



## Cabinet

**Tuesday 14 April 2015 at 7.00 pm**

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

### Membership:

#### Lead Member Councillors:

#### Portfolio

Butt (Chair)  
Pavey (Vice-Chair)  
Crane  
Denselow  
Hirani  
Mashari  
McLennan  
Moher

Leader of the Council  
Deputy Leader of the Council  
Lead Member for Environment  
Lead Member for Stronger Communities  
Lead Member for Adults, Health and Well-being  
Lead Member for Employment and Skills  
Lead Member for Regeneration and Housing  
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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**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**

**Adult Social Care reports**

**4 Award of contract for Care Provider Services** 11 - 118

The report concerns the commissioning of a new service delivery model for care services at a proposed new Extra Care facility at Park Royal in Brent. It seeks approval to progress with Direct Payments (DP) for all residents and an exemption from tendering in accordance with Contract Standing Order 84(a) to allow Officers to enter into discussions with the proposed provider and agree appropriate commercial and service terms leading to the award of a contract.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Amy Jones, Commissioning and Quality  
Tel: 020 8937 4061 amy.jones@brent.gov.uk

**5 Brent Safeguarding Adults Board – proposed governance arrangements** 119 - 184

The council is required to establish a Local Safeguarding Adults Board [‘LSAB’] together with associated governance arrangements and to appoint a Chair in accordance with the requirements of the Care Act 2014. This paper sets out the requirements for agreement by the Cabinet.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Hirani  
**Contact Officer:** Phil Porter, Strategic Director, Adults  
Tel: 020 8937 5937 phil.porter@brent.gov.uk

## Children and Young People reports

- 6 Primary School Admissions - community schools' oversubscription criteria and admission arrangements 2016/17** 185 - 192

In December 2014 Cabinet agreed to consult on proposals to amend the council's oversubscription criteria for community primary schools for 2016/17. Following the completion of the statutory consultation period of eight weeks, Cabinet is asked to decide whether the proposed changes should be agreed.

**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

- 7 Contracts with Academy Schools and Independent Special School for Special Educational and Alternative Education Provision** 193 - 200

This report seeks delegated authority to negotiate and award contracts between the council and schools listed in Table 3.1 and Table 3.2 in this report for the provision of Additionally Resourced Provisions (ARP), independent schools, and English as an Additional Language (EAL) education placements for the academic year 2015/16. The report also considers future arrangement for placement of new students/pupils in subsequent academic years.

**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 Process for the appointment of local authority school governors** 201 - 206

This report outlines proposed changes to the council procedure for appointing and removing Local Authority (LA) governors in accordance with the School Governance (Constitution) (England) Regulations 2007 and 2012. The proposal aims to streamline and expedite the process for appointing LA nominated school governors.

**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

## 9 Chief Operating Officer's reports

### 10 School Crossing Patrol Service Review 2015/16 207 - 218

A paper taken to Cabinet on 23 February, recommending a budget for Full Council to consider on 2 March 2015, recommended to take the saving offered. This means the Council will stop providing the SCP service unless the school is prepared to pay for it. This report identifies measures and initiatives to mitigate the impact from the removal of the SCP service. It also outlines the timescales involved in completing the service deletion in line with the managing change policy.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Crane  
**Contact Officer:** Tony Kennedy, Head of Transportation  
Tel: 020 8937 5151 tony.kennedy@brent.gov.uk

### 11 Street Lighting: Energy and Carbon Saving Proposals - authority to tender 219 - 306

This report sets out the business case for further investment in the Council's street lighting assets, aiming to: deliver long-term savings in energy costs; provide significant reductions in the Council's carbon emissions; and lay the foundations for a flexible and adaptive lighting strategy to meet the long-term needs of the borough.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Crane  
**Contact Officer:** Gavin F Moore, Parking and Lighting  
Tel: 020 8937 2979 gavin.f.moore@brent.gov.uk

### 12 Arboricultural Services Contract 307 - 324

This report sets out options and identifies a preferred course of action for the future procurement of the Council's Arboricultural Services Contract.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Crane  
**Contact Officer:** Gavin F Moore, Parking and Lighting  
Tel: 020 8937 2979 gavin.f.moore@brent.gov.uk

### 13 ASB Crime and Policing Act 2014: delegation of functions to exercise the powers 325 - 344

New legislation rationalising the tools and powers available to partnerships became enacted on 20 October 2014. The new Act replaced nineteen pre-existing measures with six new measures for tackling anti-

social behaviour. The Act has introduced simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. The powers are available to various bodies such as Local Authorities, the Police and Registered Housing Providers. Use of some of the powers requires authorisation by officers of an appropriate grade.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Denselow  
**Contact Officer:** Chris Williams, Community Safety and Emergency Planning  
Tel: 020 8937 3301 chis.williams@brent.gov.uk

**14 Authority to award contract for the supply of ICT Datacentre equipment 345 - 356**

This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in procuring this contract and recommends to whom the contract should be awarded.

**Ward Affected:**  
All Wards

**Lead Member:** Councillor Pavey  
**Contact Officer:** Prod Sarigianis, Head of IT Service Transitions  
Tel: 020 8937 6080  
prod.sarigianis@brent.gov.uk

### Regeneration and Growth reports

**15 South Kilburn Regeneration Programme - Design Team, The Peel Site 357 - 372**

This report seeks the Cabinet's approval to award a contract for an architecturally-led multidisciplinary design team for the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'the Peel Site' and as shown edged red on plan at Appendix 1), as required by Standing Order No 88. The report summarises the process undertaken by placing a notice in the Official Journal of the European Union (OJEU) and, following completion of the evaluation of the tender responses, recommends to whom the contract should be awarded.

**Ward Affected:**  
Kilburn

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

**16 Employment, Skills and Enterprise Strategy 373 - 444**

This report introduces the Employment, Skills and Enterprise Strategy, following an extensive consultation and engagement exercise.

**Ward Affected:**  
All Wards

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

**17 Reference of item considered by Scrutiny Committee (if any)**

**18 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:**

- Award of contract for Care Provider Services
- Street Lighting: Energy and Carbon Saving Proposals - authority to tender
- South Kilburn Regeneration Programme

*(Reports above refer)*

**19 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 1 June 2015 (provisional)**



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.



## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET Monday 16 March 2015 at 2.00 pm

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

Also present: Councillors J Mitchell Murray and Perrin

Apologies for absence were received from: Councillors

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

Councillor McLennan declared an interest in the item relating to Byron Court School expansion as ward councillor.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 23 February 2015 be approved as an accurate record.

#### 3. **Matters arising**

None.

#### 4. **Petitions**

##### *Mapesbury Dell – exemption from Event Charges*

A petition was submitted by Mr Tom Putnam on behalf of Mapesbury Dell Trust which requested an exemption from the current charge of £30 levied by the council for holding community events. Mr Putnam reminded the Cabinet of the voluntary work of residents to raise funds to develop and maintain the site since 2000 prior to which it had been neglected. There was free admission to annual community events and all profits were ploughed back into the work of the trust. He asked the Cabinet to recognise the residents' invaluable contribution and to amend the exemption from charges so as to include properly constituted groups such as the Mapesbury Dell Trust.

##### *Byron Court School proposed expansion*

Martin Dickens (Chair, Parents Against Byron Court School Expansion) addressed the Cabinet and spoke against the proposals to expand the school by two forms of entry from September 2015. Mr Dickens stated that based on the number of signatures to their petition, it was estimated that 85% of families were against the expansion. He felt the proposals should be rejected both on educational grounds and also in view of the likely increase in traffic. Mr Dickens also drew attention to evidence of a decline in school standards; the school had been judged by Ofsted to be Outstanding two years ago believing that expansion would undermine attempts for improvement. Mr Dickens referred to an increased risk of accidents as more cars travelled to and from school on the narrow roads. He acknowledged the need for more school places but felt these should be within walking distance from children's homes and in small schools.

Kaye James (Sudbury Court Residents Association) drew members' attention to the correspondence recently issued by Barry Gardiner MP which the Chair confirmed had been circulated to Cabinet members. Ms James rejected economies of scale as an educational justification for expansion and regretted the loss of opportunity for children of different age groups to be able to interact in the reduced playground space. Ms James referred to the school's declining position in league tables and some parents' refusal to send their children to large schools. Existing problems in the area were perceived to be road rage, traffic and illegal parking and Ms James felt that the council should respect the views of the majority of parents and spread resources to other schools.

Richard Sternberg spoke on behalf of the Chair of the school's governing body. He was confident that the procedures embedded in the school would ensure continued improvement in standards. Ms Martine Clarke, Executive Head Teacher, spoke about the school's wider remit in the Brent Schools Partnership in teacher training, providing specialist leaders and development research. The sharing of good practice would help to raise standards. Ms Clarke referred to the social needs of the immediate community and the value of integration and celebrating diversity. A larger school would increase opportunity for after school and holiday clubs and extra curricular activity and the school would work to reduce traffic congestion. Ms Clarke was pleased to report that the school was already improving to be above national expectations.

## **5. Order of business**

The Cabinet agreed to change the order of business to take earlier in the meeting, those items for which members of the public were present.

## **6. Recovering costs for events in Brent's parks and open spaces**

Councillor Crane (Lead Member, Environment) introduced the report prepared in response to a petition submitted by Mapesbury Dell Trust, presented earlier in the meeting which requested that the Trust be exempt from the £30 charge levied for holding community events. Councillor Crane reminded the Cabinet that the policy introduced in 2012 was designed to claw back costs for large scale events and not intended to apply to not for profit community organisations. The report from the Strategic Director, Environment and Neighbourhoods redefined community events to include organisations recognised as charitable by HMRC for tax purposes, such as the Mapesbury Dell Trust.



Councillor Denselow commended the Trust for their work and was pleased that the council was able to accede to their request.

RESOLVED:

- (i) that the principle of partial cost recovery charging to organisers that wish to hold events in Brent's parks and open spaces be retained;
- (ii) that the four charging criteria as agreed by members in September 2012 and detailed in paragraphs 3.7 to 3.10 inclusive of the report from the Strategic Director, Environment and Neighbourhoods be retained;
- (iii) that the exemption from charges as defined in the definition of a community event be amended to that defined in paragraph 3.18 of the report;
- (iv) that the amended exemption to the charging policy be implemented for events being held after 31 March 2015.

## **7. Permanent expansion of Byron Court Primary School**

The report from the Strategic Director, Children and Young People informed the Cabinet of the outcome of the statutory consultation on the proposal to alter Byron Court Primary School through permanent expansion from September 2015 and recommended that the statutory proposal to expand the school be approved. Councillor Moher (Lead Member, Children and Young People) in introducing the report, reminded the Cabinet that the School Place Planning Strategy had been approved by Cabinet in October 2014 and that the Governing Body of Byron Court Primary School in partnership with the Council had proposed to alter the school by adding two forms of entry (2FE) which, if approved, would make the school a five form of entry primary school (5FE).

Councillor Moher acknowledged the high number of responses to the consultation exercise which had been very thorough however, stated that research showed the need for school places. She referred to the bulge class and the number of classes situated in off site annexes. The aim was to develop a high quality learning environment in a larger school. Councillor Moher assured that work would take place with Highways and Planning teams to overcome potential traffic congestion and encourage people not to use their cars for school journeys.

The Cabinet noted the claim in the report that Sudbury Court Residents Association had circulated among residents a version of the council's and Governing body consultation which had included their commentary on the proposals. The Strategic Director advised that original consultation document had been widely circulated to other locations, interested parties and was included on the Brent consultation website. Councillor J Mitchell Murray (ward councillor) addressed the Cabinet and as a former pupil of the school, and drew attention to evidence of the strength of feeling in the community against the expansion proposals which he felt would not be beneficial to the children's education and development.

The Leader of the Council asked the Strategic Director to comment on the standards of teaching in the school and availability of school places the area. Gail

Tolley advised that Ofsted had graded the school to be outstanding in 2012 and in 2014 Byron Court Primary had become the lead school of the Brent Teaching School Alliance which was seen to be evidence of continued school improvement. Regarding outcomes, the pupil progress data compared well with similar schools. On school places, the Director stated that nearby schools were either expanding or were already full and that the growing population continued to put pressure on school places.

As a local resident, Councillor Crane (Lead Member, Environment) as a local resident, reminded the Cabinet that the traffic problems in the area were longstanding and similar elsewhere in the vicinity of schools. He would do all he could as lead member, but it was the responsibility of the school and parents to help reduce traffic congestion. The council had a responsibility to find school places. The Planning Committee would take the decision on development proposals. Councillor Mashari (Lead Member, Employment and Skills) referred to the school places planning strategy which set out the criteria for expansion which applied to all schools. She acknowledged concerns over community cohesion and questioned whether the residents could be more involved so their voices could be heard. Councillor Mashari pointed to estimates of supply still falling short of demand for school places in 2019.

Councillor McLennan (Lead Member, Regeneration and Housing) empathised with the feelings expressed by residents earlier in the meeting, assured that the Planning Committee would take into account the views of the Safer Neighbourhoods Team but put that the council had a responsibility to provide school places. Councillor Denselow (Lead Member, Stronger Communities) also referred to the council's duty to provide school places for future generations and pointed to other schools in similar circumstances that had been that had been successfully expanded reducing the need for off site annexes.

Councillor Pavey (Deputy Leader) stated the council had to balance the need for places against the community impact. He felt that a larger school would be able to offer a wider range of activities and opportunities. He acknowledged the issue of traffic in the area, the need to find new ways of encouraging the use of trains instead of road travel and raised questions on the plans for new schools on housing development sites. The Strategic Director, Regeneration and Growth responded that the council could only negotiate with developers who were only obliged to provide the maximum number of places required to provide sufficient places for children on the development site.

The Chief Legal Officer was asked by Councillor Hirani (Lead Member, Adults, Health and Well-being) to comment on the council's requirement to provide school places to which she responded that the council had a statutory obligation to have a robust plan and to be proactive in providing places. He also questioned the financial implications of reducing the forms of entry to 4fe instead of the proposed 5fe. The Strategic Director stated that the driving factors were improved education standards and leadership. The existing proposals would allow the school to remove the need for the temporary class rooms and an off site bulge class. The Strategic Director, Regeneration and Growth confirmed that the costs of an additional 1FE were similar to those of 2FE, however, Bryon Court School was in an area of relatively high demand and did not have the restriction of being a listed building.

The Leader of the Council acknowledged the strength of residents' concerns, the need for improved dialogue and referred to the call from the local MP for a separate public meeting which he supported. The Leader also recognised that transportation and parking would be deciding factors for the expansion and proposed that more work be carried out in these areas to establish best practice.

The Chair thanked residents and parents for attending and assured that that all views would be addressed.

RESOLVED:

- (i) that the responses to the consultation that raised a range of issues centred around residents' concerns about traffic congestion be acknowledged and that officers ensure that these are fully addressed in the planning process;
- (ii) that approval be given to the permanent expansion of Byron Court Primary School, a community school, by two forms of entry from September 2015; (conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 by September 2015 or at such date as agreed by the Strategic Director of Children and Young People and the Strategic Director of Regeneration and Growth);
- (iii) that it be noted that the reason for approving the alteration of Byron Court Primary School was to provide sufficient permanent primary school places in line with the council's statutory duties and its School Place Planning Strategy 2014;
- (iv) that a public meeting, separate to the statutory consultation, be arranged to give residents further opportunity to raise concerns on the proposals;
- (v) that the implications of the proposals on transportation and parking be further investigated.

*(Councillor McLennan declared an interest in this item as ward councillor for the area).*

**8. Authority to tender a contract for the Clinical Input into the Inclusion Support Team**

The report from the Strategic Director, Children and Young People advised that after a competitive commissioning process, a 12 month contract was awarded to the Anna Freud Centre commencing on the 1 April 2014 for Clinical Input (psychology and psychotherapy) into the Inclusion Support Team an integral part of the council's work to combat exclusion from schools. A further six month extension was granted in order to gather significant evidence around the impact of this service which was due to end on the 30 September 2015. Councillor Moher (Lead Member, Children and Young People) advised that the following a review of outcome data from the clinical input it was recommended that the provision continue with a longer contract for greater stability.

RESOLVED:

- (i) that approval be given to the pre-tender considerations to seek expressions of interest and invite tenders for clinical input to the Inclusion Support Team as set out in paragraph 3.12 of the report from the Strategic Director, Children and Young People, with a proposed contract period of three years with an option to extend for a further one year;
- (ii) that approval be given to the evaluation of the tenders on the basis of the evaluation criteria set out in paragraph 3.12 (vi) of the report.

**9. Targeted Mental Health in Schools (TaMHS) Project August 2015 to July 2016**

Councillor Moher (Lead Member, Children and Young People) introduced the report which sought to award a contract to Central and North West London NHS Foundation Trust for the targeted mental health service (TaMHS) for the provision of support for children aged 5 to 16 and their families. It was proposed that there was no need for a tender for TaMHS services on the grounds that, on the advice from Brent Clinical Commissioning Group, it would be in the best interests of future service provision to defer retendering to align with the timeline for (and integrate with) the retendering of the CCG's much larger CAMHS (Child and Adolescent Mental Health Service) contract. This was primarily on the grounds that there was considerable value in having the same provider for both services.

Councillor Pavey questioned whether, in the light of the positive impact of the service, additional funding was available for expansion and the Strategic Director undertook to make enquiries.

RESOLVED:

that approval be given to the grant an exemption from the requirement to tender and approve the award of a contract to Central and North West London NHS Foundation Trust ("CNWL") for Targeted Mental Health in Schools services for a period of 12 months from August 2015 to July 2016, with a view to retendering as part of the wider CAMHS recommissioning in 2016.

**10. 2015/16 Food Safety Service Plan**

Councillor Crane (Lead Member, Environment) introduced the annual Food Safety Service Plan which detailed the council's commitment to the delivery of the food safety service. It covered key areas of food law enforcement and relevant management arrangements and targets against which the council would monitor service delivery. Councillor Crane referred to concerns over the capacity of the service and the interim arrangements introduced which had halved the backlog of inspections. A major review of regulatory services would also be taking place in the light of the need to meet statutory responsibilities with reduced financial resources.

Sue Harper (Strategic Director, Environment and Neighbourhoods) acknowledged that data from the Consumers Association indicated that the borough's performance in food hygiene had declined and worsened for 2013/14 however, she was confident of a more typical and acceptable performance for 2014/15 as a consequence of the investment to reduce the number of overdue inspections.

Councillor Mashari raised questions on the implications for public health of the two-team approach to inspections introduced in February 2015 and the Strategic Director assured that officers holding a lower level of competency would be assigned to food businesses which posed a much lower risk to consumers or who were broadly compliant with the law. Councillor Hirani (Lead Member, Adults, Health and Well-being) contributed that a report on healthy catering was due to be presented in the Summer.

RESOLVED:

- (i) that the conclusions of the Food Standards Agency's audit of Brent's food safety arrangements be noted;
- (ii) that the action which has been taken to date be noted and the council's action plan in Appendix 2 of the report from the Strategic Director Environment and Neighbourhoods be endorsed;
- (iii) that approval be given to the Food Safety Service Plan for 2015/16.

#### 11. **Public Mortuary shared service**

The Cabinet noted that the council operated a public mortuary located within the grounds of Northwick Park Hospital as a shared service arrangement with Harrow Council and that Barnet Council operated a public mortuary in Finchley. Both were within the jurisdiction of the North London Coroner. Councillor Crane (Lead Member, Environment) introduced the report and was pleased to propose extending the shared service arrangement at Northwick Park to include Barnet allowing the rationalisation of arrangements and the closure of Finchley Mortuary.

RESOLVED:

- (i) that agreement be given to a public mortuary service provided by Brent council at Northwick Park on behalf of Brent, Barnet and Harrow councils;
- (ii) that the shared service agreement between Brent and Harrow should be updated, and extended to include Barnet Council;
- (iii) that authority be delegated to the Director of Environment and Neighbourhoods or Director of Regeneration and Growth in consultation with the Chief Legal Officer to agree the terms of the consortium agreement and interim agreement, and to take all necessary action to implement the proposed shared service arrangement.

#### 12. **Highways Capital Scheme Programme 2015-17 and update to Highways Asset Management Plan**

Councillor Crane (Lead Member, Environment) introduced the report which set out how, in 2015-17 approximately £5.346m would be spent improving the condition of Brent's highways, including resurfacing of 12.8 miles of road and 3.9 miles of footway. The investment included £3.55m of Brent capital, £1.497k of TfL capital funding for principal (A road) maintenance and £299k allocated by the Department for Transport as a result of the council's bid to the Pothole Fund. Additionally, it was

noted that TfL on 12 December 2014 confirmed funding of £1.079m of Principal Road (A-road) improvements. Councillor Crane assured that funding would be spent wisely through a prioritised programme of pavement upgrades, road resurfacing, preventative maintenance, improvements to the public realm and renewal of road markings the process for which would be transparent and on which members would have an opportunity to comment.

RESOLVED:

- (i) that approval be given to the investment of £3.55m of Brent capital funding as summarised in Section 6.0 of the report from the Strategic Director of Environment and Neighbourhoods, subject to approval of the Budget and Council Tax report in February 2015 and full council approval of that report in March 2015;
- (ii) that approval be given the proposed highways maintenance programme for 2015-16 and the provisional programme for 2016-17 as detailed in Appendix B to the report from the Strategic Director of Environment and Neighbourhoods.

### 13. **Promoting Individual Electoral Registration - Scrutiny Task Group Report**

Councillor Nerva (Chair of the Promoting IER Scrutiny Task Group) was present to introduce the report on the findings and recommendations of the scrutiny task group's investigation into how to manage a successful transition to Individual Electoral Registration (IER). The IER system went live in July 2014 and was expected to fully supplant the current Household Electoral Registration system on 1 December 2015 with the aim of making the process of registration more convenient and secure. Councillor Nerva summarised the timetable for registration, the implications for the Electoral Registration Service and the task group's suggestions on how to encourage residents to register. He stressed the need for increased member engagement and targeted outreach work. Councillor Nerva thanked members and officers for their contributions to the work of the task group.

Councillor Pavey (Deputy Leader) welcomed the task group report and the implementation plan in place on which he received regular updates. Members agreed on the need for efforts to be made to increase registration and also community engagement.

RESOLVED:

- (i) that the recommendations in the report be endorsed;
- (ii) that the members of the task group be thanked for their work.

### 14. **Performance Report Q3, 2014/15**

The Cabinet received the report from the Chief Executive which provided a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively. The Leader of the Council in introducing the report acknowledged that

improvement needed to continue and pointed to plans to change data sets to make them more reflective.

RESOLVED:

- (i) that the performance information contained in the report be noted and agreement given to remedial actions as necessary;
- (ii) that the current and future strategic risks associated with the information provided be noted and agreement given to remedial actions as appropriate;
- (iii) that the recent changes in methodology to the complaints performance indicators (statutory and corporate) be noted.

**15. National Non Domestic Rates – Autumn Statement December 2014 – Discretionary Discounts**

The report from the Strategic Director, Regeneration and Growth sought ratification of the implementation of schemes to award discretionary reliefs for business ratepayers which satisfied the criteria set by the Department of Communities and Local Government (DCLG) for these schemes as announced by central government in the Autumn Statement of 3 December 2014 to come into effect from 1 April 2015.

RESOLVED:

- (i) that the retail rate relief discount scheme, which was originally agreed by the Executive on 24 March 2014, be amended so that a £1,500 discount was awarded to qualifying businesses for 2015/16 as detailed in paragraphs 3.1 to 3.4 of the report from the Strategic Director of Regeneration and Growth pursuant to the council's powers under section 47 of the Local Government Finance Act 1988 be approved;
- (ii) that the scheme extending transitional relief for two years from 1 April 2015 for properties with a rateable value of £50,000 or less as detailed in paragraphs 3.5 to 3.9 of the report be agreed pursuant to the council's powers under section 47 of the Local Government Finance Act 1988;
- (iii) that the Chief Finance Officer be authorised to implement the schemes referred to in paragraphs 2.1 and 2.2 of the report so that the agreed discretionary discounts and reliefs in business rates can be awarded in compliance with the criteria set out by the Department for Communities and Local Government.

**16. Authority to award a contract for Independent Reviewing Officer Services**

Councillor Moher introduced the report which requested authority to award a contract for the provision of Independent Review Officer Services to the Council as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering the contract and, following the completion of the evaluation of the tenders, recommended to whom the contract should be awarded.

The Chief Finance Officer drew attention to the tendering arrangements which were not competitive due to the absence of a market for this service. Councillor Moher commended the work of the existing provider and the difficulties there would be in providing the service in-house and the advantages of having a single stable IRO service provider, sentiments which were echoed by the Strategic Director, Children and Young People.

RESOLVED:

that the contract for the provision of Independent Review Services for an initial contract period of two years from 1st April 2015 to 31st March 2017 be awarded to Aidhour Limited with an option for the Council to extend the contract by an additional 12 months subject to satisfactory performance.

(The Chair certified this item as urgent because the existing contract with Aidhour (an organisation that provides the chairs for looked after children's reviews) was due to expire. If there was no contract in place, services to looked after children would be jeopardised).

**17. Reference of item considered by Scrutiny Committee**

None.

**18. Any other urgent business**

None.

The meeting ended at 4.10 pm

M BUTT  
Chair



 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 April 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director of Adult Social Care</b></p>
For Action	Wards Affected: ALL
<b>AWARD OF CONTRACT FOR CARE PROVIDER SERVICES</b>	

## Not for publication

Appendix 2 to this report is not for publication as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"

### 1.0 Summary

1.1 The report concerns the commissioning of a new service delivery model for care services at a proposed new Extra Care facility at Park Royal in Brent. It seeks approval to progress with Direct Payments (DP) for all residents and an exemption from tendering in accordance with Contract Standing Order 84(a) to allow Officers to enter into discussions with the proposed provider and agree appropriate commercial and service terms leading to the award of a contract.

### 2.0 Recommendations

2.1 That Members approve an exemption from the usual tendering requirements of Contract Standing Orders in order for appropriate commercial and service terms for the Extra Care facility contract at Park Royal to be agreed.

2.2 That Members note that the final decision to award the contract for the 'shared' elements of the service at the Extra Care facility at Park Royal

will be subject to the approval of a further Cabinet report which will recommend that Mears Care Limited are awarded a contract with an initial term of one year with an option to extend for a further year.

### **3.0 Detail**

#### **Background – Extra Care**

- 3.1 Extra Care is accommodation based care and support for people who can no longer live independently in their own home but do not need to or want to move in to a residential or nursing care home. It offers the independence of 'your own front door', and your own home but with the security of 24 hour flexible on site care and support and a community of friends and peers close at hand.
- 3.2 Brent has 176 units of Extra Care accommodation at the moment. This accommodation provides support to people who have relatively high care needs (over 14 hours of care a week). The current delivery model is for a registered housing provider to own and manage the building and for Adult Social Care (ASC) to commission the care for all residents separately as a single contract. The recently approved WLA Home Support Framework includes an Extra Care lot which was designed for this purpose.
- 3.3 The key strength of this approach is it creates an economy of scale in the care provision, which means the provider can always have care staff on site to respond to unplanned care needs and emergencies. The other key strength is that by separating out the care contract from the accommodation, it can be re-tendered on a competitive basis, periodically, in line with EU regulations. However, this can create challenges. Having different providers delivering different elements of the service make it more challenging to deliver economies of scale across the service and even with clear specifications, for both the housing management aspects of the service and the care and support services, there can be duplication of roles on a day to day basis. What's more, well designed care and support plans for individual residents can deliver personalised support in this model, but there is an argument that says ultimately the residents still do not have complete choice and control over their care provider.

#### **New Accommodation for Independent Living Project**

- 3.4 Brent Council Cabinet approved the ASC Market Position Statement (MPS) in February 2014 - attached at Appendix 1. The MPS set out the Council's vision of transforming the accommodation based care and support market in Brent and to develop more Extra Care and supported

living accommodation in Brent. (This is also reflected in the Council's 2014-18 Housing Strategy.) The overarching objectives of this approach are to ensure there are alternatives to residential and nursing care homes, which give people greater choice and control to live independently and improve their quality of life, while making the best use of public money.

- 3.5 To realise this strategy, ASC and Housing have embarked on a project; 'New Accommodation for Independent Living' (NAIL) to work with the care and housing markets to develop more local Extra Care and supported living accommodation. At the start of the project there were 136 Extra Care units of accommodation in Brent. The NAIL project is set up to deliver a further 340 units of accommodation by 2017-18. This is ASC's most challenging target and project.
- 3.6 The key challenges this project has been tackling in order to deliver the targets are:
- Identifying appropriate development sites locally due to land availability, suitability and cost in Brent
  - Ensuring providers have the confidence to invest in Extra Care and supported living facilities in Brent, given the costs associated with the planning and development process, the risk of managing void costs given the Council's exclusive nomination rights
  - Developing a new care model for this expanded market that not only is in line with procurement rules, but also delivers on the Council's commitment to give people choice and control over the care they receive.
- 3.7 The NAIL project delivered 40 units of accommodation at Willow House in February 2015, an additional 99 Extra Care units are in development by housing association ASRA Housing Group for delivery in early 2016. There are plans for three further sites in 2016/17 which will deliver an additional 100 units, but the challenges set out above remain, and the work described in this report is another important part of tackling those challenges, and delivering this project and the long term commissioning approach for the Council.

### **Plot 3 – Park Royal**

- 3.8 This site was identified early on in the NAIL project as one possible site for the provision of a new, large (80-90 unit) Extra Care facility in Brent. It is located in Park Royal opposite Central Middlesex Hospital. It is also adjacent to the existing Victoria Centre Nursing home and another Extra Care scheme which is currently being built by ASRA Housing Group.
- 3.9 The Plot 3 site already has an extant outline planning permission for the development of residential care accommodation and a feasibility

study was undertaken at the end of last year in conjunction with the site owner, Montpelier Estates, to consider the suitability of the site for Extra Care housing. The feasibility study included consultation with a range of stakeholders and a workshop with service users. The study concluded that a well-designed and high quality Extra Care housing scheme that met best practice guidelines such as the HAPPI criteria (Housing our Ageing Population Panel for Innovation) could reasonably be developed to help meet increasing local needs for accommodation for older persons meeting the Council's eligibility criteria for ASC services.

- 3.10 After fully considering the outcome of the feasibility study, which is enclosed as Appendix 2, the NAIL project board agreed with Montpelier Estates that both parties would work together to explore the delivery of the new Extra Care facility.
- 3.11 Montpelier Estates own the site, but they needed to find a housing provider with registered provider status to purchase the site and build the new facility. Over the last few months Montpelier Estates have undertaken a dialogue with a number of prospective registered housing providers which the Council has been engaged in where appropriate. After exploring opportunities with a number of prospective housing providers, Montpelier Estates have confirmed that only one, Plexus, is in a position to deliver the new facility in line with their requirements as the site owner, with the tenure ASC require as commissioners and within the timescales ASC require to meet its NAIL targets.
- 3.12 Plexus is a housing provider with Registered Provider status with the National Homes and Communities Agency, the regulatory body for Housing Associations as per the Housing and Regeneration Act 2008, and forms the 'not for profit' housing arm of the wider Mears Group which is a publicly limited company. Mears are a provider of registered care services locally. The Council already commissions Mears to provide domiciliary care services in Brent and they were successful in being appointed to the WLA Home Support Framework in October 2014 to provide domiciliary care services. They were also successful in being appointed to the Extra Care lot on the framework and have therefore met the quality and price criteria required to be awarded a contract.
- 3.13 Following further dialogue between the Council and Plexus/Mears, they have confirmed that for them to build the new Extra Care facility they would want to provide the care and support service for the first 2 years alongside the delivery of the housing management service as landlord. The rationale for this is that they are planning to deliver the site purely through a private finance model (with no equity or public sector grants). They have advised the Council that the financial risks relating to voids and operational costs particularly in the first year of delivery as people move in are significant enough to make this request. In order to satisfy

its funders, Plexus/Mears are required to present a robust business plan which demonstrates there is an established position on the delivery of the housing management and care services element before entering into the funding structure, and this includes delivering the care in the first 2 years.

- 3.14 This creates an issue for the Council as this does not fit with the current Extra Care service delivery model in Brent, which currently separates out the accommodation/housing management services from the care and support service.

### **Proposed Solution**

- 3.15 This situation provided an opportunity to rethink and test new ways of delivering Extra Care, which is a key part of the NAIL project transformation and deliver two of the Council's key priorities. The proposed solution is three fold:
1. Pilot a move away from a single contract for the delivery of all care and support services in the Extra Care accommodation to a Direct Payments model.
  2. To ensure the availability of a flexible and responsive 24 hour service to support the delivery of a direct payments model , with the 'shared' elements of the care and support service delivered and managed through a contract to deliver these elements of the service.
  3. To further test this new delivery model, by having a single provider delivering the shared element of the care and support service alongside the delivery the housing management service.
- 3.16 Every resident would be provided with a DP to purchase their planned care and support needs which would give them greater choice over who delivers their care. They could choose to have Mears deliver their planned care and support needs alongside the provision the 'shared' care and support service or they could decide to go to a care agency or they could choose to employ someone directly. This approach would mean that all residents would be given a DP. However some people will not want to or be able to manage their DP, they will want the Council to do it for them. Therefore, the Council will need to ensure that there is a managed account DP option, which gives the person control, but allows them to delegate the management of their DP. The Council already commissions a provider to support people to manage their DP so this support is already in place and available.
- 3.17 There would then be the need to contract for the "shared service" element of the care and support service that cannot be delivered through DP's. This would include the availability of on-site 24 hours a day staff presence to provide 'waking night' cover to support people

with their care needs at night and to provide an immediate and responsive services to meet any unplanned care and support needs that may arise at any time that cannot be predicated.

- 3.18 The day to day housing management of the scheme will be funded separately through housing benefit as would be the usual model (ASC are only responsible for paying for peoples care and support and are not responsible for paying any costs related to the housing management service – this will not change).
- 3.19 In order to deliver this solution, Officers need to secure the exemption from the usual tendering requirements to award a contract for the shared care and support service for a 2 year (1+1) period. This 2 year period would provide assurance to Plexus/Mear's financiers that the payback for the upfront scheme investment can be made, and would allow the Council to test a new DP's approach to delivery of Extra Care.
- 3.20 It is proposed that negotiations with the Plexus/Mears start immediately and are subject to guarantees that would subsequently be confirmed in the contract, on:
- Quality – clear quality standards are agreed, and there are clear processes for escalating quality concerns and for suspending or terminating the contract if these issues cannot be rectified
  - Cost – assurance that the cost is no more than the average cost on the WLA Home Support Framework including London Living Wage.
- 3.21 Agreeing this exemption, and setting out clear parameters for negotiation understood by both parties, will ensure that the planning and development work for the site can also start in parallel and ensure that delays in delivering the site are minimised and we are able to meet the challenging targets we have set as part of the NAIL project.

### **Risks and mitigation**

- 3.23 Plot 3 is a unique site opportunity in the NAIL project. It offers a size and scale unlike any other opportunities we have identified so far. However, the Council needs to be assured that any decision that is made will deliver high quality care, is financially sustainable in the long term and offers value for money. Therefore a number of risks and issues need to be addressed relating to this proposed solution and the developing Extra Care market in Brent.
- 3.24 Brent Council has not delivered Extra Care through DP's before. The approach is clearly in line with the Council's' priorities, but it has not been tested. We do not know conclusively that the theoretical benefits of individual choice and control delivered on this scale will outweigh the operational benefits of a single contract managed by the Council for people with the most complex needs. However, we do already have a

managed account model for DP's, which will support those who cannot manage their DP, and perhaps more importantly while this model has not been delivered in Brent, it has been delivered successfully in other parts of the country, which we can learn from. We have also used a DP model in smaller supported living schemes for residents with learning disabilities with very high, complex needs and this has worked well.

- 3.25 The proposed solution potentially creates additional complexities in assuring high quality provision for all residents. There could be more than one provider on the site delivering planned care through DP's and through the single provider for the responsive 24 hours 'shared service'. This is not as simple as a single provider for the whole service, but it is no more complex than the arrangements across the home care and extra market as a whole. As we do with all providers, we will agree clear performance and quality standards that are robustly monitored and underpinned by contingency plans for any possible provider failure scenarios – this is a requirement of the Care Act from April 2015. This will include a clause in the 'shared service' contract setting out the Council's right to undertake a competitive procurement for the service at any time during the life of the contract should the quality of the service fall below what it expects and corrective actions have not been implemented effectively.
- 3.26 It could be argued that managing the costs would be simpler through a single contract for Extra Care from the current WLA Home Support Framework. However, not delivering the care through the Framework does not mean we cannot manage the costs by aligning them to the prices set within the agreement. The DP rate is set and provides efficiency savings against core home support rates, and as stated above, negotiations for the 'shared service' would be benchmarked against the average rate we currently pay for care and support in Extra Care, including London Living Wage, to ensure that costs are managed for the Council and there is no financial advantage for the provider against the those on the current Framework.
- 3.27 There is also a potential risk in how both elements of this service model (DP's and the 'shared service') is perceived by other current and future providers. Extra Care is a rapidly expanding market in Brent and across the country, which brings with it new providers (social care and housing) and new models of delivery. There is also a need to test new models of delivery in response to the changing demands of national legislation (Care Act 2014) and individual expectations for choice and control. This proposed solution responds to this changing context by responding to individual circumstances of this site (including the size and scale of the proposed development and the proposed financial model for development), and piloting a new approach which delivers on core priorities while clearly managing the risks. There will be clear quality and price conditions underpinning the negotiation of the 'shared service', reflected in termination and break clauses which will allow the

Council to change it's approach if problems arise. And the piloting of this approach is clearly part of a the NAIL project and will therefore be of clear benefit in developing the Council's long term response to the need for increased Extra Care and supported living accommodation.

- 3.28 In addition to the risks of implementing this new approach, there are also risks to not implementing the proposed approach. The key risk, if Cabinet decide not to agree the DP/shared care service model, is to the timescales for the development of the site. There are other ways forward, for example, refusing to negotiate on the current care delivery model forcing Plexus/Mears and/or Montpellier to change their approach, or even for the Council to buy the site and develop it. However, any variants of these options will lead to significant delays in delivering the Extra Care accommodation and a risk that it will not be delivered at all.
- 3.29 Therefore, it is proposed that the new service delivery model (for a maximum of 1+1 years and with a 'shared service' contract with clear price and quality conditions) is agreed as the alternative are not sufficient enough to outweigh the benefits of the proposal. Piloting a new approach in line with the Council's objectives and delivering much needed Extra Care accommodation will deliver significant benefits for people to live independently for much longer.

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that exemptions for supplies and services exceeding £172k or works contracts exceeding £250k shall be referred to the Cabinet for approval of the exemption and award of the contract.
- 4.2 The estimated value of this shared care service contract is £316k per annum. This is based on the anticipated level of activity for an 80 unit Extra Care facility and priced at an average LLW inclusive hourly cost from the Extra Care lot of the WLA Home Support Framework.
- 4.3 It is anticipated that the cost of this contract would be funded from the ASC Extra Care budget in line with the NAIL project model.
- 4.4 The NAIL savings in totality equate to £7.5m, which have been budgeted to be delivered throughout the coming 3 financial years. This site would potentially deliver £1.1m of these savings if fully utilised for 80 units of Extra Care accommodation.

#### **5.0 Legal Implications**

- 5.1 Contracts for the provision of care services fall within Schedule 3 of the Public Contract Regulations 2015 ("EU Regulations"). The estimated value of the proposed contract over its lifetime is less than the



threshold for Schedule 3 contracts of £625,050. As a result the procurement of the contract is not subject to full requirement of the EU Regulations.

5.2 Despite the procurement of the contract not being subject to full requirement of the EU Regulations, the general EU requirements for transparency, non-discrimination and equal treatment will normally require advertising and some form of competitive process before contract award even for below threshold procurements, especially if a contract is likely to be of interest to overseas EU providers. As detailed in paragraphs 3.10 to 3.14, officers have explored the competitive procurement of the shared services element to the care services but have been advised by housing provider for the proposed Extra Care housing scheme that it requires any 'shared service's element to the care services to be delivered by Mears Care Limited failing which the scheme will not be financially viable and the will not therefore be available to the Council. As a result there is effectively only a single contractor that can be appointed and therefore it can be maintained that the direct award of the contracts does not contravene these general duties.

5.3 The estimated value of the proposed contract with Mears Care Limited is such that it is classed as a High Value Contracts for the purposes of the Council's Contract Standing Orders. Contract Standing Order 96(a) provides that for contracts with an estimated value below the EU Procurement Regulations threshold, tenders shall be invited for High Value Contracts. However, Contract Standing Order 84(a) provides that subject to compliance with domestic and European legislation, the Cabinet may agree an exemption from the requirement to procure in accordance with Contract Standing Orders where there are "good operational and/or financial reasons". For the reasons detailed in paragraph 5.2 it is not considered there is a breach of domestic or EU legislation. Further, Officers consider that there are good operational and financial reasons for negotiating and awarding the contract directly to Mears Care Limited rather than carrying out a formal tendering process. These reasons are set out in paragraphs 3.15 to 3.21 of the report.

## **6.0 Diversity Implications**

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Staffing Implications**

7.1 The proposed service is a new service it will be provided by an external contractor. As a result there are no implications for Council staff arising from the proposed award.

## **8.0 Public Services (Social Value) Act 2012**

- 8.1 Whilst agreeing the terms of the final contract the requirements of the Public Services (Social Value) Act 2012 shall be considered i.e. how the services to be procured may improve the economic, social and environmental well-being of Brent. The service under this contract has as its primary aim, the improvement of the social wellbeing of some of the most vulnerable groups in Brent.

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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:

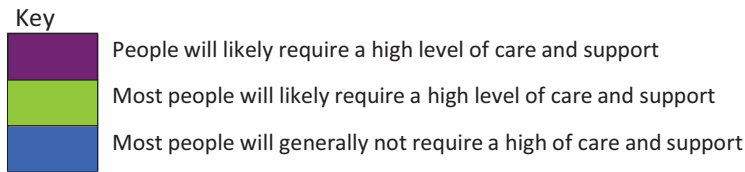
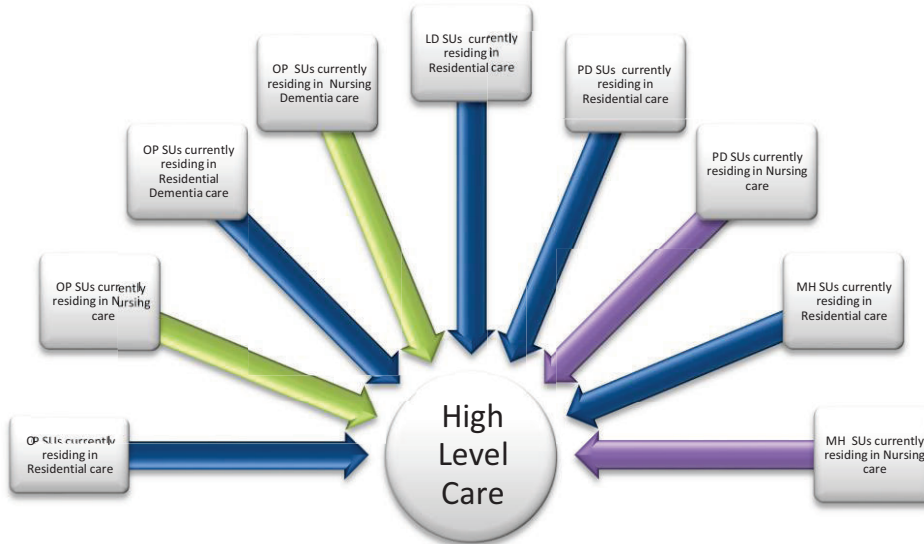
- **Principle 1:** Wherever possible we meet people's needs at home or as close to home as possible and we will build local capacity in the marketplace to achieve this
- **Principle 2:** We recognise that the needs of individuals may change over time, and we work with individuals receiving care and support 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

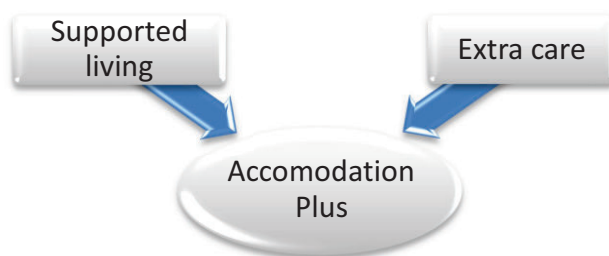
warrant the need for residential or nursing care in every case. Figure 1.0 shows the historically relationship between current types of provision and high level need.

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

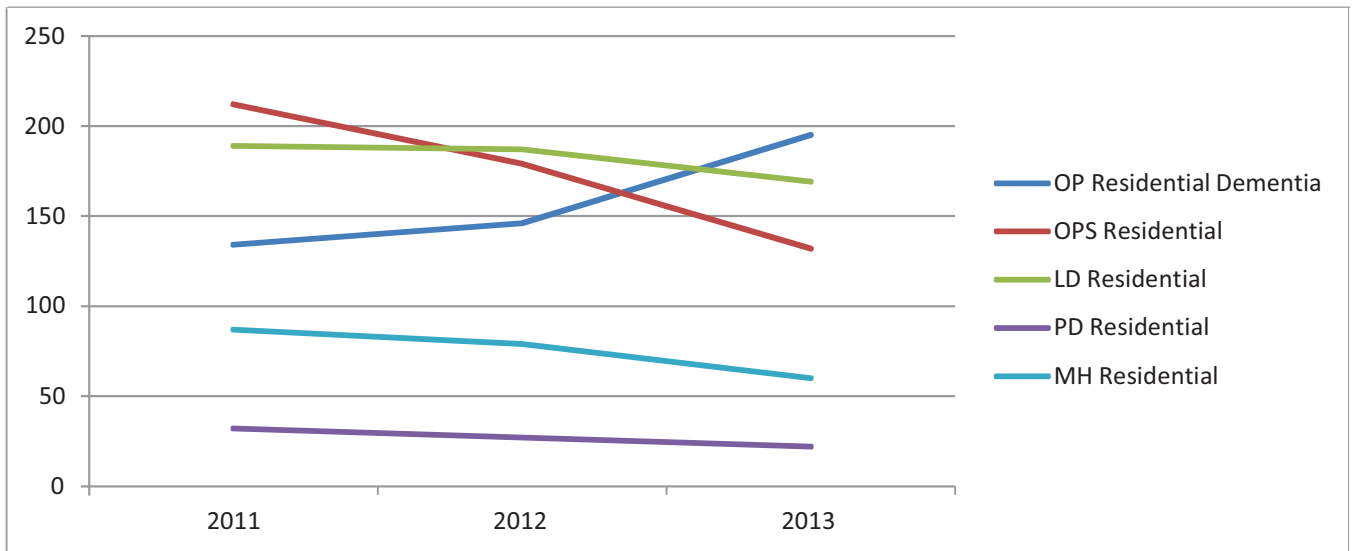
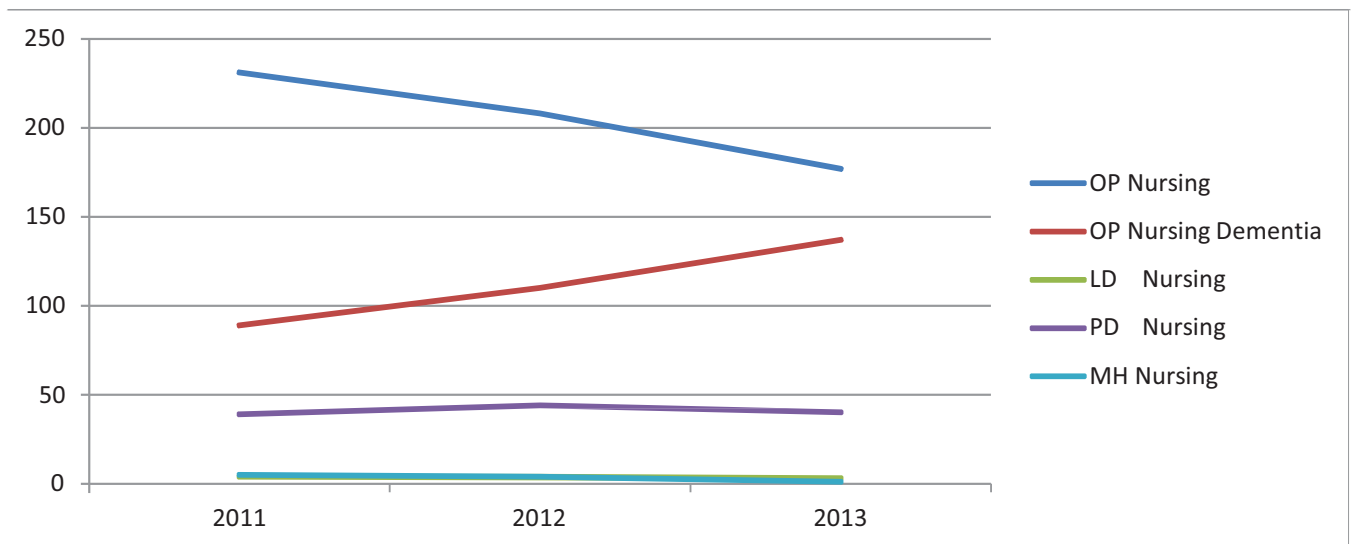


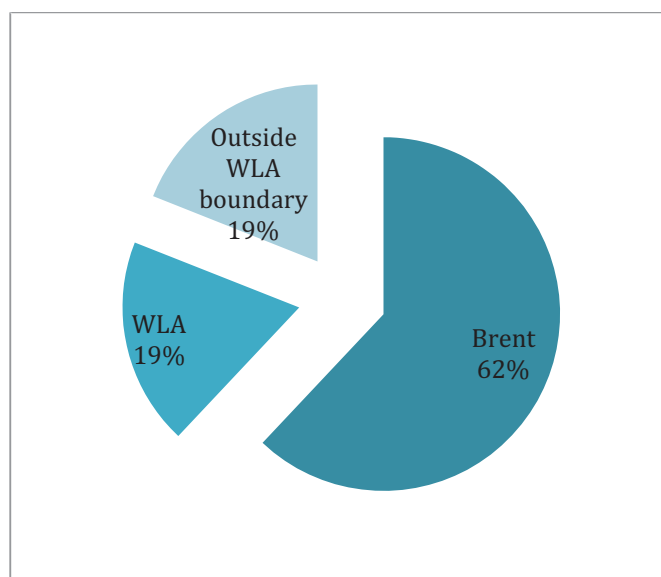
Figure 5.0 Three-year trend in utilisation of nursing care by care group



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

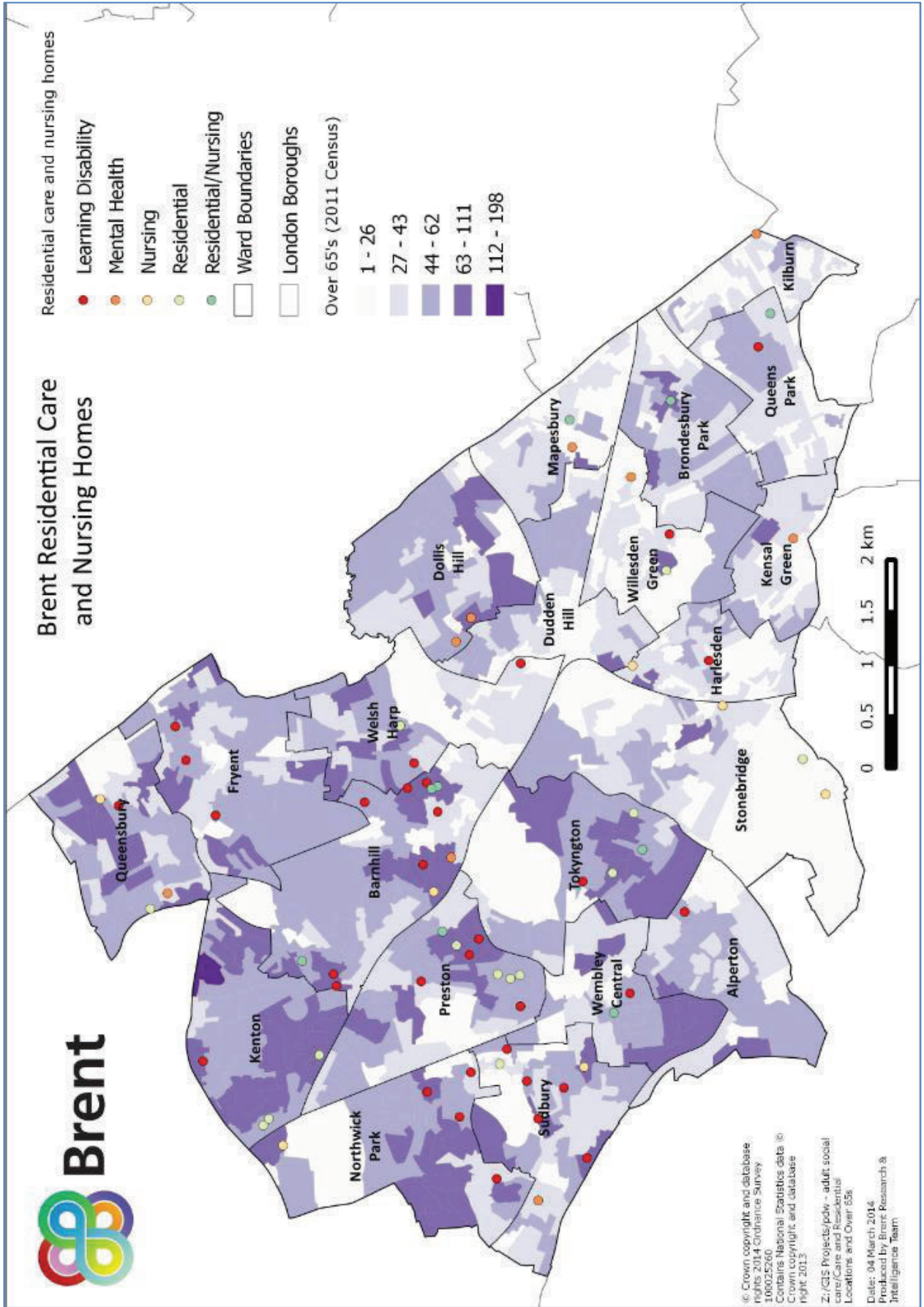


There are 1287 residential and nursing care beds within Brent. This capacity is concentrated along the southern borough boundary (72 per cent), with a smaller cluster of units along the northern borough boundary (28 per cent). Significantly, only 40 per cent of these beds were used by the council within 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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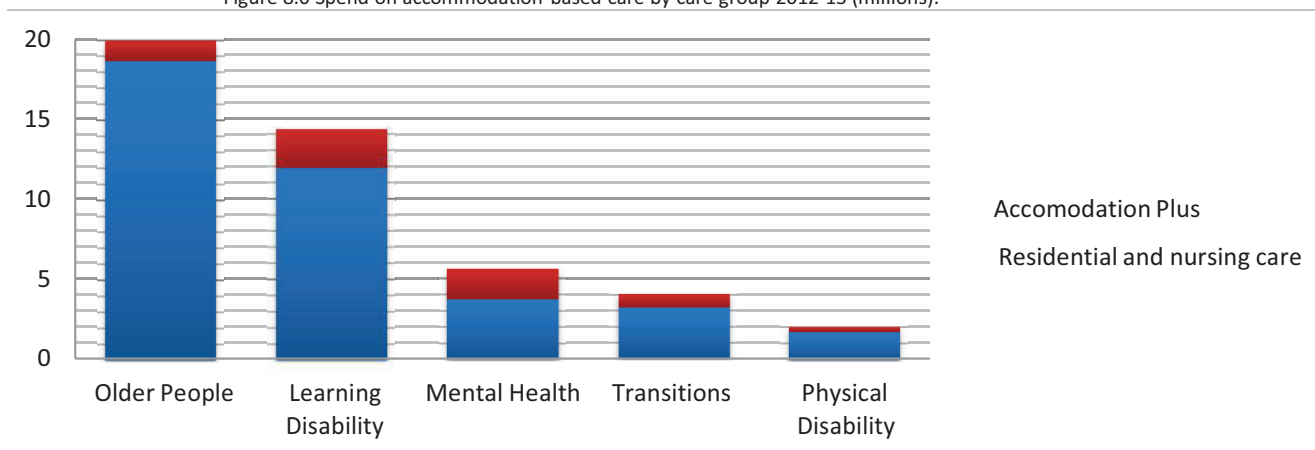
<sup>1</sup> People who pay for care: quantitative and qualitative analysis of self-funders in the social care market, Institute of Public Care (2011).



## 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.

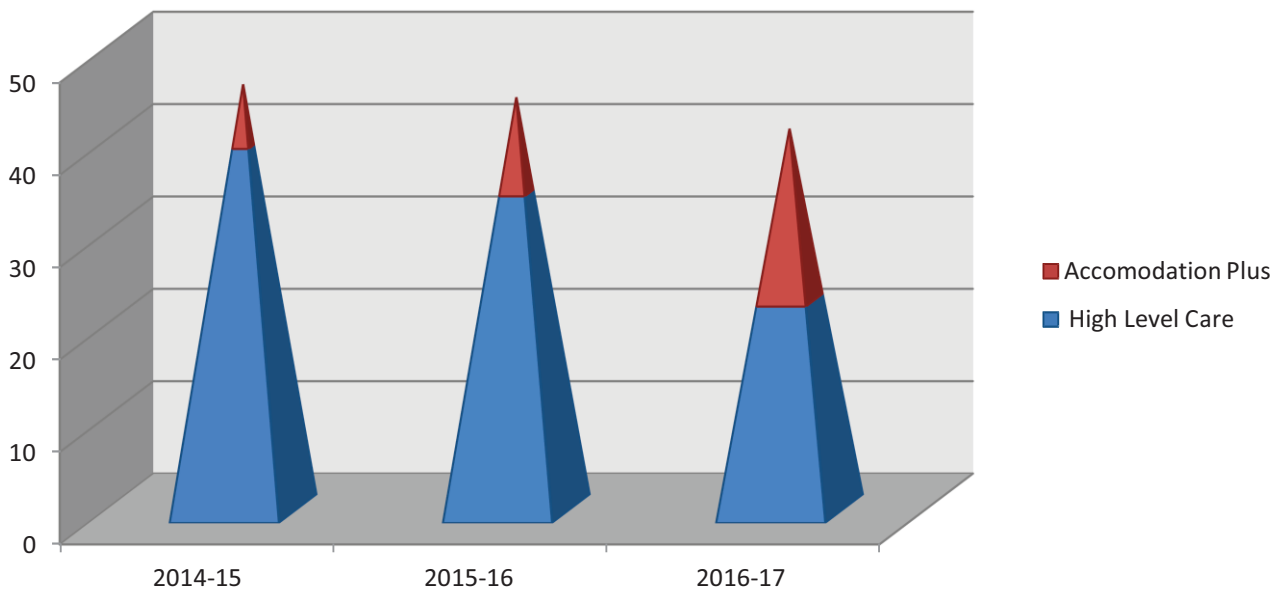
Figure 8.0 Spend on accommodation based care by care group 2012-13 (millions).



## 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.



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:</b> 16/10/2014 <b>Completion date</b> 14/11/2014 <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

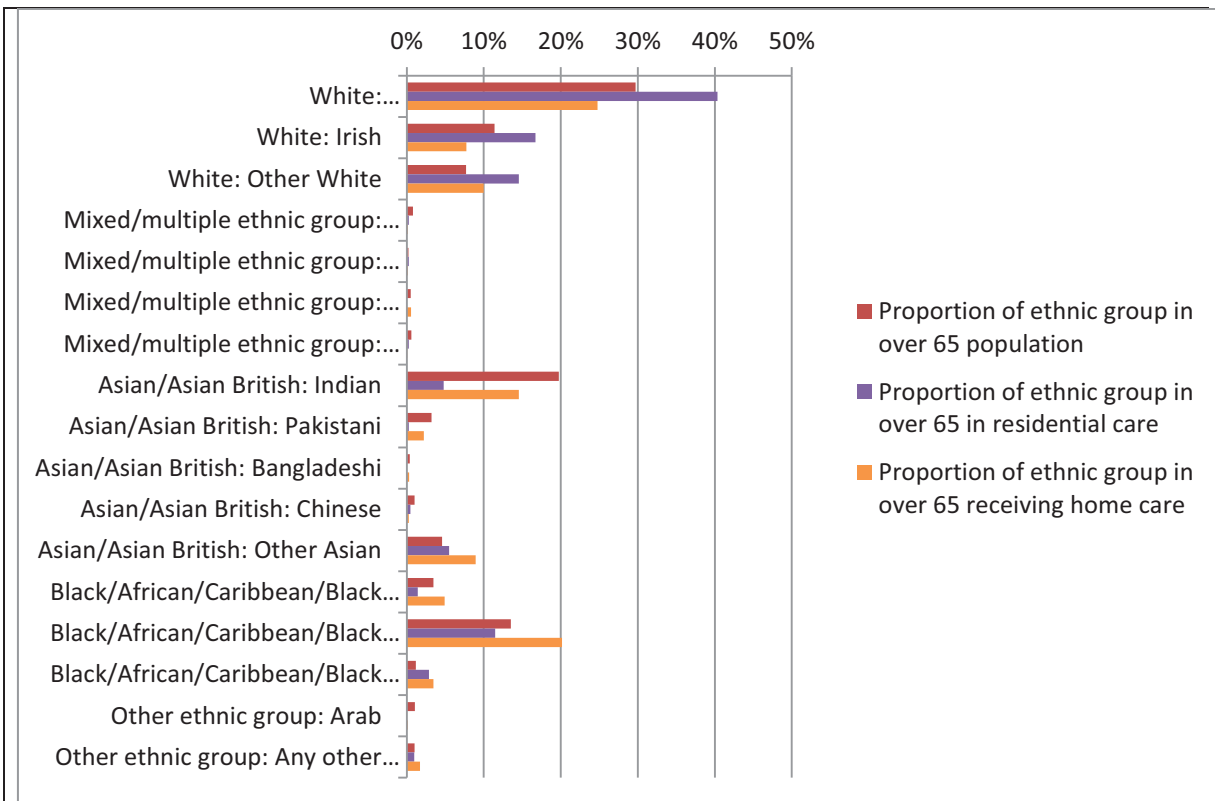
users with complex physical needs.

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?**

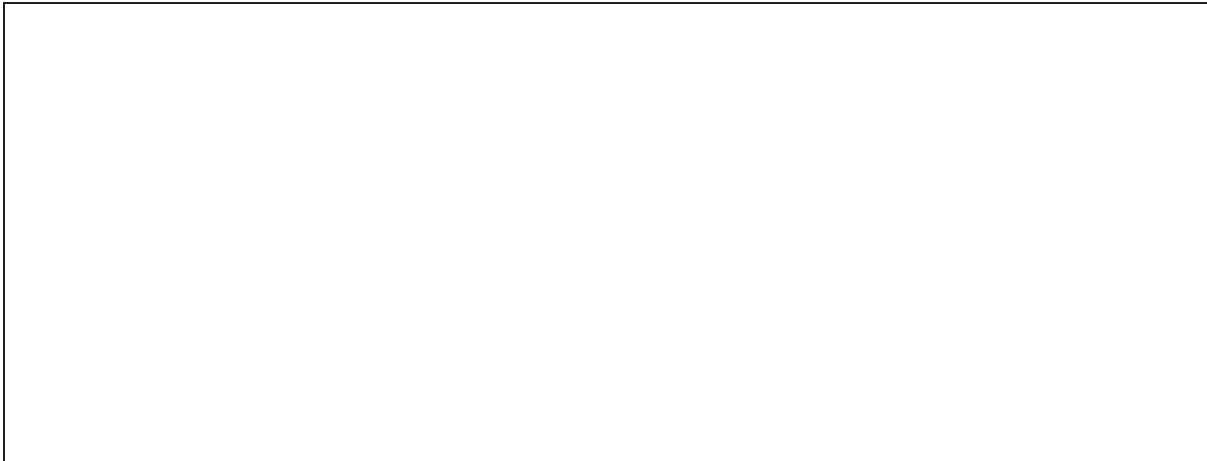
The feedback has highlighted the need to manage the ambiguity around these changes, ensuring that families are well-informed throughout the process. This element of the project has been written into the job description of NAIL Project Manager. This experience has provided useful insight into the concerns 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.

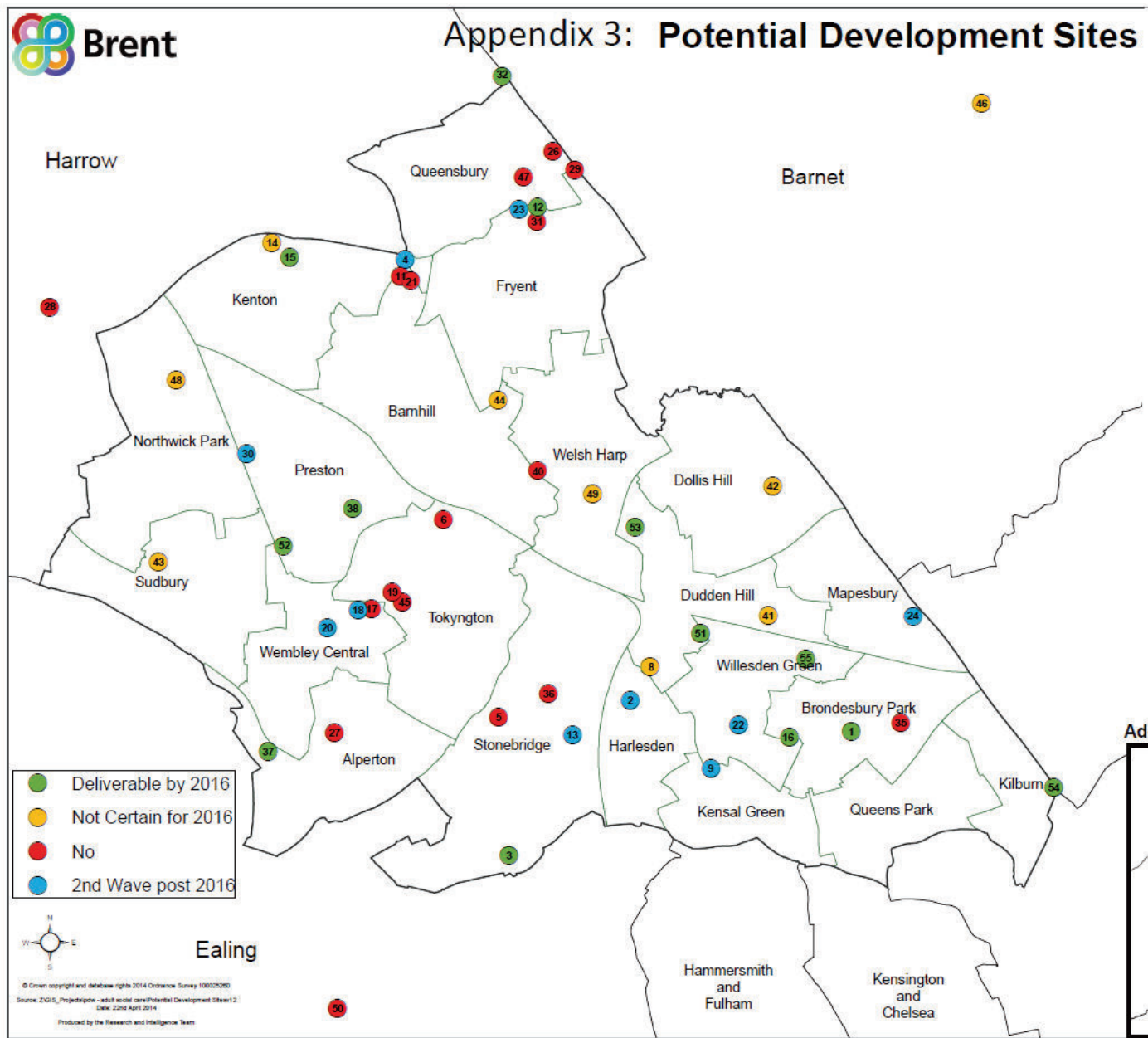
<b>1. What do we know about the types of people who we think would move into Clement Close and Peel Road?</b>	
a. What level of physical disabilities do we expect?	High levels, some wheelchair uses, some electric wheelchair uses, some people with limited mobility e.g. holding onto a carer, shuffling 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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**Cabinet**  
14 April 2015

## **Report from the Strategic Director Adults**

Wards affected:  
ALL

### **Report from Brent Safeguarding Adults Board in relation to proposed governance arrangements**

#### **1.0 Summary**

- 1.1** The council is required to establish a Local Safeguarding Adults Board ['LSAB'] together with associated governance arrangements and to appoint a Chair in accordance with the requirements of the Care Act 2014. This paper sets out the requirements for agreement by the Cabinet.

#### **2.0 Recommendations**

- 2.1** The Cabinet is asked to:
- 2.2** Adopt the proposed Constitution of the Brent LSAB attached at appendix 1 of the report;
  - 2.3** Delegate the council's new adult safeguarding responsibilities to the Strategic Director Adults;
  - 2.4** Delegate authority to the Strategic Director Adults following consultation with the LSAB, the Chief Executive and Cabinet Member for Adults, Health and Wellbeing to make minor amendments to the LSAB Constitution as and when necessary;
  - 2.5** Enter into a formal agreement between the LSAB Partners to support the functions of the Board and formalise a Pooled fund for the LSAB; and
  - 2.6** Delegate authority to the Strategic Director Adults following consultation with the LSAB Partners, LSAB chair and Chief Finance Officer to negotiate, vary, extend, renew or terminate the Pooled Funding Agreement for the LSAB on behalf of the Council in consultation with the Cabinet member for Adults, Health and Wellbeing.

### 3.0 Detail

- 3.1** The Council has a new statutory duty set out in s.42 of the Care Act to undertake safeguarding enquiries in relation to adults at risk who are or maybe experiencing abuse or neglect. It is proposed that the Council's new adult safeguarding responsibilities are generally delegated to the Strategic Director Adults.
- 3.2** In addition the Council has a statutory duty set out in s.43 Care Act 2014 to establish a LSAB.
- 3.3** Establishing a statutory Partnership will enable Brent Council to work with its Partner Agencies to build on the success of the existing LSAB so as to meet the new duties set out within the Act. It should be noted that the Care and Support Guidance issued under the Care Act 2014 requires that safeguarding functions are conducted in a manner that takes into account individual circumstance and preferences and that responses to risks or reports of abuse and/or neglect are person led and outcome focused. Brent Safeguarding Adult's Board is built on the foundation of 'Making Safeguarding Personal' and embedding this approach across the partnership remains a key priority.
- 3.4** Although it is not a statutory requirement, the Care and Support Guidance recommends that Councils consider appointing an Independent Chair to the LSAB who is not an employee or a member of an agency that is a member of the Board. The Chair has a crucial role to lead collaboratively, give advice, support and encouragement but also to offer constructive challenge and hold main partners to account and ensure that interfaces with the other strategic functions are effective whilst also acting as a spokesperson for the Board. The Independent Chair can provide additional reassurance that the Board has independence from the Local Authority and other partner agencies. Presently the LSAB is chaired by an Independent Chair and the membership have recommended that they would wish to continue this arrangement.
- 3.5** In accordance with the Statutory Guidance the Chair will be accountable to the Chief Executive of the Local Authority as lead body responsible for establishing the LSAB but should be appointed by the Local Authority in the name of the LSAB having consulted all its statutory partners.
- 3.6** The Care Act 2014 requires the LSAB is made up of members of the Local Authority which established it: a Clinical Commissioning Group, the whole or part of whose area is in the Local Authority's area, the Chief Officer of Police for a Police area, the whole or part of which is in the Local Authority's area and such persons, or persons of such description as may be specified in the regulations. It may also include such other organisations and individuals as the establishing Local Authority, after consultation with LSAB Partners, considers appropriate.

- 3.7** The Care Act establishes safeguarding adults at risk as a corporate responsibility requiring a coordinated response across relevant directorates within the Council and Partner Agencies. The proposed Constitution, attached at appendix 1, is drafted so that the proposed membership is to be as inclusive as possible. Cabinet will note that the Cabinet member for Adults, Health and Wellbeing has membership in an observer capacity; by adopting this approach there is a clear delineation of responsibilities between the Council and the LSAB and no conflict of interest. In addition Cabinet will note that membership will also include the Strategic Director: Adults, Strategic, Director Children and Young People, Operational Director for Housing and Director of Regulatory Services.
- 3.8** The main objective of LSAB is to assure itself that the local safeguarding arrangements and partnerships act to help and protect adults at risk or experience abuse or neglect. The LSAB is a multi-agency strategic Board that will coordinate the strategic development of Adult Safeguarding across Brent and ensure the effectiveness of the work undertaken by the Council and Partner agencies in the area. It will also maintain links with other related partnerships (e.g. Local Safeguarding Children Board, Safeguarding Brent Partnership and the Health and Wellbeing Board) to maximise strong synergies between the work of many of their bodies to ensure impact on outcomes, minimise duplication as well as efficiencies in taking work forward.
- 3.9** The Board will appoint sub groups, detailed at 6.3 of the Constitution, to carry out much of the day to day work of the LSAB. Terms of reference for these groups have been drafted. A Membership handbook and role descriptions for the Chair, Board members and Sub Group Chair and members have been devised as a matter of good practice and governance.
- 3.10** Para 2, schedule 2 Care Act 2014 allows a Partner to make payment towards expenditure incurred by or for the purpose connected with a LSAB established under s43 Care Act. The payments can be made directly or by contributing to a fund out of which payment may be made. Partners, most notably the Police and CCG, have agreed in principle, to contribute towards these costs. It is intended that partners will enter into the proposed Pooled Fund agreement.
- 3.11** The Care Act conveys powers on the LSAB to request the supply of information for the purpose of enabling or assisting the LSAB to exercise its functions. To ensure that this is done in compliance with the legal framework for information governance the LSAB have adopted a joint Information Sharing Agreement, attached at Appendix 2, it is anticipated that any dispute arising from a request made under this power would be addressed through the dispute resolution process set out within the LSAB Constitution.

## 4.0 Financial Implications

- 4.1 Whilst the LSAB has existed in Brent for a number of years it has not been on a statutory footing and there has not previously been any contributions from partners or an agreement to formalise funding arrangements.
- 4.2 The current approximate cost of the LSAB per annum is £90k. The table below breaks down the funding sources.

<b>Funding</b>	<b>Secured</b>	
Brent Council	Yes	£30k
Brent CCG	Yes	£30k
Police	No	£30k
<b>Total Pooled Fund</b>		<b>£90k</b>

- 4.3 It is proposed that the 3 core partners contribute equally to the pooled budget. This has been agreed by the CCG, but has not yet been confirmed by the Police. If it is not agreed, it is expected that the board will operate on a reduced budget of £60k. This will be managed through funding individual Serious Case Reviews case by case rather than through the pooled fund.
- 4.4 Any underspend incurred in any Financial years shall be managed by the LSAB with the consent of the Partners.
- 4.4 A Pooled Fund agreement will enable the legal pooling of Partners' contributions for expenditure incurred by the LSAB when carrying out its functions. It is a requirement that any Pooled Fund is formalised in writing. The proposed agreement sets out the resource allocation which will include the Independent Chair, staffing costs, cost of an annual conference, publicity and Safeguarding Adults Reviews in accordance with s44 Care Act 2014. Decisions on annual funding will be discussed at board meetings.

## 5.0 Legal Implications

- 5.1 The Care Act 2014 requires Brent Council to establish a LSAB and provides for accountability of the Independent Chair to the Chief Executive of the Local Authority.
- 5.2 Para 2, schedule 2 Care Act 2014 provides authority to establish and maintain a Pooled Fund to support the work of the Brent LSAB.
- 5.3 If the recommendations set out in this report are agreed by Cabinet, the changes that will need to be made to the constitution, as set out in Annex A of this report, to recognise the LSAB and the adult safeguarding responsibilities of the Strategic Director Adults will be reported to Full Council for approval in due course.

## **6.0 Diversity Implications**

6.1 None

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

7.1 None

### **Background Papers**

The Care Act 2014

The Care and Support Statutory Guidance (most notably chapter 14)

Appendixes

1. LSAB Constitution
2. Information Sharing Agreement

### **Contacts**

Strategic Director, Adults

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## Annex 1

### Delegated functions to director Part 4

#### **Strategic Director Adults :**

Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, emergency duty team, asylum in so far as it is not a housing matter, safeguarding responsibilities, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.

In addition it is proposed to recognise the Adults Safeguarding Board within the Council's Constitution by amending the Constitution so as to include the following wording:

#### Articles Part 2

#### **Local Safeguarding Adults Board**

The Care Act 2014 requires each Local Authority to establish a Local Safeguarding Adults Board, to be made up of representatives from the agencies and bodies which have regular contact with adults in need of care and support or responsibilities for services to them in the local area.

(b) The Brent Local Safeguarding Adults Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of adults at risk of or experiencing abuse and neglect in the area, and for ensuring the effectiveness of what the agencies do.

(c) Objectives of the Board: to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk of or experiencing neglect and/or abuse.

(i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of adults at risk in the London Borough of Brent; and

(ii) To ensure the effectiveness of what is done by each such person or body for those purposes.

(d) Terms of Reference of the Board:

- (i) The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.
- (ii) establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases the SABs understanding of prevalence of abuse and neglect locally that builds up a picture over time;
- (iii) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- (iv) Develop and implement policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the

- views of adults who have needs for care and support, their families, advocates and carer representatives;
- (v) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
  - (vi) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry, including referral pathways and thresholds for intervention;
  - (vii) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
  - (viii) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
  - (ix) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
  - (x) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of adults at risk;
  - (xi) carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;
  - (xii) produce a Strategic Plan and an Annual Report;
  - (xiii) evidence how Board members have challenged one another and held other Boards to account and determine arrangements for peer review and self-audit; and
  - (xiv) Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations.

#### (e) Membership

The Brent Local Safeguarding Adults Board will be chaired by an Independent Chair. Membership will be drawn from:

- Brent Council
  - Strategic Director Adults
  - Strategic Director of Children and Young People
  - Operational Director of Housing Services
  - Operational Director of Regulatory Services
- Metropolitan Police: Brent
- National Probation Trust
- Community Rehabilitation Company
- Brent Clinical Commissioning Group
- NHS England (London)
- North West London Healthcare NHS Trust
- Central and North West London NHS Foundation Trust
- London Ambulance Service
- Healthwatch
- London Fire Brigade

- Care Quality Commission
- Brent Community Voluntary Services
- Brent User/Carers Groups
- Department for Work and Pensions
- Crown Prosecution Service

Other membership of the LSAB who will act in an advisory/observer role will include:-

- Cabinet Member Adults, Health and Wellbeing
- The Director of Public Health
- Designated Health Professionals
- Principal Social Worker
- Legal Advisor to the Board



## CONSTITUTION

### BRENT LOCAL SAFEGUARDING ADULTS BOARD

#### 1 **AIM**

- 1.1 To ensure the effective co-ordination of services to safeguard and promote the welfare of adults in accordance with the Care Act 2014 and Care and Support Statutory Guidance 2014.
- 1.2 The Brent Adult Safeguarding Board [‘BSAB’] aims to achieve its objectives whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion. In achieving this, the following 6 key principles must be followed:-
- Empowerment:  
Presumption of person led decisions and informed consent.
  - Prevention:  
It is better to take action before harm occurs.
  - Proportionality:  
The least intrusive response appropriate to the risk presented
  - Protection:  
Support and representation for those in greatest need.
  - Partnership:  
Local Solutions through services working with communities
  - Accountability:  
Accountability and transparency in delivering safeguarding

#### 2 **OBJECTIVES**

- 2.1 The Board’s objective is to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk or experiencing neglect and/or abuse. The BSAB is a multi-agency strategic Board that will coordinate the strategic development of Adult Safeguarding across Brent and ensure the effectiveness of the work undertaken by Partner Agencies in the area.
- 2.2 Whilst BSAB has a role in coordinating and ensuring the effectiveness of work being done by local individuals and organisations in relation to safeguarding and promoting the welfare of adults, it is not accountable for their operational work. All organisations in accordance with the Care Act 2014 will be required to have in place a Designated Adult Safeguarding Manager who will be required to provide information to the Board. Each Board Partner has their own existing lines of accountability for safeguarding and promoting the welfare of adults by their services. The Board does not have the power to direct other organisations.

- 2.3 The Board will receive and scrutinise regular quality-assurance reports by individual agencies annually (as a minimal requirement) to identify good practice and highlight any shortcomings within agencies. If shortcomings are identified the Board and the agency in question will agree a remedial action plan. The implementation and resulting impact of the action plan will be reviewed by the Board.
- 2.4 If the Board is not convinced of the adequacy of the planned action to improve practice, the Board Chair, in consultation with the Director of Adult Social Services ['DASS'], will explain these concerns to those individuals and organisations concerned, and seek to provide support and ensure adequate action is taken to improve practice.

### 3. **FUNCTIONS**

- 3.1 The core duties of the Board are set out in Chapter 14 of the Care Act Statutory Guidance, issued under S78 of the Care Act 2014 which requires the Board to:-
1. Publish a Strategic Plan for each financial year detailing how it will meet its main objective and what Members will do to achieve this;
  2. Publish an Annual Report detailing what the Board has done during the year to achieve its objectives and implement its Strategic Plan and what Members have done to implement the Strategy.
  3. Conduct any Safeguarding Adults Review in accordance with S44 of the Care Act 2014.

3.2 In order to fulfil its core duties the Board will develop initiatives, plans, policies and procedures for Safeguarding Adults in their area or where agreed by the Board adopt existing Pan London Policies and Procedures in relation to:-

- a. The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.
- b. establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases the SABs understanding of prevalence of abuse and neglect locally that builds up a picture over time;
- c. establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- d. determine its arrangements for peer review and self-audit;
- e. establish mechanisms for developing policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
- f. develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- g. identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry, including referral pathways and thresholds for intervention;
- h. formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
- i. develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
- j. balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
- k. identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
- l. carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;
- m. produce a Strategic Plan and an Annual Report;
- n. evidence how Board members have challenged one another and held other Boards to account;
- o. Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations; and
- p. the Board will engage in any other activity that facilitates or is conducive to, the achievement of its objectives.

3.3 The LSAB will maintain:-

- A Case Review Framework, Quality Assurance Framework and a local learning and development strategy which is shared across local organisations who work with adults.
- Monitor and evaluate the effectiveness of action plans arising from the Case Review and Quality Assurance frameworks and of all training, including multi-agency training, for professionals in the area.

- 3.4 In all activities the LSAB will promote the equality of opportunity and to meet the diverse needs and wishes of adults at risk in the area.

#### **4 RELATIONSHIP WITH OTHERS**

- 4.1 The LSAB recognise other partnerships and organisations work in Brent and have responsibilities to address issues relevant to safeguarding adults at risk. To ensure effective communication and lead accountability in issues which traverse groups, the SAB will develop working protocols with:-
- The Quality Surveillance Group
  - The Health & Wellbeing Board
  - The Safeguarding Children Board
  - The Safe City Partnership
  - Domestic Violence Strategy Group
  - Coroner's Office
  - Office of the Public Guardian
- 4.2 It will play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing, ensuring that a culture of information sharing is developed and supported as necessary by multi-agency training.

#### **5. BSAB CHAIR & ACCOUNTABILITY**

- 5.1 The Care Act 2014 requires Brent Council as a Local Authority to establish a SAB. The SAB is independent of the Council. In order to provide effective scrutiny it will not be subordinate to, nor subsumed within other local structures.
- 5.2 The SAB will have an Independent Chair to hold all agencies to account.
- 5.3 It is the responsibility of the Chief Executive to appoint, monitor or remove the SAB Chair with the agreement of a panel including LSAB partners. The Chief Executive and, where appropriate, the Lead Member will hold the Chair to account for the effective working of the SAB in consultation with SAB members.
- 5.4 The SAB Chair should work closely with all SAB partners and particularly with the Director of Adult Social Care.<sup>1</sup>
- 5.5 The Chair will ensure the SAB publish a Strategic Plan for each financial year, this plan should address both short and longer term actions and must set out how it will help adults in its area and what action each member of the Board will take to deliver the plan and protect better. When preparing the plan the Board must consult the local Healthwatch and involve the community.

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<sup>1</sup> The Director of Adult Social Services has the responsibility within the local authority, in accordance with the Children Act 2004 which makes an amendment to Section 6 of the Local Authority Social Services Act 1970 ("the 1970 Act"). This amendment requires a Local Authority with Social Services responsibility in England to appoint an officer as the Director of Adult Social Services, once a Local Authority exercises its power to appoint a Director of Children Services.

5.6 The Chair must ensure the SAB publish an annual report on its activities including an assessment of the effectiveness of local safeguarding arrangements and the challenges for the next year to relevant Statutory Bodies. The annual report must also provide information about any Safeguarding Adults Reviews (SAR's) and how the Board is monitoring progress against its policies and intention to deliver its Strategic Plan. The annual report should be published in relation to the preceding financial year and should fit with local agencies' planning, commissioning and budget cycles. The report must be submitted to the following:-

- Chief Executive and Leader of Brent Council;
- The Metropolitan Police Borough Commander;
- The Chair of the Health and Wellbeing Board;
- The Chief Operating Officer of Brent Clinical Commissioning Group; and
- The local Healthwatch

## 6. THE ACTIVITIES OF THE BOARD

6.1 In pursuit of its aims the SAB will:-

- adopt the financial year April 1st – March 31st;
- Hold its meetings at least six times per year;
- Require a quorum of at least one third of the voting membership in order to have a fully constituted meeting;
- Always seek to operate on a consensus basis. If it is not possible to reach a consensus, members will be required to undertake a formal vote on a simple majority basis which will be recorded. Each statutory agency's representative in attendance will have a single vote. In the event of a tied vote the Chair will have the casting vote;
- Review its Constitution on an annual basis at the first meeting of each financial year following a formal consultation process with the statutory agencies;
- Review and adopt the Terms of Reference for the sub groups on an annual basis at the first meeting of each financial year following a formal consultation process with the sub groups;
- Keep a written record of all Board meetings and meetings of its Sub Groups;
- Any member of the full Board may submit items to be included on the agenda of a main meeting of the LSAB supported by a written statement/report to the Chair at least 10 working days before the meeting.
- Agenda and reports will be circulated generally at least 5 working days prior to the meeting;
- The SAB are committed to transparency and will, at the discretion of the Chair having exercised due caution regarding Data Protection obligations or similar legal considerations, publish Board meeting minutes, report and key performance data.

6.2 The LSAB will also operate sub groups which will carry out the day to day operational functions of the LSAB. All sub groups will have an annual work plan which will derive from the LSAB annual business plan to support the operational functions of the Board.

6.3 In order to carry out these functions the following sub groups will meet regularly as appropriate:-

- Case Review
- Monitoring and Evaluation
- Learning & Development
- Community Engagement and Awareness
- Establishment Concerns Subgroup

Time limited task groups may also be convened to deliver priority areas of work according to the business plan of the Board.

6.4 Chairs of Sub-Groups will be SAB Members in order to ensure a link and effective communication and feedback to the Board. The Sub-Groups will report to the Board at each meeting to evaluate their progress against the Business Plan and address any issues arising from the Sub Group work.

6.5 The SAB delegates power to the sub-groups to:-

- a. carry out any work related to the different sections of the Business Plan;
- b. undertake consultation as appropriate;
- c. take a decision in reference to a specific item on behalf of the Board where authority to do so has been properly delegated by the Board;
- d. prepare a response to consultation matters on behalf of the Board;
- e. investigate a particular issue;
- f. publish material on behalf of the Board; and
- g. discharge any functions delegated to it from the Board.

## 7. **FREEDOM OF INFORMATION**

7.1 Under the Ministry of Justice extension to the Freedom of Information Act 2000 Local Safeguarding Adults Boards are not deemed as Public Authorities under the Act and therefore will be exempt from requests for the disclosure of information under the Freedom of Information Act 2000.

## 8. **MEMBERSHIP**

- 8.1 Schedule 2 of the Care Act 2014 defines which Statutory Board Partners are required to have membership on the Board. In addition membership of the Board will include such other persons as the Local Authority which established it, having consulted the other Statutory Members as listed in sub-paragraph 1 of Schedule 2 considers appropriate.
- 8.2 Board Partners should designate a particular named person in a senior strategic lead position within their organisation as the member of the Board to ensure consistency and continuity.
- 8.3 Members will need to be people with a strategic role in relation to safeguarding and promoting the welfare of adults within their organisations. They should be able to:-
- Speak for their organisations with authority;
  - Commit their organisations on policy and practice matters;
  - Hold their organisations to account.
- 8.4 Members are required to nominate a suitable alternative representative in the event of them being unable to attend meetings who have the authority to commit their organisation to decisions.
- 8.5 Membership of the SAB will consist of representatives from the following who will have a vote.
- Brent Council
    - Director of Adults Social Care
    - Director of Children and Families
    - Director of Housing Services
    - Director of Regulatory Services
  - Metropolitan police: Brent
  - National Probation Trust
  - Community Rehabilitation Company
  - Brent Clinical Commissioning Group
  - NHS England (London)
  - North West London Healthcare NHS Trust
  - Central and North West London NHS Foundation Trust
  - London Ambulance Service
  - Healthwatch
  - London Fire Brigade
  - Care Quality Commission
  - Brent Community Voluntary Services
  - Brent Carers Forum
  -
- Department for Work and Pensions
- Crown Prosecution Service

Other membership of the LSAB who will act in an advisory/observer role and will not have a vote will include:-

- The Lead Cabinet Member for Health and Adult Social Care
- The Director of Public Health
- Designated Health Professionals

- Principal Social Worker
- Brent Mencap
- Legal Advisor to the Board

8.6 The Board will secure the involvement of other relevant organisations, either by inviting them to be representatives of its sub-groups, through invitation for specific issues for discussion of a SAB meeting or through some other mechanism.

8.7 At the discretion of the Chair of the Board, observers can attend Board meetings. Observers are interested individuals who have been invited to attend Board meetings. At the discretion of the Chair of the Board observers can address the meeting but they are not members of the Board and cannot vote.

## 9. **CODE OF PRACTICE**

9.1 Members of the Board will operate in accordance with the Constitution, Membership Handbook and relevant Role Descriptions.

9.2 There will be an agreed Induction Programme for all new members.

## 10. **FINANCIAL ARRANGEMENTS**

10.1 LSAB Partners have agreed to the establishment and maintenance of a Pooled Fund pursuant to Schedule 2 of the Care Act 2014 which will be managed by the Local Authority on behalf of Board Partners. The Strategic Plan will include proposed budget and expected contribution from all partners.

## 11. **DISPUTES AND COMPLAINTS**

11.1 The Board is intended to be a collaborative, co-operative body and needs to ensure that no particular sector or member is unduly favored. Problems and issues should normally be debated and resolved at Board meetings.

### **DISPUTES**

11.2 If there is a dispute between Board members the Independent Chair and Director of Adult Services will convene a joint meeting with the parties. This should take place within 28 days of the determining that the dispute exists. In most cases the Independent Chair of the LSAB will chair these meetings. The agenda will be agreed jointly by the parties in dispute.

11.3 If no agreement can be reached, either party to the dispute may suggest to the chair that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days then the LSAB Chair may refer the dispute to a Chartered Institute for Arbitrators to be resolved.



- 11.4 If there is a dispute between the Independent Chair and an LSAB partner or any other Board a similar process will be followed. The Director of Adult Services will convene a joint meeting of the parties as above. If no agreement can be reached, either party to the dispute may suggest that an independent mediator be appointed in a further attempt to resolve the dispute. If parties are not in agreement with this and no resolution has been identified within 28 days then the Director of Adult Services may refer the dispute to a Chartered Institute for Arbitrators to be resolved.
- 11.5 The LSAB can require a person or body to comply with a request for information. This can only take place where the information is essential to carrying out LSAB statutory functions. Any requests for information about individuals must be “necessary” and “proportionate” to the reasons for the request the LSAB will be mindful of the burden of requests and should explain why the information is needed.

## **COMPLAINTS**

- 11.6 The Board shall refer all complaints from members of the public in relation to the provision or performance of any function of a member organisation to the Board Partner’s own internal complaints handling process.
- 11.7 Complaints regarding the operation of the Board should be addressed to the Chair who will investigate and attempt to reach satisfactory resolution with the complainant.

## **12. NON COMPLIANCE OF ACTIVITIES**

- 12.1 The work of the SAB will be set out in the Business Plan. In time for the start of each financial year all member agencies will sign an agreement stating their commitment to fulfill their obligation to safeguard and promote the welfare of adults. This will include a commitment to fulfilling their role within the SAB.
- 12.2 Issues of non-compliance will, in the first instance, be referred to the Chair of the Board who will investigate and attempt to reach satisfactory resolution through discussion with the representative of the agency concerned. In the event of satisfactory resolution not being reached, the matter will be referred back to the Chief Officer within the agency, to the relevant inspectorate, and, if necessary, to the relevant government Department.

## **13 MONITORING AND INSPECTION**

- 13.1 The SAB’s role is to ensure the effectiveness of work to safeguard and promote the wellbeing of adults at risk of abuse or neglect by member organisations and as such the SAB will monitor and evaluate this through its work. The SAB will publish performance against objectives set out in the business plan within the Annual Report.

## **14. OVERVIEW AND SCRUTINY**

- 14.1 The LSAB and its members will co-operate with any reasonable request by the Council in respect of its Overview and Scrutiny functions under Section 21 Local Government Act 2000 and as a minimum will meet twice a year to provide independent dialogue on Safeguarding.

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<i>Title &amp; Version</i>	A purpose specific information sharing agreement between Metropolitan Police Service, Brent Council, Brent Clinical Commissioning groups and relevant Health Trust Version 1
<i>Organisation</i>	Metropolitan Police Service Brent PPD
<i>Summary/Purpose</i>	An agreement to formalise information sharing arrangements between Brent Police BOCU and Brent Adult Services for the purpose of Safeguarding Adults at Risk

ISA Ref:

## Purpose Specific

**Information Sharing Agreement**  
 between  
**Metropolitan Police Service and**  
**London Borough of Brent,**  
**Council Adult Social Care Service**  
 and  
**Brent Clinical Commissioning Group**  
**And**  
**Other relevant partners**  
 to Safeguard Adults at Risk  
 within Brent Borough



**TOTAL POLICING**



(BOROUGH LOGO)

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## Section 1 Purpose of the Agreement

- This agreement sets out the basis upon which requests for information will be made, and how those requests will be considered by the signatories. This agreement does not create an absolute obligation to share information. It will not be a breach of the agreement for a signatory to refuse to share information where disclosure of such would constitute a breach of legal or professional obligations owed by that signatory in respect of that information.

This agreement has been developed to:

- Define the specific purposes for which the signatory agencies have agreed to share information and to provide a framework for the secure and confidential sharing of personal information.
- Describe the roles and structures that will support the exchange of information between agencies.
- Set out the legal gateway through which the information is shared, including reference to the Human Rights Act 1998 and the common law duty of confidentiality.
- Describe the security procedures necessary to ensure that compliance with responsibilities under the Data Protection Act and agency specific security requirements.
- Describe how this arrangement will be monitored and reviewed. This should be after six months initially and annually thereafter. A suggested agenda is available from the ISSU
- In addition, completion of this document will ensure that the Metropolitan Police Service can meet the information sharing requirements of the Guidance on the Management of Police Information (MoPI).

## Scope of this information sharing agreement

This agreement does **not** cover the sharing and assessing of police information by:

- Brent Public Protection Unit (Jigsaw) through MAPPA process.
- Brent Prolific Priority Offender Unit
- Brent DV Multi Agency Risk Assessment Conference information sharing.
- *(Brent Community Risk MARAC) Information sharing (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*
- Disability Targeted Hate Crime - managed under the current MPS Hate Crime Policy
- Domestic Abuse - managed under the current Domestic Abuse Policy
- Information required by the police for criminal investigations

These activities are covered by separate Information Sharing Agreements / policies but where appropriate and in the best interests of the adult at risk it may be appropriate to share this information.

**The signatories to this agreement will represent the following agencies/bodies:**

1. **Metropolitan Police Service Brent**
2. **Brent Council Adult Social Care Services**
3. **Brent Clinical Commissioning Group**
4. **[Any Other relevant bodies]**

## Section 2

### Specific purpose for Sharing Information

#### 2.1 Background

There are multiple definitions of a 'vulnerable adult' within government policy and legislation. There has been considerable debate over whether terminology describing adults as vulnerable is appropriate. More recent definitions, including recommendations made by the Law Commission in **Law Commission (2011): Adult Social Care Report<sup>1</sup>**, have adopted the term adult at risk on the basis that it focuses attention on the risk rather than any inherent disability.

This document uses the term vulnerable adult as a qualitative study has shown that this terminology is already familiar in many police areas and assists frontline staff to readily identify adults that require a multi-agency safeguarding response. In doing so, it is accepted that partners are now using the term adult at risk.

**No Secrets<sup>2</sup>**, a publication produced by the Department of Health in 2000, describes a vulnerable adult as:

***any person aged 18 years or over who is or may be in need of community care services by reason of mental, physical, or learning disability, age or illness AND is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation.***

Safeguarding Adults at Risk is a complex area of work. The Government policy objective is to prevent and reduce the risk of significant harm to Adults at Risk from abuse or other types of exploitation, while supporting individuals to maintain control over their lives. This includes being able to make choices without coercion.

The Government has announced that **No Secrets** will remain as statutory guidance until at least 2013 and have issued a **Department of Health (2011) Statement of Government Policy on Adult Safeguarding<sup>3</sup>** confirming this. The statement agrees six fundamental principles for safeguarding activity across all agencies involved in the process (Please see Appendix A for explanation of the six principles);

***Principle 1 – Empowerment***

***Principle 2 – Protection***

***Principle 3 – Prevention***

***Principle 4 – Proportionality***

***Principle 5 – Partnership***

***Principle 6 – Accountability***

Association of Directors of Adult Social Services (ADASS) has published a National Framework document in conjunction with key partners including the Association of Chief Police Officers (ACPO). This is intended to consolidate the experience to date and to further the development of 'Safeguarding Adults at Risk' work throughout England. This national framework is comprised of eleven sets of good practice

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<sup>1</sup> 'Adult Social Care', Law Commission, May 2011, [http://lawcommission.justice.gov.uk/docs/lc326\\_adult\\_social\\_care.pdf](http://lawcommission.justice.gov.uk/docs/lc326_adult_social_care.pdf)

<sup>2</sup> No secrets: Guidance on developing and implementing multi-agency policies and procedures to protect Adults at Risk from abuse. Department of Health 2000

<sup>3</sup> Statement of Government Policy on Adult safeguarding, Department of Health, 2011, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/147310/dh\\_126770.pdf.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/147310/dh_126770.pdf.pdf)

standards. Their implementation in every local area will lead to the development of consistent, high quality adult protection work across the country.

The **Care Act 2014** says that the duty to undertake a safeguarding adults enquiry arises where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)

- has needs for care and support (whether or not the authority is meeting any of those needs),
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The Care Act 2014 guidance states that Information sharing should be rapid and seek to minimise bureaucracy. Local authorities should work alongside health and other professionals (such as housing) where plans are combined to establish a 'lead' organisation who undertakes monitoring and assurance of the combined plan (this may also involve appointing a lead professional and detailing this in the plan so the person knows who to contact when plans are combined).

*Early sharing of information is the key to providing an effective response where there are emerging concerns.*

*To ensure effective safeguarding arrangements:*

- *all organisations must have arrangements in place which set out clearly the processes and the principles for sharing information between each other, with other professionals and the SAB; this could be via an Information Sharing Agreement to formalise the arrangements; and,*
- *no professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult. If a professional has concerns about the adult's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed*

This Information Sharing Agreement was produced in compliance with the national framework **Standard 1** for such an agreement to be developed and reviewed (see Appendix B for headline standard).

Local area level: multi-agencies have a duty to every adult "who is or may be eligible for community care services" (National Health Service & Community Care Act 1990) and whose independence and wellbeing is at risk due to abuse or neglect. The Standard sets out the framework within which the planning, implementation and monitoring of 'Safeguarding Adults' work should take place. The key structure in this framework is a multi-agency partnership that leads the development of the work at a local level: the 'Safeguarding Adults' partnership.

Strong partnerships are those whose work is based on an agreed policy and strategy, with common definitions and a good understanding of each other's roles and responsibilities. These underpin partnership working in response to instances of abuse and neglect, wherever they occur.

Local Crime and Disorder Partnerships have the lead role for delivering the Safer Communities agenda. The 'Safeguarding Adults' strategy should be included within



the Crime and Disorder Reduction Strategy and be endorsed by the Local Strategic Partnership.

Whilst Safeguarding Adult Partnership Boards already exist in each Local Authority, they have not previously been mandatory. These Boards are to be put on a statutory footing and with the ability to operate flexibly on a local level. This information sharing agreement is to explain what will be shared as part of these boards and between agencies to safeguard Adults at Risk to prevent, detect and prosecute offences of abuse against Adults at Risk.

### **Community Risk MARAC**

*To ensure that in carrying the full range of its policing obligations and responsibilities, the MPS and statutory partners recognises and takes appropriate account of all forms of vulnerability. This may relate to victims, witnesses or any person that officers/staff come into contact with. The Community MARAC is a meeting where information is shared on complex/high risk cases between various stakeholders. Where legislation and information sharing protocols allow, all relevant information is shared about victims, witnesses and perpetrators, the representatives then discuss options for increasing the safety of the victims and / or witnesses and addressing the perpetrators' behaviour, turning these into a co-ordinated action plan.*

*The primary focus of the panel is to safeguard the victims and witnesses, and prevent further victimisation. Therefore it is critical that the Core group is established as a way of ensuring that multi agency communication and exchange of information takes place regularly. (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*

## **2.3 Safeguarding assessment for Adults at Risk and investigation strategies**

The roles, powers and duties of the various agencies to this agreement in relation to the perpetrator will vary depending on whether the latter is<sup>4</sup>

- a member of staff, proprietor or service manager;
- a member of a recognised professional group;
- a volunteer or member of a community group such as place of worship or social club
- another service user;
- a spouse, relative or member of the person's social network;
- a carer; i.e. someone who is eligible for an assessment under the Carers (Recognition and Services) Act 1995;
- a neighbour, member of the public or stranger; or
- a person who deliberately targets vulnerable people in order to exploit them.

It is key that the adult at risk is involved from the outset of investigation strategies (unless doing so would put them at greater risk of harm). Family, friends and other relevant people who are not implicated in the abuse have an important part to play especially if the person lacks capacity when friends or family should be consulted in line with the Mental Capacity Act 2005

Staff and volunteers should be aware of multi agency procedures - SCIE London Guidance and be aware of issues regarding abuse, neglect or exploitation. The document recognises variance in terminology between agencies regarding adults at

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<sup>4</sup> No Secrets DoH, 2000

risk who may be considered as vulnerable, and that the terms vulnerable adult and adult at risk are used interchangeably.

Managers of organisations have a key role in the management and coordination of information in response to a Safeguarding Adult Concern.

## 2.4 Benefits of this information sharing arrangement to the partner agencies and citizens of Brent

The information shared through this agreement is not available from any other source and is the best for the objectives of this agreement, namely for signatory agencies to actively work together for 'Safeguarding Adults at Risk' to prevent, detect and prosecute offences of abuse against Adults at Risk.

The information sharing through this agreement will help signatory agencies comply with the National Framework guidance mentioned in 2.1, in particular with the National Standard mentioned below:

**Standard 1** - strengthen partnership and multi-agency working to safeguarding Adults at Risk by ensuring that the statutory partners make available to each other relevant information

**Standard 4** - prevent abuse happening in the first place by sharing information on individuals who may commit offences against Adults at Risk

**Standard 8** - ensure that the investigation of abuse against Adults at Risk is investigated in the most efficient manner

Partner organisations will have information about individuals who may be at risk from abuse and or a risk to themselves or others and may be asked to share this information where appropriate with due regard to confidentiality as well as legal and professional obligations owed in respect of the information. A number of agencies may be involved in different aspects of the care and support of a vulnerable adult. The benefits of sharing information in the above circumstances are:

- Agencies can pool information and expertise to resolve problems;
- Intelligence is shared and a full picture obtained that will initiate appropriate action;
- To enable investigations
- To assess the risk to the vulnerable adult and others
  
- To put in place protective measures

By effective information sharing & drawing upon partners specialist skill sets all partners to this agreement can offer the best possible service to safeguard adults in need. There is recognition amongst partner agencies of the value of working together as a means of protecting the public and the importance of information sharing as a means to achieve excellent partnerships. Agencies should seek to share information with partner agencies where there is a lawful reason for sharing when there is an opportunity to make a positive impact on public protection providing there is no valid legal or professional obligation which prevents the agencies from sharing that information

## 2.5 Information to be shared through this agreement

Brent Police will notify Brent Council Safeguarding Adults Services and Brent Health Trust about Adults at Risk and individuals who

are a risk to Adults at Risk. Similarly, partners will inform the police about vulnerable adult victims and individuals who are at risk where a criminal offence has occurred or is suspected of occurring where there is a risk of harm. Sharing may be proactive or as a result of a request for information.

All requests for information will be considered by the signatories on a case-by-case basis, where it is appropriate for the receiving agency to have this information to safeguard Adults at Risk who are the subject of the information sharing and/or protect other Adults at Risk from being at risk.

Due to complexity and uniqueness of each situation, it is difficult to provide a prescriptive list of what information will always be shared. However, in the following circumstances, the following data will be considered for disclosure;

#### Personal Information about individuals considered to be an Adult at Risk

Personal information needs to be shared to allow relevant agencies to identify these individuals and explain why they are a risk to vulnerable adults. Examples of the kind of personal data that may be shared include;

- Personal identifiers (names, addresses, dates of birth).
- Current photograph of the offender (if appropriate)
- Descriptive information (photographs, marks, scars).
- Relevant Warning Markers (e.g. Violence, Drugs, Mental Health, Weapons)
- Reason why they are considered to be a risk
- Details of relevant criminal convictions and non-conviction information

#### Personal information about Adult at Risk of being victims of crime/suspects of crime

- Name of subject (Adults at Risk) and other family members, their carers and other persons whose presence and/or relationship with the subject, is relevant to identifying and assessing the risks to that vulnerable adult.
- Age/date of birth of subject and other family members, carers, other details including addresses and telephone numbers.
- Ethnic origin
- Description of incident and police action.
- Relevant results from police checks on all/some family members / persons mentioned within the Crime, criminal intelligence report or Merlin. This may be either on an individual decision specific case-by-case or as part of co-located teams of professionals from safeguarding agencies to deliver an integrated service with the aim to research, interpret and determine what is proportionate and relevant to share. This information needs to be shared.

#### Personal information disclosed about third parties may include:

- Adult at risk family members
- GP - where relevant and known
- Employer - where necessary and known

This information may need to be shared to ensure to allow agencies to fully understand the risks posed to/by the individual and stop them from being a victim, repeat victim, suspect or risk to themselves, and to ensure that all relevant avenues for assistance are considered.

Not all of the above information will be shared in every case; only relevant information will be shared on a case-by-case basis. For the avoidance of doubt a signatory to this agreement has a 'need to know' the information where receipt of that information is necessary to assist in the furtherance of the legitimate aim covered by this agreement. A signatory requesting disclosure will explain why the information is necessary to enable it to further those aims

The Caldicott Committee's **Report on the review of patient-identifiable information**<sup>5</sup> recognises that confidential patient information may need to be disclosed in the best interests

of the patient and discusses in what circumstances this may be appropriate and what safeguards need to be observed.

The original six principles defined in 1997 were as follows:

Use of information should be:

- 1) Justified
- 2) Necessary
- 3) Minimal
- 4) On a need to know basis

Users of information should:

- 5) Understand their responsibilities
- 6) Understand the law

A second Caldicott review in 2013 added a seventh principle:

- 7) The duty to share information can be as important as to protect patient confidentiality

A signatory to this agreement has a 'need-to-know' the information where receipt of that information is necessary to assist in the furtherance of the legitimate aims covered by this agreement. A signatory requesting disclosure will explain why the information is necessary to enable it to further those claims

In addition to the Caldicott's Committee's report, there is further guidance of particular relevance to patient identifiable data as issued by the Department of Health and General Medical Council. This is explained further in this agreement under the section entitled "The Duty of Confidence for personal information about third parties".

Principles of confidentiality designed to safeguard and promote the interests of service users and patients should not be confused with those designed to protect the management interests of an organization. These have a legitimate role but must never be allowed to conflict with the interests of service users and patients. If it appears to an employee or person in a similar role that such confidentiality rules may be operating against the interests of Adults at Risk then a duty arises to make full disclosure in the public interest. (No Secrets 2000) *No Secrets* guidance was issued as guidance under section 7 of the Local Authority Social Services Act 1970. It created, for the first time, a framework for multi agency action in response to the risk of harm or abuse. It recognised that some forms of abuse are criminal offences, and that police investigations are required and appropriate.

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<sup>5</sup> Report on the review of patient-identifiable information, Caldicott Committee, 1997, [http://www.wales.nhs.uk/sites3/Documents/950/DH\\_4068404.pdf](http://www.wales.nhs.uk/sites3/Documents/950/DH_4068404.pdf)

## Section 3

### Legal Basis for information sharing and what can lawfully be shared

#### Data Protection Act 1998

The Data Protection Act 1998 acts as a framework for how to process (which includes sharing) personal and sensitive personal information. It contains two Schedules that list various Conditions which, when fulfilled, allow for the processing of personal data (Schedule 2) and sensitive personal data (Schedule 3). The 8 Data Protection Principles also need to be complied with to allow sharing to be lawful.

#### 3.1 First Principle

**The first data protection principle states that data must be processed lawfully and fairly.**

##### 3.1.1 Lawfully

**A public authority must have some legal power entitling it to share the information.**

The primary legal power used to share information through this agreement is the Crime and Disorder Act 1998. This Act recognises that key authorities, such as councils, the police and local healthcare providers, have a responsibility for the delivery of a wide range of services within the community. Section 17 places a duty on them to do all they reasonably can to prevent crime and disorder in their area. Section 115 provides any person with the power, but not an obligation, to disclose information to relevant authorities (e.g. the police, health or local authorities) and their cooperating bodies in pursuing a local crime and disorder strategy. Information sharing through this agreement is lawful under the Act as the objectives of this agreement are compatible with these purposes.

Section 82 of the National Health Service Act 2006 places a duty on the NHS and local authorities to cooperate with one another in order to secure and advance the health and welfare of people. NHS bodies will properly cooperate with and consider requests to share information, where appropriate and lawful to do so, will share that information.

Disclosure of personal data for the purposes envisaged in Section 29 Data Protection Act (DPA) is exempt from the requirement for fair and lawful processing. However, such processing must still satisfy one of the conditions in Schedule 2 Data DPA, and for sensitive personal data one of the conditions in Schedule 3. Moreover, it must comply with the second through eight data protection principles. It must also comply with legal obligations owed outside of the DPA, such as confidentiality, as well as any professional responsibilities.

When considering disclosure for the purposes of crime prevention or detection, or apprehension of offenders, each signatory must still ensure as follows:

- That one of the conditions in Schedule 2 DPA is met;
- If it concerns sensitive personal data, that one of the conditions in Schedule 3 DPA is met;
- That disclosure would be in accordance with the signatory's obligations of confidentiality to that information - so is there valid consent, and if not would it be in the public interest to share the information; and

- That sharing the information would be in accordance with the signatory's professional obligations”

When considering whether information sharing would be in the public interest, the following criteria will be of particular relevance:

- i) The administration of justice
- ii) Maintaining public safety
- iii) The apprehension of offenders
- iv) The detection of crime;
- v) The protection of vulnerable members of the community

When judging the public interest, it is necessary to consider the following:

- i) Is the intended disclosure proportionate to the intended aim?
- ii) What is the vulnerability of those at risk?
- iii) What is the impact of disclosure likely to be on the individual?
- iv) Is there another equally effective means of achieving the same aim?
- v) Is the disclosure necessary to prevent or detect crime and uphold the rights and freedoms of the public?
- vi) Is it necessary to disclose the information, to protect other vulnerable people?

The rule of proportionality should be applied to ensure that a fair balance is achieved between the public interest and the rights of the data subject. NHS Bodies will also have to consider the Department of Health Code of Practice on Confidentiality, as well as the General Medical Council Guidance, in respect of patient data they hold.

The decision to disclose in the public interest

When presented with a request to disclose information through this agreement, signatories will assess whether they owe a duty of confidentiality in respect of that information is for, would it be possible to obtain the consent to the disclosure? If not, then does it fall within any of the Public Interest Criteria and would it be in the public interest to breach confidentiality and make the disclosure? In assessing this, the signatories must take into account the factors outlined in this section. Health bodies must also take into account the obligations they owe to patients in respect of their data “Additionally, NHS bodies should consider the Department of Health Code of Practice on Confidentiality, as well as the General Medical Council guidance, in respect of patient data they hold.

**3.1.2 Duty of Confidence**

Personal information held by public authorities is subject to a common law duty of confidence. However, an obligation of confidence is not absolute and can be overridden by several factors, such as another legal obligation, the consent of the individual concerned, by demonstrating that to disclose the information would be in the vital interests of the adult at risk, or demonstrating the strong public interest in the disclosure. The Public Interest factors listed at 3.1.1. should be considered.

Duty of Confidence for information about offenders against Adults at Risk

The personal information shared through this agreement regarding convicted offenders guilty of causing harm to Adults at Risk will not be subject to a high duty of confidence because of the public interest in making arrangements to prevent re-offending against vulnerable members of society.

Through this agreement non-conviction information may also be shared in the public interest. Non conviction information of interest may include intelligence, arrests and charges pertaining to offences against Adults at Risk. This history can help to enhance the overall picture of the offender or suspected offender's potential range and volume of offending behaviour.

The circumstances for determining the sharing of non conviction information will include

- The disclosing agencies belief in the truth of the allegation/information
- The interest of the third party in obtaining the information
- The degree of risk posed by the person if the disclosure (about them) is not made

### The Duty of Confidence for information about Adults at Risk

Information about Adults at Risk who have been (or are suspected of being) victims of abuse is subject to a higher duty of confidence than for offenders. This duty of confidence can be waived by the victim consenting to the disclosure of their personal information held by the public authority. Personal information of victims may only be shared without their consent in the exceptional circumstances of the "protection of vital interests"<sup>6</sup> justification in Schedules 2 and 3 of the Data Protection Act (see 3.1.6, 3.1.7) or where it is highly likely that not sharing the information will prejudice an investigation.

Obtaining consent remains a matter of good practice and in circumstances where it is appropriate and possible, informed consent should be sought. In order to ensure consent to the sharing of personal information is 'informed', any professional must give victims standard documentation about 'Sharing Information' at the first point of contact.

It is clearly an issue of great importance as to whether an individual has provided valid consent for signatories to share their personal information. As a result, if there is any doubt as to the validity of that consent then signatories should seek the assistance and opinion of a qualified mental health professional"

### How Adults at Risk will be assessed for their mental capacity to give consent

It is likely that a large number of victims subject to this information sharing will lack the mental capacity to make particular decisions for themselves because of existing health issues or infirmity. The Mental Capacity Act 2005 provides the legal framework for acting and making decisions on behalf of individuals who lack the mental capacity. The starting point of the Act is to assume that an adult has full legal capacity to make decisions for themselves. Section 1 of the Act sets out the five 'statutory principles' that are supportive of people who lack mental capacity.

The five statutory principles are:

1. A person must be assumed to have capacity unless it is established that they lack capacity
2. A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so are taken without success

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<sup>6</sup> The Information Commissioner (data protection regulator in the UK) has defined vital interests as being necessary in cases of life and death,  
[http://www.ico.gov.uk/for\\_organisations/data\\_protection/the\\_guide/conditions\\_for\\_processing.aspx](http://www.ico.gov.uk/for_organisations/data_protection/the_guide/conditions_for_processing.aspx)



3. A person is not to be treated as unable to make decisions merely because he makes an unwise decision
4. An act done or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests
5. Before the act is done, or the decision made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action

Consent will be sought from victims by these principles.

▪Many issues surrounding the disclosure of personal information can be avoided if the consent of the individual has been sought and obtained. Obtaining consent remains a matter of good practice and in circumstances where it is appropriate and possible, informed consent should be sought. Practitioners should encourage clients to see information sharing (and giving their consent to share their personal information) in a positive light, as something which makes it easier for them to receive the services that they need.

▪All people deemed to be Gillick competent are presumed, in law, to have the capacity to give or withhold their consent to sharing of confidential information, unless there is evidence to the contrary. If an adult lacks the capacity to take their own decisions, then professionals should share information that is in their 'best interests'. A 'best interests' checklist is set out in section 4 of The Mental Capacity Act 2005, [http://www.opsi.gov.uk/acts/acts2005/ukpga\\_20050009\\_en\\_1](http://www.opsi.gov.uk/acts/acts2005/ukpga_20050009_en_1). The Act provides a statutory framework to empower and protect vulnerable people who may not be able to make their own decisions. It makes it clear who can take decisions in which situations and how they should go about this. The Act defines the term 'a person who lacks capacity' as a person who lacks capacity to make a particular decision or take a particular action for themselves, at the time the decision or action needs to be taken.

#### The Duty of Confidence for personal information shared about third parties

In some situations, it may be necessary to consider disclosure of information relating to third parties. This could, for example, include Health professionals. If this is the case, and signatories holding this information consider it would further the aims of this agreement then they must consider whether it can be disclosed, having taken into account their legal and professional obligations owed to that information.

From time to time, signatories may have to consider whether to disclose other third party information, for instance of family members of Adults at Risk. Signatories will have to consider whether it would be lawful for them to share that information. When appropriate, consent will be sought.

An example of where not sharing information could place a person at increased risk of significant harm is in a situation where a vulnerable member of the public requires urgent medical assistance and information is not shared between partner agencies. In emergency medical situations information should always be shared between partner agencies. In circumstances where vulnerable members of the public carry emergency alert cards, the instructions on the card should be followed in line with service procedures.

If consent has not been sought, or sought and withheld, the agency must consider if there is a 'legitimate purpose' for sharing the information and if it is in the 'public interest' to share; and clearly record the reasons for doing so.

**When seeking consent, signatories should be very clear about what they are asking for consent to do and to explain the potential ways and parties with whom information will be shared. If there is valid consent, then it will last as long as the purpose for which that consent was given continue to exist, unless consent is withdrawn. Signatories should be aware that individuals have the right to withdraw consent at any time**

### 3.1.3 Fair Processing

When data is obtained from data subjects, they must, so far as practicable, be provided with, or have made readily available to them, the following information:

- a) The identity of the data controller
- b) If the data controller has nominated a representative for the purposes of the Act, the identity of that representative
- c) The purpose or purposes for which the data are intended to be processed
- d) Any further information which is necessary, taking into account the specific circumstances in which the data are or are to be processed, to enable processing in respect of the data subject to be fair

The MPS publish a Fair Processing Notice covering the points specified above and specifically display it within police station front offices and custody suites and on their internet site;

[http://www.met.police.uk/foi/pdfs/other\\_information/corporate/mps\\_fair\\_processing\\_notice.pdf](http://www.met.police.uk/foi/pdfs/other_information/corporate/mps_fair_processing_notice.pdf)

Other signatories to this agreement confirm that they too have Fair Processing Notices which are available to the general public, explaining why they collected personal data and how they process it.

Where information about a data subject has been obtained from a third party, organisations must ensure that the data subject has 'ready access' to the fair processing information, so far as practicable, either before the data is first processed or as soon as practicable after that

time. Where possible, steps should be taken to provide data subjects with the information listed above.

In some cases, it will not be possible or practicable to issue Fair Processing Notices, as to do so would be likely to prejudice the prevention/ detection of crime and /or the apprehension /prosecution of Offenders. In such cases, signatories may be able to rely upon section 29 of the data Protection Act, the effect of which is explained above in section 3.1.1. If relying on this partial exemption, parties must be aware of the need to ensure that their information sharing satisfies one of the conditions in Schedule 2 of the DPA and one of the conditions in Sch 3 if its is sensitive personal data . They must also be satisfied that the sharing of the information would not breach their confidentiality or professional obligations

### 3.1.4 Legitimate Expectation

Where individuals have consented to their information being shared, they will have a legitimate expectation that this will occur.

Even where consent has not been sought, there is a legitimate expectation that relevant information will be shared by relevant authorities to ensure the safety and

well-being of Adults at Risk. This is to ensure these organisations meet responsibilities placed on them by both statute and Common Law.

It can reasonably be assumed that the persons from whom information is obtained will legitimately expect that the relevant authority will share it appropriately with any person or agency that will assist them in fulfilling the purposes mentioned above that the information was collected for.

Details of this and most other non-sensitive information sharing agreements will be published in line with the requirements of the Freedom of Information Act 2000, on the MPS Publication Scheme. This will also allow members of the public to understand how their personal information may be used by the MPS. This is in addition to the ready availability of the Fair Processing Notice mentioned above.

### **3.1.5 Human Rights - Article 8: The Right To Respect For Private And Family Life, Home And Correspondence**

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The benefits of an effective sharing of information for the purposes set out in this agreement are to the direct benefit of the citizen and so in the public interest. This agreement is:

In pursuit of a legitimate aim –

The promotion of the welfare and wellbeing of Adults at Risk through this agreement for objectives compatible with the Crime and Disorder Act 1998 and other similar legislation is a legitimate aim.

Proportionate –

The amount and type of information shared will be compliant with the Data Protection Act 1998 and the minimum necessary to achieve the aims of this agreement, to provide a better service to Adults at Risk.

Partner Organisations understand the ‘Public Interest’ criteria to include:

When there is evidence or reasonable cause to believe that an adult is suffering, or it at risk of suffering, serious harm; To prevent the adult from harming someone else; The promotion of welfare of the adult; Detecting crime; Apprehending Offenders; Maintaining public safety; and Administration of justice. When considering whether disclosure is in the public interest, the rights and interests of the individual must be taken into account. A fair balance between the public interest and the rights of the individual must be ensured.

### **3.1.6 Schedule 2, Data Protection Act 1998**

The data Protection Act is clear that information sharing must comply with Schedule 2 in each individual case, and so it must be judged on a case by case basis. Appropriate sharing of personal information through his agreement is likely to satisfy one of the following conditions in Schedule 2

- The data subject has consented to the processing [1]  
This is applicable when an individual consents to their information being shared

- The processing is necessary in order to protect the vital interests of the data subject [4]  
This is applicable when sharing a victim's information without consent for their own benefit, where if information was not shared, their life would be in immediate danger.
- The data processing is necessary for the exercise of any functions conferred on any person by or under any enactment [5(b)]  
This is applicable when sharing through section 115 Crime and Disorder Act 1998 regarding offenders or suspected offenders.
- The processing is necessary for the purpose of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms of legitimate interests of the data subject[6(1)]  
This is applicable where the sharing is necessary to fulfil Common Law duties and responsibilities of partner agencies, and where the sharing is done in such a way as to not disadvantage the rights of individual whose data is being shared.

### 3.1.7 Schedule 3, Data Protection Act 1998

In the vast majority of cases, the information potentially to be shared will be sensitive personal data and so will need to additionally satisfy one of the conditions in Schedule 3. Appropriate sharing of information will likely satisfy one of the following conditions:

- The data subject has given his explicit consent to the processing of the personal data [1].
- The processing is necessary in order to protect the vital interests of the data subject where consent has been unreasonably withheld [3(b)]
- The processing is necessary for: the exercise of any function conferred on a person by or under an enactment [7(b)]
- The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph [10]  
These circumstances are defined in Statutory Instrument 417/2000, which provides for sensitive personal information being processed where 'The processing is necessary for the exercise of any functions conferred on a constable by any rule of law.' (Paragraph 10)

### 3.2 Second Principle

**Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**

All data that is to be shared is obtained for lawful purposes, connected with protecting and safeguarding vulnerable members of society and preventing criminal activities. Any further use of the information, including sharing with partner agencies will be compatible with the reason the information was collected.

### 3.3 Third Principle

**Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**

As described in 2.8, partners will consider sharing personal data about vulnerable adult victims or potential victims and individuals who are a risk to Adults at Risk.

All information will be shared on a case-by-case basis where it is appropriate for the receiving agency to have this information to safeguard Adults at Risk and/or protect other Adults at Risk from possible abuse.

Not all of the above information held will be shared in every case; only relevant information will be shared where the partner agency has a 'need-to-know' the information and any information shared will be the minimum necessary to fulfil the reason for disclosure.

### 3.4 Fourth Principle

**Personal data shall be accurate and, where necessary, kept up to date.**

This information comes from corporate information systems and is subject to normal procedures and validations intended to ensure data quality. Any inaccuracies should be notified to the originating agency.

Whilst there will be regular sharing of information, the data itself will be 'historical' in nature. Specifically this means that the data fields exclusively relate to individual actions or events that will have already occurred at the time of sharing. These are not categories of information that will substantially alter or require updating in the future.

### 3.5 Fifth Principle

**Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**

The data will be kept in accordance with signatories' file destruction policy. It is acknowledged that there is a need to retain data for varying lengths of time depending on the purpose and also in recognition of the importance of historical information for risk assessment purposes. However once the information has been reviewed and has been decided it is no longer needed it will be destroyed in accordance with the holding agencies destruction policies.

### 3.6 Sixth Principle

**Personal data shall be processed in accordance with the rights of data subjects under this Act.**

- Partners to this arrangement will respond to any notices from the Information Commissioner that imposes requirements to cease or change the way in which data is processed.
- Partners will comply with subject access requests in compliance with the relevant legislation.
- The MPS reserves the right to withdraw right of use of the data at any time.

### 3.7 Seventh Principle

**Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

Measures to satisfy the Seventh are detailed in Section 4.

### 3.8 Eighth Principle

**Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection of the rights and freedoms of data subjects in relation to the processing of personal data**

The information is not intended for transfer outside the European Economic Area.

## Section 4

### Description of arrangements including security matters

#### 4.0 Value of the information

The information shared through this agreement will be marked in accordance with the MPS protective marking System (PMS) and in this instance information to be shared will not exceed the grading “**Restricted**”, i.e.

- ▶ Cause substantial distress to individuals
- ▶ Prejudice the investigation or facilitate the commission of crime
- ▶ Breach proper undertakings to maintain the confidence of information provided by third parties
- ▶ Breach statutory restrictions on disclosure of information (except the Data Protection Act 1998)
- ▶ Disadvantage government or the MPS in commercial or policy negotiations with others

#### **Community Risk MARAC (CRMARAC)**

***A Senior Leadership Team member or Nominated MPS individual provides an electronic document containing the relevant details displayed on screen to attendees at each monthly meeting. The information disclosed shall be for the sole purpose of enabling the CRMARAC representatives to discuss options to discharge their duty to increase the safety, health and well being of Adults at Risk, victims and / or witnesses. This is predominantly focused on adults but there maybe occasions when children are also at risk and their safety would also need to be taken into consideration.***

***Minutes of each meeting will be taken to denote actions required. These will be forwarded electronically to and be retained by each member within his or her agency database. All documents forwarded will be marked as confidential.***

***The Community MARAC protocol, terms of reference, risk checklist and referral form are shown at Appendix one (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).***

#### 4.1 How the Information will be processed

Where it has come to the police’s attention that a vulnerable adult is in circumstances that are adversely impacting upon their welfare or safety and/or they are a risk to themselves or others,, as well as a crime or intelligence report being created, the reporting officer will create an ‘Adult Coming to Notice’ (ACN) MERLIN report.

This report will be viewed by Brent police Public Protection Desk (PPD) / Multi Agency Safeguarding Hub (MASH) contact. If deemed appropriate and necessary to do so to protect and safe-guard the vulnerable adult, they will share the ACN on to Brent relevant partnership team via the secure email link within MERLIN.

If Brent relevant partnership team have concerns about an adult, and wish to see if the MPS hold any information relevant to them helping the adult, they will complete a request form asking for information and explaining their reasons why (Form 87V - see Annex D. This request form will be sent to the Borough PPD or MASH.

The PPD or designated borough unit will search the appropriate MPS systems including MERLIN, CRIS, Crimint Plus, General Registry and also national police systems such as the Police National Computer (PNC) for relevant information. The designated unit will consider the information gathered and decide whether it is proportionate, relevant and necessary to be disclosed for the purpose requested.

If it is decided that the request for information does not fall within defined categories, the original request Form 87V will be returned to the authorising manager. The reply will include an explanation as to why the request did not fall within the defined categories.

If it is decided that it is proportionate and necessary to disclose information, then the results of the search of MPS and police systems will be collated within an ACN report relating to that request. After removing where necessary any information that is not appropriate to be shared from each report, the police unit will send the finalized answer in the format of Form 87VA back to the requesting agency via the secure email link in MERLIN.

Cases referred to the Community MARAC would be those where a multi-agency approach is needed to safeguard victims/or their family, and address the behaviour of perpetrators either by an early intervention or by enforcement. Cases can be submitted outside the timescales in exceptional circumstances, where there is evidence of significant risk or escalation.

#### **Critical Request for Information:**

Where 'Critical Enquiries' are concerned the process will be different. A case will be considered 'Critical' if there is immediate risk of harm to the subject or others and information needs to be provided immediately to protect individuals e.g. hostage situations, presence of weapons, acts of terrorism, etc. **Critical Enquiries will only be generated by scene of crime Firearms Officers.** The process for initiating contact for Critical Enquiries will be:

Tel: *[insert number]* and ask for the Duty *[insert relevant job title]*

**As a last resort contact the 'on-call' Director of the relevant partner via the switchboard on Tel: *[insert number]***

Upon initiating a Critical Enquiry the following detail will be requested:

- Requestor's full name, job title, phone number.
- Verification that the case is genuinely 'critical' (i.e. there is immediate risk of harm to the subject or others and information needs to be provided immediately to protect individuals e.g. hostage situations, presence of weapons, acts of terrorism, etc.)
- A check that the telephone number provided is *[insert authorised number for critical enquiries]*. If not, the enquiry may be escalated to the 'on-call' Director to make the decision on disclosure via *[insert number]*.

For Critical Enquiries, ONLY the following information will be disclosed:

- Whether they are known to *[insert relevant clinical body]*.
- Whether they are currently engaged with services.



- Known risk factors - to self or others.
- Diagnosis or nature of mental health problem.
- Recent significant life changes that can be established from patient records that may impact on behaviour.

A record of the personal information disclosed to partners by the MPS must be created. Where the sharing of information has been recorded through MERLIN, or where the sharing has taken place as part of an ongoing investigation and is recorded in the detts of the relevant CRIS, no additional CRIMINT PLUS record is required. Where personal information is shared regarding something held **only on CRIMINT** an entry must be made on CRIMINT PLUS by [MPS SPOC job title] at the time the information is supplied (or as soon as possible thereafter). This should include what was shared and the reason for sharing. Any decision not to share information should similarly be recorded along with the reasons for the decision.

If sharing needs to occur in fast time and a Critical Enquiry is made via telephone, a record must be similarly created on an MPS corporate system as soon as possible thereafter by the requestor.

Permission must be sought by the partner agencies from the MPS for the sharing of information outside of their respective domain. Such permission will only be granted where proposed sharing of relevant and proportionate information is within the agreed principles: i.e. for policing purposes, which includes safeguarding adults. All requests made should be done so by either secure e-mail or in writing so that an audit trail exists.

## 4.2 Business Continuity

The mailbox requests and information will be sent to a joint team mailbox. Although only one individual and deputy will be responsible for administrating and controlling the mailbox, other appropriate staff within the teams will have access to the mailbox, meaning if the responsible individual is away, work can continue as normal.

The following must be adhered to as a minimum Monday to Friday:

- Team Mailbox is to be checked at the start of the working day between 9am and 10am for all new emails.
- A further check is to be made no later than four hours after the first check.
- A final check is to be made no earlier than 4.30pm.

*Referrals to Community MARACs will be made through the agency's representative, who will then provide details to the chairs for inclusions at the next panel meeting. All referral forms should be completed using the borough Community MARAC referral form and a risk checklist should be included. Referrals should be made to the panel a minimum of ten days before the meeting takes place. The chairs will distribute the referrals to other members in order for them to research and bring any work carried out with the vulnerable adult, victim, suspect, or witness, or any other case information to the meeting. (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*

## 4.3 Confidentiality and Vetting

The information to be shared under this agreement is classified as 'RESTRICTED' under the Government Protective Marking System. Vetting is not mandatory to view this grade of information; however the staff within [Enter BOCU name] Safeguarding

Adults Service/relevant partner trust who will have access to MPS information are CRB vetted. What is required at 'RESTRICTED' level access is a strict 'need-to-know' the information, which all staff viewing and accessing shared information will have.

The principles of confidentiality and vetting for information shared within the Community MARAC apply as outlined above.

#### 4.4 Movement of Information

As mentioned previously, information will be transferred using secure email. The email addresses to be used are;

- **[Police Team Email]@met.pnn.police.uk**
- **[Insert Adult Services team email address, ensuring it is a cjsm or equivalent METSEC approved ]**
- **[Insert Health email address, ensuring it is a nhs.net address]**
- **[Insert any other relevant secure email addresses]**

It is recognised that .gov.uk and nhs.uk by themselves are not secure email addresses and so will not be used to share RESTRICTED level information.

In the event of a failure of the e-mail system, Adult Coming to Notice reports and information forms will be shared via fax. A test sheet will be sent first to confirm the correct number has been inputted, and a response received, before the information is faxed across.

In cases of immediate risk, proactive and reactive sharing may occur using existing safeguarding referral processes following a telephone call to the department to make them aware of the report and to highlight any immediate action that has been completed / further actions required either by police or by Safeguarding Adults Department. Any sharing via telephone will be backed up in writing for audit purposes.

#### 4.5 Partner's Building and Perimeter Security

Information will be kept within a secure location with a managed and auditable access control system, which the general public have no access to. This is applicable to information subject to Community MARAC.

## 4.6 Storage of Information

Information requests will be sent via secure email to a joint mailbox. Each agency will have appropriate measures in place regarding the retention of information. All partner organisations who are party to this protocol will put in place policies and procedures governing the retention and destruction of records containing personal information retained within their systems.

As a general rule, partner organisations agree that personal information that has been shared will be destroyed once it no longer is of relevance to the initial inquiry.

Signatories to this agreement confirm that there are adequate security measures on their electronic systems specifically;

- Areas where shared information is stored can only be accessed via username and password.
- Partners confirm that permission to access to information shared by partners will be granted on a strict 'need-to-know' basis once it is contained within partners' electronic systems
- An audit trail is in place that captures events which evidence successful and unsuccessful access to the system and individual records.

Any papers records of information shared under this agreement must be kept in a locked container within a secure premise with a managed access control. Access to information will be limited to those with a genuine "need-to-know". When the documents are not being used they will be locked away.

*Cases referred into the Community MARACs will be sent to the agreed CRMARAC contact/chair/coordinator, who will then add to the list of referrals to be heard at the next conference/meeting. After agreement by the chairs, details of the referral list will be sent to the relevant Statutory Partners 7 days prior to the conference/meeting to enable research on the subjects. This list will be sent by secure email and clearly marked 'Restricted'. Panels members will ensure that all papers are destroyed once details are entered on their agencies databases(s), restricting unauthorised access. (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*

## 4.7 Security Incidents and Breaches of the Agreement

Security breaches (including misuse of MPS information) must be reported to the relevant SPOCs within 24 hours of occurring / being detected. A list of SPOCs will be circulated for this purpose.

The MPS SPOC must immediately inform the Information Assurance Unit of any security incident or breach of MPS information, including unauthorised disclosure or loss of information, by calling 785084 or emailing 'DoI Mailbox - Security Incidents'.

Partners confirm that security breaches are covered within their internal disciplinary procedures. If misuse is found, consideration will be given to facilitating an investigation into initiating criminal proceedings.

All parties are aware that in extreme circumstances, non-compliance with the terms of this agreement may result in the agreement being suspended or terminated. Breaches of Community MARAC agreement and security breaches are subject to the same reporting process and procedures.

## 4.8 Disposal of Information

It is not the intention of this agreement that information will be produced in a hard format. If information is printed off of an electronic system, it will be disposed of through a RESTRICTED waste system, using a shredder, or will be returned to MPS premises for disposal.

Electronic information will be disposed of by being overwritten using an approved software utility or through the physical destruction of the computer media. Data held electronically shall be weeded according to each agencies standard operating procedure in relation to their IT systems. *Community MARAC panel members will ensure that all papers are destroyed once details are entered on their agencies database(s), restricting unauthorised access (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*

#### **4.9 Compliance**

All partners are responsible for ensuring the security controls are implemented and staff are aware of their responsibilities under the Data Protection Act 1998.

Partners agree where necessary to allow peer-to-peer reviews to ensure compliance with the security section of this ISA. Compliance with these security controls will be catered for in the periodic reviews of the ISA.

*Community MARAC representatives accept responsibility for ensuring that all agreed security arrangements are complied with. Any issues around compliance with the agreed security measures will form part of the review of this arrangement. (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*

#### **4.10 Review**

In accordance with the Guidance on the Management of Police Information (MoPI), this agreement will be reviewed six months after implementation and annually thereafter. *Community MARAC information sharing processes form part of this review (if appropriate to the Local Authority where a Community Risk MARAC exist or in development).*

#### **4.11 Freedom of Information Act and Subject Access Requests**

Normal practice will be to make all information sharing agreements available on the MPS Publication Scheme. It is recognised that parties to this agreement may receive a request for information made under the Act that relates to the operation of this agreement. Where applicable, they will observe the Code of Practice made under S.45 of the Freedom of Information Act 2000.

This Code of Practice contains provisions relating to consultation with others who are likely to be affected by the disclosure (or non-disclosure) of the information requested. The Code also relates to the process by which one authority may also transfer all or part of a request to another authority if it relates to information held only by the other authority.

Individuals can request a copy of all the information an organisation holds on them, by making a Subject Access Request (SAR). This may include information that was disclosed to that organisation under this agreement. Where this is the case, as a

matter of good practice the organisation will liaise with the originating organisation to ensure that the release of the information to the individual will not prejudice any ongoing investigation/prosecution.

**Section 5**  
**Agreement to abide by this arrangement**

The agencies signing this agreement accept that the procedures laid down in this document provide a secure framework for the sharing of information between their agencies in a manner compliant with their statutory and professional responsibilities.

As such they undertake to:

- Implement and adhere to the procedures and structures set out in this agreement.
- Ensure that the procedures set out in this agreement are complied with where mandatory requirements to do so apply
- Ensure that all information will be shared as envisaged by this agreement, provided there is no impediment to doing so either under this agreement or pursuant to any other legal or professional obligations upon the signatories. Engage in a review of this agreement with partners six months after its implementation and annually thereafter.

**We the undersigned agree that each agency/organisation that we represent will adopt and adhere to this information sharing agreement:**

<b>Agency</b>	<b>Post Held</b>	<b>Name</b>	<b>Signature</b>	<b>Date</b>
<b>MPS</b>	<b>[Add unit head or Partnership Inspector or other Senior Officer]</b>	<b>[Add]</b>	<b>[Only for locally kept original in General Registry File]</b>	<b>[Add date of agreement - this will set 1st review date 6 months later. Also set review date in footer.]</b>
<b>[Add a Partner eg- Local Authority, PCT etc]</b>	<b>[Add person with direct responsibility for this activity - a CEO need NOT sign]</b>			

## **Appendix A - Department of Health (2011) Statement of Government Policy on Adult Safeguarding, 6 principles.**

### **Principle 1 – Empowerment**

Safeguarding must be built on empowerment. Services provided should be appropriate to the vulnerable adult and not discriminate because of disability, age, sexual orientation, race, religion or belief, sex, pregnancy and maternity, culture or lifestyle. Victims should be supported in making their own decisions and choices. This includes decisions related to risk; a victim's own perceived vulnerability, whether they want to access criminal justice opportunities and/or be referred to partner agencies for support.

Empowering victims may require specialist support or intervention from an advocate, a language interpreter, an intermediary or another third party. There are occasions when the police have a duty to take action and share confidential information. In these circumstances the police must continue to work closely with the victim and ensure they remain central to the Process, unless to do so would increase the risk of harm to them or other Adults at Risk.

### **Principle 2 – Protection**

Assumptions will not be made about an adult's ability to protect themselves purely on the basis of visual characteristics such as age, fragility or disability. Many adults can and do safeguard themselves. Protection should focus on the provision of services for those adults who are or may be unable to protect themselves against abuse and are, therefore, in the greatest need of support. This includes adults who lack capacity to make decisions which concern their safety. Best interest decisions about the safety of people who lack capacity will be taken in accordance with the Mental Capacity Act (MCA) 2005.

### **Principle 3 – Prevention**

Prevention should be the primary aim of all agencies involved in safeguarding adults from abuse, including the police. Although effective investigative processes can assist a victim in coming to terms with abuse, they cannot always reverse the detrimental effect that abuse may have on an individual's independence, wellbeing and choice. Prevention is linked to Empowerment as it means working with Adults at Risk to develop safeguarding plans aimed at reducing the risk of abuse. This may include using available police powers to focus on the perpetrator of abuse. Response and neighbourhood policing teams have a key role in prevention.

### **Principle 4 – Proportionality**

Measures to safeguard adults must be proportionate and, in consultation with the victim, consider the least intrusive response appropriate to the risk presented. This supports the use of professional judgment and management of risk. The legal obligations which underpin this principle include the duties on public authorities in the Human Rights Act 1998 (HRA), Schedule 1. The HRA essentially makes the European Convention on Human Rights (ECHR) enforceable in UK law, but it does not incorporate the entirety of the ECHR into UK law. If decisions are made without taking account of a victim's views, this may infringe their human rights and jeopardise other qualities of life for adults, such as the right to respect for private and family life.

### **Principle 5 – Partnership**

The Police Service aims to increase public confidence and to deliver appropriate safeguarding responses. In doing so, there is recognition that this is more likely to secure better outcomes for victims of abuse. The Police Service also acknowledges that actions by other agencies with statutory responsibility for the provision of health and social care services may need to take place at the same time as a criminal investigation is in progress in order to safeguard one or more Adults at Risk.

### **Principle 6 – Accountability**

This requires staff who have contact with the public to be confident in identifying Adults at Risk, recognising situations that induce vulnerability in light of specific risk factors and being confident in responding appropriately, whether this is in a preventive or investigative role.

Sharing of Information regarding a vulnerable adult must be accurate, factual, relevant, necessary and proportionate for the purpose for which it is passed. Where police officers or staff have concerns for a vulnerable adult which are likely to lead to an external referral, they should first discuss the concerns with the vulnerable adult, explain what action the police will need to take in order to refer concerns to other agencies, and obtain their consent, if possible in writing, before making the referral. Police officers and staff should promote a positive and realistic image of adult social care services and other agencies to encourage and enable Adults at Risk to access the help advice and support they need, if they choose to do so.

Where consent is not forthcoming, this should not preclude officers from making an external referral and sharing confidential information, if this can be justified in the public interest. This includes situations where there is evidence or reasonable cause to believe that an adult is suffering, or is at risk of suffering, serious harm (defined as death or serious injury to a Person's physical or mental health) or to prevent serious harm to an adult by, for example, the prevention, detection and prosecution of serious crime (defined as any crime which causes or is likely to cause serious harm to an adult).



## Appendix B - The National Standard - Headline Standard <sup>7</sup>

<b>Standard 1</b>	Each local authority has established a multi-agency partnership to lead 'Safeguarding Adults' work
<b>Standard 2</b>	Accountability for and ownership of 'Safeguarding Adults' work is recognised by each partner organisation's executive body.
<b>Standard 3</b>	The 'Safeguarding Adults' policy includes a clear statement of every person's right to live a life free from abuse and neglect, and this message is actively promoted to the public by the Local Strategic Partnership, the 'Safeguarding Adults' partnership, and its member organisations.
<b>Standard 4</b>	Each partner agency has a clear, well-publicised policy of Zero-Tolerance of abuse within the organisation.
<b>Standard 5</b>	The 'Safeguarding Adults' partnership oversees a multi-agency workforce development/training sub-group. The partnership has a workforce development/training strategy and ensures that it is appropriately resourced.
<b>Standard 6</b>	All citizens can access information about how to gain safety from abuse and violence, including information about the local 'Safeguarding Adults' procedures.
<b>Standard 7</b>	There is a local multi-agency 'Safeguarding Adults' policy and procedure describing the framework for responding to all adults "who are or may be eligible for community care services" and who may be at risk of abuse or neglect.
<b>Standard 8</b>	Each partner agency has a set of internal guidelines, consistent with the local multi-agency 'Safeguarding Adults' policy and procedures, which set out the responsibilities of all workers to operate within it.
<b>Standard 9</b>	The multi-agency 'Safeguarding Adults' procedures detail the following stages: Alert, Referral, Decision, Safeguarding assessment strategy, Safeguarding assessment, Safeguarding plan, Review, Recording and Monitoring.
<b>Standard 10</b>	The safeguarding procedures are accessible to all adults covered by the policy.
<b>Standard 11</b>	The partnership explicitly includes service users as key partners in all aspects of the work. This includes building service-user participation into its: membership; monitoring, development and implementation of its work; training strategy; and planning and implementation of their individual safeguarding assessment and plans.

<sup>7</sup> Safeguarding Adults ADSS, 2005

## Appendix C - What is abuse and Criminal offences that may be committed against Adults at Risk

Below are the main forms of abused defined.

- **physical abuse**, including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions
- **sexual abuse**, including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting
- **psychological abuse**, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- **financial or material abuse**, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits
- **neglect and acts of omission**, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
- **Discriminatory abuse**, including racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment.

A number of the other most significant laws relating to abuse faced by Adults at Risk are:

- **The Domestic Violence, Crime and Victims Act 2004** explicitly states that it is a criminal offence to physically or sexually abuse, harm or cause deliberate cruelty by neglect of a child or an adult. This legislation was introduced, in part, to emphasise the crime of abuse between partners within the home.
- **Mental Capacity Act 2005**. Creates an offence of ill-treatment or wilful neglect of a person lacking capacity by anyone responsible for that person's care.
- **Offences Against The Persons Act 1861** including grievous bodily harm with intent, grievous bodily harm, chokes /suffocates/strangles, unlawfully applies drugs with intent to commit indictable offence, poisoning with intent to endanger life/cause GBH or with intent to injure, aggrieve or annoy and assault occasioning actual bodily harm.
- **Criminal Justice Act 1988** including Common assault,
- **Medicines Act 1968** including: Unlawfully administering medication, Injurious affecting the composition of medicinal products
- **The Sexual Offences Act 2003**
- **Public Order Act 1986** including affray, fear or provocation of violence, intentional harassment, alarm or distress, and harassment/alarm or distress
- **Protection from Harassment Act 1977** including course of conduct amounting to harassment, injunctions against harassment, and course of conduct that causes another to fear.
- **Theft Act 1968** including dishonest appropriation of property, robbery, burglary dwelling house, blackmail
- **Mental Health Act 1983** including ill treatment or neglect of mentally disordered patients within hospital or nursing homes or otherwise in persons custody or care and unlawful sexual intercourse with patients/residents suffering mental disorder



**INFORMATION REQUEST**

<b>Subject's Name:</b>	<b>Date of Birth:</b>	<b>Police URN:</b>
------------------------	-----------------------	--------------------

Originator		
<b>Name/Position:</b>		
<b>Address:</b>		<b>Post Code:</b>
<b>Tel. No.:</b>		<b>Email address:</b>

Number of Subjects Requiring Checks	(USE ONE FORM PER SUBJECT)						
<b>Name:</b>	<b>Location:</b>						
<b>Date of Birth:</b>	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"><b>Male</b></td> <td style="width:10%;"><input type="checkbox"/></td> <td style="width:15%;"><b>Female</b></td> <td style="width:10%;"><input type="checkbox"/></td> <td style="width:15%;"><b>Ethnicity</b></td> <td style="width:10%;"><input type="checkbox"/></td> </tr> </table>	<b>Male</b>	<input type="checkbox"/>	<b>Female</b>	<input type="checkbox"/>	<b>Ethnicity</b>	<input type="checkbox"/>
<b>Male</b>	<input type="checkbox"/>	<b>Female</b>	<input type="checkbox"/>	<b>Ethnicity</b>	<input type="checkbox"/>		
<b>Address:</b>							

Reason for Information Request (London Multiagency safeguarding Adult Guidance)	Y	N
(A) Inter-Agency Risk Management (MAPPA).	<input type="checkbox"/>	<input type="checkbox"/>
(B) Initial Assessment to justify Safeguarding investigation	<input type="checkbox"/>	<input type="checkbox"/>
(C) To assess the risk to the vulnerable adult and others	<input type="checkbox"/>	<input type="checkbox"/>
(D) To put in place protective measures	<input type="checkbox"/>	<input type="checkbox"/>
Consent must be sought for B, C and D from subject. If YES, where recorded? Unless overridden by Authorising person under Public interest (recorded)	<input type="checkbox"/>	<input type="checkbox"/>

<b>Supporting Circumstances / allegation (MUST BE COMPLETED)</b>

Read & Signed by Person Requesting - Manager		
TO BE DEVELOPED BY LONDON PARTNERSHIP XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
<b>Signed:</b>	<b>Print Name:</b>	<b>Date:</b>

Police Use only		
Signed authority to carry out checks (DS or above)		
<b>Signed:</b>	<b>Print Name:</b>	<b>Date:</b>



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**Information Request- RESULT**

**This information is sent in confidence and is restricted. It must not be passed on to a third party without the express permission of the police.**

<b>For:</b> (Name of recipient)
<b>Of:</b> (Name and address of department, section, team or unit)

The following is a summary of information obtained from police checks relating to the subjects specified below. The summary has been de-personalised in accordance with the Data Protection Act 1998 and consists only of sufficient information which is assessed as being necessary and relevant for the purposes specified on the original request.

Name of Subject	Summary of information known

<b>No further action</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Form 87 URN</b>	
<b>If 'Y' state what action</b>			

<b>Supervisor (Sergeant) authorising disclosure Signature</b>			
<b>Signed:</b>		<b>Print Name:</b>	
		<b>Date:</b>	

Retention Period: 7 Years  
MP 67/14

## Appendix E - Confidentiality Statement

### Meeting confidentiality statement / ISP Summary Brief

Chair		Date of Meeting	
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Information discussed by the agency representatives, within the ambit of this meeting, is strictly confidential and must not be disclosed to third parties.

All agencies should ensure that all minutes and related documentation are retained in a confidential and appropriately restricted manner. These minutes will aim to reflect that all individuals who are discussed at these meetings should be treated fairly, with respect and without improper discrimination. All work undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

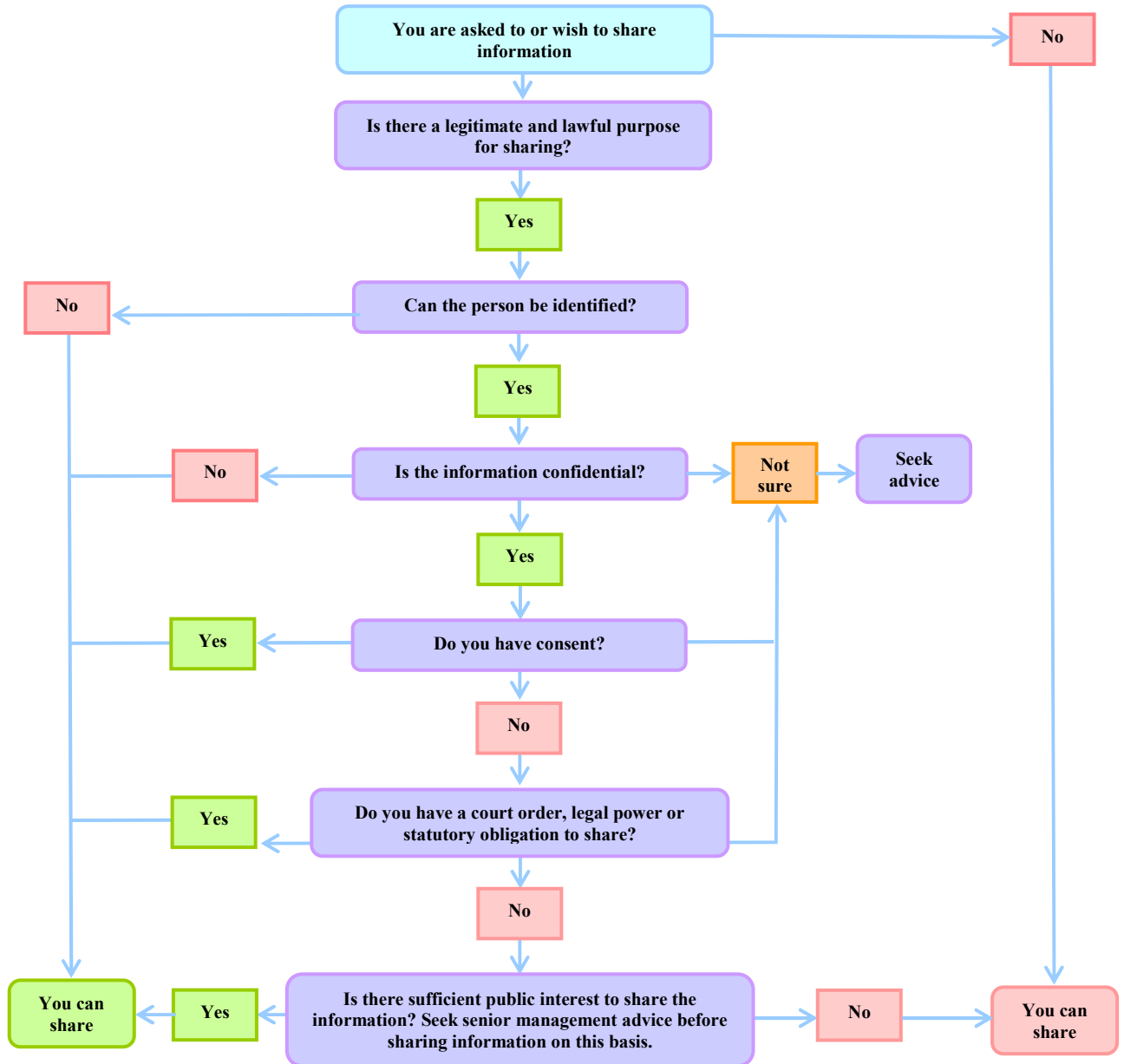
THE PURPOSE OF THE MEETING IS AS FOLLOWS:

- To share information to increase the safety, health and well-being of victims – adults and their children;
- To construct jointly and implement a risk management plan that provides professional support to all those at risk and that reduces the risk of harm;
- To reduce repeat victimisation;
- To improve agency accountability; and
- Improve support for staff involved in high risk cases.

BY SIGNING THIS DOCUMENT WE AGREE TO ABIDE TO THESE PRINCIPLES.



## Appendix F – Information sharing flowchart



**Share information:**

- Identify how much information to share and the relevance
- Ensure you are getting the right information to the right person
- Ensure you are sharing the information securely
- Inform the person that the information has been shared if they were not aware of this and it would not create or increase risk of harm

Record information is going to be shared and your reasons in line with your agency's procedures

If there are concerns that a child may be at risk of significant harm or an adult may be at risk of serious harm, then follow relevant procedures without delay.

Seek advice if you are not sure what to do at any stage and ensure that the outcome of the discussion is recorded.

(Source: HM Government: Information Sharing Pocket Guide)

**Community  
MARAC**

**Community MARAC Risk Assessment**

**Victim:**

**Perpetrator:**

**Date completed:**

**Completed By :**

**ECM Referral:**



Please explain that the purpose of asking these questions is for the safety and protection of the individual concerned. Tick the box if the factor is present <input checked="" type="checkbox"/> . Please use the comment box at the end of the form to expand on any answer. It is assumed that your main source of information is the victim. If this is <u>not the case</u> please indicate in the right hand column	Yes (tick)	No	Don't Know	State source of info if not the victim e.g. police officer
1. Has the current incident resulted in injury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are you frightened? Comment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. What are you afraid of? (Please give an indication of what you think (name of abuser(s)...) might do and to whom, including children) Comment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. <i>Do you feel isolated due to the abuse/No support network</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Are you feeling depressed due to the abuse/seen your GP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Do you live in close proximity to the perp/abuser do they know where you live	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Has this happened to you before/repeat victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Does (.....)harass you? (Please expand to identify what and whether you believe that this is done deliberately to intimidate you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Is the abuse happening more often? What is the frequency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Is the abuse getting worse/ Escalation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Tick box if factor is present. Please use the comment box at the end of the form to expand on any answer.	Yes (tick)	No	Don't Know	State source of info if not the victim e.g. police officer

<p>11. Has (.....) had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life? (If yes, please specify which and give relevant details if known.)</p> <p><i>Drugs</i> <input type="checkbox"/>    <i>Alcohol</i> <input type="checkbox"/>    <i>Mental Health</i> <input type="checkbox"/></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>12. Do you know if (.....) has hurt anyone else? (Please specify whom)</p> <p><i>Children</i> <input type="checkbox"/>    <i>Neighbours</i> <input type="checkbox"/> <i>Other (please specify)</i> <input type="checkbox"/></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>13. Has (.....) ever threatened to kill you or someone else and you believed them? (If yes, tick who.)</p> <p><i>You</i> <input type="checkbox"/>    <i>Children</i> <input type="checkbox"/>    <i>Other (please specify)</i> <input type="checkbox"/></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>14. Do you feel targeted due to:</p> <p><i>Sexual orientation</i> <input type="checkbox"/> <i>Disability</i> <input type="checkbox"/>    <i>Race</i> <input type="checkbox"/> <input type="checkbox"/> <i>Religion</i>    <i>Other</i> <input type="checkbox"/></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>15. Do you know if (.....) has ever been in trouble with the police or has a criminal history? (If yes, please specify.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Total 'yes' responses</p>				

**For consideration by professional:**

Is there any other relevant information (from victim or professional) which may increase risk levels? Consider victim's situation in relation to **disability, substance misuse, mental health issues, cultural/language barriers.**

What are the victim's greatest priorities to address their safety?

**Do you believe that there are reasonable grounds for referring this case to xxxx Community MARAC? Yes / No**

If yes, have you made a referral?

**Signed:**

**Date:**

**Do you believe that there are risks facing the children in the family? Yes / No**

If yes, please confirm if you have made a referral to safeguard the children: Yes / No

Date referral made.....

<b>Signed</b>		<b>Date</b>	
<b>Name</b>			

## Guidance on making a referral to the XXXX Community MARAC **MARAC threshold**

The XXXX Community MARAC has three criteria by which a case can meet threshold:

1. **Professional judgement:** if a professional has serious concerns about a victim's situation, they should refer the case to The C MARAC. There will be occasions where the particular context of a case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. **This could reflect extreme levels of fear, learning difficulties, cultural barriers to disclosure, or language barriers** This judgement would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria 2 and/or 3 below.
2. **'Visible High Risk':** the number of 'ticks' on this checklist. If you have ticked **9 or more 'yes'** boxes the case would meet the referral threshold OR
3. **Potential Escalation:** the number of police callouts to the victim as a result of abuse in the past 10 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the list, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at the EC MARAC.

Please pay particular attention to a practitioner's professional judgement in all cases. **The results from a checklist are not a definitive assessment of risk.** They should provide you with a structure to inform your judgement and act as **prompts** to further questioning, analysis and risk management whether via a EC MARAC or in another way.

### **C MARAC repeat**

A repeat MARAC case is one where any of the following types of behaviour have taken place within 10 months of a victim's first referral to C MARAC:

- Violence or threats of violence to the victim; or
- Where there is a pattern of harassment; or
- Targeted hate crime is disclosed

Where these criteria are met, the victim should be re-referred to C MARAC regardless of whether they meet the XXXX community threshold.

### **MARAC meetings**

MARAC meetings are held each month and begin at 10.30am.

Referrals must be received 10 days preceding the C MARAC meeting and must include a completed:

- Risk Indicator Checklist;
- Referral Form; and

Referrers should ensure that they are using the most recent copies of these documents

Any electronic information shared between agencies, including referrals, must be sent via **PASSWORD PROTECTED EMAIL**

If you would like instruction on how to use password protected email or for any other enquiries, contact the Risk Co-ordinator by email at [xxxx@xxxx.xx](mailto:xxxx@xxxx.xx) or call 020 8xxxxxx



**LONDON BOROUGH OF BRENT**  
**in Partnership with Metropolitan Police**

**BRENT**  
**Community MARAC**  
**Core group protocol**

## 1. Introduction

The Brent Community MARAC is a meeting where information is shared on complex/high risk cases between various stakeholders. All relevant information is shared about victims, witnesses and perpetrators, the representatives then discuss options for increasing the safety of the victims and / or witnesses and addressing the perpetrators' behaviour, turning these into a co-ordinated action plan. The primary focus of the panel is to safeguard the victims and witnesses, and prevent further victimisation. Therefore it is critical that the Core group is established as a way of ensuring that multi agency communication and exchange of information takes place regularly.

All inquiries into victims of crime deaths have found multi agency working a weakness. A major part of this weakness has been a failure of communication by agencies involved in working with vulnerable victims despite a number of legislative powers, guidance and protocols; this continues to remain an area of concern.

Fiona Pilkington, 38, made 21 calls to Police in a bid to stop a local gang abusing her and daughter Francesca Hardwick, She had even written to her local MP and reported to her local council: without multi agency resolution.

It is imperative that all core agencies ensure a total commitment to the process, in recognising that the sharing of information, working in partnership risk planning and management is paramount to the effectiveness of protecting victims of crime/ people at risk of harm or repeat victimisation. The panel will also make links with other partners to safeguard children and manage the behaviour of the perpetrators. It is important to acknowledge that professionals can only work together to protect victims of crime if there is relevant exchange of information and accountability.

Accordingly, The Brent Community MARAC has the following key principles:

### The aims of the panel are:

- To share information in order to increase the safety, health and well being of victims and / or witnesses, both adults and children
- Multi agency working and multi-agency effective communication
- Working in partnership
- Encourage integrity, openness and honesty between agencies
- To determine whether the perpetrators pose a risk to any particular individual or to the general community
- Construct jointly and implement, a risk management plan that provides professional support to all those at risk and that reduces the risk of harm
- To reduce repeat victimisation
- To improve agency accountability, and improve support for staff involved in cases
- Encourage creativity and innovative ways of working
- Provide opportunities to improve partnership working
- Encourage problem solving
- Promote the use of early interventions

### **Important Note**

The responsibility to take appropriate action rests with individual agencies; it is not transferred to the panel. The role of the panel is to facilitate, monitor and evaluate effective information sharing to enable appropriate action to be taken to increase public safety, whether by early intervention or enforcement.

When a panel meeting takes place, it is made clear to all the partners attending, how they will share, store and manage any information that is discussed at the meeting.

### **2. Brent Community MARAC Partnership**

The Panel is co-ordinated by Brent (chair 1) and (chair 2).

Various members will attend the panel meetings however a core group will attend on a regular basis. Other partners would attend on an, 'as and when' basis, as they may have knowledge regarding specific cases.

#### **Core group members will be:**

- Safer Communities Team
- Police
- Youth Offending Service
- Social Services
- Housing (Council and other Social Landlords)
- Probation
- Family Intervention Project
- Youth Services
- Victim support
- Mental Health Services
- Mediation
- St Mungos

Non-core group members could include; CAFCASS and Safeguarding Services (Adults / Children).

The panel is not a public information-sharing panel. The panel will be restricted to the core group members and other members who can provide a contribution to the cases discussed.

Each agency attending the panel will consist of a lead contact for their organisation and a deputy (if the lead cannot attend the panel). Deputies attending the panel should be of a suitable management level, as decisions will need to be made on behalf of their organisations.

All panel members will be expected to have an understanding of complex/high risk case management and its affects. Members should also have an understanding of the referral process, the Referral form and the risk checklist in order to understand the level of risk posed.

### **3. Panel Member's Responsibilities**

All panel members are responsible for:

- Attending each meeting
- Being the point of contact for their agency in relation to all enquiries
- Making their staff aware of the panel referral process and referring cases to the panel
- Bringing any information, involvement, actions or case work carried out with a victim, witness or perpetrator to the panel
- If there is an allocated professional working directly with any person referred to the panel, then it is the responsibility of the representative agency to obtain necessary relevant information and bring it to the meeting

- Adhere to and complete set actions for the relevant agencies prior to the next meeting
- Encourage staff to make referrals to the panel
- Appointing a deputy (of the necessary management level) to attend if the lead is absent
- The lead is responsible for informing the Chairs who will be deputising for them in advance if unable to attend

### **Panel Meetings Regularity**

The panel will hold its meetings on a monthly basis. Panel members are expected to attend these meetings on a regular basis, and should share relevant related information, which is known to their agency. They should also inform the panel of actions completed.

### **4. Other Professionals or Agency Attendance**

Other agencies and professionals can attend the panel, if they are involved in a particular case. Observers can also attend the panel, however prior agreement from the EC MARAC co-ordinator would need to be sought.

## **GOVERNANCE AND PERFORMANCE MANAGEMENT**

### **5. Referring Cases to the Panel**

Cases referred to the panel would be those where a multi-agency approach is needed to safeguard victims and / or their family, and address the behaviour of perpetrators either by an early intervention or by enforcement.

Referrals would be made through the agency's representative, who will then provide details to the Chairs for inclusion at the next panel meeting.

All referral forms should be completed using the Brent Community MARAC referral form and a Risk Checklist should be included.

Referrals should be made to the panel a minimum of 10 days before the meeting takes place. The Chairs will distribute the referrals to other members in order to allow them to research and bring any work carried out with the

victim, perpetrator, or witness, or any other case information to the meeting.

**Cases can be submitted outside the timescales in exceptional circumstances, where there is evidence of significant risk or escalation.**

Agencies should encourage the referral of cases to the panel.

### **6. Identification of Panel Cases**

The referring agency will need to complete a Risk Checklist as an initial assessment when determining the risk. The checklist is a practical tools that can help agencies identify those at risk when cases are referred to the panel. The checklist is a guide in establishing the risk posed to a victim, witness or perpetrator; however judgement-based decisions can also be made where there is a possibility of serious harm based on all the factors present.



## 7. Criteria for the Panel

Cases that are referred to the panel, should involve individuals whose behaviour affects persons in the London Borough of Brent and those currently experiencing on-going victimisation/at risk of harm.

Presently there are three criteria for assessing risk when referring cases to the panel:

### High Risk

If nine or more criteria in the checklist have been ticked 'yes', the subject should be considered high risk.

### Potential Escalation

This criterion can be used to identify cases where there is insufficient identification of the risk factors on the list, but where matters appear to be escalating and where it is appropriate to assess the situation more fully by sharing information at the panel.

### Professional Judgement

If there are serious concerns with regard to a subject's situation, the case should be assessed accordingly. There will be occasions where the particular context of a case gives rise for concern even if a subject has been unwilling to disclose information that might highlight their risk more clearly. This could reflect extreme levels of fear, or an unwillingness to involve other members of the family for instance. This judgement would be based on the professional's experience and / or a subjects' perception of their risk.

### Case Management

Each case brought to the panel will have a management plan agreed, tailored to take in to account the risk posed to the victim, and any witness, to increase their safety and that of other vulnerable parties. Risks posed by the perpetrator would also be appropriately managed.

A management plan may include safeguarding the victim and their families, supporting witnesses, managing the behaviour of the perpetrator, either by way of intervention or enforcement, referral to specialist services and the prioritising of agency resources.

The panel representative is responsible for communicating relevant information and action points to their agency and is responsible for ensuring that the appropriate practitioners carry out all actions in a timely manner, and the panel informed either directly or through the Chairs.

Where the panel recommends referral to another agency, which is not represented, the Chairs will take the follow up action where appropriate.

### Monitoring/updates

The lead from the referring agency will be expected to keep victims and witnesses informed of progress. The referring agency will also be expected to update the panel on the progress of cases and of any actions that have been given to them by the panel. Any unmet actions will be reviewed at the start of the next meeting and recorded in the minutes.

### Urgent Panel Meetings

Urgent meetings will only be called if the risk to a victim, witness or perpetrator is significantly high. The agency requesting the meeting will contact the chairs highlighting the urgency of the case. Once agreed, the Co-ordinator [Enter name] will then arrange a meeting as early as possible.

Chairing the Panel

The Brent Community MARAC will be chaired by [Enter name]


## 8. Core Responsibilities of the Brent Community MARAC Panel Steering Group

The Panel Steering Group holds the following responsibilities in relation to the panel:

- Monitor and evaluate the data from the panel
- Ensure that effective partnerships are maintained with other public protection agencies
- Monitor and regularly assess the overall performance of the panel
- Address operational issues
- Oversee efforts to raise awareness with local practitioners about the panel
- Communicate to the public and to stakeholders the successes of the panel
- Conduct reviews of referred cases
- Ensure that the panel operates in line with legal responsibilities and keeps up to date with changes in legislation and national guidance

**Please sign and send back separately to XXXX acknowledging that you have read the protocol and agree with the terms and conditions.**

Name (title/position)
Organisation
Deputy
Line Management
Organisation
Date
Signature

 <p><b>Brent</b></p>	<p><b>Cabinet</b> 14 April 2015</p> <p><b>Report from the Strategic Director Children and Young People</b></p>
<p>Wards Affected: ALL/</p>	
<p><b>Primary School Admissions - Proposed changes to community schools' oversubscription criteria and admission arrangements for the 2016/17 admission round</b></p>	

## 1. Summary

- 1.1. In December 2014 Cabinet agreed to consult on proposals to amend the council's oversubscription criteria for community primary schools for 2016/17.
- 1.2. Following the completion of the statutory consultation period of eight weeks, Cabinet is asked to decide whether the proposed changes should be agreed.
- 1.3. This report provides Cabinet with the results of the consultation undertaken on proposals to:
- 1.4. create an additional criterion which prioritises siblings who live within the catchment area of Brent Community Schools over siblings who live outside the school catchment.
- 1.5. amend the wording and expand the explanation of the social medical criterion to provide clearer information for parents and carers.
- 1.6. 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.

## **2. Recommendations**

- 2.1. That the results of the consultation carried out from 31 December 2014 to 28 February 2015 be considered and noted.
- 2.2. That the changes to the admission arrangements for community primary schools for 2016/17 as detailed in this report at section 5 be approved: to prioritise siblings and children living within the catchment area over siblings living out of the catchment, to amend the wording and explanation of the social medical criterion and to change the distance measurement method to straight line measurement.

## **3. Detail**

- 3.1. Currently there are 61 primary schools in Brent made up of community schools, Voluntary Aided (VA) schools, foundation schools and academies. VA and foundation schools and academies 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 such schools in Brent. 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 the council (as a Cabinet decision) as the Admissions Authority.

## **4. Consultation**

- 4.1. 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. The period of consultation must be for a minimum of eight weeks and be completed by 1 March 2015. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- 4.2. Following Cabinet's decision in December 2014, consultation was carried out on proposals to amend the oversubscription criteria for community schools for 2016/17 between 31 December 2014 and 28 February 2015.
- 4.3. A public notice was placed in the local press, two public meetings were arranged, one daytime and one evening meeting. All Brent schools, children's centres, other local authorities and other statutory bodies were consulted as required by the Admissions Code. Information was provided on the admissions pages of the council's web site, on the consultation portal and through a 'twitter feed'. The proposed changes were a substantial agenda item at the Strategic Director's termly meeting with headteachers in February, when approximately 40 headteachers were in

attendance. A lengthy discussion took place and headteachers were encouraged to respond to the consultation. An information session for elected Members on the proposals was provided on 26 February 2015.

- 4.4. Cabinet will recall that the proposed changes consulted on were as follows:
- 4.5. 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.
- 4.6. 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.
- 4.7. amend the wording and expand the explanation of the social medical criterion to provide clearer information for parents and carers.
- 4.8. Only two consultation responses were received, and these were from schools: one against the proposal to prioritise in catchment siblings, and one in favour of the proposal.
- 4.9. One response (from Byron Court School) was in favour of the proposed changes. The other response on behalf of the Governors of Donnington Primary School argued against the proposed change to the sibling criterion. It was argued that giving out-catchment siblings a lower priority may result in parents having to take their children to two different schools. Clearly for those people who move home through choice, it is incumbent on the family to ensure that they can secure school places at their new address. This is becoming easier within the borough as we build in more school capacity. Often in Brent, however, families move not through choice, particularly those in the private rented sector.
- 4.10. Officers consider that vulnerable families can be protected from splitting up of children by using the social /medical criterion and consider that this addresses the concerns that these Governors raise.
- 4.11. The admission round for 2016/17 begins in September 2015 and a publicity campaign highlighting the changes will be carried out.
- 4.12. Parents/carers have a right of appeal against any decision not to offer a place at a preferred school, and the right of appeal will also be highlighted.
- 4.13. Admission arrangements can be amended annually, subject to fulfilling the required statutory consultation. To ensure there is no unintended negative impact on vulnerable families, appeals, complaints and concerns raised about the changes will be monitored carefully by the admissions service.
- 4.14. At the headteachers' meeting, headteachers welcomed the clarification to the social/medical needs criterion and were positive and supportive in relation to the change to the method for measuring distance from the school.

## **5. Proposed Oversubscription Criteria for Community Schools 2016/17**

- 5.1. Cabinet is therefore asked to agree to adopt the following oversubscription criteria for Brent community schools for 2016/17 which prioritise siblings living within the catchment, and children living within catchment over siblings living outside of the catchment. The proposed criteria read as follows, in priority 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 (now child arrangement) order, 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.

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

5.3. This criterion relates to the child's social and or medical needs. The application must be supported by written evidence that sets 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 the 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.

**5.4. Social needs**

5.5. 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.

**5.6. Medical needs**

5.7. 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.

**5.8. Distance measurement**

- 5.9. 'Tie Break' measurement. Within each criterion priority will be given to the applicant who lives closer to the school.
- 5.10. 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.

## **6. Next steps**

- 6.1. If the recommendations in this report are agreed, the changes to the admissions oversubscription criteria will be reflected in all the materials publicising primary admissions for 2016/17. This includes the admissions booklet and all the online materials. Officers will also explain the changes at face to face sessions for admissions staff in schools so that they can answer parents' questions clearly and accurately.

## **7. Financial Implications**

- 7.1. There are no specific financial implications for this report.

## **8. Legal Implications**

- 8.1. 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 19 December 2014.
- 8.2. 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.
- 8.3. 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.
- 8.4. Consultation must be carried out for a minimum of eight weeks ending on 1 March 2015.

## **9. Diversity Implications**

- 9.1. 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. Unintended consequences and downsides, in particular in relation to the consequences of welfare reform on families will be monitored.
- 9.2. Admission arrangements can be amended annually, subject to fulfilling the required statutory consultation. To ensure there is no unintended negative impact on vulnerable families, appeals, complaints and concerns raised about the changes will be monitored carefully by the admissions service. If such an impact is identified

consideration will be given to a further revision of the oversubscription criteria for future years.

## **10. Staffing/Accommodation Implications**

10.1. There are no staffing or accommodation implications from this report.

### **Background Papers**

- i) Cabinet Report 15<sup>th</sup> December 2014 Consultation on Community Schools Oversubscription Criteria and Admission Arrangements

### **Contact Officer(s)**


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GAIL TOLLEY,  
Strategic Director Children and Young People



<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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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 April 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director of Children and Young People</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Contracts with Academy Schools and Independent Special Schools for Special Education Places and Additionally Resourced Provisions</b></p>	

## 1. Summary

- 1.1 This report seeks delegated authority to negotiate contracts between the council and schools listed in Table 3.1 and Table 3.2 in this report for the provision of Additionally Resourced Provisions (ARP), independent schools, and English as an Additional Language (EAL) education placements for the academic year 2015/16. The report also considers future arrangement for placement of new students/pupils in subsequent academic years.
- 1.2 All costs covered in this report fall within the Schools Budget, which is funded, via the ring-fenced Dedicated Schools Grant (DSG). There is therefore no financial impact on the Council's general fund resources from the proposals in this report.
- 1.3 In order to negotiate the contracts referred to in paragraph 1.1, this report seeks exemption from the usual procurement requirements of the Council's Contract Standing Orders.

## 2. Recommendations

- 2.1 That the Cabinet notes that the costs of the proposed contracts referred to in Recommendation 2.2 are fully met from the DSG.
- 2.2 That the Cabinet delegate to the Strategic Director of Children and Young People, in consultation with the Chief Finance Officer and the Chief Legal Officer, authority to negotiate contracts for the provision of special education placements for the academic year 2015/16 to the schools listed in Table 3.1 and Table 3.2.

- 2.3 That the Cabinet agree an exemption from the procurement requirements of the council's Contract Standing Order No 96 to enable the council to negotiate the contracts referred to in Recommendation 2.2.
- 2.4 That Cabinet note that Officers will report to Members on the outcome of the negotiations referred to in Recommendation 2.2 and if negotiations are successful, seek Cabinet approval to the award of such contracts.
- 2.5 That the Cabinet note the ongoing work detailed in paragraphs 3.6 and 3.7 to secure longer term more sustainable contractual arrangements for the provision of Additional Resource Provisions for special education and alternative education placements for the academic years following the academic year 2015/16.

### **3. Detail**

- 3.1 The council has a statutory duty to provide full time education for all children and young people between the ages of 5 and 16. This includes a duty to assess, identify and make appropriate provision for those with Special Educational Needs and Disabilities (SEND) as set out in the new SEN Code of Practice 2014 (Children and Families Act 2014 – SEND Reforms). Children and young people identified with SEND who have learning, mental health difficulties and/ or autism and other significant special needs i.e. sensory may in some cases require provision in the Additionally Resourced Provision (ARPs) which are units in mainstream schools. In addition, in a minority of cases where needs are very high or unusual and suitable provision is not available within the borough; pupils may need to be placed in independent special schools. Brent has reduced its dependence on independent provision through increasing the number of places in-borough, but like all local authorities, a minority of independent placements are inevitable.
- 3.2 The council's contractual arrangements for placement of individual pupils with the following schools listed below will expire on 30 August 2015:
  - Centre Academy (Independent)
  - TCES North West London (Independent)
  - Claremont (Academy)
  - Alperton (Academy)
  - Kingsbury High (Academy)
  - Queens Park (Academy)
  - Preston Manor (Academy)
- 3.3 For the academies, the rates at which the places in the ARPs are funded is generally agreed by the Schools Forum on the advice of its SEN Funding Sub-Group. For the two academies which offer alternative provision for Year 10 and 11 children new to the country who require additional EAL support, this funding rate too is generally agreed by the Schools Forum. Officers are content that this has represented value for money and provided good quality provision within the borough.
- 3.4 With regard to the two independent schools, in 2013 the council negotiated 'block' rates for places which reflected current usage and which generated savings at the time of at least £70,000.

- 3.5 SEN provision is regularly reviewed by the council and is inspected as part of Ofsted inspections. For all provision, the SENAS Team checks that young people have settled in and (through annual review) are making good progress. For the establishments listed in this report, placement breakdown is low, and the current provider schools have developed and sustained an effective collaborative partnership with the council.
- 3.6 The market for schools providing education for children with ASD and SEBD is a highly specialised market with growing demand across the country. Brent is working as part of the West London Alliance to work strategically with the key suppliers (increasingly companies running chains of special schools) and also to plan maintained sector and free-school provision across the West London area.
- 3.7 Officers are committed to seeking more innovative and collaborative arrangements that secure both immediate and long-term savings plus efficiencies but the work outlined in paragraph 3.6 is ongoing and will not have come to fruition prior to the expiry of the existing contracts in August 2015. In the circumstances, and given officers' satisfaction with the current arrangements, officers consider that the most appropriate way forward in the short term is to negotiate with the current school providers detailed in Tables 3.1 and 3.2, and subject to successful negotiation, seek Cabinet approval to award contracts to these providers for the academic year 2015/16.
- 3.8 Officers anticipate continuing the current rate of placements at these schools, in which case the continuation of the current block contract with only an inflationary uplift still represents good value for money. The places cost £37.3k (Centre Academy) and £41.4k (North West London Independent) which compares well with an average of £50k on spot purchase.
- 3.9 Table 3.1 describes the previous contractual agreements and block purchase agreements the Council has with the Academy Schools and outlines the costs of a one year contract. Table 3.2 describes the agreements with independent schools and also outlines the costs of a one year contract.
- 3.10 The schools and ARPs meet the needs of the following groups of students/pupils:
- Centre Academy (independent) – Autism (ASD)
  - North West London Independent School – Emotional, Behavioural and Mental Health (SEBD)
  - Alperton ARP – Moderate Learning Difficulties (MLD)
  - Preston Manor ARP – Autism (ASD)
  - Preston Manor ARP – Social, Language and Communication (SLCN)
  - Kingsbury High ARP – Hearing Impairment (HI)
  - Claremont and Queens Park – EAL provision for Year 10 and 11 students new to the country and with additional EAL needs

**Table 3.1**

School	Details	2013/14 Contract Value	One-year extension (Sept 2015 to August 2016) "Council Starting Offer"	Savings/ Issues
Alperton (MLD ARP)	20 students @ £18,852 per place	£205,710	£205,710	Nil savings
Queens Park (EAL)	35 students @ £4,792 per place	£167,720	£167,720	Nil savings
Claremont (EAL)	35 students @ £4,792 per place	£167,000	£167,720	Nil savings
Claremont 2(EAL)	15 students @ £5,000 per place	£75,000	£75,000	Nil savings
Kingsbury High (HI ARP)	7 students @ £10,000 per place	£70,000	£70,000	Nil savings
Preston Manor (ASD and SLCN ARPs)	12 -S&L @£6276 12-ASD @ £12,673	£227,388	£227,388	Nil savings

**Table 3.2**

School	Details	2013/14 Contract Value	One-year extension (Sept 2015 to August 2016) "Provider Starting Proposals"	Savings/ Issues
Centre Academy (Independent – ASD)	Block 15 places @ £35,000, same rate for additional places up to 25	£525,000	£560,000	Nil savings; No inflationary increase for over 5 years, rates frozen. 6.5% increase per place
North West London Independent School TCES (NWLIS) (Independent – SEBD)	Block 15 places @ £38,850 per place the same rate for additional places up to 25.	£582,750 (2.5 year term)	£621,000	Nil savings; No inflationary increase for over 5 years, rates frozen. 6.5% increase per place.

- 3.11 Officers recommend extending the contract term of the current contracts on the basis that this will allow the council time to assess longer-term strategic options aimed at ensuring that competitive, quality provision is sustained, whilst not disrupting or impairing the education of young people already in these establishments.

- 3.12 The cohorts of KS3 and KS4 students within the schools listed in Tables 3.1 and 3.2 are currently midway through their school education. The arrangements proposed in this report enable continuity of provision for those children.
- 3.13 Officers are committed to seeking more innovative and collaborative arrangements that secure both immediate and long-term savings plus efficiencies. They are of the opinion that the recommendations made in this report to negotiate with current providers represent the best quality and financial arrangement for the council and the young people in Brent in the short term. Following negotiations, the intention is to report to Members the outcome of the negotiations and if these have been successful, to seek Cabinet approval to award contracts.

#### **4. Financial Implications**

- 4.1 All costs covered in this report fall within the Schools Budget, which is funded, via the ring-fenced Dedicated Schools Grant (DSG). There is therefore no financial impact on the Council's general fund resources from the proposals in this report.
- 4.2 The contract negotiations will commence on the basis that savings and efficiencies can be made. However the provider independent schools have already strongly indicated that they are seeking an increase in fees citing the fact that their fees have been frozen for five years with no inflationary increase during this period and increasing revenue costs i.e. teacher salaries, inspections etc. These independent school providers have quoted figures of 6.5 per cent increase in rates.
- 4.3 The 2015/16 budget (agreed by the Schools Forum) used to pay for these education placements is £5.2m and is funded by the Dedicated Schools Grant (DSG). The cost of the one-year contract will be funded from this budget, with the aim of minimising any further premium; 'spot' purchase arrangements with these schools.

#### **5. Staffing Implications**

- 5.1 These services are currently provided by various external contractors and there are no direct staffing implications for council staff arising from the negotiations or the extensions of the contracts by way of the interim block purchases/contract.

#### **6. Legal Implications**

- 6.1 Under the Education Act 1996, as amended by the Education and Inspections Act 2006, and regulations subsequently issued under it, the council has a duty to identify, assess and make provision to meet the special educational needs ("SEN") of children within its area by ensuring that efficient primary, secondary and further education is available to meet their needs. They are to ensure that their education functions are exercised with a view to promoting high standards ensuring fair access to opportunity for education and learning, promote the fulfilment of learning potential; and secure that sufficient schools for providing primary and secondary education are available for their area. The SEN and Alternative Resources Provision are also referenced in the Academies Act 2010 and the Education Act 2011.
- 6.2 Contracts for provision of education fall within Schedule 3 of the Public Contract Regulations 2015 ("EU Procurement Regulations"). All of the proposed contracts

detailed in Tables 3.1 and 3.2 are valued at less than the threshold for Schedule 3 contracts of £625,050. As a result the procurement of such services are not subject to full requirement of the EU Procurement Regulations. Nevertheless, the general EU requirements for transparency, non-discrimination and equal treatment will normally require advertising and some form of competitive process before contract award, even for below threshold procurements, especially if the contract is likely to be of interest to overseas EU providers. Given the current limited market in the type of services provided by the schools and the short duration of the proposed contracts, it can be maintained that the negotiation and direct award of the contracts does not contravene these general duties.

- 6.3 The estimated value of the proposed contracts with Centre Academy and North West London Independent School as set out in Table 3.2 are such that they are classed as High Value Contracts for the purposes of the Council's Contract Standing Orders. The estimated value of the proposed contracts with the academies detailed in Table 3.1 is such that the contracts are subject to the Council's own Standing Orders in respect of Low, and Medium Value Contracts.
- 6.4 Contract Standing Order 96(a) provides that for contracts with an estimated value below the EU Procurement Regulations threshold, tenders shall be invited for Medium and High Value Contracts (or quotes sought in relation to a Low Value Contracts). However, Contract Standing Order 84(a) provides that subject to compliance with domestic and European legislation, the Cabinet may agree an exemption from the requirement to procure in accordance with Contract Standing Orders where there are "good operational and/or financial reasons". For the reasons detailed in paragraph 6.2 it is not considered there is a breach of domestic or EU legislation. Further, Officers consider that there are good operational and financial reasons for negotiating and awarding the contracts with the schools set out in Tables 3.1 and Table 3.2 rather than carrying out a formal tendering (or quote) process. These reasons are set out in Section 3 of the report.

## **7. Diversity Implications**

- 7.1 There are no direct diversity implications associated with the letting of a one-year term contract to these academies and independent special schools.

## **8. Public Services (Social Value) Act 2012**

- 8.1 Since 31 January 2013, the council, in common with all public authorities subject to the EU Procurement Regulations, has been under duty to consider the economic, social and environmental well-being of their area when undertaking public procurements. This is set out in the Public Services (Social Value) Act 2012. This duty applies to the proposed award of these contracts until such time as a contract is entered into. The duty requires authorities to consider how what is procured might improve economic, social and environmental well-being of their area, and how it might act in procuring the service to secure that improvement.
- 9.2 This service is required for the purpose of meeting individual SEN and EAL needs. The ability to take into account the improvement of the economic, social and environmental well-being of the area are limited although the relevant schools detailed in Tables 3.1 and 3.2 are local to Brent and therefore the procurement of



contracts as proposed is likely to lead to improvements to the economic, social and environmental wellbeing of the local area.

## **9. Background Papers**

- 9.1 There are no background papers associated with this report, however committee is directed to the previous Cabinet Reports (February 2013) for details about the original contracts with schools mentioned in this report.

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**GAIL TOLLEY**  
**Strategic Director of Children and Young People**

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**Cabinet  
14 April 2015**

**Report from the Strategic Director of  
Children and Young People**

Wards affected:  
ALL

**Process for the appointment of local authority school  
governors**

## **1.0 Summary**

- 1.1 This report outlines proposed changes to the council procedure for appointing and removing Local Authority (LA) governors in accordance with the School Governance (Constitution) (England) Regulations 2007 and 2012. The proposal aims to streamline and expedite the process for appointing LA nominated school governors.
- 1.2 In Brent, school governing bodies are currently a mixture between those that have reconstituted under the 2012 Regulations and those that have not, so in this interim period there are two appointment models operating in our maintained schools.
- 1.3 The process detailed below addresses the Education Commission's recommendation to streamline and expedite the process of appointing LA nominated governors.

## **2.0 Recommendation**

- 2.1 That the new procedure for appointment of local authority school governors, which is designed to meet the requirements of recent legislative changes, as set out in paragraphs 3.5 to 3.9 be approved.
- 2.2 That the skills criteria set out in Appendix 1 be approved.
- 2.3 That it be noted that for all governing bodies of maintained schools which have reconstituted under School Governance (Constitution) (England)

Regulations 2012 or the School Governance (Federations) (England) Regulations 2012, governors will be **nominated**, while in the interim period (until 1 September 2015) for non-reconstituted governing bodies, governors will be **appointed**.

### 3.0 **Detail**

3.1 The legislation dealing with the appointment of school governors changed in 2012. Under the 2007 regulations, a 'local authority governor' was defined as 'a governor appointed by the local authority', whereas under the 2012 regulations a local authority governor is nominated by the local authority but appointed by the governing body itself. The governing body is expected to make the decision on the appointment against eligibility criteria that it has set. Although under the 2012 regulations the governing body is the appointing body, the local authority retains the authority to disqualify a LA governor. Under the 2012 regulations, reconstituted governing bodies are required to have only one local authority governor.

3.2 Currently 31 out of the 62 Brent governing bodies that are required to reconstitute have reconstituted. They have been assisted in this by the issuing of model documentation, plus reminders and guidance in the termly briefing to governors. The local authority is therefore in the position of nominating governors for those schools which have reconstituted as well as appointing governors for those schools which have not yet reconstituted.

3.3 The local authority governor appointment process in Brent has been the same for many years. The right to make nominations for each identified seat has been distributed among the council's political groups in proportion to the voting share at the most recent full council election. If the group concerned is unable to identify a nominee within a set time, a suitable candidate is identified by officers. The Governor Support Service manages the appointments process in co-operation with the group offices.

3.4 Many local authorities moved away from this approach some time ago. Brent's Education Commission also identified that the governor appointment process should be updated. Nationally, Lord Nash's letter to all Directors of Children's Services, dated October 2014, urges local authorities to adopt a skills based model and states that the practice of nominations based on the local balance of political power is now unacceptable.

### 3.5 Proposed revised process for recruiting local authority nominated governors

Applications to be a local authority governor will be sought via the Brent Council website School Governor page and through the national 'One Stop Shop' for governor applications. In addition political parties will still have a role in identifying suitable applicants and encouraging them to fill in an application form.

Application forms received for the post of local authority governor will be assessed for suitability against the criteria outlined in the 'Recommended skills, experience and attributes for nominated LA governors:' (Appendix 1) by

a panel of four Chairs of Governors and the Governor Support Coordinator. All Chairs of Governors will be invited to become a member of the Governor Nomination Panel. We would aim to have a balanced group of as many as twelve volunteers who can be used according to availability.

3.6 Those applicants to be a governor who are considered suitable by the panel will then be assigned to a 'pool' from which governing bodies may draw to fill a LA governor vacancy.

3.7 The Governor Support Service will apply for references and carry out a check against the Children's Barred List before asking the Strategic Director of Children and Young People to ratify the nomination of an applicant.

3.8 It will be the governing body's responsibility to apply for a DBS (Disclosure and Barring Scheme) check as soon as possible after the governor has been appointed by them.

3.9 Filling a governing body vacancy for the nominated LA governor

In order for a vacancy to be filled, the process would be as follows:

1. The Clerk or Chair should advise the Governor Support Service of the vacancy within 10 school working days of it arising.
2. The Chair must advise the Governor Support Service of the skills and attributes required of the new governor. (The expectation is that the governing body will have carried out a skills audit within the last six months).
3. When advised of a LA nominated governor vacancy the Governor Support Service will send a list of prospective governors, within 5 working days of receipt of the vacancy notification, from the 'pool', to the Chair who will then choose a candidate who best meets the requirements of the governing body.
4. The Chair will be encouraged to meet the candidate before he/she sends written confirmation of their chosen candidate to the Governor Support Service.
5. Once the Strategic Director has approved the nomination, a letter of recommendation will be sent to the Chair, Headteacher and Clerk, within 5 working days of receipt of written confirmation from Chair of chosen candidate, asking the Chair to recommend the appointment at the next full governing body meeting.
6. The Clerk will then inform Governor Support Services of the outcome immediately after the governing body meeting.
7. In the case of governing bodies which have yet to reconstitute, the Governor Support Service will send an appointment letter on behalf of the Strategic Director.

### 3.10 Removal of Local Authority governors

Local authority governors are subject to the same disqualification rules as other governors. The Strategic Director has the authority to remove a LA governor. The Strategic Director will give serious consideration to any request from a governing body for the removal of a local authority nominated or appointed governor if there is evidence of a breach of the code of conduct of that governing body or if a governor qualifies for disqualification under Schedule 4, regulation 17 of the School Governance (Constitution) (England) regulations 2007 and 2012.

## 4.0 **Financial Implications**

4.1 While there is some additional bureaucracy involved in this process, the costs of this will be absorbed within existing budgets and staff resources.

## 5.0 **Legal Implications**

5.1 The LA governor appointment processes must comply with the School Governance (Constitution) (England) Regulations 2012 and the School Governance (Federations) (England) Regulations 2012.

5.2 The law now requires that all governors are appointed on the basis of the skills they have to contribute to effective governance.

5.3 The local authority has a statutory duty to promote high standards of education in its schools.

## 6.0 **Diversity Implications**

6.1 An Equalities Impact Assessment on the new process has been carried out. This is important as in Brent it is vital that governing bodies are representative of local communities. The application form and the recording of the appointment process will collect equalities data and there will be an annual review of the process to monitor equalities outcomes.

## 7.0 **Staffing/Accommodation Implications**

7.1 None

## **Background Papers**

**The constitution of governing bodies of maintained schools** - Statutory guidance for governing bodies of maintained schools and local authorities in England; Department of Education; May 2014

**Statutory Instruments 2012 No. 1034 - Education, England** - The School Governance (Constitution) (England) Regulations; 2012

**Lord Nash Parliamentary Under Secretary of State for Schools** letter to Directors of Children's Services; October 2014

## **Contact Officer**

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## **Appendix 1**

### **Recommended skills, experience and attributes for nominated LA governors:** *National Governors Association, Skills Audit, May 2014*

#### **Essential for all governors/trustees**

- Commitment to improving education for all pupils
- Ability to work in a professional manner as part of a team and take collective responsibility for decisions
- Willingness to learn
- Commitment to the school's vision and ethos
- Basic literacy and numeracy skills
- Basic IT skills (i.e. word processing and email)

#### **Vision and strategic planning**

- Understanding and experience of strategic planning
- Ability to analyse and review complex issues objectively
- Problem solving skills
- Ability to propose and consider innovative solutions
- Change management (e.g. overseeing a merger or an organisational restructure, changing careers)
- Understanding of current education policy

#### **Holding the headteacher to account**

- Communication skills, including being able to discuss sensitive issues tactfully
- Ability to analyse data
- Ability to question and challenge
- Experience of project management
- Performance management/appraisal of someone else
- Experience of being performance managed/appraised yourself


#### **Financial oversight**

- Financial planning/management (e.g. as part of your job)
- Experience of procurement/purchasing
- Experience of premises and facilities management

#### **Knowing your school and community**

- Links with the community
- Links with local businesses
- Knowledge of the local/regional economy
- Working or volunteering with young people (e.g. teaching/social work/youth work/sports coaching/health services for young people)
- Understanding of special educational needs



 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 April 2015</p> <p style="text-align: center;"><b>Report from the Chief Operating Officer</b></p>
<p>For Action <span style="float: right;">Wards affected: ALL WARDS</span></p>	
<p style="text-align: center;"><b>School Crossing Patrol Service Review 2015/16</b></p>	

## 1.0 Summary

- 1.1. The School Crossing Patrol (SCP) service is a discretionary one and the Council has no duty to provide the service in whole or in part. A number of London Boroughs are reviewing the provision of SCPs as most now have physical safety measures and reduced speed limits introduced around schools.
- 1.2. Since the SCP service was first provided by the Council many physical measures have been introduced around school entrances to improve road safety there. In 2015/16 officers will also be reviewing the current speed limit policy with a view to drafting a Speed Limit Strategy for the introduction of more 20mph limits / zones.
- 1.3. In 2011 a review and consultation was completed to determine whether or not the SCP service should continue and, if so, the extent to which the service should be provided. This resulted in a reduction of SCP sites to 34 that were identified using a site prioritisation model.
- 1.4. As part of the Budget setting process for 2015/16 the deletion of funding for the SCP service was offered as a budget saving, as the Council had to identify over £50 million savings across all service areas.
- 1.5. The full list of potential budget savings were the subject of consultation inviting views and comments from interested parties. During this period two petitions were submitted in support of retaining the service. The

petitions, along with individual representation received, were considered by Cabinet at its meeting of 23 February 2015.

- 1.6. A paper taken to Cabinet on 23 February, recommending a budget for Full Council to consider on 2 March 2015, recommended to take the saving offered. This means the Council will stop providing the SCP service unless the school is prepared to pay for it.
- 1.7. This report identifies measures and initiatives to mitigate the impact from the removal of the SCP service. It also outlines the timescales involved in completing the service deletion in line with the managing change policy.

## **2.0 Recommendation**

- 2.1. That Cabinet approves the School Crossing Patrol Service to be deleted at the end of the academic year (20 July 2015), with the exception of schools that agree to pay for the service where SCPs will continue.
- 2.2. That Cabinet approves the measures and initiatives set out in section 5.3 of this report to ensure that children, parents/carers and motorists are aware of the deletion of the SCP and that safety is maintained for child pedestrians.

## **3.0 Background**

### **3.1. SCP Service**

- 3.1.1. Historically, Brent has given priority to providing an extensive SCP service. In 2011 the service was reviewed and resulted in the reduction of staffed sites from 47 to 34 through the introduction of a site prioritisation model. This ensured SCP's are provided at locations where the road safety risk is greatest.
- 3.1.2. The service is not provided to secondary schools although secondary school pupils may use it as part of their home to school journey.
- 3.1.3. The focus of the service has been on maintain/improving road safety and more recently encouraging sustainable transport modes such as walking to school and supporting School Travel Planning.

### **3.2. Road Casualty reduction**

- 3.2.1. Road casualty reduction is the result of implementing a wide range of measures and initiatives. These can include focussed road safety education, introduction of engineering measures and improved vehicle technology. However, although the SCP service has been a part of the

strategy to reduce road casualties, in particular child casualties, it is not possible to identify the direct contribution that the SCP service has made.

3.2.2. Road accidents are random events influenced by many factors which are in general preceded by a situation where one or more road users have failed to cope with the road environment at that time. Analysis indicates that :

- The majority of child pedestrian casualties are not associated with school related journeys (i.e. they take place when children are not travelling to and from school)
- The majority of child pedestrian casualties associated with school related journeys do not occur in the close vicinity of schools.

3.2.3. There were 141 child pedestrian casualties recorded between 1 October 2011 and 30 September 2014

- 1 fatal
- 20 serious
- 120 slight

The fatality was a 5 year old on a Monday at 16.45pm and not near a school.

Of the 20 serious casualty incidents:

- 7 occurred during weekends
- 1 during the schools holidays
- 3 involved secondary school pupils
- 5 were during the evening/out of school arrival and dispersal times
- 2 involved young children (5yrs) that would have been supervised
- 2 involved primary school pupils on their way to or from school but did not happen at a SCP site or in the close vicinity of the school

Of the 120 slight casualty incidents:

- 2 were near SCP's but not on sites
- 16 were close to schools and would have been school related journeys

### 3.3. Comparison with London boroughs

3.3.1. The provision of SCP sites across London is varied with the number of SCP officers ranging from 53 in Greenwich to just 3 in Hammersmith & Fulham. There does not appear to be any correlation between the level of service and the number of primary schools in each borough.

3.3.2. Since March 2011 the position has remained fairly constant with only five boroughs reducing the number of SCP officers. However, a number of local authorities are now considering the future provision of their SCP service.

3.4. Other road safety initiatives currently offered

3.4.1. As well as the SCP service there are a range of other road safety education services offered to schools to educate children on how to be safe on the roads. All schools are offered the opportunity to receive a road safety visit which includes bespoke assemblies.

3.4.2. The schools are informed of all the resources and initiatives currently available, these include Transport for London (TfL) Junior Road Safety Officers and Youth Travel Ambassadors schemes.

3.4.3. We work with Year 6 pupils to assist with their transition to secondary school. There is a road safety activity at the Junior Citizen event and all Year 6 pupils are provided with a booklet which helps them to prepare for the move. This age group was previously identified as having a disproportionate number of casualties.

3.4.4. Interactive workshops are available for nurseries and under 5's settings and they are all encouraged to promote the children's traffic club. Parent's talks are also available upon request.

3.4.5. The road safety education programme is also extended to parents/carers to remind them of the importance of safety outside schools and how their actions could put children in danger, for example parking on school entrance markings.

3.4.6. Our 'Schools Safer Roads Project' is delivered to schools with safety concerns.

3.4.7. In recent years we have installed physical measures outside many schools to improve road safety. These have included, zebra or pelican crossings, providing shorter crossing points through kerb build outs, additional parking controls through school keep clear markings and speed humps to make the highway environment safer for all.

#### **4.0 Service costs**

4.1. The cost of delivering the current service is £177,000 per annum.

4.2. It has always been recognised that schools value this service. Following the review in 2011 the option to purchase the service was made available to schools, in particular those that had 'lost' the service through implementation of the site prioritisation model. This service continues to be available and we have been encouraging schools to purchase this service at a cost of £6,000 per year. To date we have two schools that buy back this service.

- 4.3. The Highway Authority provides the service as they have the authority to stop traffic. As a result the Highway Authority recruits, trains, supervises, provides all equipment and training required for the role on behalf of the school.
- 4.4. Following the first reading of the budget schools with a SCP service (31 schools) were notified by letter informing them of the proposal to stop providing the service. Feedback on the proposal, for inclusion in the final budget report, and confirmation if they would be interested in purchasing this service was requested.
- 4.5. Feedback received indicated that nine schools would be willing to pay for the service (this included the two already funding the service). Of the sites considered priority sites three schools have agreed to fund their SCP site and one only if can share the costs with neighbouring schools. Of the remaining non priority sites five schools have agreed to fund their SCP site should the service be deleted.
- 4.6. Following the decision of 2 March Full Council, officers have formally notified the schools and provided an extended period to 27 March (end of school term) for schools to confirm in writing if, in light of the decision, do they now want to procure the service. As of the 20 March a further four schools have confirm they now want to procure the service. An update will be provided at the Cabinet meeting.
- 4.7. Appendix I of this report provides a list of schools who have agreed to pay for the service from the commencement of the 2015/16 academic year.

## **5.0 Proposed measures and initiatives**

- 5.1. Where a SCP has been provided for many years children, parents/carers and motorists would have become used to their presence. To prevent children in particular being adversely affected by the changes in service provision it is proposed to provide continuity through providing the service until the end of the academic year; July 2015. This takes advantage of the summer holidays providing a natural break and schools to then start the academic year in September without the SCP service.
- 5.2. The outcome of this is the full budget saving will not be fully realised as we would need to continue to fund the service for the first quarter of 2015/16. The cost for providing the service for the first quarter is £44,000. This will be contained within the overall department budgets
- 5.3. Regardless of the timing, when it is proposed to cease providing a SCP at any site a number of measures would be taken to ensure that children, parents/carers and motorists would be aware of the change

and the following actions would be taken to mitigate any adverse impact:

- Engage with the schools affected to raise awareness of alternatives available to them in providing road safety for children.
- We would provide additional road safety education above that already offered for children at those schools affected by the changes. This would include prioritising materials and training for children as particularly at risk of road accidents as identified in the equality assessment.
- Reviewing and refreshing if necessary signage and road markings in the vicinity of those schools affected. The identified work to be completed prior to the start of the academic year in September.
- Prioritisation of physical mitigation measures such as zebra or pelican crossings, traffic calming measures, kerb build outs, speed awareness etc. at the current high priority SCP sites for inclusion in the 2016/17 Local Implementation Plan (LIP) Annual Spending Submission.

Currently these proposals have been funded by Transport for London through the LIP programme. The type of intervention to be introduced has usually been informed by the individual school's Travel Plan.

- Continue to promote the SCP service to schools each year as a traded service.

## **6.0 Staff Consultation**

- 6.1. On 4 December 2014 a meeting was held with SCP staff to inform them that the service had been proposed for a budget saving. At that meeting the decision making route and timeline was explained, highlighting that once the decision had been taken by Full Council on 2 March 2015 further information would be available to them.
- 6.2. Following the Cabinet report on 23 February 2015, where the decision to take the saving was agreed a staff consultation paper has been prepared. This provides information to the SCP officers regarding the reason for the change, support available to them and the timescales involved.
- 6.3. Upon the decision from Full Council on 2 March 2015, implement the following:

Consultees	Action	By when	Documents
Trade Unions	Briefing on consultation document and implications for staff	15 April 2015	Presentation
All staff affected / Trade Unions	Launch of formal consultation, including new traded service and assimilation	22 April 2015 – 15 day consultation	Consultation document
All staff affected	Formal briefing for staff of proposal	22 April 2015	Presentation
All staff affected	Formal notification to staff of proposal	23 April 2015	Individual letters
All staff at risk	Applications for voluntary redundancy submitted to at risk staff	22 April 2015 – 6 May 2015	VR application
All staff affected	1:1 meetings or team meetings with managers/HR on request	22 April 2015 – 6 May 2015	
All staff affected / Trade unions	Deadline for response to consultation proposals	6 May 2015	
VR panel – senior managers	Decisions on VR made notified to staff	8 May 2015	Individual letters
All staff affected / Trade Unions	Response to consultation issued	w/c 11 May 2015	Consultation response circulated
All staff affected / Trade Unions	Staff subject to competitive assimilation advised of dates for interview Notice of termination issued to staff and placed on redeployment register	13 May 2015	Individual letter
All staff affected	Interviews	18 May 2015 – 22 May 2015	Interviews
	Summer Half Term	25 May 2015 - 29 May 2015	
All staff affected	Staff advised of outcome of selection process Appointment of staff to new posts confirmed	26 May 2015 – 27 May 2015	Confirmation letter

	in writing		
HR Recruitment	Any vacant post s advertised	June 2015 onwards	External advertisement

## 7.0 Financial Implications

- 7.1. The cost of improving road safety at current SCP locations will be covered by funding provided from TfL's Local Implementation Plan.
- 7.2. There are implications to achieving the agreed £0.177m budget saving. This saving was calculated with the assumption it would be achieved from the start of the financial year. However, in accordance with our policy regarding managing change notice of redundancy cannot be given until the decision has been approved, which was at Full Council on 2 March 2015.
- 7.3. Should the service be deleted from the end of the summer term, i.e. 20<sup>th</sup> July 2015 the saving for this current financial year would fall short of its target by £44,000 to £133,000. This does not include redundancy payments which will be paid centrally.
- 7.4. Additional one off savings from within the Service / Directorate will need to be identified to cover the shortfall of £44,000 in 2015/16.

## 8.0 Legal Implications

- 8.1. Section 26 of the Road Traffic Regulations Act 1984 as amended provides that the Council may make arrangements to appoint people for the patrolling of places where children cross roads on their way to or from school, at such times as the Council thinks fit subject in respect of GLA roads to consultation with Transport for London.
- 8.2. There is no statutory requirement placed upon a local authority to provide school crossing patrols. There is no "duty". There is however a power, that is, a discretion, to do so. In the exercise of those powers the Council must act reasonably, taking into account all relevant considerations and complying with other administrative law requirements.
- 8.3. There is no criteria set in law which must be applied by a Council in deciding SCP arrangements. There are national guidelines, but they are only guidelines and not binding. There is not a statutory duty to provide the service in a particular way. The Council is entitled to determine its own set of criteria to decide whether and if so where SCP provision should be made, provided those criteria are reasonable and



fit for purpose. It is also entitled to review and alter the criteria for that service.

- 8.4. With regards the alternative arrangements available the Council is permitted under the Local Authorities Goods & Services Act 1970 to enter into arrangements with schools to provide such services and to charge for such services, or where there is a community school to cost recover.

## **9.0 Equality Implications**

- 9.1. The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic.
- 9.2. The removal of the SCP service has been assessed by way of an Equalities Impact Assessment (EA). A copy of this EA can be supplied on request.
- 9.3. The EA has concluded that there is an adverse impact on age, disability, race for the deletion of the SCP service. However the mitigation measures described above aim to reduce this so as to not unfairly impact on the equality group.
- 9.4. The EA has concluded that there is an adverse impact on age, sex, race for SCP officers.

## **10.0 Staffing/Accommodation Implications (if appropriate)**

- 10.1. The deletion of the service will result in the loss of 36 posts (9.16 FTE)
- 10.2. There are no accommodation implications as SCP staff are contractually required to work at any site as directed although, in general, staff remain at a particular site throughout their careers to accommodate where they live and their lifestyles.
- 10.3. The proposals will be implemented in accordance with the Council's managing change policies and procedures.

## **Background Papers**

Executive report 19 September 2011: Proposed changes to the School Crossing Patrol service

Cabinet report 23 February 2015: Petitions – Save School Crossing Patrol and Leopold Primary School – save our School Patrol Officer

Cabinet report 23 February 1025: Budget 2015/16 and Council Tax

**Contact Officers**

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**Lorraine Langham**  
**Chief Operating Officer**

## Appendix I

### **Schools who have agreed to pay for the service from the commencement of the 2015/16 academic year.**

1. Barham Primary \* \*
2. Oakington Manor Primary
3. Furness Primary \*
4. Gladstone Park Primary \*
5. North West London Jewish \* \*
6. Anson Primary
7. Roe Green Infant
8. Wembley Primary
9. Harlesden Primary (will fund 2 SCP's)
10. Leopold Primary \*
11. Mitchell Brook Primary \*
12. Braintcroft Primary
13. Mount Stewart Infants and Juniors have agreed to share the cost
14. St Robert Southwell RC Primary
15. Park Lane Primary

\* School has requested to keep the current SCP.

\* \* School already funds SCP and requested to keep current SCP

## Appendix II


### **Schools who have responded stating they cannot afford or are not prepared to pay for the service.**

1. Malorees Infants have stated they cannot afford to pay but they are exploring with Malorees juniors and QPCS the option of sharing the cost of the patrol crossing person on Aylestone Avenue. They have requested an extension beyond the 27 March deadline to the 24 April which has been agreed.
2. Salusbury Primary Governors believe it's the council's responsibility to pay not theirs.
3. Islamia Primary originally expressed an interest but now the Governing body has decided they are unable to pay due to financial constraints.

## Appendix III

### Schools who have been contacted but not responded.

1. Northview Primary
2. Christchurch Primary
3. Wykeham Primary
4. Convent of Jesus and Mary Infants
5. St Mary Magdalens Juniors
6. St Joseph RC Primary
7. St Marys RC Primary
8. Donnington Primary
9. Sudbury Primary
10. Lyon Park Infant School
11. Lyon Park Junior School
12. 2 Ealing schools

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 14 April 2015</p> <p style="text-align: center;"><b>Report from the Chief Operating Officer</b></p>
<p>For Action <span style="float: right;">Wards Affected: [ALL]</span></p>	
<p style="text-align: center;"><b>Street Lighting Energy and Carbon Saving Proposals, and Authority to Tender</b></p>	

**Appendices 2 & 3 are not for publication, in accordance with Schedule 12(A) (3) of the Local Government Act 1972, as they contain: Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

## **1.0 SUMMARY**

- 1.1 This report sets out the business case for further investment in the Council's street lighting assets, aiming to: deliver long-term savings in energy costs; provide significant reductions in the Council's carbon emissions; and lay the foundations for a flexible and adaptive lighting strategy to meet the long-term needs of the borough.
- 1.2 Specifically the report focusses on the potential replacement of existing high pressure sodium street lamps with modern Light Emitting Diode (LED) luminaires. The report also considers the potential benefits of investment in a Central Management System (CMS), seeking to 'future proof' the LED investment and enabling the introduction of a dynamic lighting strategy across the borough.
- 1.3 This report also seeks authority to invite tenders, in partnership with PFI Lighting Ltd., for the supply and installation of lighting technologies, as required by Contract Standing Orders 85, 88 and 89.

## **2.0 RECOMMENDATIONS**

### **That Cabinet:**

- 2.1 Endorses the business case for investment in LED (Light Emitting Diode) luminaires, for the reasons outlined in section 3 of this report, and authorises officers to commence the procurement of LED luminaires with reference to the pre-tender considerations outlined in paragraph 6 of this report.
- 2.2 Endorses the business case for investment in Central Management System (CMS), for the reasons outlined in section 3 of this report, and authorises officers to commence the procurement of CMS with reference to the pre-tender considerations outlined in Part 6 of this report.
- 2.3 Authorises the invitation of tenders for the supply of LED and CMS on the basis of the pre-tender considerations set out in paragraph 6.1 of the report, and authorises tendering in partnership with PFI Lighting Ltd., noting the issues set out in sections 4 and 5 of this report.
- 2.4 Gives approval to officers and their PFI partners to evaluate the tenders referred to in 2.3 above on the basis of the evaluation criteria set out in paragraph 6.1 of the report, with a further report to Cabinet following the tender exercise which will make recommendations on the award of Contract.
- 2.5 Gives approval to officers to develop a new lighting strategy, specifically facilitated by the deployment of CMS technology, which seeks further energy and carbon savings whilst meeting the long-term lighting needs of the borough.

### 3.0 THE BUSINESS CASE

- 3.1 This business case supports immediate investment in a programme to replace existing street lighting lanterns with LED luminaires at the earliest opportunity, in order to bring forward savings of £750,000 p.a. from electricity expenditure and reduce carbon emissions.
- 3.2 The business case supports the installation of CMS technology, in tandem with the luminaire replacement programme, in order to realise additional savings and provide the Council with long-term flexible control over street lighting output at a highly localised level.
- 3.3 The business case also demonstrates that the proposed investment is financially viable, with payback estimated to be between 10.1 and 12 years depending on the level of investment, the funding route and the prevailing rate of interest on borrowing. Any funding, whether borrowed from external sources or funded from Council balances and reserves, would be repaid over time by the savings from energy and carbon costs.
- 3.4 There is clearly scope for substantial reductions in electricity costs through a switch to LED technology for the Council's street lighting. This reduction in electricity use would also provide significant reductions in carbon emissions but would first require investment.
- 3.5 Work has therefore been undertaken to examine the feasibility of making an investment in the Council's street lighting inventory to achieve these aims, examining: the range of technologies currently available to the Council; the estimated cost of investment; and the estimated savings.
- 3.6 It is considered that the outline business case, based on prudent assumptions, is sufficiently promising to support proceeding to the next stage: a formal approach to the market to obtain definitive and accurate costs, and long-term savings commitments. Only a formal market test will give the required clarity and definition to support a final decision
- 3.7 Aside from the reduction in electricity expenditure, carbon savings also form a key part of this business case, both financially (savings of approx. £60k p.a., assuming costs of £16 per tonne of CO<sub>2</sub>), and environmentally. The project would make a one third contribution of at least 5% towards the Council's overall target of a 15% reduction in carbon emissions before March 2018.

## Financial

### Expenditure

- 3.8 The budget (2014/2015) for street lighting expenditure on electricity stands at £1.3m. Whilst energy prices are currently low, this is not expected to continue in the long term and it is likely that future years budgets will require growth in order to meet increasing energy costs as well as inflation.
- 3.9 The business case is based on existing baseline energy costs (£0.097 per kWh), although this base is expected to move (via Laser procurement) to £0.1077 per kWh in the near future. This assumption has been used to calculate potential financing arrangements. Officers now estimate the payback period to be 10 years and 1 month, with a base assumption of the current PWLB rate plus 0.5% as a prudent level of interest on borrowing.
- 3.10 The estimated capital costs of replacing existing high pressure sodium luminaires with LED is £6.563m. This estimate is based on costs cited by reputable LED manufacturers in a soft market testing exercise. It is assumed that these costs will remain static throughout the period covered by the business case. As the unit costs were quoted outside of a competitive tender process they should be considered as a prudent pre-tender baseline estimate.
- 3.11 The estimated capital cost of replacing existing high pressure sodium luminaires with LED, and deploying a Central Management System, is £7.752m. This estimate is based on costs provided by reputable LED manufacturers in a soft market testing exercise. Again, as the unit costs were quoted outside of a competitive tender process they should be considered as a prudent pre-tender baseline estimate.

### Cost of Financing

- 3.12 Officers have examined a number of ways to finance the project, focussing on three lead options: borrowing from the Council's own balances and reserves; sourcing low interest public finance through SALIX; and prudential borrowing. A small contribution has been secured towards the project from available Section 106 funding (£53k).
- 3.13 Of the three options, the business case currently assumes that prudential borrowing will be the source of capital. Borrowing from Council reserves for all or part of the investment cost, if an available option, could be attractive dependent upon prevailing interest rates and investment returns. A return of more than 10% per annum far exceeds returns currently available through private investment. However, there are other demands on the Council's reserves which may take priority.



- 3.14 There is an option to borrow interest free capital from SALIX, although there are strict limits on payback periods (5 years). In order to achieve this, officers have remodelled the business case to separate the higher consuming assets (those with payback within five years) from lower consuming assets. This analysis suggests that only 8.31% of the total asset could be funded via SALIX; the remainder would require alternative financing. This would also increase the payback period for the remainder of the asset replacement to more than 10 years. It is therefore not considered appropriate to pursue this method of funding for such a small element of the investment.
- 3.15 **Prudential Borrowing.** There are a number of scenarios for the Council to consider in relation to the borrowing needed for the project. Broadly speaking, the variables comprise: the term of the loan; the prevailing interest rates with a prudent allowance for future increases; and the estimated energy savings. The potential scenarios are included in Appendix A to this report. In broad terms, borrowing over a 10 year term would result in a break-even position (i.e. energy savings would equal the cost of loan repayments plus interest) over the same period. In contrast, borrowing over a longer term would produce an immediate saving for the Council and support the savings proposal included in the Medium Term Financial Strategy. The projected asset life is 20 years and it is therefore suggested that, subject to further consideration of the variables of interest rates and inflation, prudential borrowing over the 20 year term would be the most beneficial option
- 3.16 The business case presents two viable investment options for the Council:
- 3.17 **Option 1 - LED and Adaptive Lighting:** This is the cheaper option for the Council, but would not deliver all the potential savings. The Council would be required to specify its desired lighting output from the outset of procurement, i.e. the lighting output of the luminaire would be factory-set at a fixed specified level. This would commit the Council in advance to the same lighting strategy over the 20 year asset life. Although this factory pre-set could facilitate an element of dimming, it would necessarily be conservative in its approach to setting lighting levels; the acceptability of altering lighting levels whilst meeting the needs and expectations of residents and travellers is not yet sufficiently understood. Any remedial alterations, should changes prove inappropriate or unacceptable, would be expensive. It would preclude any further changes in response to local conditions, future development of the borough, changing perceptions of acceptability, or future budget pressures, without significant further investment.
- 3.18 **Option 2 - LED, Adaptive Lighting and a Central Management System (CMS):** Investing additional capital in CMS would provide the Council with a number of additional long-term benefits:
- 3.18.1 **Additional Savings:** The Business Case assumes that CMS would provide a base level of energy efficiency and maintenance savings at £45k p.a., through automatic reporting of faults and a reduction in night patrolling.

- 3.18.2 **Lighting Output:** CMS would provide the Council with the ability to adjust lighting output to meet required standards at a micro-level. Early-adopting local authorities estimated that an additional 10-15% of energy costs could be saved by managing lighting output at a highly localised level and at different time periods at night (Appendix A, detailing finance options, demonstrates how this would improve the payback period). A lighting plan could be introduced, based on lighting levels tailored to the traffic management and road safety requirements which lie at the heart of the British Lighting Standard BS 5489-1:2013 and European Lighting Standard BS EN 13201-2:2003. LED luminaires can have their output reduced by up to 50% of their maximum potential without adversely impacting on their lifespan.
- 3.18.3 As part of its long-term financial strategy, and given the context of the expected financial challenges from 2017 onwards, the Council would have the flexibility to consider additional lighting savings by further reducing both energy costs and carbon emissions. A number of local authorities have safely adjusted lighting levels between midnight to 6 am, in appropriate areas, when traffic and pedestrian levels are at their lowest. Other authorities have gone further, with reductions in lighting levels of up to 50% over longer periods.
- 3.18.4 In order to secure energy savings of an additional £75k to £80k p.a., and hold the repayment period at no more than 11.5 years (see appendix 1), an additional 10% saving from energy costs would be needed. The paragraphs below illustrate options illustrating how the Council would be able to achieve this saving, and optimise potential energy savings, through the introduction of flexible lighting controls. The consultant's analysis of the potential savings has been included as appendix 3 to this report.
- 3.18.5 **Constant Light Output:** Lighting output decreases over time as lamps age, and therefore most lighting designs are based upon the estimated lighting output of the lamp at the end of its usable life. This means that when new lamps are installed, they have a higher output than is required to meet the minimum lighting standard. The Constant Light Output function of CMS compensates for this light loss, meaning that drivers can be pre-programmed to start at a lower power level when the luminaire is new, and then gradually increase power over time. This functionality could reduce wasted energy consumption by approximately 7.5%, weighted towards the early years of the luminaire replacement programme.
- 3.18.6 **Fine tuning of light levels on a street-by-street basis:** Many lighting columns in Brent are spaced closer together than strictly necessary, resulting in some streets being over-lit by as much as 20%; CMS could be used at these locations to reduce lighting output in order to compensate, whilst still meeting required lighting standards. It is estimated that this could reduce energy consumption by as much as 5%.

- 3.18.7 **Obtain the optimum lighting class for each street:** The age of the Council's PFI Contract means that current lighting designs are based upon achieving a lighting output determined by the old British Standard (BS5489). The new British Standard (BS5489:1 2013) encourages the Council to adjust levels of lighting according to the usage of the road. Savings may be achieved by adjusting lighting in low density housing areas, little-used traffic routes and industrial/business areas (such as Park Royal). It is estimated that a further 5% energy saving could be made by adopting this approach.
- 3.18.8 CMS would also provide the Council with the ability to increase lighting levels in the event of a major incident in the borough, or in response to specific circumstances in a local area. For example, lighting could be increased in town centre locations to support the night-time economy at weekends, or in the Wembley area on major event days.
- 3.18.9 The Council would be able to improve the service it delivers as CMS would allow immediate identification of a malfunctioning light for repair within 48 hours, reducing night scouting costs. The existing method of identifying lighting faults is to manually scout the streets on a fortnightly basis, and repair within 48 hours; potentially this also means that a lighting fault can take up to 16 days to identify and fix.
- 3.18.10 In introducing dimming, some authorities have sought environmental benefits from reduced levels of light pollution during the core night hours.
- 3.19 In order to support the additional investment in a CMS there would need to be a commitment to pursue a lighting strategy which will consider adopting the above energy reduction options, to achieve further energy savings beyond those achievable without a CMS. It is therefore recommended that Cabinet endorse the additional investment in CMS, subject to the outcome of the procurement exercise.

#### **4.0 PFI CONTRACT**

- 4.1 The Council has a 20 year (21 fiscal years) PFI Contract with PFI Lighting Limited, which is set to expire on 30<sup>th</sup> November 2018. Delivery is in turn sub-contracted to Bouygues Energies and Services (formerly known as David Webster Ltd). The service is worth £2.9m per annum, and is made up of capital repayment (for infrastructure investment) and maintenance, providing a monthly unitary payment. The unitary payment is based upon the volume of columns and lighting furniture in the Council asset inventory; each item of furniture is assigned a WUD (Weighted Unit Day) value. At the commencement of the Contract the annual price was £2.311m. Following inventory review and subsequent changes, along with the application of indexation to the contract price, the unitary payment is now based upon £2.947m p.a., offset by £790k p.a. PFI Grant.
- 4.2 The contract included a core investment programme which brought about substantial investment in the Council's street lighting stock, focussed on renewal of lamp columns. Given that this programme has now finished, PFI

Lighting Ltd have confirmed that they would be happy to accommodate any changes proposed by the Council to bring about energy savings and are able to adjust maintenance cycles to facilitate change.

- 4.3 Of all the cyclical routines performed by the current contractor, potentially the most relevant to this project is the bulk change and clean cycle, which involves cleaning the lanterns and replacing existing lamps. This contractual cycle is 3 years, and the financial model uses this as its basis.

#### 5.0 **TIMING OF INVESTMENT & VALUE FOR MONEY**

- 5.1 There are several factors to be taken into account in deciding the optimum time to invest in new lighting technologies. The Council has completed the capital programmes within the existing PFI; however the agreement has a further 4 years to run. Key considerations are set out below.

- 5.2 **Cost of Finance:** It is anticipated that the cost of borrowing will increase between now and the investment period, should the project proceed. It is not possible to accurately estimate the cost of borrowing in 2018, although the trend would seem to be toward higher interest rates. In a prudent approach, therefore, the payback models have been based on the prevailing PWLB rates plus 0.5%.

- 5.3 **Continued Energy Expenditure:** Following consultation with the incumbent maintenance provider, the Business Case assumes that the LED/CMS replacement programme would take approximately 24 months to complete. An early decision to invest, within the existing PFI, could result in the replacement programme being completed in 2017. Delaying the commencement of a replacement programme until 2018 would mean that the programme would not be completed until 2020. The cost of this delay is estimated to be in the region of £2m additional energy costs.

- 5.4 **Competition:** Investing in new lighting technologies at the end of the PFI may generate some savings and reduced rates through a competitive tendering exercise. However, it is considered unlikely that potential savings would match the £2m energy saving from early implementation, as identified in 5.3 above. Soft market testing has already been carried out by the service which indicates that the rate of LED product development has slowed, and that minor technological improvements only now emerge on a six month cycle. A saving of £2m would require a further 30% reduction in the costs predicted by the soft market testing exercise. Given that 80% of the investment will be spent on the manufacture & supply of lanterns, which *will* be subject to competition (see 5.7 below), it is considered very unlikely that a competition saving of this magnitude could be achievable from competition savings on installation alone.

- 5.5 **Carbon Savings:** The Council is seeking a 15% reduction in carbon emissions by March 2018. In order to realise this reduction, the Council have established a programme board to oversee a number of projects aimed at

reducing carbon emissions. The proposal to switch to LED luminaires would make a significant contribution (5% of the 15% required, i.e. one third) to meeting the Council's target. A CMS would provide the potential to increase the carbon saving. If the investment is delayed until 2018 street lighting would not be able to contribute to meeting this target.

## Procurement

- 5.6 If the option to procure within the PFI is taken up, the Council would be required to demonstrate that value for money will be achieved and thereby satisfy Contract Standing Orders. The bulk of the project cost (85%) relates to the cost of the luminaires and hardware, rather than their installation.
- 5.7 To demonstrate value for money, officers are working with a specialist lighting consultant (Designs for Lighting) who have been commissioned to work on the Council's lighting strategy, to draft a technical specification to secure the desired product quality and associated warranties. Officers have agreed with PFI Lighting Limited (the PFI Special Purpose Vehicle) that the Council will run a competitive tender process in partnership with PFI Lighting Ltd in order that both parties can satisfy due diligence commitments.
- 5.8 Manufacturers, and the incumbent maintenance provider Bouygues, have already indicated a willingness to work with the SPV on an open book basis, which will provide transparency over the cost of installing the new equipment.
- 5.9 The combination of an open competition, and procuring on an open book basis, should offer assurance that the Council will achieve value for money. Details on the Council's approach to market are outlined in part 6 of this report (see below).
- 5.10 Two other options have been considered but are not recommended.
  - 5.10.1 LB Brent could separately procure the supply and installation of LED units outside of the PFI contract, but before its expiry. This would have a number of operational implications for service delivery, and would also present a number of commercial questions for the Council to address in its relationship with the incumbent supplier. Guarantees offered by PFI Ltd in respect of asset maintenance and residual life which have been subsequently sub-contracted to Bouygues, may be prejudiced by client insistence on using independently sourced consumables.
  - 5.10.2 PFI Ltd, and their chosen sub-contractors, could supply, install and maintain the new assets through a variation to the Contract. In this scenario the full risks of delivery would sit with Bouygues and the start date could potentially be advanced, thereby speeding up the benefits of energy savings. There could be a mechanism whereby if Bouygues generate additional energy savings above those predicted, then an agreed risk/reward sharing mechanism could act as an incentive to maximise savings through speed of installation or technology changes during roll out. It is understood that

Bouygues would be prepared to offer certainty of delivery, with liquidated damages linked to lost energy savings for late delivery. It would be difficult for the Council to clearly demonstrate that it was achieving value for money through this method of procurement.

## 6.0 Pre-tender Considerations

6.1 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations have been set out below for the approval of the Cabinet.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(i)	The nature of the service.	The Supply of Light Emitting Diode (LED) luminaires and a Central Management System (CMS)	
(ii)	The estimated value.	£8m	
(iii)	The contract term.	24 Months	
(iv)	The tender procedure to be adopted.	The Competitive Procedure with Negotiation	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Adverts placed	1 <sup>st</sup> June 2015
		Expressions of interest returned	1st July (Midday)
		Shortlist drawn up in accordance with the Council's approved criteria	8 <sup>th</sup> July
		Invite to tender	W/C 13 <sup>th</sup> July
		Deadline for tender submissions	14 <sup>th</sup> August
		Panel evaluation and shortlist for BAFO	W/C 17 <sup>th</sup> August
		Negotiation with leading bidders, and invitation to submit BAFO	W/C 31 <sup>st</sup> August
		Deadline for BAFO submissions	Friday 11th September (Midday)

Ref.	Requirement	Response	
		Panel Evaluation and Decision	W/C 14 <sup>th</sup> September
		Report recommending Contract award circulated internally for comment	October 2015
		Cabinet approval	November 2015
		[Cabinet call in period of 5 days (mandatory unless excluded by the Exec) OR minimum 10 calendar day standstill period – notification issued to all tenderers and additional debriefing of unsuccessful tenderers (contracts covered by the full EU Regulations only)]	November 2015
		Contract Mobilisation	1 <sup>st</sup> December
		Contract start date	5 <sup>th</sup> January 2016
		1. At selection (pre-qualification stage) shortlists are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines by the use of a pre qualification questionnaire to identify organisations meeting the Council's financial standing	1. Pre-qualification stage will address fundamental considerations:  A) Experience within the UK marketplace including experience of supplying a similar product to another local authority; B) Company Financial Standing. C) Company Capacity. D) Relevant Accreditations E) Relevant Company Policies

Ref.	Requirement	Response	
		<p>requirements, technical capacity and technical expertise.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria: 60% Price / 40% Quality</p>	<p>2. Tenders will be evaluated to determine the Most Economically Advantageous Tender (MEAT). Further detail on this is outlined in paragraph 6.2 55% Price 45% Quality</p>
(vi)	The evaluation criteria and process.	With reference to paragraph 6.3, tender will be divided into three lots, recognising the different markets for CMS and LED. An optional third lot will be available to those who may identify further economies from bidding with a consolidated product or through forming an alliance.	
(vii)	Any business risks associated with entering the contract.	<p>Officers request authority to tender in partnership with its PFI Contractor in order to mitigate against commercial risks to current relationships. The proposed supply chain arising from this procurement exercise is rather complex; the Council will be required to vary its current PFI contract to ensure that the subsequent supply chain is completely outsourced, and that the Council are not left with operational dependencies.</p> <p>The business case is reliant upon the LED product having a projected lifespan of 20 years; as part of the quality evaluation, the panel will consider the value of warranties submitted as well as their transferability.</p>	
(viii)	The Council's Best Value duties.	The technical specification will stipulate minimum thresholds for manufacturers to achieve; this will form part of the qualitative assessment undertaken by the evaluation panel and will ensure that the Council continue to achieve the British Standard for street lighting. The contract will be awarded to the most economically advantageous tender. The Council's Best Value Duties are being addressed through the competitive process.	
(ix)	Consideration of Public Services	Tenderers will be asked how their bid may involve the use of local suppliers, apprenticeships, local	



<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
	(Social Value) Act 2012	sponsorships and charitable donations.
(x)	Any staffing implications, including TUPE and pensions.	This tender is for the supply of consumable goods, and there are therefore no TUPE implications arising.
(xi)	The relevant financial, legal and other considerations.	The business case has been carefully considered. Should the competitive tender exercise not meet soft market testing projected savings (as established throughout this report), the Council may decide not to award a contract.

### Evaluation

6.2 The contract will be awarded to the Most Economically Advantageous Tender, with weightings assigned to the bidders' ability to price competitively whilst offering a quality product. The value of this project places a strong emphasis on price, although a number of variable quality considerations were established in soft market testing which will impact on the efficiency savings identified in the business case.

6.3 Tender Evaluation Weighting.

<b>Lot</b>	<b>Product</b>	<b>Price %</b>	<b>Quality %</b>
Lot 1	Supply of LED	55	45
Lot 2	Supply of CMS	55	45
Lot 3	Supply of LED and CMS	55	45

6.4 Price. Bidders will be required to price for supplying the entire borough's lighting asset with LED luminaires, and supplying a CMS. In the case of LED, the Council will ask tenderers to bid using a schedule of rates (depending on the category of road), against a volume of units determined within the Council's inventory.

6.5 Quality. In the case of quality there are a variety of considerations for each lot.

6.5.1 **Lot 1**. LED quality will be measured against the ability of the product to meet the demands of the Technical Specification. However, the quality of the warranties underpinning the asset life will also be a consideration for the Council, as will the ability to transfer warranties from one supplier to another. The reliability of the manufacturer’s supply chain will also be a consideration for the Council; there will need to be a degree of confidence that manufacturing output can meet our implementation demands.

LED Quality

Quality 45%	
Technical Merits	Against Technical Specification 35%
Warranties (length and transferability)	5%
Supply Chain (output to 18 month roll out)	5%

6.5.2 The Technical Specification will require suppliers to bid with products which meet standards in: photometry; certification; environmental performance; mechanical performance; and electrical performance. The overall performance of the product will determine the energy efficiencies that the Council can expect to achieve; the ability of the product to deliver these efficiencies will form a large part of the Council’s assessment of Technical Merits, and will also be addressed during the negotiation phase of the procurement exercise.

6.5.3 Consideration will also be given to how suppliers may be able to support job creation, and their potential use of local sub-contractors.

6.5.4 **Lot 2**. CMS quality will be evaluated against the product’s ability to meet the technical specification. Unlike LED, there will also be a user interface to consider; reliability of controls and responsiveness will be a consideration, as well as accuracy of reporting information.

CMS Quality

Quality 45%	
Technical Merits	Against Technical Specification 25%
User Merits	Against Technical Specification 20%

6.5.5 The Technical Specification will require suppliers to bid with products which meet demands for performance standards in: Functionality; User Interface; Inventory Interface; Connectivity; Reliability; and replacement within the context of a Service Level Agreement if faulty.

6.5.6 Consideration will also be given to how suppliers may be able to support job creation, and their potential use of local sub-contractors.

- 6.6 **BAFO.** It is recommended that the Council use the Competitive Procedure with Negotiation to undertake this procurement exercise. The initial tender returns will be used to shortlist leading bidders for further discussions. Officers wish to use the opportunity to identify further available savings through making minor adjustments to the Specification; however adjustments cannot be made to the council's minimum requirements from those originally advertised. Items for discussion which may have an influence on the price include the length of the warranties offered, and the implementation timeframes.
- 6.7 **Evaluation Panel.** In order to ensure that the Council can accurately evaluate the quality of products, it is proposed that the panel consist of our existing consultant (who will provide assurance on technical diligence), a representative from PFI Lighting Ltd (whose diligence role will focus on the subsequent management of the purchased products under the PFI Contract), and client representatives responsible for service delivery, financial appraisal, contract management, mobilisation, and key performance indicators.

## 7.0 FINANCIAL IMPLICATIONS

- 7.1 As established in the body of this report, the estimated value of these supplies contracts would be approximately £6.6m for investment in the LED + Adaptive Light proposal, and £7.82m with the addition of a Central Management System (CMS) (see Appendix A).
- 7.1 The financial implications for the service are significant, whether an investment is made now, postponed to a later date, or a 'do nothing' option is adopted. It is clear that:
- 7.1.1 The 'Do Nothing' option outlined in the Business Case would require the Council to source unsustainable levels of growth as energy prices are expected to rise over the long-term
- 7.1.2 There would be a cost implication for delaying investment, estimated to be in the region of £2m allowing for current levels of energy consumption and inflationary pressures.
- 7.1.3 If the investment is made, through the prudential borrowing model over a 20 year period with a prudent interest rate of 3.8% (see Appendix A), payback on the loan and interest can be achieved within approximately 10 years should the investment be made for luminaires alone.
- 7.1.4 Implementing CMS, and using the technology to its greatest potential, could reduce energy consumption by an additional 10-15%, thereby making greater annual savings whilst retaining the level of the payback period to approximately 11 years (also shown in Appendix A).

## 8.0 LEGAL IMPLICATIONS

- 8.1 The Highways Act 1980 empowers the Council as Highway Authority to provide street lighting. The Council has a duty of care to the highway users and must ensure it can demonstrate it has systems and programmes in place to ensure the safety of all highway lighting equipment.
- 8.2 It is proposed that the Council should undertake the procurement of the LED luminaires and the Central Management System (CMS) the procurement of which is subject to the new Public Contract Regulations 2015 (“the Regulations”). In addition to the Regulations, the proposed procurement will also be required to adhere to the Council’s own Contract Standing Orders and Financial Regulations. Furthermore the subsequent supply contract is likely to represent a High Value Contract and would therefore need to be advertised in the OJEU in compliance with the Regulations.
- 8.3 Officers have elected to use the Competitive Procedure with Negotiation, a relatively new process under the Regulations. With the use of this procedure officers will be permitted to use negotiation in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria specified in the Contract Notice (OJEU advert). However, there is no negotiation permitted in relation to the Council’s minimum requirements and award criteria identified at the outset.
- 8.4 For High Value Contracts, the Cabinet must approve the pre-tender considerations set out in paragraph 6.1 above (in accordance with Standing Order 89) and the inviting of tenders (Standing Order 88).
- 8.5 Should Members agree with the recommended option identified in Section 5 of this report, for the LED replacement programme to be undertaken during the existing contract period of the PFI Contract, the PFI Contractor would be required to maintain such lighting under the PFI Contract for the duration.
- 8.6 Under the existing terms of the PFI Street Lighting Contract there are provisions which allow the Council to instruct “Service Adjustments” to the Contractor as and when required. Such Service Adjustments may include, in particular: *‘the implementing of new street lighting or illuminated signs (including new or revised highways schemes or the adoption by the Council of new standards of lighting or the lighting of previously unlit places)’*. Therefore, once a successful contractor has been identified following tender for the proposed manufacture and supply of the LED Luminaires and CMS, officers are entitled to instruct the PFI Contractor under the existing Street Lighting PFI contract to install and maintain the consumables. This would be considered additional work, as pre-empted at the start of the contract.
- 8.7 Should Members be minded to approve the recommendations in this report, officers propose to draw up and agree heads of agreement with the PFI contractor, PFI Lighting Limited (“PFIL”) prior to commencing the proposed procurement of LED Luminaires and CMS in order to agree the subsequent variation to contract.

- 8.8 Once the tendering process is undertaken officers will report back to the Cabinet in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contract and recommending award of the supply contractor.
- 8.9 As this procurement is subject to the full application of the Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar year standstill period, imposed under the EU Regulations, before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence thereafter.

## **9.0 EQUALITY ANALYSIS**

- 9.1 An overview of anticipated diversity implications has been included in section 18 of the technical business case (Appendix 2, pp 41-43). This concluded that there would be positive impacts for all groups in a move to LED white light, which would improve visual performance, colour rendering and facial recognition across the outdoor environment. The underlying assumption is that light levels and quality would continue to fully meet the standards set out in BS 5489-1: 2013, whether or not dimming at certain hours is introduced.
- 9.2 There are some diversity implications for proceeding with CMS investment, should consideration be given to adjusting lighting levels. Officers would examine these closely as part of a specific Equality Analysis; applying Brent's demographic to the assumptions in the business case. In particular, young adults are more likely to be active outside the home between the hours of midnight and 6 am; and adults working or travelling to work during these hours might also be impacted. Street lighting contributes to road safety, and reducing the fear of crime, and lighting levels need to be set with these objectives in mind.
- 9.3 As set out, CMS allows for adjustment of lighting levels with the main objective of reducing energy costs and carbon emissions. The objective would be to continue to set "the correct lighting class to meet specific road parameters at a particular time". CMS enables lighting to be set at a highly localised level, so it would improve the capability to provide a higher standard of lighting at specific times and locations to meet the needs of the night-time economy, or those travelling to work at night. It would also provide for higher standards of lighting, for example, to ensure safer travelling conditions near to Wembley Stadium on event days.
- 9.4 The capacity provided by CMS to adjust lighting levels at a micro-level would support the Council's localisation objectives.

## **10.0 STAFFING / ACCOMMODATION IMPLICATIONS**

10.1 None

## **11.0 PUBLIC SERVICES (SOCIAL VALUE) ACT 2012**

11.1 Officers consider that the tender exercise is a good method for assessing how this procurement may contribute to the local economy as well as support jobs. The tenderers' method statements will be partially assessed against their ability to support job creation and the local economy through their bid.

11.2 The procurement of a Central Management System will provide micro-management controls over the Council's lighting stock, and specifically allow adjustment to lighting output in specific streets. This would make a substantial contribution to the collective benefit of the community:

- The Council would be able to make lighting adjustments according to local conditions; and provide the facility for a highly sensitive response to potential changes in the local environment.
- Lighting output may be increased or decreased in order to support events or community initiatives, for example local festivals.

## **CONTACT OFFICERS**

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LORRAINE LANGHAM  
Chief Operating Officer

## Appendix 1 – Financial Appraisal

	<b>Option H (LED &amp; Adaptive light)</b>	<b>Option K (LED &amp; CMS)</b>	<b>Option K (LED &amp; CMS) 10% add energy saving</b>	<b>Option K (LED &amp; CMS) 15% add energy saving</b>
<b>Capital Cost</b>	£6,563,670	£7,752,286	£7,752,286	£7,752,286
<b>Interest Charges</b>	£2,941,560	£3,476,389	£3,476,389	£3,476,389
<b>Total % Carbon &amp; Energy Saving</b>	57.35%	59.31%	63.05%	64.91%
<b>Carbon &amp; Energy per annum saving</b>	£753,334	£779,143	£857,057	£896,014
<b>Expected % maintenance saving</b>	15.37%	19.15%	19.15%	19.15%
<b>Maintenance saving per annum</b>	£76,867	£95,769	£95,769	£95,769
<b>Pay Back (years/months)</b>	10 years 1 month	12 years	11 years 6 months	10 years 10 months

**Note the above figures assume 3.8% cost of borrowing; 0% RPI increase for maintenance and 0% annual increase in energy prices.**

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of the Local Government Act 1972.


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 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b> 14 April 2015</p> <p style="text-align: center;"><b>Report from the Chief Operating Officer</b></p>
<p style="text-align: right;">Wards Affected: [ALL]</p>	
<p><b>Arboricultural Services Contract</b></p>	

## 1.0 SUMMARY

- 1.1 This report sets out options and identifies a preferred course of action for the future procurement of the Council's Arboricultural Services Contract.
- 1.2 The Council has two realistic procurement options for this contract, which expires in March 2016: Re-tendering the contract, with the procurement exercise commencing immediately after Cabinet decision; or extending the contract by two years. The latter is recommended as the preferred option in order to improve the Council's market position, and facilitate greater long-term efficiencies, service improvements and savings.

## 2.0 RECOMMENDATIONS

### **That Cabinet agrees:**

- 2.1 To extend the Arboricultural Services Contract by two years to 31 March 2018, noting the rationale for doing so as set out in this report;
- 2.2 To accept the negotiated service improvements offered by the incumbent contractor for the contract extension period (summarised in paragraph 5.9);
- 2.3 To commence a programme of removal and replacement of lime trees in the poorest condition, to improve the quality of the Council's tree stock; and
- 2.4 To the establishment of an intra-authority and intra-service working group, aimed at sharing knowledge and securing a formal Trees Partnership ahead of future tree maintenance procurement.

### **3.0 The Current Contract**

- 3.1 The current street trees maintenance contract with Gristwood & Toms was let in 2012 for a term of four years (to April 2016), with an option for the council to extend the contract by up to 2 years. The contract was priced according to the estimated volume of work being delivered against the tendered schedule of rates, covering the full range of activities undertaken to maintain the street tree stock. The 2015/16 value of the contract is £450k p.a. There are no concerns over the quality of the contractor's work, and it is considered that the 2011 contract award process was sound and represented good value for money.
- 3.2 The Contract Specification breaks down specific work activities (e.g. pruning, pollarding, planting, etc.), and sets out the Council's expectations for the undertaking of technical maintenance works; this is aimed at ensuring that works are delivered to a standard which does not prejudice the health of the tree stock. The majority of these works are undertaken as part of an annual programme, but some works are undertaken on an ad-hoc basis where there is a requirement for immediate action to eliminate potential risks.
- 3.3 There is also an element of fixed cost in the Contract, associated with ground works. These works ensure that the Council meets its statutory requirements by keeping the highway clear. They include the removal of epicormic (basal) growth from the Council's lime trees, and the removal of low hanging branches which may impede the footway or carriageway.
- 3.4 There is provision within the contract for the Contractor to coordinate and undertake emergency works; the importance of this service was underlined in the 2013/2014 financial year when a series of storms felled a number of trees on the Highway.
- 3.5 Tree planting is carried out on an annual basis under the provisions of the contract. The Parking and Lighting service retains a small budget for tree planting, although additional external funding can be secured from a variety of sources.

### **4.0 Soft Market Testing and Partner Opportunities**

#### **Soft Market Testing**

- 4.1 Soft market testing was carried out with support from Procurement in February 2015, to assist in identifying the future service requirements for the Council's street trees contract and identify any obstacles to greater competition.
- 4.2 Three established arboriculture companies were consulted, specifically chosen to have the capacity to manage the borough's entire tree stock and with sufficient business experience to advise on the areas of questioning.

They were asked to provide responses to specific questions. The detailed results of the testing are set out in Appendix A.

- 4.3 Two companies were large organisations with a proven track record of delivering London-wide services. The third, a smaller company, is based in northern England and new to the London market.
- 4.4 Several consistent themes emerged from the results of the Soft Market Testing which should be considered.
- 4.5 The availability of a depot would make the bidding process more competitive. There are several sites within Brent parkland that may be suitable for this purpose. There is potential for a shared facility with Veolia.
- 4.6 A larger contract would generate economies of scale, either through the inclusion of housing land in the contract or by letting a contract covering at least two boroughs. In order to achieve competitive rates, there would need to be a commitment to a guaranteed volume of work for the term of the contract.
- 4.7 Programming work reduces cost. One-off ad-hoc work requires a crew to be diverted from their planned work area; this adds travel time and fuel costs as well as impacting on scheduled work.
- 4.8 Having the council's inventory stored on an asset management system would be advantageous. In-depth knowledge of stock improves the quality of programming, and would increase the productivity of operatives by facilitating clearer works orders.
- 4.9 The council would benefit from having a full survey completed before the Invitation to Tender goes out. This would increase the amount of programmed work, and enable cyclical planning to generate savings.

### **Partner Opportunities**

- 4.10 A partnership with a neighbouring authority could potentially double the value of our contract and would provide an opportunity for savings generated through:
  - Economies of scale
  - Shared fleet & plant
  - Shared contract management
  - A shared operational base
- 4.11 The opportunity to partner with a neighbouring authority could offer significant benefits. Time would be needed to secure those benefits, however. We would first need to agree a contract with the partnering authority setting out the terms of our partnership, and then commence work on harmonising a service specification. This would need to be completed ahead of tendering. Failure to harmonise would reduce our ability to secure economies of scale (in effect, we

would still have two contract methods and the opportunity for efficiencies would not be realised).

- 4.12 The Council would also have the opportunity to ensure that other internal users of tree maintenance services could use the same contract. These include the Parks Service (with a small budget of £10k per annum) and the Brent Housing Partnership (BHP). The Brent Housing Partnership has a strong interest in partnering on procurement activities. BHP is extending its trees maintenance contract with City Suburban by one more year, and has highlighted a number of potential synergies and savings which could be achieved through specific collaboration with the street trees service (including shared client arrangements).
- 4.13 The London Borough of Ealing is currently exploring procurement options around its future management of tree services, and has been approached to explore the potential for partnership working.
- 4.14 The London Borough of Harrow has also been approached. Harrow let their trees maintenance contract in February 2015 for three years (with an option to extend by one year). The borough could therefore be a potential partner, and further discussion with LB Harrow will take place.
- 4.15 There are potential advantages and disadvantages of collaboration:
  - 4.15.1 **Advantages:** Potential economies of scale; contract overheads could be shared; increased opportunity for identifying depot space; reduced management costs. There could also be opportunities on the client side to share invoicing costs and contract management;
  - 4.15.2 **Disadvantages:** Risk of differing client interests; misaligned service specifications; differing strategic objectives; and differing tree stock

## 5.0 **Options Appraisal**

- 5.1 In order to provide the evidence base for an informed decision, a number of opportunities for service development and savings have been reviewed, as well as considering identified risks and service deficiencies. Steps that have been taken so far include:
  - 5.1.1 Negotiations have taken place with the incumbent contractor, Gristwood & Toms, to determine what added value would be provided to the Council should the current contract be extended;
  - 5.1.2 Soft market testing has been carried out with leading companies to better understand current opportunities and any barriers to securing wider market competition (see paragraphs 4.1 to 4.9 above);
  - 5.1.3 Internally, meetings have been held with Parks and the Brent Housing Partnership, which also have responsibilities for tree maintenance in the



borough. There is the potential to combine tree service provision across the authority, with the intention of letting a single service for the provision of maintenance to trees on the public highway, in parks and on housing estates.

5.1.4 Two neighbouring authorities, Ealing and Harrow, have been consulted on the potential for a joint contracting approach.

5.1.5 Account has been taken of the November 2015 Internal Audit report which made recommendations in respect of establishing a comprehensive trees database, and made a specific and relevant Priority 1 recommendation:

***Centralised database of trees under the Council's Responsibility (Priority 1)***

- *A record of all trees under the Council's responsibility and an indication on when they were last inspected should be maintained.*
- *The required frequency of work, the date of last work, and the date of when the next work is required should be recorded against all trees under the Council's responsibility.*
- *In addition, the basis on which works are prioritised should be clearly documented.*

5.2 The Council has two clear options available: extending the existing contract; or re-tendering the service immediately. There are a number of factors to be taken into account before making a decision. This evidence base is outlined below. The opportunity for partnership working with other boroughs and the Brent Housing Partnership is a significant development.

Re-tendering

5.3 The Council has the option to re-tender the contract using the existing specification. In order to meet tendering timescales, the council would need to revise the existing contract documents with minor alterations to bring the specification up to date (rather than draft a substantially changed Invitation to Tender).

5.4 There are a number of advantages and disadvantages associated with retendering a new contract to commence next year. These are listed below:

5.5 Advantages:

- This would secure the best market price for the service exactly as it is now, and would be unlikely to significantly worsen our position.
- The immediate impact on service delivery would be minimal.

5.6 Disadvantages:

- Inflation has not been applied to the contractor's rates for the duration of the existing contract. There is therefore a risk that the cost of running the service

would increase as tenders will be priced to make up ground since the beginning of the current contract, and to provide for future inflation.

- Limited time is available before the tendering process would need to commence. This would restrict our ability to assess whether or not the current specification is fit for purpose to meet our future needs.
- The possibility of including smaller suppliers in our new service could also be considered. At present, little is known about the potential impact of using local suppliers (see Section 6 below). It is possible that smaller contractors may be able to offer competitive prices; but this may be at the cost of increasing client demands to control a more complex pattern of services. The current specification emphasises the cost advantages of using larger contractors; seeking to amend it without further market research would incur potential risks.
- The Council would not have accurate enough data on its tree stock to institute a five year planned programme of works. This would generate savings through being more cost-effective than an ad-hoc approach. The lack of an adequate trees database was highlighted as a Priority 1 recommendation in a recent Internal Audit inspection of the service (see paragraph 5.1.5 above).
- The Council would still have to fund the cost of survey work, and meet the cost of implementing an asset database; this is estimated to represent an additional cost of over £60k to the Council.

#### Re-tender as a framework contract

- 5.7 The Council's current Contract was let as a framework, to enable other authorities and partners to access it. However, allowing other authorities to access the contract after the commencement date would not provide a clear benefit to the Council, as the contract would already have been priced for a single borough, i.e. without potential economies of scale. Soft market testing has indicated that it would be more beneficial to identify a greater intended volume of work within the contract term from the outset, to secure a better price.

#### **Option - Extend the contract**

- 5.8 The Council has the option to extend the existing contract with Gristwood & Toms by up to two years. A series of meetings have been held with Gristwood & Toms to negotiate additional value for the Council should an extension be granted. The Procurement team has provided support throughout these negotiations.
- 5.9 Gristwood & Toms has indicated that there is little opportunity for movement on the contract rates that the Council currently pays in respect of service

delivery. It was noted that there is no provision within the contract to link rates to an inflation index; and that inflation has not been applied since the beginning of the contract. Gristwood & Toms has accepted that the rates paid by the Council would be frozen as part of any extension, representing a cut for the contractor in real terms. In addition the company has formally offered to:

1. Purchase a bespoke tree management system
2. Pay all fees and licence costs for the above until March 31<sup>st</sup> 2018
3. Supply data collection tablets
4. Provide an asset & condition survey for apx. 28,000 street trees
5. Prepare a work schedule to implement a lime tree replacement scheme, aiming to reduce maintenance costs over the long term.

5.10 **Survey Work.** If the Council decides to extend the contract, Gristwood & Toms have offered to undertake a full survey of the Council's tree stock using their wider company resources. The contractor has advised that the lack of a detailed inventory would result in a higher cost for operating the contract; this was also a finding of the soft market testing exercise. As noted above, this issue has also been identified as a priority by Internal Audit. Estimates indicate that should the Council procure a full tree survey as a stand-alone exercise, it would cost over £60k (at least £2.75 per tree surveyed).

5.11 **Asset Database.** The Council currently uses Symology (a highways maintenance ordering system) as an inexpensive method of logging and managing tree works, rather than securing a database specifically designed for managing tree stock. Gristwood & Toms have offered to supply and host a specified tree database as part of the contract extension offer. This relates closely to their offer to survey the Council's tree stock; the survey information would be used to populate the asset database, which would also be informed by the company's maintenance records. Gristwood & Toms have confirmed that the Council will then own this data (which could then be exported or migrated should they not retain the service in future). The value of the database licence is estimated at £15k, with hosting costs of £4k p.a.

### **Lime Tree Programme**

5.12 The other significant offer from Gristwood & Toms, would be to undertake a proactive programme of works to better manage the Council's stock of lime trees. 'Ground works' are carried out by Gristwood & Toms as an annual programme; every street is visited in order to ensure that the Council meets its statutory obligations to ensure that the highway (including public footway) is clear, and that there is sufficient clearance for traffic to pass unhindered. The vast majority of tree-related 'ground works' are aimed at keeping lime tree growth under control; the main problem being that lime trees produce extensive ground level epicormic growth which presents a hazard. In addition, many of the current stock of lime trees are in a poor condition.

5.13 Gristwood & Toms have proposed undertaking a programme of replacing lime trees within existing budget constraints. The offer provides for the removal of

older lime trees, and replacing them with an alternative variety of lime tree which is not susceptible to epicormic growth. This would provide the Council with a potential efficiency saving of up to £36k p.a. on its Street Trees maintenance budget.

- 5.14 The Council's Street Tree Management Policy states that the Council will "...keep trees unless there are good arboricultural, environmental, or risk-related reasons not to do so". It is considered that the proposed lime tree removal and replacement initiative addresses the first and third categories, i.e. it would be a sound decision both on arboricultural grounds and through reducing the Council's financial risk. The service is currently spending a disproportionate amount of its limited resources on maintaining its existing stock of lime trees, rather than maintaining a healthy stock through a planned approach. In order to sustain the street tree stock over the long-term, a more planned approach would be advantageous. In order to help secure wider community acceptance of the changed approach, it is proposed to implement the new approach gradually with an emphasis on informing nearby residents of the reasons for replacing specific lime trees. This would limit savings in the first year of implementation to £25k.
- 5.15 **Community Involvement.** Gristwood & Toms has also offered to support increased engagement with local communities in caring for street trees. Where new trees are planted, residents will be invited to assist with their upkeep (including watering). This would help the Council to increase the survival of saplings, and work more closely with residents.
- 5.16 The offer made by Gristwood & Toms would deliver a full year 7.2% cashable saving if the change of approach to lime tree maintenance (and any policy implications) was accepted. More substantially, the value of the tree survey and establishing a full tree database makes the offer an attractive one; particularly given the risks involved in tendering without sufficient information about works programmes and tree stock.

#### **Option: Limited extension for one year**

- 5.17 Officers have explored with Gristwood & Toms what the company might be prepared to offer in return for just a one year contract extension. However, the company has indicated that they would only be prepared to make an offer on the basis of a two year extension. They have indicated that each of their offered efficiencies and improvements represents a cost to them which they would need to manage by depreciating costs over a three year period (including the final contract year).

## Strategic Planning

5.18 Extending the contract for two years would release the offers tabled by Gristwood & Toms, and would present the Council with the time to:

- Establish a trees working group including the Brent Housing Partnership and any external partners;
- Review and redraft the service specification;
- Identify and establish an arboriculture depot to remove this barrier to competition;
- Complete a full survey of the council's tree stock, to provide an opportunity for a more efficient and effective future contract;
- Establish an asset database;
- Trial smaller, local tree maintenance businesses in local parks and other locations to provide an evidence base on the capacity of smaller contractors.

5.19 These processes will enable the Council to procure in a more strategic way than has previously been possible, and deliver a service capable of sustaining a high quality tree stock at a lower running cost.

5.20 It is proposed that a working group be assembled with relevant stakeholders, including Brent Housing Partnership and any potential external partners, to take forward the planning of a future tree service, considering options for:

- The feasibility of lots based upon geographical areas, with suppliers submitting prices per lot and the opportunity to demonstrate economies of scale if additional lots are successfully bid for;
- Opening the contract for other authorities to join, with a potential rebate to be paid to Brent for each new call-off based on its value;
- Stipulating how bidders must make use of and interact with local suppliers and contractors;
- Specifying the maintenance of a live database of the Council's tree stock, updated during planned and emergency maintenance;
- Placing an emphasis on the future contractor to generate income and innovate, for example through the sale of recyclable organic material, tree pulp, logs, or through external sponsorships; and
- Designing a method for how the contractor will improve quality, reduce costs and/or increase income on an annual basis;

5.21 Other nearby boroughs are currently considering their options regarding trees procurement and may be willing to explore future partnership working. A working group will enable knowledge sharing between potential partners.

## 6.0 **WORKING WITH SMALLER SUPPLIERS**

6.1 The option of working with smaller suppliers in managing the Council's tree stock could also be explored. There is currently limited experience of the costs, benefits and risks involved in working with smaller suppliers, although some valuable insight has been gained by the Parks service.

6.2 This could open up opportunities for local businesses. It may also offer the Council competitive rates especially for smaller-scale works, as small companies may not be burdened with the overheads incurred by larger companies.

6.3 However, smaller contractors may not be as well equipped to deal with:

- Larger tree works requiring industrial equipment;
- Sustainable waste disposal (the current contractor's waste is used as biofuel, with some waste being used to heat the Olympic Pool);
- Managing or treating diseased trees;
- Coping with emergency situations, such as storms, or felled trees blocking the highway (the Council currently benefits from a responsive 24 hour service with specialist personnel and equipment made available).

6.4 There would also be some uncertainty over:

- Would a higher level of client support be required to procure and manage a number of smaller jobs?
- How would smaller suppliers qualify for work; what level of qualification should the Council require from employees; and how would this be vetted? What level of insurance would the Council require suppliers to carry? Could sufficient evidence of good financial standing be provided to limit risk?
- What savings could be achieved?
- How would the Council retrospectively deal with a smaller supplier if they under-perform, damage or kill a tree, or cause an accident?

6.5 These questions would need to be tested in order to ensure that these risks could be managed in the context of the contract specification. It is therefore proposed to carry out trial works in conjunction with internal partners to gain experience in managing smaller contractors and to limit risk.

## 7.0 **FINANCIAL IMPLICATIONS**

7.1 The effect of retendering the service could offer an improvement in prices, or could result in no change. The Council could even face a higher price Council, given the minimal change in the type of work or volume carried out, and that

existing rates have not been subject to price indexation. The incumbent contractor won the existing maintenance contract by approximately £200k over their nearest competitor in the previous tender exercise

## 7.2 Trees Budget.

In the last year the Council's tree stock has increased, whereas the budget for tree maintenance has been reduced by 10%. The budget is currently:

	<b>2014/2015</b>	<b>2015/2016</b>
	<b>(£)</b>	<b>(£)</b>
Ground Works Programme	92000	92000
Works	250000	250000
Planting	50000	25000
Ad-hoc	108000	83000
Contract Expenditure	500000	450000
Client Salaries	43000	43000
<b>Budget</b>	<b>543000</b>	<b>493000</b>

7.3 The savings proposed in this report have been captured in the above table and demonstrate how the service will meet savings committed to in the *Budget 2015/16 and 2016/17* report to Cabinet of the 15<sup>th</sup> December. The £50k saving, to take effect in the 2015/2016 financial year had been proposed to be achieved through retendering either in conjunction with another borough, or as a single authority.

7.4 The absence of an asset management database or tree stock survey is an ongoing risk to the authority. The estimated resources required to acquire this is estimated to be over £60k. This will be provided without charge should the current contract be extended for 2 years.

## 8.0 LEGAL IMPLICATIONS

8.1 The Arboricultural Services Contract expires on 31<sup>st</sup> March 2016.

8.2 The annual value of the trees contract would require a full EU tender exercise to be undertaken should the Council re-tender the service, in order to comply with Contract Standing Orders, and Public Contract Regulations 2015.

8.3 Regulation 46 of the Public Contracts Regulations 2015 requires contracting authorities to consider whether it is appropriate to split contracts into lots, and to justify a decision not to subdivide a contract into lots. The work envisaged in Section 6 of the Report will assist Officers in reaching a conclusion as to whether it is appropriate to subdivide the contract.

8.4 Contract Standing Orders require a Cabinet-level decision to sanction working in partnership to collaboratively procure goods and services.

## 9.0 DIVERSITY IMPLICATIONS

9.1 There would be positive diversity implications arising from the decisions recommended in this report.

9.2 Some species of trees, including lime trees, are susceptible to basal growth which impedes the footway. Problems also exist with some species of trees which cause root damage to the footway. Obstructive basal growth and root damage may seriously inconvenience: wheelchair users; parents and carers with young children; and people with visual impairment.

9.3 One of the purposes of programmed ground works maintenance is to ensure that the Council can meet its statutory requirement to keep footways clear for all users.

9.4 By adopting the approach outlined in this report, the Council would address this issue in a sustainable way. If the Council continues with the current approach to continued maintenance of older lime trees, costs would continue to escalate as the stock ages and further damage occurs. With further pressure to reduce expenditure, this would increase the risk of the Council not meeting its statutory obligations. The proposed lime tree replacement programme (as set out in paragraphs 5.12 to 5.14), would assist the Council to keep the footway clear in future.

## 10.0 STAFFING / ACCOMMODATION IMPLICATIONS

10.1 The report identifies a commercial advantage in acquiring a depot rather than requiring potential contractors to source their own depot. This may stimulate increased competition when tendering.

10.2 Officers are assessing the suitability of available depot space in Roe Green Park, using a vacant plot (580 sq. m) and sharing facilities with Veolia.

10.3 There are no specific implications for Council staff.



## **CONTACT OFFICERS**

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**Lorraine Langham**  
**Chief Operating Officer**

## APPENDIX A – Soft Market Testing Results

### Arboriculture – 03/02/2015

<p><b>What could we do to structure a better method of working to provide tree services in Brent? In your view, is it reasonable to package highway trees with Parks and Housing based work and why? What is your preferred contract length, and why?</b></p>	<p>Have a preference for all trees work to be packaged in one contract. A 5 year contract term is a preference (+2); fleet and equipment is depreciated over a 2-7 year period. The contract structure should be as flexible as possible – priced rates rather than fixed bills (future-proofing budget reductions). Separate rates for street trees from housing and parks (street trees tend to be cheaper).</p>	<p>The bigger the service, the more economical it becomes. Preferred contract length would be 5+5 (based upon how equipment is generally depreciated). Authorities should stipulate whether or not the budget provision is likely to decline from the outset. Dealing with Housing customers requires more attention. Build time for plant can be 6 to 8 weeks, and would require a mobilisation period.</p>	<p>A long-term contract for a larger asset would enable long-term planning of tree maintenance and ultimately a larger saving. Total asset management with the company empowered to control the spend on trees; a long-term contract on this basis would mean that the company could spend heavily on changing the stock in the first few years of the term, and recover the outlay through reduced maintenance.</p>
<p><b>The Council's trees budget is being reduced annually and this seriously affects the service as a whole but particularly tree planting. What challenges might this present to you, and how would you work collaboratively with Brent to accommodate these changes? How would you suggest sustaining or increasing the tree stock within the borough?</b></p>	<p>Placed an emphasis on tree survival; ensuring that planting was of a sufficient quality, and post-planting maintenance was in place. Have good (reputable) supply chain for new trees and source both in the UK and Europe. Up-front planning in order that all work may be programmed. Working on an open book basis would remove the need for contractors to price for risk. Would share the benefits of innovation through an open book.</p>	<p>Authorities should make the most of advertising opportunities as well as sponsorship. A need for ongoing maintenance (watering) of new stock.</p>	<p>Suggested that more thought needed to be given to maintaining trees. Funding being available for planting new trees – without budget growth for maintaining them.</p> <p>The authority could make a large saving by accepting the risk of skipping one maintenance cycle. This would provide £250k of capital to re-invest into proactively managing trees.</p>

**How would your company add value over the life of the contract? What innovative idea(s) have you introduced recently in any of your contracts that have been very successful?**

A good training programme; this is necessary as it is difficult to source trained tree professionals. They would also manage the Council's tree inventory. The company also cited good communication which adds value to their service, and can provide and manage a microsite to provide and share information with the Councils customers. The potential to barcode new trees as a monitoring function.

Would make the most of available technology. A contract for another large local authority was cited where works orders were issued and records were updated electronically as a means to reduce printing and paper costs, and administration costs (whilst increasing productivity of operatives).

Value could be added by managing the contract over a longer term; they would be prepared to make an up front investment in tree stock (removing expensive trees) recovering their costs through reduced maintenance over the contract term.

**The Council is exploring the idea of joint procurement with neighbouring Boroughs; can you detail your experience in this regard and what do you perceive are the benefits and pit-falls of inter-borough collaborations?**

The experience has been 'variable'. There is merit in introducing greater economies of scale – costs may be reduced. The key pit-fall is a lack of harmony between participating boroughs (at a strategic level). The company support the principle of the London Living Wage.

Supportive of the London Living Wage and cited the importance of retaining staff. Current experience of managing trees for authorities in the Midlands which are currently merging; self-preservation client-side was hindering progress of delivering savings. Specifications need to be merged – delivery methods vary by authority – to achieve savings, methods would need to be harmonised. **LATER** – stated that efficiencies could be found on a shared contract by sharing a Contract Manager, sharing an operational base, administrative costs and 1 software system.

The company is supportive of the London Living Wage. Cited problems with collaborative partners acting as two sets of clients. Suggested that a management system and strategy should be harmonised from the outset. Economies of scale would reduce the contract price. The prestige of willing a collaborative (dual London borough) contract would encourage competition.

<p><b>How would your operational plan ensure that you are reducing ad-hoc maintenance and reinvesting in trees over the life of the contract. How would you ensure remedial or urgent works are carried out in line with agreed KPIs?</b></p>	<p>Early programming of work is essential, to limit ad-hoc working. Programmes can be built upon tree survey information. A better contract price can be achieved through tendering with a complete survey.</p>	<p>Cited the importance of having good survey information – the emphasis being placed on effective planned works. The company referred to a case study where a programme of works was introduced at another local authority which reduced complaints by 25%.</p>	<p>Focus on programme / cyclical work. The less stock in a programme would result in an increase in ad-hoc works which attract higher rates.</p>
<p><b>The Council's Street Trees inventory urgently needs to be updated; what measures would you advise that the Council should take to rectify this problem at minimal cost?</b></p>	<p>There are many considerations: the level of data retained in the inventory; how data will be collected; will it be collected manually or digitally; where will the data be stored and managed – all factors contribute to cost. Suggested adding survey work as part of the tender as an option.</p>	<p>Having a full survey carried out at the outset would reduce the contract cost. The company recommended dividing tree into 7 categories rather than the existing 5 categories (reference to 'Series 3000' categories). More categories can help reduce the price. Suggested that a full survey of 22000 trees would require 4-5 months.</p>	<p>The company stated that they could provide the IT database to the authorities, host it, and manage it whilst providing the client with full access. It was recommended that the authority should invest in a full survey of the tree stock.</p>
<p><b>What provision do you have for recycling organic material and reducing waste?</b></p>	<p>All waste is recycled. ISO14000 accreditation.</p>	<p>14001 accredited. 100% waste material is recycled. The company suggested that they could offer a 50% return to the authority on the resale value of waste.</p>	<p>100% recycled. All waste goes to heating/power generation/landscaping material.</p>
<p><b>Brent will be unable to provide an operational base or depot. Would this affect your ability to bid?</b></p>	<p>No, it wouldn't. The company have an existing base in Watford. Mobilising a base would require a lead time. If the authority provides a base it may be worth £40-50k</p>	<p>No it wouldn't affect the ability to bid, but it would impact on how competitive they could be (other firms have an existing presence in the local area). Valued a base at £20-30k per annum. If the authority supplied a base it would increase their</p>	<p>No it would not affect their ability to bid. Would value a local base at approximately £15k p.a.</p>

		interest in the tender.	
<b>From what (if any) knowledge you have of Brent, what would you see as our ideal maintenance regime – fixed maintenance cycles, wholly reactive, or something else?</b>	Predominantly fixed.	A mixture of both. They would prefer full management of trees rather than providing an input based service.	Ideally, fixed maintenance cycles, but a blend is more realistic.
<b>Have you had experience of reinstating pavements permanently after tree removal?</b>	Yes and the work is undertaken in-house. For larger jobs work may be sub-contracted to a highways maintenance company.	No. A requirement to complete this work would not stop them from bidding, but they would subcontract this work.	Yes – cited experiences of undertaking permanent re-instatement works for other London local authorities. All re-instatement works would be carried out in-house.
<b>What do you consider the most serious threats in terms of pests and disease during the life time of the contract? What provisions do you have in place to deal with them?</b>	There are a number of threats at the moment which the company manages through rigorous and regular training and information gathering from relevant sources (such as Forestry Commission). Consider OPM as a Public Health issues as much as a tree issue.	Cited OPM and Ash Dieback as threats. Referred to another authority considering the proactive removal of Ash Trees from their stock.	Cited OPM as a threat.

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**Cabinet**  
14 April 2015

**Report from the  
Chief Operating Officer**

## **ASB Crime and Policing Act 2014: Delegation of Functions to Exercise the Powers Available under the 2014 Act**

### **1. Summary**

- 1.1. New legislation rationalising the tools and powers available to partnerships became enacted on 20 October 2014. The new Act replaced nineteen pre-existing measures with six new measures for tackling anti-social behaviour. The Act has introduced simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities.
- 1.2. The powers are available to various bodies such as Local Authorities, the Police and Registered Housing Providers.
- 1.3. Use of some of the powers requires authorisation by officers of an appropriate grade.
- 1.4. Most of the powers contained in the act came into force on 20 October 2014. However, the enactment of others has only recently occurred.

### **2. Recommendations**

- 2.1. That the Cabinet:
- 2.2. Note the contents of this report.
- 2.3. Delegate authority to the Chief Operating Officer and to the Operational Director, Community Services to exercise and to delegate to officers at an appropriate grade the following functions under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") ;
  - 2.3.1. issuing Community Protection Notices on behalf of the Council;
  - 2.3.2. issuing Closure Notices on behalf of the Council for up to 48 hours;
  - 2.3.3. applying for to the Court for Closure Orders in consultation with the Chief Legal Officer;

- 2.3.4. applying to the Court for Criminal Behaviour Orders in consultation with the Chief Legal Officer and requesting the Police/Crown Prosecution Service to apply for Criminal Behaviour Orders;
- 2.3.5. issuing fixed penalty notices for breach of any Community Protection Notice or Public Space Prohibition Order;
- 2.4. Delegate authority to the Chief Operating Officer and the Strategic Director, Regeneration and Growth as the designated officers of the Chief Executive to issue a Closure Notice under the 2014 Act on behalf of the Council for up to 48 hours; and to the Head of Community Safety and Emergency Planning and as the designated officer of the Chief Executive to issue a Closure Notice for up to 24 hours.
- 2.5. Delegate authority to the Chief Operating Officer, Operational Director, Community Services, and Strategic Director, Regeneration and Growth to exercise and to delegate to officers at an appropriate grade the function of authorising the issuing of court proceedings for civil injunctions under the 2014 Act on behalf of the Council in consultation with the Chief Legal Officer;
- 2.6. Delegate authority to the Chief Operating Officer in consultation with the Lead Member for Stronger Communities for the function of making Public Spaces Protection Orders under the 2014 Act and for this arrangement to be reviewed after one year.
- 2.7 Approve the Council's Community Trigger Protocol as set out in Appendix 3 of this report
- 2.8 Set the amount of Fixed Penalties relating to Fixed Penalty Notices issued under Section 52 and 68 of the 2014 Act at £75 (discounted to £50 if paid within 14 days).
- 2.9 Approve the implementation and use of the additional mandatory ground for possession of secure tenancies where the Council is the landlord.

### **3. Detail**

- 3.1. The Anti-Social Behaviour, Crime and Policing Act 2014 included several new and revised powers to tackle anti-social behaviour. The relevant powers as they affect the Council are described in the table at Appendix 1.
- 3.2. The powers will mainly be authorised and used by officers in a way that is similar to the use of existing powers. The key differences are explained in Appendix 1 and set out in detail in the legal implications section of this report.



3.3. The new powers are summarised below:

### **3.4. Civil Injunctions**

3.4.1. A Civil Injunction is an order made by the Court which places restrictions and requirements on people to address their anti-social behaviour. A breach of an injunction is contempt of court which may result in a fine or imprisonment. Civil Injunctions replace Anti-Social Behaviour Injunctions (ASBIs) and Anti-Social Behaviour Orders (ASBOs) and the application process will be similar.

3.4.2. An ASBI could only be granted against an adult, but Civil Injunctions may also be granted, by the Youth Court, against children who are 10-17 years old. It is a requirement that the applicant (which could be the Council) must consult with the Youth Offending Team prior to making the application. Breach of a Civil Injunction by a minor may result in a Supervision Order or, depending on the severity or extent of the breach, a Detention order of up to 3 months for 14-17 year olds.

3.4.3. Civil Injunctions may also contain positive prohibitions. These are requirements to help the offender address the underlying cause of their behaviour; for example, addressing a substance misuse issue for treatment or attending a college course. Organisations requiring positive prohibitions must be aware that they are responsible for funding them if accepted by a court.

3.4.4. In Brent it is likely that stand-alone Civil Injunctions will be used sparingly. In 2014-15 we successfully applied for one ASBI and did not issue a single ASBO. The costs involved in making legal applications for stand-alone ASBOs were prohibitive and usually result in the council finding alternative means to manage behaviours.

### **3.5. Criminal Behaviour Orders**

3.5.1. A Criminal Behaviour Order (CBO) is issued by a criminal court against a person who has been convicted of an offence and engaged in persistent anti-social behaviour (not necessarily linked to the offence). Breach of a CBO is a criminal offence. The prosecutor can ask the court to make an order after the offender has been convicted. In most cases the prosecutor will be the Crown Prosecution Service but it could also be the Council (e.g. prosecution for breaching a noise abatement notice). The Council can ask the prosecutor to apply for a CBO. The CBO sets out prohibitions and positive requirements to stop anti-social behaviour and address underlying causes. As with Civil Injunctions, any positive prohibitions must be funded

by the applying organisation, and providers must be consulted with in advance.

3.5.2. CBOs can also be sought against Children aged 10-17 but it is a statutory requirement that the prosecutor must “find out the views” of the Youth Offending Team (not merely “consult” them) before making the application.

3.5.3. In partnership with the police we will make significant use of CBOs. In 2014-15 we issued 36 CRASBOs/CBOs. As these orders are made post-conviction there is no significant additional cost to the police or council. CBOs would generally be applied for by Metropolitan Police ASB officers in consultation, where relevant, with Brent Community Safety Team.

### **3.6. Dispersal Power**

3.6.1. This is a police power and has no direct legal implications for the Council, although the police may consult the Council on its use. We have an agreement with Brent Police that they will inform us on the planned use of dispersal powers as and when required.

3.6.2. In Brent Dispersal Powers are used to counter likely ASB in specific locations. They are most commonly used in support of event days at Wembley Stadium. In 2014-15 Dispersal Powers were used on 12 occasions.

### **3.7. Community Protection Notice**

3.7.1. A Community Protection Notice (CPN) can be issued by the Council to a person aged 16 or over, or a business or organisation, to stop them from committing anti-social behaviour which spoils the community’s quality of life. An appropriate written warning must be given prior to issuing a CPN. It can be used to tackle issues such as noise, rubbish and animal nuisance where existing powers, such as those under the Environmental Protection Act 1990 (EPA), are not appropriate or applicable to the situation.

3.7.2. Breaching a CPN is a criminal offence. Potentially therefore a CPN has the effect of creating a criminal offence, without the oversight of the court, for behaviour which otherwise would not be criminal. This is a significant legal implication for the Council. The CPN must therefore only be used in appropriate circumstances and consideration must be given to the appropriate level of officer who should be authorised to issue them.

- 3.7.3. Breaches can be dealt with by way of serving a Fixed Penalty Notice or by prosecution in the Magistrates Court. The Council can also take remedial action to carry out works in default to remedy the breach (such as clearing a garden of rubbish) and recharge the cost to the offender.
- 3.7.4. The Home Office has issued an Information Note suggesting that CPNs could be used to address the issue of Japanese Knotweed and other invasive non-native plants. The notice could be used to require someone to control or prevent the growth of Japanese Knotweed or other plants that are capable of causing serious problems to communities. Further work is needed to define the Council's roles and responsibilities on tackling Japanese Knotweed and other invasive plants.
- 3.7.5. The Home Office made it clear in *'Reform of anti-social behaviour powers: Statutory guidance for frontline professionals'* that local authorities can, if they wish, designate the power to issue CPNs and FPNs to specified housing providers in their area. An Order by the Secretary of State (under section 53 (4) of the Act) has been made. This Order, the Anti-social Behaviour (Authorised Persons) Order 2015 sets out that a local authority can designate a housing provider to issue CPNs and FPNs under Part 4, Chapter 1, of the Act. It is recommended that the Cabinet delegate authority to the Strategic Director, Regeneration and Growth to designate housing providers to issue Community Protection Notices and Fixed Penalty Notices. Authority will be delegated once Registered Providers of Housing have signed an agreed protocol for the use of Community Protection Notices.

### **3.8. Public Space Protection Order**

3.8.1. A Public Space Protection Order (PSPO) may be made by the Council but only after consultation with the Police, Mayor's Office for Policing and Crime and any other relevant bodies, groups or individuals (such as community leaders or users of a particular area/facility). A PSPO can be made by the Council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those on the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justified the restrictions imposed.

3.8.2. The order places restrictions and/or requirements on people using the area covered by the PSPO. These can be blanket restrictions or targeted at

particular groups (such as dog walkers), or apply at certain times. The maximum duration of a PSPO is three years.

3.8.3. Breach of a PSPO is a criminal offence. PSPOs replace Designated Public Place Orders (DPPOs), orders made under the Criminal Justice and Police Act 2001 which concern the misuse of alcohol. The existing borough-wide DPPO prohibiting the anti-social consumption of alcohol in a public place will expire in October 2017, though can be extended for a further three years should the council agree.

3.8.4. In section 75 of the Anti-Social Behaviour and Policing Act 2014, it states that the repeal or amendment by the 2014 Act of provisions about dog control orders do not apply to anything done in connection with a current dog control order. Thus, the current dog control orders that were previously made the Council's Executive are still in force. Under section 76 of the 2014 Act, it states that on three years after the passing of the 2014 Act, the dog control orders will be considered to be in effect public spaces protection orders.

3.8.5. Any challenge to PSPO made by the Council must be made in the High Court by an interested person within six weeks of the PSPO being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. The grounds for challenging a PSPO are that the Council did not have the power to make the PSPO, or to seek an order to include particular prohibitions or requirements and that one of the requirements in making a PSPO (eg a necessary level of consultation with relevant bodies) had not been complied with.

3.8.6. The process for agreeing a PSPO is contained within Appendix 2. This will include:

- a designation of the area proposed
- reasons for applying for the PSPO
- an explanation as to why it meets the test
- what prior actions have been taken to resolve the issue
- supporting evidence including reports from those in the locality that the behaviour is having a detrimental effect
- details of groups consulted
- A plan to deal with potential displacement
- prohibitions and requirements identified at the Local Joint Action Group (LJAG) meeting of partner agencies.

3.8.7. We intend to use Public Space Protection Orders to tackle issues around casual labour markets, which drive the rough sleeping problem occupying many of our parks, as well as issues around problem vehicles and motoring behaviours in specific locations such as Westmoreland Road or around the Ace Café. Additionally we may explore using PSPOs to tackle dog control issues in cemeteries or in support of disorder linked to the night-time economy or environmental crime.

3.8.8. Given that a PSPO in effect gives the council the ability to create a criminal offence out of behaviour that is not currently criminal, it is vital that there is a strong element of democratic oversight. It is proposed that the delegated authority for the function of agreeing Public Space Protection Orders should be granted to the Chief Operating Officer in consultation with the Lead Member for Stronger Communities. This will be reviewed after the first year of operations.

### **3.9. Closure Power**

3.9.1. The Closure Power allows the Council or police to quickly close residential or commercial premises which are being used to commit nuisance or disorder. The Council (or the police) may issue a Closure Notice, which makes it a criminal offence for anyone other than the owner and people habitually resident to enter the property for at least 24, and up to 48, hours. An application to the Magistrates Court for a Closure Order must be made at the same time as issuing the notice.

3.9.2. The Act specifies that a Closure Notice of up to 48 hours duration, or an extension to a 24 hour notice of a further 24 hours, must be authorised by the Chief Executive of a local authority or someone designated by the Chief Executive. The statutory guidance explains that “the level or role of employee within the Council who can issue a notice for up to 24 hours has not been specified due to the different structures locally. In considering who should be authorised as designates of the chief executive officer for the issuing of the 48 hour notice, Councils will also want to consider who is delegated to issue the closure notice for 24 hours and consider whether the extension to 48 hours should be authorised by an officer of greater seniority, as is the case for the police. This may take into consideration the need for the power to be used quickly, its flexible nature, and equivalent requirement for a police inspector to issue a closure notice for 24 hours.”

3.9.3. It is proposed that Cabinet delegate authority to the Chief Operating Officer and the Strategic Director, Regeneration and Growth, as the designated officers of the Chief Executive to issue a Closure Notice under the 2014 Act on behalf of the Council for up to 48 hours; and to the Head of

Community Safety and Emergency Planning as the designated officer of the Chief Executive to issue a Closure Notice for up to 24 hours.

3.9.4. A Closure Order is made by the Magistrates Court. The Order makes it a criminal offence for anyone, including the owner and residents, to enter the property. The Order lasts for 3 months and may be extended by the court for a further 3 months. The Council does not have to proceed with the application for a Closure Order if the Closure Notice has solved the problem, but must notify the Court where this is the case.

### **3.10. Absolute Ground for Possession**

3.10.1. The Absolute Ground for Possession enables the Council to seek eviction of its tenants where their anti-social behaviour meets one or more of the following criteria, linked in a specified way to the dwelling-house, locality or landlord:

- Convicted of a serious offence (specified in Schedule 2A of the Housing Act 1985<sup>1</sup>)
- Found by a court to have breached a Civil Injunction
- Convicted for breaching a Criminal Behaviour Order
- Convicted for breaching a noise abatement notice
- The tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.

3.10.2. The criteria mean that a court must have made a decision in respect of the behaviour, but the decision on whether a tenant should lose their home as a result may be made by the landlord with only limited opportunities for further legal scrutiny of this decision. The tenant may seek a review of the decision by a more senior officer in accordance with a procedure set out in regulations (ie Absolute Ground for Possession for Anti-social Behaviour (Review Procedure)(England) Regulations) and a secure tenant will have a statutory right to request a review of such a decision.

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<sup>1</sup> Schedule 2A of the Housing Act 1985 allows possession of a dwelling-house where:

The tenant or a person residing in or visiting the dwelling-house has been:

(i) guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality; (ii) convicted of using the dwelling-house or allowing it to be used for immoral or illegal purposes, (iii) or an indictable offence committed in, or in the locality of, the dwelling-house.

The dwelling-house was occupied (whether alone or with others) by a married couple, a couple who are civil partners of each other, a couple living together as husband and wife or a couple living together as if they were civil partners and (a) one or both of the partners is a tenant of the dwelling-house (b) one partner has left because of violence or threats of violence by the other towards (i) that partner (ii) a member of the family of that partner who was residing with that partner immediately before the partner left and (c) the court is satisfied that the partner who has left is unlikely to return.

3.10.3. If no review has been requested or if a review has taken place and the review has upheld the decision to reply on the absolute ground for possession, the landlord must apply to court for a possession order but, subject to the relevant considerations under the Human Rights Act and the Equality Act, a Judge has no discretion over whether or not to grant a possession order. If one of the above criteria as set out in paragraph 5.20 is met and the correct process has been followed by the landlord, the Judge must grant a possession order in respect of the property, subject to any human rights related defence that may be raised by the tenant, including proportionality.

3.10.4. The statutory guidance is clear that this power is intended to be used in only the “most serious” cases of anti-social behaviour and adds that landlords should ensure that the ground is used effectively. Therefore any decision making delegation should be properly restricted in order to reflect the seriousness of such a decision and it should be done in consultation with Legal Services. It is proposed that the decision to serve a possession notice should be restricted to managers in the Brent Housing Partnership Neighbourhood Services team, as the team that leads on anti-social behaviour and decisions on issuing possession proceedings against ALMO Housing tenants.

### **3.11. Fixed Penalty Notice**

3.11.1. Breach of a Community Protection Notice or Public Space Protection Order is a criminal offence which may be dealt with by way of a Fixed Penalty Notice (FPN). FPNs can be served by designated Council Officers and by the Police. Any revenue from an FPN comes directly to the Council, even if it is issued by the Police. Local authorities can, if they wish, designate the power to issue CPNs and FPNs to specified housing providers in their area. It is recommended that the Cabinet delegate authority to the Strategic Director, Regeneration and Planning to designate housing providers to issue Community Protection Notices and Fixed Penalty Notices.

3.11.2. The 2014 Act provides that the level of the Fixed Penalty is at the local authority’s discretion up to a maximum of £100. Unlike similar statutory provisions it does not set a default amount. It is proposed that the Fixed Penalty for offences under the 2014 Act should be set at £75 (discounted to £50 if paid within 14 days) as this is in line with the Fixed Penalty payable under FPNs currently issued by the Council for offences such as littering under the Environmental Protection Act 1990.

### 3.12. “Community Trigger”

3.12.1. The Community Trigger is not an enforcement power but a mechanism by which complainants about an anti-social behaviour issue can request a review of how the issue has been dealt with (an “ASB case review”).

3.12.2. The review must be carried out by the “relevant bodies” in an area: the Council, the police, the Clinical Commissioning Group and any social landlords who have been co-opted to be included in the relevant bodies. Other social landlords must be consulted in the review if they have been involved in the case.

3.12.3. The relevant bodies must agree and publish review procedures, describing the locally agreed threshold for a review and how a review will be carried out. The applicant(s) for the review must be informed of the outcome and any recommendations made as a result.

3.12.4. The council’s Community Trigger protocol can be found in Appendix 3.

## 4. Financial Implications

4.1. It is expected that the use of the enforcement powers contained within The Anti-Social Behaviour, Crime and Policing Act 2014 will have limited financial implications both in terms of expected income and associated costs.

4.2. Revenue generated by use of Fixed Penalty Notices will come directly to the Council and be administered in the same way as existing Fixed Penalty Notice income; organisations given delegated authority to issue Fixed Penalty Notices will be responsible for administering their own schemes.

4.3. There are limited risks relating to new responsibilities within the Act and also relating to the use of works in default powers, as it is not clear from the legislation whether there is provision to secure any costs incurred by way of a property or land charge. However, these risks are not regarded as being financially significant.

## 5. Legal Implications

5.1. Legal implications are set out in the main body of this report.



## **6. Diversity Implications**

6.1. The tools and powers contained within the ASB Crime and Policing Act could have a positive impact and provide protection for vulnerable individuals, areas or groups that are experiencing anti-social behaviour. Officers will need to make sure that the impact on equality, diversity and Human Rights are considered when making decisions about the implementation of the new powers within the Act.

## **7. Staffing/Accommodation Implications (if appropriate)**

7.1. None

## **Background Papers**

Appendix 1: Comparison of new tools and powers with previous tools and powers

Appendix 2: Public Space Protection Order protocol

Appendix 3: Community Trigger protocol

## **Contact Officers**

Lorraine Langham  
Chief Operating Officer  
X1516

Chris Williams  
Head of Community Safety & Emergency Planning  
X3301

## APPENDIX 1

Comparison of new tools and powers with previous tools and powers

<b>Current powers</b>	<b>New powers</b>
<b>ASBO</b>	Civil Injunction
<b>Drink Banning Order</b>	
<b>ASB Injunction</b>	
<b>Individual Support Order</b>	
<b>Intervention Order</b>	
<b>ASBO on conviction</b>	Criminal Behaviour Orders
<b>Drink Banning Order on conviction</b>	
<b>Dispersal Order</b>	Dispersal powers
<b>Litter Clearing Notices</b>	Community Protection Notice
<b>Defacement Removal Notices</b>	
<b>Street Litter Control Notices</b>	
<b>Controlled Drinking Zones</b>	Public Spaces Protection Orders
<b>Gating Order</b>	
<b>Dog Control Order</b>	
<b>Premises Closure Order</b>	
	Closure of Premises Notice and Order

## APPENDIX 2

### London Borough of Brent Public Space Protection Orders (PSPO) Operating Protocol

#### Local Operating Protocol

##### **1. Who to contact:**

All applicants considering a PSPO should contact the Brent Community Safety Team ASB and Crime Manager. The Community Safety Team can be contacted on 0208 937 1058 or by email at [bcspu@brent.gov.uk](mailto:bcspu@brent.gov.uk).

Applicants could be community safety partners, elected members, resident or community groups.

The application will be assessed by the Community Safety Team to decide if the legal test has been met.

##### **Legal Test**

- Behaviour has to be likely to or has had a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be persistent or continuing in nature
- Is, or is likely to be unreasonable; and
- Justifies the restrictions imposed

In consultation with partners the following additional local threshold has been agreed:

- The nuisance behaviour described has taken place on at least five occasions over a one year period
- Evidence has been gathered over a three month period

##### **2. Evidence:**

The ASB Localities will review up to three months' worth of evidence provided by the applicant. Evidence required to make a PSPO can include the following, although this list is not exhaustive:

- Police data, including CAD Calls and CRIMINT
- ASB data from Registered Housing Providers, Brent Housing Partnership and the Local Authority ASB Team
- London Fire Brigade (LFB) data relating to hotspot areas for non accidental fires
- London Ambulance Service (LAS) data relating to hotspot areas for related incidents
- Data relating to rough sleeping or street drinking hotspots
- Data relating to disorder in parks and other open spaces
- Complaints from residents groups, community groups and ward members

If the evidence does not meet the threshold for a PSPO, the Community Safety Team will provide feedback to the applicant and the problem should be monitored for an agreed period of time. Occasionally a requirement for a PSPO may occur without three months of previous evidence. In this instance the PSPO can be applied for without three months' evidence provided there is sufficient evidence of significant impact (or likely impact) to the locality; this would also be relevant where problems are seasonal and recurring in nature.

##### **3. Referral to LJAG and Consultation**

The applicant should make the referral to the relevant Local Joint Action Group (LJAG) if the threshold is met. This forum meets on a monthly basis. The LJAG will review the evidence pack submitted, reasons for applying for the PSPO and prior action/actions which have been taken to resolve the problem.

An LJAG Task and Finish meeting can be convened immediately to hear the PSPO application if there is an urgent requirement to apply for the PSPO and delaying the decision until the next scheduled LJAG meeting would exacerbate the issue.

If LJAG members agree that the PSPO should be implemented, the ASB Localities Officers will consult all interested parties on the PSPO within 14 days of the LJAG decision.

If there are any cross border issues relating to the PSPO application, the ASB and Crime Manager will contact the neighbouring Borough to ensure they are consulted and involved in the process.

The ASB and Crime Manager will consult the Police Partnership Inspector on the policing plan to enforce the PSPO.

The ASB Localities officers will produce the PSPO application form and this will convey:

- a designation of the area proposed
- reasons for applying for the PSPO
- an explanation as to why it meets the test
- what prior actions have been taken to resolve the issue
- supporting evidence including reports from those in the locality that the behaviour is having a detrimental effect
- details of groups consulted
- A plan to deal with potential displacement
- prohibitions and requirements identified at the LJAG.

#### **4. Sign Off and Implementation**

The completed PSPO application form and evidence base will be submitted to the Chief Operating Officer in consultation with the Lead Member for Stronger Communities.

A PSPO can be implemented for a maximum of three years.

The ASB Localities Officers will produce the PSPO notices which will be erected by the Local Safer Neighbourhood Teams, in consultation with Brent Council's Transportation Team, in the area specified.

#### **5. Review**

The LJAG will review the effectiveness of the PSPO once implemented. PSPOs will be reviewed at the LJAG quarterly if the duration is over 12 months, and monthly if the duration is under 12 months.

It is the expectation that all interested agents of the PSPO attend the LJAG meetings to review its effectiveness.

#### **6. Publicity**

Brent Community Safety Team will arrange for the order to be published on the Brent Council Website, and notify LB Brent and Metropolitan Police Communication Teams for communications coverage seven days prior to implementation.

#### **7. Appeals**

Any appeals to a PSPO or to a variation of a PSPO must be made by an interested person to the High Court within six weeks of the order being made. An "interested person" is one who lives, regularly works in, or visits the area.

A PSPO can be challenged if the council did not have the power to make the order, or to include particular requirements/prohibitions, or that the process was not adhered to.

#### **8. Breach of PSPO**

Breach of a PSPO is a criminal offence subject to up to a level 3 fine on prosecution, which is a maximum of £1000.

A breach occurs when a person without reasonable excuse

- Does anything that the person is prohibited from doing by a PSPO
- Fail to comply with a requirement of a PSPO

A Fixed Penalty Notice (FPN) can be issued, however this would discharge liability to conviction for the offence, unless unpaid. The FPN can be issued by a police officer or council officer.

## **APPENDIX 3**

### **Brent Community Trigger Protocol**

#### **Summary:**

The Community Trigger is introduced through the Anti Social Behaviour, Crime and Policing Act 2014 and is designed to give victims the ability to demand action should they feel their case has not been adequately responded to.

Relevant bodies proscribed in the Community Trigger legislation are the Local Authority, the Police, Clinical Commissioning Groups, and Registered Providers of Social Housing. A victim of Anti-Social Behaviour (ASB) or any other person acting on behalf of the victim can make an application to activate the community trigger. The victim can be an individual, business or community group; the “community group” may be a loose group of affected residents, or a formal community group or residents’ association.

This document describes how this process works in Brent.

#### **Using the Community Trigger**

##### **Thresholds**

To activate a Community Trigger a number of Qualifying Complaints must have been made to one of the Relevant Bodies. A Qualifying Complaint has to be made within one month from when the behaviour occurred, to at least one of the Relevant Bodies.

The request to activate the community trigger must be made within six months of when the original complaint was made.

The following criteria must also apply:

- there have been at least three qualifying complaints
- the behaviour complained of must be classified as anti-social behaviour capable of achieving the threshold described below.

For the purposes of the community trigger, anti-social behaviour is defined under s105 (4) of the Act as “behaviour causing harassment, alarm or distress to members or any member of the public”. It is useful to note that this is a higher threshold for ASB than is set out elsewhere in the Act, for example regarding the use of injunctions (s2 (1)), and does not therefore necessarily include behaviour which is regarded as a nuisance or annoyance.

Anonymous reports do not meet the Community Trigger threshold as in order for the trigger to be effective the panel must review the given details of each time a person has reported the ASB (i.e. the organisation it was reported to with the name of the employee that was spoken, incident reference number(s) and information about the incidents reported). Exempting anonymous reports also prevents fraudulent or malicious use of the trigger process. The Community Trigger model does not replace organisations’ complaints procedures or the customer’s opportunity to complain to the Ombudsman or Independent Police Complaints Commission (IPCC).

#### **Process**

Trigger applications will be received through an online form, which will gather information around the case history and will contain a risk assessment for victims in order to identify any

vulnerabilities that may exacerbate the ASB experienced. The victim will also be asked for their consent to share information with other agencies to enable more holistic case management to resolve the case. The specified point of contact for all trigger applications will be the ASB and Crime Manager, who will pass on requests for information from all relevant bodies. The Applicant may also request a hard copy form which can be submitted to:

Community Trigger, Community Safety Team, 5th Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ.

Vexatious or persistent and unreasonable complaints will be referred to our Corporate Complaints Team and dealt with under the Dealing with Vexatious Complaints Policy.

## **Case Reviews**

### **Tier 1 Case Reviews**

The ASB and Crime Manager will review Community Trigger Applications on receipt to decide if they meet the thresholds. The victim will be contacted within three working days of receipt of the trigger application and the process will be explained to them.

If the thresholds are met the lead agency/agencies in the case will be contacted to provide a detailed case history of their dealings with the case, along with their case management protocols within 10 working days. The ASB and Crime Manager and Partnership Inspector will then meet within five working days following the receipt of information to determine whether the case was managed satisfactorily and undertake a tier one case review.

If, at this stage, according to the assessment of the ASB and Crime Manager and the Partnership Inspector, and where the victim has not shown any vulnerability, the person invoking the trigger will be informed five working days after the tier one case review that a case review has been undertaken and has found the case to be managed satisfactorily. Advice will also be provided on reporting ASB in the future and the victim will be informed of the trigger escalation process if they remain unsatisfied with this outcome; this means that the victim themselves can enforce a Tier 2 review at this stage.

### **Tier 2 Case reviews**

If the ASB and Crime Manager and Partnership Inspector have assessed that the case was not managed satisfactorily, or the victim is assessed as being vulnerable (as demonstrated by a Red score on the Vulnerability Risk Assessment Matrix (RAM)), a further multi agency case review will be arranged with the key partners that would have a role to play in dealing with the case. All partners will be required to bring information to the case review of their dealings with the person invoking the trigger within 10 working days. Core members of this multi agency case review panel will include the Relevant Bodies within the Act, which are the Police, Health, the Local Authority (represented by the Community Safety Team) and representatives of registered social housing providers. The review panel will be chaired by the Head of Community Safety and any action plans will be authorised by them.

A tier two case review meeting will be undertaken after 10 working days where further research is undertaken regarding the victim and the ASB. Agencies other than the lead agencies are required to provide their information relating to the case at this juncture. An action plan will be agreed to resolve the case and recommendations will be made to the lead agency/agencies to consider adopting future case management processes.

Following the tier two case review meeting the victim will be contacted within three working days to be made aware of the action plan and to give their consent to proceed with it. The victim will also be informed of the recommendations made to the lead agency/agencies dealing with the case.



The action plan will be implemented and monitored at the most appropriate ASB Panel, depending on factors such as the vulnerability of the victim, whether the case is location-specific etc.

- The ASB Prevention Panel (APP) will manage action plans for ASB that is targeted at an individual/household who is **not** vulnerable
- The Community MARAC (Multi Agency Risk Assessment Conference) will manage action plans for ASB that is targeted at an individual who **is** deemed vulnerable.
- The Local Joint Action Groups (LJAGS) will manage action plans for ASB that is location based and not necessarily targeted at an individual.

Victims will be contacted 10 working days after the completion of the action plan via the most appropriate panel to inform them of the outcome. If the victim is still unsatisfied with the outcome of their case review they can request a further review from Brent Council's Chief Executive, who is the chair of the Safer Brent Partnership.

The Community Trigger process will be reviewed six months after its inception on the 20 October 2014 and then annually to ensure it is fit for purpose and is reaching those of our most vulnerable residents who experience ASB. The review will be carried out by the ASB Delivery Group, which reports directly to the Safer Brent Partnership and oversees the delivery of the ASB delivery plan and is chaired by the ASB and Crime Manager.


### **Consultation and promotion of the community trigger**

The Mayor's Office for Policing and Crime (MOPAC) has been consulted regarding the proposed process. To consult with the community we will present this process to a future Safer Neighbourhood Board to ensure that they are aware of the process and are also be able to cascade this information via their community networks.

The Community Safety Team has published the Community Trigger process along with instructions on the Community Trigger and victim expectations on Brent Council's Website. We will also publish information annually:

- the number of applications for the Community Trigger that have been made
- the number of times the threshold for a review was not met;
- the number of case reviews carried out
- The number of case reviews carried out that has resulted in recommendations being made.

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 <p><b>Brent</b></p>	<p><b>Cabinet</b> 14 April 2015</p> <p><b>Report from the Chief Operating Officer</b></p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p><b>Authority to Award Contract for the Supply of ICT Datacentre Equipment</b></p>	

## **Appendix 1 is Not for Publication**

### **1.0 Summary**

- 1.1 This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in procuring this contract and recommends to whom the contract should be awarded.

### **2.0 Recommendations**

- 2.1 That Members award contracts for Datacentre Equipment Lot 1: Storage Solution, Lot 2: Backup Solution and Lot 3: Server Solution to Software Box Ltd.

### **3.0 Detail**

#### ***Background***

- 3.1 The council's IT infrastructure has as its core two datacentres, one based at the Civic Centre and one currently at Brent House. An alternative location for the Brent House datacentre is currently being sought.
- 3.2 The equipment in these two datacentres (servers and storage hardware) has been purchased between 2008 and 2012, with the

majority procured in early 2008. Most of the equipment has an expected lifespan of between 5 and 7 years.

- 3.3 Consideration has been given to various options that the Council has to replace these datacentres, including the option not to replace them but to move our services to the cloud. It has been determined however, that this was currently not commercially attractive and that we would at this point maintain the datacentres on our own premises.
- 3.4 Discussions are currently taking place with London Borough of Lewisham around a reciprocal arrangement for disaster recovery that would allow us to house our second datacentre in a facility provided by Lewisham, with us hosting their disaster recovery facility at the Civic Centre. As part of the work we are doing with Lewisham it was decided to collaborate on the procurement and to this effect we have gone to market detailing the requirements for both councils. This was expected to make our tender more attractive to vendors, and the opportunity to procure the same hardware for both councils would facilitate any potential sharing of our resources in the future. It should be noted that the actual purchase of the hardware for Lewisham will be made by Lewisham officers raising orders directly with the supplier, and that the recommendation in this report relates to the award of the Brent element of the procurement.
- 3.5 The tender requirement for Brent Council was defined in terms of a) our immediate requirement for hardware going out of support in the first year of the contract, b) what we anticipate will need replacement during the whole term of the contract, and c) what we anticipate to be the growth in our requirements, particularly storage, during the term of the contract. We have specified that we expect to purchase everything defined under (a) in the first year of the contract, however awarding the contract does not commit us to purchase what we have estimated to be our requirement going forward.

### ***Outline of Tender Process***

- 3.6 Tenders were invited from the Crown Commercial Service (CCS) Framework RM1054 Technology Products. Lot 1 Technology Hardware was used. The tender opportunity was divided into 3 lots:
- Lot 1: Storage Solution
- Lot 2: Backup Solution
- Lot 3: Server Solution
- Tenderers were able to bid for any combination of the lots, with an opportunity to offer a discount should they be awarded 2 or more of them.
- 3.7 Tenders were invited on 18<sup>th</sup> February 2015, using the CCS eSourcing system. Of the 20 suppliers on Lot 1 of the framework, 5 submitted

tenders.

3.8 The Invitation to Tender stated that the selection of Suppliers to be awarded each of Lots would be made on the basis of the most economically advantageous combination, and that in evaluating tenders, the Council would have regard to the following:

- Compliance with the requirements specification (80%)
- Technical roadmap for the products (5%)
- Sustainability policies relating to the products (5%)
- Warranties (5%)
- Reference sites for the products (5%)

These quality criteria were then weighted against tender price in the ratio 60:40.

### ***Evaluation Process***

3.9 The tender evaluation was carried out by a panel of officers from Brent and Lewisham's IT departments, and Brent Procurement.

3.10 All tenders had to be submitted electronically no later than noon on 9<sup>th</sup> March 2015. Tenders were opened on 9<sup>th</sup> March 2015 and 5 valid tenders were received. Each member of the evaluation panel read the tenders using evaluation sheets to note down their comments on how well each of the award criteria was addressed.

3.11 The 5 suppliers were invited to attend presentation and clarification meetings on 23<sup>rd</sup> and 24<sup>th</sup> March, where they presented their solutions and the panel asked, and received answers to, some clarification questions.

3.12 The panel met on 26<sup>th</sup> March and each submission was marked by the whole panel against the award criteria.

3.13 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers for each lot are included in Appendix 2. It will be noted that Tenderer C was the highest scoring tenderer for each of the lots. Officers therefore recommend the award of a contract for all 3 lots to Software Box Ltd. It should be noted that not all of the suppliers tendered for all 3 lots, and that supplier D tendered for Lots 1 and 3 combined. Consequently, Appendix 2 includes a table comparing the supplier D tender with all other possible combinations of Lots 1 and 3.

3.14 Software Box Limited offered a 1.5% discount should they be awarded

all 3 lots. This represents a reduction of £23,746.46 on the combined tendered prices of £1,583,097, giving a final total of £1,559,350.54 (cost of supply to both Brent and Lewisham councils).

- 3.14 It is anticipated that the contracts will commence on 15<sup>th</sup> April 2015. As the proposed contract represents a call-off under a framework agreement, a mandatory standstill period is not required.

#### **4.0 Financial Implications**

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £250k or works contracts exceeding £500k shall be referred to the Cabinet for approval of the award of the contract.
- 4.2 The estimated value of this contract over the five year period is over this threshold.
- 4.3 The cost of the Brent element of the procurement relating to item a) in paragraph 3.5 above, including the 1.5% discount for awarding all 3 lots to the same supplier, is as follows:

Lot 1: £201,951

Lot 2: £190,897

Lot 3: £32,933

- 4.4 The cost of this contract can be funded from within the existing approved capital allocation for IT Initiatives.

#### **5.0 Legal Implications**

- 5.1 The CCS Framework Agreement was concluded prior to 26 February 2015 (the effective date of the new 2015 regulations) and therefore this call-off contract is governed by the old Public Contract Regulations 2006 ("the Regulations").
- 5.2 The value of the proposed Brent supply contract over its lifetime is higher than the EU threshold for Services\Supplies and the award of the contract is governed under the Regulations, as it is a Part A service. The award is subject to the Council's own Contract Standing Orders in respect of High Value contracts and Financial Regulations.
- 5.4 The evaluation of tenders was undertaken by officers in conjunction with the council's procurement department who have assured that the process was robust and followed the published award criteria. As referred to in the body of this report, a mandatory standstill period is not

required to be observed, therefore officers will be entitled to issue a letter of acceptance and conclude the proposed call-off contract with the successful Tenderer should Members be minded to approve the recommendations and subject to the expiry of the council's 5-day call-in.

## **6.0 Diversity Implications**

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

## **7.0 Staffing/Accommodation Implications**

- 7.1 Paragraph 3.4 refers to the potential in the future of entering in to reciprocal arrangements with Lewisham in relation to the hosting of disaster recovery facilities. This will mean that Brent will be hosting Lewisham ICT services in the Datacentre located at the Brent Civic Centre. Brent do have space to house additional equipment in the Datacentre, however it should be noted that due to the replacement of the equipment currently installed at the Datacentre with more recent technology it is anticipated that the combined equipment for Brent and Lewisham would fit in approximately the same footprint as the current equipment for Brent and consume similar levels of power.
- 7.2 The equipment procured under this contract will be replacing the existing equipment currently maintained by Brent ICT staff. It is anticipated that the new equipment will have a similar staff resource requirement to support it; any training requirements identified as part of the change will be met by the existing ICT training budgets.

### **Contact Officers**

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**Lorraine Langham**  
**Chief Operating Officer**





## APPENDIX 2

### Evaluation Scoring Lot 1

Table 1

	Contractor A	Contractor B	Contractor C	Contractor D	Contractor E
Total Lot Price (£)	N/A	914,295.00	410,052.00	N/A	845,002.00
Price Score	N/A	44.85%	100.00%	N/A	48.53%
Weighted Price Score (40%)	N/A	17.94%	40.00%	N/A	19.41%

Table 2

Criteria	Contractor				
	A	B	C	D	E
Compliance with the requirements specification (80%)	N/A	52.80%	50.40%	47.80%	55.20%
Technical roadmap for the products (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Sustainability policies relating to the products (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Warranties (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Reference sites for the products (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Total Quality Score	N/A	64.80%	62.40%	59.80%	67.20%
Weighted Quality Score (60%)	N/A	<b>38.88%</b>	<b>37.44%</b>	<b>35.88%</b>	<b>40.32%</b>
Weighted Price Score (40%) from Table 1 above	N/A	17.94%	40.00%	N/A	19.41%
Total Score	N/A	56.82%	<b>77.44%</b>	N/A	59.73%

## Evaluation Scoring Lot 2

Table 1

	Contractor A	Contractor B	Contractor C	Contractor D	Contractor E
Total Lot Price (£)	793,000.00	N/A	587,609.00	N/A	685,870.00
Price Score	74.10%	N/A	100.00%	N/A	85.67%
Weighted Price Score (40%)	29.64%	N/A	40.00%	N/A	34.27%

Table 2

Criteria	Contractor				
	A	B	C	D	E
Compliance with the requirements specification (80%)	56.40%	N/A	50.40%	N/A	50.40%
Technical roadmap for the products (5%)	3.00%	N/A	3.00%	N/A	3.00%
Sustainability policies relating to the products (5%)	3.00%	N/A	3.00%	N/A	3.00%
Warranties (5%)	3.00%	N/A	3.00%	N/A	3.00%
Reference sites for the products (5%)	3.00%	N/A	3.00%	N/A	3.00%
Total Quality Score	68.40%	N/A	62.40%	N/A	62.40%
Weighted Quality Score (60%)	<b>41.04%</b>	N/A	<b>37.44%</b>	N/A	<b>37.44%</b>
Weighted Price Score (40%) from Table 1 above	29.64%	N/A	40.00%	N/A	34.27%
Total Score	70.68%	N/A	<b>77.44%</b>	N/A	71.71%

### Evaluation Scoring Lot 3

Table 1

	Contractor A	Contractor B	Contractor C	Contractor D	Contractor E
Total Lot Price	N/A	1,105,034.00	585,436.00	N/A	712,755.00
Price Score	N/A	52.98%	100.00%	N/A	82.14%
Weighted Price Score (40%)	N/A	21.19%	40.00%	N/A	32.85%

Table 2

Criteria	Contractor				
	A	B	C	D	E
Compliance with the requirements specification (80%)	N/A	52.00%	56.00%	48.00%	44.00%
Technical roadmap for the products (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Sustainability policies relating to the products (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Warranties (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Reference sites for the products (5%)	N/A	3.00%	3.00%	3.00%	3.00%
Total Quality Score	N/A	64.00%	68.00%	60.00%	56.00%
Weighted Quality Score (60%)	N/A	<b>38.40%</b>	<b>40.80%</b>	<b>36.00%</b>	<b>33.60%</b>
Weighted Price Score (40%) from Table 1 above	N/A	21.19%	40.00%	N/A	32.85%
Total Score	N/A	59.59%	<b>80.80%</b>	N/A	66.45%


### Evaluation Scoring Lots 1 and 3 Combined

Contractor	Price	Price Score	Weighted Price Score (40%)	Weighted Quality Score	Total Score
A	N/A	N/A	N/A	N/A	N/A
B	£2,019,329.00	49.30%	19.72%	38.64%	58.36%
C	£995,488.00	100.00%	40.00%	39.12%	79.12%
D	£1,954,928.00	50.92%	20.37%	35.94%	56.31%
E	£1,557,757.00	63.91%	25.56%	36.96%	62.52%
B Lot 1 & C Lot 3	£1,499,731.00	66.38%	26.55%	39.84%	66.39%
C Lot 1 & B Lot 3	£1,515,086.00	65.71%	26.28%	37.92%	64.20%
B Lot 1 & E Lot 3	£1,627,050.00	61.18%	24.47%	36.24%	60.71%
E Lot 1 & B Lot 3	£1,950,036.00	51.05%	20.42%	39.36%	59.78%
C Lot 1 and E Lot 3	£1,122,807.00	88.66%	35.46%	35.52%	70.98%
E Lot 1 & C Lot 3	£1,430,438.00	69.59%	27.84%	40.56%	68.40%

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">14 April 2015</p> <p align="center"><b>Report from the Strategic Director of Regeneration and Growth</b></p>
<p align="right">Wards affected: Kilburn</p>	
<p><b>South Kilburn Regeneration Programme</b></p>	

**APPENDIX 2 IS NOT FOR PUBLICATION**

**1 Summary**

1.1 This report seeks the Cabinet's approval to award a contract for an architecturally-led multidisciplinary design team for the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as '**the Peel Site**' and as shown edged red on plan at Appendix 1), as required by Standing Order No 88. The report summarises the process undertaken by placing a notice in the Official Journal of the European Union (OJEU) and, following completion of the evaluation of the tender responses, recommends to whom the contract should be awarded.

**2 Recommendations**

2.1 That the Cabinet award a contract for an architecturally-led multidisciplinary design team to Penoyre & Prasad LLP to lead a full design team to prepare, submit and ensure the validation of a hybrid planning application and produce detailed design and specification to Stage 3 RIBA Plan of Work 2013 (Stage D+ RIBA Plan of Work 2007) for the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as '**the Peel Site**'), being a standalone phase of the South Kilburn regeneration programme.

**3 Detail**

3.1 The proposed comprehensive redevelopment of the Peel Site aims to deliver a mixed use scheme that would provide sufficient residential development and other tenures as appropriate to deliver a new South Kilburn Health Centre at no net capital cost to the Council; as well as sufficient residential development to meet the decant requirements of existing secure tenants within the Peel Site, re-open and reconnect the historic street

pattern, create a new sense of place in the heart of South Kilburn and deliver a high quality public realm.

3.2 The Council is committed to working with partners to deliver a new health centre within South Kilburn to address prevalent health inequalities. It is intended the South Kilburn Health Centre will provide for the co-location of three local GP practices: Blessing Medical Centre (307 Kilburn Lane), Kilburn Park Medical Centre (12 Cambridge Gardens) and Peel Precinct Surgery (3 Peel Precinct) into one building that is of adequate size and fit for purpose to meet the existing high health needs of the population and the anticipated health needs of the increased population over time. The South Kilburn Health Centre should also have space for complementary health uses.

3.3 The Peel Site project objectives are to:

- deliver a new, fit for purpose health centre to meet the high health needs of existing residents and the anticipated health needs of future residents;
- deliver sufficient residential development to meet the decant requirements of the 36 properties within the Peel Site occupied currently by secure tenants;
- deliver sufficient residential development for market sale and other tenures as appropriate to fund the delivery of the health centre and to cross subsidise the delivery of the affordable homes;
- co-locate three local GP practices: Blessing Medical Centre, Kilburn Park Medical Centre and Peel Precinct Surgery into the new South Kilburn Health Centre;
- deliver high quality, well designed housing and create an attractive high quality public realm including a new public square;
- secure a capital land receipt to reinvest back into the delivery of the regeneration programme.

3.4 On 15 September 2014, the Cabinet approved inviting and evaluating tenders for a full design team for the comprehensive redevelopment of the Peel Site on the basis of the pre-tender considerations and evaluation criteria set out in that report and report back to seek approval for the award of contract.

3.5 Officers subsequently conducted a procurement exercise in accordance with the public procurement regulations in force at the time by placing a notice in the OJEU to appoint an architecturally-led multidisciplinary design team to prepare a hybrid planning application for the comprehensive redevelopment of the Peel Site, comprising:

- a. detailed design and specification to Stage 3 RIBA Plan of Work 2013 (Stage D+ RIBA Plan of Work 2007) for (i) 36 affordable homes that corresponds with the Council's decant assumptions and housing needs of the existing secure Council tenants within the Peel Site; (ii) the South Kilburn Health Centre approximately 2,380m<sup>2</sup> in area that corresponds to the detailed brief to be developed in consultation with the health stakeholders and the appointed specialist health care provider or health care investment company who will manage the new South Kilburn Health Centre; and (iii) hard and soft landscape designs for a high quality public realm and a new public square; and



- b. an outline planning application for approximately 200 private residential units, however, this may change as the design development and viability of the project evolves.
- 3.6 On 21 November 2014, officers commenced the two stage process involved in the procurement of an architecturally-led multidisciplinary design team through the restricted procedure by placing a notice in the OJEU. Prospective tenderers were invited to express an interest and receive more information about the contract. The Council received 153 expressions of interest. All 153 prospective tenderers were sent a pre-qualification questionnaire (PQQ) automatically via the London Tenders Portal, the Council's electronic tender facility.
- 3.7 The PQQ set out instructions for completing the PQQ and included five project specific questions which were designed to test prospective tenderer's capabilities and experience in delivering similar mixed tenure developments.
- 3.8 23 pre-qualification questionnaires were received by the deadline of 22 December 2014. The five project specific questions were used to shortlist prospective tenderers. On 14 January 2015, the five tenderers who scored the highest were sent an Invitation to Tender (ITT).
- 3.9 On 2 February 2015, the five tenderers were invited to attend a mid tender interview where they were provided with the opportunity to seek clarifications on the ITT. On 20 February 2015, the five tenderers (Appendix 2 – Restricted) submitted their responses to the ITT, in accordance with the deadlines set out in the ITT. On 4 March 2015, the five tenderers attended post-tender clarification meetings in order to present their initial sketch proposals and clarify details of their tender submission.
- 3.10 The five tenders were subsequently evaluated with a weighting of 40% to price and 60% applied to quality criteria. The quality criteria considered how the submissions performed in respect of:
- a. Tenderer's initial sketch proposal and vision for the Peel Site, including:
    - i) vision and design concept for the health centre;
    - ii) vision and design concept for the residential development; and
    - iii) appreciation of the particular opportunities, constraints and risks of the redevelopment of the Peel Site having regard for its location and relationship with neighbouring development sites, buildings to be retained and sites to be redeveloped in subsequent phases of the South Kilburn regeneration programme;
  - b. the quality of relevant experience of designing and delivering:
    - i) high quality, successful health centres within an urban context similar to South Kilburn;
    - ii) high quality, commercially viable, mixed tenure residential development within an urban context similar to South Kilburn;
    - iii) high quality landscaping within an urban context similar to South Kilburn; and
    - iv) engineering projects experience that deliver commercially grounded schemes in an urban context similar to South Kilburn.
  - c. Tenderer's consultation method statement.
- 3.11 The final scores awarded to the five tenderers are available at Appendix 3. It will be of note that Penoyre & Prasad LLP was evaluated as the most economically advantageous tender. In accordance with the Council's Standing Orders, the proposed contract is classed as a high value contract. Approval of the Cabinet is therefore sought under Standing Order 88 to award the contract to Penoyre & Prasad LLP.

## **4 Financial Implications**

- 4.1 The tender price for Penoyre & Prasad LLP to prepare, submit and ensure the validation of a hybrid planning application and produce detailed design and specification to Stage 3 RIBA Plan of Work 2013 (Stage D+ RIBA Plan of Work 2007) is £831,250. This can be resourced from the South Kilburn programme budget 2014-19. Depending on market conditions, it should be possible to recoup this cost when the Peel Site is ultimately disposed of.

## **5 Legal Implications**

- 5.1 An architecturally-led multidisciplinary design team for the comprehensive redevelopment of the Peel Site has been procured in compliance with the Public Contract Regulations 2006 (“the EU Regulations”) that were in force at the time the tender was initially advertised. The procurement is for a Part A service contract under the EU Regulations, which applied in full to the tender process. The award criteria, tender process and subsequent evaluation were undertaken in compliance with the EU Regulations and the Council’s Contract Standing Orders. For information the EU Regulations have since been repealed and replaced by the Public Contract Regulations 2015 for new procurements advertised on or from 26 February 2015.
- 5.2 The value of the proposed contract to the recommended architectural firm, Penoyre & Prasad LLP, is in excess of £250k and thus classed as a High Value Contract under the Council’s Standing Orders and Financial Regulations, therefore approval is required from Members to award the proposed contract.
- 5.3 As advised in the Cabinet report requesting authority to tender this contract dated 15 September 2014, the Council must observe the EU Regulations relating to the observation of a mandatory minimum 10 calendar day standstill period before the contract can be awarded. Therefore once the Cabinet has determined which tenderer should be awarded the contract, all tenderers will be issued with written notification of the contract award decision. A minimum 10 calendar day standstill period will then be observed before the contract is concluded – this period will begin the day after all Tenderers are sent notification of the award decision – and additional debrief information will be provided to unsuccessful tenderers in accordance with the EU Regulations. As soon as possible after the standstill period ends, the successful tenderer will be issued with a letter of acceptance and the contract can commence.

## **6 Diversity Implications**

- 6.1 South Kilburn is identified as a priority for driving economic opportunity and regeneration within Brent – Creating Opportunities, Improving Lives (Brent Borough Plan 2013-14). The Regeneration Strategy for Brent 2010-2030 identifies the transformational change of South Kilburn within strategic priority one. The area was previously a New Deal for Communities area and as such, all interventions are specifically targeted at those people who suffer disadvantage in society. South Kilburn Trust, through its widening participation, seek to find ways of involving and engaging with all local residents and particularly those who traditionally are 'hard to reach'. There has been and will continue to be widespread consultation and community engagement as proposals for the physical regeneration of the area are developed and delivered.
- 6.2 The new affordable (social rented) homes to be designed by Penoyre & Prasad LLP in the Peel Site South Kilburn, once built, will be available to all secure tenants currently living in the Peel Site regardless of their ethnicity, nationality or national origin, age, gender, sexual

orientation, disability, gender identity or expression or religion or belief. A proportion of new homes designed will be wheelchair adaptable while the allocations process considers the housing needs of secure tenants in respect of issues that maybe derived from individuals' age, disability, gender reassignment, pregnancy and maternity status, marriage and civil partnership status, race, religion or belief, sex, sexual orientation, ethnicity, nationality or national origin. The potential impact of the recommendation sought in this report and the impact of the redevelopment of the Peel Site on existing secure tenants is considered in the Equality Analysis at Appendix 4. The equality analysis concludes that the proposal will have a positive impact on younger people, disabled people and people who are pregnant or have very young children and a neutral impact in relation to all the other equality characteristics.

## **7 Staffing/Accommodation Implications**

7.1 There are no specific staffing or accommodation implications associated with the proposals contained within this report.

## **8 Public Services (Social Value) Act 2012**

8.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ('**the Social Value Act**') to consider how the services being procured might improve the economic, social and environmental well-being of its area; 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.

8.2 The services being procured aim to improve the economic, social and environmental well-being of residents of South Kilburn through the preparation of a hybrid planning application for the comprehensive redevelopment of the Peel Site to deliver a new fit for purpose health centre for the benefit of the whole community, new affordable homes to rehouse existing secure tenants of the Peel Site, hugely improving their living conditions and reconnecting the area to its surrounding neighbourhoods.

## **9 Background Papers**

Appendix 1	Peel Site Boundary
Appendix 2	List of Tenderers for the Peel Site design team (restricted)
Appendix 3	Tender Scores for the Peel Site design team
Appendix 4	Equality Analysis

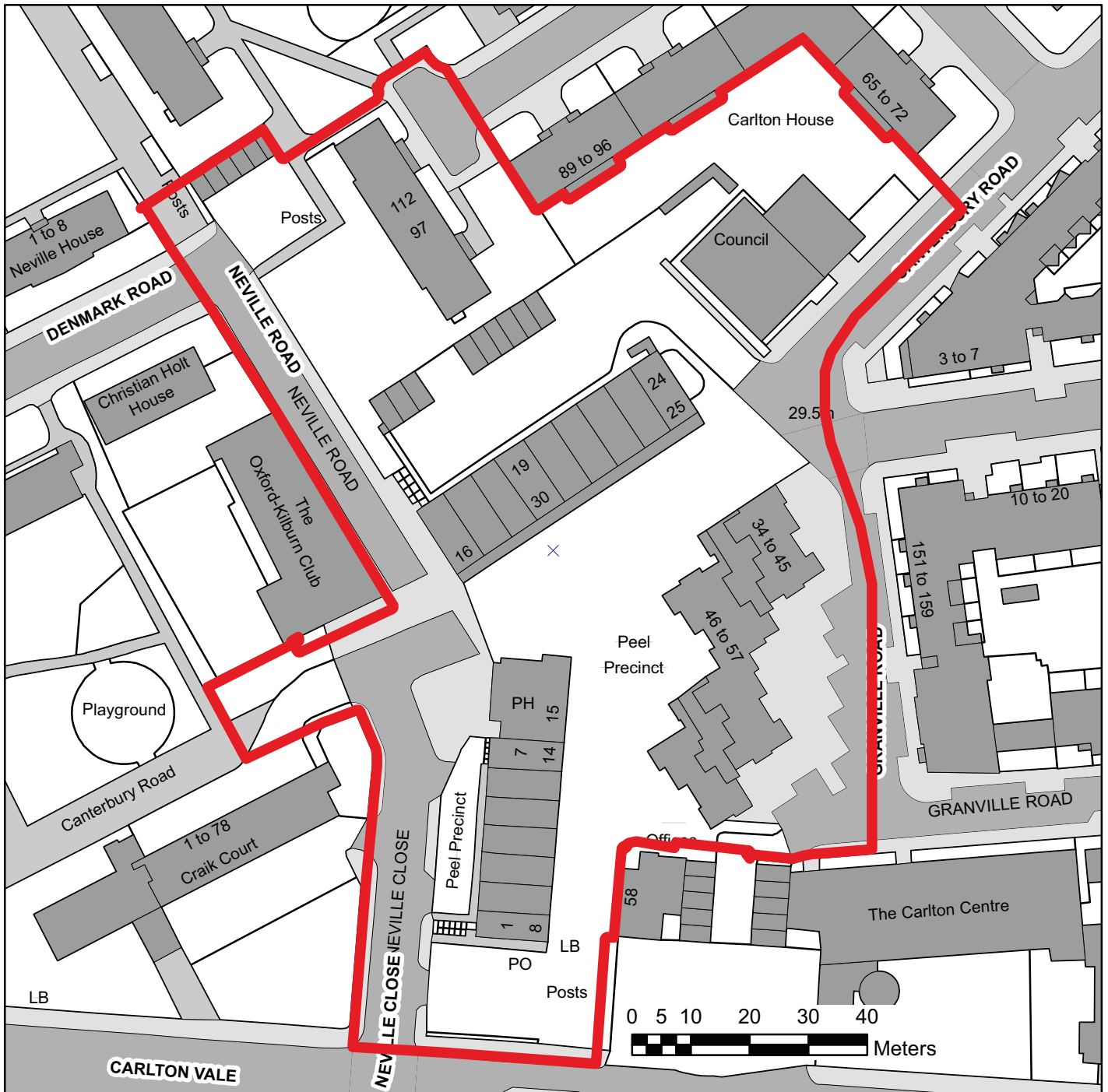
## **10 Contact Officers**

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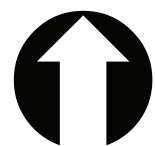
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# Appendix 1 - Peel Site Boundary



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**NORTH**



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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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**Procurement of a Contract for the South Kilburn Regeneration Programme Architecturally-led Multidisciplinary Design Team for the Peel Project, South Kilburn, London Borough of Brent**
**Quality and Price Tender Evaluation**

Tender submissions received in response to a notice placed in the Official Journal of the European Union to appoint an architecturally-led multidisciplinary design team to prepare a hybrid planning application for the comprehensive redevelopment of the Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close, a standalone phase of the South Kilburn regeneration programme, were evaluated as follows:

Tenderer	Council Requirement				Grand Total
	Section A Initial Sketch Proposal & Vision for the Peel Site	Section B The quality of relevant experience	Section C Consultation Method Statement	Section D Tender Price	
	(Max score 35)	(Max score 20)	(max score 5)	(Max Score 40)	
	Tenderer Score	Tenderer Score	Tenderer Score	Tenderer Score	
Tenderer 1	27.5	16.75	3.75	31.19	<b>79.2</b>
<b>Tenderer 2</b>	<b>26.25</b>	<b>15.0</b>	<b>3.75</b>	<b>36.93</b>	<b>81.9</b>
Tenderer 3	35.0	13.25	3.75	19.92	<b>71.9</b>
Tenderer 4	17.5	11.5	2.5	40.0	<b>71.5</b>
Tenderer 5	21.25	13.25	2.5	33.47	<b>70.5</b>

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# Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close, South Kilburn Design Team Appointment

**Department**

Regeneration and Growth

**Person Responsible**

Noreen Twomey

**Created**

10th March, 2015

**Last Review**

10th March, 2015

**Status**

Assessed

**Next Review**

10th March, 2016

**Impact Assessment Data**

5. What effects could your policy have on different equality groups and on cohesion and good relations?

5.1 Age (select all that apply)

- Positive

This equality analysis has been prepared to assess the impact of the recommendation that the Cabinet award a contract for an architecturally-led multidisciplinary design team in relation to the comprehensive redevelopment of Peel Precinct, 97 to 112 Carlton House and 8 to 14 Neville Close (together defined as 'the Peel Site') which aims to deliver a health centre for South Kilburn as part of a high quality mixed use development with approximately 235 new homes. A key principle of the Peel Site project is that replacement affordable homes delivered as part of the project will be made available to the existing Council secure tenants currently living in the Peel Site. This will mean that, in so far as possible, the replacement affordable homes will be built bespoke to the existing secure tenants decant requirements and housing needs in accordance with housing needs assessments undertaken by the Estate Regeneration Team in April 2014.

The impact of secure tenants having to move from their current homes within the Peel Site to a replacement home to enable their current homes to be brought forward for development as part of the South Kilburn regeneration programme is likely to be greater for older secure tenants. 13% of the secure tenants living within the Peel Site are aged 65 or over, compared to 10.5% of residents within Brent as a whole. This data on age was collected from 29 of the 35 secure tenants in the Peel Site during housing needs assessment visits undertaken by the Estate Regeneration Team in April 2014. Packing, moving and unpacking is likely to be particularly difficult for older people. Older secure tenants may also suffer greater psychological effects, including stress and uncertainty, for example in relation to having to move and may rely more on neighbours and nearby family for support, and moving home may affect these support networks. To mitigate this, the Council will ensure that the Estate Regeneration Team will help each secure tenant through the re-housing process. This will include identifying secure tenants' re-housing needs and requirements, informing them about the re-housing and move process, keeping them updated with the project and move timescales and supporting residents throughout the whole process. The Estate Regeneration Team will be able to allocate additional support and services to assist older secure tenants when moving home. For example, offering a packing and unpacking service to help older secure tenants with the move.

As with previous phases of the South Kilburn regeneration programme, secure tenants with homes in the Peel Site will be made a suitable offer of alternative accommodation, depending on their household make up. From a point of view of age, older secure tenants who are single or in a couple, whose children have left home and who are currently occupying a large home will be offered a smaller home that meets their current housing need in accordance with the final Allocation Policy for the Peel Site which was adopted by the Cabinet on 15 September 2014. Secure tenants will be offered a larger replacement home that they would otherwise be entitled to if they or a member of their household requires larger accommodation on health grounds. Younger secure tenants who are single or in a couple with children who are over-crowded in their current homes within the Peel Site will be offered a new property that meets their housing need. This would be a positive impact to reduce overcrowding.

5.2 Disability (select all that apply)

- Positive

10.7% of the secure tenants living within the Peel Site are disabled. This data on disability was collected from 29 of the 35 secure tenants with homes in the Peel Site during housing needs assessment visits undertaken by the Estate Regeneration Team in April 2014. The new homes being built as part of the comprehensive redevelopment of the Peel Site will be designed to Lifetime Homes standards and the London Housing Design Guide, taking into account any specific requirements of secure tenants or members of their household. Replacement properties will be adapted in accordance with Occupational Therapist's assessments of individual secure tenants or members of their household.

### 5.3 Gender identity and expression (select all that apply)

- Neutral

It is not anticipated that the recommendation being sought in relation to the appointment of a design team for the comprehensive redevelopment of the Peel Site would have any differential impact on residents because of their gender identity or expression.

### 5.4 Marriage and civil partnership (select all that apply)

- Neutral

It is not anticipated that the recommendation being sought in relation to the appointment of a design team for the comprehensive redevelopment of the Peel Site would have any differential impact on residents because of their marriage or civil partnership status.

### 5.5 Pregnancy and maternity (select all that apply)

- Positive

The impact of secure tenants having to move from their current homes in the Peel Site to enable their current home to be brought forward for development as part of the South Kilburn regeneration programme is likely to be greater for pregnant women and women on maternity leave, than for other secure tenants. Packing, moving and unpacking is likely to be difficult for pregnant women and women on maternity leave. To mitigate this, the Estate Regeneration Team will offer additional support to secure tenants who are pregnant or on maternity leave, such as offering a packing and unpacking service.

### 5.6 Race (select all that apply)

- Neutral

The impact of secure tenants having to move from their current homes in the Peel Site to enable their current home to be brought forward for redevelopment will be felt by an above-average number of secure tenants from black and mixed/dual heritage, who are overrepresented in comparison with the ethnic diversity of Kilburn ward as a whole (67.8% versus 31.5%. Data collected from 29 of the 35 secure tenants with homes in the Peel Site during housing needs assessment visits undertaken by the Estate Regeneration Team in April 2014). However the redevelopment proposals should not have a negative impact on anyone because of their race and in the long term, the regeneration should benefit people from all backgrounds by delivering a range of benefits and improvements.

### 5.7 Religion or belief (select all that apply)

- Neutral

The impact of secure tenants having to move from their current homes in the Peel Site to enable their current home to be brought forward for redevelopment will be felt by an above-average number of secure tenants of Hindu faith, when compared to the religious breakdown of the Kilburn ward as a whole (17.8% versus 2%. Data was collected from 29 of the 35 secure tenants with homes in the Peel Site during housing needs assessment visits undertaken by the Estate Regeneration Team in April 2014). However the redevelopment proposals should not have a negative impact on anyone because of their religion or belief in the long term, the regeneration should benefit people from all backgrounds by delivering a range of benefits and improvements.

### 5.8 Sex (select all that apply)

- Neutral

It is not anticipated that the recommendation being sought in relation to the appointment of a design team for the comprehensive redevelopment of the Peel Site would have any differential impact on residents because of their sex. There is an equal split between male and female secure tenants within the Peel Site (data was collected from 29 of the 35 secure tenants with homes in the Peel Site during housing needs assessment visits undertaken by the Estate Regeneration Team in April 2014). It is not anticipated that male or female secure tenants will have any particular needs in relation to their sex during the design development stage or the relocation process.

### 5.9 Sexual orientation (select all that apply)

- Neutral

It is not anticipated that the recommendation being sought in relation to the appointment of a design team for the comprehensive redevelopment of the Peel Site would have any differential impact on residents because of their sexual orientation.

5.10 Other (please specify) (select all that apply)

- Unknown

NA

6. Please provide a brief summary of any research or engagement initiatives that have been carried out to formulate your proposal.

What did you find out from consultation or data analysis?

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?

How did your findings and the wider evidence base inform the proposal?

With particular reference to the procurement process undertaken to identify a preferred architecturally-led multidisciplinary design team, the Council placed a notice in the Official Journal of the European Union (OJEU) to alert prospective tenderers to the opportunity. As outlined in the main body of the Cabinet report, the Council engaged with prospective tenderers during the tender period by holding mid tender interviews, responding to clarification and by holding post tender clarification meetings.

With particular reference to the new homes that will be designed by the preferred design team, data was collected during housing needs assessment visits undertaken by the Estate Regeneration Team in April 2014.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010? Prohibited acts include direct and indirect discrimination, harassment, victimisation and failure to make a reasonable adjustment.

- No

The Council aims to ensure that the South Kilburn regeneration programme will meet the varied individual needs and expectation of residents with homes due for demolition as part of the programme. The new affordable homes to be built within the Peel Site will be available to secure tenants within the Peel Site regardless of their ethnicity, nationality or national origin, age, gender, sexual orientation, disability, gender identity or expression or religion or belief. Homes will be designed to Lifetime Homes standards and the London Housing Design Guide. A proportion of the new homes will be designed to be wheelchair adaptable while the allocation process will consider the housing needs of secure tenants in terms of providing aids/adaptations to their new home, where required.

The Council also aims to ensure that everyone has equal access to services, regardless of their protected characteristics. We recognise the services provided to South Kilburn residents must be relevant, responsive and sensitive and that the Council must be fair and equitable in its provision of services to residents.

The Council also aims to foster good relations by inviting secure tenants with homes in the Peel Site to join a residents' design group which will be established by the preferred design team to engage future occupants of the new affordable homes to review, comment and inform aspects of the detailed design of their new homes such as the internal layouts, the communal areas and the external areas. Secure tenants will also be invited to participate in other pre-planning consultation events on the design of the new South Kilburn Health Centre.

8. What actions will you take to enhance the potential positive impacts that you have identified?

The Estate Regeneration Team will engage with secure tenants with homes in the Peel Site on a regular basis right up to their move, to provide information and support and mitigate stress and uncertainty associated with the move.

The Estate Regeneration Team will clearly communicate the decant requirements and housing needs of the secure tenants with homes in the Peel Site to the preferred design team, to ensure the design of the new affordable homes corresponds with the housing needs of secure tenants in the Peel Site and their households.

The preferred design team, with the support of the Estate Regeneration Team will establish a residents' design group to engage future occupants of the new affordable homes to review, comment and inform aspects of the detailed design of their new homes such as the internal layouts, the communal areas and the external areas.

9. What actions will you take to remove or reduce the potential negative impacts that you have identified?

No potential negative impacts have been identified.

10. Please explain how any remaining negative impacts can be justified?

NA

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 <b>Brent</b>	<p style="text-align: center;"><b>Cabinet</b> 14 April 2015</p> <p style="text-align: center;"><b>Report from the Director of Regeneration and Growth</b></p>
Wards affected: ALL	
<b>Employment, Skills and Enterprise Strategy</b>	

## 1.0 Summary

- 1.1 This report introduces the Employment, Skills and Enterprise Strategy, following an extensive consultation and engagement exercise.
- 1.2 This is the first such strategy to be produced in Brent and it is intended to align closely to the approach set out in other strategic documents, in particular the Borough Plan, the Regeneration Strategy and the Housing Strategy. The vision for the strategy is: *To reduce inequality and raise living standards through economic growth and employment.*
- 1.3 It is a partnership strategy, with responsibility for delivery lying with organisations across the public, private and voluntary sectors and with engagement and involvement of residents and communities as a central priority. Within the wider partnership, the council will take a strategic role, coordinating and facilitating activity across the range of partnerships involved and monitoring delivery against the agreed objectives and outcomes.
- 1.4 The strategy draws on an Evidence Base that will be updated regularly over its life, to ensure that the most current and relevant information and data are taken into account alongside continuing engagement and discussion with partners who may be wholly or partly responsible for delivery. Implementation and monitoring of the Strategy is supported by a detailed Action Plan, which will also be a working document subject to regular review.

## 2.0 Recommendations

- 2.1 That Cabinet approve the draft Employment, Skills and Enterprise Strategy.
- 2.2 That Cabinet consider and note the content of the Equality Impact Assessment which is set out in Appendix 2 to this report.

## 3.0 Background

- 3.1 The Employment, Skills and Enterprise Strategy has been developed in response to the challenges posed by recent economic conditions and their impact on Brent residents and businesses but emphasises the significant opportunities arising from the potential for growth in the borough and an improving climate. Brent is well placed to take advantage of these opportunities. While elements of national policy such as the Work Programme and welfare reform continue to pose challenges, the council has already responded positively through the work of the Employment & Enterprise Team and other services, recognising the importance of employment and support for existing and new business in tackling poverty and deprivation and maximising prosperity in the borough. The creation of a new Employment & Skills service from April 2015 will extend the Council's capacity to support employment and business success. The Strategy aims to develop effective partnerships to take this work forward, acknowledging that the council on its own, while it has significant relevant powers, influence and leverage, is not able to take sole responsibility for a strategy that encompasses such a wide range of programmes, partners and services.
- 3.2 In improving economic conditions, Brent has much to offer business and enterprise, notably through the identified growth areas where ability to attract inward investment is clearest, as well as to raise the skill levels and improve the employment prospects of residents.

## 4. Detail

- 4.1 Officers and members have engaged with partner organisations over the past twelve months to identify priorities and actions with a view to agreeing a shared agenda. Responses have been positive, with organisations across the public, private and voluntary sector, including Brent businesses, welcoming the production of a strategy and demonstrating commitment to delivery.
- 4.2 Engagement has identified five main objectives, each with one or more related outcomes that will form the framework for delivery of the vision which is: *To reduce inequality and raise living standards through economic growth and employment.* These objectives are set out below, with a brief outline of the challenges to be addressed and the proposed approach.
- 4.3 **STRATEGIC OBJECTIVE 1:** To promote economic growth through regeneration, increasing the number of local jobs and providing new opportunities for local businesses.



- **Outcome 1A:** At least 5,000 sustainable new jobs will be created in Brent's growth and regeneration areas by 2020.
- **Outcome 1B:** Brent will have a high public profile as an excellent place to set up and grow successful businesses.

4.3.1 The Strategy identifies the many positive aspects of Brent's economy and position in London: the supply of employment land and premises, excellent transport connections to central London and beyond, a ready supply of local labour, the opportunities provided by the Growth Areas and an increasing range of local facilities for businesses. It also recognises what has already been achieved – for example, around new business and employment in Park Royal and Wembley – and what remains to be done – for example, better promotion of Brent as a place to do business or enhanced opportunities for entrepreneurs to test out new business ideas.

4.3.2 Work to achieve the identified outcomes will include new employment provision by developers in the Growth Areas, who will also champion and promote local employment schemes to the businesses that occupy their new schemes in line with the approaches adopted by Quintain in Wembley and Segro in Park Royal. Developers themselves will be expected to directly provide local employment and apprenticeship opportunities during the construction phases and to work with local schools to help raise the knowledge and engagement with the world of work to the Borough's young people.

4.3.3 To promote Brent's profile with business, the council will review its approach to develop stronger business partnerships, supporting established business networks to expand and facilitating new business networks where none exist at present. Public sector procurement opportunities will be identified, with a view to providing more opportunities for local companies to submit tenders for work. Supply of affordable business spaces will be increased, for example through expanding the successful Meanwhile programmes. The way that regulatory services interact with businesses will be reviewed to ensure that there is clarity on the service and response standards that local businesses can expect from the Council and other providers.

4.4 **STRATEGIC OBJECTIVE 2:** To ensure that local education and skills provision is reflective of the demands of the labour market, providing a labour pool made up of well qualified and highly motivated individuals

- **Outcome 2A:** By 2020 there will be a close partnership between local schools and businesses. All young people will leave education with the skills and attitudes needed to compete successfully in the labour market.
- **Outcome 2B:** All residents participating in adult education will have an 'into work plan'.

- **Outcome 2C:** A year on year reduction in the number of residents with no qualifications, so that by 2020 the figure will consistently be well below the London average.

4.4.1 Research and consultation confirmed the findings from the evidence that there is a need to ensure that education, training and skills provision should be related closely to the needs of the labour market.

4.4.2 Partnership with schools and the College of North West London, along with Brent Start and the University of Westminster will be central to delivery and this strategy will work alongside the Borough's 14-19 Partnership. The recent review of the work of Brent Start has identified a clear need for a re-balancing of the curriculum to ensure a far stronger focus on employability skills. The emphasis is on the delivery of high quality skills, qualifications and employment outcomes, wrapped around with more intensive employment support encompassing CV writing, interview skills, motivation and attitudinal skills and job search. All participants are supported to prepare their own clear 'back to work plan', which will follow them through their progress into work.

4.4.3 For all providers of further education and adult education it will be important to ensure that curriculums are fully informed by employer needs in both the local and wider London labour market, while training providers must be able to specifically support workforce development aimed at assisting employees to progress within their organisations. For adults, it will be important that skills providers support clear pathways to improved educational attainment so that on achieving a qualification equivalent to NVQ Level 1, residents are able to progress on to Level 2 and 3 as appropriate.

4.5 **STRATEGIC OBJECTIVE 3:** To have a strong focus on addressing inequality by reducing economic and social polarisation within our most deprived neighbourhoods and amongst those residents who are furthest away from work.

- **Outcome 3A:** By 2020, the gap in employment levels between priority neighbourhoods and communities and the borough as a whole will be halved.

4.5.1 The improving employment picture masks continuing inequality and worklessness in particular neighbourhoods, which are often characterised by other issues, including poor health and higher levels of child poverty, as well as concentrations of both social and private rented housing. This pattern of deprivation has remained relatively unchanged over the last twenty years and national employment programmes are failing to make any significant impact. Evidence indicates similar barriers to employment and social mobility for some groups, including particular BAME and migrant communities, people with disabilities (including learning disabilities), and people with mental health issues.

4.5.2 The proposed solution is to work with local communities to develop tailored approaches to addressing the particular issues faced in each neighbourhood, supporting a local infrastructure that brings together the knowledge and expertise of voluntary and community organisations on the ground with the resources of the

mainstream employment services. This partnership will seek to identify every workless resident and support them into employment and to work with young people to prevent them falling into unemployment. The approach has been developed and is to be piloted through the Whole Place Community Budget programme in St Raphaels, but is also well being progressed in Harlesden (led by LIFT) and in Church End (led by Catalyst Housing.)

4.5.3 An equally important focus for this outcome is on groups where there is evidence of polarisation and barriers to employment such as health, lack of affordable child care and the impact of welfare reform. These include, but are not necessarily limited to; people with disability or health needs, including mental ill health; people with an offending history; households impacted by welfare reform; women and lone parents; BAME groups including, for example, young black males, new migrants and older jobseekers (50+). Providers will work closely across sectors and services to identify the core barriers to work and develop appropriate solutions. Where additional resources are required, the council and its partners will seek these through external funding where possible and appropriate.

4.6 **STRATEGIC OBJECTIVE 4:** To reduce poverty through employment and progression in work.

- **Outcome 4A:** There will be year on year reductions in the proportion of residents earning less than the London Living Wage (LLW), which by 2020 will have reduced to below the London average.
- **Outcome 4B:** There will be year on year increases in the level of median incomes in Brent, which by 2020 will be well established above the London average.

4.6.1 This objective concerns both residents who are out of work and those who are 'under employed' – for example, those in part-time work when full-time work is preferred, taking a more junior role in order to manage work-life balance, or in low value, low skilled employment and unable to progress due to a lack of necessary skills. This outcome is particularly concerned with the latter group - those trapped in entry level jobs characterised by low wages.

4.6.2 Primary activities will focus on achieving increased commitment from local employers to the London Living Wage (LLW). The Council itself is already a Living Wage accredited organisation and efforts will be made to extend the commitment to the London Living Wage to as many Brent employers as possible. Working alongside the Living Wage Foundation and local businesses, a package of measures will be introduced to promote the business benefits of paying the London Living Wage and incentivise businesses to become accredited.

4.7 **STRATEGIC OBJECTIVE 5:** To secure increased local influence over national and regional employment programmes so as to deliver better outcomes for Brent residents.

- **Outcome 5A:** By 2020 the performance of the mainstream employment programmes in Brent will be in the upper quartile when compared to the rest of London

4.7.1 The majority of the resources for employment and job brokerage are managed centrally through the DWP, either via the Job Centre Plus network or through the centrally commissioned Work Programme and ability to influence this locally is currently very limited. Nevertheless, other parts of the country have secured a significant devolution of decision making – often through the Growth Deals – with the aim of better tailoring the mainstream provision to the specific local needs of local areas with a view to improving outcomes locally. The focus of this objective is to ensure that nationally delivered or commissioned employment and skills programmes are better tailored to local needs.

4.7.2 Work undertaken to date to establish the Brent Employment, Skills and Enterprise Partnership<sup>1</sup> will be formalised so as to bring together strategic partners to ensure alignment of priorities and strategies and to drive performance improvement. The Council will take a leadership approach to support and challenge providers of nationally commissioned services to ensure that there is transparency in performance reporting and to ensure that locally commissioned employment and related services add value rather than duplicate mainstream provision. The Council will work with the Mayor of London, the GLA, the London LEP and the West London Alliance to secure additional devolution to regional and sub regional levels in respect of mainstream provision – in particular in respect of the forthcoming re-procurement of the Work Programme.

4.8 As the strategy is taken forward, the Brent Employment, Skills and Enterprise Partnership, bringing together key partners, will oversee delivery and monitoring against the Action Plan and progress will be reported to members annually.

## **5.0 Financial Implications**

5.1 There are no additional direct financial implications arising from the adoption of the strategy over and above those already included within both revenue and capital budgets of the relevant services.

5.2 Any future financial commitments from Council resources will need to be contained within approved service budgets and / or from any 3<sup>rd</sup> party grants received.

## **6.0 Legal Implications**

6.1 Although local authorities do not have a statutory obligation to prepare an Employment, Skills and Enterprise Strategy, they have the power to do so. Under section 1 of the Localism Act 2011, under the general power of competence, local

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<sup>1</sup> Brent Employment, Skills and Enterprise Partnership will sit within Partners for Brent. Chaired by Brent Council, partners include DWP, the College of North West London, VCS representation and, at the time of writing, representation from each of the three Prime contractors of the Work Programme.

authorities have power to do anything that individuals may generally do. However, this power does not permit local authorities to do anything that is specifically prohibited in legislation and this exception does not arise here.

## **7.0 Diversity Implications**

- 7.1 An Equality Analysis is attached at Appendix 2. It is anticipated that the impact will be positive for all protected groups, although it should be stressed that there is insufficient data available to support a robust assessment in some cases. It should also be stressed that responsibility for collection of data and monitoring does not, in many cases, lie with the council but with a range of partner organisations in the public, private and voluntary sectors. A key emphasis for future work will be to ensure that monitoring and data collection are coordinated to provide a robust and consistent basis on which to assess the continuing impact of the policies and activities set out in the Strategy, so as to ensure that the impact for protected groups is understood and adjustments can be made to the approach as required.

## **8.0 Staffing/Accommodation Implications (if appropriate)**

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

### **Background Papers**

Draft Employment, Skills and Enterprise Strategy

### **Contact Officers:**

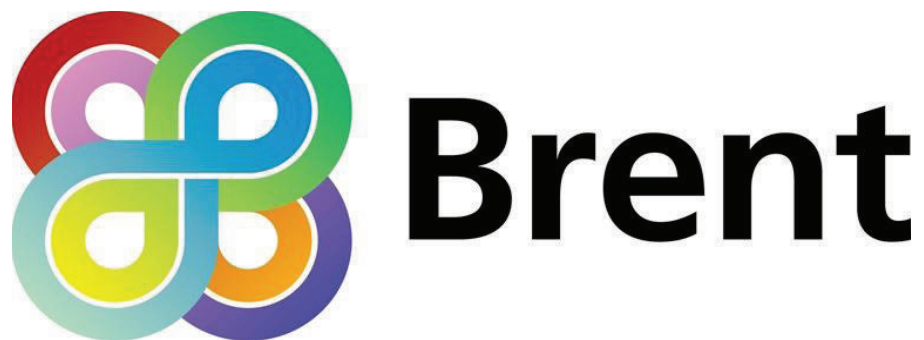
Jo Francis, Interim Head of Employment & Enterprise

Jon Lloyd-Owen, Operational Director, Housing and Employment  
020 8937 5199

## **Appendices**

**Appendix 1:** Employment, Skills and Enterprise Strategy and Action Plan

**Appendix 2:** Equality Analysis



# **Employment, Skills and Enterprise Strategy**

**2015-20**

**March 2015**

## Contents

*(To be completed following Cabinet approval of final document)*

## Foreword

On behalf of the council and the many partners who have contributed, I am pleased to introduce the first Employment, Skills and Enterprise Strategy for Brent. This is a strategy for all partners, across the public, private and voluntary sectors, who will share responsibility for its delivery.

The strategy has been developed in response to world-wide economic difficulties flowing from the banking crisis of 2008 but is published at a time when grounds for optimism are emerging, nationally and locally. The council and its partners are keen to seize and take advantage of these opportunities to benefit residents and businesses.

Brent is a great place to live and do business in, as indicated by the significant population growth over the last 10 years, well above the London average. Our residents and our diversity are key borough assets with a wealth of talent and energy. Our businesses, over 96% of which are small or medium sized, play a crucial role in the borough economy and local employment. There are real opportunities to attract new investment and new business, especially in our growth areas and high streets. Our young people are achieving excellent results in school and we are determined to translate this into similar success in their future careers.

There are many challenges still to be faced. Worklessness in Brent is higher than the London average, some communities and neighbourhoods still experience high levels of poverty and deprivation and many individuals face barriers to employment that we must help them overcome. Welfare reform has had a negative impact for many Brent families and even those who find a job may struggle to afford to live in a borough with high rents and house prices.

This strategy aims to coordinate the efforts of all partners around an agreed set of objectives to tackle unemployment, poverty and social exclusion through action to increase employment, improve skills, make national and local employment programmes work effectively to address local priorities and raise incomes. While the council and its partners cannot control the national economy or market forces, we can use our powers, influence and leverage to foster the conditions in which the local economy can thrive and create the opportunities that residents need.

I would like to thank all the organisations and individuals who have contributed to the development of this strategy. Your ideas and enthusiasm will be just as important as we begin to implement the action plan and I urge you to remain engaged over the next five years to help the strategy change and adapt.

**Councillor Roxanne Mashari, Lead Member for Employment and Skills**

*Signature and photo to be inserted into final version*



## INTRODUCTION

Situated at the heart of North West London, Brent is committed to playing a full role in the growth of the London economy. The Borough is home to London's largest industrial estate at Park Royal and has a regeneration strategy which promotes new growth in five key areas – Wembley, Alperton, Kilburn, Church End and Burnt Oak. Much of that growth will be residential, but in Wembley and Alperton there remains scope for considerable new employment growth. Additionally, two of London's other key growth areas border the Borough at Old Oak Common and Brent Cross Cricklewood and both aim to deliver thousands of new jobs.

This strategy sets out how Brent aims to capitalise on these growth opportunities, by ensuring that the new investment brings new jobs as well as new homes and by making sure that the Borough's established businesses and residents are able to benefit first hand from the new opportunities created. It sets out how local partners from across the public, private and voluntary sectors aim to work together to ensure that both existing and future generations of Brent residents are best positioned to capitalise on London's growth.

The preparation of this strategy has involved considerable engagement and consultation with those organisations that have a role to play in shaping the local economy and the local labour market. Local businesses, the voluntary and community sector, the Job Centre Plus, the Work Programme providers, the College of North West London, the Borough's 14-19 Partnership and local registered housing providers have all contributed to the thinking and priorities set out in this document. Equally importantly, they are all committed to working towards the delivery of the strategic outcomes. A summary of all of the comments made through the consultation and engagement process is published alongside this document.

The strategy looks to the long term, recognising that structural changes to the local economy and labour market will not be delivered overnight, but retains a strong focus on the next five years. The accompanying action plan will provide clarity on who will do what, by when, in order to work towards achieving the outcomes. This will be owned, reviewed and monitored by a new Employment, Skills and Enterprise partnership under the Partners For Brent umbrella.

### Strategic Context

The Employment, Skills and Enterprise Strategy has been produced within the context of the new **Borough Plan**, which sets out the overall priorities for Brent over the next four years. The overall vision for Brent as set out in the Borough Plan is:

#### ***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.*

In order to achieve this vision the Borough Plan sets out three broad priorities, of which two are especially relevant to the Employment, Skills and Enterprise strategy:

### **Priority 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; and
- Supporting vulnerable people and families when they need it.

### **Priority 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; and
- 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.

Of course, there are other strategies that will have a major influence on delivering the outcomes expressed in the Employment, Skills & Enterprise strategy. The Borough's **Local Plan** sets out the commitment to growth and identifies where this growth will be focussed (the five growth areas, plus Park Royal and the North Circular Road). It sets out the scale of the anticipated growth (e.g. 10,000 new jobs in Wembley) and puts in place spatial policies to facilitate the growth.

Brent's established **Regeneration Strategy** (2010-2030) sets another critical framework for the Employment, Skills & Enterprise strategy. In particular Strategic Priorities two and three are relevant:

**Strategic priority two:** To increase employment and income levels of Brent residents concentrating on those most in need.

**Strategic priority three:** To maximise investment in Brent from the private, public and community sectors in line with our regeneration priorities and ambitions.

In order to address structural employment issues in the Borough, it is critical that our young people leave school with the qualifications, skills and ambitions necessary to compete successfully in the labour market. Brent's **14-19 Partnership** oversees this work. The partnership's existing statement of priorities (2010-2014) seeks to ensure that young people from all Brent's communities are engaged in high quality education and training that:

- Is tailored to meet their needs, abilities and aspirations;
- Develops their skills for employment, lifelong-learning and active participation in the local community and wider society; and
- Celebrates the diversity, vibrancy and uniqueness of this borough.

It goes on to state that:

The Partnership will take collective responsibility to provide exceptional opportunities for all our young people to follow academic, vocational and work-based routes that ensure:

- Participation of all 14-19 year olds in education and training;
- Improved attainment including high value-added and retention;
- Breadth of choice at each transition stage;
- Clear progression pathways and increased participation at Level 4;
- Impartial advice and guidance for young people and their parents;
- Targeted support to raise the achievement of under-performing groups;
- Enhanced support for young people with learning difficulties and learning disabilities;
- Early identification and intervention for young people at risk before and during the 14-19 phase; and
- The needs of local communities and the local economy are met.

As a new partnership statement is agreed in the coming year, there will be continual synergies with this Strategy.

There is a stark and entrenched correlation in Brent between existing patterns of worklessness and social housing. The new **Housing Strategy 2014-19** seeks to address this issue by stressing the links between housing and employment, recognising the importance of housing supply across all tenures in supporting the economy and the importance of employment in helping people secure and sustain appropriate and affordable housing. The strategy sets ambitious targets for new

housing supply and aims to reward employment through improved access for working households to affordable and mid-market housing options.

For those individuals who are furthest away from the labour market the journey to employment may be longer and may require a number of intermediate steps. In order to ensure that there is appropriate support available for these individuals, a new **Anti Poverty Strategy** will be developed in 2015, as well as a new **Financial Inclusion Strategy**, aimed at ensuring that Brent residents have access to and understanding of appropriate financial services and products, such as banking and credit facilities, reducing reliance on high cost options such as pay-day lending.

Finally, many of the ideas and proposals set out in the Employment, Skills and Enterprise Strategy had their genesis in the independent **Brent Social Mobility Commission** which investigated the barriers to social mobility across Brent during 2012 and made a series of recommendations across themes that are relevant to this strategy.

## EVIDENCE BASE

The background information and data that support this Strategy are set out in a separate Evidence Base document that will be updated and reviewed regularly. The following section summarises some key aspects of the evidence and the context for the Strategy.

The starting point for any evidence base has to be Brent's location. Situated within North West London, with excellent transport connections into both the City and the West End – the two largest employment nodes in the UK – Brent is ideally placed to ensure significant local benefit for both local people and local businesses. Within the Borough there are significant opportunities to grow and diversify the local economic base - most obviously at Park Royal and Wembley – and there are other large scale employment growth areas on the Borough's fringes at Old Oak Common, Brent Cross Cricklewood and Paddington. The proposals for a new HS2 / Crossrail link at Old Oak Common, together with the proposed extension of Crossrail along the West Coast Mainline (through Wembley Central) will also reduce significantly the journey times from Brent to Heathrow in future years. There can be fewer places in the country better positioned or growth than Brent.

In reviewing the evidence base it is critical to keep in mind that Brent is very much part of the London and wider south-east England economy. Arguably there is no such thing as the Brent economy, such is the influence of being part of one of Europe's largest and most successful cities. The London economy has shown greater resilience than many other parts of the country over the last few years, reflecting London's importance in the global and national economies and its contribution to overall GDP. However, London has by no means been immune to the impacts of the prolonged economic problems that followed the banking crisis of 2008 - including high unemployment, low business confidence and static or falling incomes. Although economic indicators are improving, new challenges are emerging such as the growth of insecure and short-term employment, slow improvements in wage levels and the continuing impact of welfare reform. Tackling inequality, unemployment and low incomes and increasing opportunities for Brent residents and businesses are therefore important themes for the strategy.

### **Brent Labour Market**

The latest available data indicates that in 2012 there were 115,000 jobs in Brent. The ratio of employment opportunities to working age adults has decreased as a consequence of both an increase in the number of working age residents and of a loss of jobs in some sectors. In terms of the types of jobs that are available, the service and construction sectors are especially prominent, but employment in the higher value finance and IT sector is at a level well below the London average and employment in the public administration, health and education sector is also lower than in London and the UK as a whole. A further feature of the local labour market is the overwhelming predominance of small and medium sized enterprises and a corresponding significant shift away from the historical manufacturing base

dominated by a few large companies. This should increase the resilience of the Brent labour market through a recession – as manufacturing tends to be hit first and take longer to recover than other sectors – and the employment figures would tend to support this hypothesis.

There are clear opportunities to grow the local employment base through inward investment, especially through the regeneration and growth programmes at Park Royal, Old Oak Common and Wembley. In doing this it may also be possible to diversify the local business base further.

In respect of start up growth, Brent remains a highly entrepreneurial borough with significantly higher than average business start up levels. Although this is matched by higher business failure rates, this is to be expected and generally reflects a very buoyant entrepreneurial culture across Brent.

### **Employment Trends**

Brent's overall and working age populations have seen significant increases, in line with trends across London. By March 2014, 123,900 people aged 16–64 were classified as economically active, with 112,100 in employment and 11,800 unemployed. This represents an employment rate below the London average.

Over the past 15 years Brent's unemployment rate has consistently been 1-3% above the London level. Recent trends however show a closer convergence between Brent and the London and West London figures. This is perhaps a reflection of both improved attainment by existing residents as well as increasing in-migration of an economically active population as house prices continue to spiral across Brent. Notwithstanding this, of particular concern is the 27.1% of working age people who are economically inactive and not seeking employment (based on the ONS Annual Population Survey) - mainly those people unable to work due to a long-term health condition or because they are looking after family or home, although there is also a high number of students in full time education.

The headline level improvements at Borough level tend to mask a more mixed picture at ward-level. In June 2014, unemployment rates varied between 1.3% in Kenton to 9.5% in Harlesden. Over the past twenty years, some wards and neighbourhoods have exhibited a consistent pattern of entrenched and high unemployment, coupled with other indicators of deprivation. There is a particularly striking correlation with the concentrations of social housing in Brent – South Kilburn, Stonebridge, Church End, Roundwood and Chalkhill are all unemployment hotspots. This strategy seeks to address this growing polarisation within the Borough.

Interestingly, analysis suggests that Brent residents are increasingly able to compete successfully in the labour market, with only about a quarter of all Jobseeker's Allowance (JSA) claimants in Brent being unemployed for more than 12 months. This is similar to London and national averages.

National efforts to tackle unemployment are focused on the Work Programme, which in Brent is currently delivered by three prime providers, who also cover the much wider West London area. Alongside this, a range of local programmes, including those run by the council, VCS and registered housing providers are in operation. A key challenge and opportunity for this strategy is to ensure better alignment and focus of these programmes to tailor them more effectively to local circumstances.

### **Qualifications and Skills**

In an increasingly competitive labour market, the level of formal qualifications and skills achieved becomes even more critical to people's ability to secure meaningful and well paid work. Between 2008 and 2013, the proportion of the working age population with various levels of NVQ in Brent increased, while the proportion with no qualifications remained consistent at 8% (very close to the London average). It is difficult to be clear how much of this improvement is down to the in-migration of well qualified and highly skilled new residents.

As with unemployment, ward-level analysis shows concentrations of residents with no qualifications, with Stonebridge and Harlesden recording 26.8% and 22.6% respectively. Clearly the lack of a recognised qualification is increasingly likely to reduce the chances of an individual securing sustained employment.

In some sectors there clearly remains a long-term mismatch between skills and employment provision, including specific or technical skills, with the construction industry (an important sector in Brent) as a particular example.

It is not just formal academic or vocational qualifications which hamper people's chances of securing employment. National and regional research indicates a lack of 'employability' skills – for example, basic English language and financial numeracy - as a significant barrier for employers looking to recruit. The consultation exercise for this strategy identified this as a significant issue in Brent, particularly amongst young people and those for whom English is a second language.

Clearly a critical way of resolving this situation over the medium term is to improve the educational attainment of school leavers across the Borough such that they are able to progress to further and higher education and subsequently maximise their chances in the labour market. The Borough's 14-19 Partnership is the key vehicle for achieving this, bringing together schools, further education providers, the local authority and careers advice services (now the responsibility of schools) to drive improved outcomes. This strategy does not attempt to replicate the efforts of the 14-19 partnership but rather to consider what added value can be achieved by – for example – building closer relationships between business and schools across the Borough.

The Borough has a relatively low number of 16-17 year olds who are not in employment, education or training (NEETs). Support for this group of Brent residents is delivered under the Youth Contract by Prospects and Catalyst.

Adult skills provision is funded mainly, although not exclusively, through the Skills Funding Agency (SFA) and delivered by the College of North West London and – to a smaller scale – Brent Start, the Council’s adult community education and training service. Both the College and Brent Start are on improvement trajectories and both are now driven by a key objective of improving employment outcomes amongst their client groups.

## **Earnings**

It is undoubtedly true that within London the only real way to have access to a decent quality of life is to be in employment. However, the cost of living in London (and Brent) is such that being in work alone is no longer likely to be enough for a majority of households. The evidence shows that although Brent’s employment figures are on a positive trajectory, there remains a significant gap between the income of Brent residents and the London average – showing that average earnings of people in work across Brent are much lower than should be expected in London.

Over the past 15 years gross median earnings for Brent residents have consistently been below London levels, while median pay by work place is at very similar levels. This suggests that residents who are working outside of the borough are not achieving significantly higher earnings in most cases. There is also a suggestion of growing polarisation between high and low earners and between different neighbourhoods. Finally the data suggests that there may be a movement of higher earners into the borough in recent years.

The council’s commitment to the London Living Wage (LLW) and action to encourage a similar commitment across partners is an important element of efforts to increase earnings, alongside the wider activity to increase employment and support residents to progress within employment.



## CHALLENGES AND OPPORTUNITIES

The evidence base demonstrates that whilst the trends in Brent are broadly aligned with those across London, there are some specific opportunities and challenges that the new Employment, Skills & Enterprise strategy needs to address. These are identified below:

### **Opportunities for Investment & Growth**

Brent has considerable opportunities for inward investment, both within the five growth areas set out in the regeneration strategy and across the wider Park Royal area. In Wembley alone as many as 10,000 new jobs are expected to be created. Similarly there is huge employment growth potential in areas immediately adjoining the Borough, most significantly at Brent Cross Cricklewood and Old Oak Common. This strategy aims to maximise the amount of new investment into these areas and at the same time provide support for Brent's established businesses and new entrepreneurs to exploit the new markets associated with this growth.

### **Pockets of Significant and Entrenched Unemployment**

The Index of Multiple Deprivation (due to be updated in 2015), supported by data on employment and skills, shows concentrations of deprivation centred on the south of the borough and on our social housing estates. Successive mainstream interventions have made little impact on skills, employment and incomes in areas such as Harlesden, Stonebridge and South Kilburn. As well as these geographical concentrations, other groups and communities face particular barriers. For example, unemployment impacts some BAME groups, recent migrants and people with a disability or mental health issues disproportionately. The approach outlined in this strategy, with a strong focus on priority neighbourhoods and identified groups in the wider community, offers the opportunity to break long-term cycles of deprivation and address the growing polarisation within the borough.

### **Unemployment and Worklessness**

While the JSA claimant rate is improving, many residents face additional barriers to work and this is reflected in the number of people claiming benefits such as Income Support or not claiming benefits to which they may be entitled. This includes the high number of residents who wish to work but find it difficult to enter the labour market due to health issues (particularly mental ill health), lack of affordable or appropriate child care, other caring responsibilities, or lack of marketable skills and experience and basic language skills. Such barriers are prominent for women, those at the older and younger end of the age spectrum and new migrants, among others. Improving opportunities for this group is central to this strategy.

### **Low-Paid Employment**

The improving employment rate also masks the number of residents trapped in low value employment. This is characterised by low incomes, mostly at national minimum wage, with few prospects for career development and progression. This is coupled with an increasing trend for less secure employment terms such as zero hour or 'few hours' contracts. Evidence also suggests that large numbers of those

who describe themselves as self-employed (including some small business owners) are only achieving low incomes. The strategy aims to address this issue through promoting the London Living Wage and through a range of adult skills interventions.

### **The London Economy**

Although skills levels in Brent are on an upward trend, further improvement is needed to equip residents to compete for the thousands of higher value jobs available across the wider sub-regional and London economy. Ensuring young people can access these jobs will be critical if they are to secure the earnings that will allow them to stay in Brent. At the same time, this strategy aims to establish the conditions in Brent in which existing and new high value businesses can thrive.

### **Housing**

The links between housing and employment are critical and interdependent. Decent, affordable housing is an essential support to employment. And secure, appropriately rewarded employment is essential if residents are going to be able to afford to remain living in Brent. The cost of housing in Brent is currently rising sharply, largely as a consequence of the Borough being seen as an attractive place to live by those who are already in well paid work. Increasing housing growth and diversifying tenure so as to be accessible to people on a range of incomes will be essential if Brent is to maximise opportunities for local people to secure work. The recently published housing strategy aims to introduce policies that support residents who secure employment to remain in the Borough and should be seen as a partner document to the Employment, Skills & Enterprise Strategy.

### **The Role of Partnership**

The success of this strategy will be wholly dependant on the strength and commitment of the partnerships that oversee and deliver it. Brent Council will make full use of its existing powers, influence and leverage to support business and promote growth and employment, but the vast majority of resources and skills necessary to achieve this outcomes set out in this strategy reside in other organisations – the private sector who provide the jobs, the community and voluntary sector who are closest to local people, the schools and college who educate our young people and the national organisations who deliver the mainstream employment programmes. For its part, the Council will endeavour to bring together the right partners in the right places and the right time to deliver meaningful interventions and will continue to play a role in working with the Mayor of London, the London Enterprise Panel and other local authorities to make the case for a greater devolution of powers and resources in relation to skills and employment.

## VISION

*“To reduce inequality and raise living standards in Brent through economic growth and employment”.*

The long-term ambition is that within twenty years, levels of employment in Brent will be comfortably above the London average. The strategic objectives and related outcomes in the next chapter provide the framework through which the vision will be realised. Successful delivery will depend on businesses, the voluntary and community sector, local residents, the Job Centre Plus and other local partners all playing core roles. Brent Council will commit to a leadership role – bringing partners together to further refine strategy, develop action plans, secure resources, monitor performance and facilitate delivery.

### **Strategic Objectives**

Following extensive consultation, the following five objectives have been identified that will form the framework for the delivery of this vision:

1. To promote economic growth through regeneration, increasing the number of local jobs and providing new opportunities for local businesses.
2. To ensure that local education and skills provision is reflective of the demands of the labour market, providing a labour pool made up of well qualified and highly motivated individuals.
3. To have a strong focus on addressing inequality by reducing economic and social polarisation within our most deprived neighbourhoods and amongst those residents who are furthest away from work.
4. To reduce poverty through employment and progression in work.
5. To secure increased local influence over national and regional employment programmes so as to deliver better outcomes for Brent residents.

## STRATEGIC OBJECTIVES & OUTCOMES

This section sets out the outcomes associated with each of the strategic objectives, along with a commentary on the proposed approach to delivery. More detail on the data and analysis supporting the selection of these objectives is set out in the Evidence Base, while detail on the specific actions identified to deliver the outcomes is provided in the Action Plan.

### ECONOMIC GROWTH

#### ***Strategic Objective 1***

**To promote economic growth through regeneration, increasing the number of local jobs and providing new opportunities for local businesses.**

The Brent Local Plan and the Brent Regeneration Strategy set out the framework for growth across the Borough over the next twenty years. Five growth areas are identified as providing the majority of the borough's new homes, facilities, shops and jobs – Wembley, South Kilburn, Alperton, Burnt Oak and Church End. In addition, Park Royal is specifically identified as having significant employment growth potential. Growth is also encouraged in and around the Borough's town centres and transport nodes.

The conditions for business in Brent are good. There is a plentiful supply of employment land and premises. Transport connections to central London and beyond are excellent. There is a ready supply of local labour within reasonable travel to work distances and there is an increasing range of local facilities for businesses to benefit from.

Much has already been achieved. Park Royal has restructured its employment provision, complimenting its historical manufacturing strengths with new distribution, warehousing, food and media businesses. The new London Designer Outlet Centre in Wembley has brought many hundreds of new retail, leisure and hospitality jobs into the Borough. And the strong focus on recent years on making use of empty properties to host 'meanwhile' workspaces in Kilburn, Wembley and Willesden has increased opportunities for fledgling businesses to gain a foothold in the Borough.

There is more that can be done though. Whether it be improved transport connections – and reduced journey times – to Heathrow; better promotion of Brent as a place to do business; or enhanced opportunities for budding entrepreneurs to test out their new business ideas.

It is also important to remember that Brent is not an 'island' – as a Borough it is very much part and parcel of the wider London and South East England economy. The vast majority of working age people who live in Brent will always work outside of the Borough, more often than not in central London. It is therefore important that our

sights are raised beyond simply growth within the Borough. Brent needs to influence growth and investment opportunities in areas surrounding the Borough – e.g. at Old Oak Common at Brent Cross Cricklewood – and ensure that local people are able to access the associated job opportunities. Similarly, it is important that people who are seeking work are encouraged to look beyond Brent for the right employment opportunities – this is all part and parcel of being part of a large and complex city.

Brent's Regeneration Strategy already explicitly links the physical transformation of the borough to the social and economic improvement of neighbourhoods and raising the quality of life for Brent residents. In similar spirit, this strategy recognises that the physical regeneration of the borough plays a critical role in supporting the growth of the local economy and the employment of local residents.

**Outcome 1A**

At least 5,000 sustainable new jobs will be created in Brent's growth and regeneration areas by 2020.

The Council will work with developers to ensure that new jobs are a critical part of growth in the Borough's growth areas and in particular in Wembley and Park Royal. Developers will be expected to be active in championing and promoting local employment schemes to the businesses that occupy their new schemes in line with the approaches adopted by Quintain in Wembley and Segro in Park Royal.

Developers themselves will be expected to directly provide local employment and apprenticeship opportunities during the construction phases of their schemes. They will also be encouraged to work with local schools to help raise the knowledge and aspirations of the world of work to the Borough's young people. The Council will use its planning powers to facilitate this and will work with partners to ensure that there is a supply of local jobseekers ready to take up the opportunities.

Sometimes the Council acts as a developer – for example for new school buildings and estate regeneration schemes – and in these instances it will seek to secure local employment and training opportunities through the procurement process.

To increase economic benefits further, developers will be expected to promote supply chain opportunities to local businesses so as to maximise their impact on the local economy. Brent Council will facilitate this through its Supply Brent web portal.

Working in partnership with neighbouring local authorities, Brent will also seek to increase access to employment opportunities arising from regeneration in the wider sub region, such as at Old Oak Common and Cricklewood Brent Cross. This will involve all providers ensuring that training and employment support provides residents with the skills necessary to benefit from these opportunities.

**Outcome 1B**

Brent will have a high public profile as an excellent place set up and grow successful businesses.

Consultation, particularly with local business, highlighted the need for the Council to use its powers, partnerships and influence to the fullest extent to support existing and new enterprise, including self-employment. There are a number of areas that will be reviewed:

- *Stronger business partnerships* – supporting established business networks to expand and facilitating new business networks where none exist at present.
- *Public sector procurement opportunities* – in particular to consider how better communication and changed practices could provide more opportunities for local companies to submit tenders for work.
- *Supply of affordable business spaces* – expanding the successful Meanwhile programmes to fully utilise empty business premises for new entrepreneurs and exploring opportunities for an adequate supply of ‘move on’ spaces as business expand.
- *Better regulation* – reviewing the way that regulatory services interact with businesses to ensure that there is clarity on the service and response standards that local businesses can expect from the Council and other providers.

Brent has significant competitive advantages and opportunities when competing for new investment and there is a clear need to strengthen, promote and publicise these to potential new investors.

There are excellent transport links and connectivity – to the City, the West End and to much of the rest of the country. However there remains significant scope for improvement. Most immediately, there is an opportunity to secure a new Crossrail extension along the West Coast Mainline and for this to stop at Wembley Central. This would significantly reduce journey times to Heathrow (via Old Oak Common) and increase the attraction of Wembley as a place to do business. More locally there is scope to work with the newly established Old Oak & Park Royal Development Corporation to consider access improvements to Park Royal both by road and rail.

Access to employees with relevant skills has been identified as one of the top five factors driving investment decisions – objective 2 seeks to address this.

## SKILLS

### ***Strategic Objective 2***

**To ensure that local education and skills provision is reflective of the demands of the labour market, providing a labour pool made up of well qualified and highly motivated individuals**

Research and consultation confirmed the findings from the evidence that there is a need to ensure that education, training and skills provision should be related closely to the needs of the labour market. Brent schools are obviously critical partners in the delivery of this objective, as are the College of North West London (CNWL) who already deliver a wide range of employment-focused provision and activities; along with the Council's own training and skills delivery arm – Brent Start. The University of Westminster also has a campus in Brent and it will be important to engage them in a far stronger partnership than at present.

### ***Outcome 2A***

By 2020 there will be a close partnership between local schools and businesses. All young people will leave education with the skills and attitudes needed to compete successfully in the labour market.

The key local vehicle for driving up educational achievement in Brent at Key Stages 4 and 5 is the Borough's 14-19 Partnership. The work of this partnership will be fundamental to young people leaving school and college with the academic foundations and qualifications that will prepare them for the world of work. It is not the purpose of the Employment, Skills and Enterprise strategy to replicate the priorities of the 14-19 Partnership.

However, it remains the case that there are still too many young people leaving school ill-equipped to actively engage in the labour market. Consultation with local businesses suggests that too many young people are still lacking the 'employability' skills needed to be successful in the work place. As the demands of the labour market evolve it will be increasingly important that Brent's young people achieve their maximum potential academically – increasingly for example those people without a higher level qualification will find it far more difficult to compete in the high value London labour market. It will be important that the local education community responds to these challenges.

Across the Borough the relationship between the education and business communities is fragmented and often weak. The business community stress the importance of strengthening this relationship in order to help prepare young people for work. It will therefore be important to build this relationship in a structured way – ensuring that young people are given early access to the opportunities, rigours and requirements of the world of work through work experience, visits and collaborative projects.

More formally, there is scope locally to better promote traineeships as a pathway to employment, and apprenticeships as a pathway to a fulfilling and successful career for young people.

**Outcome 2B**

All residents participating in adult education will have an 'into work plan'.

The recent review of the work of Brent Start, Brent's training and skills provision has identified a clear need for a re-balancing of the curriculum to ensure a far stronger focus on employability skills –ranging from core numeracy and English language skills, through to relevant vocational qualifications. The emphasis is on the delivery of high quality skills, qualifications and employment outcomes, wrapped around with more intensive employment support encompassing CV writing, interview skills, motivation and attitudinal skills and job search. All participants are supported to prepare their own clear 'back to work plan', which will follow them through their progress into work.

For all providers of further education and adult education it will be important to ensure that curriculums are fully informed by employer needs in both the local and wider London labour market. It will also be important that training providers will be able to specifically support workforce development aimed at assisting employees to progress within their organisations.

**Outcome 2C**

A year on year reduction in the number of residents with no qualifications, so that by 2020 the figure will consistently be well below the London average.

Brent continues to be home to relatively large numbers of residents with no qualifications – 8% of the population.

For school leavers this objective is strongly linked to Objective 2A and the work of schools and the Brent 14-19 partnership to improve educational standards and attainment.

For the adult community it will be important that skills providers support clear pathways to improved educational attainment so that on achieving a qualification equivalent to NVQ Level 1, residents are able to progress on to Level 2 and 3 as appropriate. A key challenge will be how to ensure that at the point a resident secures employment, there remains the flexibility for them to continue to improve their educational attainment.



## REDUCING POLARISATION

### Strategic Objective 3

**To have a strong focus on addressing inequality by reducing economic and social polarisation within our most deprived neighbourhoods and amongst those residents who are furthers away from work.**

The improving employment picture masks continuing inequality and worklessness in particular neighbourhoods. Coupled with in-migration of higher income households, there is a risk of growing economic and social polarisation in the borough. Neighbourhoods with high concentrations of worklessness are often characterised by other issues, including poor health and higher levels of child poverty, as well as concentrations of both social and private rented housing. This pattern of deprivation has remained relatively unchanged over the last twenty years. Bulk volume employment programmes, commissioned at a national level, are failing to make any significant impact in these neighbourhoods. Regeneration and other funding programmes over the past twenty years have also had limited impact beyond physical improvements to the housing stock and the environment.

Similarly, the evidence indicates particular barriers to employment and social mobility for some groups, including particular BAME and migrant communities, people with disabilities (including learning disabilities), and people with mental health issues. While there will be a strong focus on priority neighbourhoods, it is important to stress that this will not be at the expense of needs identified in the wider community and programmes and actions will run in parallel and are equally significant for this Strategy.

### *Outcome 3A*

By 2020, the gap in employment levels between priority neighbourhoods and communities and the borough as a whole will be halved.

**The Brent Regeneration Strategy identifies the priority neighbourhoods as Stonebridge, Harlesden, South Kilburn, St Raphael's Estate, Chalkhill and Church End. This outcome is specifically focussed on breaking the cycle of worklessness and poverty in these areas.**

The proposed solution is to work with local communities to develop tailored approaches to addressing the particular issues faced in each neighbourhood. The essence of the approach is to support a local infrastructure that brings together the local knowledge and expertise of voluntary and community organisations on the ground with the resources and access to jobs of the mainstream employment services. This partnership will then seek to identify every workless resident in an area and support them into employment. It will also seek to work with young people in the neighbourhoods to prevent them falling into unemployment. The approach has been developed through the Whole Place Community Budget programme in St

Raphaels, but is also well advanced in Harlesden (led by LIFT) and in Church End (led by Catalyst Housing.)

Partnership will address constraints to accessing, securing and sustaining employment, including child care and health needs and integrated housing and employment support for all, but particularly to those affected by welfare reform including the Overall Benefit Cap.

One important aspect of this approach – and a key difference from previous geographical based interventions - will be to address the strong correlation between housing tenure, allocation and need and an individual's employment status. The Brent Housing Strategy, the Tenancy Strategy and the new Allocation Scheme are all designed in part to help break the cycle of concentrations of workless communities in social housing estates.

The consultation responses welcomed the focus on these areas but stressed the need to ensure that this is not at the expense of supporting other groups that cannot be identified with a particular neighbourhood. An equally important focus for this outcome is therefore on groups where there is evidence of polarisation and barriers to employment such as health, lack of affordable child care and the impact of welfare reform. These include, but are not necessarily limited to; people with disability or health needs, including mental ill health; people with an offending history; households impacted by welfare reform; women and lone parents; BAME groups including, for example, young black males, new migrants and older jobseekers (50+).

There is a strong partnership of providers in Brent who will work closely across sectors and services to identify the core barriers to work and develop appropriate solutions. Where additional resources are required, the council and its partners will seek these through external funding where possible and appropriate.

## REDUCING POVERTY

### Strategic Objective 4

**To reduce poverty through employment and progression in work.**

This objective concerns both residents who are out of work and those who are 'under employed'. Residents may be under employed for a number of reasons, including being in part-time work when full-time work is preferred, taking a more junior role in order to manage work-life balance (particularly common for those with caring responsibilities) or being in low value, low skilled employment and unable to progress due to a lack of necessary skills. This outcome is particularly concerned with the latter group - those trapped in entry level jobs characterised by low wages.

#### *Outcome 4A*

There will be year on year reductions in the proportion of residents earning less than the London Living Wage (LLW), which by 2020 will have reduce to below the London average.

#### *Outcome 4B*

There will be year on year increases in the level of median incomes in Brent, which by 2020 will be well established above the London average.

It is undoubtedly the case in London that for those people able to work the only meaningful way of securing a decent standard of living is to secure employment. Nevertheless, for many people work still does not provide enough income to support the high costs of living in London. Objectives 2 and 3 have focussed on the support that will be provided to local people to help them progress in the labour market and improve their earnings potential in the Brent and wider London market. This objective is focussed on increasing the supply of decent paid employment across the Borough.

The primary activities in relation to this outcome will focus on achieving increased commitment from local employers to the London Living Wage (LLW). The Council itself is already a Living Wage accredited organisation, with all directly employed staff paid at least the London Living Wage and a commitment to work towards ensuring that all staff working for directly employed contractors similarly are paid the LLW.

However, efforts will be made to extend the commitment to the London Living Wage to as many Brent employers as possible. Working alongside the Living Wage Foundation and local businesses, a package of measures will be introduced to promote the business benefits of paying the London Living Wage and incentivise businesses to become accredited.

## IMPROVING EMPLOYMENT OUTCOMES

### Strategic Objective 5

**To secure increased local influence over national and regional employment programmes so as to deliver better outcomes for Brent residents**

A very significant majority of the resources that are available to be spent on employment and job brokerage are managed centrally through the DWP, either via the Job Centre Plus network or through the centrally commissioned Work Programme. The ability to influence this locally is currently very limited. Nevertheless, other parts of the country have secured a significant devolution of decision making – often through the Growth Deals – with the aim of better tailoring the mainstream provision to the specific local needs of local areas with a view to improving outcomes locally. The focus of this objective is to ensure that nationally delivered or commissioned employment and skills programmes are better tailored to local needs.

### *Outcome 5A*

By 2020 the performance of the mainstream employment programmes in Brent will be in the upper quartile when compared to the rest of London

This is a challenging outcome which will need to build on the recent positive trend in respect of claimant counts. It will require a strong commitment to partnership across all organisations involved in the delivery of the core employment programmes. To this end the work undertaken to date to establish the Brent Employment, Skills and Enterprise Partnership<sup>2</sup> will be formalised so as to bring together strategic partners to ensure alignment of priorities and strategies and to drive performance improvement. The Council will take a leadership approach to support and challenge providers of nationally commissioned services to ensure that there is transparency in performance reporting and to ensure that locally commissioned employment and related services add value rather than duplicate mainstream provision.

The Council will work with the Mayor of London, the GLA, the London LEP and the West London Alliance to secure additional devolution to regional and sub regional levels in respect of mainstream provision – in particular in respect of the forthcoming re-procurement of the Work Programme.

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<sup>2</sup> Brent Employment, Skills and Enterprise Partnership will sit within Partners for Brent. Chaired by Brent Council, partners include DWP, the College of North West London, VCS representation and, at the time of writing, representation from each of the three Prime contractors of the Work Programme.

## IMPLEMENTING THE STRATEGY

Successful implementation of this strategy will require close partnership working across a full range of organisations. Key partners include:

- Local businesses
- Local community and voluntary organisations
- The DWP – working through the local Job Centre Plus networks
- The College of North West London
- Local Schools
- Brent Council
- Brent Housing Partnership and other Registered Housing Providers

In order to ensure that efforts are co-ordinated and prioritised this strategy will be accompanied by an annual Action Plan, which will set out the actions to be undertaken in pursuit of the outcomes for each strategic objective, the lead partner and the expected milestones that will show progress.

This progress will be overseen by a new Brent Employment, Skills and Enterprise partnership which will be facilitated by the Council. The Council will also continue to facilitate the regular ‘providers forum’ which at a practical level will bring together all organisations who are working to deliver employment, enterprise and skill related provision across the Borough.

Over the lifetime of the strategy there are likely to be multiple opportunities to secure additional funding into Brent in pursuit of the objectives and outcomes set out in the strategy – be that from European Funding, London LEP resources or elsewhere. The Council will continue to facilitate dialogue amongst the delivery partners to ensure that additional funding is maximised in line with the core priorities set out in this document.

ACTION PLAN

This Action Plan is for an initial period of three years. Its progress will be regularly reviewed together with key partners and the action plan itself will be refreshed on an annual basis.

To provide structure for this document and to support monitoring, outcomes and actions have been grouped under each of the Strategic Objectives in the Employment, Skills and Enterprise Strategy, but it should be noted that in many cases, they will be relevant to more than one objective.

Outcome	Key Activity	Lead Partners	Progress Milestones	RAG Rating and Comments
<b>ACTIVITIES TO SUPPORT THE DELIVERY OF THE STRATEGY AS A WHOLE</b>				
N/A	Bidding for relevant external funding by both the Council and local partners. All bids to be aligned to the priorities of the Employment, Skills & Enterprise strategy.	Brent Council Local Delivery Partners	External funding bidding pipeline established - <i>April 2015</i>  ESIF monies successfully secured for Brent priorities (minimum of £1m in 2015/16) – <i>March 2016</i>	
N/A	Establish a commissioning model for the delivery of employment, skills and enterprise provision in the Borough, aligned to the priorities of the	Brent Council	Employment Services Provider Framework established - <i>March 2015</i>  Call off projects to be aligned to	

N/A	Employment, Skills & Enterprise Strategy.		Employment, Skills & Enterprise Strategy - <i>ongoing</i>	
<p>DWP's commissioning of Flexible Support Fund (FSF) to be aligned to Brent's Employment, Skills and Enterprise Strategy. Joint commissioning through Brent's Employment, Skills &amp; Enterprise Partnership where possible and appropriate.</p> <p>Where appropriate, DWP to use Brent Council's Framework for Employment Service for FSF commissioning</p>	DWP		<p>Employment, Skills &amp; Enterprise Partnership arrangements formally established – <i>June 2015</i></p> <p>FSF priorities to be confirmed – <i>April 2015</i></p> <p>Joint commissioning to complement ESIF bidding activities – <i>July 2015</i></p>	

Outcome	Key Activity	Lead Partners	Progress Milestones	RAG Rating and Comments
<b>STRATEGIC OBJECTIVE 1</b> <i>To promote economic growth through regeneration, increasing the number of local jobs and providing new opportunities for local businesses</i>				
At least 5,000 sustainable new jobs will be created in Brent's growth and regeneration areas by 2020	<p>Drive forward the delivery of the five growth areas, maximizing new employment opportunities securing appropriate arrangements for job brokerage.</p> <p>Actively participate in bringing forward the regeneration of Old Oak Common, bringing forward 55,000 new jobs and safeguarding many more on Park Royal.</p>	Brent Council	<p>Wembley, Alperton and Church End Investment Plans complete – <i>April 2015</i></p> <p>Burnt Oak Investment Plan complete – <i>July 2015</i></p> <p>Opportunity Area Planning Framework adopted for Old Oak Common - <i>March 2016</i></p>	
	<p>Support the recruitment of local people where employment opportunities arise through regeneration schemes.</p> <p>Review the local arrangements for achieving this (Wembley Works)</p>	Brent Council DWP College of North West London	<p>Review Wembley Works with a view to establishing a sustainable job brokerage offer, specifically targeted at new employers moving into the regeneration areas</p> <p>Scope agreed - <i>May 2015</i></p>	



	<p>Maintain the established partnership of delivery organisations to ensure widespread awareness of new employment opportunities and ensure a co-ordinated local response.</p>		<p>Business Plan established - <i>Sept 2015</i></p> <p>Wembley Works notified of employment opportunities to be created from regeneration schemes in the borough - <i>Ongoing</i></p>	
	<p>Maximise employment related outcomes from planning and capital projects via section 106 agreements, CIL and Developers' commitments.</p>	<p>Brent Council</p>	<p>Toolkit for Employment and Skills Opportunities from Planning and Procurement (TESOPP) finalised - <i>April 2015</i></p> <p>Roadshow of TESOPP across council services - <i>April – August 2015</i></p> <p>Evaluation of TESOPP and roll out, as appropriate, across other partners, including NHS - <i>April 2016</i></p>	
<p>Brent will have a high public profile as an excellent place to set up and grow successful</p>	<p>Continue to develop Brent Business Hub and promote this widely as the Borough's online portal for business support and advice.</p>	<p>Brent Council</p>	<p>Brent Business Hub full launch, aligned to Brent Council's Customer Access Strategy - <i>Sept 2015</i></p> <p>Monthly business engagement newsletter circulated to businesses – <i>November 2015</i></p>	

businesses.	Develop the Supply Brent portal to increase the number of contracts advertised and to support local businesses secure supply chain opportunities	Brent Council	Supply Brent portal to promote supply chain opportunities arising from procurement of <i>service</i> contracts (in addition to capital procurement) – <i>June 2015</i>  To explore rolling out use of Supply Brent to other partners, such as NHS and Fire Service – <i>January 2016</i>	
Work with businesses in Park Royal to promote growth within the estate	Park Royal Business Partnership	Park Royal Business Partnership	Park Royal Business Partnership established including: <ul style="list-style-type: none"> <li>• Quarterly partnership meetings</li> <li>• Local Authority liaison seminars – <i>Sept 2015</i></li> </ul>	
Ensure the provision of a range of incubator, move-on and meeting spaces for SMEs  Utilise and strengthen the partnership with the Meanwhile Foundation to provide short term premises	Brent Council Meanwhile Foundation	Brent Council Meanwhile Foundation	Establish a workspace strategy consolidating Council's and partners' approach (to include use of empty commercial units) – <i>Sept 2015</i>  Map property in Brent suitable for move-on space and actively inform growing businesses of their availability – <i>Sept 2015</i>	

<p>Develop focused high street plans leading to the future development of a revitalised town centre/high street strategy for selected areas.</p>	<p>Town Teams Brent Council</p>	<p>Undertake further analysis of key town centres and high streets to understand their specific issues and areas of concern, appreciating that each area is likely to have specific problems that need to be tackled individually – by <i>March 2016</i></p> <p>Kilburn High Road and Wembley High Road studies completed – <i>April 2015</i></p> <p>Deliver High Street Fund projects in Wembley in accordance with delivery plan – from <i>April 2015</i></p> <p>Bring forward initiatives in other High Streets in accordance with Town Team priorities – <i>Sept 2015</i></p>	
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Outcome	Key Activity	Lead Partners	Progress Milestones	RAG Rating and Comments
<b>STRATEGIC OBJECTIVE 2</b> To ensure that local education and skills provision is reflective of the demands of the labour market, providing a labour pool made up of well qualified and highly motivated individuals				
By 2016 there will be a close partnership between local schools and businesses. All young people will leave education with the skills and attitudes needed to compete successfully in the labour market.	Map existing employment and career related activities across Brent schools.	Brent Youth Parliament	Design and complete survey – <i>May 2015</i>  Survey utilised to identify gaps in provision and the support that schools need to improve the quality of their employability skills and careers guidance programmes. This may include providing labour market intelligence and links to future growth sectors – from <i>June 2016</i>	
	Explore the option to pilot an ‘Employment Passport’ in participating Brent Schools.	Schools Brent Council	Review lessons from Tri-borough pilot – <i>June 2015</i>  Early adopting Brent schools identified for a pilot project – <i>June 2015</i>  First year pilot completed – <i>June 2016</i>	

	<p>Explore opportunity to pilot mentoring scheme between Council staff and Brent school pupils (years 10 and 11) – linked to Council’s emerging strategy on corporate volunteering.</p>	<p>Schools Brent Council</p>	<p>Project development - key objectives and outcomes agreed – <i>July 2016</i></p> <p>Participating schools and cohort of young people identified – <i>Sept 2015</i></p> <p>Relevant training and support mapped and provided to participating mentors – <i>Sept 2015</i></p> <p>Pilot tested for one year – from <i>Sept 2015</i></p> <p>Evaluation and next steps identified – <i>July 2016</i></p>	
<p>Develop Brent Council’s in-house apprenticeship service within the Council so that 100 positions have been created in three years.</p>	<p>Brent Council</p>	<p>In progress – this scheme has already progressed and is on target to achieve 100 apprenticeships by end of financial year 15/16.</p>		
<p>Support local businesses, with a focus on SMEs, to create apprenticeship opportunities.</p>	<p>Brent Council</p>	<p>Enhanced Brent Apprenticeship model commissioned using NHB funding - <i>April 2015</i></p> <p>Enhanced Brent Apprenticeship</p>		

<p>All residents participating in further and adult education will have an 'into work plan' and receive direct support to secure employment</p>		<p>Brent Council College of North West London</p>	<p>programme concluded with evaluation undertaken - <i>September 2016</i></p>	
<p>Design and implement new operational service delivery models within CNWL and Brent Start to provide an employment-focused service. Establish strong partnership working between Brent Start and CNWL to ensure complimentary curriculum and provision Work with businesses to inform a curriculum which is relevant to the labour market.</p>		<p>Brent Council College of North West London</p>	<p>Merger of Brent Start and Employment &amp; Enterprise services - <i>April 2015</i>  Undertake fundamental review of service delivery model in the light of future funding trajectories – <i>June 2015</i>  Quality Improvement Board for Brent Start established – <i>Sept 2015</i>  CNWL proposals for greater employment focus delivered – <i>Sept 2015</i>  Develop clear referral pathways between Brent Start, the CNWL and other employability support and services including Wembley Works – <i>Sept 2015</i></p>	
<p>Establish and promote a workforce development offer to established employer partners</p>		<p>Brent Council College of North West London</p>	<p>Workforce development courses delivery underway - <i>Jan 2016</i>  Traineeship programmes operational - <i>Sept 2015</i></p>	

		Employers Park Royal Business Partnership	Pre-employment programmes delivered to support job vacancies - <i>Sept 2015</i>	
A year on year reduction in the number of residents with no qualifications, so that by 2020 the figure will consistently be well below the London average.	To achieve and track improved employment outcomes within Brent Start to ensure it is a work focused service.	Brent Council	All learners to have an employment focused action plan including short-term and long-term goal – <i>June 2015</i>	
	Ensure a good provision of high quality functional skills courses (including basic English literacy, numeracy and digital skills) of high quality to be delivered.	All skills providers	Mapping of providers offering functional skills completed to aid signposting of residents for support – <i>June 2015</i>  External funding identified to provide further provision in the borough as necessary – <i>September 2015</i>  Council commissioned or delivered ESOL provision to have embedded employment support – <i>September 2015</i>  DWP locally commissioned ESOL programmes to be employment focused	

			(English for employment) – September 2015	
	Alignment of the DWP Skills Funding Agency (SFA) funding pot to the priorities of the Employment, Skills & Enterprise Strategy so as it commissions vocational courses informed by labour market intelligence.	DWP	DWP to use their influence with SFA and SFA funded providers in the borough to ensure skills provision is informed by the labour market (from financial year 2015/16).	
<b>Outcome</b>	<b>Key Activity</b>	<b>Lead Partners</b>	<b>Progress Milestones</b>	<b>RAG Rating and Comments</b>
<b>STRATEGIC OBJECTIVE 3</b> To have a strong focus on addressing inequality by reducing economic and social polarisation within our most deprived neighbourhoods and amongst those residents who are furthers away from work				
By 2020, the	Undertake initial detailed place-based	Brent Council	Six priority neighbourhoods identified.	



<p>gap in employment levels between priority neighbourhoods and communities and the borough as a whole will be halved.</p>	<p>research to understand key barriers to employment and specific nuances in each priority neighbourhood.</p>		<p>Key community lead partner in each neighbourhood identified - <i>April 2015</i></p>	
	<p>Drive a place-based approach in Harlesden through the Our Place programme to ensure it is community led and meets the needs of local people.</p>	<p>LIFT</p>	<p>Our Place business case submitted to Locality for approval – <i>June 2015</i> Action Plan completed – <i>Dec 2015</i> Subsequent milestones to be determined within the agreed action plan</p>	
	<p>Drive a place-based approach in Stonebridge to ensure it is community led and meets the needs of local people.</p>	<p>Hyde Housing</p>	<p>Action Plan completed – <i>Dec 2015</i> Subsequent milestones to be determined within the agreed action plan</p>	
	<p>Drive a place-based approach in Church End to ensure it is community led and meets the needs of local people.</p>	<p>Catalyst Housing</p>	<p>Action Plan completed – <i>June 2015</i> Subsequent milestones to be determined within the agreed action plan</p>	
	<p>Drive a place-based approach in South Kilburn to ensure it is community led meets the needs of local people.</p>	<p>South Kilburn Trust</p>	<p>Action Plan completed – <i>June 2015</i> Subsequent milestones to be determined</p>	

			within the agreed action plan	
Drive a place-based approach on the St Raphael's Estate to ensure it is community led and meets the needs of local people.	Brent Council Brent Housing Partnership Help Somalia Foundation		Integrated Team in post – <i>April 2015</i> 2 year pilot commences - <i>April 2015 – March 2017</i> Year 1 evaluation completed - <i>April 2016</i> Year 2 evaluation completed - <i>April 2017</i> Sustainability plan for St Raphael's Estate to be implemented - <i>January 2017</i>	
Delivery of targeted community learning programmes in Priority Neighbourhoods, working through the Community Learning Partnership	Brent Council		Delivery of targeted community learning programmes to 1,500 participants – <i>Sept 2015</i>	
Implement and pilot WLA Mental Health National Trailblazer and LEP Pilot in Brent.	West London Alliance Brent Council Health Providers		Project to be established from <i>Sept 2015</i>	
Council commissioning of employment and skills provision to focus on priority neighbourhoods and communities most	Brent Council		Employment service provider framework established - <i>January 2015</i>	

	disadvantaged (including those with a disability, experiencing mental ill health, and impacted by welfare reforms).		New job brokerage service in place targeting those residents in receipt of housing benefit or impacted by welfare reforms - <i>May 2015</i>	
Explore the viability of testing new approaches to housing register and allocation to ensure the provision of employment support to those with social tenancies	Brent Council Registered Providers	Model developed by <i>Sept 2015</i>		
Explore the viability of testing new approaches to fixed-term tenancies which incentivise tenants to participate in employment support	Brent Council Registered Providers	Model developed by <i>Sept 2015</i>		
Integrate housing options, welfare and employment advice at the frontline.	Brent Council Job Centre Plus VCS Partners Registered Providers	Evaluation of pilot integrated triage system at Brent Customer services completed and lessons adopted as required - from <i>April 2015</i>  Reconfiguration of Brent Customer Services at the Civic Centre completed – <i>April 2015</i>		

	<p>Continuation of a coordinated response to addressing the impact of welfare reforms.</p> <p>In particular, wider work with partners across the borough particularly around money management and advice</p>	<p>DWP Brent Council BHP</p>	<p>Co-located activities with DWP and Citizen's Advice Bureau colleagues to continue - <i>ongoing</i></p> <p>Commissioning of job brokerage services for residents impacted by welfare reforms – <i>May 2015</i></p> <p>Capacity building for colleagues who work in front-line service such as Children's Centres and Adult Social Care to increase awareness of employment support - <i>ongoing</i></p> <p>Universal Credit implementation plan initiated – <i>April 2015</i></p> <p>Universal Credit Partnership Agreement in place – <i>April 2015</i></p> <p>Financial Inclusion Strategy agreed – <i>Sept 2015</i></p>	<p>This requires a specific approach which places employment as a key mitigation for welfare reform.</p>
	<p>Address child care being a barrier to searching, securing and sustaining</p>	<p>Brent Council DWP</p>	<p>Support a community-based childcare provision - a group of Somali parents will</p>	

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Date:

	employment		<p>be trained so that they can register as child-minders, offering culturally appropriate provision which is more likely to be taken up by other Somali families (the community group most impacted by welfare reform) – by <i>March 2016</i></p> <p>Increase take up of childcare through increased awareness raising and access to DHP funding (for 14/15 – to be reviewed post DHP award for 15/16).</p> <p>Further develop the flexible child-minding pool, ensuring that there are child-minders available in each locality. This allows key partners such as DWP to link directly with child-minders when assisting parents to find work - <i>ongoing</i></p>	
	Build capacity of VCS providers to provide community based support in the employment and skills arena, to ensure the full engagement of those communities who may not be responsive to statutory services and organisations.	Brent CVS	Ongoing	

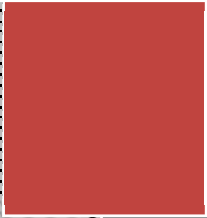
<p style="text-align: center;">Page 420</p>	<p>Brent Council, as one of the two largest employers in the borough, to lead by example in promoting employment opportunities to local people.</p>	<p>Brent Council</p>	<p>Continue to promote the 100 apprentice opportunities locally</p> <p>Introduce a Brent Graduate scheme to compliment the existing National Graduate Scheme</p>	
<p>To establish Wates construction academy to provide work experience and apprenticeship opportunities within the Borough as part of the investment programme in Brent's housing stock</p>	<p>Brent Housing Partnership Wates</p>	<p>Model to be developed over 2015/16</p>		

Outcome	Key Activity	Lead Partners	Progress Milestones	RAG Rating and Comments
<b>STRATEGIC OBJECTIVE 4</b> To reduce poverty through employment and progression in work				
There will be year on year reductions in the proportion of residents earning less than the London Living Wage (LLW), which by 2020 will have reduce to below the London average.	To work with local businesses to raise commitment to paying the London Living Wage	Brent Council Living Wage Foundation	Non-Domestic Discretionary Rate LLW Discount scheme finalised - <i>March 2015</i>  NDR LLW discount scheme launched – <i>April 2015</i>  Communication strategy for LLW established – <i>May 2015</i>  Evaluation undertaken of year 1 and decision made for subsequent year – <i>January 2016</i>	
There will be	Brent Council will ensure adoption of LLW amongst its supply chain as contracts are renewed.	Brent Council	LLW introduced as contracts are retendered - <i>ongoing</i>	
	To actively work with local employers	CNWL and Brent Start	As Outcome 2 above	

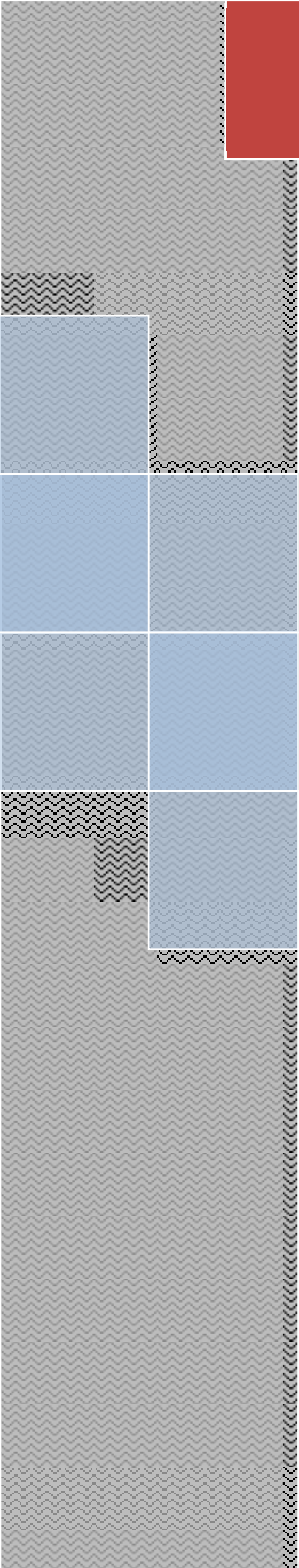
<p>year on year increases in the level of median incomes in Brent, which by 2020 will be well established above the London average</p>	<p>to support workforce development.</p>		<p>Work with the London Designer Outlet (Realm) to develop and deliver an Academy programme focused on upskilling the current workforce to encourage staff progression and increase retention levels – <i>Sept 2015</i></p>	
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Outcome	Key Activity	Lead Partners	Progress Milestones	RAG Rating and Comments
<b>STRATEGIC OBJECTIVE 5</b> <i>To secure increased local influence over national and regional employment programmes so as to deliver better outcomes for Brent residents</i>				
By 2020 the performance of the mainstream employment programmes in Brent will be in the upper quartile when compared to the rest of London	Strategic partnership with key stakeholders including DWP, Prime Providers of nationally commissioned employment programmes, CNWL, VCS representatives and Brent Council to drive up employment rates within the borough.	Brent Council DWP Work Programme Providers College of North West London Business VCS Partners	Brent Employment, Skills & Enterprise Partnership formally adopted within the refreshed Partners for Brent structure - <i>June 2015</i>  Regular quarterly meetings to review progress against this strategy and action plan  Annual refresh of this action plan – <i>April 2016</i>	
	Work with the London LEP and the West London Alliance to secure greater sub-regional and local influence in respect of the commissioning of local DWP and SFA programmes.	West London Alliance Brent Council	Establish a West London Economic Prosperity Board – <i>Sept 2015</i>	



# Equality Analysis



## Brent Council Equality Analysis Form

<b>1. Roles and Responsibilities:</b> please refer to stage 1 of the guidance	
<p><b>Directorate:</b> Regeneration and Growth</p> <p><b>Service Area:</b> Housing and Employment</p>	<p><b>Person Responsible:</b> Name: Jon Lloyd-Owen Title: Contact No: 5199</p> <p>Signed: </p>
<p><b>Name of policy:</b> Employment, Skills and Enterprise Strategy 2015-20</p>	<p><b>Date analysis started: Nov 2014</b></p> <p><b>Completion date: March 2015</b></p> <p><b>Review date: March 2016</b></p>
<p><b>Is the policy:</b> New <input checked="" type="checkbox"/> Old <input type="checkbox"/></p>	<p><b>Auditing Details:</b> Name: Arleen Brown Title: Equality Officer Date: Contact No: Signed:</p>
<p><b>Signing Off Manager:</b> responsible for review and monitoring Name: Jon Lloyd-Owen Title: Operational Director, Housing and Employment</p> <p>Date: January 2015 Contact No: 07867169854 Signed:</p>	<p><b>Decision Maker:</b> Name individual /group/meeting/ committee: Cabinet</p> <p>Date: April 2015</p>

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**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 Employment, Skills and Enterprise Strategy sets out the shared ambitions and objectives of the council and a wide range of partners, centred on improving employment prospects and opportunities for Brent residents and fostering the conditions in which existing and new Brent business can thrive. It is a strategy for the whole borough and will be delivered by a combination of public, private and voluntary sector organisations working together, with the council taking a strategic and leadership role. Structured around a long-term vision but with a particular focus on the next five years, the strategy sets out joint objectives to support enterprise and employment growth and improve outcomes for businesses and residents, taking advantage of the opportunities arising from improving economic conditions and new partnership approaches.

The vision for the strategy is:

***To reduce inequality and raise living standards through economic growth and employment.***

The long-term ambition is that, within twenty years, levels of employment in Brent will be equal to or better than the London and West London averages. Engagement has identified the following objectives that form the framework for delivery of the vision:

**STRATEGIC OBJECTIVE 1:** To promote economic growth through regeneration, increasing the number of local jobs and providing new opportunities for local businesses.

**Outcome 1A:** At least 5,000 sustainable new jobs will be created in Brent's growth and regeneration areas by 2020.

**Outcome 1B:** Brent will have a high public profile as an excellent place set up and grow successful businesses.

**STRATEGIC OBJECTIVE 2:** To ensure that local education and skills provision is reflective of the demands of the labour market, providing a labour pool made up of well qualified and highly motivated individuals

**Outcome 2A:** By 2020 there will be a close partnership between local schools and businesses. All young people will leave education with the skills and attitudes needed to compete successfully in the labour market.

**Outcome 2B:** All residents participating in adult education will have an 'into work plan'.

**Outcome 2C:** A year on year reduction in the number of residents with no qualifications, so that by 2020 the figure will consistently be well below the London average.

**STRATEGIC OBJECTIVE 3:** To have a strong focus on addressing inequality by reducing economic and social polarisation within our most deprived neighbourhoods

and amongst those residents who are furthest away from work.

**Outcome 3A**

By 2020, the gap in employment levels between priority neighbourhoods and communities and the borough as a whole will be halved.

**STRATEGIC OBJECTIVE 4:** To reduce poverty through employment and progression in work.

**Outcome 4A:** There will be year on year reductions in the proportion of residents earning less than the London Living Wage (LLW), which by 2020 will have reduce to below the London average.

**Outcome 4B:** There will be year on year increases in the level of median incomes in Brent, which by 2020 will be well established above the London average.

**STRATEGIC OBJECTIVE 5:** To secure increased local influence over national and regional employment programmes so as to deliver better outcomes for Brent residents.

**Outcome 5A:** By 2020 the performance of the mainstream employment programmes in Brent will be in the upper quartile when compared to the rest of London.

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

Two points should be stressed before considering the potential impact. First, the majority of relevant data – for example, the claimant count unemployment figures – are not collected or held by the council and much is published at the national level. Several consequences flow from this. Other agencies, particularly national agencies such as Job Centre Plus, collect equalities related data in a different format to that used by the council or other partners. Data may therefore not be as detailed, for example in terms of the categories used, and may not be directly comparable across different agencies. Collection and publication schedules will also differ, also raising comparability issues. In many cases, it is not possible to obtain robust data concerning the baseline position because it is either not collected at all or not collected in a form readily presentable at borough level.

Second, similar issues affect ability to monitor outcomes arising from the strategy. At the broadest level, it may not be possible to relate, for example, an improvement in the unemployment rate or in the rate of business start-up directly to any interventions arising from this strategy in a way that is directly measurable and separable from any improvement that has occurred independently. In addition, the range of agencies involved in delivering the outcomes, including the council, will all have their own approaches to monitoring. In some cases these may produce figures that can be linked more directly to outcomes arising from specific interventions, for example employment opportunities created and filled by local residents as a result of regeneration schemes. Although the strategy aims to improve coordination, it is unlikely that it will be able to achieve a wholly consistent approach to recording and measuring outcomes and assessing the impact for protected groups. With these caveats in mind, the following paragraphs consider potential impacts in relation to each protected group.

Overall, it is anticipated that the impact will be positive for all protected groups. The Strategy has been developed specifically to help residents and businesses overcome

the barriers and negative impacts arising from prevailing economic conditions as well as the impact of national policy developments such as welfare reform. However, it is recognised that the needs and aspirations of different groups vary and that particular issues arise for members of protected groups in some areas. The Strategy therefore has a particular emphasis on assistance to those furthest from the job market or facing additional barriers to training and employment, based on where they live as well as their individual circumstances. Tailored solutions will need to be developed to ensure that all groups can benefit.

## **Age**

In general, it is anticipated that the impact will be positive in equipping residents across all age groups with the skills and qualifications necessary to compete in the job market, improving employment opportunities and progress within employment, reducing polarisation and tackling poverty. The focus of the strategy is on residents of working age and therefore has a limited impact on older people who are no longer involved in the employment market, while recognising that some residents of pensionable age will wish to continue to work or enter into further training to develop new skills.

Some outcomes have a focus on a particular age group but in general the outcomes and associated actions are intended to benefit residents of all ages.

The evidence indicates some specific issues relevant to age that the Strategy seeks to address:

- There is evidence that fifty plus residents experience higher rates of unemployment and are more likely to remain unemployed long-term. The rate of 50-64 year old JSA claimants in Brent is 1.5 per cent above the UK average (3.3 per cent in Brent vs. 2.6 per cent in London and 1.8 per cent nationally). There is a reduced resilience to re-enter the labour market.
- A quarter of women and a sixth of men nationally aged 50-64 have caring responsibilities for a sick, disabled, frail or elderly person.
- Nationally, 12 per cent of economically inactive people aged 50+ are caring for a sick, disabled or elderly person for 20 or more hours per week, compared to only 3 per cent of workers.
- Although the JSA claimant rate for 18-24 year olds is at its lowest over the past two years, this cohort remain above the London average and present a national priority.
- As a whole, the borough presents an improving and resilient labour market across all age cohorts; however, ward-level analysis shows not all communities are benefitting from this improving borough-wide picture, which subsequently exacerbates worklessness across ages within particular neighbourhoods.
- Funding streams are often limited to recipients of working-age benefits, and although opportunities exist to work with older adults, they are more limited. The Strategy recognises the specific needs of older residents and activity will focus specifically on those impacted by welfare reform or facing long-term unemployment.

Young people not in education, employment or training (NEET) are a targeted cohort. This aligns with the 14-19 Strategy and Children & Families' NEET strategy for Brent, delivering targeted interventions and monitoring young school leavers up to 18 years of age under their statutory duty. The Connexions contract, currently delivered by Prospects also works directly with this group.

The outcomes and actions identified in the strategy will address the wide range of specialist support needs demanded by different age groups through personalised and tailored programmes and projects. This is particularly important for older and younger unemployed or economically inactive residents.

### **Disability**

Inactive and disability benefits such as Employment Support Allowance (ESA), Incapacity benefit, Personal Independence Payment (PIP) and Disability Living Allowance (DLA) are widely claimed across Brent, with higher concentrations in priority neighbourhoods, and contribute to Brent's broader economic inactivity. Long term health conditions account for over 23 per cent of Brent's economic inactivity. Approximately 22 per cent of economically inactive residents would like to have a job in the future.

Supporting residents with a mental health condition or a physical or learning disability into employment requires a tailored, specialist and intensive intervention. The Brent Employment Services Provider Framework is a list of preferred organisations able to deliver employment-related support services to Brent residents on behalf of Brent Council. It also allows the Council to identify appropriate partners to bid with for external funding opportunities. The Framework will identify providers with the capacity and capability to address these specialist support needs. Should that specialism not exist on the Framework the Council has reserved the right to procure services outside of the Framework.

### **Gender reassignment**

There is a lack of data or evidence to support any firm conclusions. However, it may be reasonable to assume that residents in this group face particular barriers that would require additional or specialist support beyond mainstream training and employment provision. This may especially true of residents who are experiencing gender variance or who are in the process gender transition, who are likely to experience difficulties, including direct discrimination, when accessing or sustaining employment. Residents who have completed a transition may face similar prejudice.

It is also assumed that some mainstream support services, through lack of awareness and experience working with this group, may fail to fully understand and address the support needs of someone going through transition or experiencing gender variance.

In this context, the Strategy will seek to ensure that providers and partners monitor effectively (this will apply to all protected groups) and that, where appropriate, tailored services are identified to ensure that this group has equal access to skills and employment support.

### **Pregnancy and maternity**

The Strategy recognises that a key barrier to participation in training and support for this group will be child care responsibilities and action to improve the availability and affordability of child care are identified.

### **Marriage and civil partnership**

No particular impact has been identified for this group, although note the comments in relation to sexuality, which may also be relevant to civil partnerships.

## **Race**

The evidence indicates that some Black, African, Caribbean and other minority ethnic groups in Brent are more likely to be unemployed or workless or lack higher level qualifications and that these groups are also represented strongly in the priority neighbourhoods. This pattern is common across London but particularly significant in the context of Brent's diversity

For example, Harlesden has a 67.0 per cent black, Asian and minority ethnic (BAME) population with an Asian population of 14.4 per cent and a black population of 40.0 per cent. The largest BAME groups in Harlesden are the Black/African/ Caribbean/Black British.

Stonebridge has a 76.6 per cent BAME population with an Asian population of 17.2 per cent and a black population of 47.1 per cent. The largest BAME groups in Stonebridge are the Black/African/ Caribbean/Black British.

Kilburn has a 50.0 per cent BAME population with an Asian population of 11.4 per cent and a black population of 24.6 per cent. The largest BAME groups in Kilburn are Black/African/ Caribbean/Black British.

The strategy identifies the need for a targeted, place-based approach, to be developed with local communities and representative groups in order to identify and tackle barriers effectively.

## **Religion or belief**

The evidence indicates that Muslim and Christian groups in Brent are more likely to be unemployed or workless, with some of these groups represented strongly in the priority neighbourhoods. For example:

The largest religious groups in Harlesden were:

- Christian (54.6 per cent compared to 41.5 per cent in Brent)
- Muslim (21.8 per cent compared to 18.6 per cent in Brent)
- Hindu (3.7 per cent compared to 17.8 per cent in Brent).

The largest religious groups in Stonebridge were:

- Christian (49.9 per cent compared to 41.5 per cent in Brent)
- Muslim (28.2 per cent compared to 18.6 per cent in Brent)
- Hindu (6.3 per cent compared to 17.8 per cent in Brent).

The largest religious groups in Kilburn were:

- Christian (47.7 per cent compared to 41.5 per cent in Brent)
- Muslim (16.8 per cent compared to 18.6 per cent in Brent)
- Hindu (2.0 per cent compared to 17.8 per cent in Brent).

In these areas, it is likely that faith is linked strongly to ethnicity and the place-based approach noted above is intended to ensure that these groups receive targeted support.



**Sex**

In Brent, as elsewhere, women are over-represented among the unemployed and economically inactive, among the low-paid and among those lacking qualifications. As noted in relation to pregnancy and maternity, lack of flexible childcare can act as a significant constraint for women and lone parents accessing meaningful and sustained employment. Services developed through this Strategy and the Brent Employment Services Provider Framework will have access to and promote a flexible childcare pool as well as work with lone parents to overcome the challenges that childcare commitments can bring to an employment search.

It should be noted that, to some extent, services provided under the umbrella of the Strategy may have disproportionate impacts for men or women (and similar effects may be seen in relation to other protected groups). However, this is largely due to the disproportionate presence of certain groups in the different areas of activity. For example, services supporting homelessness tend to see a higher level of single men, while services supporting inactive benefit claimants will see a higher proportion of Income Support claimants, who are predominantly female lone parents. Any disproportionate take-up of services will therefore reflect and is intended to correct existing inequalities within the overall economy and employment market. The impact is therefore expected to be positive, but monitoring and review will aim to ensure an even spread of services to address the support needs of all groups.

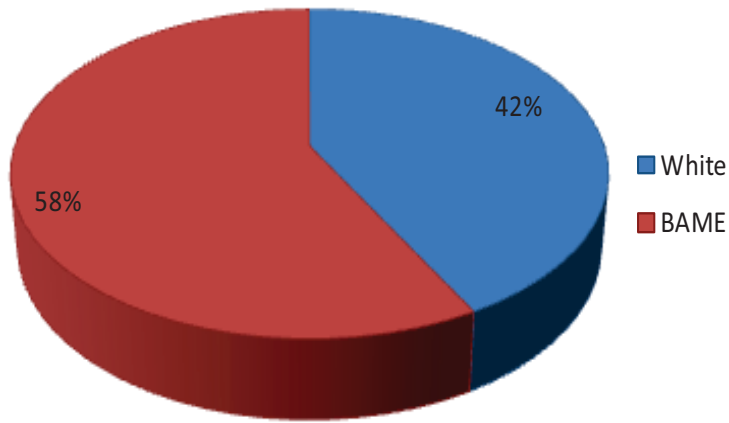
**Sexual orientation**

There is a lack of data or evidence to support any firm conclusions.

Nevertheless it is reasonable to assume that residents in this group could experience prejudice, which can pose challenges to securing and sustaining meaningful employment.

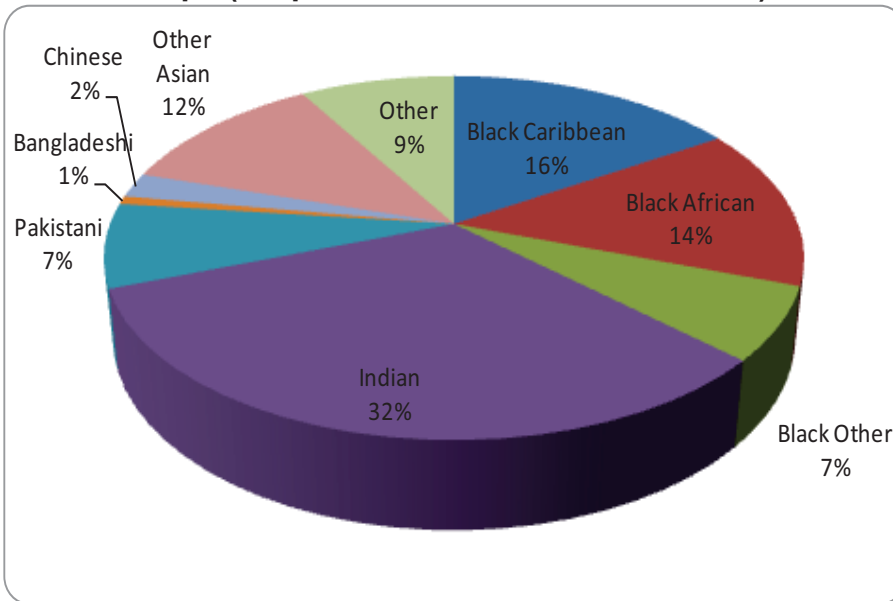
**Please give details of the evidence you have used:**

**Overall Population (2011 Census)**



Population growth between the 2001 and 2011 Census exercises is partly due to in-migration (national and international) and partly due to Brent’s high birth rate. In London overall, as in Brent, when outward migration is balanced against in-migration, the birth rate is the most significant factor, reflecting the relatively young population compared to the rest of the UK.

**BAME Groups (Proportion of the overall 58% total)**



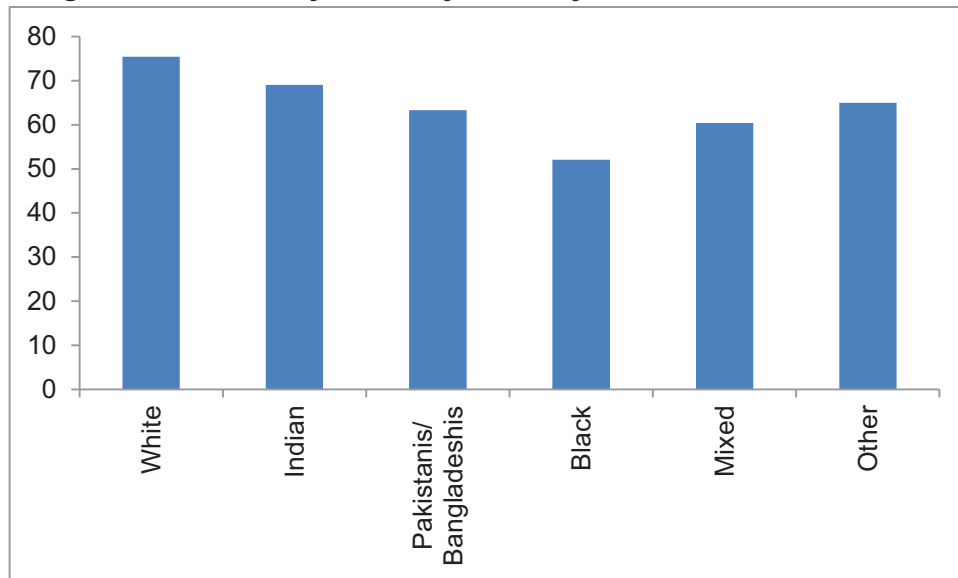
Of the total working age population only those who are in employment or those who are unemployed but actively looking for work are classified as ‘economically active’. In March 2014 123,900 people aged 16–64, 72.9% of Brent’s population, were classified as economically active. Of these 112,100 are in employment, 65.9% of the economically active working age population. The London average for the proportion of working age adults in employment is 70.5%, 4.6% higher than Brent. In Brent 41.8% of working age adults are employed, 9.4% are self-employed and 9.6% are unemployed and looking for work. There are 11,800 unemployed people in Brent. In London the overall unemployment rate is 8.3% and for the UK it is 7.3%. Over the past 15 years, Brent’s unemployment rate has consistently been 1-3% above the

London rate.

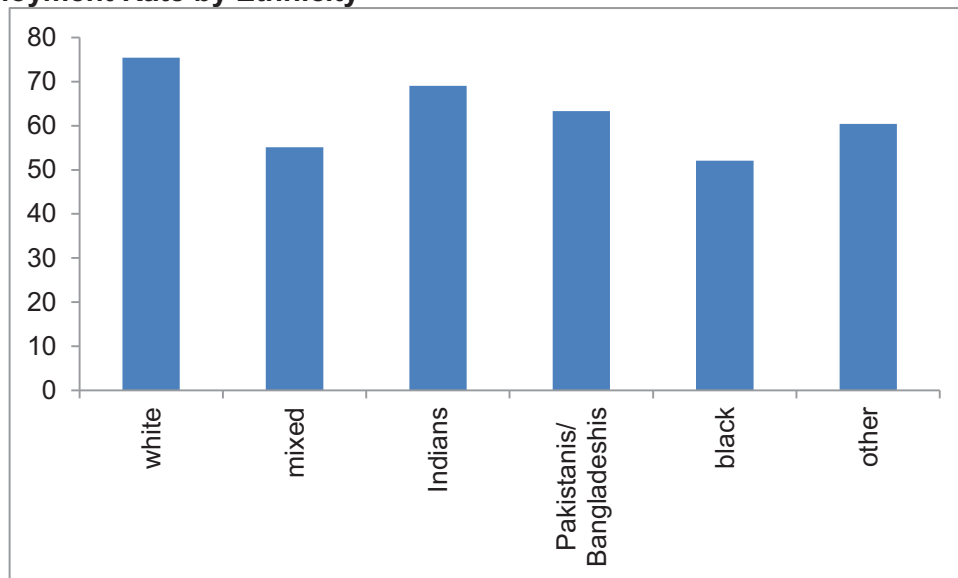
In Brent, 46,100 people (27.1%) are economically inactive and not seeking employment. The main reasons given are students in full time education (17.1%), unable to work due to a long –term health condition (8.2%) or looking after family or home (17.0%). Of the economically inactive, 5,700 people would like to have a job.

The ethnic group with the highest proportion of economically active people is the white ethnic group with 75.4% economically active. The lowest proportion is the black ethnic group with 52.1% of people economically active.

#### Percentage of economically active by ethnicity

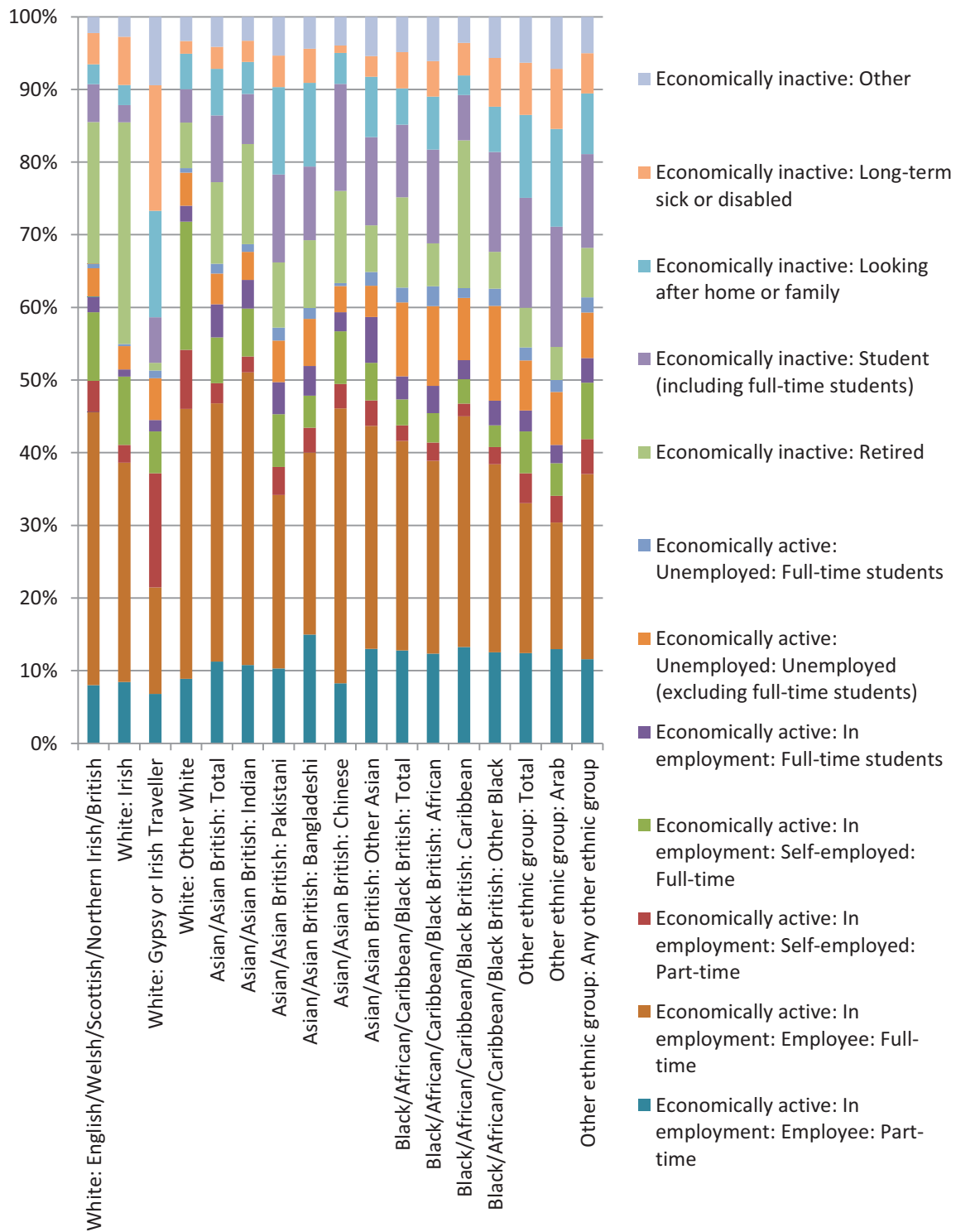


#### Employment Rate by Ethnicity



A more comprehensive breakdown of both economic activity and inactivity by ethnicity is demonstrated by the chart below, based on data from the 2011

Census:



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## Qualifications

While there is evidence of general improvement in the qualification levels of Brent residents, it is unclear how far this is due to in-migration (national and international) of people with higher qualifications. There are significant variations at ward and neighbourhood level, as illustrated in the table below.

Area	% of people with no qualifications
Brent Average	19.21
<i>Neighbourhood</i>	
Chalkhill	20.34
Church End	25.28
Harlesden	22.58
St Raphaels	25.66
Stonebridge	26.83
South Kilburn	20.81

## Trends in Unemployment 2004-14

Currently there are 11,800<sup>3</sup> people who are unemployed and seeking employment, of which 6,098 are claiming Job Seekers Allowance (JSA). In June 2014, the rate of all working age people claiming JSA was 3.2% - higher than the London average of 2.6% and the UK average of 2.5%.

## Earnings

Over the past 15 years gross median earnings for Brent residents have been below London median earnings. In recent years the gap has increased. Median earnings have remained above UK averages and over the past year have increased faster than before. Weekly median gross earnings for all employees at the end of 2013 were £538, £5 less a week than £543 in 2012. Average weekly earnings in neighbouring boroughs are:

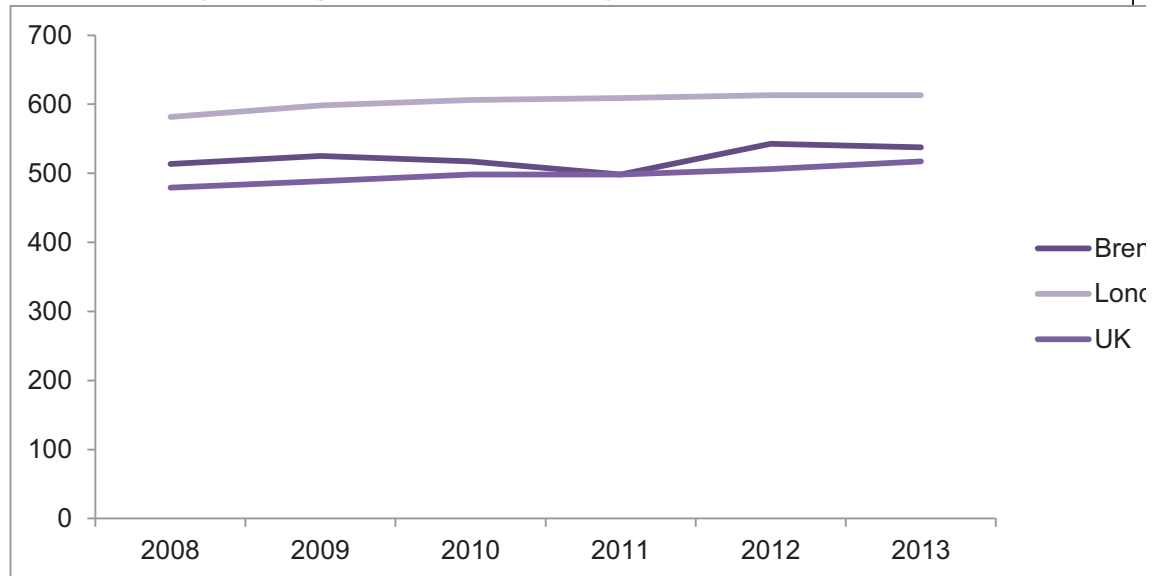
- Ealing - £567
- Harrow - £572
- Hillingdon - £597
- Hounslow - £568

In 2013, male earnings in Brent (£560) were similar to the male national average (£556), and female earnings (£520) were above the female national average (£459). Both male and female earnings were below the London averages, £658 and £575 respectively. The median pay by work place in Brent is £546 per week suggesting that many Brent residents are employed outside the borough, although it is also apparent that they do not achieve significantly rewards.

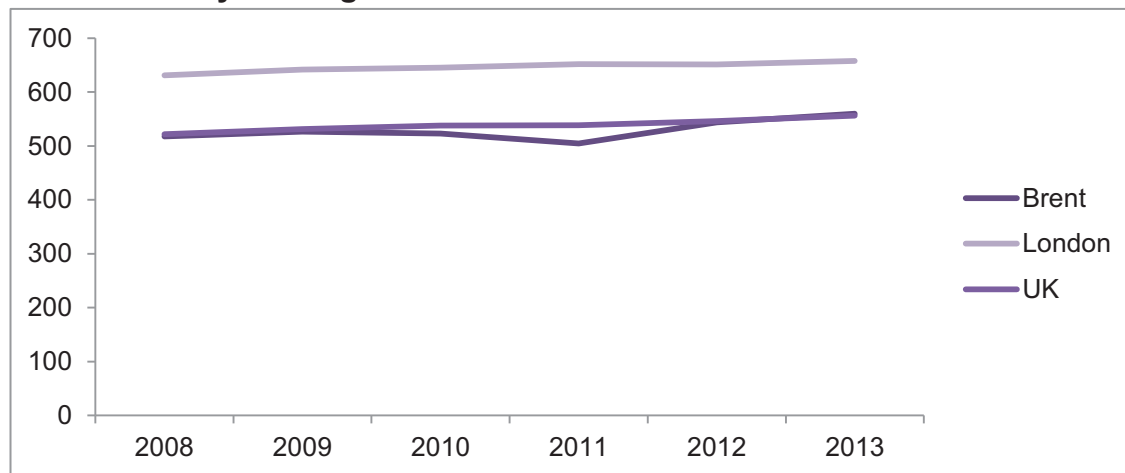
<sup>3</sup> Model based estimate March 2014 Source: Nomis

While there are no hard data to support a reliable analysis, there is strong anecdotal evidence (for example, from letting agents) that the borough's large private rented sector is attracting higher earners, many of whom work outside the borough, as rents in inner-London become prohibitive even for households earning well above London average levels. Perhaps the best indicator of this demographic shift, is the decline in Housing Benefit claims in inner London as the sector becomes increasingly unaffordable, mirrored by an increase in claims in outer London. The majority of households claiming HB are working.

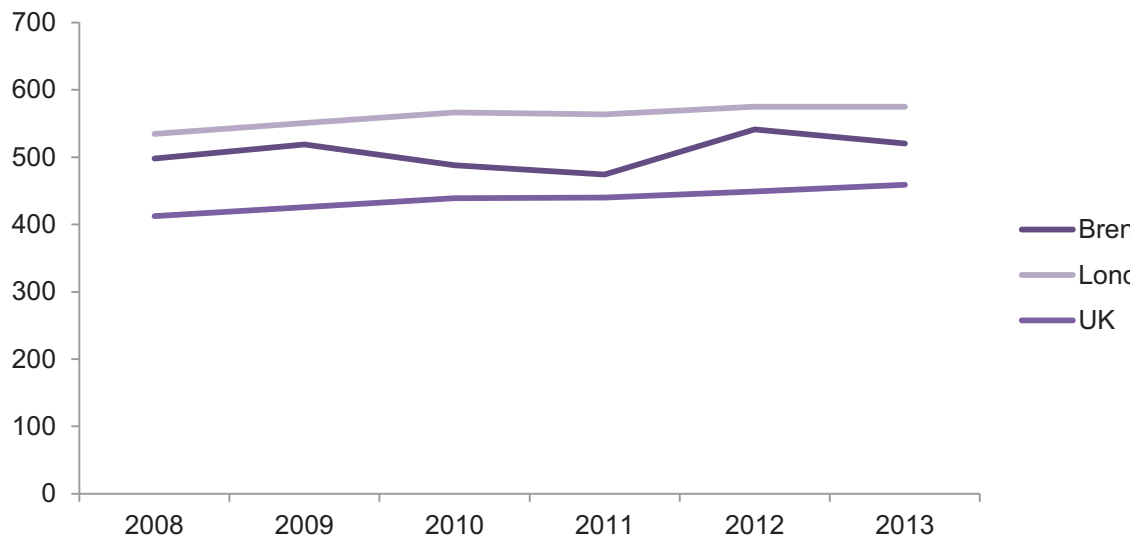
**Median weekly earnings all full-time employees**



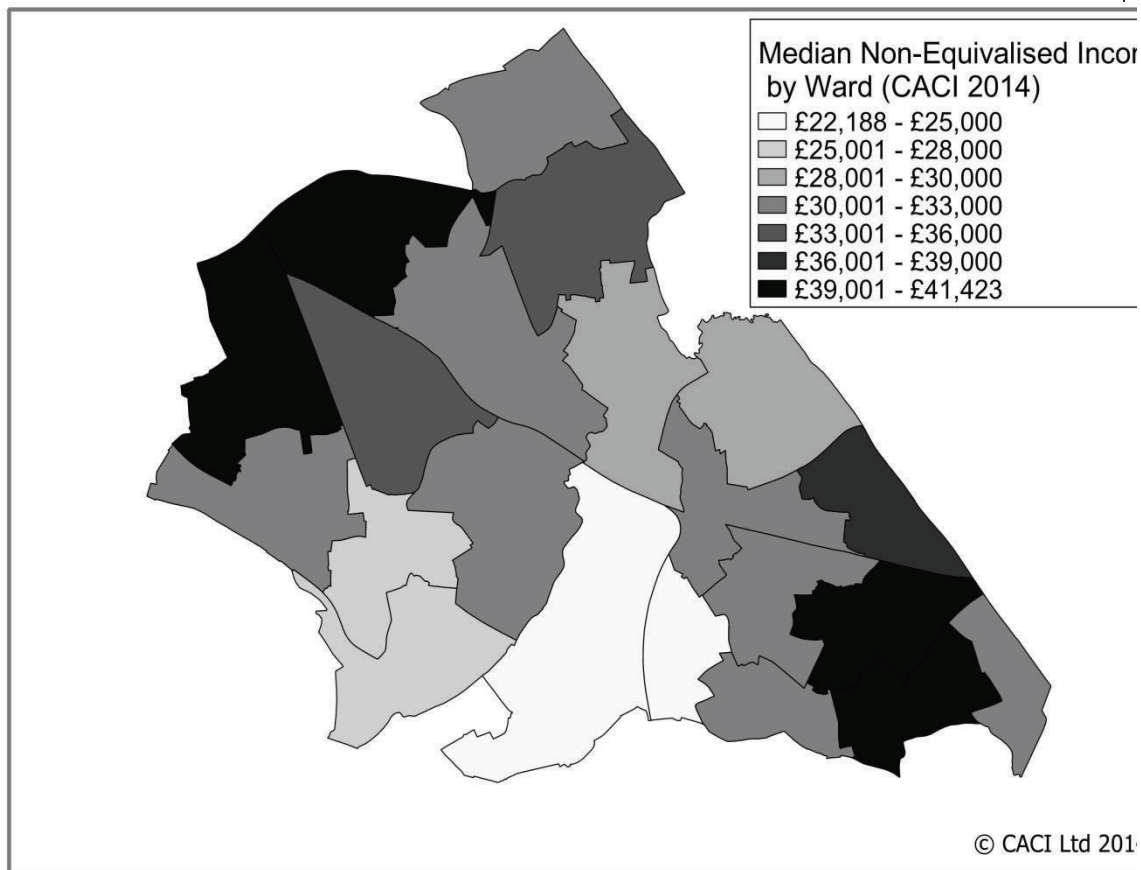
**Median weekly earnings males**



### Median weekly earnings females



## Annual median income by ward 2013



Annual income levels by ward illustrate the changing patterns of income distribution in the borough and the risk of further polarisation.

#### 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;

In general terms, the Strategy aims to ensure that Brent residents are able to compete effectively in the employment market and progress in employment and to support Brent businesses, including support for recruitment and workforce development. Specifically, the Strategy identifies barriers and adverse impacts arising elsewhere that it sets out to address. It is therefore expected that the Strategy will make a positive contribution in this area.



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

As noted above, a primary aim for the Strategy is to deliver equality of opportunity through partnerships that will provide a framework within which all Brent residents are able to compete effectively in the employment market where this is the appropriate or desired option for them.

**(c) Foster good relations**

The Strategy aims to foster good relations by reducing the gap in employment and incomes between Brent's poorest neighbourhoods and communities and the rest of the local population.

**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?**

Engagement involved organisations and individuals across the public, private and voluntary sectors and spanned the year leading up to 31<sup>st</sup> October 2014, when formal consultation on the draft document concluded.

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

- A series of one-to-one focused discussions with key stakeholders including DWP, CNWL, RPs, VCS, businesses, and youth representatives
- Presentation at meetings and fora including the 14-19 Strategic Partnership, Brent Employment Providers' Forum, and Voluntary Sector Liaison Forum
- A Members' Briefing seminar
- A series of business engagement workshops
- Borough plan focus groups
- A written consultation document shared with over 400 providers including housing associations, voluntary organisations, schools, businesses, Brent Youth Parliament, and community groups working with, among others, the disabled and BAME communities.

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

Overall, responses were very positive, welcoming the development of a comprehensive strategy and supporting the objectives and outcomes identified. In general, responses suggested changes of emphasis or requested more detail in some areas and these comments have been taken into account in finalising the document. Several responses stressed the need to emphasise the positive indications in the borough as well as the challenges, with a stronger focus on the opportunities available or emerging.

There were no indications of any concern with regard to the impact of the proposals on any protected group or with regard to any other aspect of equality.

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

The Strategy has been developed through consultation and engagement and input from partner organisations shaped the consultation document and subsequent drafts. The Strategy is a partnership document and delivery is a collective responsibility and it has therefore been essential to ensure that partners have been fully engaged. It is therefore not really possible to separate out the areas that have been influenced by information gathered during consultation.

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

As noted above, consultation and engagement has shaped the policy from the outset.

**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 this impact.**

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

No negative impacts have been identified and there are no identified areas of unmet need arising from this Strategy, although the purpose of the Strategy is to address areas of unmet need arising for other reasons.

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

See above

**7. Analysis summary**

Please tick boxes to summarise the findings of your analysis.

<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>	X		
<b>Marriage and civil partnership</b>			X
<b>Pregnancy and maternity</b>	X		
<b>Race</b>	X		

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<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.*

The policy is lawful and no adverse impacts or potential for discrimination have been identified. The policy is expected to deliver positive outcomes across protected groups and advance equality and good relations.

#### 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.

The policy will be reviewed regularly through the establishment of Brent Employment Summit. The Employment Summit brings together senior officers from key strategic partners including DWP, CNWL, VCS and Brent Council. This group will be responsible for monitoring adherence to the policy and its overall impact.

**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.

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Meeting Cabinet  
Date

Version no.  
Date:

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
Monitoring delivery of action plan	Ongoing 1 <sup>st</sup> report May 2016	Jo Francis	Council is able to measure and assess delivery of key actions		
Review equalities monitoring arrangements across partners	April 2016	Jo Francis	As far as possible, within the limitation noted above, approach to monitoring will be consistent and compatible and will enable robust assessment of the impact of policy and service delivery for all protected groups		
Carry out further EA after first year of operation	May/June 2016	Jo Francis	Identify any issues and areas for change		

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