; or
  - (b) the vehicle is displaying a disabled person's badge.
9. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in that parking place and shall not start the engine except when about to change the position of the vehicle within or to depart from the parking place.
10. No person shall within a parking place -
  - (a) sell or offer for sale or for hire any article, skill or service;
  - (b) do anything in connection with the selling or hiring of any article, skill or service whether from a vehicle or otherwise;
  - (c) advertise any product or service;
  - (d) distribute any leaflets:without the prior written consent of the Council.
11. The driver of a motor vehicle using a parking place is not permitted to drive any vehicle without due care and consideration or in a manner likely to endanger any other person or at speeds in excess of 15 mph.
12. The driver of a vehicle using a parking place shall not sound any horn, or other similar instrument except in the interests of safety.
13. No person shall, except with the permission of the Council or any person duly authorised by them, drive any vehicle in a parking place other than for the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
14. No person shall use any part of a parking place or any vehicle left in a parking place -



- (a) for sleeping or camping purposes; or
  - (b) for cooking purposes, including the lighting of a fire for any reason; or
  - (c) for the purpose of servicing, washing, cleaning, constructing, maintaining or repairing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place.
15. In a parking place, no person shall erect or cause or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
16. Any person using a parking place as a means of passage proceeding from one road to another road or for access purposes to property or land adjacent to but not forming any part of the parking place shall be deemed to be so using by licence of the Council and not as of right.
17. Where in a parking place signs are erected or surface markings are laid for the purpose of indicating -
- (a) the entrance to or exit from the parking place, or
  - (b) that a vehicle using the parking place shall proceed in a specified direction within the parking place
- no person shall drive or cause or permit to be driven any vehicle -
- (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or
  - (ii) in a direction other than that specified
- as the case may be.
18. The driver of a vehicle drawing a trailer having a combined length exceeding 5.50 metres shall not permit the vehicle or the trailer to wait in a parking place unless they have been disconnected, and unless the registration number of the vehicle is clearly displayed on the trailer and for the purposes of this Order, the vehicle and the trailer shall be deemed to be separate vehicles and the said driver shall be deemed to be the driver of each of the said vehicles.
19. (i) No vehicle other than an authorised vehicle may enter or be left in any parking place except with the permission of the Council.
- (ii) The Elm Road car park will be shut outside the car park opening times specified in Item 8 of Schedule 6 to this Order and access to and egress from it will be prohibited. No vehicle shall remain or be left in the Elm Road parking place outside the car parking opening times specified in Item 8 of Schedule 6.
  - (iii) The lower two tiers of the Preston Road car park will be shut outside car park opening times specified in Item 8 of Schedule 5 and vehicular access to and vehicular egress from it will be prohibited. No vehicle shall remain or be left in the Preston Road parking place outside the car parking opening times specified in Item 8 of Schedule 5.

20. Notwithstanding the provisions of this Order, the Council may by notice displayed at or near a parking place close or reserve for any purpose such a parking place or part thereof for any period and no driver of any vehicle shall use such parking place or part thereof when it is so closed or reserved except with the prior permission of the Council.
21. If at any time in or on a parking bay or bays or in any position adjacent thereto a particular bay or bays is or are reserved by means of a sign or surface marking for the use of any person or category of persons authorised by the Council or for the leaving of solo motor cycles, no person shall leave a vehicle in any such parking bay other than for the purpose so specified.
22. The Council does not undertake to supervise any parking place and entry to and exit from and use of the parking bays is entirely at the users risk and the Council or its servants or agents do not accept any liability for any damage to or loss of vehicles or their contents which arise from any act or omission outside their reasonable control.

#### Amount and Method of Payment

23. The driver of a vehicle who leaves that vehicle in a parking place during the chargeable hours shall on leaving the vehicle in a parking place, immediately pay the appropriate parking charge as set out in item 5 of Schedules 2, 3, 4, 5 or 6.
24. (1) The parking charge referred to in Article 23 shall be paid by either –
  - (a) the insertion into a pay and display machine provided in the parking place of the appropriate coin or combination of coins accepted by that pay and display machine, together making up the amount of the parking charge for the parking period for which payment is being made, provided that if any payment is made over the appropriate parking charge, the parking charge together with the amount of the over payment shall be deemed to be the parking charge;
  - (b) where a pay and display machine situated in the parking place in which the vehicle is left accepts a credit card or a debit card, the insertion in that pay and display machine of a valid credit card or debit card (which shall be debited with the amount of the parking charge for the parking period for which payment is being made); or
  - (c) where the telephone or electronic payment system is available for use in the parking place in which the vehicle is left, the driver of the vehicle, or a person authorised by the driver to act on their behalf, and by following the instructions for payment of the parking charge as indicated on that ticket machine or, as the case may be on a sign relating to that parking place, instructing the service provider to accept payment of the parking charge for a specified parking period and in respect of a specified vehicle by using the telephone or electronic payment system and by the service provider accepting such payment.
- (2) Payment of the charge for a vehicle left in a parking place shall be indicated by the issue by a pay and display machine of a ticket showing the day and time of expiry of the charge and by the clear display of that ticket on the vehicle in accordance with paragraphs (4) and (5) of this Article:

Provided that where the telephone or electronic payment system is available for use in the parking place in which the vehicle is left, the requirement for that vehicle to clearly display a valid ticket shall not apply if the driver of that vehicle, or a person

authorised by the driver to act on their behalf, has paid the parking charge using the telephone or electronic payment system.

- (3) Any ticket purchased in accordance with paragraphs (1) and (2) of this Article is not transferable between one vehicle and another and may only be used in the parking place in which it was issued.
- (4) Any ticket issued by a ticket parking meter in respect of a parking charge shall be displayed on the vehicle in respect of which it was issued for the duration of the parking period as follows -
- (a) in the case of a vehicle which is fitted with a transparent windscreen, by affixing the ticket to the inside surface of the windscreen so that it is facing forwards and can be easily seen from the front of the vehicle, or
- (b) in the case of a vehicle which is not fitted with a transparent windscreen by affixing the ticket on the front of the vehicle facing forwards not more than 5.50 metres or less than 0.75 metres above the surface of the parking bay in which the vehicle is parked.
- (5) A ticket shall be so displayed so that the time and other particulars shown thereon are clearly visible from outside the vehicle.
25. The charge in connection with the use of a resident permit issued for the leaving of any authorised vehicle in any parking bay in Kingsbury Road car park shall be:

- (a) for any period of twelve months running from the beginning of the month in which a permit first becomes valid, in any parking place described in Schedule 2, item 1 (b) shall be the amount specified in the following table in column (3), (4) or (5) according to whether the permit is a first, second or third permit and in relation to the Brent vehicle band allocated to that vehicle specified in column (2) of that item:

<b>Item No.</b>	<b>Brent Vehicle Band</b>	<b>Charge for a first Residents' permit valid for a period of 12 months</b>	<b>Charge for a second Residents' permit valid for a period of 12 months</b>	<b>Charge for a third Residents' permit valid for a period of 12 months</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
1.	1	£0	£41	£83
2.	2	£54	£95	£136
3.	3	£81	£122	£163
4.	4	£107	£149	£190
5.	5	£133	£175	£216
6.	6	£160	£201	£243
7.	7	£214	£255	£296

- (b) for any period of six months running from the beginning of the month in which a permit first becomes valid, in any parking place described in Schedule 2, item 1 (b) shall be the amount specified in the following table in column (3), (4) or (5) according to whether the permit is a first, second or third permit and in relation to the Brent vehicle band allocated to that vehicle specified in column (2) of that item:

<b>Item No.</b>	<b>Brent Vehicle Band</b>	<b>Charge for a first Residents' permit valid for a period of 6 months</b>	<b>Charge for a second Residents' permit valid for a period of 6 months</b>	<b>Charge for a third Residents' permit valid for a period of 6 months</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
1.	1	£0	£25	£50
2.	2	£32	£57	£82
3.	3	£49	£73	£98
4.	4	£64	£89	£114
5.	5	£80	£104	£129
6.	6	£96	£121	£146
7.	7	£128	£153	£178

- (c) for any period of three months running from the beginning of the month in which a permit first becomes valid, in any parking place described in Schedule 2, item 1 (b) shall be the amount specified in the following table in column (3), (4) or (5) according to whether the permit is a first, second or third permit and in relation to the Brent vehicle band allocated to that vehicle specified in column (2) of that item:

<b>Item No.</b>	<b>Brent Vehicle Band</b>	<b>Charge for a first Residents' permit valid for a period of 3 months</b>	<b>Charge for a second Residents' permit valid for a period of 3 months</b>	<b>Charge for a third Residents' permit valid for a period of 3 months</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
1.	1	£0	£17	£33
2.	2	£22	£38	£55
3.	3	£32	£49	£65
4.	4	£43	£60	£76
5.	5	£54	£70	£87
6.	6	£64	£81	£97
7.	7	£86	£102	£119

26. The charge in connection with the use of a business permit issued for the leaving of any authorised vehicle in any business parking bay in Kingsbury Road car park, Lonsdale Avenue car park or Preston Road car park shall be:

- (a) three hundred and fifty pounds for a period of twelve months running from the beginning of the month in which a permit becomes first valid;
- (b) two hundred and ten pounds for a period of six months running from the beginning of the month in which a permit becomes first valid;
- (c) one hundred and forty pounds for a period of three months running from the beginning of the month in which a permit becomes first valid.

27. The charge in connection with the use of season tickets issued for the leaving of any authorised vehicle in any parking bay in Preston Road car park shall be:

- (a) eight hundred and six pounds for a half day season ticket for a period of six months running from the beginning of the month in which a season ticket becomes first valid;

- (b) one thousand pounds for a full day season ticket for a period of six months running from the beginning of the month in which a season ticket becomes first valid;
- (c) one thousand, six hundred and six pounds for a half day season ticket for a period of twelve months running from the beginning of the month in which a season ticket becomes first valid;
- (d) two thousand pounds for a full day season ticket for a period of twelve months running from the beginning of the month in which a season ticket becomes first valid.

Application for and issue of season tickets in respect of the Preston Road Car Park

28. (1) Any person who is the owner of an authorised vehicle, may apply to the Council or authorised agent for the issue of a season ticket in respect of that vehicle any such application shall be made either –
- (a) on a form issued by and obtainable from the Council, either by post or internet and shall include the particulars and information required by such to be supplied; or
  - (b) by telephone, providing details required by the Council or authorised agent to be supplied and paying the appropriate parking charge specified in Article 27.
- (2) The Council or authorised agent may at any time require an applicant for a season ticket or season ticket holder to produce to an officer of the Council such evidence in respect of an application for a season ticket made to them as they may reasonably call for to verify any particulars or information given to them in respect of any season ticket issued by them as they may reasonably call for to verify that the season ticket is valid.
- (3) On receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the appropriate charge specified in Article 27 the Council, upon being satisfied that the applicant is the owner of an authorised vehicle, shall issue to the applicant therefor one season ticket for the leaving in any parking bay in Preston Road car park, by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward.

Application for and issue of resident permits for Kingsbury Road Car Park

29. (1) Any person whose usual place of abode is at premises the postal address of which is between Nos. 455 to 517 inclusive, Kingsbury Road who is the owner of an authorised vehicle, may apply to the Council for the issue of a resident permit in respect of that vehicle and any such application shall be made either –
- (a) on a form issued by and obtainable from the Council, either by post or internet and shall include the particulars and information required by such to be supplied; or
  - (b) by telephone, providing details required by the Council or authorised agent to be supplied and paying the appropriate parking charge specified in Article 25.
- (2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably call for to verify any particulars or

information given to them in respect of any permit issued by them as they may reasonably call for to verify that the permit is valid.

(3) On receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the appropriate charge specified in Article 25 the Council, upon being satisfied that the applicant is a resident and is the owner of an authorised vehicle, shall issue to the applicant therefor one permit for the leaving in any parking bay in Kingsbury Road car park, by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward:

Provided that, subject to the provisions of Article 33, the Council shall not issue a permit to any person whose usual place of abode is at premises the postal address of which is between Nos. 455 to 517 inclusive, Kingsbury Road which would be valid for any period during which any other permit issued to that postal address is or would be valid.

#### Application for and issue of business permits for Kingsbury and Preston Road Car Parks

30. (1) Any a person who occupies premises the postal address of which is in Kingsbury Road or Preston Road and who uses such premises for non-residential purposes and who is the owner of an authorised vehicle, may apply to the Council for the issue of a business permit in respect of that vehicle and any such application shall be made either

(a) on a form issued by and obtainable from the Council, either by post or internet and shall include the particulars and information required by such to be supplied; or

(b) by telephone, providing details required by the Council or authorised agent to be supplied and paying the appropriate parking charge specified in Article 26.

(2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably call for to verify any particulars or information given to them in respect of any permit issued by them as they may reasonably call for to verify that the permit is valid.

(3) On receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the appropriate charge specified in Article 26 the Council, upon being satisfied that the applicant is business user and is the owner of an authorised vehicle shall issue to the applicant therefor one permit for the leaving in any parking bay in Kingsbury Car Park or in any parking bay in Preston Road Car Park to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward:

Provided that, subject to the provisions of Article 33, the Council shall not issue a permit to any business user which would be valid for any period during which any other permit issued to that resident is or would be valid.

(4) The maximum number of business permits that will be issued to any non-residential postal address in Kingsbury Road would be six per annum and to any non-residential postal address in Preston Road would be three per annum.

### Application for and issue of business permits for Lonsdale Avenue, Wembley, Car Park

31. (1) Any business user who is the owner of an authorised vehicle may apply to the Council for the issue of a business permit in respect of that vehicle and any such application shall be made either –

- (a) on a form issued by and obtainable from the Council, either by post or internet and shall include the particulars and information required by such to be supplied; or
- (b) by telephone, providing details required by the Council or authorised agent to be supplied and paying the appropriate parking charge specified in Article 26.

(2) The Council may at any time require an applicant for a permit or a permit holder to produce to an officer of the Council such evidence in respect of an application for a permit made to them as they may reasonably call for to verify any particulars or information given to them in respect of any permit issued by them as they may reasonably call for to verify that the permit is valid.

(3) On receipt of an application duly made under the foregoing provisions of this Article and upon receipt of the appropriate charge specified in Article 26 the Council, upon being satisfied that the applicant is business user and is the owner of an authorised vehicle shall issue to the applicant therefor one permit for the leaving in any parking bay in Lonsdale Avenue Car Park to which such permit relates by the owner of such vehicle or by any person using such vehicle with the consent of the owner other than a person to whom such vehicle has been let for hire or reward:

Provided that, subject to the provisions of Article 33, the Council shall not issue a permit to any business user which would be valid for any period during which any other permit issued to that resident is or would be valid.

### Surrender, withdrawal and validity of permits

32. (1) A permit holder may surrender a permit to the Council or authorised agent at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in paragraph (3) of this Article.

(2) The Council may, by notice in writing served on the permit holder by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or any other address believed to be that person's place of abode, withdraw a permit if it appears to the Council that any one of the events set out in paragraphs (3)(a), (3)(b) or (3)(f) of this Article has occurred and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

(3) The events referred to in the foregoing provisions of this Article are:

- (a) the permit holder ceasing to be a resident, business user or a person who occupies non-residential premises the postal address of which is in Kingsbury Road or Preston Road;
- (b) the permit holder ceasing to be the owner of the vehicle in respect of which the permit was issued;
- (c) the withdrawal of such permit by the Council under the provisions of paragraph (2) of this Article;

- (d) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not an authorised vehicle;
- (e) the issue of a duplicate permit by the Council under the provisions of Article 33;
- (f) the permit ceasing to be valid pursuant to the provisions of paragraph (4) of this Article.

(4) Without prejudice to the foregoing provisions of this Article, a permit shall cease to be valid at the expiration of the period specified thereon (which period shall not exceed a period of 12 months from the date on which it is issued) or on the concurrence of any one of the events set out in paragraphs (3)(a), (3)(b), (3)(c), (3)(d) or (3)(e) of this Article, whichever is the earlier.

(5) Where a permit is issued to any person upon receipt of a cheque and the cheque is subsequently dishonoured, the permit shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit was issued by sending the same by the recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's place of abode, require that person to surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.

#### Application for and issue of duplicate permits

33. (1) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the permit holder shall either surrender it to the Council or apply to the Council for the issue to him of a duplicate permit and the Council, upon the receipt of the permit, shall issue a duplicate permit so marked and upon such issue the permit shall become invalid.

(2) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue the permit become invalid.

(3) The provisions of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or, as the case may be, an application therefor.

(4) The charge for the issue of a duplicate permit shall be fifteen pounds.

#### Form of permits

34. A permit shall be in writing and shall include the following particulars:

- (a) the registration mark of the vehicle in respect of which the permit has been issued;
- (b) the period during which, subject to the provisions of Article 32(4), the permit shall remain valid;
- (c) the hours during which the vehicle may be left in a parking place; and
- (d) an indication that the permit has been issued by the Council.



Refund of fee paid in respect of a permit

35. (1) A permit holder who surrenders a permit to the Council before it becomes valid shall be entitled to a refund of the fee paid in respect thereof.

(2) A permit holder who surrenders to the Council a permit issued by the Council under the provisions of paragraph (3)(b) or paragraph (3)(c) of Article 32 after the permit has become valid shall be entitled to a refund in respect of the unexpired period of part of the fee paid in respect of the permit calculated in accordance with the provisions of the next following paragraph.

(3) In respect of any part of the unexpired period which consists of a complete month, the amount of such refund shall be:-

- (a) (i) one twelfth of the charge specified in column 3 of the tables in Article 24(a), (b) and (c) in relation to the Brent vehicle band allocated to that vehicle specified in column 2 in respect of each month, for permits issued for twelve months, subject to a maximum refund of 4 months;
- (ii) one sixth of the charge specified in column 4 of the tables in Article 24(a), (b) and (c) in relation to the Brent vehicle band allocated to that vehicle specified in column 2, in respect of each month, for permits issued for six months, subject to a maximum refund of 2 months;
- (iii) one third of the charge specified in column 5 of the tables in Article 24(a), (b) and (c) in relation to the Brent vehicle band allocated to that vehicle specified in column 2, in respect of each month, for permits issued for three months, subject to a maximum refund of 1 month.
- (b) (i) one twelfth of the charge specified in Article 25(a) in respect of each month, for permits issued for twelve months, subject to a maximum refund of 4 months;
- (ii) one sixth of the charge specified in Article 25(b) in respect of each month, for permits issued for six months, subject to a maximum refund of 2 months;
- (iii) one third of the charge specified in Article 25(c) in respect of each month, for permits issued for three months, subject to a maximum refund of 1 month.

(4) In this Article, the expression "unexpired period" means, in relation to a permit surrendered to the Council, that part of the period specified on the permit during which it shall remain valid which remains unexpired when the permit is so surrendered and the day on which permit is received by the Council shall for the purposes of this Article be treated as not forming any part of the unexpired period.

36. The following vehicles left in a parking place shall be exempt from the payment of any charge specified in Item 5 of Schedules 2, 3, 4, 5 and 6 -

- (a) an invalid carriage;
- (b) a vehicle bearing a disabled person's badge provided the vehicle is carrying a registered disabled person at the time the vehicle enters and leaves the parking

place and that person (whether the driver or a passenger) is the person to whom the badge was issued;

- (c) a vehicle bearing a residents parking permit issued by the London Borough of Brent.

#### Contravention in Parking Places

- 37. If a vehicle is left in a parking place at any time without complying with the provisions of this order, then a contravention of, or a failure to comply with the provisions of this Order shall be deemed to have occurred.

#### Restrictions on Removal of Tickets

- 38. Where a ticket has been exhibited on a vehicle in accordance with the provisions of Article 24 no person, not being the owner or driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the owner or driver or a car park manager or authorised agent.

#### Removal of a Vehicle left in a Parking Place

- 39. (i) The Council or any duly authorised agent of the Council or a police constable in uniform may move or cause to be moved, in case of emergency, to any place he thinks fit, any vehicle left in a parking place;
- (ii) Where any vehicle is standing in a parking place in contravention of any of the provisions contained in this Order, a person authorised in that behalf by the Council may:-
  - (a) immobilise the vehicle by the use of wheel clamps or any other such device, and the vehicle shall not be released until the amount specified in item 6 of Schedules 2, 3, 4, 5 and 6 and the penalty charge, together with any outstanding penalty charges, have been paid;
  - (b) alter or cause to be altered the position of the vehicle and he may remove the vehicle from the parking place or cause it to be removed;
- (iii) Any person removing or altering the position of a vehicle by virtue of the foregoing provisions of this Article, may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it or alter its position, as the case may be;
- (iv) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (i), (ii)(b) or (iii) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed and the Council or its duly authorised agents shall not be liable for any loss or damage caused to the vehicle or its contents as a result of its being moved within the parking place or removed from the parking place under the provisions of this Article.

Disposal of Vehicles abandoned in a Parking Place

40. The Council, as respects any vehicle which has been or could at any time be removed from a parking place in pursuance of Article 39, if it appears to them to have been abandoned, may sell or otherwise dispose of the vehicle and may recover any expenses and charges from any person responsible.

Right to refuse entry to Parking Place

41. The Council or its authorised agent may refuse entry to any person or to any vehicle.

Dated this 1st day of October 2013.

A handwritten signature in black ink, appearing to read 'A. H. H. H.', positioned above the printed name and title.

Head of Transportation  
(The officer appointed for this purpose).

SCHEDULE 1

(Free Car Parks)

1. Name of Parking Place
  - (a) Brent Town Hall Car Park, Forty Lane, Wembley;
  - (b) Church End Shopping Centre, Church Road, NW10.
2. Position in which authorised vehicles may wait
  - Wholly within a parking bay.
3. Days of Operation
  - Every Day.
4. Hours of Operation
  - At all times.
5. Scale of Charges
  - None.

SCHEDULE 2

(Variable Charges Car Parks)

1. Name of Parking Place
  - (a) Cecil Avenue, Wembley;
  - (b) Lonsdale Avenue, Wembley;
  - (c) Neasden Lane Shopping Precinct,  
Neasden Lane, NW10;
  - (d) St. John's Road, Wembley.
  
2. Position in which authorised vehicles may wait
  - Wholly within a parking bay.
  
3. Days of Operation
  - Every Day.
  
4. Chargeable Hours
  - 8.00 a.m. to 6.30 p.m. on any day not being an event day; or
  - 8.00 a.m. to 12 midnight on an event day:
  
5. Scale of Charges
  - Up to 1 hour - £1.50
  - Up to 2 hours - £3.50
  
  - On any day not being an event day:  
Up to 3 hours - £5.00
  - Over 3 hours - £8.00
  
  - [note: maximum parking period on an event day is 2 hours]
  
  - The parking charges stated in this item will be reduced by £0.50 where payment of the parking charge is made using any accepted payment method other than by cash
  
6. Charge for the removal of Wheel Clamps
  - £70.00

SCHEDULE 3

(Variable Charges Car  
Parks)

- |    |  |   |   |
|----|--|---|---|
| 1. | Name of Parking Place                          | - | (a) Kingsbury Road NW9, Rear of Nos. 455 to 515;<br><br>(b) Salusbury Road, Queens Park;<br><br>(c) Wendover Road, NW10.  |
| 2. | Position in which authorised vehicles may wait | - | Wholly within a parking bay.  |
| 3. | Days of Operation                              | - | Every Day.  |
| 4. | Chargeable Hours                               | - | 8.00 a.m. to 6.30 p.m.  |
| 5. | Scale of Charges                               | - | Up to 1 hour        - £1.50<br>Up to 2 hours      - £3.50<br>Up to 3 hours      - £5.00<br>Over 3 hours        - £8.00<br><br>The parking charges stated in this item will be reduced by £0.50 where payment of the parking charge is made using any accepted payment method other than by cash |
| 6. | Charge for the removal of Wheel Clamps         | - | £70.00  |
| 7. | Coin Denomination                              | - | 5p, 10p, 20p, 50p, £1 or £2   |

SCHEDULE 4

(Variable Charges Car Park)

1. Name of Parking Place - Barham Park.
2. Position in which authorised vehicles may wait - Wholly within a parking bay.
3. Days of Operation - Every Day.
4. Chargeable Hours - 10.00 a.m. to 3.00 p.m. Monday to Friday on any day not being an event day; or  
8.00 a.m. to 12 midnight on an event day:
5. Scale of Charges -  
Up to 1 hour - £1.50  
Up to 2 hours - £3.50  
  
On any day not being an event day:  
Up to 3 hours - £5.00  
Over 3 hours - £8.00  
  
[note: maximum parking period on an event day is 2 hours]  
  
The parking charges stated in this item will be reduced by £0.50 where payment of the parking charge is made using any accepted payment method other than by cash
6. Charge for the removal of Wheel Clamps - £70.00

SCHEDULE 5

(Variable Charges Car Park)

1. Name of Parking Place - Preston Road;
2. Position in which authorised vehicles may wait - Wholly within a parking bay.
3. Days of Operation - Every Day.
4. Chargeable Hours - 8.00 a.m. to 6.30 p.m. Monday to Saturday on any day not being an event day; or  
8.00 a.m. to 12 midnight on an event day:
5. Scale of Charges -  
Up to 1 hour - Free  
Up to 2 hours - £1.50, plus 20p for every 10 minutes after the first hour  
Up to 3 hours - £3.50, plus 25p for every 10 minutes after the second hour  
Over 3 hours - £8.00  
  
The parking charges stated in this item will be reduced by £0.50 where payment of the parking charge is made using any accepted payment method other than by cash
6. Charge for the removal of Wheel Clamps - £70.00
7. Car park opening times for the lower two tiers of the car park, outside of which vehicular access to and egress from the lower two tiers of the car park is prohibited - 8.00 a.m. to 8.00 p.m. midnight Monday to Sunday inclusive, on any day not being an event day; or  
8.00 a.m. to 12 midnight on an event day:



SCHEDULE 6

(Variable Charges Car Park)

1. Name of Parking Place - Elm Road, Wembley;
2. Position in which vehicles may wait - Wholly within a parking bay.
3. Days of Operation - Every Day.
4. Chargeable Hours - 8.00 a.m. to 10.00 p.m. Monday to Saturday.  
10.00 a.m. to 5.00 p.m. Sunday.
5. Scale of Charges - Up to 1 hour - £1.50  
Up to 2 hours - £3.50  
  
On any day not being an event day:  
Up to 3 hours - £5.00  
Over 3 hours - £8.00  
  
[note: maximum parking period on an event day is 2 hours]  
  
The parking charges stated in this item will be reduced by £0.50 where payment of the parking charge is made using any accepted payment method other than by cash
6. Charge for the removal of Wheel Clamps - £70.00
7. Car park opening times, outside of which access to and egress from the car park is prohibited - 7.30 a.m. to 10.00 p.m. Monday to Saturday and from 10.00 a.m. to 5.00. p.m. on Sunday, provided that day is not Christmas Day, Good Friday or a Bank Holiday

## SCHEDULE 7

### Streets or parts of Streets for the purpose of the issue of Business Permits

1. Acacia Avenue
2. Beatrice Avenue
3. Castleton Avenue  
the south-east side, between its junction with St. John's Road and the north-eastern boundary of No. 93 Castleton Avenue.
4. Cecil Avenue
5. Chaplin Road  
between its junction with Ealing Road, Wembley and a point 11.00 metres south-east of a point opposite the south-western wall of No. 81 Chaplin Road.
6. Chatsworth Avenue
7. Copland Mews
8. Copland Road
9. Crawford Avenue  
between its junction with High Road, Wembley and a point 12.19 metres south-west of the western kerb-line Harrowdene Road.
10. Curtis Lane
11. Ealing Road  
between its junction with High Road, Wembley and a point opposite the party- wall of Nos. 98 and 100 Ealing Road.
12. Ecclestone Place
13. Elm Road
14. Elspeth Road
15. Fairview Avenue
16. Harley Close
17. Harrow Road
  - (a) between its junction with High Road, Wembley and a point 18.29 metres south-east of the south-eastern kerb-line of Neeld Crescent;
  - (b) between its junction with High Road, Wembley and the common boundary of Nos. 1 to 16 Morrith House, Harrow Road and No. 591 Harrow Road.
18. High Road, Wembley  
between the common boundary of Nos. 1 to 16 Morrith House, Harrow

Road and No. 591 Harrow Road and its junction with Harrow Road including the roadway surrounding the island site known as "The Triangle" at the junction of Harrow Road, High Road, Wembley and Wembley Hill Road.

19. Keswick Gardens
20. Lancelot Road  
between its junction with High Road, Wembley and a point 35.50 metres north-west of a point opposite the north-western wall of No. 73 Lancelot Road.
21. Lantern Close
22. Lincoln Road  
between its junction with Scarle Road and a point opposite the party wall of Nos. 20 and 22 Lincoln Road.
23. London Road
24. Lonsdale Avenue
25. Montrose Crescent
26. Napier Road
27. Norton Road  
between its junction with Chaplin Road and a point 48.00 metres south-east of that junction.
28. Oakington Manor Drive  
between its junction with Harrow Road, Wembley and a point opposite the party wall of Nos. 39 and 41 Oakington Manor Drive.
29. Park Lane  
between its junction with High Road, Wembley and a point 18 29 metres north-east of the north-eastern kerb-line of Dagmar Avenue.
30. Park Road
31. Princes Court
32. Ranelagh Road
33. Rosecroft Walk
34. Rosemead Avenue
35. Rupert Avenue
36. St. Anne's Road
37. St. John's Close
38. St. John's Road

- (a) the north-east side, between its junction with High Road, Wembley and the south-eastern kerb-line of Castleton Avenue;
  - (b) the south-west side, between its junction with High Road, Wembley and a point opposite the party wall of Nos. 149 and 151 St. John's Road.
39. Scarle Road  
between its junction with Chaplin Road and a point opposite the party wall of Nos. 44 and 46 Scarle Road.
  40. Station Grove
  41. Swinderby Road  
between its junction with Chaplin Road and a point opposite the south-eastern wall of No. 44 and 46 Swinderby Road.
  42. Talbot Road
  43. Thurlby Road  
between the south-eastern kerb-line of Lincoln Road and a point opposite the party wall of Nos. 5 and 7 Thurlby Road.
  44. Thurlow Gardens
  45. Turton Road
  46. Union Road
  47. Vivian Gardens  
between its junction with Oakington Manor Drive and a point 1.83 metres north-west of a point opposite the south-eastern wall of No. 1 Vivian Gardens.
  48. Walrond Avenue
  49. Waverley Avenue
  50. Wembley Hill Road  
between its junction with Harrow Road, Wembley and High Road, Wembley and a point 20.00 metres north-east of the north-western kerb-line of Ecclestone Place, the northern east to west arm.

SCHEDULE 8 (see Article 2 for definition of "Brent vehicle band" and Article 4(2))

PART 1

TABLE A

Brent vehicle bands for passenger vehicles, the registration date of which is 1<sup>st</sup> March 2001 or later (see Part 2, paragraphs (2) and (5) below)

<b>Item No.</b> <b>(1)</b>	<b>Vehicle Emissions (gCO<sub>2</sub>/km)</b> <b>(2)</b>	<b>Brent Vehicle Band</b> <b>(3)</b>
1.	Less than 110	1
2.	110-130	2
3.	131-150	3
4.	151-175	4
5.	176-200	5
6.	201-255	6
7.	Over 255	7

TABLE B

Brent vehicle bands for passenger vehicles, the registration date of which is before 1<sup>st</sup> March 2001 and goods carrying vehicles (see Part 2, paragraphs (3), (4) and (5) below)

<b>Item No.</b> <b>(1)</b>	<b>Cylinder capacity of vehicle's engine (cc)</b> <b>(2)</b>	<b>Brent Vehicle Band</b> <b>(3)</b>
1.	Less than 1101	1
2.	1101-1200	2
3.	1201-1550	3
4.	1551-1800	4
5.	1801-2400	5
6.	2401-3000	6
7.	Over 3000	7

## PART 2

For the purposes of and subject to the provisions of this Order, the Brent vehicle band that applies to a vehicle shall be determined in accordance with the following Provisions of this Part:-

- (1) Subject to the provisos to paragraphs (3) and (4) of this Part, where reference is made in this Part to the cylinder capacity of a vehicle's engine, measured in cubic centimetres, or to the quantity of carbon dioxide (CO<sub>2</sub>) gas emitted by a vehicle, the quantities shall be taken to be those which are specified on the UK registration certificate issued in respect of that vehicle.
- (2) In relation to a passenger vehicle the registration date of which is 1<sup>st</sup> March 2001 or later, the Brent vehicle band shall be deemed to be that specified in column (3) of an item in Table A of this Schedule where the quantity of carbon dioxide (CO<sub>2</sub>) gas emitted by the vehicle, measured in grams per kilometre driven (g/km), falls within the range of values set out in column (2) of that item.
- (3) In relation to a passenger vehicle the registration date of which is before 1<sup>st</sup> March 2001, the Brent vehicle band shall be deemed to be that specified in column (3) of an item in Table B of this Schedule where the cylinder capacity of that vehicle's engine, measured in cubic centimetres, falls within the range of values set out in column (2) of that item:

Provided that where the registration certificate does not specify the cylinder capacity of the vehicle's engine, measured in cubic centimetres, the Brent vehicle band shall be deemed to be Brent vehicle band 4.

- (4) In relation to a goods carrying vehicle the registration date of which is any date, the vehicle band shall be deemed to be that specified in column (3) of an item in Table B of this Schedule where the cylinder capacity of that vehicle's engine, measured in cubic centimetres, falls within the range of values set out in column 2 of that item:

Provided that where the registration certificate does not specify the cylinder capacity of the vehicle's engine, measured in cubic centimetres, the Brent vehicle band shall be deemed to be Brent vehicle band 4.

- (5) Where the vehicle is an electric vehicle, the Brent vehicle band shall be deemed to be Brent vehicle band 1.

SCHEDULE 9 (see Article 2 for definition of "event day")

~~15 / 18 and 27 of October 2013~~

~~15 / 16 / 19 / 23 and 30 of November 2013~~

~~19 of December 2013~~





<b>Northwick Park</b>	Vehicle Count	Vehicles parked in bays	Vehicles parked outside bays
Saturday 18/10/2014			
9am	17	17	0
11am	24	24	0
2pm	27	27	0
4pm	33	33	0
Sunday 19/10/2014			
9am	36	36	0
11am	41	41	0
2pm	38	38	0
4pm	35	35	0
Tuesday			
9am	91	91	0
11am	94	93	1
2pm	91	91	0
4pm	90	90	0
Thursday			
9am	92	92	0
11am	95	93	2
2pm	93	91	2
4pm	87	86	1

<b>Disraeli Road</b>	Vehicle Count	Vehicles parked in bays	Vehicles parked outside bays
Saturday 27/09/2014			
10am	37	36	1
12pm	37	36	1
3pm	30	29	1
5pm	27	26	1

Saturday 18/10/2014

10am	35	35	0
12pm	40	40	0
3pm	41	41	0
5pm	41	41	0

Sunday 19/10/2014

10am	33	33	0
12pm	34	34	0
3pm	34	34	0
5pm	33	33	0

Tuesday 23/09/2014

10am	80	72	8
12pm	61	56	5
3pm	68	62	6
5pm	63	59	4

Friday 26/09/2014

10am	69	66	3
12pm	63	60	3
3pm	35	35	0
5pm	36	36	0

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> <b>15 December 2014</b></p> <p style="text-align: center;"><b>Report from the Strategic Director of Adults</b></p>
<p>For Action/Information <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Authority to award contracts for Enhanced Reablement Services</b></p>	

## **Appendix 1 is Not for Publication**

### **1.0 Summary**

- 1.1 In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award four contracts for Enhanced Reablement Services for a term of 1+1 year. To support the recommendation the report also provides further details on the scheme and details the process undertaken to select the preferred providers.

### **2.0 Recommendations**

- 2.1 That Cabinet approve the award of a contract for Enhanced Reablement Services for a term of one year with an option to extend by one further year to each of the following:
- MNA Homecare Services Limited
  - Capital Homecare (UK) Limited
  - DeVere Care Limited
  - Supreme Care Services Limited
- 2.2 That Cabinet agree an exemption from Contract Standing Order 104(b) permitting the award of contracts to the four highest scoring bidders as detailed in 2.1 above for the reasons set out in paragraph 6.4.

### **3.0 Background**

- 3.1 The Enhanced Reablement pilot was set up from November 2012 to April 2013 with Joint Executive Team (JET) funding to provide an integrated rehabilitation and reablement service for Brent Adult Social Care (ASC) service users with complex needs.
- 3.2 Prior to the development of the service there was no intermediate care service within Brent which offered integrated input from social services and health professionals (i.e. physiotherapy and occupational therapy staff). The existing Brent reablement service was not delivering optimum outcomes for service users with substantial functional or mobility needs. It was believed that this was because of a combination of factors, including the capacity and skills of the reablement providers, and the lack of integrated and coordinated rehabilitative health interventions for these individuals. Therefore, working with the CCG it was proposed that we create an intermediate care service, to ensure that however complex the physical need, we had a reablement and rehabilitation service to help people remain independent. This service would also support the health and social care objective of preventing hospital admissions.. This pilot commenced in November 2012 and transitioned to a mainstream service model in May 2013. The service impact has been that, on average, 18% more service users with complex needs are becoming independent whilst hospital admissions have decreased by 12% and goal attainment has increased by 35%.
- 3.3 Two homecare providers (Mears and Gentlecare) were procured for the pilot with an option to transition their contracts to a mainstream service. Having exercised that option, the mainstream Mears contract ends on the 30<sup>th</sup> December 2014. The Gentlecare contract was also due to expire on 30<sup>th</sup> December 2014 but this contract has already been suspended due to an adverse Care Quality Commission audit. Over the past few months this has meant that in effect the Council has had no option but to operate with only one provider across the whole of the borough which has caused difficulties in ensuring that the required 8 referrals per week are supported.
- 3.4 As part of the planning for future provision of an Enhanced Reablement Service, Officers had regard to the lessons learned from the pilot, the mainstream contract and the service impact of having only one provider with variable service standards. It was therefore agreed that four separate contracts from different providers should be procured to ensure supply capacity, quality and contingency across the borough.

### **4.0 The tender process**

- 4.1 With a view to swiftly creating a robust and sustainable service utilising a wider range of providers and developing more robust performance and contract management processes the preferred bidders were

selected through a mini competition using the West London Alliance (WLA) Homecare Framework which went live in October 2014.

- 4.2 In accordance with the Framework call off protocol all 34 providers on Lot 3 Reablement were sent the Invitation to Quote (ITQ) which included the Instructions, the Specification, the Evaluation Methodology and Bidder Questions.
- 4.3 7 bidders responded with a formal on time electronic quotation on the 24<sup>th</sup> October 2014.

### **Evaluation process**

- 4.4 The Instructions stated that the contract would be awarded to up to 4 providers on the basis of the most economically advantageous offer to the Council. Cost had a weighting of 60% and Quality 40%.
- 4.5 The Quality element included both written and presented answers to the Bidder Questions with 20% allocated to the written and 20% to the presented which consisted of a case study.
- 4.6 The question and presentation evaluations were carried out by a panel of officers from ASC Reablement and Commissioning to reach a total Quality score per panel member and bidder.
- 4.8 The Cost element was scored by the ASC Category Manager where the lowest cost received the maximum 60% score and the remainder a proportion of the percentage dependent on their difference to the lowest.
- 4.9 The panel, alongside the ASC Category Manager, met on the 5<sup>th</sup> November 2014 to appraise the quality scores, accept the cost scores formed and agree the bidder rankings based on a combined Quality and Cost score.
- 4.10 The names of the bidders are contained in Appendix 1. The scores received by the bidders for quality and cost answers are included in Appendix 2. It will be noted that Bidder A9, A18, A7 and A4 were the highest scoring bidders. Officers therefore recommend the award of the contracts to MNA Home Care Services Limited, Capital Homecare (UK) Limited, De Vere Care Limited and Supreme Care Services Limited.
- 4.11 The four contracts will commence in December 2014 as the Council's observation of the requirements of the mandatory standstill period are not applicable to a Part B service contract being called off a framework agreement.

### **5.0 Financial Implications**

- 5.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250,000 or works contracts exceeding £500,000 shall be referred to the Cabinet for approval of the award of the contract. The estimated value of this contract is £973,000 over the proposed 1+1 contract term.
- 5.2.1 The cost of this contract will be funded from the 2015/16, 2016/17 and 2017/18 Reablement and Safeguarding revenue budget within Adult Social Care. These budgets are subject to the council's annual budget process which, due to required budget savings, is likely to be reduced over the contract duration. This contract will be a priority commitment upon remaining budgets within Adult Social Care.
- 5.3 This is a variable cost contract based upon hours provided by the four selected providers. The agreed hourly rates are all London Living Wage compliant (LLW).
- 5.4 The volume of activity for each provider will be determined by the demand for the service. The performance of each provider will be reviewed and this will inform future usage of that provider. Activity will not exceed the total value of the contract.
- 5.5 The Adult Social Care budget is monitored as part of the Councils ongoing budget monitoring process. This contract will form part of that monitoring process on its commencement.

## **6.0 Legal Implications**

- 6.1 Enhanced Reablement Services are classed as a "Part B" services under the Public Contracts Regulations 2006 (the EU Regulations) and as such are not subject to the full European public procurement regime although the council is under a duty to act fairly and transparently in the procurement.
- 6.2 As detailed at paragraph 4.1, Officers have selected preferred bidders through a mini-competition using the WLA Homecare Framework. The WLA Homecare Framework was let by Brent Council and commenced on 1 October 2014.
- 6.3 The estimated value of the four call-off contracts together is £973,000 over the proposed 1+1 contract term. Whilst spend under the four contracts will vary depending on capacity and other issues, the likelihood is that a number of the contracts individually will have an estimated value in excess of £250,000 although at the current time it is not possible to indicate which. As there is a potential for each of the contracts over its lifetime to have a value in excess of £250,000, each is classified as a High Value Contract under the Council's Contract Standing Orders and Financial Regulations and therefore the award of the call-off contracts requires Cabinet approval.

6.4 As indicated in paragraph 3.4, Officers wish to award four contracts to four different providers to ensure supply capacity, quality and contingency across the borough. Contract Standing Order 104(b) provides that contracts for services shall be evaluated and awarded on the basis of the most economically advantageous offer to the council. Whilst Officers are recommending the award of contracts to the four highest scoring bidders as set out in Appendix 2, technically this means that in addition to awarding to the bidder with the most economically advantageous offer, Officers are also recommending award to the second, third and fourth most economically advantageous offers. In the circumstances, specific Cabinet approval is sought to an exemption to the requirements of Contract Standing Order 104(b). It should be noted that intention to award to up to the four highest scoring bidders was made clear during the mini competition in order to ensure fairness and transparency.

## **7.0 Diversity Implications**

7.1 There are no diversity implications that require an Equalities Impact Assessment to be undertaken however the proposed contract will require the providers to deliver services which are:

- culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible, and;
- able to provide training for all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.

7.2 The provider will be monitored to ensure they are complying with these requirements through checking of their records, regular review of services provided to individual service users where feedback will be sought from service users, monthly monitoring meetings and provision of quarterly performance information to the Council.

## **8.0 Staffing/Accommodation Implications**

8.1 Enhanced Reablement Services are currently provided externally and there are no implications for Council staff arising from the procurement of the contracts.

## **9.0 Background Papers**

9.1 NA.

## **Contact Officers**

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**Strategic Director of Adults**



**APPENDIX 2**

**CONTRACT FOR ENHANCED REABLEMENT**

**TENDER EVALUATION GRID**

	QUALITY SUB SCORING		FINAL QUALITY SCORE (40%)	FINAL COST SCORE (60%)	TOTAL SCORE
	20%	20%			
	QUESTION	PRESENTATION			
A9	14%	15%	29%	48%	77%
A18	16%	10%	26%	50%	76%
A4	8%	10%	18%	54%	72%
A7	11%	10%	21%	50%	72%
A17	11%	0%	11%	60%	71%
A8	7%	0%	7%	48%	54%
A1	10%	5%	15%	43%	58%

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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 <p><b>Brent</b></p>	<p align="center"><b>Cabinet</b></p> <p align="center"><b>15 December 2014</b></p> <p align="center"><b>Report from the Strategic Director of Adult Social Services</b></p>
<p>For Action/Information <span style="float: right;">Wards Affected: ALL</span></p>	
<p align="center"><b>Authority to award a contract for Social Care and Support Services in Extra Care Housing</b></p>	

**Appendix 1 is not for publication**

**1.0 Summary**

In accordance with Contract Standing Order 88, this report seeks Cabinet authority to award a 2+1+1 year social care and support services contract for a new Extra Care Housing (ECH) scheme at Willow House. The support services will be provided to older people (55+) who have Mental Health, Learning Disabilities, Physical Disabilities and/or Sensory Impairment(s). To support the recommendation the report also provides further details on the scheme and details the process undertaken to select the preferred provider.

**2.0 Recommendations**

2.1 That Members approve the award of a contract to London Care Plc for the sum of £1.8m, for the provision of a Extra Housing Scheme social care and support services at Willow House; for an initial period of two (2) years with an option to extend up to a further two (2) years on an annual basis.

**3.0 Background**

**ECH at Willow House**

3.1 Willow House is a new ECH scheme being developed by Network Stadium Housing. The scheme will provide 38 self-contained one-

bedroom flats and 2 two-bedroom flats for people aged 55+ years who have Mental Health, Learning Disabilities, Physical Disabilities and/or Sensory Impairment(s).

- 3.2 The new development will create an opportunity for the Council to deliver care and support in a way that will flexibly improve individual outcomes, quality of life and allow for any unplanned extra care to be delivered in a cost effective manner.
- 3.3 This will be achieved by:
  - 3.3.1 Transferring the Housing costs i.e. rent and service charges to housing benefit. This is different to a residential care package whereby Adult Social Care (ASC) absorb living, housing, care and support costs.
  - 3.3.1 Allocating a nominal 17 hours of care and support time per tenant per week to be delivered by the Provider through a 24-hour core rota and daily flexible rota. With the 24 hour core rota a minimum of two staff will be on duty at all times to support both planned, routine and the emergency care needs. Assistive technology (e.g. telecare) will be used to further streamline the service delivery. The daily flexible rota will be personalised to each tenant and a variable pattern of staffing will be used to efficiently meet their individual wants and needs. It will include personal care activities but will be especially aimed at creating small discrete units of time that are dedicated to individual interests and community engagement.
- 3.4 Allowing the service user to 'bank' unused units of time and retain it for use on unplanned care and/or alternative service needs.
- 3.5 The service will be available 24 hours a day, 365 days of the year. It will principally be delivered at the Willow House Extra Care Scheme but may be delivered in the community as dictated by the service user needs.
- 3.6 The flexible model of care and support will improve not only individual outcomes and quality of life but will also achieve better value for money in the commissioning of accommodation and support services in comparison to residential care.
- 3.7 The Council will have 100% nomination rights for the 40 flats. All prospective tenants will have care and support needs of more than 14 hours per week, at substantial or critical level (Fair Access to Care Services and local personal needs assessment) and will have an identified social housing need.

#### **4.0 Market Position Statement**

- 4.1 The new contract will ensure it is aligned with the objectives set out in the Brent Market Position Statement (MPS) 2014 whose main principal is to ensure that future Social Care and Support services will be delivered by providers who have the experience in maximising individual choice and control through flexible delivery of services.
- 4.2 The MPS estimates the demand for accommodation based care and support for older people 65+ will increase by 37%, an increase of 774 over the next six years, based on current 1287 older people in care homes.
- 4.3 This proposed contract will deliver 40 accommodation based care options and goes some way towards increasing the use of tenanted care models to 200 by 2016 as set out in the MPS.
- 4.4 The ECH development and the new specified model of care and support services will further support the key vision set out in the MPS, which is to increase provision of tenanted models of care and support by providing an alternative, moving away from costly 'traditional' Care home models.

## **5.0 The Care Act 2014**

- 5.1 As a result of the new contract the service will ensure the following stipulations of the Care Act 2014 are met:
  - a) Local authorities are to ensure their social care system is based on the principles of prevention, early intervention and is focused on an individual's well-being and ability to maintain their independence.
  - b) Focus to be on an integrated, preventative and community based housing and support service placing an individual's well-being at the heart.
  - c) Put the suitability of living accommodation explicitly as part of the definition of well-being, which sets the tone for the whole Act.
  - d) Make reference to Housing explicitly as part the authorities' new duty to promote the integration of health and care.
  - e) Deliver care and support services through an understanding of reablement; believing that every person, no matter what age or disability, has the potential to develop or regain skills that allow them to be more independent and/or have access to a wider range of choices; to create an atmosphere of support and encouragement to try new things, practice lost skills, where staff supervise, support, and encourage, 'doing with' rather than 'doing for'.

## **6.0 The tender process**

- 6.1 The preferred bidder was selected through a mini competition using the West London Alliance (WLA) Homecare Framework which went live in October 2014.

- 6.2 In accordance with the Framework call off protocol all 31 providers on Lot 2 Extra Care, were sent the Invitation to Quote (ITQ) which included the Instructions, the Specification, the Evaluation Methodology and Bidder Questions.
- 6.3 The Instructions stated that the contract would be awarded to a single entity on the basis of the most economically advantageous offer to the Council whereby Cost had a weighting of 60% and Quality 40%.
- 6.4 11 bidders responded with a formal on time electronic quotation on the 27<sup>th</sup> October 2014.

### **Evaluation process**

- 6.5 The Quality element of the evaluation was carried out by a panel of officers from ASC Commissioning and Contract Management. Following their individual scoring, all results were collated into a single panel score per bidder.
- 6.6 The Cost element was scored by the ASC Category Manager where the lowest cost received the maximum 60% score and the remainder a proportion of the percentage dependent on their difference to the lowest.
- 6.7 The panel, alongside the ASC Category Manager, met on the 3<sup>rd</sup> October 2014 to appraise and agree the collated Quality score and review the final bidder rankings based on a combined Quality and Cost score.
- 6.8 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that Tenderer B16 was the highest scoring tenderer. Officers therefore recommend the award of the contract to London Care Plc.
- 6.9 The contract will commence December 2014

### **7.0 Financial Implications**

- 7.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250,000 or works contracts exceeding £500,000 shall be referred to the Cabinet for approval of the award of the contract.
- 7.2 The value of this contract is at £1.8m over 4 years. The actual cost per year is dependent upon the number hours provided to tenants up to the maximum contract value. The overall value of the contract equates to an annual cost of £450,000 which includes the provider paying the London Living Wage (LLW) allowance.
- 7.3 The cost of this contract will be met from the Extra Care Sheltered Housing budget in the Commissioning Unit contained within the Adult



Social Care budget.

- 7.4 This budget is subject to the council's annual budget process and, with budget savings required, is likely to be reduced over the duration of this contract. This contract will be a priority commitment upon remaining budget resources within the division.
- 7.5 As alluded to in paragraph 3.3.1 this contract represents a more cost effective care model than residential care due to the cost being partially offset by clients housing benefit income. Clients that therefore move from residential care to the ECH scheme should generate cash savings for the council. This contract is expected to contribute to savings targets within Adult Social Care specifically to the New Accommodation to Independent Living (NAIL) project.
- 7.6 There are no implications for the council's rent control or debt collecting processes. This will be the responsibility of the managing agent Network Stadium Housing with the council having nomination rights for potential tenants.
- 7.7 The Adult Social Care budget is monitored as part of the Councils ongoing budget monitoring process. This contract will form part of that monitoring process on its commencement.

## **8.0 Legal Implications**

- 8.1 Under the EU public procurement rules, provision of Health and Social services fall within Part B of Schedule 3 to the Public Contracts Regulations 2006 and in procuring such services, contracting authorities do not have to follow the full European public procurement regime. However, to satisfy the principles of the Treaty of the Functioning of the European Union, of non discrimination and transparency, contracting authorities are encouraged to advertise the proposed procurement to enable the market to be opened up to competition and to eliminate any impartiality of the procurement procedure, before awarding the contract.
- 8.2 Paragraph 6 of this report confirms that the preferred bidder, London Care Plc was selected following a mini competition under the West London Alliance (WLA) Homecare Framework which commenced in October 2014.
  - 8.2.1 Framework agreements are defined under Regulation 2(1) of the Public Contracts Regulations 2006 and the main operative provision is regulation 19. Ordinarily, call-off contracts made under a Brent Council procured Framework do not require Member approval, unless the value of the proposed call-off contract is deemed a High Value Contract. The proposed contract is for an initial period of 2 years subject to two one year extensions. The lifetime of framework agreements are limited to four years, (i.e. the period within which the last call off contract must be

awarded). The contract to London Care Plc will fall within the lifetime of the WLA Homecare Framework (i.e. 4 years), provided the last one year (the extension) of it commences before the expiry of the framework.

- 8.3 The value of the proposed contract over its lifetime as mentioned in paragraph 7.2 above is in excess of £250,000. The award is therefore subject to the Council's own Contract Standing Orders ("CSO") in respect of High Value service contracts, and the Financial Regulations, in that Cabinet approval to award the contract to London Care Plc is required.
- 8.4 As mentioned in paragraph 5.0 above, the contract will ensure that the stipulations of the new Care Act 2014 and associated statutory guidance (in respect of adult safeguarding work and the duties which are placed on local authorities' social services and housing in providing housing, social care and support to vulnerable older people) are met.
- 8.5 The Council at the pre-procurement stage of this contract also considered the requirements of the Public Services (Social Value) Act 2012, i.e how the services to be procured may improve the economic, social and environmental well-being of Brent. The service under this proposed contract has as its primary aim, the improvement of the social wellbeing of one of the most vulnerable groups in Brent.

## **9.0 Diversity Implications**

- 9.1 The proposed contract will require the provider to deliver services which are:
- culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible, and;
  - able to provide training for all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.
- 9.2 The provider will be monitored to ensure they are complying with these requirements through checking of their records, regular review of services provided to individual service users where feedback will be sought from service users, monthly monitoring meetings and provision of quarterly performance information to the Council.
- 9.3 In view of the fact that this procurement represents a change to the model of service delivery for some service users it is necessary for the Cabinet, as decision-making body, to consider the equalities implications which are contained within the Equalities Impact Assessment in Appendix 3. In accordance with the Equality Act 2010 officers believe that there are no adverse diversity implications.

## **10.0 Staffing/Accommodation Implications**

10.1 None.

## **11.0 Background Papers**

11.1 NA

### **Contact Officers**

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APPENDIX 2

**SOCIAL CARE AND SUPPORT SERVICES IN EXTRA CARE HOUSING**

**TENDER EVALUATION GRID**

	<b>40%</b>	<b>60%</b>	<b>100.0%</b>	
<b>Bidder ID</b>	<b>Q SCORE</b>	<b>£ SCORE</b>	<b>TOTAL</b>	<b>Rank</b>
London Care PLC (B16)	30%	56%	86%	1
B13	29%	51%	80%	2
B11	22%	58%	80%	3
B25	26%	54%	80%	4
B9	19%	60%	79%	5
B12	20%	49%	69%	6
B22	15%	51%	66%	7
B14	9%	57%	66%	8
B26	18%	46%	64%	9
B29	4%	51%	55%	10
B17	22%	23%	45%	11



## APPENDIX 3

### EQUALITIES IMPACT ASSESSMENT

Attached

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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2012

# Equality Analysis

## Guidance and Form



## 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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> Adult Social Care  <b>Service Area:</b> Commissioning and Quality	<b>Person Responsible:</b> Name: Jo Walton Title: Programme Delivery Officer, PMO Contact No: 020 8937 6879 Signed:
<b>Name of policy:</b> New Accommodation for Independent Living	<b>Date analysis started: 16/10/2014</b> <b>Completion date 14/11/2014</b> <b>Review date:</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date: Contact No: 0208 937 4521 Signed: Sarah Kaiser
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Phil Porter Title: Strategic Director, Adults Date Contact No: 020 8937 5937 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee: New Accommodation for Independent Living Project Board  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.

There are approximately 700 clients in residential care, and 400 in nursing care in Brent. Annual spend on residential and nursing care in Brent is currently £39.2m, or approximately 50% of the Adult Social Care (ASC) budget, and there are significant pressures on this budget, as projections included within our Market Position Statement (attached at Appendix C) suggest that the need for residential or nursing care accommodation in the borough may increase by as much as 31% by 2020. Providing care in people's homes is significantly cheaper than providing the same level of care in a residential or nursing care setting, and generally preferred by service users. However in many cases clients are forced to move into residential care facilities because their physical needs cannot be met in their own home, or because their families are unable to care for them at home and they cannot source suitable independent accommodation.

The New Accommodation for Independent Living (NAIL) project aims to deliver alternatives to residential and nursing care which will help to ease the pressure on ASC budgets, whilst ensuring that individuals' needs are met, and giving people more independence, choice and control. Accommodation Plus (Supported Living and Extra Care) gives people their own front door and allows us to build the support they need around this accommodation to support their independence.

The purpose of the project is to design and develop alternative 'accommodation plus' options, which incorporate:

- 'extra care' living (generally for older clients) and
- 'supported living' for younger people who require support from Adult Social Services due to a physical disability, learning difficulty or mental health condition.

The proposed 'accommodation plus' options will promote independence and provide choice in how and where clients live. Providing services in this way enables clients to live independently in the community, promoting well-being and alleviating social isolation. It also enables primary health, care and support services to come to the individual, rather than the individual being required to change their accommodation in order to receive services that can and should be available in the community. This will involve extensive work with Planning & Development and Providers with the aim of meeting people's needs better at home and using new models of care and support in the community.

Service users will live in their own home, with their own tenancy, and with access to on-site personal care such as help with washing, dressing and medication. The

level of support they receive will be tailored to their specific needs. For people with disabilities or illnesses that require nursing care on a frequent basis or closer monitoring than available in accommodation plus, a nursing home may continue to be a more appropriate option.

This Project is being delivered in two phases:

- **Phase one (completed)** - determined financial viability for the project, and aimed to understand current market intelligence. It included a review of the current client need to inform what would be delivered in phase 2.
- **Phase two** - will deliver a rolling programme of accommodation; 200 units by March 2017, and a further 150 units by March 2018.

The NAIL (Phase 2) project has four key workstreams:

- Delivering the accommodation – the development and delivery of at least 200 homes throughout the borough by March 2017, and a further 100-200 by March 2018.
- Commissioning the right models of care and support for the accommodation, ensuring it meets the needs of the population we support and that the care and support provided in the buildings enhances the focus on independence, choice, control and quality of life
- Identifying and matching individuals to the right accommodation at the right time, and facilitating moves into the Accommodation Plus provision.
- Delivering the operating model for the delivery of future Accommodation Plus developments beyond 2017.

Of the 66 potential sites identified in the NAIL Phase 1 project, some are owned by the council, while some are owned by the private sector or Registered Social Landlords. Brent is only likely to develop around 40 accommodation plus units through the NAIL project on its own land. A key element of the NAIL project will therefore be developing the market to facilitate the construction of the remaining units by registered providers and the private sector. One of the objectives of the NAIL project is to ensure that processes and partnerships are in place to ensure that ASC is involved from the start, enabling us to have more control over the design of sites and ensure that they are designed to better meet the needs of Brent residents.

It is intended that through the NAIL project, adult social care staff will be involved in the site specification of both Council and non-council owned sites from very early on in the process. It is also intended that certain principles will be applied as a “baseline” for sites, such as increased levels of communal space to foster social interaction, and high proportions of wheelchair accessible flats which will enable people to stay in their homes as their needs change.

In addition to using our stronger relationship with providers to influence the design of potential sites, the council will also be able to exert control through the planning process to ensure that the units delivered are of suitable design and tenure to support the needs of our communities. While it must be acknowledged that we will not have complete control over every element of the specification of new sites within the borough, it must also be acknowledged that the majority of service users will not need highly advanced environmental adaptations in order to live independently. In the vast majority of cases, it is the provision of a simple modern design that can be easily adapted, along with a bespoke package of integrated care that will enable an individual to live a full life in independent accommodation.

The provision of adult social care is specified on a case by case basis, with detailed assessments used to identify the bespoke package of care that is needed by an individual service user. Workstreams 2 and 3 will ensure that potential clients for the new properties will be matched to suitable accommodation, and that the right care is commissioned to suit individual needs. Closer relationships with housing providers will enable the council to identify potential clients well in advance of properties being completed, giving time for occupational therapy assessments to be carried out to identify specific physical adaptations that are needed by a particular client. In addition, this early identification of potential clients will enable more support to be provided over a longer period of time to address any concerns that service users may initially have, and allow them and their families time to develop skills and prepare for independent living.

Given that designs have not yet been drawn up for the units within scope of workstream 1 of the project, this EIA looks at the broader equalities implications of the project, and general requirements for units from an equalities perspective. As each site is designed, a short briefing note that describes the design of the site in relation to equalities considerations will be added to this report and considered by the NAIL project board.

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

National evidence suggests that this approach has the capacity to bring significant improvements to people's quality of life by moving away from a limited selection of traditional accommodation settings to a diverse range of accommodation settings which better support individual needs.

There is broad recognition that for some people residential/nursing care homes will continue to offer the best solution, and individual assessments will ensure that moves into "accommodation plus" units are only offered where appropriate. Conversely, there are significant numbers of people within restrictive residential care homes that could be better supported in more independent accommodation

and who have the potential to achieve greater personal independence.

At present, there are over 1000 clients currently in residential or nursing care homes. Clients who are identified as potentially being suitable for accommodation plus will be identified through individual assessment of their health and social care needs. As a result, the likelihood is that the vast majority of accommodation plus units will be filled from those living in residential care homes. Those currently living in nursing care homes are more likely to have needs which are best managed within a nursing setting, and are least likely to be able to benefit from independent accommodation, although they will be considered on an individual basis. As such, this EIA only considers equalities data relating to the 700 individuals living in residential care homes.

The table below shows the four main client categories under which ASC clients living in residential care homes may be receiving support, and the planned number of units that will be developed in the first tranche of developments until March 2017 for each of these categories of service user. The mix of units that will be developed after 2017 has not yet been agreed, and will be decided on the basis of the demographic of clients remaining in residential care at that time.

<b>Client Group</b>	<b>Total clients in residential care</b>	<b>Planned number of units delivered by NAIL project by March 2017</b>
Learning Disability 18-64	220	62
Mental Health	46	22
Older People's Services	407	93
Physical Disability 18-64	23	22
<b>Grand Total</b>	<b>696</b>	<b>200</b>

The number of units that will be developed for each client group is based on data analysis laid out within our market position statement (attached at appendix C). This in turn is generated through POPPI (Projecting Older People Population Information System) and PANSI (Projecting Adult Needs and Service Information System), which are used nationally to predict and plan future commissioning needs.

## Age

The age distribution of service users is shown in the table below.

Age bracket	LD 18-64	Mental Health	Older People's Services (OPS)	PD 18-64	Grand Total
17-24	15				15
25-34	24	2		1	27
35-44	33	5		1	39
45-54	73	14		5	92
55-64	57	20	11	8	96
65-74	17	4	70	8	99
75-84	1	1	134		136
Over 85			192		192
<b>Grand Total</b>	220	46	407	23	696

62% of service users are over 65, and the size of this group is reflected in the high number of units that will be designated specifically for older people. It is also important to remember that the development of independent accommodation options may have the greatest positive impact on younger service users, who are likely to remain in their new homes for the longest period of time. It is intended that sites are designed with a particular group of service users in mind and are thus tailored to the needs of that group. In this way the aim is to meet the needs of each service user regardless of their age. In addition, all the properties that will be delivered by the project will be easily adaptable, and as such the intention is that as someone's needs change, their home can be adapted around them, allowing them to stay in their home as long as possible.

Given that the intention of the project is to provide a range of accommodation that is suitable for those with care needs, we envisage that NAIL will have a positive impact on age as a protected characteristic.

## Disability

22 of the 200 units that will be delivered by March 2017 will be specifically adapted for those with a physical disability. Because of the highly specific nature of adaptations to these units, such as hoists, these will be specified once the service users have been identified and fitted out to meet their specific needs. An example of the specification sent to architects to help inform the design of Clement Close and Peel Road can be found at appendix A. Although these two sites will be allocated to service users with complex learning difficulties the service users likely to live there have substantial physical requirements as well, so this specification gives insight into the level of tailoring that ASC are hoping to achieve for service

users with complex physical needs.

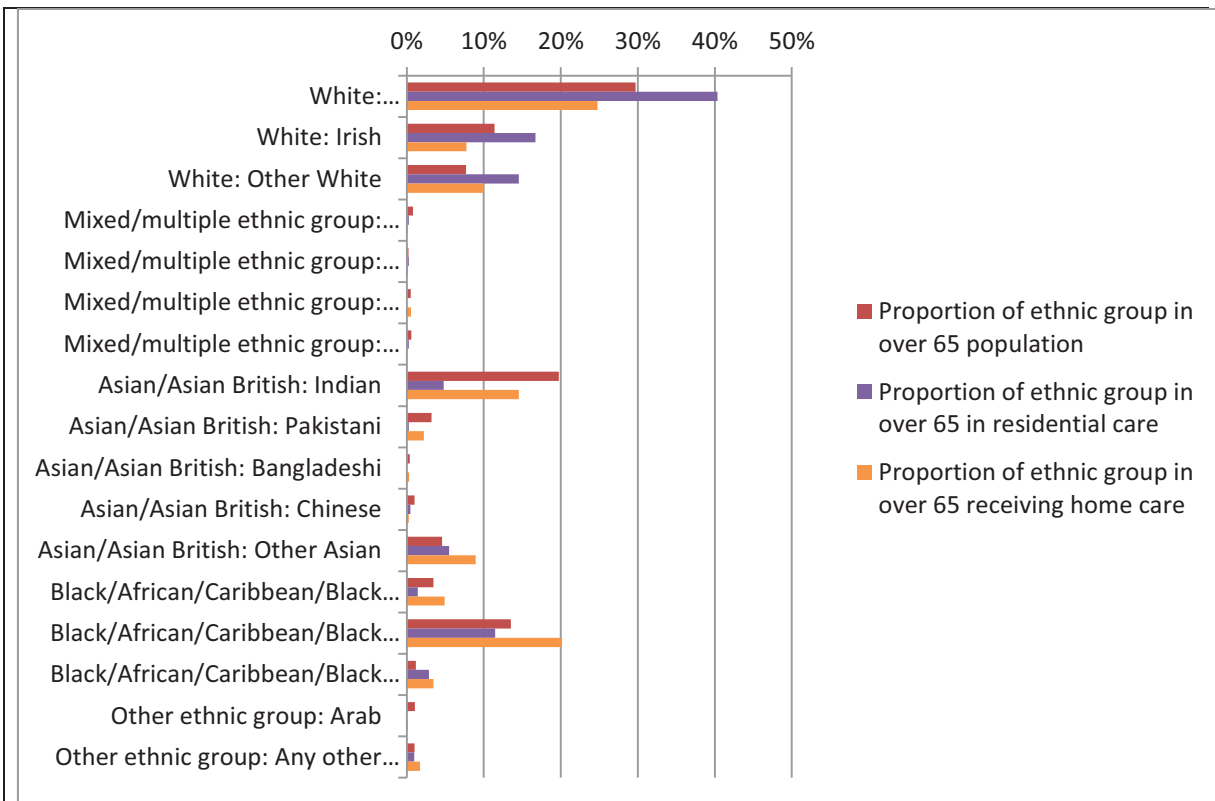
We recognise that although there may be only 23 services users currently in residential care within the Physical Disability category, that many more service users within LD, mental health and older people's services may also have physical impairments. As such it is intended that all units are built to lifetime homes as standard. This specification provides for wider corridors and doorways, and accessible controls such as light switches and plug sockets, and is easily adapted should the clients' needs change. While this would be the basic standard, many units will take this one step further and meet the "Happi" guidelines, or be "wheelchair accessible" homes, which are around 10% larger than lifetime homes, and are designed to be immediately habitable for someone in a wheelchair. It is our intention to use our relationship with providers, and our control of the planning process, to do everything we can to ensure that these standards are met on all sites.

These types of units are easily adapted to suit a service user's changing needs, and so we envisage that NAIL will have a positive impact on disability as protected characteristic.

#### Ethnicity

There are significant differences in ethnic profiles across different age brackets within the borough. As such the graph below compares the ethnicity profile of the 427 service users over 65 years old in residential care, with the same age bracket receiving home care, and the same age range in the borough profile.





The data shows that there is an over-representation of white groups, and an under-representation of Asian groups in residential and nursing care when compared to the same age range in the borough profile. However, when we look at the ethnicity of those receiving care at home (which includes domiciliary care, direct payments, meals on wheels and carers payments), the distribution mirrors the ethnicity profile of the borough much more closely. The under-representation of Asian people in residential and nursing care is often attributed to the anecdotal notion that Asian communities have very strong family links, so the tendency is for families to look after older family members at home. The data seems to confirm this, as all ethnic groups are accessing support services for older people that are delivered in their homes, but where some ethnic groups readily move into residential care as their needs increase, others prefer to stay at home. Through developing the market, we will ensure that this project builds relationships with a variety of providers, including those who specialise in working with Asian groups such as Apna Ghar. In doing this, we should be able to gather improved insight into the reasons for this under-representation, and better understand how it could be addressed. It is also important to remember that a central aim of NAIL will be to try to meet people's needs in their home wherever possible, so if the preference of a certain group is to stay with their families and have increased levels of care provided at home, then this project will enable them to have care provided according to their wishes. As such, an uneven distribution of ethnic groups within residential care or accommodation plus should not necessarily be seen as a failure to provide accommodation options that are suitable to all groups.

The over-representation of white groups within residential care may be due to perceptions of residential care; for example, other ethnic groups may see traditional care home settings as unable to provide the social opportunities that they wish to have. The ability to live in independent accommodation with better access to community activities in accommodation plus environments rather than a restrictive care home setting with hopefully appeal to a broader representation of ethnic groups.

The preferences of different cultural and ethnic groups are recognised by adult social care, and were noted at the consultation for the plot 3 site at Park Royal (see section 5). Ensuring that sites are developed with flexible community space that can serve a variety of purposes will be considered during the design stage of each site, and should enable development to suit mixed communities by fulfilling the needs of people from a variety of ethnic groups.

In addition, attention will need to be paid to the cultural preferences of different groups in relation to the internal layout of accommodation plus units, such as a preference for a separated living room and kitchen. Every effort will be made to build a variety of layouts to ensure that clients can have as much choice as possible, however ultimately the priority will be on meeting people’s health and social care needs, and ensuring the design can be easily tailored to meet changing needs, so we may not always be able to give clients choices over every element of accommodation plus homes. In addition, financial feasibility and physical site characteristics may not always make this practical.

#### Religion or Belief

There is likely to be crossover between the distribution of ethnic groups in residential care, and the distribution of religious groups. The Asian communities that are under-represented in residential care are more likely to be Hindu or Muslim, so we would expect to see lower numbers of those religions.

Unfortunately, due to the monitoring categories that are used in ASC, it is not possible to directly compare the distribution of faith groups with the borough profile. The table below shows the religion or belief of those currently living in residential care homes, and those accessing home care within the borough.

Religion / Belief	Number of service users in residential care	Proportion of service users in Residential care	Number of service users receiving home care	Proportion of service users receiving home care
ANGLICAN	0	0.0%	17	0.4%
BAPTIST	3	0.4%	50	1.2%
BUDDHIST	0	0.0%	13	0.3%
CATHOLIC	73	10.5%	280	6.5%
Christian	70	10.1%	425	9.9%

CHURCH ENGLAND	73	10.5%	267	6.2%
GREEK ORTHODOX	3	0.4%	20	0.5%
HINDU	39	5.6%	527	12.3%
JAINIST	1	0.1%	11	0.3%
JEHOVAH WITNESS	4	0.6%	34	0.8%
JEWISH	60	8.6%	160	3.7%
METHODIST	8	1.1%	43	1.0%
MUSLIM	17	2.4%	383	9.0%
NONE	17	2.4%	90	2.1%
OTHER	2	0.3%	35	0.8%
PENTECOSTAL	2	0.3%	42	1.0%
RASTAFARIAN	2	0.3%	10	0.2%
ROMAN CATHOLIC	80	11.5%	233	5.4%
SEVENTH-DAY ADVENTIST		0.0%	31	0.7%
SIKH	1	0.1%	20	0.5%
Unknown / Refused	241	34.6%	1588	37.1%
<b>Grand Total</b>	<b>696</b>		<b>4279</b>	

The data shows that while a broad range of religious groups currently live in residential care within the borough, Christian groups are over represented and the residential care population does not mirror the level of diversity we know is present in Brent.

As we saw with ethnicity, there appears to be a greater diversity of religious groups accessing home care, and this appears to more closely mirror the religious profile of the borough as a whole. As stated above, a core aim of NAIL is to provide alternatives to residential and nursing care, and to meet people's needs at home wherever possible. However, should someone need to move into accommodation plus, our aim is that all religious groups will feel equally able to do so. The 66 potential sites that were identified by the phase 1 project are spread throughout the borough as per the site map in appendix B, and demonstrate the potential for NAIL units to provide a good range of choices that will enable access to places of worship. However, the final selection of sites will be fewer, and since they will be developed by our partners, will be based largely on the financial feasibility of developing on each site. While we can do our best to influence the design of sites, we are unlikely to be able to influence their location, and we accept that not all sites will be close to a variety of places of worship. As such the project may potentially have a negative impact on this protected characteristic, however the priority must be to develop suitable and cost effective housing that meets people's health and social care needs first and foremost.

The inclusion of flexible communal spaces within all schemes will be designed to allow a variety of social activities, including enabling faith groups to come together, but also enabling activities that enable inter-faith interaction.

## Gender

There are considerable gender differences across clients living in residential care within the different client groups, though much of this is explained by looking at the gender balance across different age brackets.

Gender	17-24	25-34	35-44	45-54	55-64	65-74	75-84	Over 85	Total
<b>LD 18-64</b>	<b>15</b>	<b>24</b>	<b>33</b>	<b>73</b>	<b>57</b>	<b>17</b>	<b>1</b>		<b>220</b>
Female	5	10	13	25	28	6	1		88
Male	10	14	20	48	29	11			132
<b>Mental Health</b>		<b>2</b>	<b>5</b>	<b>14</b>	<b>20</b>	<b>4</b>	<b>1</b>		<b>45</b>
Female			3	3	3		1		10
Male		2	2	10	17	4			35
<b>OPS</b>					<b>11</b>	<b>70</b>	<b>134</b>	<b>192</b>	<b>406</b>
Female					4	36	76	141	257
Male					7	34	58	50	149
<b>PD 18-64</b>		<b>1</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>8</b>			<b>23</b>
Female				2	1				3
Male		1	1	3	7	8			20
<b>Grand Total</b>	<b>15</b>	<b>27</b>	<b>39</b>	<b>91</b>	<b>96</b>	<b>99</b>	<b>136</b>	<b>191</b>	<b>694</b>

It is to be expected that higher numbers of women live in older people's residential and nursing care, as women have longer life expectancy than men, are more likely to outlive their partners and to move into residential care in later years if they are unable to cope living on their own.

Elderly men and women are unlikely to have different needs in terms of physical layout of accommodation plus homes; both groups are likely to be frail, and equally likely to develop mobility problems that may necessitate a wheelchair in later years.

The data also highlights that there are higher numbers of men in LD, MH and PD residential care. This may be due to the increased likelihood that males develop a disability as a result of more manual professions, however census data contradicts this as the number of individuals who consider themselves disabled is equal across the genders. These groups are quite small, so aren't statistically significant, but it is important to recognise that there are likely to be more men in accommodation plus schemes.

Men and women, especially older men and women, may have different needs in terms of support, in particular domiciliary support, given the different skill sets they may have developed over the course of their lives. The purpose of NAIL is to

provide tailored support to every individual in their own home and based on their needs, as such if men and women do have different needs, this will be picked up in their assessment and reflected in their package of care, however any differences in the package of care provided to an individual will be based upon their needs and not their gender.

We recognise that regardless of their gender, all clients moving to accommodation plus schemes will be vulnerable, and as such it will be important that both their home, and the public realm around it makes them feel safe and secure, with adequate security and lighting. As such all schemes will be “secure by design” certified, and we will encourage partner developers to consider security in detail when designing schemes.

#### Gender Reassignment

At present information on this protected characteristic is not collected, so it is not possible to draw any conclusions as to potential impact on this protected group.

#### Sexual Orientation

At present information on this protected characteristic is not collected, so it is not possible to draw any conclusions as to potential impact on this protected group.

#### Marriage and Civil Partnership

At present information on this protected characteristic is not collected, however the project will potentially have a positive impact on this. At present, couples who are married or are in a civil partnership may be unable to live in the same location due to conflicting health and social care needs. The variety and flexibility of the units that will be delivered by NAIL have the potential to enable couples with differing needs to live with or near to one another.

#### Pregnancy and Maternity

At present there is no information on this protected characteristic.

The intention is to build a mix of one and two bed units to cater for all needs. This has already been designed into the site at Vivien Avenue (Willow House), which has 38 one bedroom properties and 2 two bedroom units. A similar mix will be the aim on other sites where appropriate, and as such service users with children could be allocated a two bedroom property to accommodate their family.

It is not yet known what types of tenancy will be offered to service users living in accommodation plus (assured, assured shorthold etc.). While the hope would be

that service users can remain in their home with physical adaptations and tailored support, there may be circumstances, such as pregnancy, when a service user's needs change so significantly that they need to move to another property. The project team will need to ensure that this is taken into account when making decisions about tenure in the new accommodation.

### Summary

The core purpose of adult social care is to prevent deterioration of physical and mental health, to promote independence and social inclusion, and to improve opportunities and life chances by provision of person-centred and needs-based support. The ability to live independently whilst receiving this tailored support has been shown to enable people to achieve better outcomes, and is what service users have told us that they want. The NAIL project will enable the Council to support the development of the types of accommodation that is needed, and to get involved earlier in the process so that we have adequate time to address any concerns our service users may have, and to build the skills they need to prepare for independent living.

The detailed needs assessments that are central to adult social care will be used to match service users to the appropriate accommodation. These assessments are based upon need, and not on whether someone exhibits any of the protected characteristics, and as such are fair and transparent.

The NAIL project is key to ensuring that the council can continue to provide the necessary support to individuals by enabling us to make budget savings, whilst continuing to address individual needs appropriately, and improving flexibility and independence. Whilst there may be a change in the way services are provided, they will continue to be provided according to individual need, and every attempt will be made to ensure all the needs of every individual are met.

### **Please give details of the evidence you have used:**

Data has been included in this report from the following sources;

ASC data on diversity and equality from Framework-I

Brent census data from the "Brent data" website  
Feedback from service users involved in the LD Partnership, BHeard advocacy project, and the families of service users affected by the potential de-registration of care homes in the borough.

**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;**

Every single service user has an individual needs led assessment which includes social care eligibility and takes into account all the issues around the protected groups. A support plan will be put into place which will meet the needs of people with all the protected characteristics appropriately.

The accommodation plus setting will provide service users with the choice of how and where to live, in an environment which is fit for purpose, yet at the same time promoting independence. Appropriate care packages will still be in place, as they are currently, to meet the needs of the individual.

For those whose needs demand it, traditional residential settings will remain an option.

**(b) Advance equality of opportunity;**

Brent has produced its first Market Position Statement (MPS) which aims to signal our intention to share better, more transparent information with the market; for the benefit of both current and potential providers of Accommodation Based Care and Support Services (ABCSS). It will support better relationships between Commissioners and service providers, acting as a foundation for better engagement and partnership working resulting in a full range of services that fully meet the needs of people as close to home as possible and to promote real choice for local people.

The following four principles guide our thinking around how we develop models of ABCSS going forward:

- **Principle 1:** Wherever possible we meet people's needs at home or as close to home as possible and we will build local capacity in the marketplace to achieve this
- **Principle 2:** We recognise that the needs of individuals may change over time, and we work with individuals receiving care and support to review the services they receive in line with these changes; which may mean a change in service provision to better meet their needs
- **Principle 3:** We work proactively with the market to ensure that services are always of an excellent quality and value for money is always achieved.

- **Principle 4:** For local people, who genuinely need residential or nursing care, we actively review and monitor the quality of these services, to ensure they are safe, personalised, and deliver excellent quality and good outcomes for individuals.

The Brent Health and Wellbeing Strategy 2012-2015 stipulates that people will need to take on much greater personal responsibility for their own wellbeing, making the right choices when these are open to them. At the same time, recognising those people who are vulnerable or at risk, so that we can focus on keeping people safe, offering prevention and early help for them.

Packages of social care are based upon an individual's social care needs, irrespective of what protected groups they may or may not be part of. In doing this, services users are provided tailored support to enable them to live more independently and thus improve their equality of opportunity.

### **(c) Foster good relations**

No changes to the level of the service are proposed, other than opportunities identified during phase one to improve both the quality of service delivery and the commitment by Brent to support local residents to stay at home for as long as possible or as close to home for as long as possible with excellent quality, personalised care and support.

It must be noted that Adult Social Care play an important role in ensuring that older people; people with learning disabilities, physical disabilities or mental ill health access the right support within the community. Also in doing so, Adult Social Care support social inclusion for these groups within the wider community in Brent.

In addition, it is the intention of the NAIL project to provide suitable, flexible communal space within schemes whenever possible that can be used for a variety of purposes, enabling different groups to participate in activities with one another.

**5. What engagement activity did you carry out as part of your assessment?**  
Please refer to stage 3 of the guidance.



## **1) Consultation with LD service users on Accommodation Plus / Market Development Strategy**

### **Who did you engage with?**

Service users and carers.

### **What methods did you use?**

Adult social care commission an advocacy project, BHeard, which is aimed specifically at ensuring that service users have a voice and can get involved in shaping ASC services. Members of the advocacy project held sessions in day centres and other venues with ASC service users to get feedback on the accommodation plus model, and to help inform our market development strategy. In addition, service users and their carers sit alongside staff on the LD Partnership Board, which is part of continual engagement

### **What did you find out?**

The feedback from the BHeard advocacy project has been overwhelmingly positive – LD service users have been very clear that they want to have more choice, and to be given more opportunities for independent living.

### **How have you used the information gathered?**

This feedback has helped inform our market development strategy, and service users from this group helped co-facilitate a provider workshop on this topic, at which they presented the service user feedback to ensure that providers as well as commissioners know what they want.

### **How has it affected your policy?**

It has confirmed that we should continue the policy, and that the accommodation plus model is not only more cost effective for the council, but also what service users want.

## **2) Consultation with service users on the potential extra care site at Plot 3, Park Royal**

### **Who did you engage with?**

Service users and their families

### **What methods did you use?**

A face to face meeting was held to provide information and gain feedback on the proposals. 8 Service users and their representatives attended.

### **What did you find out?**

Service users were positive about the initial proposals.

A summary of the feedback is as follows;

- The site has great bus links, but the local train stations are not very accessible for those with mobility problems,
- They didn't feel that a combined total of 300 units across the three plots was too large, and recognised that being larger would enable more services to be provided and provide greater opportunities for a variety of activities – but would like to see the community facilities available to all sites and not segregated.
- The proximity to the hospital was positive in case of emergency and makes regular trips easier
- Feeling secure is important, so good lighting and door entry systems will be vital
- The sites should be well linked to the shops / plot on Acton lane – which ideally should be sheltered from the rain.
- There are no hotels locally, so adequate guest facilities should be provided to enable relatives / friends to visit.
- There is a lack of green space in the surrounding area so it would be good to include some of this in the design.

#### **How have you used the information gathered?**

The information gathered at the Park Royal plot 3 consultation has helped to decide whether Brent should be supporting the site, and to inform the requirements which ASC can push to achieve through planning. The more general feedback may also be used to inform other sites as well.

### **3) Consultation on the potential de-registration of some residential care facilities**

#### **Who did you engage with?**

Ten service users and their families living at three residential care homes (Kinch Grove, Beechwood Gardens, and Manor Drive).

#### **What methods did you use?**

Engagement has been undertaken at public meetings, one on one, and in correspondence with families and representatives.

#### **What did you find out?**

Almost all of the clients / families were positive about the proposed changes; however a limited number of families were concerned about changes to staffing, and distress caused by the inevitable uncertainty that surrounds a change such as this.

**How have you used the information gathered?**

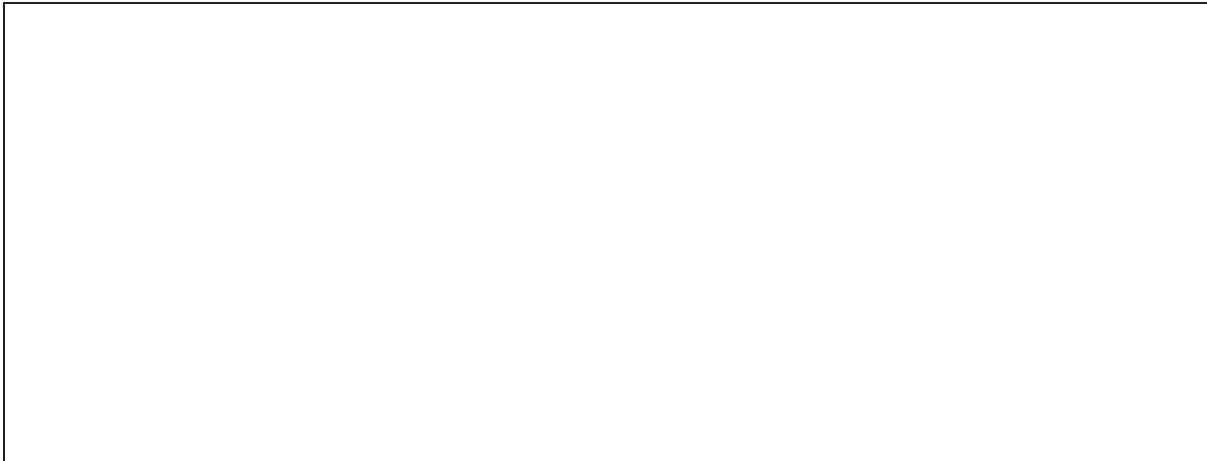
The feedback has highlighted the need to manage the ambiguity around these changes, ensuring that families are well-informed throughout the process. This element of the project has been written into the job description of NAIL Project Manager. This experience has provided useful insight into the concerns of service user's families, and ways that we can improve our approach to the de-registration of care homes, in particular for LD service users who may be more fearful of change. This is within scope of the NAIL project, as some units will be contributed through conversion of existing residential schemes.

**4) Future Consultation**

At the time of writing, two council-owned sites are at the stage of having detailed specifications sent off to architects to provide potential designs; Clement Close and Peel Road. The specification for these has been drawn up in partnership with ASC staff, and it has already been agreed that these will be designed with learning disabilities and complex needs clients in mind. A copy of the specification sent to architects to help inform the design of these sites can be found at appendix A, and gives insight into the level of tailoring that ASC are hoping to achieve for service users with complex disabilities.

Once these, and future sites are close to completion, lists of potential residents will be drawn up and consultation will be carried out with potential residents and their families / carers on a one to one basis. The focus of this project is to increase the amount of choice and control that service users can exercise in relation to their accommodation and care arrangements, and as such their feedback will be central to this process. This one-to-one consultation will also ensure that we fully understand the concerns and needs of service users and their families, and that we can ensure that appropriate care and support is put in place for them.

In addition, it is intended that consultation events will be held to discuss the design of specific sites where appropriate; this will be determined by the size of the site, the client group, and other factors.



**6. Have you 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.

We anticipate a positive impact in relation to most service users across all protected groups, as the opportunity to live independently with the right support and care is a preferable long term outcome than living in institutionalised and restrictive care settings.

The levels and type of service provision will remain as at present, but will be improved by giving service users more choice and independence to decide how and where they live.

It is recognised that for many service users across all different groups, relocation may cause emotional distress and orientation issues in their new surroundings. To mitigate this, it will be necessary to offer a 'resettlement package' to ensure that appropriate support and assistance are in place, both during and after the move.

For those with a physical disability, the transition from a residential care setting to a semi independent setting will require practical support to help them settle in their new surroundings.

As the project will move a significant number of service users throughout the borough, there is potential for a negative impact on faith / belief. While we hope that the varied distribution of potential sites mitigates this risk, the benefits of the project, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable sites and may not be able to take into account the relative location of places of worship. Should we identify a negative impact as

the project progresses, we could consult with the Brent Multi-Faith forum to ascertain whether we can engage faith groups to provided added community support.

**Please give details of the evidence you have used:**

### 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	x		
Disability	X		
Gender re-assignment			Unknown
Marriage and civil partnership			Unknown
Pregnancy and maternity			x
Race			x
Religion or belief		Possible adverse impact	
Sex	x		
Sexual orientation			Unknown

### 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.

**No major change**

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

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

Overall, this analysis has found that the proposals will be beneficial for all service users. The analysis has only identified a minor negative impact in relation to religion or belief as sites cannot be guaranteed to be close to places of worship. While we hope that the varied distribution of potential sites mitigates this risk, the benefits of the project, and the financial pressure on adult social care budgets mean that we must pursue the most suitable and viable sites and may not be able to take into account the relative location of places of worship.

This aside, the project has the potential to have a significant positive impact on all service users, regardless of what protected characteristics they exhibit, by enabling them to have choice and control over their lives, and ensuring that tailored support is provided to them to improve their equality of opportunity and the overall quality of their lives.

**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.

It is intended that a short report is added to this EIA to take account of equalities considerations as and when each site is at the design stage. These documents will be considered by the NAIL project board.

A retrospective EIA will be carried out at project closure.

**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
Short briefing note covering equalities issues on each site to be considered by the NAIL project board as designs become available		Shamym Humdani	Ensure that the unit mix we deliver throughout the life of the project meets the needs of our client groups		
Consider (where appropriate) the inclusion of rooms that can be used for faith activities in larger sites		NAIL Project Manager			

**Please forward to the Corporate Diversity Team for auditing.**

## **CLEMENT CLOSE AND PEEL ROAD – initial brief from ASC**

### **Overview requirements for the accommodation**

This new accommodation has been identified for the provision of long-term assured tenancies for clients of our learning disabilities service. The priority will be to support people with severe and profound learning disabilities and multiple disabilities, including autism, sensory loss, and challenging behaviours. Many of these people will come to the new accommodation from residential care homes, secure hospitals, or from their family home when they have completed their education. We see the accommodation as supported living with very high care and support levels.

The tenants are expected to have high care, support and communication needs throughout the day, evening and night. Many will have significant mobility issues. We anticipate that some tenants will need the assistance of two care staff either due to their physical needs (especially around personal care and bedroom routines) or due to challenging/violent behaviours.

Due to the range of physical, cognitive and sensory impairments of the tenants, the layout of the building should be straightforward and simple, to allow people to get around as independently as possible.

We would ask that the architect considers the option for making the living units small to support the sense of living 'at home' rather than 'in a (care) home', e.g. 2 inter-connected blocks of 6 flats on each site rather than one block of 12 flats. The blocks would be connected together, allowing staff and tenants to move easily between the two. There would be easy access to an enclosed garden space, perhaps accessed through communal space in the inter-connected area.

The buildings must take account of the principles of Lifetime Homes Standards and Lifetime Mobility Standards. There will be a need to take account of design ideas for people with dementia, sight loss, physical disabilities, and autism. Many of the good practice principles overlap. When they are in conflict, then the focus should be on autism and physical disabilities.

Some of the tenants will challenge both staff and the fabric of the building, so the build must be robust to account for this, e.g. challenging behaviours like banging own head against walls, throwing objects at walls, repetitive slamming of doors, wheelchairs scraping skirting boards & doorways.



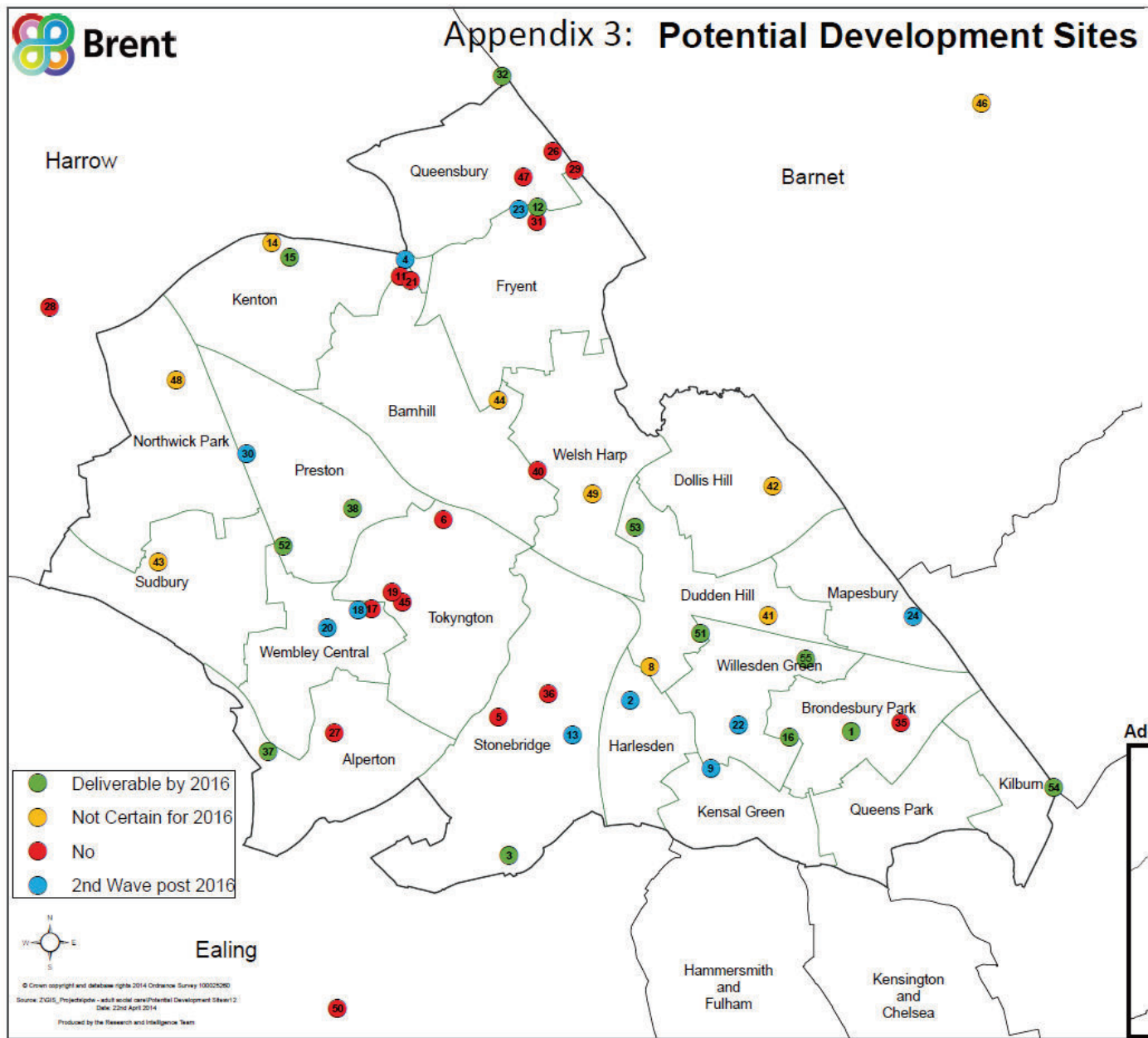
<b>1. What do we know about the types of people who we think would move into Clement Close and Peel Road?</b>	
a. What level of physical disabilities do we expect?	High levels, some wheelchair uses, some electric wheelchair uses, some people with limited mobility e.g. holding onto a carer, shuffling walks, wobbly walks.
b. What level of independence are we anticipating?	We are expecting people to see care staff often through the day; personal care in bathrooms & bedrooms; for activities and meal preparation.  The goal is to allow people with significant disabilities to be as independent as they can be but realistically they will have high needs.
c. What client group?	Learning Disabilities with associated issues, including autism, mental health, anger issues, challenging behaviours.  Some people will have destructive behaviours, so the build needs to be robust.
d. Will there be a need for a lift to the first floor?	Yes, aim is this will be a home for life and the tenants' physical abilities may deteriorate over time; will allow all the flats to be available to prospective tenants with wide range of mobility needs, not just those on the ground floor.
<b>2. Number of bedrooms?</b>	
a. Will everyone need a one-bed flat?	Yes, but this could be more a studio / open plan design if this gives greater flexibility for living arrangements.
b. How many two-bed flats?	None
c. Any extra large flats for specific needs?	As people have different needs, could the one-bed design include a movable partition wall between the bedroom and living area or similar? This will give people the choice to have a one-bedroom flat or an open plan studio style flat. This will better accommodate people with large pieces of equipment (e.g. hoists) or are uncomfortable with small spaces (e.g. claustrophobia, repetitive pacing up and down).
d. What storage will be required?	Good sized space for normal household storage plus equipment needs (a decent storage cupboard that could take at least an electric wheelchair)
e. Bathroom	Create as an en-suite, must meet all disability needs; all wetrooms; need to have room for e.g. a hoist, carer and large shower chair, room for carer

	to move around to assist in personal care. Need ability for ceiling hoists to be retro-installed.
<b>3. Level of independence expected of tenants?</b>	
a. Will tenants pay their own bills, so will they need to have separate boilers for each flat, or just one communal one?	Will have their own tenancies but would be happy for a communal boiler as part of the service charge, as staff/family are likely to manage the tenants' finances.
b. Will tenants be cooking in their flats, with gas or electric?	Yes sometimes, usually cooking by staff or supervised by staff.
i. Will they need gas cut off switches?	Yes, external to the flat.
ii. Gas boilers in flats?	Each flat needs to be able to have full control of radiators and hot water; does not matter how this is achieved.  Will need to be able to turn off hot water in individual flats to protect individuals from deliberate/accidental scalding; will need to be able to turn off hot and cold water in individual flats to prevent individuals from accidental/deliberate attempts to flood their flats.
<b>4. Communal space requirements?</b>	
a. Should there be a communal area, a lounge, kitchen, or something else?	Yes. To create a sense of community, and have an area for activities. Could this be part of the linking between the two blocks of flats and/or connecting to the outdoor space?  Do not want a 'conservatory'; needs to have better temperature regulation so can be used comfortably throughout the year.
i. What size would be required?	Need to be able to accommodate all tenants, staff, and a few guests in this space. e.g. birthdays, Christmas, Sunday lunch, summer bbq's would be how we would create the community feel and development of friendships for people who are usually very isolated.
b. Will there be a need for toilet facilities in this area?	Yes with full disabled access.
c. What storage will be required?	A large storage room, e.g. storing of equipment for activities, shared games, overflow from individual flats (e.g. tenants may receive a month's supply of

	inco-pads at a time)
d. Electric scooter charging spaces?	Yes, for 1/3 of the total flats. This will also ensure that the flats can be re-commissioned for client group 'physical disabilities' at a later time.
e. Will an assisted bathing / care suite be required?	No. wetrooms in each flat will replace this.
i. Need for communal showers, sluice?	No.
<b>5. Staff requirements?</b>	
a. Will there be low or high need for support and care staff in the building?	People will have high needs with severe/profound impairments including sensory needs and challenging behaviours (currently living in residential care), so expect staff to be on site 24/7.
b. Will they require an office space?	Yes, with full internet access
c. What storage will be required?	Yes for files, equipment used by multiple tenants
d. Where will meetings be held, when the client's flat is not appropriate?	Office space or communal areas.
e. Will there be overnight staff, with waking or sleep-in requirements?	Need to anticipate sleeping night requirements for up to 2 staff. Need small shower and changing facilities.
<b>6. Outdoor space?</b>	
a. What use will be made of the outdoor space?	<p>A secure back garden so tenants can use this independently without the risk of accessing the street.</p> <p>Tenants will have need for a garden that allows them to access and work outside, e.g. sensory gardens, raised beds; paths that go somewhere, e.g. figure of 8</p> <p>Great if the outdoor space can flow from the indoor space/s.</p> <p>Outdoor and communal areas will be the major spaces that people use with the support of staff.</p>
b. Parking needs for tenants, guests, staff?	<p>Need space for an accessible van or minibus to park up and allow wheelchair access safely away from the street;</p> <p>guessing 4 park spots if possible, but staff and guests may need to use street parking; no</p>

	requirement for tenant parking.
c. Gardening spaces, quiet areas?	Yes, will be part of the tenants care and support plans to be outdoors; design needs to account for needs of people with both sensory loss and hypersensitivities.
d. How will the outdoor space be used?	The space will be well used by tenants, usually escorted by staff. Need it to be secure where people can be left to themselves without direct access to the street.
i. What outdoor storage space is required?	Yes, for garden games, equipment and tools.
<b>7. Security needs?</b>	
a. How will people get into the facility?	Staff will usually need to let people in e.g. linked to phones they carry; use of some electronic system, fob, keypad or something, possibly linked to assistive technology / telecare so some tenants can let in their own guests to their flat
i. Use of CCTV?	Don't think this is required
b. Will there be a warden-type role or just the care staff?	No, Just care staff
c. Will assistive technology be part of the design?	Yes. Lots of wireless and Bluetooth options around the building. Could be hard-wired in but with future-proofing and ability to add wireless connections. We want telecare / assistive technology to be part of the care and support solution for tenants, so want this functionality to be available from the outset.

Appendix B: Distribution of potential Accommodation Plus sites in Brent



Appendix C – Market Position Statement

  
 Market Position  
 Statement - 2014.pdf

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## **Appendix C: Equalities considerations for Willow House**

Willow House is being developed by Network Housing Group (a registered provider), and forms part of the New Accommodation for Independent Living (NAIL) project, and this briefing note should be read in conjunction with the over-arching NAIL Equalities Impact Analysis.

### Unit mix and tenure

Willow house is predicted to be handed over in January 2015, and will comprise of 40 homes which will be used exclusively as Extra Care. This type of accommodation is generally for older people, but can be equally appropriate for people with a mental health condition, or a physical disability depending on their needs. As a general rule, these types of homes are reserved for those over 55 years of age, but exceptions can be made to this if appropriate.

38 of these flats are one bedroom flats, and two are two bedroom flats – meaning that there could be an opportunity for a couple who need separate bedrooms due to their care needs, or an individual living with their child, or a carer.

### Overall site layout

The scheme is comprised of two blocks of two and three storeys, which are connected by walkways on each level. There is a lift in each block.

### Internal dwelling layout

100% of the units are wheelchair accessible, featuring turning circles for wheelchairs in each room, accessible wetrooms with shower chairs, additional storage, and a pathway and knock out panel for a future hoist to move residents between the bedroom and bathroom if it is needed in future. Every home has private outdoor space in the form of a balcony or terrace, which will be accessed via a level threshold.

### Communal Facilities

Over 50% of the total site footprint is given over to external communal space, comprising two courtyards in between the two blocks, with a communal garden area to the rear, and a large space at the back of the site reserved for allotment / personal gardening space for residents.

Internally the scheme has a large communal lounge and an activity room which are divided by a retractable partition which should make it suitable for a wide range of activities. Leading off from this lounge is a conservatory which leads in to the communal garden. Additional space has been allowed for in all the corridors for small groups of chairs / tables to allow residents to gather in pairs or small groups for informal socialising.

There is a hairdresser unit on site, as well as a small guest bedroom facility so that residents can have overnight visitors, even if they aren't able to accommodate them within their flat.

## Location

The scheme is situated in a residential area close to Wembley Stadium Station, close to a wide variety of shops and food vendors that reflect the diversity of Wembley as an area.

There are numerous places of worship within a short distance of the scheme;

- St Michael's Church (Church of England), 0.1mile
- St Joseph's Church (Roman Catholic), 0.5 mile
- Wembley Synagogue, 1.2 miles
- BAPS Shri Swaminarayan Mandir (Hindu Temple), 1.1 mile
- Wembley Central Masjid (Mosque), 1.1 miles.

## Local Transport

Tube / Rail stations;

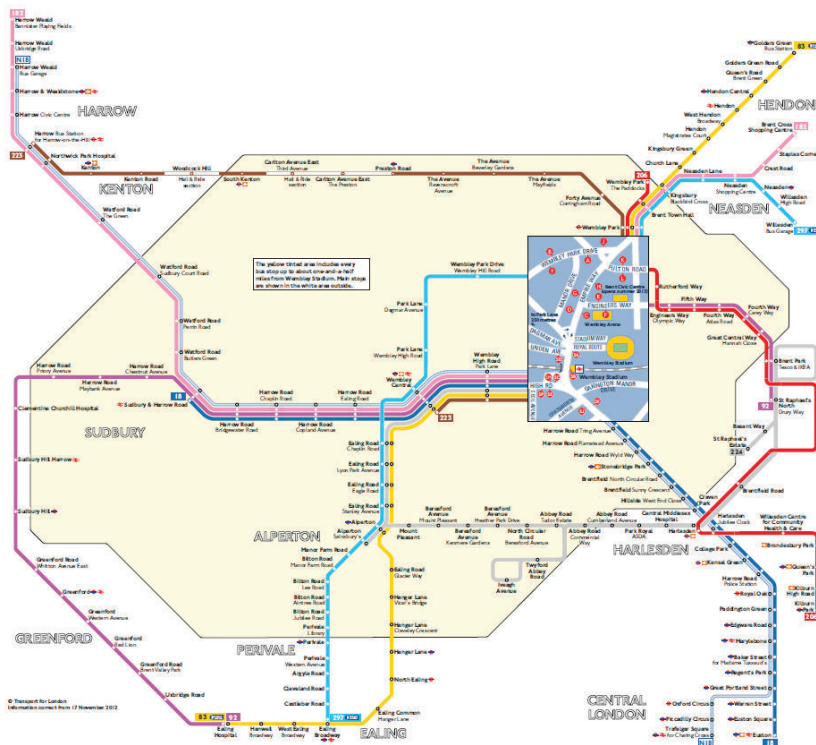
Wembley Park (1.2 miles) – step free access to Metropolitan and Jubilee lines

Wembley Central (0.9 miles) – step free access to Bakerloo line and London Underground

Wembley Stadium (0.5 miles) – step free access to Chiltern Railways

Bus connections are shown below.

Buses from Wembley Stadium



**Key**

- 18 Day buses in black
- N18 Night buses in blue
- Connections with London Underground
- Connections with London Underground
- Connections with National Rail

Red discs show the bus stop you need for your chosen bus service. The disc appears on the top of the bus stop in the street view map of open centres in centre of diagram.

**Route finder**

**Day buses including 24-hour services**

Bus route	Towards	Bus stops
18	Easton	●●
	Southway	●●●●
83	Ealing Hospital	●●●●●●
	Golders Green	●●●●●●●●
92	Ealing Hospital	●●●●●●
	St Raphael's North	●●●●●●
182	Brent Cross Shopping Centre	●●●●●●●●
206	Harrow Weald	●●●●●●
	Kilburn Park	●●
223	Wembley Park	●●
	Harrow	●●●●●●●●
224	Wembley Central	●●●●●●
	St Raphael's Estate	●●●●
297	Ealing Broadway	●●
	Williden	●●

**Night buses**

Bus route	Towards	Bus stops
N18	Harrow Weald	●●
	Trafalgar Square	●●



## Equalities Considerations Summary

- The amount and flexibility of communal spaces throughout the scheme will hopefully allow for a wide variety of activities, encouraging people of all backgrounds to mix with one another, and ensuring that different cultural and religious groups are able to undertake activities that appeal to them.
- The location of the scheme itself, in a busy and diverse area, should also ensure that it appeals to a variety of groups, and has excellent transport links to enable residents to engage with community activities outside of the scheme.
- The unit layouts are 100% wheelchair accessible, and offer well thought out, easily adaptable accommodation which should suit the changing needs of residents over time.
- There are a mix of one bedroom and two bedroom flats, which offer flexibility for couples, or those living with children or carers.

The predicted equalities impact of this scheme is laid out in the table below.

<b>Protected Group</b>	<b>Positive impact</b>	<b>Adverse impact</b>	<b>Neutral</b>
<b>Age</b>	x		
<b>Disability</b>	X		
<b>Gender re-assignment</b>			Unknown
<b>Marriage and civil partnership</b>			Unknown
<b>Pregnancy and maternity</b>			x
<b>Race</b>			x
<b>Religion or belief</b>			x
<b>Sex</b>			x
<b>Sexual orientation</b>			Unknown

Jo Walton  
 Programme Delivery Officer (PMO)  
 12-Nov-14

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## Market Position Statement 2014

Adult Social Care

'Care and Support Closer to home'

Building a more diverse accommodation based care market in Brent to better meet the needs of local people ensure 'whole person care' and reduce over reliance on residential and nursing care

**DRAFT**

## **Introduction - Why a Market Position Statement?**

Welcome to Brent's first Market Position Statement (MPS). The purpose of developing this MPS is to signal our intention to share better, more transparent information with the market; for the benefit of both current and potential providers. We believe that we can only provide the full range of services that people want and need by working more closely with the market to develop services to meet our local need.

Government policy sets out a future where private, 3<sup>rd</sup> sector and voluntary organisations must play a fundamental role in the development and delivery of services to meet local need and where local authorities take more of an enabling and place-shaping role, rather than just that of 'purchaser'. This coupled with the growth in numbers of people using Direct Payments and those that fund their own care, brings with it a need to develop further the commissioner/provider relationship in an already complex system of care and support. This is why it is important to make our vision and commissioning intentions clear and ensure we communicate these to the market as early as possible.

The new Care and Support Bill sets out a new duty for local authorities to promote the diversity, quality and sustainability of local care and support services. This duty includes a requirement to promote the efficient and effective operation of local services, ensure that people wishing to access local services have a variety of high quality services to choose from, and that individuals have sufficient information to make informed decisions about the services available. We need to ensure that we are aware of current and likely future demand for services with a focus on the importance of fostering continuous improvement in the quality of services and the efficiency and effectiveness with which such services are provided and of encouraging innovation in local provision.

This MPS is written for current providers of Accommodation based care and support services (ABCSS) who operate locally and for potential providers considering entering the market in Brent in an attempt to grow diversity in available service provision locally. It will support better relationships between Commissioners and service providers, acting as a foundation for better engagement and partnership working. It encapsulates the 'Brent picture':

- Current and predicted future demands on ABCSS locally.
- A picture of current supply of ABCSS across Brent.
- What our strategic vision is, our commissioning intentions and models of service delivery we want to encourage in the local marketplace.

At the heart of our MPS is the principle that services should be inherently responsive to individuals' needs and preferences. This is what we mean when we talk about 'personalisation'. This requires a shift away from traditional care home service provision towards a model that encourages flexible, personalised care with strong emphasis on individuals' outcomes and greater co-operation between services. We want to reduce dependency, support people to remain in their homes and in their communities for longer and help people to help themselves. To support better choice and control and deliver personalisation means people must be empowered to make choices about their health and social services and these are made clear to them, in all circumstances being equal partners in decisions about their health and social care, supported by a workforce that is competent and can support access to the right support and good advice and information and having access to a range of health and social care services available locally and nationally, to exercise real choice .

The MPS is the first step on a journey to ensure together we develop the right services to fully meet the needs of people as close to home as possible and to promote real choice for local people. Working with the market we will strive for continuous improvement by encouraging innovation and sharing best practice.

It is particularly significant now because our strategic direction has substantial implications for ABCSS providers locally and we want to ensure that the council, our commissioning colleagues in Health and providers are putting time, effort and resources into the same priorities. It should serve as a firm foundation for Commissioners and Providers to develop more of a shared approach to delivering care and support. It is a developing model, demonstrating our commitment to improving this relationship.

Brent Health and Wellbeing Board recently published its Health and Wellbeing Strategy 2012-2015 [\[INSERT LINK HERE\]](#). The Health and Wellbeing Board brings together the main public service organisations that have responsibility for improving the health and wellbeing of people who live in Brent, including representatives from Brent Borough Council.

Principles of the Health and Wellbeing Strategy:

- We will work together to deliver:
- Services and cultures which promote self care and personal responsibility
- A focus on disease prevention and health promotion
- Opportunities for individual and community empowerment
- A single point of contact for services users and a "joined up" approach between services which means every contact counts
- Safe, high quality services which respond to individuals
- An on-going dialogue with our communities, residents and patients

- Achieving more for less and making the very best use of resources

The priorities are:

- Giving every child the best start in life
- Helping vulnerable families
- Empowering communities to take better care of themselves
- Improving mental wellbeing throughout life
- Working together to support the most vulnerable adults in the community

It is therefore crucial that these inform how we develop and work with the market locally to ensure that in building a diverse and quality market, we are supporting our overall vision of achieving improved health and wellbeing for all people in Brent and better care is delivered closer to home, at the right time, in the right place. The Strategy sets how we must move away from a situation where too many of our services are reactive, helping people only when things have gone wrong, often at great expense. Instead, supporting local people to live and work in safe, pleasant and resilient communities, to control their own lives and shape their own wellbeing. This ambition requires radical transformation of services for the public across Brent – not just Adult Social Care.

The strategy is clear that people will need to take on much greater personal responsibility for their own wellbeing, making the right choices when these are open to them. At the same time, recognising those people who are vulnerable or at risk, so that we can focus on keeping people safe, prevention and early help for them. This will only be possible if we can shift resources currently used in intensive reactive services to invest in services that identify needs at the earliest possible stage and stop them getting worse.

We also need to put the need to change in a financial context; in recent years Local Authorities have had to make significant efficiency saving across all services due to steep reductions in funding from central government. In the 2013 Government Spending review it was announced that the Local Government resource budget will be reduced by a further 10% in 2015/16 (£2.1 billion) generating the need for Local authorities to make even more efficiency savings. In addition demographic and policy pressures including more older people, Higher levels of acuity and need, implementing the recommendations of the Dilnot report & changes in eligibility and access to services result in a need to shape service design on a more sustainable model of care and support.

The key messages we want to communicate to ABCSS providers through this MPS are:

- Brent is committed to supporting all local residents to stay at home for as long as possible or as close to home for as long as possible with excellent quality, flexible, personalised care and support.
- Brent's overall use of 'traditional' Care home provision is declining in line with meeting people's needs better at home and using new models of care and support in the community. This has involved the development of more flexible models of ABCSS.
- We aim to continue this direction of travel by supporting the continued development of more flexible models of ABCSS locally.
- We want to continue to work collaboratively with the market to develop new solutions to meet the needs of Brent residents and we are actively encouraging providers to approach us with proposals for how together we can do things differently.

### **Brent's vision for the future of Accommodation based care and support services**

The need to provide better, more flexible services locally to meet rising demand and increasing cost all in the context of significantly diminishing financial resources cannot be achieved in the long term by maintaining the current situation. A new vision for how the needs of local people will be met is required to respond to these challenges. This vision includes plans to continue to reduce the amount of residential and nursing care purchased by Brent, which will be achieved in part by stimulating the expansion of capacity in tenanted models of accommodation based care, including more flexible supported living and extra care provision locally. The following four principles guide our thinking around how we develop models of ABCSS going forward:

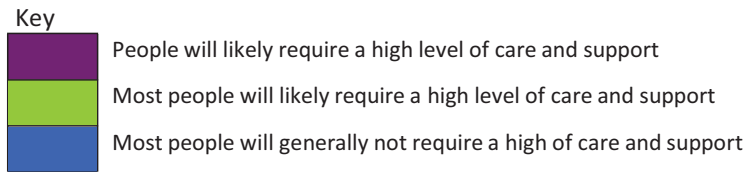
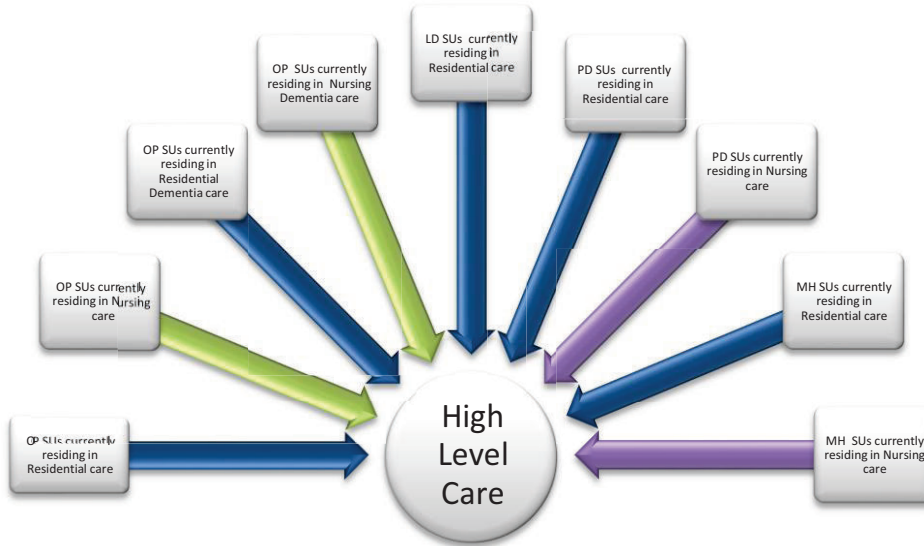
- **Principle 1:** Wherever possible we meet people's needs at home or as close to home as possible and we will build local capacity in the marketplace to achieve this
- **Principle 2:** We recognise that the needs of individuals may change over time, and we work with individuals receiving care and support to review the services they receive in line with these changes; which may mean a change in service provision to better meet their needs
- **Principle 3:** We work proactively with the market to ensure that services are always of an excellent quality and value for money is always achieved.
- **Principle 4:** For local people, who genuinely need residential or nursing care, we actively review and monitor the quality of these services, to ensure they are safe, personalised, and deliver excellent quality and good outcomes for individuals.

### **Rethinking models of care and support**

In Brent, we want to revolutionise the way we talk about ABCSS. The need for personal care, nursing care or 24-hour support or supervision should not necessarily

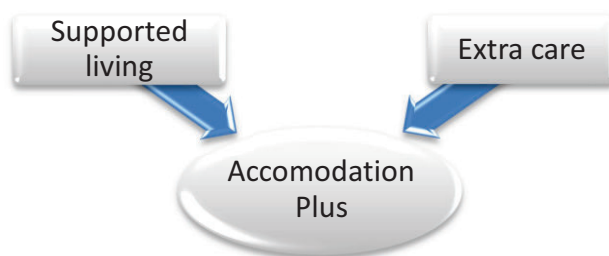
warrant the need for residential or nursing care in every case. Figure 1.0 shows the historically relationship between current types of provision and high level need.

Figure 1.0: The relationship between current residential and nursing care placement types and The Level Care and support required



In Brent, our vision is to increase provision of tenanted models of care and support to improve not only people’s individual outcomes and quality of life but also to achieve better value for money in the commissioning of ABCSS. We also want to start having a different kind of dialogue about tenanted models of care and support as well. The separate categories of ‘supported living’ and ‘extra care’ tend to create confusion, despite there being little difference in practice between what these service delivery models deliver. We want to talk instead about Accommodation Plus models, that is, accommodation plus a level of care and support sufficient to meet people’s individual needs, for people whose needs can no longer be met in their own home.

Figure 2.0: Replacing supported living and extra care placement types





## Local demand for Accommodation based care and support services (ABCSS)

In line with national trends for use of adult social care provision, more than two-thirds of people that use local accommodation based care and support services are under the age of 65 are male, and over half of those over 65 are female.

Estimates of the local prevalence of long-term conditions and older people in need of accommodation based care and support paint a familiar picture. As shown below, the demand locally for care and support services is predicted to increase substantially over the next six years (Table 1.0).

Table 1.0 Projected local increases in prevalence of ASC service user groups

Care group prevalence in Brent	Projected increase by 2020	Number of new individuals in each category
Aged 25-64 with a moderate or severe learning disability	8.5%	536
Aged 25-64 with a severe physical disability	4.4%	331
Aged 25-64 with two or more psychiatric disorders	2.2%	252
Aged 65 and over who are living in a care home	30.5%	2061

However, looking at our trends over the last two years, Utilisation of both residential (Figure 4.0) and nursing care (Figure 5.0) has steadily declined across all groups during this period, dropping by 12 per cent and 3 per cent respectively. The exception to this overall trend lies in demand for dementia-specific accommodation based care and support services, which has increased (38 per cent) during the same period.

Figure 4.0 Three-year trend in utilisation of residential care by care group

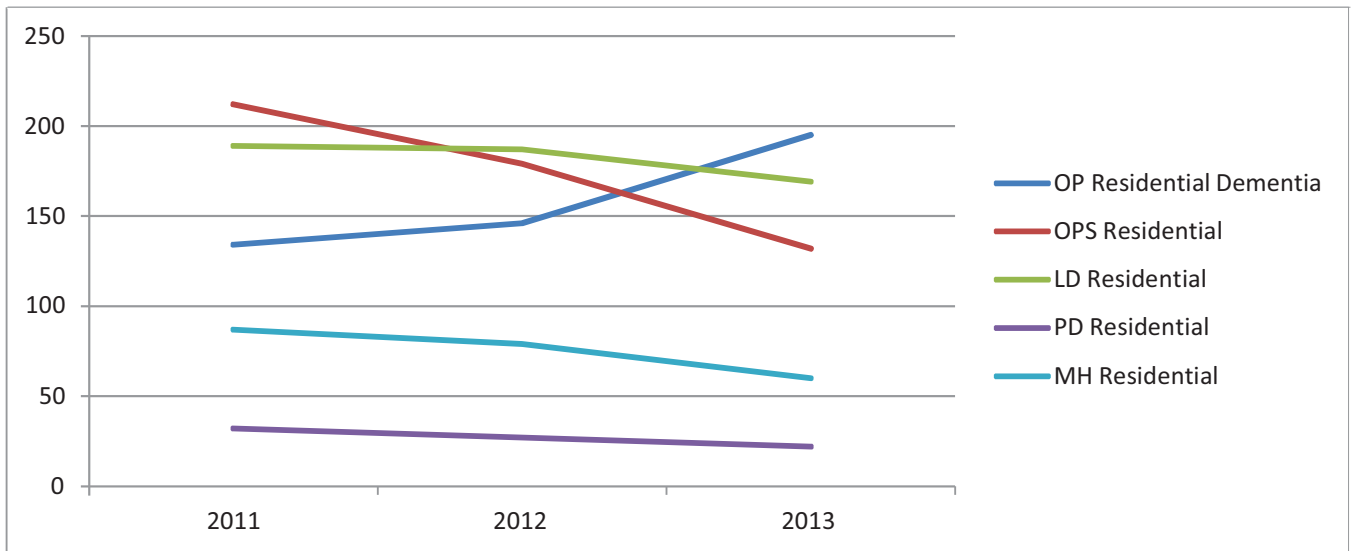
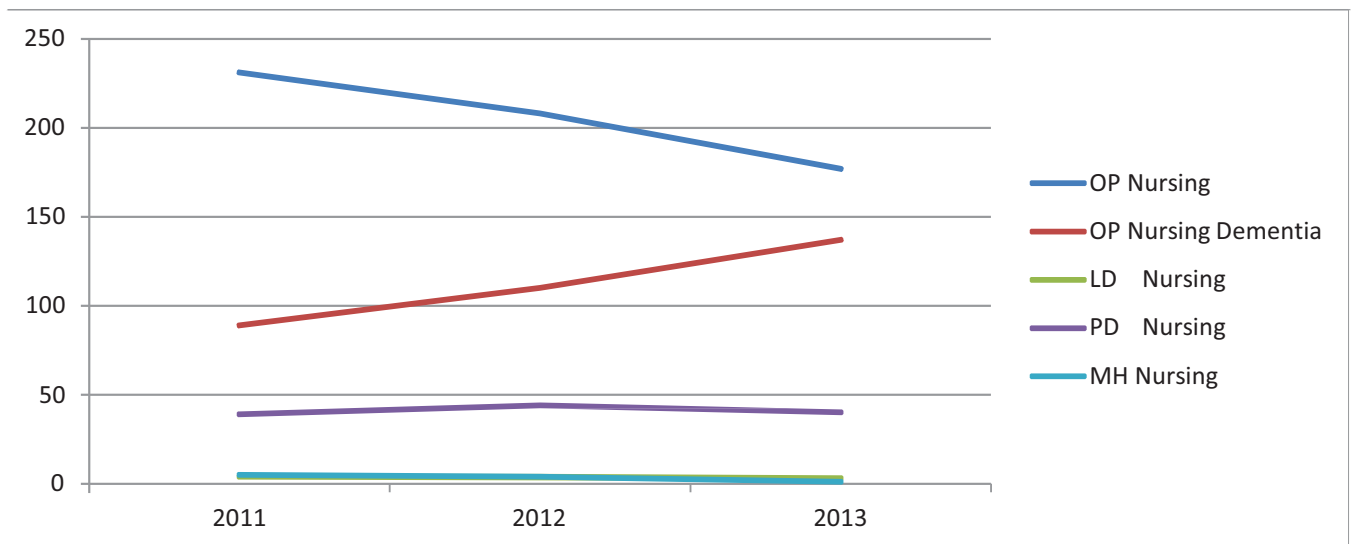


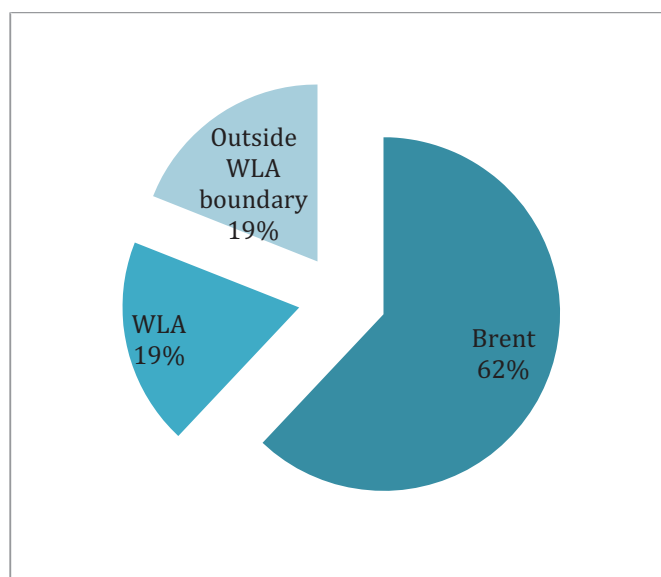
Figure 5.0 Three-year trend in utilisation of nursing care by care group



As shown in Figure 7.0, nearly two-thirds of Care home placements are made within the Brent borough boundary, and a further 19 per cent are made within the west London sub-regional boroughs of which Brent is part (Hillingdon, Harrow, Hounslow, Ealing, and Barnet). This is consistent with our aim to provide care to its residents locally wherever possible. This overall breakdown, however, masks important differences across groups. For example, 26 per cent of people with learning disabilities and 38 per cent of people with mental health conditions are placed

beyond the sub-regional boundary. Whilst there may be good reasons on a case by case basis for such placements to be made, (e.g. being close to family), such placements should be exceptional and efforts to bring local people back to Brent where this is agreed to be in their best interest needs to continue.

Figure 7.0 Location of residential and nursing care placements 2012-13

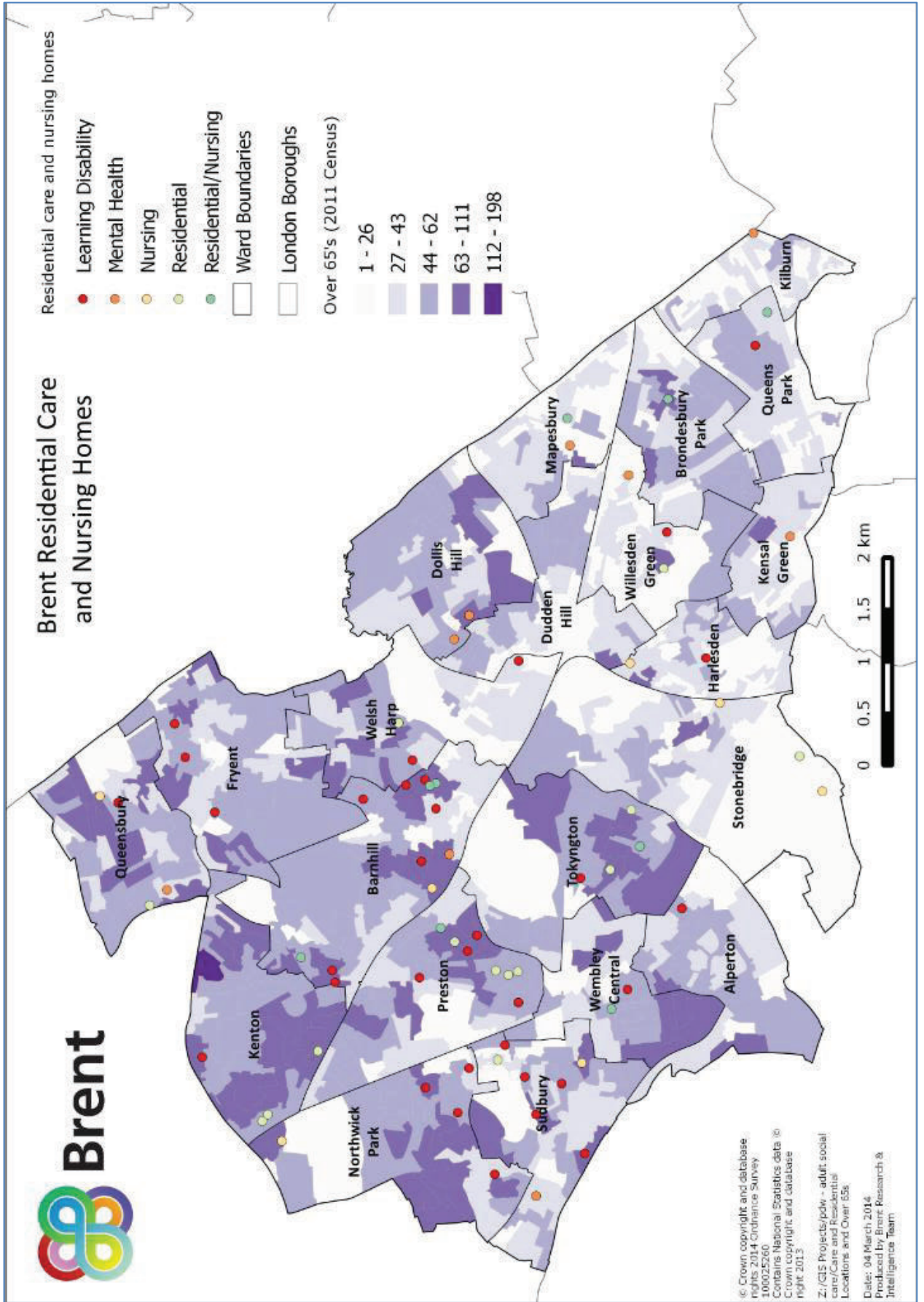


There are 1287 residential and nursing care beds within Brent. This capacity is concentrated along the southern borough boundary (72 per cent), with a smaller cluster of units along the northern borough boundary (28 per cent). Significantly, only 40 per cent of these beds were used by the council within the last financial year. Reliable accurate data on local self-funder prevalence is difficult to obtain, but if we apply national estimates produced by the Institute of Public Care<sup>1</sup>, around 45 per cent (579 beds) of the remaining capacity is likely used by self-funders<sup>1</sup>. This leaves around 15 per cent (193 beds) that is either unused, or used by other authorities.

The local capacity that isn't being used by the council represents an opportunity for the market on two fronts. Firstly, for those adult social care service users who have been assessed as in genuine need of residential or nursing care, we want to increase the degree to which those placements are made locally, and we would welcome a dialogue with local care home providers seeking to increase the proportion of their capacity that is utilised locally. Secondly, we want to actively stimulate the development of additional local 'accommodation plus' capacity (supported living and extra care), and some of the residential and/or nursing care capacity may be suitable for de-registration and conversion into a tenanted care and support service model. Again we would welcome dialogue with local providers interested in remodelling their service offer along these lines.

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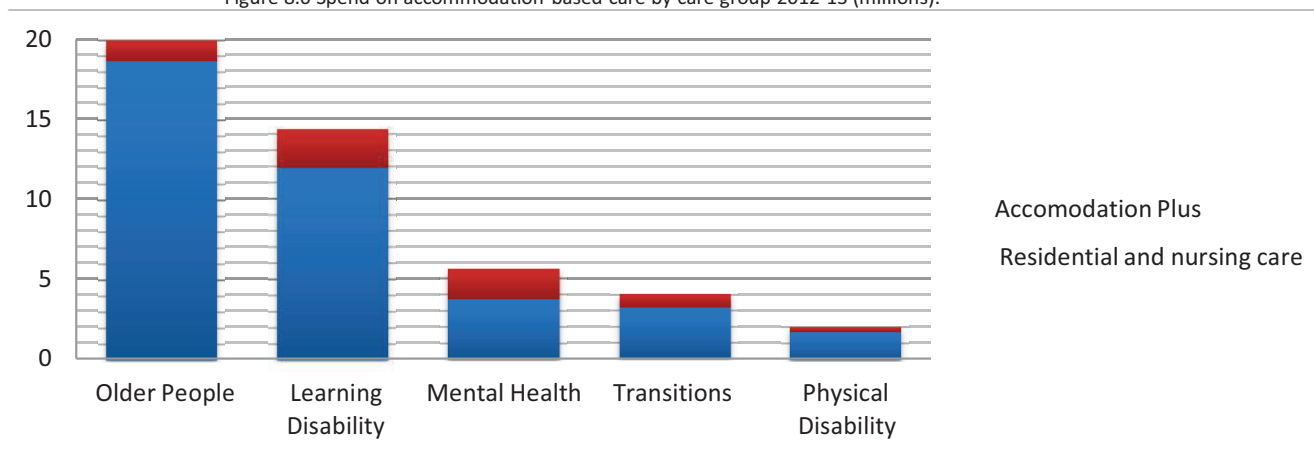
<sup>1</sup> People who pay for care: quantitative and qualitative analysis of self-funders in the social care market, Institute of Public Care (2011).



## Investment in accommodation based care

Last year, the council spent £39.2 million on residential and nursing care, and £6.8 million on tenanted models of care. Figure 8.0 shows how this expenditure is split across groups. The graph illustrates the extent to which the provision of ABCSS is dependent on the residential and nursing care service models, and the impact that this reliance has on the cost of care for older people and people with learning disabilities in particular.

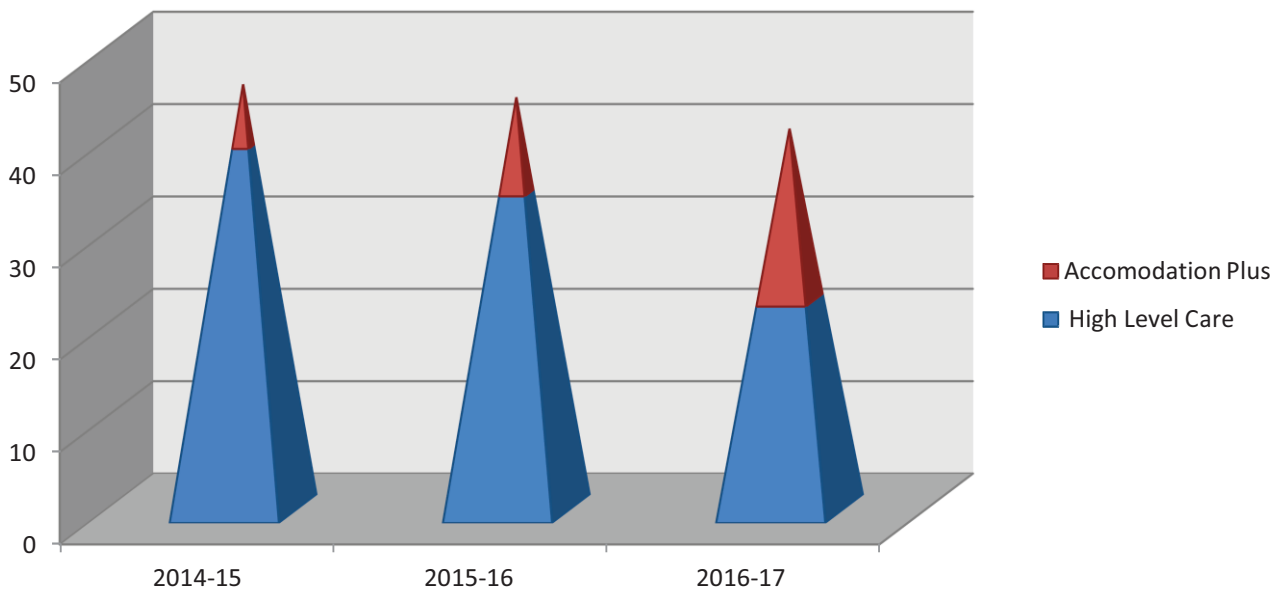
Figure 8.0 Spend on accommodation based care by care group 2012-13 (millions).



## Plans for reducing reliance on residential and nursing care

We have ambitious plans in Brent for re-balancing our utilisation of accommodation based care options, shifting progressively over the next three years towards increasing use of tenanted care models; investment in which is projected to rise by more than half in 2015-16, and a further three-quarters by 2016-17. At the same time, traditional pathways into residential and nursing care will be increasingly diverted into Accommodation Plus services. This plan will enable us to continue to provide high quality services to local people within our reduced budget.

Figure 9.0 Re-balancing expenditure across High Level Care and Accommodation Plus over three years (millions)



### What have we already done?

We are already well on our way to achieving this vision. One housing developer is currently in the process of developing 40 units of Accommodation Plus capacity, which will include shared facilities for tenants, carers, and visitors including a hairdressers', carer's restroom, an activity room, buggy store, and laundry. This Development is due to complete in January 2015. A further 99 units of Accommodation Plus capacity are being developed by a Housing Association in Brent, which is due to complete in March 2015. Together, these two initiatives will enable 139 local older people to be supported to live more independently than they would otherwise be able to within a care home.

### What next?

By March 2016, we need a further 200 units of Accommodation Plus capacity to be developed in Brent. We envisage this capacity being split across groups as per the table below:

Table 3.0 Required Accommodation Plus capacity by group

Client Group	Accommodation Plus Capacity Units Needed
Learning Disabilities	62
Older People	93
Mental Health	22
Physical disability	22
<b>Total</b>	<b>200</b>

For people with learning disabilities, we predict needing a further 4 to 6 Developments for the provision of 10 to 15 tenants. For people with mental health conditions and physical disabilities we predict needing 2 Developments for the provision of 10-12 tenants. For these groups, developments larger than this tend to

raise concerns and issues regarding service quality, whilst Developments smaller than this usually struggle to deliver an efficient operating model for people with complex needs.

For older people, we predict the need for one more large Development for the provision of approximately 90 tenants, or two Developments of approximately 45. The care and support provided within these Developments will need to be able to meet the needs of people with dementia given the increasing diagnosis and prevalence of people with this condition amongst our local population. We will also be working with our commissioning colleagues in the Brent CCG (Clinical Commissioning Group) to develop a model for these services that includes the deployment of district nursing within the community, to increase the degree to which they will be appropriate to support people with a low level of nursing need.

People who use ABCSS regularly tell us about the importance and benefits of shared space within shared living settings to enable them to build and maintain their social networks and reduce the risk of social isolation; essential in supporting people to maintain and improve their quality of life, independence and better outcomes. Therefore all new Developments within the Brent must include provision of an appropriate level of shared space in order to gain the support of the council.

### **The opportunity**

The council cannot achieve this ambition in isolation. We must work in partnership with providers to realise this vision, and we would encourage approaches from any of the following segments of the market:

1. Organisations interested in working with the council to develop and provide new local Accommodation Plus Developments
2. Local providers of residential and/or nursing care interested in de-registration/ conversion to an Accommodation Plus service model
3. Local providers of residential and/or nursing care who want to increase the proportion of beds purchased by the council
4. Local providers of residential and/or nursing care who want to know more about what the plans outlined in this MPS might mean for their organisation

Contact us at [commissioning.adults@brent.gov.uk](mailto:commissioning.adults@brent.gov.uk) to find out more today.

### **What next and what can you expect from us?**


Whilst we want to encourage approaches from current and prospective providers who are interested in working with us to develop new models of ABCSS. We want to take a planned approach to how we develop and stimulate the marketplace in this area as a result of developing this MPS.

Therefore we will be producing a Market development plan to help us achieve the aspirations we have set on in this MPS; to develop the models of ABCSS and full engage providers in this.

This MPS is the first we have produced and we are committed to developing this model going forward to communicate more clearly to the market place about our commissioning intentions and how we want to engage providers in the marketplace to work with us to better meet the needs of the people of Brent.

Engaging effectively with both the marketplace and people that use services will be crucial in developing the right models locally. Our approach to this will be set out in our Market development plan and will involve specific events to bring people together.



 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 15<sup>th</sup> December 2014</p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration &amp; Growth</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p style="text-align: center;"><b>Authority to award contract for Online Community Web Portal</b></p>	

**Appendices 1 and 5 of this report are Not for Publication**

**1.0 Summary**

- 1.1 This report requests authority to award a contract for the provision, maintenance and support of an on line Community web portal, as required by Contract Standing Order No 88. The report summarises the process undertaken in tendering this contract, the outcomes of tender evaluation and a recommendation for the award of the contract.

**2.0 Recommendations**

- 2.1 That Members award the contract for the provision, maintenance and support of Brent Council's Online Community Web Portal to Agilisys Limited.

**3.0 Detail**

***Background***

- 3.1 A web portal is a specially designed online site that enables easy and simple access to on line services through a single user account. Once a user has created their account, they are able to gain access to a range of online services via one authentication (login) which acts as a gateway to multiple web services. Currently access to Brent online services requires separate logins and authentication and this is time consuming and inconvenient to Brent residents.

- 3.2 A new Community Access Strategy was approved by Cabinet on 13 October 2014. The strategy aims to significantly increase the range of services that can be accessed online and significantly improve residents' experience when using these. By achieving this, the Council will be able to offer residents easy and convenient access to services on a 24/7 basis, meaning that they will not have to rely on more traditional contact methods such as telephoning or visiting to make a face to face enquiry. As more residents use on line services, the Council will be able to better target resources to provide the most personalised contact handling arrangements to those who are vulnerable and have complex needs. There is a broad range of services available through Brent's web site and these will continue to grow over the coming years.
- 3.3 To improve residents' experience when accessing services via the web and encourage use of on line services, plans are underway to implement a new web portal which will allow residents to create their own 'My Brent' account within the existing Brent web site. Residents will continue to be able to access information and services by visiting Brent's main website however, the option to create a personalised Brent account will enable them to access a range of services without the need to separately log on for each service.
- 3.4 The portal will enable residents to display personalised information relevant to them, such as details of their Council Tax account or rent account, thus giving them more direct control in managing these. It will also be able to proactively signpost residents to other services that may be helpful to them, for example Council Tax discounts or free school meals.
- 3.5 In view of the above, steps have been taken to procure a new web portal. Subject to the award of contract being agreed by Cabinet in December, the portal will go live in a phased way between July 2015 and August 2016. The first phase will include Council Tax, Benefits, Planning and Building Control. Details of the services that will be provided via the portal are contained in Appendix 5.
- 3.6 Prior to commencing procurement, soft market testing was undertaken to evaluate the potential supplier market for this product, taking into account Brent's likely requirements. Contact was also made with a range of Local Authorities who had already invested in portal solutions to learn about their experiences and learning points. In total, fifteen suppliers were researched and five Authorities were contacted. These included: Barking & Dagenham, Harrow, Lambeth, Westminster and Wandsworth. This work was carried out between March and May 2014.
- 3.7 The specification was developed in consultation with Service Areas over the summer of 2014. This also took account of relevant feedback from the five Local Authorities who had already gone live. The specification required bidders to submit proposals that would enable

residents to access a large range of online services through one single sign on. This reflected Brent's aims to utilise the new portal to become the main gateway to services available via the web and to utilise the portal in a more ambitious way than other Local Authorities who had invested in this technology.

- 3.8 In order to identify the most appropriate procurement route, officers considered whether to procure using an OJEU tender process or through a framework. Officers identified 2 frameworks that appeared to offer an appropriate and cost effective method of procuring a web portal.
- 3.9 One of the frameworks reviewed was the G-Cloud framework operated by Crown Commercial Services. The product specifications placed on the G-Cloud framework by the fifteen suppliers previously identified, were reviewed for suitability by the Web & Online Services Manager, Web Portal PM and Senior Category Manager. This review process identified three suppliers with the potential to meet Brent's requirements: Gandlake, Civica and Agilisys Limited. These were the only suppliers that offered a fully developed product designed to meet Brent's broad requirements including resident authentication and the capability to integrate with IT systems.
- 3.10 The other framework reviewed was one established by the London Borough of Wandsworth specifically in relation to single sign on portals. The three suppliers named in paragraph 3.9 above are also the three suppliers on the Wandsworth framework. Following an evaluation of this framework and the other procurement routes, officers concluded that the Wandsworth framework was best placed to deliver the desired solution in the most cost effective manner. As a result, authority from the Strategic Director Regeneration and Growth to procure via the Wandsworth framework was obtained in August 2014.

### ***The tender process***

- 3.11 The new contract will be let using the standard call off terms for the Wandsworth Framework. There will be an initial period of six months for the implementation, after which there will be a four year period for delivery of the services and therefore the total contract period will be 4.5 years.
- 3.12 The three suppliers on the Wandsworth Framework were invited to tender via the London Tenders Portal on 2<sup>nd</sup> Sept 2014. Bidders were provided with a detailed specification and details of the tender approach.
- 3.13 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council where the price and quality evaluation split was 60% and 40% respectively and that in evaluating tenders, the Council would have

regard to the following:

- Whole life cost evaluation covering delivery price & running costs (on-boarding & setup, integration, support & maintenance, hosting)
- Functional fit (ability to meet user requirements, future extensibility, and performance as specified in relevant Service Level Agreements).
- Technical characteristics (solution availability, data protection & security)
- Delivery capabilities (end to end project lifecycle delivery and available skilled personnel)

3.14 Tenderers were required to submit additional information providing details of their proposed arrangements for performing the contract including (but not limited to) the following:

- Ability to meet Brent's delivery timeline expectations
- Ability to meet Brent's internal and externally assessed policies relevant to the portal

#### ***Evaluation process***

3.15 The tender evaluation was carried out by a panel of officers from Customer Services, ITU, and Procurement.

3.16 All tenders had to be submitted electronically no later than 23<sup>rd</sup> September 2014 16:00. Tenders were opened on the same day and only one valid tender was submitted and received. This tender was from Agilisys Limited.

3.17 Despite only receiving one tender, the tender was evaluated fully in accordance with the Wandsworth framework evaluation methodology detailed at Appendix 2 to ascertain whether it met the council's requirements. The tender panel scoring was completed on 29<sup>th</sup> September and was followed by a presentation from the bidder on 6 October 2014. Following supplier presentation, documented panel queries were passed to the supplier to clarify outstanding security and integration queries. The panel then held further meetings on 7<sup>th</sup> and 16<sup>th</sup> October to review and formally agree final scoring as supplier clarifications were received. A summary of the scoring for Agilisys is detailed below with further information contained in Appendix 1:

<b>Contractor</b>	<b>Price Score (max 60)</b>	<b>Quality Score (max 40)</b>	<b>Total (max 100)</b>
Agilisys	60	29	89

3.18 Brent's specification requirements included up to 42 system integrations for a total of 20 services. The market response and

subsequent evaluation process suggests that Brent's requirements were too ambitious given the indicative industry progress in this relatively new area of web improvement for Local Authorities. This is further illustrated by the fact that most Authorities have adopted a more incremental approach to integrating service access through a portal. Appendix 4 provides details of the Web Portal offer across London authorities, the maximum number of services available via any one Authority are 6. Details of integration provided by the Agilisys response are included in Appendix 5.

- 3.19 The Project Team have taken the following factors into account when formulating a recommendation to Cabinet:
- Tender specification section scores and supplementary product information provided by the supplier in relation to Brent requirements
  - Supplier's quoted costs
  - Costs formally declared by Agilisys, Civica and Gandlake on G-Cloud for a platform equivalent to that sought by Brent
- 3.20 After reviewing the aggregated information available, the solution proposed by Agilisys is deemed to provide value for money, and to also provide Brent with a progressive solution that will enable residents to access a multitude of Brent services online via a single login.
- 3.21 It has become clear from the evaluation process that Agilisys is one of the market leaders for this area of web services for local authorities and has both the capabilities and a product development plan that should enable Brent to bring further services online in the future. This is however dependent on the capability of our existing system providers to support what is known as "single sign on" technology. In essence this means that the system is configured to allow residents to access their service through the portal log in. A number of Brent's legacy web systems were not procured with single sign on capability however this will be a requirement of all future web services procurement. Where single sign on is not available, a business case will be developed to determine whether there would be an appropriate return on investment if this was requested. The system supplier for Libraries (Axiell) has already committed to this and the supplier for Environmental Reporting (Veolia) has indicated this will be looked at within the next 12 months.
- 3.22 The evaluation provides confidence that the Agilisys product can support the broad aims of the Community Access strategy although this will be an iterative process as systems develop or new systems are procured.
- 3.23 Officers therefore recommend the award of the contract to Agilisys Limited.
- 3.24 It is anticipated that the contract will commence in January 2015.

#### **4.0 Financial Implications**

- 4.1 This report proposes to award the contract for the provision, maintenance and support of Brent Council's Online Community Web Portal to Agilisys Limited.
- 4.2 The Council Contract Standing Orders state that contracts for supplies and services exceeding £250,000 or works contracts exceeding £500,000 shall be referred to the Cabinet for approval of the award of the contract.
- 4.3 Further analyses of the financial implications and the breakdown of cost are as shown in Appendix 1.

#### **5.0 Legal Implications**

- 5.1 The Wandsworth framework (the Framework) is a multiple supplier framework. It commenced on 17<sup>th</sup> June 2013 and has a 4 year term from the commencement date during which call-off contracts can be let.
- 5.2 The London Borough of Wandsworth advertised the Framework in accordance with the Public Contracts Regulations 2006 ("the EU Regulations"). The OJEU notice stated that the Framework was available for use by Brent Council and therefore the council is entitled to access the Framework. Accessing a framework already set up in compliance with the EU Regulations means that the council does not have to run its own tender exercise in compliance with the EU Regulations.
- 5.3 For frameworks established by another contracting authority and not Brent, Standing Orders 86 (d) provides that the Director of Legal and Procurement must advise that participation in the framework agreement is legally permissible. From information provided by the London Borough of Wandsworth, the Director of Legal and Procurement has confirmed that participation in the Framework is legally permissible
- 5.4 It will be noted from paragraph 3.13 that a price/quality split of 60%/40% was set for evaluation purposes. The Framework prescribes that evaluation will be on the basis of the most economically advantageous bid with headline criteria of Price (with a weighting of 70% though this can be adjusted by +/- 10%) and Quality (with a weighting of 70% though this can be adjusted by +/- 10%) but allows organisations using the Framework wide discretion in the setting of evaluation sub-criteria to be applied to call-offs. Evaluation of the bid has therefore been consistent with the evaluation criteria and weightings permitted by the Framework and consistent with the evaluation methodology at Appendix 2.

5.5 The estimated value of the contract to be called-off under the Framework is such that it will be classed as High Value Contracts under the Council's Standing Orders and Financial Regulations. As such award of a High Value Contract under a framework agreement requires Cabinet approval

## **6.0 Diversity Implications**

6.1 Members are referred to the Equalities Impact Assessment at Appendix 3 and will note that the analysis has confirmed a state of "No Major Change" with regards to equalities. The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Background Papers**

7.1 The Community Access Strategy agreed by Cabinet in October which aims to significantly increase the range of services that can be accessed online and significantly improve our residents experience when using these.

### **Contact Officers**

Amit Joshi  
Web Portal Project Manager

Margaret Read  
Operational Director Customer Service

Paula Buckley  
Head of Service (Revenues & Customer Service)

### **ANDREW DONALD**

**Strategic Director of Regeneration and Growth**

## APPENDIX 2

### WANDSWORTH FRAMEWORK SCORING METHODOLOGY

The Council or relevant Partner shall evaluate any Bid Responses received from the framework contractors in accordance with the following evaluation methodology:

- i. the Council/Partner will consider the Bid Responses received and shall consider whether the Contractor can meet the timescales set;
- ii. if Council/Partner does not consider a Contractor can meet the deadline requirements the Partner may, in its absolute discretion, reject the Contractor's Bid Response;
- iii. the Council/Partner may, but is not obliged to, seek clarification on any elements of the Bid Response and may in its absolute discretion, invite the Contractors to present their Bid Responses to the Council to enable an understanding and clarification of the Bid Response. The presentations will not form part of the evaluation of the Bid Responses. However Contractors may be asked to clarify elements of their Bid Response at the presentation and any such responses should be submitted in writing following the meeting. These clarification responses will, as applicable, be taken into account on evaluation.
- iv. Those Bid Responses which pass the initial tests will be evaluated as follows. The Council will provide further detailed award criteria, including priorities and weighting during the process set out in this Schedule 2.

<b>Award Criteria</b>	<b>Criteria Weighting %</b>	<b>Sub-criteria</b>	<b>Sub-criteria weighting %</b>
Price	60%	To be determined by Council/Partner	To be determined by Council/Partner
Quality	40%	To be determined by Council/Partner	To be determined by Council/Partner



- a Price:  
For the purposes of evaluating price, the Council/Partner will consider the total Price Estimate for the provision of the Ordered Services. The Council will rank all these Price Estimates and the lowest Price Estimate of those will score the maximum percentage for this criterion.

All the other framework contractors will be awarded percentage points for their Price Estimate based on the relationship between their Price Estimate and the lowest Price Estimate.

Example where price weighting is 70%

LPE represents the lowest Price Estimate  
CPE represents a Contractor's Price Estimate

Contractor with LPE scores 70%

Contractor with higher PE scores:

$(LPE/CPE) \times 70 =$  percentage score for price.

- b Quality/technical merit:

Under this criterion the Council/Partner shall evaluate the Contractor's detailed proposals for the provision of the Ordered Services and score the sub criteria set out in the table above in accordance with the scoring scale below:

The quality evaluation will award scores by assessing the Contractor's proposals. The Council shall evaluate the appropriateness and effectiveness of the Tenderer's proposed systems for providing the Ordered Services in accordance with the terms of the contract and for ensuring consistently high quality service delivery.

The Council/Partner will provide further detailed award criteria, including priorities and weightings, during the process set out in this Schedule 2.

Scoring:

The Council/Partner will score the qualitative parts using the following scoring mechanism. The Council/Partner reserves the right to reject a Bid Response which scores 1 or 0 in any of the tier 2 criteria.

Score	Meaning
0 Points	Wholly unsatisfactory. Proposal is unsuitable and/or suggests unacceptable risk.
1 Point	Proposal fails to meet requirements in a significant way.
2 Points	Proposal fails to meet requirements in some way.
3 Points	Satisfactory. Proposal meets all the requirements.
4 Points	Proposal exceeds requirements and adds some value.
5 Points	Good. Proposal exceeds requirements and adds significant value.

The score out of five for each of the quality/technical merit evaluation areas will be multiplied by the weighted factor and all the weighted scores for each Bid Response will be added together to give a total weighted score for the quality/technical merit element of the evaluation for that Bid Response.

The total weighted scores for quality/technical merit will be added to the weighted score for price to provide an overall total weighted score for each Bid Response.

The Contractor with the highest scoring Bid Response will be awarded the Call off Contract for the Ordered Services.

**APPENDIX 3**  
**EQUALITIES IMPACT ASSESSMENT**

**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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> Regeneration & Growth  <b>Service Area:</b> Brent Customer Services	<b>Person Responsible:</b> Name: Amit Joshi Title: Web Portal Project Manager Contact No: 0208 937 1598 Signed: Amit Joshi
<b>Name of policy:</b> Brent Online Community Web Portal	<b>Date analysis started:</b> 15/09/14  <b>Completion date:</b> October 2016  <b>Review date:</b> Feb 2015
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Sarah Kaiser Title: Head of Equality Date: 6 November 2014 Contact No: 0208 937 4521 Signed: Sarah Kaiser
<b>Signing Off Manager:</b> Responsible for review and monitoring Name: Paula Buckley Title: Head of Customer Services & Revenues Date: Contact No: 0208 937 1932 Signed:	<b>Decision Maker:</b> Name individual /group/meeting/ committee:  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?**

The Online Community Web Portal will provide Brent residents with centralised access to the Council's transactional web services in scope of the project. These web services are currently provided by web pages on the main Brent site and / or externally hosted microsites.

This setup has resulted in a fractured user experience as residents are frequently required to setup multiple online accounts to access services. In addition the use of internal as well as externally hosted pages has resulted in the transactional services being harder to locate and navigate.

The Portal will aim to resolve these issues by collating and centralising access to the wide array of services, via the use of a single account username and password.

In addition the Portal will strive to be simple, intuitive, and customisable.

This means not only allowing centralised access, but providing an easy to navigate introduction / gateway point into Brent's web services.

Residents accessing the Portal will also be able to see dashboard summary information across the Service Areas in scope, that will be personalised to the individual e.g. council tax paid / owed, benefits claimed, rent due etc.

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

**Age**

Some – although not all – older people have a reluctance or reduced ability to use the internet and associated web services, and may not have ready access to the internet. This group of people may not use online services and therefore are unlikely to be affected by the policy, as we will ensure that they are able to access services via other channels such as face to face and over the telephone.

It is possible that making online services more user-friendly could help this group of people to begin to use Brent's web offerings.

The Portal is also likely to benefit older residents who do have access to the web and are able to use online web services. It will provide an entry point to an array of online services, reducing the need for older residents who are disabled or have impaired mobility to travel to Brent offices.

**Disability**

Some disabled people may have difficulty using online web services because of their impairment or lack confidence to use web services because of previous experiences with inaccessible websites. This group of people will not use online services and therefore are unlikely to be affected by the policy, as we will ensure that they are able to access services via other channels such as face to face and over the telephone.

The Portal will provide an entry point to an array of online services for those with access to the web, thus providing residents with disabilities (that prevent telephone or face to face contact) with more options to engage with Brent e.g. those with hearing impairment and / or mobility difficulties.

The Portal will also be W3C WCAG 2.0 "AA" compliant at a minimum. WCAG 2.0 is the shared global web standard for ensuring that people with disabilities have appropriate accessibility to web services.

Finally, language used on the Portal will be in plain and simple English which will benefit people with learning disabilities or hearing impairments that may affect literacy levels.

**Gender reassignment**

The Portal may provide residents with access to services and sensitive information in a more confidential and private manner. This is likely to benefit transgender and gender variant residents who may fear that they could experience discrimination or mistreatment in face to face or phone contact.

**Race / Ethnicity**

There may be some residents who speak English as a second or additional language or who do not know the language at all that will be unable to speak, read or write to the level of English that is required to use the Portal.

**Religion or belief**

Some religious groups may prohibit or minimise internet usage due to their beliefs. These groups of people will not use online services and therefore are unlikely to be affected by the policy, as we will ensure that they are able to access services via other channels such as face to face and over the telephone.

**Sex**

None

**Sexual orientation**

The Portal may provide residents with access to services and sensitive information in a more confidential and private manner. This is likely to benefit lesbian, gay and bisexual residents who may fear that they could experience discrimination or mistreatment in face to face or phone contact.

**Pregnancy & maternity**

The Portal will provide an improved entry point into Brent's online services, for those with access to the web, thus reducing the need for pregnant residents or those on maternity leave with childcare responsibilities to travel to Brent offices.

**Literacy / Level of Education**

Some Brent residents may not possess the level of literacy required to use the Portal.

**Please give details of the evidence you have used:**

- The Annual Population Survey 2013 - GLA/ONS (Business Intelligence Team report)
- BCS data from Business Objects/Client Index
- 2011 Census
- BCS Harlesden - Survey Monkey
- Extract from the article "Engendered Penalties: Transgender and Transsexual

People's Experiences of Inequality and Discrimination" (2007), written by academics from Manchester Metropolitan University for a research project and report commissioned by the Equalities Review

**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;**

The Online Community Web Portal will:

- i. Provide residents with centralised access to Brent's online services via one single account as opposed to requiring multiple logins for different services, as is currently the case.

This centralised access will aid all residents but especially those with minimal to no IT experience. Having only one account will markedly simplify the process to access Brent's web services, being more convenient for some whilst appearing less intimidating / complex to others who may previously have been put off from using Brent's online services.

- ii. Be simple, easy and intuitive for all Brent residents including protected groups - in terms of layout / look and feel, language used and customer journey.

The design of the Portal will strive to include intuitive layout / look and feel, simple and inoffensive use of the English language throughout, adhere to W3C Accessibility guidelines, and provide straightforward and logical customer journeys to the various transactional services.

All of the above will be used to ensure, as much as possible, that residents are able to navigate the Portal regardless of:

- Level of IT expertise
- Ethnicity
- Disability

**(b) Advance equality of opportunity;**

The Online Community Web Portal will:

- i. Empower residents to self-serve online on a 24 / 7 basis with reduced reliance on Brent staff and their associated availability i.e. standard Brent Civic Centre working hours.

Empowering residents in this way may positively impact the following groups:

- Those in full or part time employment during Civic Centre working hours
- Those with mobility issues

- ii. Encourage residents with the ability to self serve to move away from traditional modes of engagement with Brent (telephone, face to face, letter). This shift in resident contact routes, should aid in freeing up Council resources to focus on traditional engagement with those residents with complex service needs.

Whilst it is expected, following Capita demographic analysis, that up to 76% of Brent residents will be fully able to self serve online, traditional engagement routes will still be available to ensure equality of opportunity e.g. residents without internet access.

**(c) Foster good relations**

The primary focus of the Portal is to better the relationship between the Council and individual residents, via an improved service and therefore we anticipate that it will have limited impact on relationships between Brent communities.

It is possible that the Portal may implement the use of community forums, as well as allow each Service Area to promote community events. These may both help to improve relations between groups of people with different equality characteristics.

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

**i. Who did you engage with?**

Residents have not been engaged with as yet but will, in the form of customer focus groups, be involved in the design and testing phases of the project from Jan 2015. Customer focus sessions will be representative of Brent including disabled groups.

**ii. What methods did you use?**

Focus groups will be used in tandem with the Community Access Strategy.

**iii. What did you find out?**

TBC

**iv. How have you used the information gathered?**

TBC

**v. How has it affected your policy?**

TBC

**6. Have you 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.**

**Age**

Older age groups may have reluctance or reduced ability to use online web services. In addition these groups may or may not have any internet access.

These groups will still be able to access Brent services via traditional telephone and / or face to face contact.

In addition, those who wish to try to use web services will be able to do so from self help kiosks at Brent Civic Centre, with assistance from staff.

Finally one of the aims of the Portal is for Customer Services staff to be able create online accounts on behalf of residents, with the resident able to choose to manage the account themselves or do so with assistance from staff over the phone.

Alternatively it may be possible for such accounts to be securely managed on behalf of the resident by a third party who has been granted rights of representation.

**Disability**

Some residents with disabilities may have difficulty using online web services because of their impairment.

The Portal will also be W3C WCAG 2.0 "AA" compliant at a minimum.

WCAG 2.0 is the shared global web standard for ensuring that people with disabilities have appropriate accessibility to web services.

As above, one of the aims of the Portal is for Customer Services staff to be able create online accounts on behalf of residents, with the resident able to choose to manage the account themselves or do so with assistance from staff over the phone.

Alternatively it may be possible for such accounts to be securely managed on behalf of the resident by a third party who has been granted rights of representation.

**Gender reassignment**

N/a

**Race / Ethnicity**

There may be some residents who are unable to speak, read or write to the level of



English that is required to use the Portal. In the majority of Brent households, there is someone who can speak English who may be able to assist. In 1 – 2.5% of households across the borough, no one is able to speak English.

These residents will need either support or translation services via face to face interaction. This support will be provided as part of the Community Access Strategy. Additionally, traditional phone and face to face contact channels will still be available for these groups.

**Religion or belief**

Some religious groups may prohibit or minimise internet usage due to their beliefs. Traditional phone and face to face contact channels will also still be available for these groups.

**Sex**

N/a

**Sexual orientation**

N/a

**Pregnancy & maternity**

N/a

**Literacy / Level of Education**

Some Brent residents may not possess the level of literacy required to use the Portal. The Portal will therefore employ the use of simple and plain English and descriptive icons on Portal.

Traditional phone and face to face contact channels will still be available for these groups.

**Please give details of the evidence you have used:**

- The Annual Population Survey 2013 - GLA/ONS (Business Intelligence Team report)
- BCS data from Business Objects/Client Index
- 2011 Census
- BCS Harlesden - Survey Monkey

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	√	√	
Disability	√	√	

<b>Gender re-assignment</b>	√		
<b>Marriage and civil partnership</b>			√
<b>Pregnancy and maternity</b>	√		
<b>Race</b>		√	
<b>Religion or belief</b>		√	
<b>Sex</b>			√
<b>Sexual orientation</b>	√		

## 8. The Findings of your Analysis

Please complete whichever of the following sections is appropriate (one only).

### No major change

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

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

The findings of this assessment show that the Online Community Web Portal will be highly beneficial to a large number of Brent residents.

There are a number of equality considerations identified within this report that have already been addressed by the requirements specification for this project. For example the Portal will:

- Adhere to global web guidelines to ensure that the service is accessible to disabled people.
- Offer 24 / 7 access to chosen Brent web services thus advancing equality of opportunity to residents that may not be able to visit Council premises within standard opening hours e.g. those with childcare responsibilities, in full time employment, or with reduced mobility.
- Enable internal staff to manage online portal accounts on behalf of residents that may have reluctance or reduced ability to use online services such as some older or disabled residents groups.

The Portal will also likely provide equalities benefits to residents that may fear discrimination or mistreatment via traditional face to face or telephone contact, and may therefore prefer private and confidential access to Council services – for example lesbian, gay, bisexual, transgender and gender variant residents, It has also been identified that some groups may be unable or unwilling to use the portal – specifically some older residents, disabled people, certain religious groups and those residents who cannot read and write English to a sufficient standard. To ensure that these groups do not experience any disadvantage as a result of the

introduction of the Portal, traditional face to face and telephone contact channels will remain available as alternatives.  
Equalities will continue to be monitored throughout this project, with analysis of this review occurring every 3-4 months for the duration of delivery. This document will be amended and updated as required going forward.

### **Adjust the policy**

*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).*

*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.*

*If you have identified mitigating measures that would remove a negative impact, please detail those measures below.*

*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.*

N/a

### **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:*

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

N/a

### 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.

This document will be reviewed in Jan 2015 after supplier onboarding and the commencement of the Phase 1 design.

### 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
Use of resident groups during design and testing	Ongoing between Jan 2015 – Jul 2016	Amit Joshi	Resident perspective taken into account during Portal delivery		

**APPENDIX 4  
LONDON COUNCIL PORTAL OFFERINGS**

London Local Authority	Portal supplier	Services provided via portal											
		Council Tax	CT & Housing Benefits	Rents	Business Rates	Landlords	Environ. Reporting	Admissions	Parking	Libraries	Recycling & Waste	Electoral	Planning
<b>Total</b>		<b>18</b>	<b>15</b>	<b>4</b>	<b>12</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>2</b>
Barking & Dagenham	Agilisys	√	√	√									
Barnet	Gandlake	Solution Delivery in Progress											
Bexley	Firmstep	√	√		√								
Brent	N/a	N/a											
Bromley	Supplier unconfirmed	√	√		√	√							
Camden	Supplier unconfirmed	√	√		√	√							
City of London	N/a	N/a											
City of Westminster	N/a	N/a											
Croydon	Supplier unconfirmed	√	√	√			√	√					
Ealing	Agilisys	Solution Delivery in Progress											
Enfield	Supplier unconfirmed	√	√		√	√							
Greenwich	N/a	N/a											
Hackney	Gandlake	√	√		√								
Hammersmith	Agilisys	√	√				√		√				

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& Fulham													
Haringey	Gandlake	Solution Delivery in Progress											
Harrow	Gandlake	√	√	√	√	√				√			
Havering	N/a	N/a											
Hillingdon	N/a	N/a											
Hounslow	N/a	N/a											
Islington	Supplier unconfirmed	√	√	√			√		√		√		
Kensington & Chelsea	N/a	N/a											
Kingston	Supplier unconfirmed	√			√								
Lambeth	Gandlake		√			√				√	√	√	
Lewisham	Gandlake	√			√	√							
Merton	Supplier unconfirmed	√	√		√								
Newham	N/a	N/a											
Redbridge	Supplier unconfirmed	√							√		√		√
Richmond	N/a	N/a											
Southwark	Gandlake	√	√							√			
Sutton	Gandlake	√	√		√	√							
Tower Hamlets	Agilisys	√			√								
Waltham Forest	Supplier unconfirmed	√	√		√	√							
Wandsworth	Agilisys	Solution Delivery in Progress											

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> <b>15 December 2014</b></p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p>For Action <span style="float: right;">Wards affected: Kenton Barnhill</span></p>	
<p><b>Temporary Accommodation: Hotel Leasing and Brent House Conversion</b></p>	

Appendices 1, 2 and 3 are Not for Publication

## 1.0 Summary

- 1.1 This report requests authority to acquire one-year leases of three hotels to provide emergency accommodation to homeless households.
- 1.2 The report also requests authority to grant a lease for the use of Brent House for emergency accommodation for a limited period, subject to planning permission.
- 1.3 These arrangements are designed to assist the Council in meeting its statutory emergency housing obligations to homeless households at a time of increasing demand, and to minimise the cost of such provision.

## 2.0 Recommendations

- 2.1 That Cabinet agrees to enter into the lease for the three named hotels as set out in Appendix 2 of this report for a term of 12 months and to delegate agreement of the final lease to the Operational Director, Property and Projects in consultation with the Director of Legal and Procurement.
- 2.2 That Cabinet agrees to an exemption from Contract Standing Order 86(b) to permit the direct award to Altwood Properties Ltd of 3 contracts for management services ancillary to the leases detailed in 2.1 above.

- 2.3 That Cabinet agrees to grant a short-term lease at a market rent to the successful tenderer or tenderers of the Brent House emergency accommodation scheme together with a related nominations agreement
- 2.4 That Cabinet delegates authority to the Operational Director of Property and Projects in conjunction with the Chief Finance Officer to agree the final contractual arrangements for the Brent House emergency accommodation scheme.

### **3.0 Background**

- 3.1 The Council continues to experience a high level of statutory homeless acceptances generating a requirement to provide emergency and temporary accommodation.
- 3.2 The supply of temporary accommodation across London has been falling due to a highly inflated housing market where landlords are able to secure higher rents from private tenants than they can from offering their properties for use as temporary accommodation.
- 3.3 The authority has so far managed to meet its statutory duty to provide temporary accommodation but at increasing cost and with a high-level of reliance on Bed & Breakfast accommodation. The Council is currently not in compliance with the statutory homeless order that requires that families are not placed in private non self-contained accommodation for more than six weeks. This rule does not apply to provision where the accommodation is owned or managed by a local authority, a registered social landlord or a qualifying voluntary organisation (by the Council using its own premises or leased premises).
- 3.4 In summary, the statutory six week rule states that Bed & Breakfast accommodation is not suitable accommodation for homeless families with children and households that include a pregnant woman unless there is no alternative accommodation available and then only for a maximum of six weeks. If the accommodation is “owned or managed” by a housing authority, a registered social landlord or a qualifying voluntary organisation, then this is deemed not to be bed and breakfast accommodation and will not come within this statutory six week rule.
- 3.5 A number of projects are underway to reduce reliance on temporary accommodation and on Bed & Breakfast accommodation in particular in order to improve the quality of provision and to reduce cost. Central to the proposed approach is to gain access to an increased number of private rented properties outside Brent for discharge of the Council’s housing duty where suitable, and the launch of a lettings agency by BHP in early 2015 to increase access to private rented properties within the borough. Alternatives to private Bed & Breakfast accommodation are also being developed including, as proposed in this report, the short-term use of Brent House.

- 3.6 While these initiatives will make a significant contribution a high level of demand for such accommodation will remain in the short-term at least.
- 3.7 The proposed leasing of the three hotels and the redevelopment of Brent House for use as emergency accommodation will assist in meeting expected levels of demand for temporary accommodation by securing exclusive use of the three hotels and through the additional provision at Brent House. This will make a significant contribution to the council achieving and maintaining compliance with the statutory homelessness 6-week limit. The temporary use of Brent House will additionally reduce the cost of temporary accommodation provision.

### **Leased Hotels**

- 3.8 Discussions have been undertaken with a number of private hotel providers of temporary accommodation in the borough to identify those prepared to enter into lease arrangements with the Council. A number of hotel providers were approached but only one supplier in Brent was prepared to offer a leasing arrangement. The search was then extended to include hotels outside of Brent, but within London. It has proved possible to agree the terms of lease arrangements for three hotels; two in Brent and one in Hounslow.
- 3.9 It is proposed that the three hotels will be leased for a period of twelve months, with a three-month break-clause which will enable the Council to terminate the arrangement during the lease term if expected levels of demand do not materialise or can be met through other more cost-effective provision.
- 3.10 The proposed lease terms are detailed in Appendix 2.
- 3.11 In addition to leasing the 3 hotels, it is proposed to enter into ancillary service contracts with Altwood Properties Ltd for the hotels' day-to-day management such as cleaning, booking in and out etc. The Council is unable to acquire the leases without the ancillary service contracts. As detailed in the table at Appendix 2, these contracts are individually and indeed collectively classed as Low Value Contracts under the Council's Contract Standing Orders.
- 3.12 The supplier has agreed that the lease terms will provide management services equivalent to those offered in other local authority temporary housing schemes. This will include three-monthly inspections and regular management liaison meetings. The Council will ensure under the lease arrangements that it is not exposed to any additional risks or costs such as repairs, insurance, etc.
- 3.13 All three hotels are established and already used by Brent and other authorities as emergency temporary accommodation. Leasing these hotels will provide Brent with exclusive rights to use the accommodation for the duration of the lease. At the beginning of December 2014 there were 24 rooms in the three hotels occupied by clients from other authorities. The Council will liaise with the other authorities to agree the timing for such households to be provided with alternative temporary accommodation by the responsible authority.

- 3.14 It is anticipated that the lease arrangements will commence before the end of December 2014 and terminate in December 2015.

### **Brent House Temporary Conversion**

- 3.15 Brent House, situated at 349 - 357 High Road Wembley HA9 6BZ, comprises a vacant 10 storey office building with on-site parking. The Council and its tenant (Air France) have both moved their operations from Brent House to the new Civic Centre.
- 3.16 As approved by the Executive in December 2013, contracts have been exchanged with Henley Homes Ltd for the disposal of Brent House on a subject to planning basis. Henley Homes Ltd are currently forecasting approximately 12 months to secure planning consent at which point the Council will complete the sale of Brent House.
- 3.17 In the interim, the proposal is that the Council will lease Brent House to a suitable provider or providers for the provision of emergency accommodation for approximately 6 months. The provider(s) will be selected through the invitation of quotations on the open market.
- 3.18 The provider(s) will be granted a short-term lease at a market rent to occupy and convert the premises for the scheme and they will then let the scheme in accordance with a nomination agreement with the Council. The provider(s) will bear the cost of conversion and be responsible for the day-to day-management and maintenance of the accommodation.
- 3.19 The existing office space is to be converted into non self-contained accommodation with shared facilities across eight of the nine floors (or as many floors as possible). The scheme is expected to accommodate between 40-60 units of non-self contained accommodation (approximately 120 persons at any one time). The scheme will require planning permission for a temporary change of use.
- 3.20 The accommodation will be provided to homeless (and potentially homeless) households under Part VII of the Housing Act 1996. At the end of the scheme the provider(s) will be required to hand-back the building to the Council with vacant possession and free of fittings and temporary installations put in for the scheme. Households in occupation will be provided with alternative suitable temporary accommodation in advance of vacant possession being required.
- 3.21 The Council will have full and exclusive nomination rights to the scheme. In return, a predetermined amount of rental income and 95% occupancy is to be guaranteed by the Council to the provider(s).
- 3.22 The scheme's financial viability is dependent on a number of factors and a key factor is the provider's ability to run the scheme for a sufficient period before needs to be handed back to the Council in order to complete its sale. There is therefore considerable time pressure to get the scheme up and running as quickly as possible. Based on previous market experience it is estimated that

the scheme will break-even or generate a surplus over a six-month period but the actual position will depend on tendered costs for conversion and management. The scheme will reduce the level of reliance on, and associated costs of, private Bed & Breakfast accommodation.

3.23 Under the Henley Homes contract, Brent is obligated to provide vacant possession on completion, with the Completion Date being subject to planning consent.

3.24 Henley also has the right to waive the planning condition, which could make the Completion Date earlier. In this circumstance, the Completion Date will be 30 working days after the date on which Henley waives the planning condition. The short term lease for Brent House will provide for the contract provisions with Henley Homes in particular a break clause given the Completion Date may be brought forward at any time.

3.25 If Brent is unable to provide vacant possession then penalties under the Henley Homes contract will apply to the Council . See Appendix 1 for further information.

3.26 The Henley Homes contract provides Henley some rights to carry out surveys before completion requiring that this right is subject to causing as little disturbance and damage as possible and making good at its own costs indemnifying Brent. Henley Homes has expressed a desire to undertake an early pre-demolition asbestos survey for which we have asked that a risk assessment and method statement be provided. It should be noted that further requests for survey work may be forthcoming in the future.

3.27 Indicative Timetable

Activity	By
Marketing of scheme & selection of provider(s)	December 2014
Planning permission	February - March 2015
Completion of conversion works	March - May 2015
Grant of lease and scheme commencement	May - June 2015
Hand-back	October – November 2015

#### 4.0 Risks

4.1 There a number of risks that relate to the proposed arrangements:

##### Hotel Leasing

4.2 Reputational – The Council will need to ensure that the accommodation provided is of a satisfactory standard. Altwood are established providers and have provided a high quality service in another temporary accommodation scheme at Knowles House. The hotel leases will be managed under a similar regime, which includes regular inspections & liaison meetings.

4.3 Financial – It will be essential that the lease terms exclude any costs additional to the lease rent (e.g. maintenance, insurance costs). This has

been agreed in principle with Altwood and the lease agreement will be drafted on this basis.

- 4.4 If rooms are left vacant the Council would incur unnecessary costs. The Council's current use of B&B accommodation is much greater than the provision under these arrangements and use of the leased accommodation will be prioritised above booking of other B&B accommodation. There is very little likelihood of not being able to occupy all the available accommodation all of the time.

### **Brent House**

- 4.4 Market – There is a risk that there will be limited or no interest in the proposed lease arrangement from providers because of its short-term nature. Established providers have been alerted to this opportunity and there has been initial interest expressed.
- 4.5 Planning - The temporary accommodation scheme will only go ahead if planning permission for a temporary change of use is granted and the conversion works can be carried out within the timescales indicated. Consideration may be given to begin the conversion works in advance of planning consent being obtained in order to maximise the period the accommodation is available. In the event that planning consent was not then obtained the costs would be abortive and fall to the Council.
- 4.6 Financial - The lease to the successful tenderer will contain an appropriate break clause to avoid or reduce the Council's exposure to penalties under the Henley Homes Contract (see appendix 1). However, if the Council exercises its break clause under the lease then penalties may be payable to the provider of the temporary accommodation scheme who will seek to recover their cost of conversion and loss of profit. It is not possible to quantify the risk or amount of penalty payable to the provider until the content of the successful bid is known. Council officers will review the strategic and operational risks for the temporary accommodation scheme once the tender for a provider has been completed and a financial appraisal is carried out. It is worth noting that the risk of Henley Homes' waiving the planning condition and seeking early completion is considered to have a low probability of occurring. In the event that the 30 day notice was exercised the Council would need to secure alternative emergency provision which may need to be at an increased cost in the short-term or may require occupants to be placed in temporary accommodation outside of London.
- 4.7 Reputational – The Brent House scheme is short-term and it will be necessary to provide alternative temporary accommodation at the end of the lease arrangement. The Housing Needs Service will begin planning the departure phase of this project at least two months before the lease expiration date. This will allow for a gradual transition and reduce the likelihood of having to use more expensive commercial hotels to re-accommodate the decanted households.

- 4.8 The table below summarises the risk assessment after taking account of the risk management and mitigations outlined above.

1 = low 5 = high

Risk	Nature	Likelihood	Impact	Assessment
<b>Hotel Leasing</b>				
The accommodation does not meet the required standards	Reputational	1	3	3
Unexpected costs additional to the lease rent	Financial	1	3	3
The Council is unable to use all of the leased accommodation	Financial	1	2	2
<b>Brent House</b>				
There is limited or no interest from potential providers	Market	2	5	10
Planning consent not obtained	Planning	2	5	10
Henley exercise their right to request early completion	Financial	1	4	4
The Council has to reimburse the provider for the cost of conversion	Financial	1	4	4
The Council is unable to provide alternative temporary accommodation at lease-end in or near to Brent	Reputational	2	3	6

## 5.0 Financial Implications

- 5.1 The proposed terms of the leases identified in Appendix 2 are set at rates that are equivalent to the cost of bed and breakfast accommodation agreed by Pan-London authorities and as such will not generate any direct saving within the Temporary Accommodation budget. The agreement of the leases will however secure these units at the current rate and will minimise the risk of incurring additional costs that could otherwise arise.
- 5.2 The conversion of Brent House for use as emergency accommodation is, subject to the return of acceptable tenders, projected to provide a financial return to the Council over a six-month period. The exact amount will be determined by the content of the successful tender bid. The Council will

charge a lease rental for the property and all running costs will be charged to the successful provider. In addition this provision is expected to reduce expenditure on private Bed & Breakfast accommodation within the Temporary Accommodation budget and thereby alleviate some of the current pressure on that budget.

- 5.3 Bids that result in the Council incurring no additional costs will be the only ones considered for this proposal.

If any costs are incurred in respect of conversion works in advance of planning consent being secured, and this is not forthcoming these abortive costs would be met from the earmarked Temporary Accommodation reserve.

- 5.4 The Council is currently liable for the payment of business rates of around £500,000 per annum on Brent House whilst it remains an empty property. Temporary use of the building will result in that liability being negated with responsibility being transferred to the Operator.

- 5.5 The lease rent received for the Brent House temporary accommodation scheme will be retained by the Property and Projects department.

## **6.0 Legal Implications**

- 6.1 In respect of the three hotels, the proposed leases will be for a fixed term of twelve months subject to a three month break clause by the Council.

- 6.2 The Council will be the tenant of the three hotels and this will assist the Council in complying with the Homelessness (Suitability of Accommodation) (England) Order 2003.

- 6.3 The Homelessness (Suitability of Accommodation) (England) Order 2003 (“the 2003 Order”) provides that Bed & Breakfast accommodation is not suitable accommodation for homeless families with children and households that include a pregnant woman unless there is no alternative accommodation available and then only for a maximum of six weeks.

- 6.4 In the 2003 Order, Bed & Breakfast accommodation is defined as follows:

“accommodation (whether or not breakfast is included) —

- (a) which is not separate and self-contained premises; and
- (b) in which any one of the following amenities is shared by more than one household—

- (i) a toilet;
- (ii) personal washing facilities;
- (iii) cooking facilities,

but does not include accommodation which is owned or managed by a local housing authority, a registered social landlord or a voluntary organisation as defined in section 180(3) of the Housing Act 1996.

Brent Council is a local housing authority.



6.5 Where a local authority accepts a duty to secure temporary accommodation for a homeless household that is unintentionally homeless and in priority need under Part 7 of the Housing Act 1996, the temporary accommodation provided must be 'suitable.' The Homelessness Code of Guidance 2006 provides advice and guidance for local authorities on using Bed & Breakfast accommodation for discharging a re-housing duty and part of paragraph 16.28 of the said Code of Guidance is quoted below:

*“Bed and Breakfast (B&B) accommodation caters for very short-term stays only and generally will afford residents only limited privacy and may lack certain important amenities, such as cooking and laundry facilities. Consequently, where possible, housing authorities should avoid using B&B hotels to discharge a duty to secure accommodation for applicants, unless, in the very limited circumstances where it is likely to be the case, it is the most appropriate option for an applicant...”*

6.6 Annex 17 of The Homelessness Code of Guidance 2006 sets out recommended minimum standards for bed and breakfast accommodation which includes management standards, space standards for sleeping accommodation installation for heating, facilities for the storage, preparation and cooking of food and disposal of waste water, toilet and personal washing facilities and other facilities.

6.7 In addition to leasing the 3 hotels, it is proposed to enter into ancillary service contracts which will in summary comprise cleaning, booking in and out, etc. As detailed in the table at Appendix 2, these contracts are individually and indeed collectively below the threshold for application of the Public Contracts Regulations 2006. The contracts are also individually and collectively classed as Low Value Contracts under the Council's Contract Standing Orders and Financial Regulations. CSO 86(b) provides that no formal tendering procedures apply to Low Value Contracts but that at least 3 written quotes must be sought or alternatively the contracts procured through the Online Market Place. As detailed at paragraph 3.11, the council is unable to lease the hotels without entering into ancillary service contracts. In the circumstances an exemption from the requirements of CSO 86(b) is sought to enable the direct award of the 3 ancillary service contracts to Attwood Properties Limited. Cabinet is able to grant such exemption pursuant to CSO 84(a)

6.8 As indicated in paragraphs 3.15 to 3.28, to further assist with improving the quality of temporary accommodation and reducing cost, the proposal is to lease Brent House to a third party and enter into a related nominations agreement with that third party. The lease and nominations agreement will be awarded following an open marketing exercise following the council's usual procedures.

6.9 The lease to a third party would be for the provision of temporary short term accommodation and it is proposed it would be let it on a short term contracted out lease at a market rent. The lease would require the third party to carry out

works to convert Brent House to provide temporary accommodation. The lease would be for a six month term but with provision allowing the council to terminate early should it be necessary for the Council to provide vacant possession to Henley Homes earlier than envisaged as set out in paragraph 3.24.

- 6.10 Any penalties that the Council incurs as a result of a failure by the third party leasing Brent House to provide vacant possession to Henley Homes on 30 days notice, would need to be passed through to that party through the lease.
- 6.11 In addition to the need to include provision in the lease for vacant possession to be given to the Council on termination at any time the Council will also need to include provision allowing Henley Homes to be given access to carry out pre-demolition asbestos and other site surveys.
- 6.12 As indicated in paragraph 3.21, the nominations agreement will provide that the Council will have full and exclusive nominations rights to Brent House and in return the Council will guarantee a level of rental income and occupancy.

## **7.0 Diversity Implications**

- 7.1 There are equalities or diversity implications arising from this report. The use of emergency accommodation is a normal part of the operation of the service. As such the way that the accommodation is acquired and financed does not materially affect service users.

## **8.0 Staffing/Accommodation Implications**

- 8.1 There is no immediate staffing or accommodation issues arising from this report.

### **Background Papers**

None

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 15 December 2014</p> <p style="text-align: center;"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p>For Action <span style="float: right;">Wards affected: ALL</span></p>	
<p><b>Authority to award contract for building works at Manor School, Chamberlayne Road, Kensal Green</b></p>	

## APPENDIX A IS NOT FOR PUBLICATION

### 1.0 Summary

- 1.1 In August 2014 Cabinet approved the allocation of additional funds to meet estimated costs of providing additional school places at Manor School in order to meet the Council's statutory duty (£2.182m total project cost). Cabinet also approved the commencement of the procurement process for the building contract works, based on pre-tender considerations set out in the report.
- 1.2 Tenders have been received and evaluated on the basis of the evaluation criteria as set out in the August Report. As such, this report requests authority to award a building contract, as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this contract and recommends to whom the contract should be awarded.
- 1.3 A further report is being submitted to the 15 December Cabinet seeking authority to permanently expand Manor School. As a result, the recommendation to award a contract contained in this report is subject to Cabinet agreeing the permanent expansion of Manor School.

### 2.0 Recommendations

The Cabinet is recommended to:

- 2.1 Award the works contract for the construction works at Manor School to Cosmur Construction Ltd at a price of £953,572, subject to Cabinet approval of the permanent expansion of Manor School.

### **3.0 Detail**

#### Background

- 3.1 Brent Council has a statutory duty to ensure sufficient school places are provided. There is a shortfall of Special Educational Needs (SEN) school places to meet current and projected demand. The Council has been awarded Targeted Basic Need (TBN) grant funding of £1.541m by the Education Funding Agency (EFA) in order to provide an additional 44 SEN Places at Manor School. In order to comply with the conditions of that grant funding and therefore retain it, all 44 additional places must be available and all of the TBN funding allocated to the project must be fully spent by 31 August 2015. At the August 2014 meeting, Cabinet noted that the total estimated cost of works (£2.182m) required to provide these additional places exceeded the TBN funding available and approved the allocation of additional funds (£641k) from the Council's Basic Needs Capital Grant allocation to assist in delivery of the additional school places. There is sufficient funding to deliver this project.
- 3.2 This report seeks the award of contract for the proposed building works which will enable Manor School, a special school catering for children aged between 4 and 11, to increase its capacity from 132 school places to 176 pupil numbers. Key stakeholders, in particular Manor School Governing Body, the school Head and other staff members have had input in the proposed scheme design and have fully co-operated in accommodating pre-main contract works (enabling works), which commenced in summer 2014 and completed in November 2014, whilst operating day-to-day school management.
- 3.3 The proposed main building contract works achieved Planning Consent on 17 September 2014 and include part new-build and part alterations/re-modelling works as well as considerable and much required improvements to the external play areas. The proposed design refurbishment, alterations and new-build proposals will support the education delivery, facilities and amenities for pupils and so enhance pupils' educational and life-skills experience once works are completed.
- 3.4 It is expected that the main building contract works will complete by the end of August 2015, assuming works start on site in January 2015. Cabinet is reminded that, to comply with EFA regulations, the TBN funding element is to be spent by end of August 2015 and also the additional school places made available. As previously reported enabling works were undertaken and are now completed. It is expected that the remaining building works will therefore complete to programme.

#### Procurement Process

##### Appointment of Lead Design Consultants

- 3.5 Sampson Associates Architects (SAA) were appointed in April 2014, following a mini-competition, initially to report on the feasibility of increasing the Manor School capacity to accommodate an additional 44 pupils. SAA's appointment does however extend to project managing the building works should Cabinet approve the award of the works contract and the permanent expansion of the school. SAA is a multi-disciplinary practice providing the role of Lead Consultant, Architect, Quantity Surveyor, CDM Planning Co-ordinator in-house and sub-contracting of associated engineering roles and has worked with Brent to deliver numerous successful capital education projects.

#### Procurement process and evaluation of tenders

- 3.6 The procurement process followed is set out in the August 2014 report to Cabinet which approved the pre-tender considerations. In short, an open tender process was used. Adverts were placed on the e-Portal on 4 September 2014. Tender documents and Invitations to Tender were posted on the 26 September to interested parties with a tender submission date set for 17 October 2014. In total 78 Companies expressed interest in the project, of whom 26 subsequently formally opted out; 42 did not offer a tender but did not formally opt out and 10 submitted tenders. There were no late responses.
- 3.7 As reported in August, the open tender process involved use of a qualification questionnaire to identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise. Tenders were evaluated to identify the most economically advantageous tender using evaluation criteria consisting of Quality criteria (with a combined weighting of 60%) to include logistical approach and preliminaries, procurement and supply chain strategy, programme and programme efficiencies and Price criteria (with a combined weighting of 40%) to include the cost and benchmarks and the quality of the pricing submission.
- 3.8 Of the 10 tenders received, three failed to satisfy the requisite requirements of adequate experience in working on similar projects and/or proving that they met the Council's financial standing requirements. Nevertheless, all 10 tenders were evaluated by Brent Officers, in accordance with the evaluation criteria and scored in accordance with the scoring protocol and matrix included in the tender documents and approved by August Cabinet. SAA's analysis of all 10 tenders included checking for errors, omissions and qualifications that tenderers may have applied to each tender.
- 3.9 Following the initial evaluation of bids and as provided for in the tender documentation, the three highest scoring tenderers were invited to interview by Officers, the School Head and Site Supervisor and SAA on 24 October, at the school. The purpose of the meeting was to seek clarification on the tender submissions and to answer questions arising from that meeting and from the tender analysis.
- 3.10 Prior to the meeting, the highest scoring bid was from Contractor A, Cosmur Construction Ltd; with the second and third placed scores from Contractor B and Contractor C. All the contractors' names are detailed in Appendix A and their scores are shown in Appendix B.

- 3.11 Following the meeting, Brent Officers received feedback from the attendees and were then able to conclude the evaluation of tenders. The result is that Contractor A, Cosmur Construction Ltd remains the highest scoring tenderer, whose tender contained no arithmetic errors and demonstrated a good understanding of the project and programme sensitivities. Final scores are detailed in Appendix B. Cosmur Construction Ltd has confirmed that, should mobilisation commence in December 2014 and works start-on-site in January 2015, it is possible to complete the main contract building works within the required time, by end of August 2015. In turn, this will mean that TBN funding will have been fully spent, as required by the EFA and that school places will be available from 01 September 2015; in essence the scheme will therefore deliver on TBN compliancy requirements.
- 3.12 Subject to Cabinet approval to both the expansion of Manor School and to approval to the award of the works contract, the form of build contract will be JCT Standard Form of Building Contract (SBC/XQ) 2011 un-amended, save for the provision that the contractor's insurances include an "Indemnity to Principle Clause".
- 3.13 This report seeks approval to award a works contract following this procurement process, subject to Cabinet approval to permanently expand the school. A report is due to be presented to the December 2014 Cabinet committee from the Strategic Director of Children & Young People's Department reporting the outcome of statutory consultation to increase the pupil numbers at Manor School and recommending approval to expand.

#### Project Cost

- 3.14 As stated in paragraph 3.1 above, the estimated total project cost to deliver the proposed scheme was reported at £2.182m, with costs to undertake the main building contract estimated at £1.6m. The August Cabinet approved an additional sum of £641k to be added to the TBN grant fund of £1.541m to meet project costs to enable project procurement to commence.
- 3.15 The contract sum tendered by Cosmur Construction Ltd is £953,572.00. This sum is considerably lower than the estimate reported to the August Cabinet (£1.6m) but includes all the required works to deliver fit-for purpose part-new-build and part remodelled works, including new classrooms, life-skills classroom, music room, art room and staff preparatory rooms. Some of the difference in cost estimate between the proposed contract sum and estimate provided in August is attributable to the enabling works contract procured separately and undertaken during the summer holiday period in order to mitigate the risk of loss of grant funding, thereby ensuring that the whole scheme is on target to be fully delivered within budget of £2.182m.
- 3.16 Whilst Planning Consent has been granted, the design of the external play areas is subject to a condition requiring further design. This design can continue alongside main works and time has been allowed in the programme.



## 4.0 Financial Implications

- 4.1 Cabinet noted, in a report on 26 August 2014, that the Education Funding Agency awarded the Council £1.541m of Targeted Basic Need (TBN) grant funding in October 2013 to support capital works required to accommodate an additional 44 pupils at Manor School and that all of this fund is to be spent by end of August 2015. In August, Cabinet approved a further £641k to be made available from Basic Need Capital to enable the project to proceed. There is therefore sufficient capital funding available to award this contract.
- 4.2 The contract sum tendered by Cosmur Construction Ltd at £953,572.00 is considerably lower than the estimate reported to the August Cabinet (£1.6m). The tender delivers all the required works but elements of the original forecast cost have been delivered through a separate enabling works contract and undertaken during the summer holiday period in order to mitigate the risk of loss of grant funding. There is a remaining element of the scheme design in regard to external features and provision of a MUGA which are yet to be finalised and costed. Upon completion of this element of the design process, the scheme budget requirement will be reviewed and any forecast reduction to Cabinet within the Quarterly Budget Monitoring process.
- 4.3 Officers have carried out an independent review of Cosmur Construction Ltd's financial standing and have concluded that the company has sufficient financial stability to undertake the contract.
- 4.4 The Council's Contract Standing Order 88 states that works contracts exceeding £500k (High Value Contracts) shall be referred to the Cabinet for approval to procure and for its subsequent approval to award a contract. Accordingly, as the proposed contract sum exceeds £500k, Cabinet is requested to approve the works contract to Cosmur Construction Ltd, thus enabling works to start as soon as possible at the start of the calendar year January 2015 and complete by end of August 2015.
- 4.5 The benefit of awarding the contract for the main building works in December is to enable the contractor to mobilise in December, thereby allowing sufficient time for the building works to run for 9 months from January 2015 to August 2015, the programme to which the preferred and recommended contractor has confirmed can be met. This being the case, the full TBN grant funding will have been spent and accommodation available for the additional pupils to occupy.
- 4.6 The financial benefits to be gained by delivering 44 additional school places at Manor School by progressing a construction scheme was noted in the 26 August report to Cabinet. It was reported that the Council could achieve cost avoidance in regard to out borough placements and on transporting costs which would otherwise amount to £968,000, in one full year. It is reiterated that this figure relates to the avoidance of additional costs rather than savings to existing revenue budgets.

4.7 Cabinet are to consider for approval the expansion of Manor School in a separate report on 15 December 2014. It has previously been noted that any costs incurred by the Council in regard to enabling works, associated fees and development costs prior to a Cabinet approval for an award of contract subject to the outcome of the consultation on the expansion of pupil numbers is at risk. Should the Cabinet approval not be obtained and the scheme not proceed any such costs would have to be treated as abortive and recharged to the Council's revenue account within which there is no budget for such costs. The Council would not be able to utilise any EFA capital funding should the scheme become abortive and any TBN grant associated with the scheme would have to be returned.

## **5.0 Legal Implications**

5.1 Under sections 13 and 14 of the Education Act 1996 as amended by the Education Acts 2006 and 2011 the local authority has a general statutory duty to ensure there are sufficient school places available to meet the needs to include any special educational needs of the population in its area. The local authority must promote high educational standards, ensure fair access to education opportunity and the fulfilment of every child's educational potential. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

5.2 Cabinet in August authorised the use of additional funding of £641k required to top-up Targeted Basic Need funding of £1.541m to assist in delivering the provision of the additional school places and also authorised that the procurement process for the main building contract works may commence. This authorisation was required ahead of the consultation on expanding school numbers, so that time-lines and compliancy of TBN funding, as set by the EFA could be adhered to. However, the August Cabinet noted that neither approval for authorisation would commit the Council to proceeding with the expansion should Cabinet in December 2014, having had regard to the statutory process on the expansion of pupils numbers decide not to proceed with the expansion at Manor School. However, the financial implications of not proceeding with the expansion of pupil numbers is detailed in paragraph 4.5 above.

5.3 The Cabinet is requested to approve the award of contract to Contractor A Cosmur Construction Ltd. The contract value is £953,572 and is therefore below the EU threshold for works contracts of £4,322,012. As such, award of the contract is not governed by the Public Contracts Regulations 2006. The works contract is however classed as a High Value Contract under the Council's constitution. As such, the Council's Cabinet must approve award of contract in accordance with Contract Standing Order 88.

5.4 Given that timing is critical to this project, the contract will contain provision that performance must be completed before the end of August 2015.

## **6.0 Diversity Implications**

- 6.1 The EIA, attached as Appendix C, is extracted from the report to 26 August Cabinet from the Strategic Director of Regeneration & Growth Item No. 7: Proposed Expansion of Manor School, Chamberlayne Road, Kensal Green.
- 6.2 The proposal for expansion at Manor School is one of a number of schools proposed for expansion that has an ethnically diverse pupil population and catchment of pupils who need school places. Expansion provision will help to improve choice and enhance diversity and enable the Council to provide additional new places required for Brent's growing pupil population.
- 6.3 The report to August Cabinet noted statements from the Director of Children and Families 'Education Business Case for Expansion at Manor School' which notes the rising increase in demand for specialist education placements over the years and the resultant pressures facing the Council's Special Educational Needs and Disability (SEND) services. The Council's statutory duty to provide sufficient school places for children within its area and the need for pupils to be placed out borough due to a lack of suitable school places in borough is also detailed.
- 6.4 The proposal to provide an additional 44 pupil places will help to meet growing demand and achieve considerable educational and financial benefits, as has been reported previously. Manor School is a special school with a Good Ofsted rating; it is popular with parents and pupils and its expansion will also help to meet parental demand and enable 44 children with significant special educational needs to access a local special school who would otherwise have to be placed in independent special schools at some distance from their home addresses.
- 6.5 The proposed design refurbishment, alterations and new-build proposals will support the education delivery, facilities and amenities for pupils and so enhance their inclusion in the expansion programme.

## **7.0 Staffing/Accommodation Implications**

- 7.1 The building works to accommodate the expansion of Manor School by 44 additional pupil numbers will improve conditions of teaching accommodation, offer improved external play areas and will thereby facilitate the organisation, management and operation of teaching systems throughout the school.
- 7.2 There will be additional job and career opportunities for staff at Manor School in order to cater for additional pupils.

## **8.0 Public Service (Social Value) Act 2012**

- 8.1 Whilst the Public Services (Social Value) Act 2012 (the "Social Value Act") does not apply to works contracts, Officers have had regard to considerations relevant to the Social Value Act in this procurement, namely the how the contract might improve the economic, social and environmental well-being of its area; and how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should

undertake consultation.

- 8.2 The contract being procured has as the primary aim of improving the social wellbeing of one of the most vulnerable groups in Brent. Pupils and parent are being consulted regarding the proposed expansion of pupil numbers at the Manor School which will directly impact on the works contract.
- 8.3 It is to be noted that the Preferred Contractor, Cosmur Construction Ltd is locally based contractor to the school and has a local supply of sub-contractors; this will serve to enhance local employment opportunities.

### **Background Papers**

26 August Cabinet Report, Item 7: Proposed expansion of Manor School

Director of Children & Families Education Business Case for Expansion at Manor School, dated 15 July 2014

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**ANDY DONALD**  
**Strategic Director of Regeneration & Growth**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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<b>APPENDIX B</b>		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	
	<b>Expressions of interest evaluation</b>	Factor										
	1. Pre-requisites		Passed	Passed	Passed	Passed	Passed	Passed	Failed	Failed	Failed	Border line pass
	1.1 Turn-over £5M or above		✓	✓	✓	✓	✓	✓	✓	Not stated	✓	
	1.2 Extensive experience working in occupied Special Needs Schools		Yes	Yes	Yes	Yes	Yes	Yes	No - Mainly modular	No - Not demonstrated	No - Not stated	Yes
	<b>2. Quality Criteria (60%):</b>											
	2.1 Management Structure	0.12	10.80	10.80	10.80	10.80	10.80	10.80	3.60	10.80	4.80	3.60
	2.2 Logistical Approach and Preliminaries	0.14	12.60	12.60	12.60	12.60	12.60	12.60	8.40	12.60	9.80	0.00
	2.3.Procurement & Supply Chain Strategy, Organisation, Communication Arrangements	0.1	9.00	9.00	9.00	9.00	9.00	9.00	3.00	9.00	3.00	3.00
	2.4 Design Development	0.1	9.00	9.00	9.00	9.00	9.00	9.00	6.00	9.00	4.00	0.00
	2.5.Programme & Programme Efficiencies	0.14	12.60	12.60	12.60	12.60	8.40	11.20	12.60	11.20	11.20	0.00
	<b>Total quality desktop scores from expressions of interest out of 60</b>		54.00	54.00	54.00	54.00	49.80	32.20	54.00	32.80	6.60	
	Construction Line		✓	✓	✓	✓	✓	✓	Not stated	Not stated	✓	
	<b>3. Price Criteria (40%):</b>											
	3.1 Costs and Benchmarks	0.2	16.55	15.09	14.64	14.39	12.79	12.20	19.75	13.27	14.12	15.07
	3.2 Pricing Submission	0.2	19.00	19.00	17.00	14.00	15.00	19.00	16.00	0.00	16.00	0.00
Stage 1	<b>Combined quality and price desktop scores post tender</b>		89.55	88.09	85.64	82.39	81.79	81.00	67.95	67.27	62.92	22.04
	<b>Ranking post-tender</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
	<b>Subsequent Clarification Interview re-scores</b>											
	<b>4. Quality Criteria (60%):</b>											
	4.1 Management Structure	0.12	10.80	10.44	9.84							
	4.2 Logistical Approach and Preliminaries	0.14	12.60	8.12	10.36							
	4.3.Procurement & Supply Chain Strategy, Organisation, Communication Arrangements	0.1	8.90	7.60	7.50							
	4.4 Design Development	0.1	8.40	6.60	7.10							
	4.5.Programme & Programme Efficiencies	0.14	13.02	11.62	11.06							
	<b>Total scores post interview scores out of 60</b>		53.72	44.38	45.86							
Stage 2	<b>Combined quality and price scores post tender and clarification interview</b>		<b>89.27</b>	<b>78.47</b>	<b>77.50</b>							
Stage 3	<b>Final ranking</b>		<b>1</b>	<b>2</b>	<b>3</b>							

Tender value	£	953,572.00	£	1,035,613.44	£	1,048,648.00	£	1,076,342.14	£	1,209,258.92	£	1,293,443.20	£	789,078.42	£	1,149,646.00	£	1,098,061.80	£	1,022,044.85
Corrections/omissions	£	-	£	10,000.00	£	29,000.00	£	20,000.00	£	25,000.00	£	-	£	10,000.00	£	40,000.00	£	20,000.00	£	25,000.00
Total (if corrected tender value	£	953,572.00	£	1,045,613.44	£	1,077,648.00	£	1,096,342.14	£	1,234,258.92	£	1,293,443.20	£	799,078.42	£	1,189,646.00	£	1,118,061.80	£	1,047,044.85

Client:  
Brent Council

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2013

## APPENDIX C

# Equality Analysis Guidance and Form



## 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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<b>Directorate:</b> <b>Children and Families</b>  <b>Service Area:</b> <b>Pupil and Parent Services</b>	<b>Person Responsible:</b> Name: Judith Joseph Title: Place Planning Officer Contact No: 020 8937 1061 Signed:
<b>Name of policy:</b>	<b>Date analysis started:</b>  <b>Completion date</b>  <b>Review date:</b>
<b>Is the policy:</b>  New <input checked="" type="checkbox"/> Old <input type="checkbox"/>	<b>Auditing Details:</b> Name: Title: Date Contact No: Signed:
<b>Signing Off Manager:</b> responsible for review and monitoring Name: Title: Date Contact No: Signed:	<b>Decision Maker:</b> Name individual /group/meeting/committee:  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.

**Special Educational Needs school places**

Brent Council is in the process of working with schools to expand SEN provision for Brent resident children. The growth in Brent's population is reflected in the increasing demand for school places. Numbers of four year olds on school rolls are expected to rise strongly over the next three to four years. With a growth in the overall school population there will be corresponding growth in children with SEN needing specialist provision.

Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. Each LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

The council in conjunction with Manor Special School is therefore consulting with staff, parents and the community on the strategy to increase mainstream and SEN school places.

The school currently consulting:

**Manor Special School**

According to the current roll projections, by 2020-21 Brent would require 21FE additional primary places, up to 19FE secondary places and 192 new SEN places.

Subject to the availability of funding, it is proposed to create 19.5FE primary places by 2015 and 19FE secondary places by 2021 through existing school expansion.

**Special Educational Needs Places**

The service to be assessed is the additional provision of 44 places for children with Special Educational Needs at Manor Special School. The proposed expansion is aimed at increasing and improving the quality of provision to meet the needs of primary aged children with moderate to severe learning difficulties, and Autistic Spectrum Disorder (ASD)

There is a strong national legislative context which underpins the work of Local Authorities in assessing special educational needs development (SEND) and determining placement and support required to meet those needs. The LA has to take account of the SEN Code of Practice, and the SEND reforms within the Children and Families Bill effective from 1<sup>st</sup> September 2014 which provides statutory advice. The proposed development will increase the range of provision available to children with moderate to severe learning difficulties and ASD. It will provide opportunities for more children to be educated locally, within a peer group which allows the establishment of local friendship groups, and ensure that children do not have long journeys morning and evening in travelling to and from school.

The proposed change for consultation on expanding Manor School during 2014 is:

- Manor Special School – to expand by 44 places

**3. Describe how the policy will impact on all of the protected groups. What evidence have you relied on to reach these conclusions?**

SEN: The Council's Special Educational Needs (SEN) and Disability services have faced pressures arising from increased demand for specialist education placements for a number of years. This increase in demand is in line with a national trend and is due to a combination of factors including: advances in medical technology and higher survival rates of children with complex needs and increases in medical diagnoses for conditions such as autism. It has also been exacerbated in Brent by increased in-migration and population growth.

By 2020, it is projected that 192 new SEN places will be required; of which 86 will be for primary aged children and 106 for secondary school pupils. The 44 places at Manor will contribute to the primary requirement of 86 places. The SEN requirement is over and above the mainstream places needed in Brent. If no action were taken many children with special educational needs would have no local school place and would have to travel to another borough, which could involve journeys of two hours each way.

**Please give details of the evidence you have used:**

Demand for SEN Places

Below is a summary of previous and current policies for the creation of new places. There is no evidence that any of the protected groups were negatively impacted.

**SEN**

At the time of the consultation on the proposed development there were approximately 174 young people with special educational needs who have had to be placed in schools outside the Borough boundary to ensure that they access the support they need to overcome their difficulties and achieve their educational potential. This involves them having to spend a large proportion of their day travelling which does not support their learning. There has been extensive analysis of data on children and young people with SEN that underpins the reason for this development.

**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;**

The policy will create new places, increase parental choice and will be available for both boys and girls of primary school age regardless of their culture or religion.

**SEN**

The proposed development will increase access to educational opportunity for children with special educational needs, in line with the provisions for overcoming discrimination and disadvantage to disabled groups as outlined in the Equality Act 2010.

**(b) Advance equality of opportunity;**

This is complex in Brent where so many different ethnic and cultural groups converge and where the population changes so rapidly. Manor Special School is non-denominational, and able to meet the educational needs of children of all faiths. This school popular with parents, who consider a place at the school as an opportunity to improve their child's life chances and reach their full potential.

**(c) Foster good relations**

Expanding Manor School will inevitably lead to an increase in traffic and footfall in the local area. However, this is a relatively small expansion, many children walk to school, but those who do not walk are transported from home to Manor Special School by Brent Transport Services. The majority of pupils arrive together on vehicles that are supervised by school staff when children

are dropped off and when they are leaving. No adverse comments were received from the first stage of consultation.

**5. What engagement activity did you carry out as part of your assessment? Who did you engage with? What methods did you use? What did you find out? How have you used the information gathered? How has it affected your policy?**

Please refer to stage 3 of the guidance.

In 2011, the Council consulted with all schools on its school place expansion strategy. Responses were received from headteachers, governors and others. This informed us of the level of interest in the five principles developed by the authority:

- Sufficiency of demand
- Improving learning outcomes
- Efficient use of resources
- Improving local SEN provision
- Diversity of type of provision

The results were reviewed and formed one of the factors of the school expansion programme Executive report for August 2012.

We undertook further statutory consultations for individual schools by engaging with Headteachers, governing bodies, staff and parents of each school identified in the school expansion programme.

We engaged with the wider community by distributing detailed consultation documents tailored to the school and invited the community to have their say at a consultation meeting.

Statutory notice for the expansion of Manor School to be published in September 2014. Responses and representations received are illustrated below.

School	Consultation responses received	Date statutory notices published	Representations received
Manor Special School	10		

**SEN**

There has been consultation with the school the schools Governing Body, the staff of the school and the local community involved on this proposed development. Most of the consultation has been through face to face

meetings and continuous dialogue. Brent Children's Partnership has been consulted on SEN development within the broad range of actions the Authority is proposing to improve provision for children and young people with SEN and Disabilities.

**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 negate this impact.**

Please refer to stage 2, 3 & 4 of the guidance.

No

**Please give details of the evidence you have used:**

School expansion will fully meet the requirements of the SEN Code of Practice and the SEND Reforms, Children and Families Act 2014, and the accessibility standards. A range of special education needs will be met within the expanded provision. The aim is to provide a maximum of 192 new SEN places across Brent over a period of time. Further analysis will take place to complete the due diligence in order to validate the savings over a period of time by limiting the demand for out borough provision.

## 7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	x		
Disability	x		
Gender re-assignment			x
Marriage and civil partnership			x

<b>Pregnancy and maternity</b>			X
<b>Race</b>	X		
<b>Religion or belief</b>			X
<b>Sex</b>	X		
<b>Sexual orientation</b>			X

### **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.

#### **No major change**

Your analysis demonstrates that:

- The policy is lawful
- The evidence shows no potential for direct or indirect discrimination
- You have taken all appropriate opportunities to advance equality and foster good relations between groups.

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

**Sections 1 to 8 of this document outlines why the policy is lawful why there is no potential for direct or indirect discrimination and the ways we have tried to foster good relations between groups. In summary -**

- **the policy is to create new primary SEN school places for all those children who currently do not have a school place, or will need one in future years. This a statutory duty of the council.**
- **the policy is to create much needed additional special educational needs school places.**
- **consultations have been carried out according to Department for Education guidelines.**
- **local residents, governing bodies, staff, parents, other schools, neighbouring authorities etc. have all been informed and given a chance to give their views on each consultation**
- **all views have been considered and put before the Brent**



**Executive to make the final decision.**

**Adjust the policy**

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).

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.

If you have identified mitigating measures that would remove a negative impact, please detail those measures below.

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.

**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:

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.

**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.

It is a statutory duty of the council to provide sufficient school places. In order to carry out this duty officers monitor the flow of school aged children into and out of the borough on a regular basis. Officers also forecast the need for places up to a decade in advance using existing data and trends. Annual reports are written for the Executive outlining the strategies for creating (or indeed removing) primary, secondary and special needs school places.

Appropriate action is then taken e.g consulting with schools to expand therefore creating additional school places where required in the borough.

## 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.

## **Introduction**

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

### *The Equality Act 2010*

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination
- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### *What is equality analysis?*

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### **What should be analysed?**

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an

EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

#### *When should equality analysis be done?*

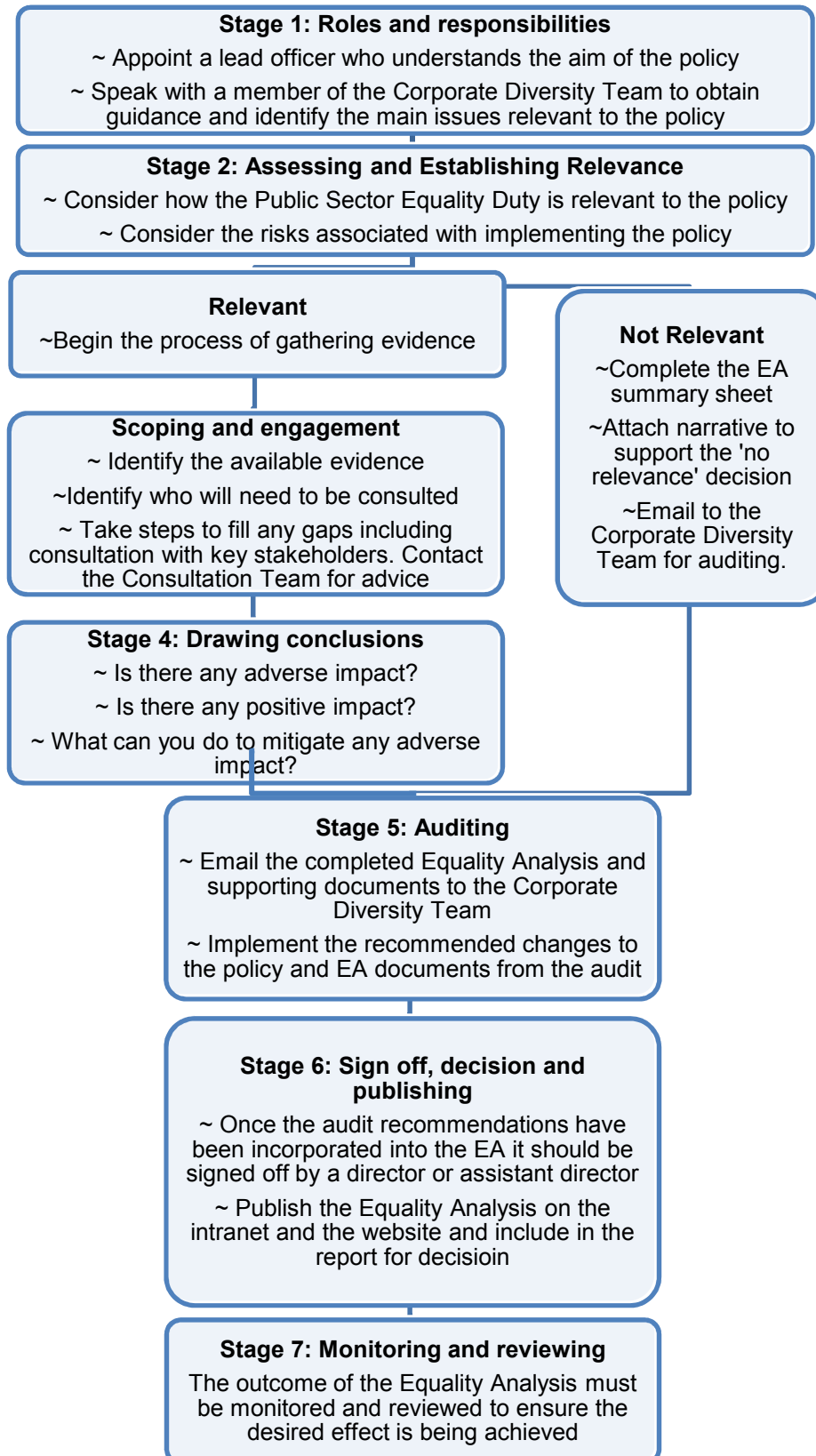
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

#### **Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## **Stage 2: Assessing and Establishing Relevance**

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies, all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### *Key Questions:*

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### *“Not relevant”*

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:



- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

#### *Sources of information*

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.
- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### *Service user information*

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### *Identify your information gaps*

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### *Engagement*

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

#### *Decision-making*

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

## **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.



### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.



**Cabinet**  
15 December 2014

## Report from the Director of Public Health

For Decision

Wards Affected:  
ALL

### Award of Contracts for Public Health Services

Not for Publication: Appendix 1

#### 1.0 SUMMARY

1.1 This report seeks the approval of Cabinet to award contracts for the provision of Public Health services as required by Standing Order 88. This report summarises the process undertaken in tendering the separate contracts for Substance Misuse Services, Sexual Health Services, School Nursing and Post Health Check, and following the completion of the evaluation of tenders, recommends the award of each respective contract. The report also sets out the financial savings and other benefits associated with the individual contracts. The report provides an update on the collaboration between London boroughs on genitourinary medicine (GUM) services.

#### 2.0 RECOMMENDATIONS

- 2.1 That Cabinet approve the awards of the public health service contracts listed under Tables 1, 2, 3 and 4 for an initial period of two years with the option to extend for a further period of up to two years.
- 2.2 That Cabinet note that the sum value of the Substance Misuse Service contracts is based on a estimated 2 year budget of £9.464 million and offers a full 2 year savings of £0.951m from 2015/16 and 2016/17 rising to £2.289m if extended to 2018/19.
- 2.3 That Cabinet note that the sum value of the Sexual Health Service contracts is based on a estimated 2 year budget of £2.544 million and offers a full 2 year savings of £0.001m from 2015/16 and 2016/17 rising to £0.004m if extended to 2018/19.
- 2.4 That Cabinet note that the sum value of the School Nursing Services contract is based on a estimated 2 year budget of £3.056 million and offers a full 2 year savings of £0.048m from 2015/16 and 2016/17 rising to £0.176m if extended to 2018/19.
- 2.5 That Cabinet note that the sum value of the Post Health Check Service contract is based on a estimated 2 year budget of £0.492 million meaning the new contract would equate to an

increase in cost of £0.003m 2015/16 and 2016/17 rising to £0.035m if extended to 2018/19.

- 2.6 That Cabinet gives approval to an exemption from the usual tendering requirements of Contract Standing Orders in accordance with Contract Standing Order 84(a) to permit the negotiation of 2016/17 Genito-Urinary Medicine (“GUM”) contracts as detailed in paragraph 6.
- 2.7 That Cabinet delegates authority to the Director of Public Health, in consultation with the Director of Legal & Procurement and Chief Finance Officer, to participate in negotiation of 2016/17 Genito-Urinary Medicine contracts as set out in paragraph 6.
- 2.8 That Cabinet delegate to the Director of Public Health, in consultation with Director of Legal & Procurement, authority to finalise any outstanding contractual matters.

### **3.0 Procurement and Evaluation Process**

- 3.1 Following the Cabinet meeting of 15 September 2014 which considered arrangements with regard to public health contracts, officers tendered for procurement the following Public Health Services: Substance Misuse Services, Sexual Health Services, School Nursing and Post Health Check. Bidders names are contained in confidential Appendix 1.
- 3.2 The Council decided to follow an open procurement process which is broadly set out below:
  - Pre-qualification (PQQ) stage – All bidders who expressed an interest would submit a tender at the same time of submission.
  - Invitation to Tender (ITT) – Final tenders submitted at the same time alongside the PQQ. These were evaluated and the preferred bidder selected. The Council then finalises clarifications only with the preferred bidder.
  - The proposed contract is awarded by Cabinet.
- 3.3 Overall, the Council wants to maintain quality and, with the current budget pressures, to obtain best value for money. To achieve this, the contract award criteria were:
  - 60% quality and 40% price/commercial considerations.The detailed evaluation methodology for each contract was as agreed by the 15<sup>th</sup> of September 2014 Cabinet.
- 3.4 The Core Evaluation Panel consisted of Council public health Officers from the Assistant Chief Executive’s Office and from Environment and Neighborhoods, supplemented by advisors from HR, Finance, Legal, Health & Safety, Business Continuity, IT, Equalities, Customer Services and Sustainability, and by specialist advisors as relevant to each service. The Core Evaluation Panel reported to the Public Health Commissioning Steering Group and had delegated responsibility to:
  - Determine an organisation’s ability to meet the requirements of the applicable service specification by using pre-determined scoring criteria for each phase of the procurement process. For the Post Health Check Service, this required attendance at a dialogue session with the bidder.
  - Score all bids through each of the different procurement phases, namely PQQ and ITT. Although Officers from specialised areas were involved in the evaluation process, the final scoring was agreed by the Core Evaluation Panel.

- Keep the Public Health Commissioning Steering Group updated during the key stages of the procurement process and make a recommendation to the Steering Group on the preferred bidder.
- Make a recommendation to Cabinet through the Director of Public Health to award the contract to the preferred bidder to provide services on behalf of the Council, based upon the service specification designed for those services.
- Keep auditable records of all meetings to ensure probity.
- Follow the principles of pre-determined cooperation and competition rules.

3.5 The tenders generated a lot of interest both pre-tender and after tenders were issued. However, few bids were received due either to providers bidding for other Local Authorities tenders at the same time or to the scope of services specified being of limited interest for providers.

#### 4.0 Summary of the Substance Misuse Tenders

**Table 1: Substance misuse services**

	<b>Service</b>	<b>Provider</b>	<b>Contract Value for 2 years</b>	<b>Savings as per estimated budget (in brackets) for 2 years</b>	<b>Overall Savings if contracts extended to 4 year period based on estimated budget</b>
1	Substance misuse: treatment and recovery	Addaction	£1.176m	5%	8%
2	Substance misuse: outreach and engagement	Crime Reduction Initiatives Ltd (CRI)	£1.032m	4%	11%
3	Substance misuse: clinical prescribing	Central and North West London NHS Foundation Trust (CNWL)	£3.692m	10%	11%
4	Substance misuse: counselling and day programme	Central and North West London NHS Foundation Trust (CNWL)	£0.511m	5%	8%
5	Substance misuse: criminal justice work	Westminster Drug Project	£1.222m	22%	23%
6	Substance misuse: young people's services (Substance Misuse and Sexual Health)	Addaction	£0.877m	7%	10%
		<b>Total</b>	<b>£8.513m</b>	<b>10%</b>	<b>12%</b>

Note: Contract will only be extended beyond the 2 year term based on performance and budget availability.

4.1 The new service specifications improve access to services by moving beyond the traditional 9am – 5pm model ensuring that services, including clinical services, are open evenings and weekends, offering greater flexibility to service users.

- 4.2 The award of contract will bring together clinical prescribing and counselling services onto one site at Wembley Centre for Health and Care. This will save on current project management and estate costs and also ensure that opiate users seeking to engage in abstinence based recovery programmes have a greater chance of success and be supported to avoid relapse and re-engagement back into clinical prescribing programme.
- 4.3 The new integrated service for young people brings together for the first time substance misuse and sexual health interventions into a single service which will offer greater flexibility for young people.

### **Service User Involvement**

- 4.4 For substance misuse services, service user Recovery Champions from B3 were fully involved from inputting into the service design through to evaluation of all the submitted bids at PQQ and ITT. Service users received training and support from Council procurement Officers to enable them to participate effectively.
- 4.5 The service users provided critical analysis where it was required but also positive feedback on how the proposed service models would be recovery focused and able to demonstrate robust outcomes.

### **Treatment & Recovery Services**

- 4.6 This service will provide a range of throughcare and aftercare interventions for people with problematic use of drugs and alcohol and deliver treatment services which are focused on recovery and abstinence.
- 4.7 The evaluation panel consisted of Council Officers and service users who evaluated the sole bid based on the pre-existing criteria.
- 4.8 There were a total of 53 expressions of interest received, but only 1 tender submission.
- 4.9 The Evaluation Panel (which called on specialists from different areas) read the bid and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 2**.
- 4.10 Addaction were selected as preferred bidder as the bid achieved an overall quality score of 47.7 out of 60 and 17.52 for price, giving an overall score of 65.22.

### **Outreach & Engagement Services**

- 4.11 The service will provide targeted advice, information and supporting referrals to services for hard to reach groups of drug and alcohol mis-users.
- 4.12 The Evaluation Panel consisted of Council Officers and service users who evaluated the sole bid based on the pre-existing criteria.
- 4.13 There were a total of 53 expressions of interest received, but only 1 tender submission.
- 4.14 The Evaluation Panel (which called on specialists from different areas) read the bid and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 3**.

- 4.15 Crime Reduction Initiatives Ltd (CRI) were selected as preferred bidder as the bid achieved an overall quality score of 48 out of 60 and 17.50 for price, giving an overall score of 65.50.

### **Clinical Prescribing Services**

- 4.16 The service will provide a range of clinical interventions including substitute prescribing and shared care with primary care for people with problematic use of drugs and alcohol.
- 4.17 The Evaluation Panel consisted of Council Officers and service users who evaluated the 2 bids based on the pre-existing criteria.
- 4.18 There were a total of 53 expressions of interest received, but only 2 tender submissions.
- 4.19 The Evaluation Panel (which called on specialists from different areas) read the 2 bids and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 4**.
- 4.20 Central and North West London NHS Foundation Trust (CNWL) were selected as preferred bidder as the bid achieved an overall quality score of 46.8 out of 60 and 19.14 for price, giving an overall score of 65.94.

### **Counselling & Day Programme Services**

- 4.21 This service will provide a range of counselling interventions, structured psychosocial programmes and an abstinence based structured programme. The service will be delivered in a range of community languages and will also include advice and support for families and partners.
- 4.22 The Evaluation Panel consisted of Council Officers and service users who evaluated the 2 bids based on the pre-existing criteria.
- 4.23 There were a total of 53 expressions of interest received, but only 2 tender submissions.
- 4.24 The Evaluation Panel (which called on specialists from different areas) read the 2 bids and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 5**.
- 4.25 Central and North West London NHS Foundation Trust (CNWL) were selected as preferred bidder as the bid achieved an overall quality score of 46.8 out of 60 and 17.5 for price, giving an overall score of 64.30.

### **Criminal Justice Services**

- 4.26 This service specification is intended for offenders with substance misuse related issues who are in contact with the criminal justice system in Brent.
- 4.27 The Evaluation Panel consisted of Council Officers and service users who evaluated the 1 bid based on the pre-existing criteria.
- 4.28 There were a total of 53 expressions of interest received, but only 1 tender submission.

4.29 The Evaluation Panel (which called on specialists from different areas) read the bid and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 6**.

4.30 Westminster Drugs Project (WDP) were selected as preferred bidder as the bid achieved an overall quality score of 48.6 out of 60 and 17.65 for price, giving an overall score of 66.25.

### Young People's Services (Substance Misuse and Sexual Health)

4.31 This service will provide a range of early intervention and prevention to young people in a range of settings, with targeted one to one sessions (including individual treatment plans if required), group sessions, training, satellite drop-ins and outreach. The new service specification brings together substance misuse and sexual health services for young people.

4.32 The Evaluation Panel consisted of Council Officers and service users who evaluated the sole bid based on the pre-existing criteria.

4.33 There were a total of 53 expressions of interest received, but only 1 tender submission.

4.34 The Evaluation Panel (which called on specialists from different areas) read the bid and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 7**.

4.35 Addaction were selected as preferred bidder as the bid achieved an overall quality score of 50.4 out of 60 and 17.70 for price, giving an overall score of 68.10.

## 5.0 Summary of Sexual Health Services

**Table 2. Sexual Health Services**

Service	Provider	Contract Value for 2 years	Savings as per estimated budget (in brackets) for 2 years	Overall Savings if contracts extended to 4 year period based on estimated budget
Community contraceptive and Sexual Health services (CaSH)	Central and North West London NHS Foundation Trust (CNWL)	£1.800m	No financial savings but historical NHS inflation avoided	No financial savings but historical NHS inflation avoided
Chlamydia screening: programme management & testing of samples	Terence Higgins Trust	£0.504m	0.3%	0.3%
Local HIV prevention	Terence Higgins Trust	£0.239m	0.3%	0.3%
	Total	£2.543m	0.1%	0.1%



Note: Contract will only be extended beyond the 2 year term based on performance and budget availability.

### **Local HIV Prevention Services**

- 5.1 This service will deliver an outreach and partnership engagement programme to raise awareness of the risk of HIV and sexually transmitted infections among high risk groups notably Black Africans and men who have sex with men. The service will develop a range of community engagement programmes to tackle stigma and discrimination associated with HIV and will promote access to HIV testing.
- 5.2 The Evaluation Panel consisted of Council Officers and clinical experts who evaluated the bids based on the pre-existing criteria.
- 5.3 There were a total of 40 expressions of interest received, but only 4 tender submissions.
- 5.4 The Evaluation Panel (which called on specialists from different areas) read these 4 bids and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 8**.
- 5.5 Terence Higgins Trust (THT) were selected as preferred bidder as the bid achieved an overall quality score of 45 out of 60 and 13.80 for price, giving an overall score of 58.80.

### **Community Contraceptive Services (CaSH)**

- 5.6 The service will provide open access, high quality evidence based provision for contraception and sexual health services which are responsive to the needs of local populations. The new specification improves access to CaSH services within Brent and has a greater emphasis on prevention of sexual ill health.
- 5.7 The Evaluation Panel consisted of Council Officers and clinical experts who evaluated the bid based on the pre-existing criteria.
- 5.8 There were a total of 30 expressions of interest received, but only 1 tender submission.
- 5.9 The Evaluation Panel (which called on specialists from different areas) read the bid and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 9**.
- 5.10 Central and North West London NHS Foundation Trust (CNWL) were selected as preferred bidder as it achieved overall quality score of 45.6 out of 60 and 18 for price, giving an overall score of 63.60.

### **Chlamydia Programme Management & Testing Services**

- 5.11 The service will support the delivery of the following Public Health Outcome Framework indicator: Chlamydia screening detection rate (15 - 24 year olds). In order to reduce risk and streamline contract management, the new specification combines the management of the Programme with the testing of samples which are currently contracted separately.
- 5.12 The Evaluation Panel consisted of Council Officers and clinical experts who evaluated the bids based on the pre-existing criteria.

- 5.13 There were a total of 44 expressions of interest received, but only 3 tender submissions.
- 5.14 The Evaluation Panel (which called on specialists from different areas) read these 3 bids and provided quality scores. Pricing scores were evaluated separately by the Council's finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 10**.
- 5.15 Terence Higgins Trust (THT) were selected as preferred bidder as the bid achieved an overall quality score of 43.80 out of 60 and 13.79 for price, giving an overall score of 57.59.

## **6.0 Genitourinary Medicine (GUM)**

- 6.1 Cabinet has previously agreed to Brent Council's collaboration with other London boroughs in the London Sexual Health Services Transformation Project. This Project has evolved from the work led by the West London Alliance working in partnership with an increasing number of other Councils to collaboratively negotiate with GUM providers.
- 6.2 GUM services are open access with activity based contracts. This means Brent residents may access services anywhere without referral and the Council is liable for the cost of this activity. Many Brent residents do access services at our local provider (London North West Healthcare Trust) but others use clinics elsewhere, notably in Central London. Through collaborative negotiation, Councils including Brent have been able to negotiate acceptable tariff prices, standard service specifications and Key Performance Indicators (KPIs). For Brent this equated to £253,000 (6% of contract value) of avoided cost in 2014/15.
- 6.3 Recognising the advantage of this collaboration, Cabinet has previously delegated authority to the Director of Public Health, in consultation with the Director of Legal & Procurement and the Chief Finance Officer, to participate in the negotiation and direct award of 2015/16 GUM contracts.
- 6.4 The London Sexual Health Services Transformation Project has undertaken a needs assessment, analysis of the patient flow data, interviews with commissioning and public health leads in each Council involved, a review of the legal and policy environment and some exploration of the possible alternatives to the traditional service models. From this work, it is clear that there is a strong case for change, based on five elements.
- London has the highest rates of STIs in England.
  - Significant numbers of residents from every London borough are accessing services in central London.
  - There is a significant imbalance in the commissioner/provider relationship. Service development has typically been provider-led. No single Council has sufficient leverage to deliver significant system-level change
  - The systems for clinical governance need improvement. Patient flows and the lack of a 'helicopter view' of what is taking place within individual services make it difficult for councils to have sufficient assurance over quality and safety.
  - Growth in demand for these services and costs of healthcare are likely to significantly outpace growth in the Public Health Grant. In addition the open access nature of the services means that it is difficult to control or predict demand.
- 6.5 The case for change leads to 2 key conclusions:
- Significant change is required to the traditional models of service delivery

- Collaboration on a wide scale across councils is needed to deliver the level of change required and to commission these services more effectively

6.6 The next phase for the Project is to develop the proposed new service model with key stakeholders such as clinicians, patients and the third sector. In addition, work is needed to establish the most appropriate procurement strategy and approach and to determine in detail the partnerships required for each procurement exercise. It is anticipated that this work will entail new contracts starting to come into place from April 2017.

6.7 While this is ongoing, it is proposed that the Councils continue to work together to leverage best value out of existing contracts, through collaborative negotiation. As we do not anticipate being able to implement the new models before 2017/16, Officers recommend that Brent explores with partner Boroughs the potential additional leverage a two year award of GUM contracts would allow.

## 7.0 School Nursing Services

7.1 This service provides public health services for school-aged children (5-19) at maintained schools and academies in Brent.

**Table 3. Children’s services**

Service	Provider	Contract Value for 2 years	Savings as per estimated budget (in brackets) for 2 years	Overall Savings if contracts extended to 4 year period based on estimated budget
School nursing	Central London Community Healthcare NHS Trust	£3.008m	2%	3%

7.2 The Evaluation Panel consisted of Council Officers and clinical experts who evaluated the bids based on the pre-existing criteria.

7.3 There were a total of 24 expressions of interest received, but only 3 tender submissions.

7.4 The Evaluation Panel (which called on specialists from different areas) read these 3 bids and provided quality scores. Pricing scores were evaluated separately by the Council’s finance Officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 11**.

7.5 Central London Community Healthcare NHS Trust were selected as preferred bidder as it achieved overall quality score of 46.20 out of 60 and 22.85 for price, giving an overall score of 69.05.

## 8.0 Post Health Check Intervention Services

8.1 NHS health checks are one of the mandated local authority public health responsibilities. The Council commissions health checks from GPs in Brent through a qualified provider list. This new post health check service aims to prevent cardiovascular disease, diabetes

mellitus and hypertension in those who have been identified as high risk through Brent's NHS Health Checks Programme. The new tighter specification combines two current services and will provide to a wider cohort of eligible patients, with services accessible across the borough and simplified referral by GPs.

**Table 4: Community services**

Service	Provider	Contract Value for 2 years	Savings as per estimated budget (in brackets) for 2 years	Overall Savings if contracts extended to 4 year period based on estimated budget
Post Health Check Intervention Service	London North West Healthcare NHS Trust	£0.4994m	No financial savings but historical NHS inflation avoided	No financial savings but historical NHS inflation avoided

8.2 The Evaluation Panel consisted of Council Officers who evaluated the bids based on the pre-existing criteria.

8.3 There were a total of 40 expressions of interest received, but only 1 tender submission.

8.4 The Evaluation Panel (which called on specialists from different areas such as nutrition and sports services) read the bid and provided quality scores. Pricing scores were evaluated separately by the Council's finance officers. The pricing scores were then agreed by the Evaluation Panel. The final scores are set out in **Appendix 12**.

8.5 London North West Healthcare NHS Trust were selected as preferred bidder as it achieved overall quality score of 31.80 out of 60 and 17.50 for price, giving an overall score of 49.40.

## 9.0 London Living wage

9.1 All above services are London Living wage compliant.

## 10.0 Risks

10.1 There has been careful attention to managing and reducing the risks. A summary of the key risks and mitigation are set out below.

Description	Impact (1 -5)	Probability (1 - 5)	RAG Status	Preventative/ Mitigating Actions
<b>RISKS DURING MOBILISATION</b>				
<b>CONTRACT EXECUTION</b> Delay in signing the contract would have an impact on the timeframe available for the mobilisation of the services.	3	1	<b>Green</b>	The services agreement was clarified with the bidders throughout the procurement process to ensure rapid contract signature. No significant or materials changes are anticipated.

Description	Impact (1 -5)	Probability (1 - 5)	RAG Status	Preventative/ Mitigating Actions
<b>STAFF ENGAGEMENT</b> Contractor does not carry out adequate staff engagement.	3	1	Green	TUPE from incumbent contractors to be monitored.  All contracts.
<b>SERVICE CONFIGURATION</b> Contractor fails to complete service configurations during the mobilisation period and the performance of services is affected at Contract commencement.	3	1	Green	The preferred Bidder's approach to service configuration was clarified throughout the procurement process and raises no concerns. Council officers will support and facilitate the mobilisation plan of the preferred bidder for each service.
<b>RISKS DURING THE OPERATION OF THE CONTRACT</b>				
<b>LEGISLATION</b> General changes in law and/or contract specific lead to higher contract costs.	3	2	Green	The preferred bidders have extensive experience of managing contracts of this type and duration to ensure flexibility and responsiveness to legislative changes.  The Contractor's approach to legislative changes and good practice trends was discussed throughout the procurement process and raises some concerns for <b>Chlamydia Services</b> .
<b>ENVIRONMENTAL</b> Contractor fails to design, provide and manage the Services in a sustainable way to minimise the environmental impact of the operations and reduce carbon emissions.	2	1	Green	A Contract Target requires the Contractor to reduce the environmental impact of the operations and reduce carbon emissions.

## 11.0 Staffing Implications

- 11.1 There are no TUPE implications for Council staff. However, where there has been a service provision change to current services, TUPE will apply from awarding these contracts: Counselling Services (EACH), Young People's Services (SHOC, African Child), Chlamydia Programme Management (London North West Healthcare NHS Trust), Chlamydia Testing (The Doctors Laboratory), Local HIV prevention (CHAT), School Nursing (London North West Healthcare NHS Trust – formerly known as the North West London Hospital NHS Trust).
- 11.2 As stated in 11.1, there are TUPE implications for current providers arising from awarding the identified contracts above. Information was provided by the incumbent providers for the purpose of TUPE and although the details are not known, contractor to contractor transfers

will take place. There are no financial implications for the Council, which merely acts as a conduit for disseminating up to date TUPE information to the prospective tenderers.

## 12.0 Financial Implications

12.1 The table below summarises the estimated budgets set for the contracts against the proposed new contract values from April 2015.

<b>Services</b>	<b>Estimated Budget (Two Year Value)</b>	<b>New Contract (Two Year Value)</b>	<b>Net Saving</b>
Substance Misuse Services	£9.464m	£8.513m	(£0.951m)
Sexual Health Services	£2.5464m	£2.543m	(£0.003m)
Children's Services	£3.056m	£3.008m	(£0.048m)
Community Services	£0.492m	£0.497m	£0.007m
<b>Total</b>	<b>£15.558m</b>	<b>£14.563m</b>	<b>(£0.995m)</b>

12.2 There is an approximate two year saving in contract value of £0.995m over financial years 2015/16 and 2016/17. The approximate four year saving if all contracts were extended would be £2.430m.

12.3 Part of this saving can be attributed to changes in scope and specification to some contracts. This also includes planned efficiency savings (submitted by bidders as part of the tender process) over the duration of the proposed contracts. These are detailed more fully in tables 1, 2, 3 and 4 aforementioned.

12.4 The duration of these contracts will cover at least financial years 2015/16 and 2016/17 with the option to extend through 2017/18 and 2018/19. The Public Health grant allocation for 2015/16 is £18.848m. Future years grant allocations are not known at this point in time. These contract costs will represent a priority commitment upon this grant allocation. There is no expected additional cost to the council, including TUPE implications, arising from these contracts.

12.5 The tender process undertaken incorporated a thorough financial evaluation of all bidders focusing on price, budgeted costs and efficiency plans that contributed 40% of the Evaluation Panels' final decision.

12.6 The Public Health budget is monitored as part of the Councils ongoing budget monitoring process. These proposed contracts will form part of that process upon their commencement, should the recommendations be approved.

## 13.0 Legal Implications

13.1 The 2012 Health and Social Care Act ("the Act") introduced changes by a series of amendments to the National Health Service Act 2006. The Act gives local authorities a duty to take such steps as it considers appropriate to improve the health of the people in its area. In general terms, the Act confers on local authorities the function of improving public health and gives local authorities considerable scope to determine what actions it will take in pursuit of that general function.

13.2 Each of the proposed contracts identified in this report for award have contract values in excess of the relevant threshold under the Public Contracts Regulations 2006 ("the EU

Procurement Regulations”) for Services contracts. Currently all these public health services are classified as Part B Services under the EU Procurement Regulations and as such were tendered and evaluated in accordance with the EU Procurement Regulations, the Treaty on the Function of the European Union principals and the Council’s Contract Standing Orders.

- 13.3 Council officers forming part of the Core Evaluation Panel were assisted by professional consultants (where specific clinical governance and advice was required) and each of the bids were assessed in accordance with the council’s published award criteria and evaluation methodology.
- 13.4 The value of all the proposed contracts recommended for award in this report are classed as High Value Contracts under the Council’s Contract Standing Orders and Financial Regulations. Therefore, for High Value Contracts the Council’s Cabinet is required to formally review the procurement process so as in order to determine whether to award the contracts recommended in the report.
- 13.5 For the reasons detailed in paragraph 4.16, Officers seek approval to permit the negotiation of 2016/17 GUM contracts. This proposal is not in accordance with the Council’s usual procurement procedures as set out in Contract Standing Orders and Financial Regulations. The Cabinet is however permitted to grant an exemption from the usual tendering requirements under Contract Standing Order 84(a) to permit these proposals where there are good operational and / or financial reasons. Members are referred to paragraphs 4.16 for the reasons.

#### **14.0 Diversity Implications**

- 14.1 The Council will need to comply with the Equality Act 2010 in the provision of Public Health Services and the NHS Constitution when making decisions affecting the delivery of public health in its area.
- 14.2 An Equalities Assessment has been carried out and is included as Appendix 13.

#### **15.0 Staffing/Accommodation Implications**

- 15.1 The Public Health services are currently provided by a number of external contractors and there are no implications for Council staff or accommodation arising from this procurement.

#### **16.0 Public Services (Social Value) Act 2012**

- 16.1 Since 31st January 2013, the council, in common with all public authorities subject to the EU Regulations, has been under a duty pursuant to the Public Services (Social Value) Act 2012 to consider how the services being procured might improve the economic, social and environmental well-being of its area; and how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the council should undertake consultation. This duty applies to the procurement of the proposed contract as Part B Services over the threshold for application of the EU Regulations are subject to the requirements of the Public Services (Social Value) Act 2012.
- 16.2 The services being procured have as their primary aim improving the social and economic wellbeing of some of the most disadvantaged groups in Brent. Users are regularly consulted to ensure the services meet their needs and the views of users will be taken into account in procuring services.

16.3 All contractors will be required to pay London Living Wage for all Public Health services contracts.

**Background Papers**

Authority to Tender Public Health Contracts. Executive 13th January 2014.

Update on Public Health Service Contracts. Cabinet 15<sup>th</sup> September 2014.

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**Appendices**

Appendix 1 (Confidential)	Bidder Details
Appendix 2	Evaluation Details
Appendix 3	Evaluation Details
Appendix 4	Evaluation Details
Appendix 5	Evaluation Details
Appendix 6	Evaluation Details
Appendix 7	Evaluation Details
Appendix 8	Evaluation Details
Appendix 9	Evaluation Details
Appendix 10	Evaluation Details
Appendix 11	Evaluation Details
Appendix 12	Evaluation Details
Appendix 13	Equality Analysis for the Public Health Contracts



## APPENDIX 2 – PQQ & ITT EVALUATION SCORING (TREATMENT & RECOVERY SERVICES)

PQQ Scores:

**Rank Score % Company**

1    **83.39** 83.39 Bidder 1

Tender Scores:

	<b>Bidder 1</b>
<b>Prices</b>	
<b>Quality scores (out of 60%)</b>	47.7
<b>Price Score (out of 35%)</b>	17.50
Efficiency Savings (out of 5%)	0.2
<b>Total score</b>	65.22

### APPENDIX 3 – PQQ & ITT EVALUATION SCORING (OUTREACH & ENGAGEMENT SERVICES)

PQQ Scores:

**Rank Score % Company**

1     **80.95** 80.95 Bidder 1

Tender Scores:

	<b>Bidder 1</b>
<b>Prices</b>	
<b>Quality scores (out of 60%)</b>	48
<b>Price Score (out of 35%)</b>	17.50
Efficiency Savings (out of 5%)	0
<b>Total score</b>	65.50

## APPENDIX 4 – PQQ & ITT EVALUATION SCORING (CLINICAL PRESCRIBING SERVICES)

PQQ Scores:

**Rank Score % Company**

1     **80.39** 80.39 Bidder 1

2     **79.39** 79.39 Bidder 2

Tender Scores:

	<b>Bidder 1</b>	<b>Bidder 2</b>
<b>Prices</b>		
<b>Quality scores (out of 60%)</b>	42.6	46.8
<b>Price Score (out of 35%)</b>	16.00	18.99
Efficiency Savings (out of 5%)	0.15	0.15
<b>Total score</b>	<b>58.75</b>	<b>65.94</b>

**APPENDIX 5 – PQQ & ITT EVALUATION SCORING (COUNSELLING & DAY PROGRAMME SERVICES)**

PQQ Scores:

**Rank Score % Company**

1 **79.39** 79.39 Bidder 1

2 **77** 77.00 Bidder 2

Tender Scores

	<b>Bidder 1</b>	<b>Bidder 2</b>
<b>Prices</b>		
<b>Quality scores (out of 60%)</b>	46.8	36
<b>Price Score (out of 35%)</b>	17.50	17.50
Cost of Service (out of 5%)		
<b>Total score</b>	64.30	53.50

## APPENDIX 6 – PQQ & ITT EVALUATION SCORING (CRIMINAL JUSTICE SERVICES)

PQQ Scores:

**Rank** **Score** **%** **Company**

1     **80.98** 80.98 Bidder 1

Tender Scores:

	<b>Bidder 1</b>
<b>Prices</b>	
<b>Quality scores (out of 60%)</b>	48.6
<b>Price Score (out of 35%)</b>	17.50
Efficiency Savings (out of 5%)	0.15
<b>Total score</b>	<b>66.25</b>

**APPENDIX 7 – PQQ & ITT EVALUATION SCORING (YOUNG PEOPLE’S SERVICES – SUBSTANCE MISUSE & SEXUAL HEALTH)**

PQQ Scores:

<b><u>Rank</u></b>	<b><u>Score</u></b>	<b><u>%</u></b>	<b><u>Company</u></b>
1	<b>83.17</b>	83.17	Bidder 1

Tender Scores:

	<b>Bidder 1</b>
<b>Prices</b>	
<b>Quality scores (out of 60%)</b>	50.4
<b>Price Score (out of 35%)</b>	17.50
Efficiency Savings (out of 5%)	0.2
<b>Total score</b>	<b>68.10</b>

## APPENDIX 8 – PQQ & ITT EVALUATION SCORING (LOCAL HIV PREVENTION SERVICES)

PQQ Scores:

<b>Rank</b>	<b>Score</b>	<b>%</b>	<b>Company</b>
1	85.23	85.23	Bidder 4
2	74.54	74.54	Bidder 2
3	65.46	65.46	Bidder 3
4	53.53	53.53	Bidder 1 – Did not pass PQQ.

Tender Scores:

	<b>Bidder 1</b>	<b>Bidder 2</b>	<b>Bidder 3</b>	<b>Bidder 4</b>
<b>Prices</b>				
<b>Quality scores (out of 60%)</b>		44	40	45
<b>Price Score (out of 35%)</b>		14.63		13.80
Efficiency Savings (out of 5%)		0.1		0
<b>Total score</b>	0.00	58.53		58.80

**APPENDIX 9 – PQQ & ITT EVALUATION SCORING (COMMUNITY CONTRACCEPTIVE SERVICES)**

PQQ Scores:

**Rank Score % Company**

1     **91.40** 91.40 Bidder 1

Tender Scores:

	<b>Bidder 1</b>
<b>Prices</b>	
<b>Quality scores (out of 60%)</b>	45.6
<b>Price Score (out of 30%)</b>	15.00
Cost of Service (out of 5%)	3
Efficiency Savings (out of 5%)	0
<b>Total score</b>	<b>63.60</b>



**APPENDIX 10 – PQQ & ITT EVALUATION SCORING (CHLAMYDIA PROGRAMME MANAGEMENT AND TESTING SERVICES)**

PQQ Scores:

<b>Rank</b>	<b>Score</b>	<b>%</b>	<b>Company</b>
1	<b>84</b>	84.00	Bidder 1
2	<b>79.80</b>	79.80	Bidder 2
3	<b>67.60</b>	67.60	Bidder 3

Tender Scores

	<b>Bidder 1</b>	<b>Bidder 2</b>	<b>Bidder 3</b>
<b>Prices</b>			
<b>Quality scores (out of 60%)</b>	40.2	43.8	31.8
<b>Price Score (out of 35%)</b>	13.57	13.69	
Cost of Service (out of 5%)	0.1	0.1	
Efficiency Savings (out of 5%)	0		
<b>Total score</b>	<b>53.87</b>	<b>57.59</b>	<b>31.80</b>

## APPENDIX 11 – PQQ & ITT EVALUATION SCORING (SCHOOL NURSING SERVICES)

PQQ Score

**Rank** **Score** **%** **Company**

1     **76.88** 76.88 Bidder 1  
 2     **73.23** 73.23 Bidder 2  
 3     **72.61** 72.61 Bidder 3

Tender Scores

	<b>Bidder 1</b>	<b>Bidder 2</b>	<b>Bidder 3</b>
<b>Prices</b>			
<b>Quality scores (out of 60%)</b>	46.2	33	40.5
<b>Price Score (out of 30%)</b>	17.85	17.06	10.08
Cost of Service (out of 5%)	4		3
Efficiency Savings (out of 5%)	1		3
<b>Total score</b>	69.05	50.06	56.58

**APPENDIX 12 – PQQ & ITT EVALUATION SCORING (POST HEALTH CHECK INTERVENTION SERVICES)**

PQQ Score

**Rank Score % Company**

1 66 66.00 Bidder 1

Tender Score

	<b>Bidder 1</b>
<b>Prices</b>	
<b>Quality scores (out of 60%)</b>	31.80%
<b>Price Score (out of 35%)</b>	0.18
Efficiency Savings (out of 5%)	1%
<b>Total score</b>	<b>49%</b>

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of the Local Government Act 1972.

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2012

# Equality Analysis Guidance and Form



## 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.

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<p><b>Directorate:</b> Assistant Chief Executive</p>   <p><b>Service Area:</b> Public Health</p>	<p><b>Person Responsible:</b></p> <p>Name: Melanie Smith</p> <p>Title: DPH</p> <p>Contact No: 020 8937 6227</p> <p>Signed: </p>
<p><b>Name of policy:</b></p> <p>Reprocurement of public health service contracts</p>	<p><b>Date analysis started:</b> June 2014</p> <p><b>Completion date</b> /11/2014</p> <p><b>Review date:</b> Nov 2014</p>
<p><b>Is the policy:</b></p> <p>New <input checked="" type="checkbox"/> Old <input type="checkbox"/></p>	<p><b>Auditing Details:</b></p> <p>Name: Sarah Kaiser</p> <p>Title: Head of Equality</p> <p>Date</p> <p>Contact No: x4521</p> <p>Signed: S Kaiser</p>
<p><b>Signing Off Manager:</b> responsible for review and monitoring</p> <p>Name: Melanie Smith</p> <p>Title: DPH</p> <p>Date</p> <p>Contact No: 020 8937 6227</p> <p>Signed:</p>	<p><b>Decision Maker:</b></p> <p>Name: Cabinet</p>   <p>Date: 15/12/2014</p>



**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 public health team is procuring the following services:

Drug and alcohol services

Sexual health services

School nursing services

Post health check support / community services

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

Procurement: Within the procurement process for all Public Health contracts the below pre-tender considerations will be assessed:

- whether the population changes might indicate new needs
- whether there are alternative ways of meeting requirements that could advance equality

The JSNA indicates the following health inequalities which are relevant to this procurement:

Drug and alcohol services: The recoding of the take up of services in Brent is undertaken through the National Drug Treatment monitoring service (NDTMS) and quarterly reports are produced by Public Health England which profile of those engaged in structured interventions by age, gender and ethnicity. Young people, women and those from BAME communities are under-represented in the treatment system. The reprocurement will aim to increase the numbers of women and people from BAME communities, particularly those from South Asian communities, accessing treatment. As the needs of young people are different to those of older people with substance misuse difficulties, a specific service will be commissioned for that age group. The service specification will also require women only services.

Sexual health services: groups at higher risk of poor sexual health are young people aged 15 to 24 years; men who have sex with men (MSM) and Black African, Black Caribbean and Black British ethnic groups. A chlamydia screening service is being procured which will target young people. There is an existing condom distribution service which targets young people which will be continued. Sexual health promotion services will be commissioned to target young people and BAME groups. HIV prevention services for MSM and BAME communities are commissioned on a pan London basis.

School nursing is a universal service for those of school age. The service will take

a holistic, child-centred approach, recognising and locating each individual child's unique cultural, social, economic and other needs as part of the context within which the child's health and well-being needs have been identified.

Post health check support will aim to reduce cardiac risk. NHS health checks are offered to those aged 40 to 74 years. Age, gender and ethnicity affect cardiac risk and the clinical risk assessment addresses this. The eligibility criteria for the weight management programme have been adjusted to reflect the higher diabetic and cardiovascular risk in the Asian population.

We do not have local data on any inequalities relating to gender reassignment, marriage / civil partnership, pregnancy and maternity or religion and belief.

The soft market testing exercise recently conducted across all 4 service areas was designed to ensure that the marketplace was made aware of the diversity of Brent and to send a strong signal to the market that at tender stage commissioners will consider equalities impact when assessing bids.

Contract Terms: All contract Terms and Conditions will include a clause on equalities.

Specifications: Equality requirements have been built into the specifications as relevant to the service, in accordance with the service specific issues identified above; these also help achieve Corporate Equality Objectives. Monitoring requirements are included in the specification

Bids received for all the services address the Equality requirements taken from aforementioned specifications:

School Nursing services:

The preferred bidder demonstrated a good understanding of the diversity of the population to be served and the implications of this for the school nursing service. The Trust undertook to work with individual schools to understand any specific equality and diversity needs of particular schools and to establish links with local community and faith groups. The preferred bidder demonstrated experience of providing a service to a socioeconomic, culturally and ethnically diverse school population. The Trust has been recognised as an Equality and Diversity Partner by NHS Employers and its workforce reflects the local population. However in recognition of the predominantly female nature of the nursing workforce, the preferred bidder offered a gender neutral web based service. The Trust is ranked 9<sup>th</sup> nationally on the Stonewall Health Equality Index. The organisation has a strong programme of mandatory equality training for staff. The bid addressed potential barriers to access due to language and disability

Post Health Checks services:

The preferred bidder demonstrated that they have a good understanding and experience of providing some aspects of Post Health Check Services to a socioeconomic, culturally and ethnically diverse population. They demonstrated how they engage with different groups including those with disabilities and how they interact with individuals to overcome language barriers whilst being aware and

catering for cultural needs.

The inclusion of clients mostly depends on the GP referrals and the provider has limited control over it. The provider still ensures cultural and religious needs of clients are met by providing relevant nutritional information. The provider also ensures needs of different genders on the basis of their general and religious requirements. The provider tackles with the language barriers by providing interpreter service.

**Substance Misuse services:** The successful bids from the preferred providers highlighted the need for services to be able to address the needs and to develop pathways for hard to reach and excluded groups such as KHAT Users. Services also recognised the need to ensure access to services extends beyond the '9 to 5 Monday to Friday' model by ensuring services are open evenings and weekends and identify specific women only sessions to increase the uptake of women who are underrepresented in services.

**Sexual health Services:** the successful bids from the preferred providers highlighted the need for services and interventions need to be targeted at specific groups and that opening times and access should reflect the need to be more responsive to residents who may be concerned about their sexual health. In particular the submission from Terence Higgins Trust (THT) to provide HIV Outreach Prevention Services was particularly strong on the target communities Black African and Men who have sex with Men but also placed a strong emphasis on faith and community involvement as a means to engage and support the key target groups.

**Please give details of the evidence you have used:**

The identification of the equalities implications of the procurement of public health services is based upon the JSNA which is itself informed by the following data sources:

**Drug and alcohol services**

- LAPE – Local Alcohol Profiles for England
- Local Alcohol Synthetic Estimates for England 2011-12
- National Drug Treatment Monitoring System (NDTMS)
- 2012/13 NDTMS Needs Assessment Data
- PHE, Public Health Outcomes Framework
- DOMES report data (September 2013)
- Glasgow Prevalence Estimates for drug use, 2010/11

**Sexual health services**

- PHE, Brent health profile, 2014
- PHE, Brent child health profile, 2014

LA STIE Report 2011; HPA: Number of Acute STI Diagnosis in England 2009-12

Data from community services

### **School nursing services**

ChiMat – Child and Maternal Health Observatory website

PHE Brent child health profile (2013 and 2014)

### **Post health check support**

Active People's Survey 2012

Health Survey for England 2006-2008

#### **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;**

E4. Bidders are required to comply with all legislation relating to Health & Safety, Equalities and any statutory environmental considerations

Specifications: The relevance of equality to the subject matter of the contract will help determine whether it forms part of the specification. Where equality considerations are central to the service they are normally regarded as a core requirement.

Selection Criteria: The criteria will meet all the other principles of EU law, such as transparency and non-discrimination, as discussed elsewhere in this document.

Key principles are:

- 1) Criteria need to be reasonable, proportionate and transparent. All evaluation criteria need to be properly disclosed to tenderers to ensure that the use being made of economic, social and environmental requirements is understood.
- 2) Criteria will be objective, not involving subjective value judgements, and will be clear, verifiable, targeted and have measurable outputs.

The Authority has designed strategic objectives to guide the procurement of the new contract and to ensure that residents' needs are prioritised.

**(b) Advance equality of opportunity;**

The below questions will form part of the Pre Qualification Questionnaire in assessing bidders:

E3. There are 9 “protected characteristics” under the Equality Act: age, race, religion or belief, disability, sex, age, gender reassignment, pregnancy and maternity, marriage and civil partnership or sexual orientation. Has any finding of unlawful discrimination been made against your organisation in the last three years in respect of an individual having one of these protected characteristics?

Equality requirements have been built into the specifications as relevant to the service, in accordance with the service specific issues identified in section 3. In addition specifications will address **socioeconomic diversity**

All preferred passed the Pre-Qualifications stages by submitting adequate policies which meets the Council’s requirements.

**(c) Foster good relations**

Not applicable

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

Please refer to stage 3 of the guidance.

**i. Who did you engage with?**

This procurement is informed by soft market testing with potential providers, engagement with the third sector and service user involvement in drug and alcohol services.

This stage was carried out by an open competitive process to which providers submitted bids in response to various services tendered.

**ii. What methods did you use?**

Soft market testing was carried out via the London Portal. The third sector were engaged by a joint CVS / Brent Public Health event.

There is ongoing dialogue with drug and alcohol service users for example through membership of the DAAT.

Bids received were assessed by a panel of evaluators made up of Council Officers and Specialist/Clinical advisors.

For Drug and Alcohol Services, service user Recovery Champions from B3 were

fully involved and engaged right through from the service design to the PQQ and Tender Evaluation stages.

**iii. What did you find out?**

Third sector organisations identified the potential to work with Faith leaders to address stigma around sexual health issues.

Women and those with children are apprehensive about approaching services due to a range of issues including the potential involvement of statutory children's services.

There may be a lack of recognition as to how universal services need to respond to the diversity of the population and specifically the needs relevant to the Equality Act nine protected characteristics

Disability was identified as potential barriers to access to the post health checks service.

Services bidding for LOT's 4 and 6 (Substance Misuse and Young People) placed a great emphasis on the addressing the demographics of the borough's diverse population but less so on sexuality, gender reassignment and disability. This is an issue that will be addressed when the new contracts are signed off between commissioning leads and providers.

In relation to the tenders for Sexual Health, all the preferred providers highlighted that by addressing the diversity and the needs of those accessing community based sexual health/HIV Prevention services would be more successful and provide increased access and coverage if services were able to address access in relation to those communities at the greatest risk of poor sexual health, namely; men who have sex with men, young people, people living with HIV, Black and Minority Ethnic (BAME) communities in particular Black African and those involved in the sex industry.

**iv. How have you used the information gathered?**

The information gathered has informed the service specification and PPQ and the method questions in the ITT.

**v. How has it affected your policy?**

As we were working from the JSNA, we had an understanding about what the equalities and health inequalities issues were. For example, which groups we needed to target. The engagement activities have given us a better understanding of *how* to address the equalities and health inequalities issues

**6. Have you 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.

See section 3. We are commissioning specific services for young people in the fields of drug and alcohol and sexual health. We will be commissioning targeted services in sexual health promotion and HIV prevention for young people and BAME groups. Our specification for drug and alcohol services will require provision for women only access at certain services throughout the week and services for young women who are at risk of being involved in sexual exploitation.

**Please give details of the evidence you have used:**

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral

<b>Age</b>	X		
<b>Disability</b>	X		X
<b>Gender re-assignment</b>			X
<b>Marriage and civil partnership</b>			X
<b>Pregnancy and maternity</b>			X
<b>Race</b>	X		
<b>Religion or belief</b>			X
<b>Sex</b>	X		
<b>Sexual orientation</b>	X		

### 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.

#### No major change

*Your analysis demonstrates that:*

- *The policy is lawful*
- *The evidence shows no potential for direct or indirect discrimination*
- *You have taken all appropriate opportunities to advance equality and foster good relations between groups.*

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

To the extent that data is available, we have identified any potential concerns as to health inequalities and taken active steps to address this in the procurement exercise through the development of our specifications and our PQQ requirements and the ITT specification; this is in addition to Contract Terms and Conditions which cover current legislative requirements.

### 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.



The EIA will be revisited during the procurement and presented to Cabinet when authority to appoint is sought

## 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.

By when	Lead officer	Desired outcome	Date completed	Actual outcome
December 2014	Melanie Smith DPH	Maximise the potential for the reprocurement of public health contracts to impact on health inequalities	December 2014	Achieved for five of the protected characteristics – see section 7

Please forward to the Corporate Diversity Team for auditing.

## Introduction

The aim of this guidance is to support the Equality Analysis (EA) process and to ensure that Brent Council meets its legal obligations under the Equality Act 2010. Before undertaking the analysis there are three key things to remember:

- It is very important to keep detailed records of every aspect of the process. In particular you must be able to show a clear link between all of your decisions and recommendations and the evidence you have gathered.
- There are other people in the council and in your own department who have done this before and can offer help and support.
- The Diversity and Consultation teams are there to advise you.

### ***The Equality Act 2010***

As a Public Authority, Brent Council is required to comply with the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. These duties require Brent Council to have 'due regard' to the need to

- Eliminate discrimination, be it direct or indirect discrimination

- Advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it

The equality duty covers:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership (direct discrimination only)
- Race
- Religion or belief
- Sex (formally known as gender)
- Sexual orientation

### ***What is equality analysis?***

Equality Analysis is core to policy development and decision making and is an essential tool in providing good services. Its purpose is to allow the decision maker to answer two main questions.

- Could the policy have a negative impact on one or more protected groups and therefore create or increase existing inequalities?
- Could the policy have a positive impact on one or more protected groups by reducing or eliminating existing or anticipated inequalities?

### **What should be analysed?**

Due consideration of the need for an Equality Analysis should be addressed in relation to all policies, practices, projects, activities and decisions, existing and new. There will be some which have no equalities considerations, but many will. Where an EA is undertaken, some policies are considered a higher risk than others and will require more time and resources because of their significance. This would include:

- Policies affecting a vulnerable group such as young people, the elderly and people with a disability
- Policies related to elective services such as Sports Centres or Libraries
- High profile services
- Policies involving the withdrawal of services
- Policies involving significant reductions in funding or services
- Policies that affect large groups of people
- Policies that relate to politically sensitive issues

It can sometimes be difficult to identify which policies are more sensitive. If you are in doubt seek advice from a more senior officer or the Diversity Team.

*When should equality analysis be done?*

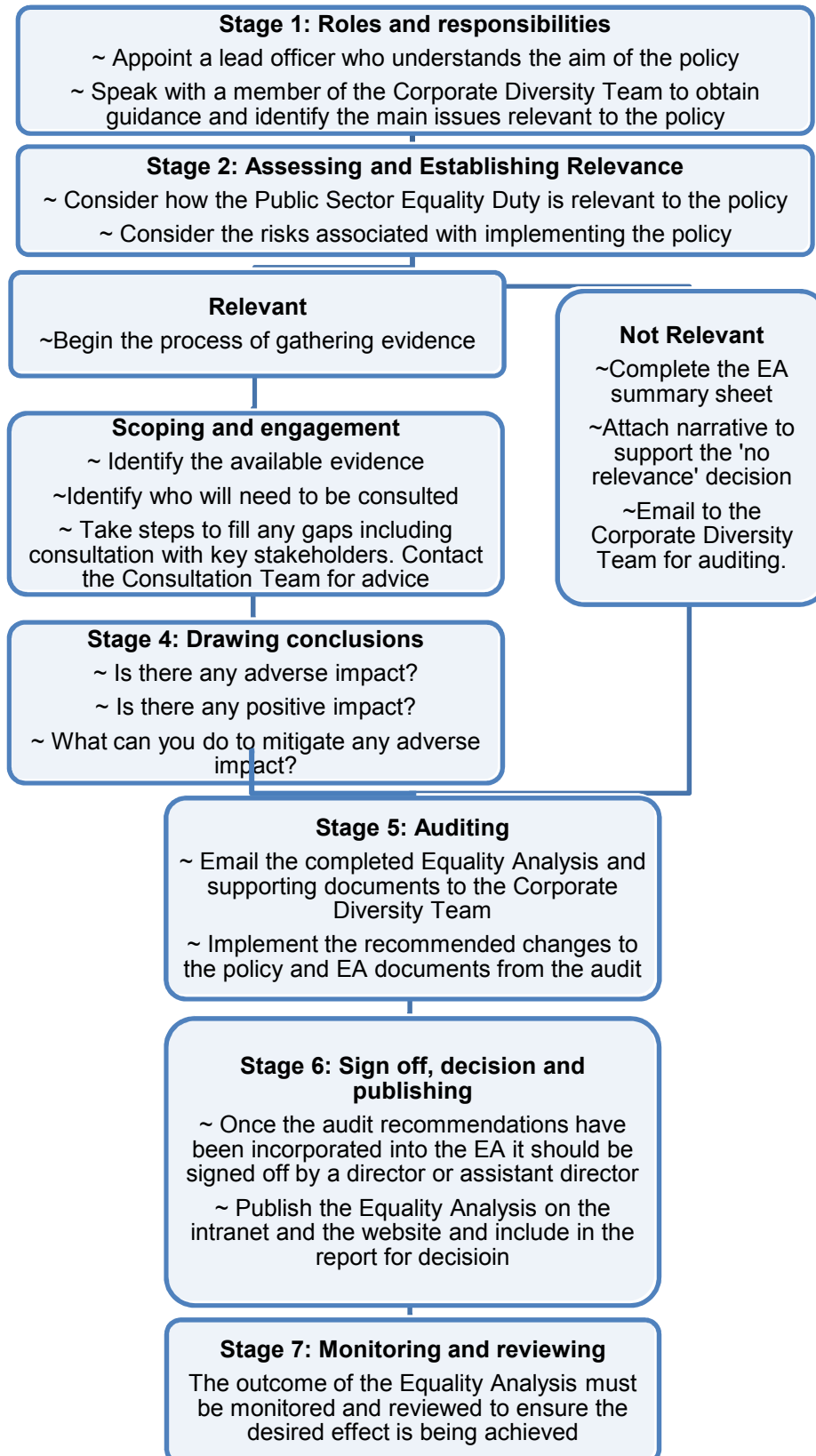
The EA must be completed before the policy is sent to the decision maker but should be carried out at the earliest possible stage. The advantage of starting early is that the equalities data informs and shapes the policy as it develops and progresses and this allows more time to address issues of inequality. You should also bear in mind that several changes may be happening at the same time. This would mean ensuring that there is sufficient relevant information to understand the cumulative effect of all of these decisions.

**Positive action**

Not all policies can be expected to benefit all groups equally, particularly if they are targeted at addressing particular problems affecting one protected group. (An example would be a policy to improve the access of learning disabled women to cancer screening services.) Policies like this, that are specifically designed to advance equality, will, however, also need to be analysed for their effect on equality across all the protected groups.

## Brent Council's Equality Analysis Process

This flow chart sets out the process for carrying out an EA. Details on each stage of the process follow. Please note that it may be necessary to consult the Corporate Diversity team at each stage and that Legal may also need to be involved. This should be factored in to the time scale.



## Stage 1: Roles and Responsibilities

The first stage in the process is to allocate the following roles.

Role	Responsibilities and tasks
Decision maker - the person or group making the policy decision (e.g. CMT/Executive/Chief Officer).	<ul style="list-style-type: none"> <li>• Check that the analysis has been carried out thoroughly:</li> <li>• Read and be familiar with the EA and any issues arising from it and know, understand and apply the PSED. (The evidence on which recommendations are based must be available to this person.)</li> <li>• Take account of any countervailing factors e.g. budgetary and practical constraints</li> </ul>
The officer undertaking the EA	<ul style="list-style-type: none"> <li>• Contact the Corporate Diversity and Consultation teams for support and advice</li> <li>• Develop an action plan for the analysis</li> <li>• Carry out research, consultation and engagement if required</li> <li>• Develop recommendations based on the analysis</li> <li>• Submit the EA form to the Diversity team for audit with the evidence and any other relevant documents including the report the EA will be attached to</li> <li>• Incorporate the recommendations of the audit</li> <li>• Include the Equalities Analysis in papers for decision-makers</li> </ul>
The Corporate Diversity Team. Usually an individual officer will be assigned at the start of the process	<ul style="list-style-type: none"> <li>• Provide support and advice to the responsible officer</li> <li>• Carry out the audit of the EA to monitor quality standards and ensure it is sufficiently rigorous to meet the general and public sector duties.</li> <li>• Return the analysis to the responsible officer for further work if it fails to meet the necessary standard</li> <li>• Consult Legal if necessary (this stage of the process will take at least 5 days)</li> </ul>
The council officer responsible for signing off the EA. Usually a senior manager within the relevant directorate	<p>Ensure:</p> <ul style="list-style-type: none"> <li>• That the EA form is completed</li> <li>• That any issues raised as part of the auditing process have been fully dealt with</li> <li>• That the EA, the evidence used and any issues arising from the analysis are brought to the attention of the decision maker</li> <li>• Ensure that the findings are used to inform service planning and wider policy development.</li> </ul>

## Stage 2: Assessing and Establishing Relevance

We need to ensure that all of our policies and key decisions, both current and proposed, have given appropriate consideration to equality. Consideration of the need for an EA needs to be given to all new policies; all revised policies, all key decisions and changes to service delivery need an EA. Those that are more relevant will require more resources and data.

The following questions can help you to determine the degree of relevance, but this is not an exhaustive list:

### **Key Questions:**

- Does the policy have a significant effect in terms of equality on service users, employees or the wider community? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.
- Is it a major policy, significantly affecting how functions are delivered in terms of equality?
- Will it have a significant effect on how other organisations operate in terms of equality?
- Does the policy relate to functions that previous engagement has identified as being important to particular protected groups?
- Does or could the policy affect different protected groups differently?
- Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying in schools)?
- Does it relate to an area where equality objectives have been set by Brent Council?

If the answer to any of the above is “yes”, you will need to carry out an Equalities Analysis.

### **“Not relevant”**

If you decide that a policy does not impact on any of the equality needs contained in the public sector equality duty, you will need to:

- Document your decision, including the reasons and the information that you used to reach this conclusion. **A simple statement of no relevance to equality without any supporting information is not sufficient, nor is a statement that no information is available.** This could leave you vulnerable to legal challenge so obtaining early advice from the Corporate Diversity team would be helpful.
- Complete the EA Form and send it to the Corporate Diversity Team for auditing. If the Corporate Diversity Team advises that policy is relevant then you will need to continue the EA process (See flowchart). If the Corporate Diversity Team advises that the policy is not relevant then you will need to have it signed off, publish it and put in place monitoring arrangements for the policy.

## **Stage 3: Scoping**

Scoping establishes the focus for the EA and involves carrying out the following steps:

- Identify how the aims of the policy relate to equality and which aspects have particular importance to equality.
- Identify which protected groups and which parts of the general equality duty the policy will, or is likely to, affect.
- Identify what evidence is available for the analysis, what the information gaps are, and establish which stakeholders can usefully be engaged to support the analysis.

Think about:

- The purpose of the policy, and any changes from any existing policy
- The reason for the policy
- The context
- The beneficiaries
- The intended results

At this early stage you should start to think about potential effects on protected groups. This could mean that you decide to change your overall policy aims or particular aspects of the policy in order to take better account of equality considerations. It is often easier to do this at an earlier stage rather than having to reconsider later on in the process.

### ***Sources of information***

It is important to have as much up-to-date and reliable information as possible about the different groups likely to be affected by the existing or proposed policy. The information needed will depend on the nature of the existing or proposed policy, but it will probably include many of the items listed below:

- The Brent Borough profile for demographic data and other statistics
- Census findings; the 2011 census data will be available during 2012
- Equality monitoring data for staff and/or service users
- Reports and recommendations from inspections or audits conducted on service areas
- Previous reports that have been produced either on a similar topic or relating to the same service user group
- Responses to public enquiries on similar topics e.g. Freedom of Information requests
- Comparisons with similar policies in other departments or authorities to help you identify relevant equality issues.
- Analysis of enquiries or complaints from the public to help you understand the needs or experiences of different groups.
- Recent research from a range of national, regional and local sources to help you identify relevant equality issues.
- Results of engagement activities or surveys to help you understand the needs or experiences of different groups.

- Local press and other media. This will tell you whether there is public concern about possible equalities implications and help you to highlight issues for engagement

Many of these sources will be consulted as a matter of course when reviewing or developing a policy. Equalities considerations are one part of the policy process, not an extra.

### ***Service user information***

The type of information you need will depend on the nature of the policy. However, information relating to service users is usually essential. Consider:

- The full range of information that you already have about the user group e.g. information contained within service reviews, audit reports, performance reviews, consultation reports
- Who actually uses the service?
- When do they use it?
- How do they use it and what are their experiences?
- Are there alternative sources of provision that could be accessed?
- Who will be using the service in the future?
- Information from groups or agencies who deliver similar services to your target group e.g. survey results from voluntary and community organisations.

### ***Identify your information gaps***

If you do not have equality information relating to a particular policy or about some protected groups, you will need to take steps to fill in your information gaps. This could mean doing further research, undertaking a short study, conducting a one off survey or consultation exercise, holding a focus group etc.

### ***Engagement***

The Consultation team are available to advise on all aspects of engagement. You may wish to carry out engagement, which can help you to:

- Gather the views, experiences and ideas of those who are, or will be, affected by your decisions.
- Base your policy on evidence rather than on assumptions
- Check out your ideas
- Find solutions to problems and develop ways to overcome barriers faced by particular groups.
- Design more appropriate services,
- Monitor and evaluate the success of your policies and understand where improvements may be necessary.
- Avoid the costs of remedying and adapting services after their implementation
- Pre-empt complaints, which can be costly and time-consuming.

But remember you don't always have to consult or embark upon engagement if you already have enough information to assess the likely impact of the policy change on the equality needs, and if there is no other legal duty to consult. This engagement



can form part of the broader consultation being carried out around service changes. You can also use recent engagement and research activities as a starting point, for example on a related policy or strategy and you can use documentation resulting from other equality analysis that Brent Council (or others) have undertaken.

For your engagement to be effective you will need to:

- Think carefully about who you should engage with. You will need to prioritise those who are most likely to be affected by the policy and those who will experience the greatest impact in terms of equality and good relations.
- In regard to people with a disability, as good practice it is recommended that they should be actively involved in engagement activity which directly affects them or the services that they receive.
- Make sure that the level of engagement is appropriate to the significance of the policy and its impact on equality
- Consider what questions you will need to ask, in order to understand the effect of the policy on equality. If you find it difficult to frame suitable questions you may take advice from the Corporate Diversity and Consultation teams
- Link into existing forums or community groups or to speak with representatives to help you reach less visible groups or those you have not engaged with before.
- Create opportunities for people to participate in supportive and safe environments where they feel their privacy will be protected, or via technology such as the internet
- Think of strategies that address barriers to engagement. Other people in the council have experience of this and can advise, as can the Corporate Diversity team and the Consultation team.

#### **Stage 4: Drawing conclusions**

You will need to review all of the information you have gathered in order to make a judgement about what the likely effect of the policy will be on equality, and whether you need to make any changes to the policy.

You may find it useful to ask yourself “What does the evidence (data, consultation outcomes etc.) tell me about the following questions”:

- Could the policy outcomes differ between protected groups? If so, is that consistent with the policy aims?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

If the answer to any of the above is "yes", you should consider what you can do to mitigate any harmful effects. Advice from the Diversity team will be particularly helpful at this stage.

You will also want to identify positive aspects of the policy by asking yourself:

- Does the policy deliver practical benefits for protected groups?
- Does the policy enable positive action to take place?
- Does the policy help to foster good relations between groups

Having considered the potential or actual effect of your policy on equality, you should be in a position to make an informed judgement about what should be done with your policy.

There are four main steps that you can take:

- **No major change**
- **Adjust the policy**
- **Continue the policy**
- **Stop and remove the policy**

(Please see EA form for detailed descriptions of each decision)

Decisions may involve careful balancing between different interests, based on your evidence and engagement. For example, if the analysis suggests the needs of two groups are in conflict, you will need to find an appropriate balance for these groups and for the policy in question. The key point is to make sure the conclusions you reach can be explained and justified. Speak to the Diversity team if you are unsure. As a result of your analysis you may need to develop new equality objectives and targets. These should be documented on the EA form.

### **Stage 5: Auditing**

Once you have completed the EA you will need to complete the EA Form and send it to the Corporate Diversity Team for auditing. It is important to ensure that the EA Form is completed as fully as possible. Documenting all of your analysis is important to ensure that you can show how the general and specific duties are being met. This aspect of the analysis has been subject to legal challenge so you need to be able to show how you reached your conclusions. The audit process involves the Corporate Diversity Team reviewing the completed form, the information and evidence. Sometimes this may require advice from Legal. You need to bear in mind that this will take at least five days. The team will send you back a feedback form with comments and recommendations which you will need to action prior to the sign off of the form.

### **Stage 6: Sign Off, Decision and Publishing**

Once the EA Form is completed, the document must be signed off and the completed document must be sent to the Corporate Diversity Team to be published on the council website.

## ***Decision-making***

In order to have due regard to the aims of the public sector equality duty, decision-making must be based on a clear understanding of the effects on equality. This means that Directors, CMT and others who ultimately decide on the policy are fully aware of the findings of the EA and have due regard to them in making decisions. They are also entitled to take into account countervailing factors such as budgetary and practical constraints.

### **Stage 7: Monitoring and Reviewing**

Your EA, and any engagement associated with it, will have helped you to anticipate and address the policy's likely effects on different groups. However, the actual effect of the policy will only be known once it has been introduced. You may find that you need to revise the policy if, for instance:

- Negative effects do occur
- Area demographics change, leading to different needs,
- Alternative provision becomes available
- New options to reduce an adverse effect become apparent

You will need to identify a date when the policy will be reviewed to check whether or not it is having its intended effects. This does not mean repeating the EA, but using the experience gained through implementation to check the findings and to make any necessary adjustments. Consider:

- How you will measure the effects of the policy?
- When the policy will be reviewed (usually after a year) and what could trigger an early revision (see above)?
- Who will be responsible for monitoring and review?
- What type of information is needed for monitoring and how often it will be analysed?
- How to engage stakeholders in implementation, monitoring and review?

### Section 3: Glossary

**Civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Direct discrimination:** This refers to less favourable treatment of one individual, if, because of that person's protected characteristic, that person is treated less favourably than another. Direct discrimination cannot be justified unless it is discrimination on the grounds of age.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Equality information:** The information that you have (or that you will collect) about people with protected characteristics that will help you to show compliance with the equality duty. This may include the findings of engagement with protected groups and others and evidence about the effect of your policies on protected groups. It includes both qualitative and quantitative information, as well as evidence of analysis you have undertaken.

**Gender reassignment:** This is the process of transitioning from one sex to another. See also trans, transgender, transsexual.

**Harassment:** Unwanted conduct related to a protected characteristic that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may also involve unwanted conduct of a sexual nature or be related to gender reassignment or sex.

**Indirect discrimination:** This is when a neutral provision, criterion or practice is applied to everyone, but which is applied in a way that creates disproportionate disadvantage for persons with a protected characteristic as compared to those who do not share that characteristic, and cannot be shown as being a proportionate means of achieving a legitimate aim.

**Mitigation:** This is when measures are put in place that lessen the negative effects of a policy or policies on protected groups.

**Objective justification:** Your provision may indirectly discriminate against a particular group if:

- It is a proportionate means to achieve a legitimate end
- The discrimination is significantly outweighed by the benefits
- There is no reasonable alternative to achieve the legitimate end

For example, some employers have policies that link pay and benefits to an employee's length of service, such as additional holiday entitlement for long-serving employees. This may indirectly discriminate against younger people who are less likely to have been employed for that length of time, but in most circumstances it is seen as being a proportionate way of encouraging staff loyalty.

Direct discrimination on the grounds of age can also be objectively justified (no other direct discrimination can be).

**Positive action:** Lawful actions that seeks to overcome or minimise disadvantages that people who share a protected characteristic have experienced, or to meet their different needs (for example, providing mentoring to encourage staff from under-represented groups to apply for promotion).

**Pregnancy and Maternity:** Pregnancy is the condition of being pregnant. Maternity is the period after giving birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Proportionality:** The weight given to equality should be proportionate to its relevance to a particular function. This may mean giving greater consideration and resources to functions or policies that have the most effect on the public or on employees.

**Race:** This refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins.

**Reasonable adjustment:** Public authorities making adjustments to the way in which they carry out their functions so that disabled people are not disadvantaged by the way in which those functions are carried out. This is with regard to policies, practices or procedures, premises, and the provision of auxiliary aids or services.

**Relevance:** How far a function or policy affects people, as members of the public, and as employees of the authority. Some functions may be more relevant to some protected groups than to others, and to one or more of the three elements of the general equality duty. The function or policy may still be relevant if the numbers affected by it are very small.

**Religion or belief:** Religion means any religion, including a reference to a lack of religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect your life choices or the way you live for it to be included.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Trans:** The terms 'trans people' and 'transgender people' are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant.

**Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with trans.

**Transsexual:** A person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). Transsexual people feel the deep conviction to present themselves in the appearance of the opposite sex. They may change their name and identity to live in the preferred gender. Some take hormones and have cosmetic treatments to alter their appearance and physical characteristics. Some undergo surgery to change their bodies to approximate more closely to their preferred gender. Transsexual people have the protected characteristic of gender reassignment under the Equality Act 2010. Under the Act, gender reassignment is a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Victimisation:** Subjecting a person to a detriment because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of discrimination. Victimisation is unlawful under the Equality Act 2010.

### **A Summary of the Equality Act 2010**

The Equality Act 2010 replaces the existing anti-discrimination laws with a single Act. The legislation covers:

- Employment and work
- Goods and services
- The exercise of public functions
- Premises
- Associations
- Transport
- Education

The act prohibits:

- Direct discrimination
- Indirect discrimination
- Discrimination by association
- Discrimination by perception
- Discrimination arising from disability
- Victimisation
- Harassment

The new legislation no longer refers to 'diversity strands' instead it introduces the concept of 'protected characteristics or groups, the protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

### **The Public Sector Equality Duty**

The public sector equality duty requires that the council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are generally referred to as the three arms of the duty. In relation to 'fostering' there is a duty to have due regard to the need to tackle prejudice and promote understanding.

Equality of opportunity is expanded by placing a duty on the Council to have due regard to the need to:

- Remove or minimize disadvantages connected to a characteristic of a protected group.
- Take steps to meet the needs of protected groups.
- Encourage participation of protected groups in public life where participation is proportionately low.

There is also a specific requirement that councils must take steps to take account of a person's disability and there is a duty to make reasonable adjustments to remove barriers for disabled people. The duty is 'anticipatory'. For example, Brent Council cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what people with a range of impairments might reasonably need.





**Cabinet  
15 December 2014**

**Report from the  
Assistant Chief Executive**

Wards Affected  
(ALL)

**Independent North-West London Healthcare Commission.**

## **1.0 Summary**

- 1.1 This report seeks agreement from the Cabinet for the council to participate in the proposed Independent North-west London Healthcare Commission. The Independent commission has been proposed to examine the impact and implementation of the Shaping a Healthier Future (SAHF), the government's programme of changes to healthcare in the North-West London region. This programme involves the cessation of a number of acute services including the closure of A&E units and maternity services in North-West London. As part of the consultation on SAHF, the NHS committed to investing in primary health care services as a prerequisite to reductions in acute provision across North-West London.

## **2.0 Recommendations**

- 2.1 That the Cabinet agrees to the council participating in the Independent North-West London Healthcare Commission (draft terms of reference attached as Appendix 1)
- 2.2 That the Cabinet agrees to contribute £25k to the costs of the Independent North-west London Healthcare Commission. The costs of participating are being shared equally across the four participating boroughs.

## **3.0 Background**

- 3.1 The proposal for an independent Healthcare Commission is made in the context of the implementation of Shaping a Healthier Future (SAHF), the government's programme of changes to healthcare in the North-West London region, on which the public was consulted in 2012. This programme involves the cessation of a number of acute services including the closure of A&E units and maternity services in North-West London. The first phase of implementation resulted in the closure of the A&E units at Hammersmith Hospital and Central Middlesex Hospital in September 2014. As part of the public consultation on SAHF, the NHS committed to investing in primary health care services as a prerequisite to reductions in acute provision across North-West London.
- 3.2 Two years on from the SAHF consultation, Leaders of authorities across North-West London have agreed that it is appropriate to review the effect of the implementation of SAHF on

access to local healthcare and the health of the local population. Concerns have been raised in the media, by local authority Leaders and inspection bodies such as the CQC that implementation of the changes set out under SAHF are having a negative impact on peoples ability to access health services promptly. Concerns have been raised that the capacity of out of hospital and community-based services may not be sufficient to cope with the impact of cessation of acute services, and (if that is in fact the case) there are implications for other health and social care services, including those provided by local authorities.

- 3.3 As a consequence of this growing concern the Leaders of Brent, Hounslow, Ealing and Hammersmith & Fulham councils have proposed establishing an Independent North-West London Healthcare Commission in order to review the impact of SAHF implementation on the health and well-being of the local population; to assess the extent to which the SAHF proposals on which the local population were consulted have been successfully delivered; and to identify any specific issues that will need to be addressed in the future in order to respond to the health needs of the North-West London population.
- 3.4 It is proposed that the form and scope of the Commission is developed along the lines of the draft terms of reference set out in Appendix 1. It is hoped that high level representatives of the local healthcare providers (including GPs and hospitals), user groups, and the Department of Health will make themselves available to give evidence. However, it should be noted that the Commission will have no power to compel attendance.
- 3.5 The council has a statutory duty to improve health and well-being of the local population – including the duty to work with partners to provide an effective assessment of local health and well-being needs (the Joint Strategic Needs Assessment); to scrutinise local health services; and to establish a Health and Well-Being Board to drive improvements to local health outcomes.
- 3.6 Addressing local health inequalities and enabling people with long-term health conditions to manage their healthcare more effectively is a key priority for the council and its health partners. This prioritisation of health and well-being reflects an understanding of the critical role that good health plays in achieving a range of positive outcomes for individuals and communities. Ensuring that there are accessible, good quality primary care services in place is critical to reducing pressure on acute services and avoidable hospital admissions.
- 3.7 In order to deliver our health priorities and to fulfil statutory duties, the council is working with a range of partners to deliver a substantial number of programmes relating to health and well-being. Many of these feature radical service redesign, and enhancements to partnership and integrated working, particularly across health and social care services.
- 3.8 In order to participate in the work of the Commission, Brent will take an active role in helping to establish the scope of the work, and ensure the Commission is supplied with appropriate information about local health needs and outcomes. This will include engaging with local people to provide evidence to the commission and the Scrutiny Committee providing evidence from its work on local health issues and access to GP services.
- 3.9 The Cabinet will receive a full report on the Commission's findings in the first half of 2015. These findings will provide the Cabinet with an insight into the impact of changes to the healthcare economy of North-West London (e.g. such as those set out under SAHF) on the Brent population.
- 3.10 Details of participating Commissioners are still being confirmed, as are specific timescales for the completion of the Commission's work. For these reasons, and bearing in mind the number of councils likely to participate in the exercise, it is recommended that authority be

delegated to the Assistant Chief Executive to make final changes to the Terms of Reference for the Commission, following consultation with the Leader.

#### **4.0 Financial Implications**

- 4.1 Appendix 1 shows that the total costs of the Commission's work is estimated at being between £50k and £100k. These costs will be divided between authorities participating in the Commission – meaning that Brent's contribution is likely to be between £12.5k and £25k, on the assumption of four participants. (Need to confirm where these costs will be met from)
- 4.2 The costs for the council of participation in the Independent North-West London Healthcare Commission will be spread equally across the four authorities.
- 4.3 In return for its support and participation, the council will receive a detailed report from the Commission in accordance with the terms of reference. It is anticipated that this will help the council and its partners to assess the impact on local health outcomes arising from implementation of the SAHF initiative, which will in turn help the Council plan and target its own services (in particular via the Joint Strategic Needs Assessment) and fulfill its statutory obligations . The report will also help shape and inform evidence-based commissioning.
- 4.4 Wherever possible, costs of participation will be kept to a minimum by ensuring the best possible use of existing data and information, for example data and documentation prepared during and further to the consultation on Shaping a Healthier Future. The officer resources to support the work of the commission will be contained within existing budgets from the Policy and Scrutiny Team.

#### **5.0 Legal Implications**

- 5.1 The council's authority to participate in the proposed commission is derived from a range of legal sources. Under section 116 of the Health and Social Care Act 2012, the council has a responsibility to cooperate with its health partners to produce a joint strategic needs assessment.
- 5.2 Under section 2(b) of the Local Government Act 2000, the council has the power to do anything which it considers likely to achieve the promotion or improvement of the economic, social, or environmental wellbeing of their area.
- 5.3 Under section 2 of the National Health Service Act 2006, the council must take such steps as it considers appropriate for improving the health of the people in its area.
- 5.4 Section 1 of the Localism Act 2011 gives the council the same general power of competence to act as an individual. Section 111 of the Local Government Act 1972 gives the council the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.
- 5.5 The council will not be obliged to implement any recommendations made by the proposed commission.

#### **6.0 Equalities implications**

- 6.1 Although there are no direct equality implications arising from this report, the work of the Commission will be to examine the impact of changes to healthcare in North-West London on the health and well-being of the local population. This will potentially assist the council and its partners in furthering understanding of health inequalities in the borough, which in turn can help support more effective commissioning to help reduce these inequalities.

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Assistant Chief Executive's Service  
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**Ben Spinks**  
**Assistant Chief Executive.**

## **An Independent Commission of Inquiry into the Reconfiguration of Acute Care Services in North West London**

### **Background and Purpose**

In 2012 the government consulted on proposals to make significant changes to the healthcare economy of North-West London, set out under the heading "Shaping a Healthier Future". This involved the downgrading of several hospitals across North-West London to "local" hospitals without A&E provision, closure of acute provision and reduction or downgrading of specific services. It also promised commitments to investment in capacity of out-of-hospital and community services in order to offset reductions in acute provision.

Two years into implementation of "Shaping a Healthier Future", Brent, Ealing, Hammersmith & Fulham and Hounslow Councils are keen to review its implementation; in particular, the impact of reductions to acute provision on the North West London population, the extent of progress with investment in capacity and capability of community and out-of-hospital services to meet local needs, and the extent to which demand for acute services has changed as a result of those investments.

For this reason, the four councils are seeking to establish an independent commission to review the impact of changes to the North West London health economy arising from implementation of "Shaping a Healthier Future" and assess the likely impact of planned future changes.

To that end, the Commission will carry out an independent, evidence-based evaluation of what was set out under "Shaping a Healthier Future" in terms of commitments to investments in out-of-hospital and community services, as well as proposed changes to acute services, and investigate the extent to which the proposals on which the public were consulted have been and will be delivered.

The Independent Healthcare Commission will:

1. Review the findings of previous studies relating to 'Shaping a Healthier Future' and other NHS plans for the future of healthcare services in North West London.
2. Consider evidence from stakeholders, experts in the field and other interested parties.
3. Review and report on the likely impact of the Imperial College Healthcare NHS Trust's Clinical Strategy 2014-20, and any equivalent plans from London North West Healthcare NHS Trust or its predecessors, on the residents of North West London.
4. Review the Out-of-Hospital strategy and wider plans to treat more patients in the community to see if the plans can accommodate an increase in demand as a result of reduction in acute provision.

### **Stage 1: A Review of Previous Studies**

The key documents for review are as follows:

- Shaping a Healthier Future (NHS NWL, June 2012)
- 'Shaping a Healthier Future' – an independent review - for H&F Council (Tim Rideout Ltd, August 2012)

- ‘Shaping a Healthier Future’ – an independent review - for Ealing Council (Tim Rideout Ltd, August 2012)
- ‘Shaping a Healthier Future’ consultation for NHS North West London (Ipsos MORI, November 2012)
- Advice on Shaping a Healthier Future Proposals for Changes to NHS Services in North West London (Independent Reconfiguration Panel, September 2013)
- Clinical Strategy 2014-20 (Imperial College Healthcare NHS Trust, July 2014)
- People’s Inquiry into London NHS (Unite, March 2014)
- North West London Hospitals NHS Trust Quality Report (CQC, August 2014)
- Chelsea & Westminster Hospital NHS Foundation Trust Quality Report (CQC, October 2014)
- Imperial College Healthcare NHS Trust Quality Report (CQC, to be published December 2014)

### **Stage 2: A Call for Evidence**

The Commission will invite key players to a hearing (or hearings) to give evidence on the proposals for reconfiguration and alternative solutions. It is proposed that those to be invited to give oral evidence should include:

- Secretary of State for Health
- Imperial College Healthcare NHS Trust Board and Chief Executive
- General Practitioners
- Royal College of Surgeons
- Royal College of Physicians
- London Ambulance Service
- North West London Councils
- North West London residents

In addition to considering oral evidence, the Commission will issue an open call for written evidence and this will be considered in its final deliberations. Some of those presenting written submissions may be invited to give further oral evidence at a second hearing if the Commissioners so wish.

Consultants will also be commissioned to produce modelling evidence to fill the gaps in existing evidence of the impact of planned closures and downgrading. This further evidence will be presented to the Commission for consideration.

### **Stage 3: Publication of Findings**

The Commission will publish its findings within one month of the completion of evidence hearings and consideration of all written evidence. The findings will be presented to the sponsoring North West London Councils, Imperial College Healthcare NHS Trust, the Secretary of State for Health and the Shadow Secretary of State for Health.

### **The Commissioners**

#### **Michael Mansfield QC (Chair)**

Michael Mansfield has represented defendants in criminal trials, appeals and inquiries in some of the most controversial legal cases the country has seen. He represented the family of Jean Charles de Menezes and the families of victims at the Bloody Sunday Inquiry. He chaired an inquiry into the shoot to kill policy in the North of Ireland and has represented

many families at inquests, including the Marchioness disaster and the Lockerbie bombing. He also represents the family of Stephen Lawrence. Last year he chaired the Lewisham People's Commission: an inquiry into the proposals to close Lewisham Hospital A&E, Maternity and Childrens Services.

#### **Dr John Lister**

John Lister has written and researched extensively on health services and health policy issues for trade union and other organisations for over 28 years. His PhD thesis (2004) was a comparative study of market-style reforms on health care systems around the world, a revised version of which was published in 2005 as *Health Policy Reform, Driving the Wrong Way?* by Middlesex University Press. In 2008, to mark the 60th anniversary of the National Health Service John researched and wrote a major book: *The NHS After 60, for Patients or Profits* (Middlesex University Press), which is still the most up to date history of the NHS. John is a joint chair of the Standing Orders Committee of the National Union of Journalists and a member of the Medical Journalist's Union, the Guild of Health Writers, and the Association of Health Care Journalists (US-based) for whom he has helped edit a European web page.

#### **Dr Stephen Hirst**

Stephen Hirst is a retired family doctor who worked in Chiswick and Brentford. He was managing and senior partner within a large group practice. Over forty years of professional life he experienced many changes in the NHS and the GP's role. His postgraduate training was at Charing Cross Hospital. He went on to hold several posts associated with the Hospital mostly related to teaching and training. These included working as an academic facilitator, an Honorary Senior Lecturer and also as the Postgraduate Tutor in General Practice. He was recently appointed as a GP Specialist Advisor to the Care Quality Commission and works as a voluntary GP Assessor for the Confidential Enquiry into Maternal Deaths.

### **Resource Requirements**

Commissioners will require recompense for their time commitment and expenses for travel and subsistence. The time commitment is likely to be in the region of 4 day's work for each Commissioner. The estimated remuneration cost is £5000 plus expenses for each Commissioner.

It is envisaged that over the four month period of work, 1 - 1.5 FTE posts will be required along with consultancy support, which may vary according to the detail of the modelling and analysis that the Commission wishes to see.


#### **Estimated budget:**

Commissioners fees and expenses	£20,000 - £30,000
Consultancy costs	£20,000 – £50,000
Servicing costs	£10,000 - £20,000
<b>Total</b>	<b>£50,000 - £100,000</b>

November 2014

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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 15 December 2014</p> <p style="text-align: center;"><b>Report of the Chief Finance Officer</b></p>
<p><b>Annual Audit Letter 2013/14</b></p>	

## 1. SUMMARY

- 1.1 This report presents the Annual Audit Letter for 2013/14, which was produced by the Council's external auditors KPMG.

## 2. RECOMMENDATIONS

- 2.1 Members are recommended to note the contents of the Annual Audit Letter.

## 3. DETAIL

- 3.1 At the conclusion of the annual audit the external auditor produces a letter which confirms its opinion on the audit of the financial statements and arrangements to secure value for money.
- 3.2 It sets out KPMG's opinion that:
- the Council has proper arrangements in place for securing financial resilience and challenging how it secures economy, efficiency and effectiveness;
  - the medium term financial plan and budget monitoring arrangements are robust;
  - the financial statements give a true and fair view of the financial position and of the expenditure and income for the year.
- 3.3 A more detailed report on the 2013/14 Statement of Accounts was considered by the Audit Committee at its meeting on 29 September 2014.
- 3.4 No recommendations have been made by KPMG which is a positive reflection on the performance of the Council.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The Audit Letter has directly implications on the financial reporting and management of the Council and on the adequacy of its controls.

#### **5. LEGAL IMPLICATIONS**

- 5.1 None identified.

#### **6. DIVERSITY IMPLICATIONS**

- 6.1 None identified.

#### **7. STAFFING IMPLICATIONS**

- 7.1 None identified.

#### **8. BACKGROUND INFORMATION**

Audit Committee – Report and Agenda 29 September 2014.

#### **9. CONTACT OFFICERS**

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[mick.bowden@brent.gov.uk](mailto:mick.bowden@brent.gov.uk)

**CONRAD HALL**  
**Chief Finance Officer**



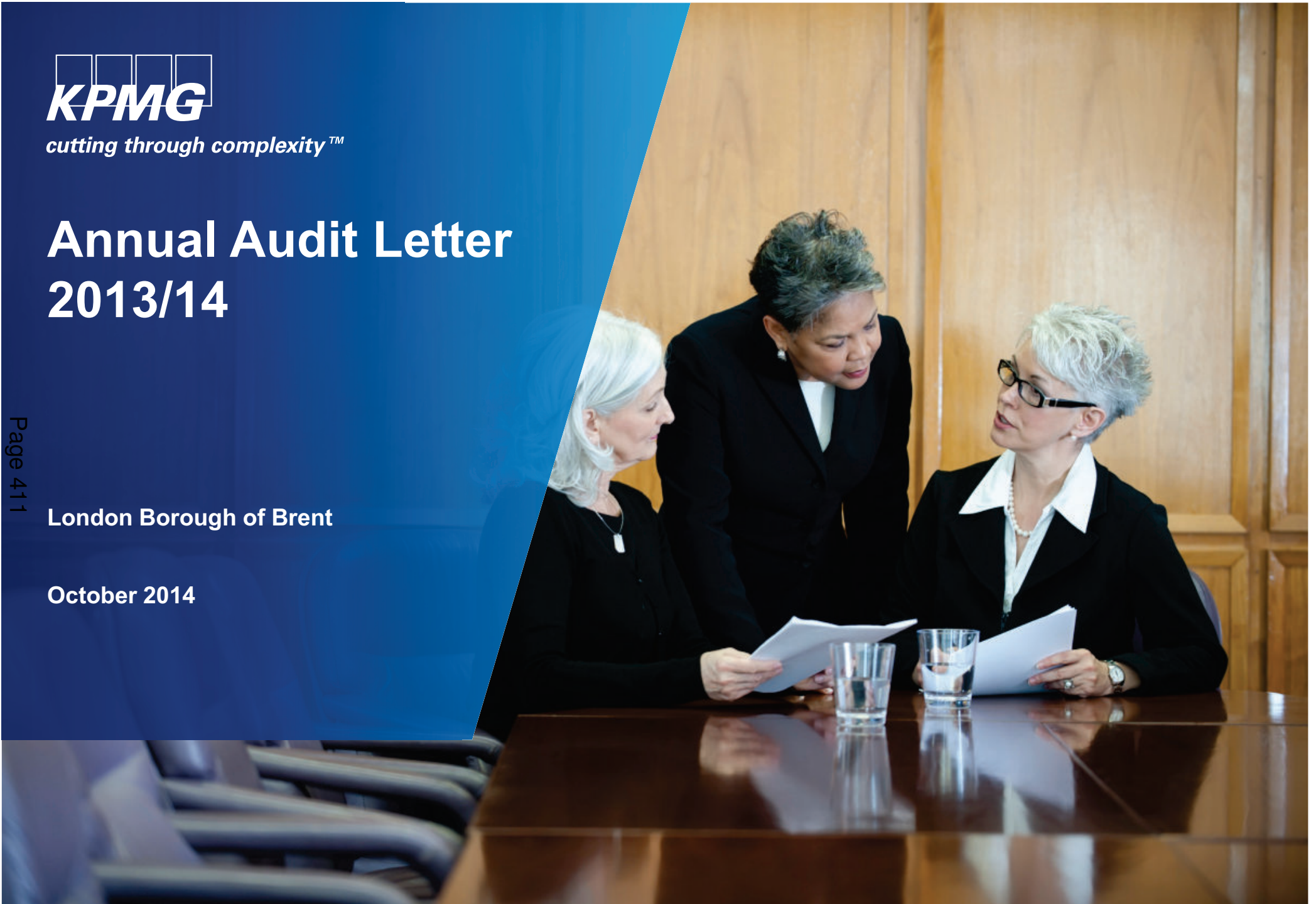
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# Annual Audit Letter 2013/14

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London Borough of Brent

October 2014



The contacts at KPMG in connection with this report are:

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## Report sections

- Headlines

## Appendices

1. Summary of reports issued
2. Audit fees

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This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. The Audit Commission has issued a document entitled *Statement of Responsibilities of Auditors and Audited Bodies*. This summarises where the responsibilities of auditors begin and end and what is expected from the audited body. We draw your attention to this document which is available on the Audit Commission's website at [www.auditcommission.gov.uk](http://www.auditcommission.gov.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact Philip Johnstone, the appointed engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact Trevor Rees on 0161 246 4000, or by email to [trevor.rees@kpmg.co.uk](mailto:trevor.rees@kpmg.co.uk), who is the national contact partner for all of KPMG's work with the Audit Commission. After this, if you are still dissatisfied with how your complaint has been handled you can access the Audit Commission's complaints procedure. Put your complaint in writing to the Complaints Unit Manager, Audit Commission, 3<sup>rd</sup> Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF or by email to [complaints@audit-commission.gsi.gov.uk](mailto:complaints@audit-commission.gsi.gov.uk). Their telephone number is 0303 4448 330.



## Section one Headlines

**This report summarises the key findings from our 2013/14 audit of the London Borough of Brent (the Authority).**

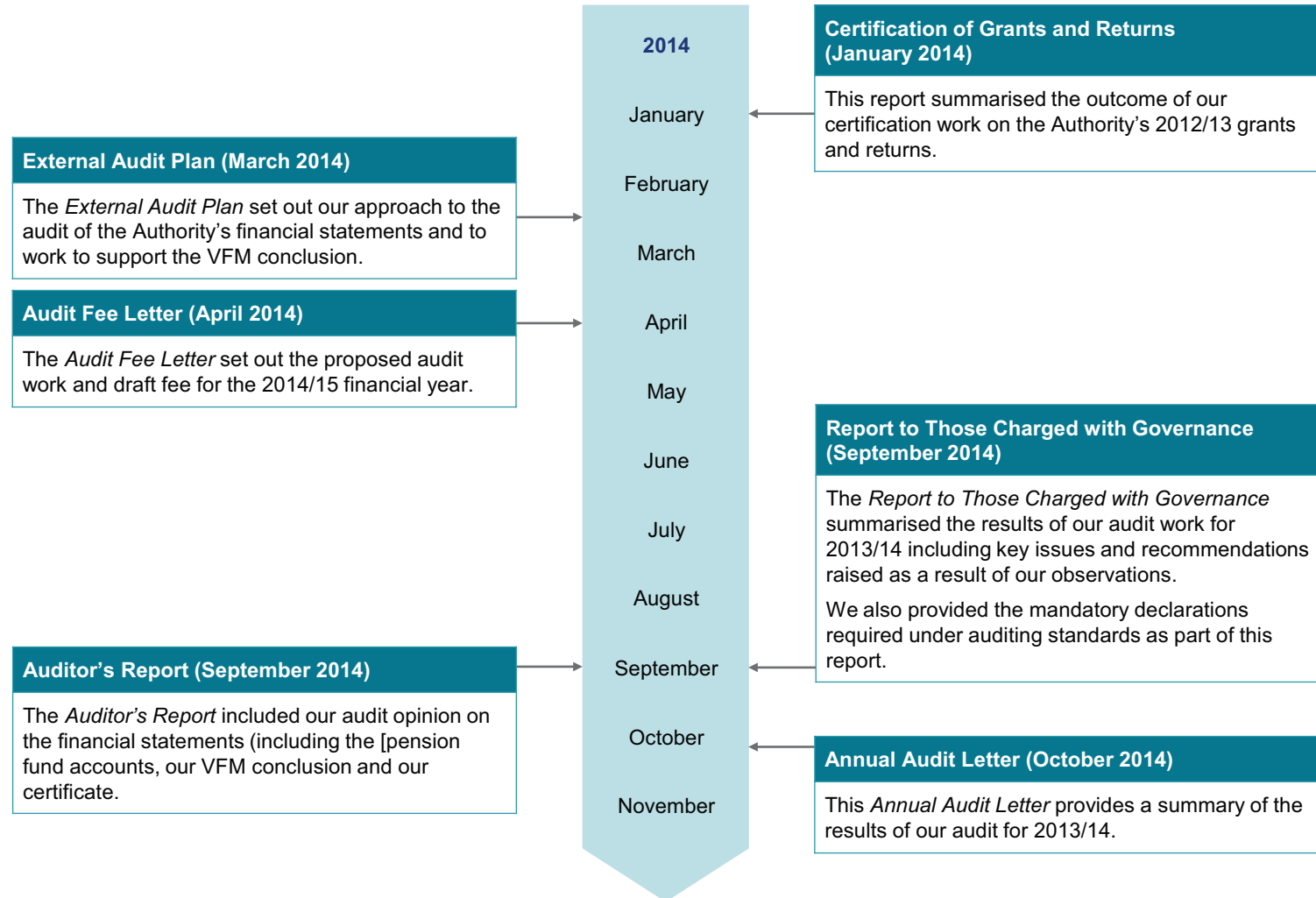
**Although this letter is addressed to the Members of the Authority, it is also intended to communicate these issues to key external stakeholders, including members of the public.**

**Our audit covers the audit of the Authority's 2013/14 financial statements and the 2013/14 VFM conclusion.**

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<b>VFM conclusion</b>	We issued an unqualified conclusion on the Authority's arrangements to secure value for money (VFM conclusion) for 2013/14 on 30 September 2014. This means we are satisfied that you have proper arrangements for securing financial resilience and challenging how you secure economy, efficiency and effectiveness.  To arrive at our conclusion we looked at your financial governance, financial planning and financial control processes.
<b>Audit opinion</b>	We issued an unqualified opinion on your financial statements on 30 September 2014. This means that we believe the financial statements give a true and fair view of the financial position of the Authority as at 31 March 2014 and of its expenditure and income for the year then ended. The financial statements also include those of the pension fund and the Authority's Group, which consists of the Authority itself and Brent Housing Partnership Limited.
<b>Financial statements audit</b>	The Authority changed the format of the financial statements this year to help make them easier for interested parties to read. We welcome this approach by officers which shows considerable thought and in our view has succeeded in its aim to make the accounts more easily readable.  We identified one material adjustment of £28.7 million to the primary financial statements which related to the valuation of additions to Council dwellings. This, and five other non trivial adjustments, were made to the draft financial statements. These had no impact on the Council's General Fund or Housing Revenue Account balances.
<b>Annual Governance Statement</b>	We reviewed your <i>Annual Governance Statement</i> and concluded that it was consistent with our understanding.
<b>Pension fund audit</b>	There were no significant issues arising from our audit of the pension fund.
<b>Whole of Government Accounts</b>	We reviewed the consolidation pack which the Authority prepared to support the production of Whole of Government Accounts by HM Treasury. We reported that the Authority's pack was consistent with the audited financial statements.
<b>Certificate</b>	We issued our certificate on 30 September 2014.  The certificate confirms that we have concluded the audit for 2013/14 in accordance with the requirements of the <i>Audit Commission Act 1998</i> and the Audit Commission's <i>Code of Audit Practice</i> .
<b>Audit fee</b>	Our fee for 2013/14 for the Authority's accounts was £266,120 excluding VAT and for the Pension Fund £21,000 excluding VAT. This final fee is subject to agreement with the Audit Commission as additional work was required in connection with National Non Domestic Rates. Further details are contained in Appendix 2.

This appendix summarises the reports we issued since our last *Annual Audit Letter*.



This appendix provides information on our final fees for 2013/14.

To ensure openness between KPMG and your Audit Committee about the extent of our fee relationship with you, we have summarised the outturn against the 2013/14 planned audit fee.

**External audit**

Our final fee for the 2013/14 audit of the Authority was £266,120 (2012/13: £272,367). This compares to a planned fee of £263,520. The reason for this variance is that we had to complete additional work on the financial statements relating to National Non Domestic Rates where in the past we had audited this income separately as part of certification of grants and returns work.

Our final fee for the 2013/14 audit of the Pension Fund was in line with the planned fee of £21,000 (2012/13 £21,000).

Our fees for the additional work are still subject to final determination by the Audit Commission.

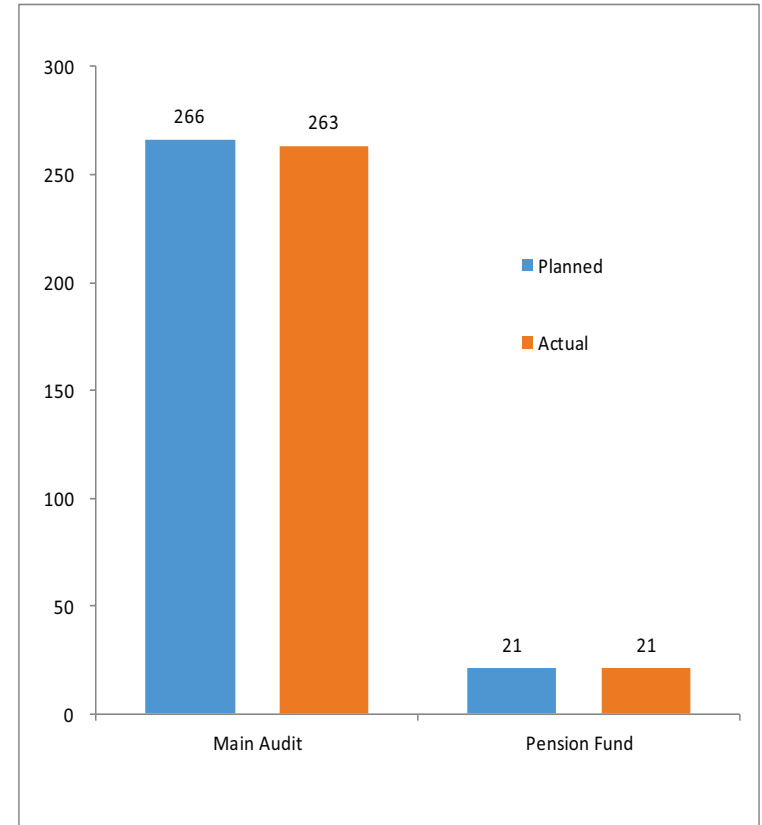
**Certification of grants and returns**

Our grants work is still ongoing and the fee will be confirmed through our report on the *Certification of Grants and Returns 2013/14* which we are due to issue in January 2015.

**Other services**

We did not provide any non audit services to the Authority in 2013/14.


**External audit fees 2013/14 (£'000)**





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 <b>Brent</b>	<b>Cabinet</b> <b>15 December 2014</b>  <b>Report from the Chief Finance Officer</b>
Wards Affected: ALL	
<b>Collection Fund Report</b>	

Forward Plan Ref:

## **1.0 SUMMARY**

- 1.1 As part of the Council Tax setting process for 2015/2016 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2015. This must be done by 15 January 2015 in relation to Council Tax, and this report asks Members to approve the estimated balance for both Council Tax and Business Rates (NNDR).
- 1.2 For Council Tax, as a result of continued effective collection of amounts due to the council it is now possible to return the benefits of this as a one-off contribution to support the 2015/16 budget. Brent Council's share of the total surplus is £3.9m. This technical surplus relates to council tax due on or before 31 March 2014, where the council has been more effective than previously assumed in collecting arrears, and also reflects strong collection performance of debts relating to 2014/15, and increases in the net collectable figure.

## **2. RECOMMENDATIONS**

- 2.1. To agree the estimated Collection Fund balance relating to Council Tax at 31 March 2015 as a surplus of £5.0m.
- 2.2. To note the current estimated balance relating to NNDR at 31 March 2015 as zero (no surplus or deficit).
- 2.3 To delegate to the Chief Finance Officer authority to amend these figures should material new information, such as debt collection performance, come to light in the intervening period.

### **3. DETAIL**

#### **3.1. COUNCIL TAX**

- 3.1.1. Income from Council Tax is paid into the 'collection fund'. Brent and the Greater London Authority (GLA) make charges (formally known as 'precepts') on this fund to finance their budgets. If the eventual collection of Council Tax is greater than precepts on the collection fund, taking the cumulative position since the introduction of Council Tax in 1993, a surplus will be generated. If the reverse happens, there will be a deficit. Any surplus or deficit is shared between Brent and the GLA. It is normal and proper practice to estimate these surpluses or deficits in setting the budget and to make distributions to the preceptors, or to require contributions from them, according to those estimates.
- 3.1.2. Total arrears as at 31 March 2014 not covered by bad debt impairments were £1.5m. This means that if the council estimates that debts of less than this amount will eventually be collected the fund will be in deficit, and that if future collection is anticipated to exceed this figure, a surplus can be declared.
- 3.1.3. In considering the Collection Fund position at 31 March 2015, it should be noted that the in-year collection of council tax has improved in recent years. It increased from 93.2% in 2006/07 to 95.9% in 2012/13. It had been anticipated that the collection rate for 2013/14 would be lower, following the introduction of the local Council Tax Support scheme, but there was only a slight reduction to 95.7%. It is estimated that the final figure for 2014/15 will again be in the region of 95.7%. This is on the basis that as at 31 October 65.5% of the amount due for the year had been collected, compared with 65.8% at the same date in 2013, but with a slightly higher sum to be recovered from monthly instalments for the remainder of this financial year.
- 3.1.4. The shortfall as at 31 March 2014, as outlined in paragraph 3.1.2, was £1.5m. It is estimated that in the full 2014/15 financial year, around £2.0m of Council Tax arrears will have been collected in relation to earlier years, leaving a surplus of £0.5m. 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 2013/14, leaving a surplus of approximately £3.0m. This figure is dependent on the required collection level of 96.25% for 2014/15 debits eventually being achieved, which would seem likely.
- 3.1.5. In addition there has been an improvement to the taxbase, due largely to an increase in full or part-time employment, which has led to a reduction in council tax support. There has also been a reduction in the level of exemptions and discounts. The overall impact of this is estimated to increase the surplus available by a further £2m, bringing the total to £5m.
- 3.1.5. The surplus on the Collection Fund as at 31 March 2015 will be split with the Greater London Authority. The GLA share (based on its share of the total precept in 2014/2015) would be 22.02% of any surplus. If a surplus of £5.0m is declared, the GLA share would be £1,101,000, leaving Brent's share as

£3,899,000.

### **3.2. BUSINESS RATES (NNDR)**

- 3.2.1. Until the 2012/13 financial year, all business rates collected by local authorities were paid over to the national pool administered by central government, and then redistributed back to local authorities according to assessed spending needs. From 2013/2014 local authorities retain a proportion of the income raised. For London, the local authority keeps 30% of the income, the GLA receives 20%, and the remaining 50% is paid to the national pool to be redistributed as before. Therefore London authorities benefit from 30% of any additional rates income, or bear 30% of the cost of any reduction.
- 3.2.2. If the year-end income from NNDR is higher than estimated at the start of the year, a surplus would be declared, which would be shared in the same ratios as above. Therefore, if Brent had a surplus it would keep 30% of this. If income was lower than anticipated, there would be a deficit to shared in the same proportion (i.e. Brent would bear 30% of the deficit).
- 3.2.3. The estimate for the income figure (or net rate yield) for 2015/16, and the surplus or deficit figure as at 31 March 2015 will be taken from the NNDR1 return to be submitted in January. The Non Domestic Rating (Rates Retention) Regulations 2013 require that these figures be calculated and notified to preceptors (central government and the GLA) by 31 January, and the NNDR1 return is used to calculate the figures.
- 3.2.4. Estimating what the figures will be is complex, as there are many factors which can significantly affect the overall figure, including entitlement to reliefs and properties coming on to, or being taken out, of rating. The biggest uncertainty concerns revaluations arising from appeals against the Valuation Office (VO) determinations. These are very common and can lead to large refunds being backdated several years. At the end of 2013/14 a provision for the cost of backdated appeals to 31/3/2014 of £6.1m was included in the year end accounts. The overall reductions in cases that have been finalised to date indicates that this provision was fairly accurate, but appeals outstanding still account for approximately £50m of Rateable Value (18% of the total), so this position could potentially still change significantly by the end of January, which would have an impact on the surplus/deficit position at that date.
- 3.2.5. There may also be other changes relating to new or demolished buildings, or changes in exemptions such as empty or charity relief. Given the uncertainties outlined above, it is recommended that a forecast of no surplus or deficit is assumed at present. As outlined above, the final figure will be taken from the NNDR1 form in January. The figures taken from this will have a direct impact on the 2015/16 budget, as Brent will have a 30% share of any surplus or deficit.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The proposals in this report have a direct impact on the budget for 2015/2016, as any deficits or surpluses have to be taken into account in the calculation of the council tax requirement.

#### **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 (Council Tax) 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 2015/16.

#### **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**

General Purposes Committee Reports – 21 January 2014: Calculation of Council Tax Base 2014/15 and Calculation of Business Rates Income 2014/15

Any person wishing to inspect the above should contact David Huberman, Finance Manager, Civic Centre, Engineers Way, Wembley HA9 0FJ. Telephone 020-8937-1478.

**Conrad Hall**  
**Chief Finance Officer**

 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> <b>15 December 2014</b></p> <p style="text-align: center;"><b>Report from</b> <b>Assistant Chief Executive</b></p>
For Action	Wards Affected: <b>ALL</b>
<b>Performance Report, Quarter 2 2014/15</b>	

## 1.0 Introduction

1.1 The Borough Plan for 2013 - 2014 was agreed by Full Council in June 2013. It sets out six priorities for Brent as follows:

- Building a Strong Community
- Promoting Jobs, Growth and Fair Pay
- Making Brent Safer, Cleaner and Greener
- Improving Health & Wellbeing
- Better Lives for Children and Families
- Developing Better Ways of Working

1.2 The Borough Plan is an overarching plan which sets out our vision for the borough. It is part of a suite of plans which, together with the council's Corporate Plan, departmental plans, and individual targets and appraisals, establish the golden thread for all council activity.

1.3 The purpose of this report is to provide Members with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively.

1.4 The performance measures included within the report represent those considered to be most relevant to tracking achievement against the six corporate priorities for Brent. Where available, quartile and benchmarking information has been used to inform target setting. Annual performance

measures will only be reported when new performance data becomes available.

- 1.5 The performance measures included within this report represent a small subset of those measured within the council. A wider range of performance measures are tracked within each council department, through the One Council programme and by Partners for Brent.
- 1.6 Additional performance measures may be included, by exception, if performance levels highlight particular achievements to be celebrated, or present risks associated with the realisation of Brent's priorities.
- 1.7 A new Borough Plan for the period 2015 – 2019 is currently being developed. As part of this process we are consulting local people on their priorities for Brent. Following this consultation the performance measures included within this report will be updated as appropriate, to reflect those priorities identified.
- 1.8 For the first time the performance report has been exported directly from the council's corporate performance system, known as inphase. As a result the look and feel of the report is slightly different to reports that have been produced previously.

## **2.0 Recommendations**

- 2.1 The Cabinet is asked to:
  - a. Note the 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.

### 3.0 Executive Summary – Quarter 2 Performance

Priority	Green	Amber	Red	Context	N/A	Total
Building a Strong Community	4	0	0	0	0	4
Promoting Jobs, Growth and Fair Pay	0	1	2	1	0	4
Making Brent Safer, Cleaner and Greener	1	1	2	0	0	4
Improving Health & Wellbeing	5	1	0	0	0	6
Better Lives for Children and Families	3	2	2	3	0	10
Developing Better Ways of Working	3	3	5	0	0	11
Total	16	8	11	4	0	39
Percentage	41%	21%	28%	10%	0%	100%

### 4.0 Financial implications

None.

### 5.0 Legal implications

5.1 Under section 4 of the Local Government Act 2000, every local authority in England must prepare a sustainable communities strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom. A local authority may modify its sustainable communities strategy from time to time. When preparing or modifying its strategy, a local authority must consult with and seek the participation of “each partner authority” it considers appropriate, and any other person the local authority considers appropriate. The council’s Borough Plan 2013-14 is the council’s current strategy pursuant to section 4 of the Local Government Act 2000.

5.2 In table 3 of part 4 of the council’s constitution, it states that the Cabinet is responsible for formulating and preparing the sustainable communities strategy and then submitting the same to Full Council for consideration and adoption or approval. The sustainable communities strategy constitutes part of the policy framework. The council’s Borough Plan 2013-14 was approved by Full Council in 2013.

### 6.0 Diversity implications

6.1 There are no direct diversity implications. However the report includes performance measures related to the council's diversity objectives and is part of the framework for ensuring delivery of these key outcomes.

## **7.0 Contact officers**

Ben Spinks, Assistant Chief Executive, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ 020 8937 6677

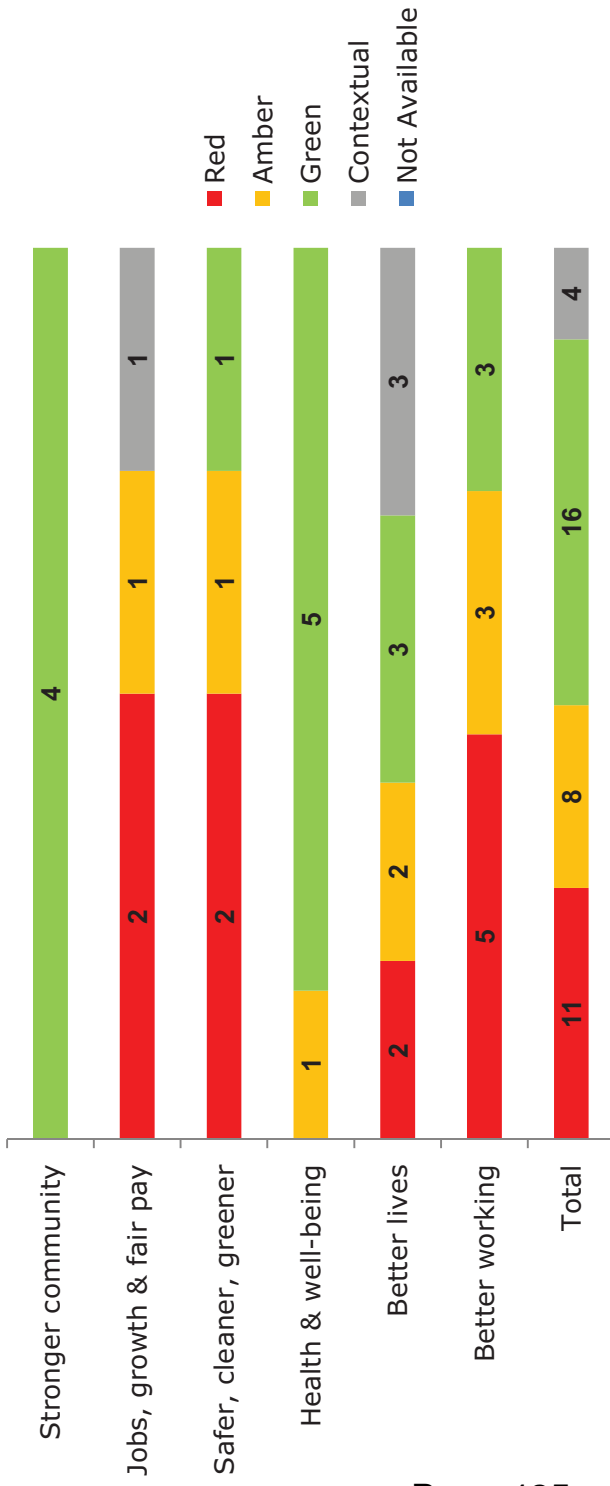
Mark Fairchild, Performance Team Leader, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ 020 8937 5300

**BEN SPINKS**  
Assistant Chief Executive







## 2014/15 Quarter 2 Performance Report

### Performance Summary



Unless otherwise defined, performance information is assessed using the following tolerances to give a RAG rating:

	Greater than 10% outside target
	0.01% - 10% outside target
	Equal to or better than target
	Contextual – No target
-	Data not available

# Stonger Community

Thriving Local Voluntary Sector											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Income to benefit the borough secured by local voluntary groups, with CVS support	-	324,650	386,200	-	-	710,850	300,000	Bigger is Better	★	Performance indicator is new for 14/15; therefore no 13/14 outturn data is available.	Ben Spinks
Number of local voluntary sector groups receiving 1-2-1 advice and guidance from CVS	-	52	53	-	-	105	104	Bigger is Better	★	Performance indicator is new for 14/15; therefore no 13/14 outturn data is available.	Ben Spinks
Sports, Leisure, Cultural Facilities											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Number of physical visits to libraries per 1,000 population	5,300	1,702	1,691	-	-	3,393	2,909	Bigger is Better	★	<p>Visits target for quarter 2 has been exceeded. Libraries were busy during the summer period due to school holidays and there was a comprehensive summer programme of events and activities for children scheduled in all libraries.</p> <p>At the same time Wembley library continues to attract both internal and external visitors to the borough. There has been an influx of students to Wembley library due to the opening of a new University at the Stadium.</p> <p>Lots of partnership work with local organisations is helping to improve our visits performance. Robust monitoring is in place to ensure end of year targets are met.</p>	Sue Harper

**Sports, Leisure, Cultural Facilities**

Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Number of visits to council sports centres for sports use	1,411,352	389,997	367,206	-	-	757,203	714,875	Bigger is Better	★	Year to date performance is above target as all centres are above their YTD targets for the respective indicators that feed into this one. Despite a drop in Q2 at Vale Farm Sports Centre due to lower casual bookings, Willesden Sports Centre continues to see improvements across the centre.	Sue Harper

# Promoting Jobs, Growth and Fair Pay

Regeneration and Economic Growth											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of major applications determined in 13 weeks	62.5%	50%	50%	-	-	50%	65%	Bigger is Better	▲	<p>The National target has been set at 60%. The Business Plan for 2014/15 has a target of 65%. The performance on this indicator can vary by quarter with the main driver being external parties' ability to conclude S106 agreements within agreed timetables.</p> <p>We aim to complete Planning Performance Agreements (PPA) wherever possible to extend the reported target time. However, the ability of applicants to complete legal agreements within agreed timescales is a significant factor behind not meeting agreed targets.</p> <p>In Q2, 3 of the 6 'Major' decisions related to applications with PPA's. However, only 2 of these could be determined in the longer agreed period and this was related to delays by the applicant rather than in reporting the application.</p>	Andy Donald

**Regeneration and Economic Growth**

Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of minor applications determined in 8 weeks	67.2%	58.9%	48.2%	-	-	48.2%	70%	Bigger is Better	▲	The key factors affecting performance are the ability to recruit/train appropriately experienced staff in the context of significantly increased numbers of planning applications - including new Prior Approvals which do not attract a fee. In this context, delivering performance at the levels of recent quarters has been an achievement in terms of a rapid staff turnover and excessive individual caseloads.  The major restructure of the planning function envisages a staffing level focused on anticipated statutory planning demands in terms of both the validation and assessment of planning applications. New entry level posts were not in place until towards the end of Q2 and significant backlogs of work are currently being progressed through - which will add to the performance issue until cleared. It is expected that the performance improvement will be evident by the end of Q4. The planning function has also been reviewed to pursue scope for further improvement.	Andy Donald
% of other applications determined in 8 weeks	69.7%	79.8%	76.6%	-	-	76.6%	80%	Bigger is Better	●		Andy Donald

Local People in Local Jobs											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% overall borough employment rate (working age)	65.9%	66.9%	-	-	-	66.9%	-	Bigger is Better	■	Source of data is Nomis. No data available for this quarter. Last available data (66.9%) is for period of June 2013 - June 2014. Data released is always a moving 12 month average.	Andy Donald

# Safer, Cleaner, Greener

## Clean, Safe, Healthy, Green





Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of land assessed as having unacceptable levels of litter	10%	7%	5%	-	-	5%	10%	Smaller is Better	★	5% ahead of contract target. 21 inspections at B-, 4 at C or D, 294 total inspections.	Sue Harper
Number of flytips reported on public land	7,011	2,858	3,440	-	-	6,298	6,000	Smaller is Better	●	Flytip reporting is much more comprehensive under the Public Realm contract, with the emphasis shifting from resident reporting to cleansing operative reporting. This means a much higher volume of flytips are being reported by cleansing operatives (rather than just cleared as was often the case in the previous contract). The introduction of the Cleaner Brent mobile app has provided an additional reporting channel for the public which has also impacted on the number of incidents being reported to the council.	Sue Harper
Number of kilograms of residual household waste collected per household	486	139	137	-	-	276	240	Smaller is Better	▲	The increase in kilograms of residual waste collected per household reflects the economic recovery being seen in 2014/15. In line with the Public Realm contract target, the contractor (Veolia) will meet the cost of the additional disposal if total waste collected exceeds target.	Sue Harper
Tonnes of municipal waste sent to landfill	65,764	17,328	17,347	-	-	34,675	29,890	Smaller is Better	▲	There has been an increase in municipal waste tonnages in 2014/15, which reflects the economic recovery.	Sue Harper





# Improving Health & Wellbeing

Healthier Lives											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Successful completions as a proportion of all opiate drug users in treatment	11.6%	11.7%	10.9%	-	-	10.9%	10.6%	Bigger is Better	★		Ben Spinks
People Needing Care / Support											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of people who do not require an ongoing service immediately after Reablement episode	73%	65%	58%	-	-	58%	60%	Bigger is Better	●	The value reported for Qtr. 1 has been revised after using a reporting tool developed for Reablement Services after the reporting period.	Phil Porter
% of safeguarding adults investigations which are inconclusive	25%	20%	16%	-	-	16%	18%	Smaller is Better	★	Adult Social Care have made steady progress and exceeded the target set for Qtr.2	Phil Porter
% of total client group in residential and nursing care	34%	28%	28%	-	-	28%	33%	Smaller is Better	★	The outturn for Qtr. 1 has been revised using the more reliable method applied to Qtr. 2	Phil Porter
Number of carers that receive a completed assessment	531	110	120	-	-	230	227	Bigger is Better	★	The value reported for Qtr. 1 has been revised using a more reliable method of calculation.	Phil Porter
Social care clients receiving direct payments	17%	26.3%	25.9%	-	-	25.9%	20%	Bigger is Better	★	The method for calculating this indicator has been revised to fit the new definition set by Central Government. The new definition separates out community services to those who receive them week on week throughout the year and those who get a one-off service or receives it for a time limited period such as Reablement.	Phil Porter



# Better Lives for Children & Families

School Places											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
No of CYP applying for Rec., Yrs 1 & 2 (ages 4-6) not offered a school place w/in 4 wks	0	0	6	-	-	6	6	Smaller is Better		This is a snapshot. Weekly checks are being conducted to ensure all children are offered a place promptly. This figure is in line with local mobility and turnover.	Gail Tolley
Take up of the 2 year old Nursery Education Grant (%)	68%	30%	47%	-	-	47%	40%	Bigger is Better		There has been an intensive programme to recruit more 2 year olds into provision using many creative approaches. An additional 538 have applied and been approved to take up places and these are being pursued to take up the places. If 100% of these take up, then the target of 80% will be reached.	Gail Tolley
Good Quality Schools											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of schools that are judged good or outstanding by Ofsted	77%	75%	78%	-	-	78%	84%	Bigger is Better		This target is a top priority for the department and schools themselves. All schools which are not good or outstanding receive additional support, including a half termly 'Rapid Improvement Group' and the brokering of school to school support.	Gail Tolley
Pupil Achievement											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD Provisional	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Achievement at level 4 or above in English and Maths at KS 2 (%)	77%	-	81%	-	-	81%	-	Bigger is Better			Gail Tolley

Pupil Achievement											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD Provisional	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Achievement of 5 or more A*-C GCSEs incl. English and Maths (%)	63%	-	59%	-	-	59%		Bigger is Better			Gail Tolley
Looked After Children achieving 5 or more A*-C GCSEs incl. English and Maths at KS4 (%)	19%	-	9%	-	-	9%		Bigger is Better			Gail Tolley
Support for Families											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Number of troubled families where outcomes have been achieved	178	216	382	-	-	382	370	Bigger is Better		Additional key workers were put in place from April and partner agencies were supported to take up lead professional roles to speed progress in turning round families, so this quarter shows an improvement. It is anticipated that at the end of October, Brent will reach the 65% turn around target and pass into the new Expanded TF Programme.	Gail Tolley
Support for Vulnerable CYP											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Average days between a child entering care & moving in with its adoptive family, for those adopted	599	396	586	-	-	586	550	Smaller is Better		The Adoption Scorecard measures against a 3 year rolling target. The reported 2013/14 adoption outturn figure is a rolling average from 2011 to 14. Q2 performance relates to 5 children, 1 of whom had a long period of time in care prior to being placed for adoption, which has affected the overall average.	Gail Tolley

**Support for Vulnerable CYP**

Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Proportion of referrals to Children's Social Care which are repeat referrals	12%	10.5%	11.9%	-	-	11.9%	12%	Smaller is Better	★		Gail Tolley
Stability of placements of looked after children: 3 or more placement moves (%)	14.9%	1.5%	7.4%	-	-	7.4%	6.5%	Smaller is Better	▲	Q2 figure is just above target and will be monitored closely by managers. Specialist training to support foster carers to retain young people with challenging behaviour is due to start in December.	Gail Tolley

# Developing Better Ways of Working

Quality, Efficiency & VFM Services											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
Average customer waiting time in local offices (mins)	24	20	21	-	-	-	21	30 Smaller is Better	★		Andy Donald
% of telephone calls answered through the council's ACD system	81%	85%	87%	-	-	-	86%	90% Bigger is Better	●		Andy Donald
% of Council Tax collected	95.7%	30.9%	56.7%	-	-	-	56.7%	57% Bigger is Better	●	Council Tax collection down on profile as awaiting payment from BHP in respect of council tax due for 2014/15 (paid in August last year) and more instalments profiled in remaining months of year	Andy Donald
% audit reports receiving substantial or better assurance rating	58%	100%	69%	-	-	-	69%	75% Bigger is Better	●	The 75% target is an annual target and fluctuations in year are to be expected.	Conrad Hall
% of Stage 1 complaints responded to within 20 working days	76%	72%	79%	-	-	-	75%	100% Bigger is Better	▲	There was a welcome improvement in the response rate in Q2. The active role of Operational Directors in the management of complaints, together with the introduction of regular, targeted reminders, has contributed to the improvement. In addition, the Complaints Service Manager is in weekly contact with Operational Director's and Heads of Service to ensure that response rates remain a priority.	Ben Spinks

Quality, Efficiency & VFM Services											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of FOI responded to within 20 working days	55%	71%	76%	-	-	74%	100%	Bigger is Better	▲	The council continues to make positive progress in the timeliness of FOI responses, with a 5% improvement in response rates in the second quarter. This improvement was achieved despite a historical tendency for performance to fall in the summer months due to high levels of staff leave. As FOI performance data is reported a month in arrears (due to the 20 working day deadline for responses), the Q2 figure does not include performance for cases received in September. A new Principal FOI Officer was employed at the beginning of August, and at the beginning of September the council launched a new IT system for managing FOI requests, as well as making a number of changes to practices and procedures to improve performance. Further work is required across the organisation to continue improving response rates as the overall performance level, whilst much improved, is not yet satisfactory.	Ben Spinks

Skilled, Motivated, Effective Workforce											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of black and minority ethnic staff (PO8 and above)	18.6%	20.2%	21.4%	-	-	21.4%	25%	Bigger is Better	▲	Staff are to be reminded to update their equalities profile on the new oracle system. A development scheme is being developed for BAME senior managers	Cara Davani

Skilled, Motivated, Effective Workforce											
Performance Indicator	13/14 Outturn	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	Good is?	RAG YTD	Commentary and Actions	Owner
% of disabled staff	7.7%	8.3%	8.5%	-	-	8.5%	10%	Bigger is Better	▲	Staff are to be reminded to update their disability profile on the new Oracle system. Clarification around what constitutes a disability is also being communicated.	Cara Davani
% of female staff (PO8 and above)	45.6%	47.5%	51.8%	-	-	51.8%	50%	Bigger is Better	★		Cara Davani
% of lesbian, gay and bisexual staff	3.1%	3%	10.9%	-	-	10.9%	5%	Bigger is Better	★	Improved reporting levels following the introduction of the new oracle system and the self service elements of the system.	Cara Davani
Total agency spend as a proportion of council pay bill (excluding schools)	10.7%	11%	10.7%	-	-	10.9%	8%	Smaller is Better	▲	CMT members have taken responsibility for reducing spend in their depts. Spend levels are scrutinised by the Chief Finance Officer (CFO) and HR Director (HRD) on a monthly basis. Quarterly meetings with Leader, Deputy Leader, CEX, HRD and CFO to monitor spend. Star chambers to be arranged in the autumn with this group and individual directors.	Cara Davani

# Complaints

Complaints - Brent Council Level									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	513	441	-	-	954	-	■		
% of Stage 1 complaints responded to within 20 working days	72%	79%	-	-	75%	100%	▲		
Total number of complaints escalated to Stage 2	58	55	-	-	113	-	■		
% of Stage 2 complaints responded to within 20 working days	67%	40%	-	-	53%	100%	▲		
Complaints - Adult Social Care									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	35	25	-	-	60	-	■		
% of Stage 1 complaints responded to within 20 working days	45%	48%	-	-	46%	100%	▲		
Total number of complaints escalated to Stage 2	1	4	-	-	5	-	■		
% of Stage 2 complaints responded to within 20 working days	0	0	-	-	0	100%	▲		
Complaints - Children & Young People									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	21	36	-	-	57	-	■		
% of Stage 1 complaints responded to within 20 working days	50%	79%	-	-	58%	100%	▲		
Total number of complaints escalated to Stage 2	9	3	-	-	12	-	■		
% of Stage 2 complaints responded to within 20 working days	57%	14%	-	-	36%	100%	▲		
Complaints - Environment & Neighbourhoods									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	238	222	-	-	460	-	■		
% of Stage 1 complaints responded to within 20 working days	81%	92%	-	-	86%	100%	●		
Total number of complaints escalated to Stage 2	14	10	-	-	24	-	■		
% of Stage 2 complaints responded to within 20 working days	57%	56%	-	-	56%	100%	▲		

<b>Complaints - Regeneration &amp; Growth (Excl. BHP)</b>									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	110	109	-	-	219	-	■	-	-
% of Stage 1 complaints responded to within 20 working days	71%	68%	-	-	69%	100%	▲	100%	-
Total number of complaints escalated to Stage 2	17	20	-	-	37	-	■	-	-
% of Stage 2 complaints responded to within 20 working days	86%	67%	-	-	76%	100%	▲	100%	-
<b>Complaints - BHP</b>									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	103	45	-	-	148	-	■	-	-
% of Stage 1 complaints responded to within 20 working days	65%	64%	-	-	65%	100%	▲	100%	-
Total number of complaints escalated to Stage 2	16	18	-	-	34	-	■	-	-
% of Stage 2 complaints responded to within 20 working days	60%	17%	-	-	41%	100%	▲	100%	-
<b>Complaints - Assistant Chief Executive</b>									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	0	0	-	-	0	-	■	-	-
% of Stage 1 complaints responded to within 20 working days	-	-	-	-	-	100%	-	100%	-
Total number of complaints escalated to Stage 2	0	0	-	-	0	-	■	-	-
% of Stage 2 complaints responded to within 20 working days	-	-	-	-	-	100%	-	100%	-
<b>Complaints - Finance &amp; IT</b>									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	1	0	-	-	1	-	■	-	-
% of Stage 1 complaints responded to within 20 working days	0	-	-	-	0	100%	▲	100%	-
Total number of complaints escalated to Stage 2	0	0	-	-	0	-	■	-	-
% of Stage 2 complaints responded to within 20 working days	-	-	-	-	-	100%	-	100%	-



Complaints - Human Resources									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	0	2	-	-	-	2	-	☐	-
% of Stage 1 complaints responded to within 20 working days	-	100%	-	-	100%	100%	100%	★	
Total number of complaints escalated to Stage 2	0	0	-	-	-	0	-	☐	-
% of Stage 2 complaints responded to within 20 working days	-	-	-	-	-	-	100%	-	-
Complaints - Legal & Procurement									
Performance Indicator	Actual Q1	Actual Q2	Actual Q3	Actual Q4	Actual YTD	Target YTD	RAG YTD		
Total number of Stage 1 complaints received	4	1	-	-	-	5	-	☐	-
% of Stage 1 complaints responded to within 20 working days	100%	50%	-	-	67	100%	100%	▲	
Total number of complaints escalated to Stage 2	0	0	-	-	-	0	-	☐	-
% of Stage 2 complaints responded to within 20 working days	-	-	-	-	-	-	100%	-	-

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