



Cabinet

Monday 27 July 2015 at 7.00 pm

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

Membership:

Lead Member Councillors:

Portfolio

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

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

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence.

Item **Page**

1 Declarations of personal and prejudicial interests

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

2 Minutes of the previous meeting 1 - 8

3 Matters arising

Adult Social Care reports

4 Adult Social Care Transforming Day Care-Direct Services 9 - 60

In February 2015 the Council's Cabinet committee agreed to consult with service users, carers and stakeholders on the proposal to close Kingsbury Resource Centre and re-provide day opportunities services in the voluntary and independent sector. Cabinet also agreed for Council Officers to consult and work up proposals to ensure the future financial viability of New Millennium Day Centre and that this would be done co-productively working with service users, carers and staff. The consultation and co-production process is now complete and this report sets out the results of both, the options for change and a recommended course of action for the future of Kingsbury Resource Centre and New Millennium Day Centre.

Ward Affected:
All Wards

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

5 Tudor Gardens – Supporting Independent Living 61 - 92

In February 2015 Cabinet agreed to consult with residents, families and stakeholders on the proposal to deregister Tudor Gardens Residential Care home and re-provide it as supported living accommodation in line with the Department's objectives to support people to have increased choice and control to live as independently as possible. The Council has now completed a twelve-week statutory consultation on proposed changes. This report outlines the responses to that consultation, the potential impact on the residents and resulting recommendations taking

into account the feedback that has been received from service users, family members, advocates, staff and unions.

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

6 Brent Mental Health Improvement operating model and Section 75 93 - 138

This report sets out the outcomes of the Mental Health Operating Model work, which has been undertaken in partnership with Central and North West London NHS Foundation Trust (CNWL) and NHS Brent CCG to develop a new assessment and care management model for community mental health services in Brent. It explains the thinking behind the new operating model and how it fits into the broader mental health system and the wider work on mental health improvement that is taking place in North West London.

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

Regeneration and Growth reports

7 Bridge Park Redevelopment - Bridge Park - to enter into Heads of Terms 139 - 188

This report follows on from the two previous reports (see Background Papers) presented to the Executive on the subject lands Unisys and Bridge Park Community Leisure Centre (BPCLC) as per the site plans at appendices 1 & 2. This report provides an update for Members and seeks agreement to enter into Heads of Terms with General Mediterranean Holding SA ("GMH") as Guarantor and Harborough Invest Inc as Property Owner, to sell part of the land owned by the London Borough of Brent at BPCLC to fund the design and build of a new leisure centre paid for out of the proceeds of sale and advanced Community Infrastructure Levy (CIL).

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

8 2015/16 Temporary School Expansion Programme 189 - 198

In a report to Cabinet in January 2015, Officers advised that revised pupil projection data was expected from the Greater London Authority in early 2015 and that this would be reviewed in detail against local data to make sensible projections of demand for school places in the 2015/16 academic year. Officers committed to report back to Cabinet with the outcome of that review and with proposals for the provision of sufficient school places for approval if required. The report was also to include a review of corporate buildings currently in use for education purposes and the requirements for that to continue or otherwise.

Ward Affected:
All Wards

Lead Member: Councillors Moher and McLennan

Contact Officer: Richard Barrett, Property and Asset Management

Tel: 020 8937 1334 richard.barrett@brent.gov.uk

9 Sudbury Town Neighbourhood Plan Referendum

199 -
202

Following the independent examination of the Sudbury Town Neighbourhood Plan, approval is sought for the Plan to proceed to referendum subject to the modifications set out in the examiner's report. Subject to the majority of those who vote in the referendum being in favour of the Plan, it is recommended the Plan is made (adopted) by the Council as planning policy for the neighbourhood area.

Ward Affected:
Northwick Park;
Sudbury

Lead Member: Councillor McLennan

Contact Officer: Aktar Choudhury, Civic Centre Programme

Tel: 020 8937 1764

aktar.choudhury@brent.gov.uk

10 Housing Supply and Demand - Homelessness, Allocations, and Social Lettings

203 -
234

This report provides an analysis of housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards. A number of recommendations are made in order to manage these challenges.

Ward Affected:
All Wards

Lead Member: Councillor McLennan

Contact Officer: Jon Lloyd-Owen, Operational Director, Housing and Employment

Tel: 020 8937 5199 jon.lloyd-owen@brent.gov.uk

11 Wembley and Alperton Housing Zones

235 -
248

The Council has secured GLA Housing Zone designations for Wembley

and Alperton which will help to accelerate the delivery of hundreds of new homes and bring forward regeneration in these areas. On 15 September 2014, Cabinet gave approval for the Council to submit bids to the GLA for Alperton and Wembley to become Housing Zones and agreed for a further report to be brought to Cabinet on the required funding arrangements between the Council and the GLA and any associated matters requiring approval.

Ward Affected:

Barnhill;
Preston;
Stonebridge;
Tokyngton;
Wembley
Central

Lead Member: Councillor McLennan

Contact Officer: Aktar Choudhury, Civic Centre
Programme

Tel: 020 8937 1764

aktar.choudhury@brent.gov.uk

Central Reports

12 Brent Council Membership of the West London Economic Prosperity Board 249 - 268

This report seeks Cabinet approval to establish a Joint Committee to be known as "West London Economic Prosperity Board," in partnership initially with Barnet, Ealing, Harrow and Hounslow (with other WLA members, namely Hammersmith & Fulham and Hillingdon also potentially joining later), and to note the Leader or person nominated by the Leader, will take up membership of the Board on the behalf of Brent.

Ward Affected:

All Wards

Lead Member: Councillor Butt

Contact Officer: Christine Gilbert, Chief
Executive

Tel: 020 8937 1007

christine.gilbert@brent.gov.uk

13 Financial Report - May 2015 269 - 280

This report highlights the overall financial position of the Council as at May 2015.

The report will cover the following topics:

- Revenue Budget monitoring summary
- 2015/16 Savings
- Council Tax & NNDR Collection Rates
- Other debt analysis and collection
- Capital Programme monitoring summary

Ward Affected:

All Wards

Lead Member: Councillor Pavey

Contact Officer: Eamonn McCarroll,
Operational Director, Finance

Tel: 020 8937 2468

eamonn.mccarroll@brent.gov.uk

14 Reference of item considered by Scrutiny Committee (if any)

15 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:

Item 7: Bridge Park redevelopment – heads of terms

Item 11: Wembley and Alperton Housing Zones

16 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 24 August 2015



- Please remember to set your mobile phone to silent during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.



LONDON BOROUGH OF BRENT

MINUTES OF THE CABINET Monday 29 June 2015 at 2.00 pm

PRESENT: Councillor Butt (Chair), Councillor Pavey (Vice-Chair) and Councillors Denselow, McLennan and Southwood

Also present: Councillors Chohan, Filson, Harrison, Mahmood and Warren

Apologies for absence were received from: Councillors Hirani, Mashari and Moher

1. **Declarations of personal and prejudicial interests**
2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 1 June 2015 be approved as an accurate record of the meeting.

3. **Matters arising**

None

4. **Section 75 agreement for the Better Care Fund**

On behalf of Councillor Hirani (Lead Member for Adults, Health and Well-being), Councillor Butt (Leader of the Council) introduced the report seeking approval for the Council to enter into an agreement, under section 75 of the National Health Services Act 2006, with Brent NHS Clinical Commissioning Group to govern the delivery of the approved Better Care Fund Plan for 2015/2016.

Councillor Butt highlighted that, in order to qualify for Better Care Fund ("BCF") funding, the Council and Brent NHS Clinical Commissioning Group (CCG) were required to make an application, to include submission of a BCF Plan. Following the initial submission of the draft BCF Plan in April 2014 by the Council and CCG, the Government required further work and assurance before the BCF plans were approved. The revised Brent BCF plan was submitted to Government and approved with support on 29 October 2014. The BCF funding allocation for Brent is £22,432,000 for 2015/2016.

In response to a question from Councillor Warren (Leader, Brent Conservatives), Phil Porter (Strategic Director, Adults) explained that the BCF plan pooled funds

can be managed in a number of ways and there is a choice about which organisation manages the pooled budget. Under the proposals in the report, Cabinet is being asked to agree that the local authority will host the pooled budget.

RESOLVED:

- (i) Cabinet agreed to enter into a partnership arrangement under section 75 of the National Health Services Act 2006 with Brent NHS Clinical Commissioning Group on the basis outlined in this report to govern the delivery of the approved Better Care Fund Plan for Brent for the period 2015/2016.
- (ii) Cabinet agreed that the local authority will host the pooled budget for the reasons set out in paragraph 3.7 of the report.
- (iii) Cabinet delegated authority to approve the final terms of the proposed partnership arrangement to the Strategic Director, Adults in consultation with the Chief Finance Officer and Chief Legal Officer.
- (iv) Cabinet noted the intention to further report to Cabinet should any material structural, staffing, financial or other changes in addition to those set out in this report be proposed as part of the implementation of the Better Care Fund Plan.

5. Authority to award contract for Children's Centres Services

On behalf of Councillor Moher (Lead Member for Children and Young People), Councillor Butt (Leader of the Council) introduced the report requesting authority to award contracts as required by Contract Standing Order No 88. Councillor Butt explained that the report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

In response to a question from Councillor Warren (Leader, Brent Conservatives), Gail Tolley (Strategic Director, Children and Young People) explained that the high staffing levels in the Kilburn locality/children's centre related to the catchment area in Kilburn.

In response to a question from Councillor Filson, Gail Tolley (Strategic Director, Children and Young People) explained that the staff age profile was characteristic for staff working in this profession.

The Cabinet also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) Cabinet awarded the contract for Children's Centres Services to Barnardo Services Ltd (the company authorised by the Trustees of the Charity to sign any contracts).
- (ii) Cabinet authorised the Operational Director, Property and Projects to enter lease and licence agreements in accordance with the details set out in Appendix 6 of the report in consultation with Strategic Director, Children and Young People and the Chief Legal Officer.
- (iii) Cabinet noted the implications under the Transfer of Undertakings (Protection of Employment) Regulations 2006 for Council staff arising from the award of the contract for Children's Centres Services as set out in Section 7 and agree to the transfer of such staff.

6. **Gordon Brown Outdoor Education Centre – proposals to replace the end of life Shrubbery Building**

On behalf of Councillor Moher (Lead Member for Children and Young People), Councillor Butt (Leader of the Council) introduced the report informing Members that the purpose of this report is to inform Cabinet Members of the condition of one of the accommodation units at the Gordon Brown Outdoor Education Centre (GBOEC). The report outlines and seeks authority for plans for replacement and seek approval for financial arrangements to complete the build to ensure the sustainability of the Centre's buildings in the future.

The Cabinet also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

- (i) Cabinet approved an invest to save proposal to replace the poor condition Shrubbery dormitory with a new facility that would provide modern living quarters for pupils and teachers with increased capacity to accommodate children.
- (ii) Cabinet approved inviting tenders on the basis of the pre-tender considerations set out in paragraph 3.10 for the replacement works to the Shrubbery building.
- (iii) Cabinet approved the use of £250,000 revenue contributions identified from Youth Support Services to support this work.
- (iv) Cabinet approved a schedule of price increases in the region of 4.5% (but not limited to this figure) to support the Centre in generating revenue to repay £325,000 over twelve years to keep pace with costs and keep fees within affordable levels for participating schools.

7. ICT Work with the Local Government Association

Councillor Pavey (Deputy Leader of the Council) introduced the report setting out proposals for Brent Council to partner with the Local Government Association for the provision of ICT services.

RESOLVED:

- (i) Cabinet approved the Council entering into an agreement to partner with the Local Government Association for the provision of ICT services, including the implementation of new infrastructure for their offices, the hosting of their ICT services at the Brent Data Centres, and the ongoing provision of ICT support services.
- (ii) Cabinet delegated authority to the Chief Operating Officer in consultation with the Lead Member (Deputy Leader of the Council), the Chief Legal Officer and Chief Finance Officer to establish a company jointly owned by London Borough of Brent and the Local Government Association.

8. Authority to Award Contract for the Supply of ACD Call Centre Software for Customer Services

Councillor Pavey (Deputy Leader of the Council) introduced the report requesting authority to award a contract as required by Contract Standing Order No 88. Councillor Pavey informed Members that the report summarises the process undertaken in procuring this contract and recommends to whom the contract should be awarded.

RESOLVED:

Cabinet awarded the contract for ACD Call Centre Software for Customer Services to Freedom Communications (UK) Ltd, for a period of three (3) years plus two (2) possible single year extensions.

9. Joint Procurement of Legal Counsel (Barristers' Services)

Councillor Butt (Leader of the Council) introduced the report requesting approval to participate in collaborative procurement with the London Borough Legal Alliance ("LBLA") for the establishment of a framework for provision of barristers' services. He explained that, as the proposed procurement is to be led by the London Borough of Waltham Forest, approval is also sought, as required by Contract Standing Order 85, to use that borough's Contract Standing Orders and Financial Regulations.

In response to a question from Councillor Filson, Fiona Alderman (Chief Legal Officer), highlighted that, in 2014-15, 59% of the Council's spend on Counsel was on public law proceedings involving children. This follows a 20% increase in public law cases involving children in 2013-14. In 2014 the local Family Court moved to Hatton Cross from Neasden, so increasing the reliance on external Counsel as opposed to in-house lawyers undertaking advocacy.

RESOLVED:

- (i) Cabinet gave approval to the Council to participate in collaborative procurement led by the London Borough of Waltham Forest to establish a framework for barristers' services.
- (ii) Cabinet gave approval to the collaborative procurement exercise detailed in report paragraph 2.1 being exempt from the normal requirements of Brent Council's Contract Standing Orders and Financial Regulations for good operational and/or financial reasons in accordance with the Contract Standing Order 84(a) and 85(c).
- (iii) Cabinet gave approval to the pre tender considerations set out in paragraph 3.10.1 of the report.

10. **Performance Report Q4 2014/15**

Councillor Pavey (Deputy Leader of the Council) introduced the report stating that the purpose of this report is to provide Cabinet with a corporate overview of performance information linked to the current priorities for Brent, to support informed decision-making, and to manage performance effectively.

Councillor Pavey informed Members that the performance measures in the report represent those considered to be most relevant to tracking achievement against the six corporate priorities for Brent. Where available, quartile and benchmarking information has been used to inform target setting. Annual performance measures are reported when new performance data becomes available.

Councillor Pavey informed Members that the performance measures included within this report represent a small subset of those measured within the council. A wider range of performance measures are tracked within each council department, through the One Council programme and by Partners for Brent.

Councillor Pavey informed Members that additional performance measures may be included, by exception, if performance levels highlight particular achievements to be celebrated, or present risks associated with the realisation of Brent's priorities.

Councillor Pavey reminded Members that this is the last Quarterly Performance report under the 2013-14 Borough Plan, as a new one has been agreed for 2015-16. A new suite of key indicators is currently being finalised under the main priorities of the new Borough Plan.

Christine Gilbert (Chief Executive) reported that the targets are deliberately ambitious and challenging.

RESOLVED:

- (i) Cabinet noted the performance information contained in this report and agree remedial actions as necessary.
- (ii) Cabinet considered the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.

(iii) Cabinet agreed to challenge progress with responsible officers as necessary.

11. **Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation**

Councillor McLennan (Lead Member Housing and Development) introduced the report providing details of the competitive tender process undertaken for establishing a Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation (Private Sector Accommodation) in accordance with the Council's Private Sector Accommodation Scheme (PSA).

The Cabinet also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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RESOLVED:

Cabinet approved the appointment of the contractors recommended and listed at paragraph 3.1.10 onto the Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation. It is anticipated that the DPS will commence in July 2015 for a period of two (2) years with an option to extend up to a further two (2) years.

12. **Authority to Award Contract for Temporary Classroom Provision at Elsley Primary School**

On behalf of Councillor Moher (Lead Member for Children and Young People), Councillor Butt (Leader of the Council) introduced the report requesting authority to delegate the award of a high value works contract as required by Contract Standing Order No 86 (e) (ii) for the provision of temporary classrooms at Elsley Primary School.

Councillor Butt explained that this report explains the anticipated requirement for temporary primary school classroom provision, and seeks approval for this temporary project and associated budget and summarises the process undertaken in tendering the contract for the Elsley Primary School temporary classroom provision and the requirement to delegate award.

The Cabinet also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in Schedule 12 of the Local Government (Access to Information Act) 1972:

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

RESOLVED:

(i) Cabinet noted the anticipated requirement for temporary primary school provision for the 2015-16 academic year.

- (ii) Cabinet approved the proposed project at Elsley Primary School to provide two additional reception bulge classrooms and two re-located reception classrooms.
- (iii) Cabinet approved the proposed capital allocation for this temporary project noting the proposed funding sources.
- (iv) Cabinet delegated the award of the contract for the construction of temporary classroom provision at Elsley Primary School to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Legal Officer.

13. **Brent Corporate Plan 2015 - 2016**

Councillor Butt (Leader of the Council) introduced the report setting out Brent's proposed Corporate Plan for 2015 - 2016.

Councillor Butt stated that the objectives, milestones and success measures set out in the plan have been developed to provide a clear programme of operational activities to deliver the ambitions and outcomes agreed in the 'Brent Borough Plan 2015 – 2019' by the Cabinet and Full Council in March 2015.

Christine Gilbert (Chief Executive) explained that the Corporate Plan will be actively managed both at member level and at officer level (by the CMT, managers and their teams). She stated that performance against the plan would be regularly monitored so that prompt management action could be taken, where necessary, if there is slippage or if an activity needs to be changed in the light of circumstances. She explained that the current plan corresponds to current Council resources.

RESOLVED:

- (i) Cabinet agreed the Corporate Plan 2015 – 2016.
- (ii) Cabinet noted that regular quarterly and annual reports will be brought to the Cabinet monitoring progress and evaluating performance. Cabinet noted that the new performance management framework will be subject to a separate report in August 2015.

14. **Review of 2014/15 Financial Performance**

Councillor Pavey (Deputy Leader of the Council) introduced the report setting out the year- end financial position for 2014/15 and the unaudited statement of accounts.

In response to a question from Councillor Filson, Conrad Hall (Chief Financial Officer) stated that the figures in paragraph 3.27 should read that 12,444 PCNs were issued in February, and the total for the year should read 162,617.

RESOLVED:

Cabinet noted the year-end financial performance and the unaudited statement of account.

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


None

16. **Any other urgent business**

None.

The meeting ended at 2.55 pm

M BUTT
Chair

 Brent	<p style="text-align: center;">Cabinet 27 July 2015</p> <p style="text-align: center;">Report from the Strategic Director Adults</p>
<p>For Action Wards Affected: ALL</p>	
<p style="text-align: center;">Adult Social Care Transforming Day Care - Direct Services</p>	

1.0 Summary

- 1.1 In February 2015 the Council's Cabinet committee agreed to consult with service users, carers and stakeholders on the proposal to close Kingsbury Resource Centre and re-provide day opportunities services in the voluntary and independent sector.
- 1.2 Cabinet also agreed for Council Officers to consult and work up proposals to ensure the future financial viability of New Millennium Day Centre and that this would be done co-productively working with service users, carers and staff.
- 1.3 The consultation and co-production process is now complete and this report sets out the results of both, the options for change and a recommended course of action for the future of Kingsbury Resource Centre and New Millennium Day Centre.
- 1.4 Consultation was carried out over three months; March, April and May 2015. In each month separate service user, carer and staff meetings were held. In total, there were 26 consultation meetings over a period of 90 days. An additional 17 Co-production meetings were held where the council officers carers and users worked together to develop alternative day opportunities solutions to ensure the future viability of the service. A summary of the consultation and co-production meetings and outcomes is attached at Appendix A.

2 Recommendations

- 2.1 Cabinet are asked to note the responses received during the consultation and co-production meetings held in March, April and May 2015 on the council proposals to close Kingsbury Resource Centre and remodel services at New Millennium Day Centre.

- 2.2 Cabinet are asked to agree the closure of Kingsbury Resource Centre following a comprehensive and inclusive reassessment and support planning process for current service users. Cabinet are also asked to note that any closure will be subject to a further statutory 45 day staff and union consultation.
- 2.3 Cabinet are asked to agree to the remodelling of services at New Millennium to create a social enterprise. A full business case, including detailed financial implications and an implementation plan will be brought back to Cabinet in the autumn for further discussion and agreement.

3.0 National and Local Policy Context

- 3.1 Recent social care policy has focussed on the need to develop more personalised services for adults which will provide greater choice for individuals, help to promote their independence and enable them to improve their quality of life.
- 3.2 This philosophy is central to the values and principles advocated in *Putting People First: a shared vision for the transformation of adult social care* (2007) and other recent policy such as *Our Health, Our Care or Say* (2006); *Living Well with Dementia: A National Dementia Strategy* (2008) and *Valuing People Now: a new three year strategy for people with learning disabilities* (2009). In addition, the *Care Act (2015)* advocates that people who receive care and support from the council will have more say over what sort of help they get and how that care is provided. The proposals within this paper further promote this right of choice and control within care provision.
- 3.3 Local policy also supports the delivery of more personalised services. The Day Opportunity Strategy 2010, which was implemented for people with learning disabilities in 2010, focuses on supporting people to be independent and giving more choice and control in how they spend their day. This strategy is still relevant today and the principles of personalisation apply equally to older people and people with physical disabilities.
- 3.4 In addition, the Local Account 2013/14, agreed at Cabinet January 2014, set out the financial challenges the Council and the department faces due to Central Government cuts and the need to build a new relationship with communities and families to ensure we are clear not only about what the council can do, but also what we expect people to do themselves, hence the focus in this paper on co-production. The Local Account also set out the Council's commitment to support people to remain independent and prevent or reduce the need for publicly funded care and support services, but if someone needs publicly funded services to ensure there is a choice of high quality and appropriate services and support that meets the needs of our diverse community.
- 3.5 In line with national and local policy, the Council would like to develop a wider range of options for individuals who require support to access day opportunities, such as further developing a wider range of commissioned services and supporting service users to access existing community facilities through greater

use of direct payments and personal budgets, so that people can decide where they want to go and what they want to do instead of the Council directly providing care and support.

4.0 Kingsbury Resource Centre

4.1 Kingsbury Resource Centre provides day care services to older people age 65+. The service is located in Stag Lane, which is in the north of the borough. It is a council owned site which adjoins a Pupil referral Unit.

4.2 Currently the service supports an average of 60 service users with maximum daily attendance of 25 individuals (including 4 wheelchair users). 8 service users have a learning disability. The majority of service users are frail, physically or mentally disabled and have an age related illness and experience social isolation.

4.3 The current service is provided Monday to Friday with operating times from 9.00am to 4.00 pm. Service users attend on average six hours per day, three days per week. There is currently 8 staff (7.2 FTE)

5.0 New Millennium Day Centre

5.1 This Centre is a purpose built day centre situated in close proximity to Willesden Centre for Health and Care. The building and site is owned by Health and the Council hold a 90 year lease.

5.2 The Centre provides day care services to 87 people who have a physical disability, 28 people who have a learning disability, of which 8 are between the ages of 55 and 77 and could be considered eligible for older people and dementia services. On average 35 people use the day centre on any given day. Some of the service users have been attending for up to 30 years and have become very attached to the centre.

5.3 The current service is provided Monday to Friday with operating times from 9.00am to 4.00 pm. Service users attend on average six hours per day, three days per week. There is currently 14 full time staff.

5.4 The focus at this centre was to explore the opportunity to support users to access alternative existing provision and to involve them in a co-production process to develop new services which will not only meet existing needs but will also support greater independence

6.0 Consultation and Co Production Overview

6.1 As agreed by Cabinet in February 2015, the Council began a statutory 90 day consultation process with users and carers at Kingsbury Resource Centre. The consultation process followed statutory guidelines and consisted of a series of supported and facilitated meetings where the proposal to close Kingsbury Resource Centre was discussed in depth with the people likely to be most affected by it. The purpose of these meetings was to allow users and carers to share their views on the proposals, and to give them the opportunity to make sure that the impact of the proposed closure was captured. It is important that users and carers are given the opportunity to share the impact of the proposal with officers and elected members in their own words, and the purpose of these meetings was to gather and collate these views to allow members to make a fully informed decision.

6.2 Alongside the statutory consultation process, the Council worked with service users, carers, the voluntary and independent sectors and other local partners to co-design future options for the delivery of day opportunities at New Millennium Day Centre. Co-production is a collaborative, non-statutory process. The council believe that co-production is the right thing to do, and that better quality services can be created through a co-productive process. Therefore, the Council chose to begin a co-production process in order to develop options which would make the New Millennium Day Centre more sustainable and personalised for both current and future users. The co-production process consisted of a series of meetings with users and carers, both in small and larger groups, where the focus was to identify what changes and improvements could be delivered through the existing centre, and what other opportunities to deliver new services, to new users groups might exist.

A more detailed summary of both the consultation and co-production processes are set out below:

6.3 Consultation Kingsbury Resource Centre

6.4 The statutory 90 day consultation programme commenced in March 2015. 18 Meetings were held in total with service users, carers and staff. There were 9 specific service user meetings. All discussions were captured by a note taker. Key workers, advocates, translators and a Makaton signer were also available to assist service users to express their views. There were 9 carers meetings. All discussions were captured by a palentypist which provided a verbatim record of what had been discussed. Translators were also present.

6.5 The consultation process raised a number of concerns, questions and comments in response to the proposal to close Kingsbury Resource Centre. A summary of the key points raised is set out below:

- Users do not want to lose the day centre as a meeting place and they value and do not want to lose the friendship groups they have formed at the centre.
- People expressed a fear of having to stay home and being socially isolated.
- Some people, both users and carers, were apprehensive about the assessment process and whether this would lead to a reduction in service.
- Service users do not want to lose the relationships they have with their key workers.
- The need for transport because of frailty and mobility problems was highlighted as a key concern. However, some groups also identified that they were travelling a long distance to get to the day centre and if there was a similar resource they could access locally, that would be good
- People felt that there were not enough day care alternatives in the community.
- Some people expressed that the repeated focus on day centres made them feel like a burden to the council and did that they did not feel valued.
- Many people said that they wanted a more cultural specific centre which would better meet their needs.

Carers concerns focused on the following;

- Carers raised the view that the changes are driven by the need to save money rather than to drive improvements to the service.
- Concerns were expressed about the quality and relevance of current assessments, and the need for future high quality, transparent assessments and support plans was highlighted.
- Carers wanted to know why the cost was higher for Kingsbury Resource Centre than the associated cost within the independent sector.
- People raised concerns about the timescale for any changes.
- A suggestion was made to consolidate the services provided at Kingsbury with other local services.

6.6 None of the concerns raised were unexpected, and were based on understandable confusion at the start of the process and fear for the future. Council officers were able to reassure both users and carers by clarifying that the consultation was about providing services in different ways, not reducing or removing services. Officers were also able to reconfirm that reassessments would be clear and transparent, personalised and focused on individual need. It was also confirmed that assessments would be person centred, would involve people important to the user, such as friends, families and key workers, and that every effort would be made to take into account existing friendships groups as part of transitional arrangements. The detailed responses to the points raised above are set out in the consultation and co-production report at Appendix A.

6.7 Co-production New Millennium Day Centre

- 6.8 The co-production process commenced on 19th March and ended on 20th April. The focus was to work with service users and carers to develop options that might make the centre more sustainable. The aim was to look at alternative care solutions working closely with stakeholders to develop a range of more personalised options and to offer service users a way to be truly in control of the services they receive and to work in genuine partnership to deliver the best outcomes. 16 Meetings were held in total with service users, carers and staff.
- 6.9 13 service user and carer meetings were held, and the discussion, responses and questions were captured by a note taker. Key workers, advocates, translators and British Sign Language (BSL) signers were also available to assist service users to express their views. A further 3 carers meetings were held, and responses and questions were captured by a palentypist which provided a verbatim record of what had been discussed. Translators were also present.
- 6.10 3 initial meetings took place, mapping out local community resources and looking at ways of rationalising the number of services. One of these meetings involved a visit to Thurrock Council to review a service model based on a social enterprise organised and managed by learning disabilities service users. This model was discussed and built on in the 4th co-production meeting which concluded by pulling information together from all of the meetings to share with the wider service user and carer groups. Then 12 smaller co-production group meetings were held to inform all service users what had been happening in the previous co-production meetings and to get their opinion on the suggested care service models for the future.
- 6.11 For some service users the concept of a social enterprise was difficult to understand. However, in the main service users were supportive of a service model which they had control over, and they were enthusiastic about improving services and having control over who supports them and how that support is provided. A smaller but significant number of service users wanted the existing staff to own and manage the social enterprise because of their knowledge of the exiting staff and the quality of care that they provide. However, discussions with staff showed that this was not an option that staff are interested in.
- 6.12 A number of useful points and some concerns were raised through the co-production process. A summary of both key comments and concerns raised are set out below:
- Users were worried about the centre closing, and felt that the changes to their service seem to be a continuous process and have been ongoing for at least the last 6 years. They felt the change needed to stop. However, through discussion users were confident that a co-produced solution would be the best way to ensure that they had more control over changes to their services, and they were clear that the aim of co-production was to

develop a more sustainable service which would hopefully mean that there would be less need for a change to the service in the future.

- People raised issues about lack of trust in the Council. Discussions showed that this was primarily as a result of many users having been through changes to in house day services in 2012 and some issues with this process. Through the co-production process people were able to separate their feelings about previous experiences and the need to bring a positive attitude and open mind into discussions about the future of the service.
- There was a perception that there is a lack of alternative provision in the borough, which was quickly cleared up through discussions. Council officers were able to demonstrate the breadth of provision available, and GIS maps were created showing the many and varied community resources near the existing centre. Some people attending the meeting were surprised by the variety of community resources which were available in the area and participants were interested in discussing how better use could be made of such facilities.
- Some users wanted the Council to come up with alternative options and not leave it to users or relatives to come up with ideas for keeping the centre open. The co-production meetings were an opportunity to discuss why co-production is important, and to explain that the process was not about users and carers needing to come up with ideas, but instead was an opportunity for officers to present ideas that have worked elsewhere in the country for users and carers to discuss and test.
- All users and carers spoke in strong terms about how much they valued their day centre. Users were clear that the centre is special and that they feel like one big happy family. The meetings were an opportunity to explain that the aim of co-production was to keep the aspects of the centre that people valued and that worked well, but also to enhance other aspects of the centre that could be improved. The need to open the centre up to other people who may benefit was also discussed, and meeting participants were keen that other people who may benefit from their centre were given the opportunity to do so.
- Many users raised concerns that they do not want to lose the relationship they have with staff.
- Many carers were concerned that the Council understand how important the centre is to allow them to carry on their own lives. The meetings were an opportunity to discuss the potential for the centre to offer more support to carers, for example, to offer respite or a timebanking service.
- Carers were clear that assessments needed to include carers in order to be genuinely person centred and staff were able to reassure them that this was a necessity under the requirements of the Care Act.
- Most carers understood the need to focus on making the service sustainable, and were helpful in supporting service users to understand that their service needed to change and evolve.
- Many carers were enthusiastic about the potential of the model to deliver better services and to provide other types of services that are currently difficult to access, such as personalised respite and personal assistants.

- 6.13 Council officers facilitating the meetings were able to address most concerns, and the meetings were ultimately positive and open forums for sharing ideas. Although it was acknowledged that a certain amount of mistrust in the Council would likely remain, all meeting participants agreed that it was important to move on from past experiences and that for co-production to work we would all need to focus on the future.
- 6.14 Openness and transparency was an important aspect of all meetings to ensure trust and confidence in the process. Continuous and effective communication was maintained across all stakeholder groups and delivering and sharing key messages in a timely way helped to rebuild trust.

7.0 Options for Change

7.1 Kingsbury

As a result of the outputs of the consultation meetings, and after further work with relevant council officers, including finance, commissioning and operational social care, this report sets out the benefits and disadvantages of two potential options for both the future of Kingsbury Resource Centre and the best way to provide day opportunities for current users.

These options, including potential benefits and disadvantages, are set out in detail below. All options were considered within the context of the need and desire to implement the Day Opportunities Strategy which sets out the Brent vision of supporting people to be fully integrated into their communities and for services to be more personalised to the individual. They were also considered in the context of existing market capacity and the need to ensure that services offer the best value for money.

7.2 Option 1: To develop Kingsbury Resource Centre into a community based multi-purpose centre

Feedback from the consultation meetings with carers and service users suggested that there was a strong desire and appetite to explore whether the centre could be developed and sustained through working in partnership with the voluntary and community sector. Meetings focused on exploring this option further by testing the practicalities of how this might be achieved. Detailed options considered included:

- a) Asking the voluntary and community centre to take over the running of Kingsbury Resource Centre
- b) The Council working in partnership with another organisation to share the risk and jointly manage the centre
- c) The council continuing to own and run the centre, but to develop services further to make KRC a specialist dementia care service

These options were carefully considered, but are not recommended for the following reasons:

- a) The current market for day services in Brent, including services provided by the voluntary and community sector, is over saturated. Day services commissioned by the Council are operating at a utilisation rate of 60%, and new customers are less likely to choose a building based day care option, which means that unless services are better used in the future they are likely to prove unsustainable. Therefore, there is a need to reduce the amount of day care provision currently available and funded in Brent, not to increase it or sustain it at current levels. Further, discussions with potential providers have shown that current users can be accommodated within existing provision.
- b) Discussions and investigations by the commissioning department have shown that there is no appetite for a risk share or a joint management delivery model within the market. Because existing day opportunities are under-utilised, most providers in this market space are already in possession of viable buildings to use for the delivery of services and they do not see any commercial benefits to taking on or sharing the running costs of another building. Demand is not high enough for the centre to be commercially viable and providers are therefore not interested in this option.
- c) Demographics show that the incidence of dementia is rapidly increasing and is likely to continue to increase in the population. Discussions were had about the need for a specialist dementia centre to meet this need now and in the future. However, there are already a number of specialist dementia services available in Brent, and there is spare capacity within these providers which can meet the need for day opportunities for people with dementia. Additionally, national best practice and the agreed day opportunities strategy for Brent both state that the preference is to support individuals with dementia through services which support people to remain in and are embedded in their communities. A number of specific dementia projects and initiatives, such as the Community Action Dementia project are focused on developing and joining up these services. Therefore, it was felt that a separate dementia day opportunities services was not necessary or desirable.

Due to the ready availability of capacity in the day opportunities market, the likelihood that the costs of the existing service and building would make it commercially unviable in the medium to long term and the desire to support people to access more individualised services, the option of keeping the centre open through any of the ways set out above is not recommended.

7.3 Option 2: To Close down Kingsbury Resource Centre, spot purchase placements within the voluntary/independent sector and release the building to be either sold or transferred as part of a community assets transfer project.

A number of key factors make this the preferred option:

- a) Existing market capacity – work by the commissioning team shows that existing day opportunities providers are operating at 60% utilisation rates.

Therefore, unless utilisation is increased amongst these providers, it is likely that some of them will prove unsustainable. The vision in Brent for day opportunities, as set out in the Day Opportunities strategy, is that individuals will be able to access a range of different day opportunities options. Therefore reducing the number of providers in the market would be undesirable and would lead to decreased choice and control for service users and carers. It is also clear that existing service users would be able to be supported within existing voluntary and independent sector services.

- b) Sustainability - Kingsbury Resource Centre is not likely to prove a sustainable service in the medium to long term. Because of the number of other providers and options that exist in the market in Brent, the service is not likely to prove sustainable or cost effective.
- c) Alignment with Brent Day Opportunities Strategy – Kingsbury Resource Centre is a building based services which means that it does not support the agreed vision for day opportunities in Brent. Best practice and research shows that people benefit more from individually tailored services, based within their own communities, which have the flexibility and responsiveness to be reactive to people’s changing needs and goals. The nature of a building based service is that it is less able to be responsive and flexible due to the fixed cost of operating.
- d) Potential efficiencies - closing Kingsbury Resource Centre would generate a potential saving of £150k on the current base budget and a potential capital receipt if the building is sold.
- e) Supporting choice and control for service users - in order to safely and seamlessly re-provide services for existing users within commissioned provision, all existing users will need to be reassessed. The assessment will make clear the impact of any changes on the individual and will enable the council to support users to better understand the range of options available to them. A person centred approach will be used to ensure that users have maximum choice and control over the services they eventually receive, and to ensure that the most appropriate support is secured to achieve the outcomes individuals want. This process will be supported by care management and will involve service user’s families and friends, an independent advocate or someone from the Independent Mental Capacity Advocacy Service for people who lack mental capacity and have no one to support them as appropriate to ensure a holistic approach to meeting and supporting need. Consideration will be given to existing friendship groups and the aim will be to ensure service users are able to access new services and activities together with the friends they have made at their current day centre. It is also likely that existing service users who have requested a more culturally appropriate service would have their needs better met through this approach.

Therefore, closure of the existing service and re-providing for current service users within existing commissioned services after an individual assessment of need is the recommended option.

7.4 New Millennium

7.5 As a result of the outputs of the co-production meetings, and after further work with relevant council officers, including finance, commissioning and operational social care, this report sets out the benefits and disadvantages of the development of a social enterprise model at New Millennium Day Centre.

Potential benefits and disadvantages to a social enterprise model are set out in detail below. This model was considered within the context of the need and desire to implement the Day Opportunities Strategy which sets out the Brent vision of supporting people to be fully integrated into their communities and for services to be more personalised to the individual.

7.6 What is important to the service users at New Millennium Day Centre is having a good quality service that supports their needs and is sustainable for the future. They want services that enable them to have a quality of life and choices, and they understand that this could be at the centre as well as within the community they live. Ultimately, service users want continuity and longevity of service and they are anxious to avoid continued uncertainty around their services. In light of this, co-production meetings concluded the social enterprise model is the best solution for a sustainable future and will best support their needs and continued well-being. Meetings therefore focused on discussing what a social enterprise model based at New Millennium Day Centre could deliver and how this would support the centre to become sustainable for the future. A summary of the options discussed is set out below.

7.7 There has been a growth within the social enterprise market across the UK, largely driven by central government policy changes and funding arrangements within the public sector. There is a general recognition that social enterprises provide greater organisational autonomy for those who use the services and that this type of model allows more freedom over how services are run. There is also evidence that social enterprises are often managed more efficiently and effectively because those involved in running them have a personal interest in the success of the operation.

Discussions with service users, carers and providers focused on utilising New Millennium Day Centre as a base and having a range of services provided from that base. Services and benefits of an enhanced social enterprise model would likely include:

- Day opportunities being delivered through the centre, but using the centre as a meeting point, hub or base, and supporting users to access the community more.
- Making better use of the building through extended operational hours, potentially including evenings and weekends.
- Using the centre to offer different and more personalised respite support for carers as well as service users. For example, the centre could support people to use, pool and co-ordinate their individual budgets so that groups of users with similar interest could access respite through a

supported holiday arrangement at Centre Parks or elsewhere. Or the centre could facilitate the creation and management of a timebank system, where carers traded respite arrangements and supported each other. This could include more flexible, shorter periods of respite, for example, an afternoon or evening, and would allow carers to build up a network of trusted individuals who could provide support to each other.

- Individual and personal budget co-ordination and management. Evidence has shown the users have far better outcomes when their services are personalised, but that many users and carers are wary of the perceived administration and bureaucracy that comes with an individual budget. The centre could offer a way for users and carers to support each other to access, arrange and manage individual budgets.
- Personal Assistant registration and co-ordination. Many users and carers use personal assistants as a way to manage their needs. Personal assistants allow people to develop a relationship with their carer (s), and allow carers to offer personalised and flexible support. However, as with individual budgets, many users and carers are unsure how to arrange and manage a personal assistant. The centre could offer a way to match potential personal assistants with people who need them, and support users and carers to manage the process. Personal Assistant support could also be purchased using the existing staff group and paid for from individual service user's personal budget allocations.
- Opportunities to work more in partnership with individual voluntary and independent organisations can be realised. An example of this could be sharing or expanding transport arrangements and routes therefore putting in reach more day services opportunities across London.
- Support for people to live independently in the community. Either through supporting the development of a personal assistants network, or through being able to support people to access care in a more individualised way.
- Training and development for disabled people and to source opportunities for individual personal development. The centre already offers some IT classes which help users to become training assistants and therefore provide a train the trainer model. Users at co-production meetings spoke with enthusiasm about how they would like to develop those skills further and in other areas, and how they would like to expand access to such classes to other members of the community who may benefit, for example, older people or people with mental health issues.
- Supporting young disabled people in the transition from school to adult life including to include further educational support. Many users and carers were clear that in order for the centre to be sustainable, they would need to offer services that attracted younger users. A popular suggestion was that older or more independent users would like to offer peer support to younger people to support them to become more independent. This could be in a variety of ways, for example, supporting younger people to be able to use public transport with confidence, or supporting younger people to access training and educational opportunities.
- Supporting people into employment, including volunteering. Many users were very vocal about the fact that they want their skills and strengths to be recognised and used. Many people stated strongly that they felt they

had a lot to offer the community, as well as needing some support themselves. Users and carers were clear that they would want a social enterprise to support users to have more access to employment and volunteering opportunities.

- Brokerage support to help people understand the care market maze. With the implementation of the first phase of the Care Act, users and carers recognised that they could have an important role to play in offering support to other people, including self funders and older people, to navigate what is often a confusing and daunting system. Suggestions included being able to offer advice, but they were also interested in offering a more comprehensive 'brokerage' service where they could support people to identify, commission and manage their care.

7.11 Through the creation of a social enterprise, a wide variety of services could potentially be provided which meet with current and future community needs and enable people to have the lifestyle of their choice, either at the centre or in the community. Users and carers also discussed the challenges to the creation of a social enterprise, and these are set out below:

- A strong and committed Management Board will need to be developed made up of current service users, relatives and individuals who have the appropriate business and financial skills. Currently there is a management committee, however it is likely that a new structure and a revised membership will be required to ensure that the committee is clear about their role and has the requisite skills to deliver a social enterprise model.
- Other social enterprise models have taken a significant amount of time to set up and develop. The Thurrock model originally had a 5 year service level agreement with Thurrock Council with a budget of £1.5m. This funding structure could be replicated for the New Millennium Day Centre social enterprise model and service user's personal budgets could support the revenue stream required to sustain the service. It is envisaged that as the enterprise matures the ties with the Council will begin to diminish and the operation will become an independent entity.
- A detailed business case, project plan and implementation plan would need to be developed. It is likely that in order for the social enterprise model to be successful, it would require some up-front investment from the council in project management costs and resource and that potential efficiencies from the model would not be realised until much later in the process.
- The delivery of the social enterprise model will need to be based on effective planning, investment and a supportive commissioning. In particular it will be essential to involve legal professionals and people with business skills and financial skills to develop and grow the business. Continued engagement with service users, carers, staff and others will be crucial to the successful implementation of all these changes.

7.12 Users, carers and staff, in consultation with and supported by officers from across Adult Social Services were clear that a social enterprise model would be

the most sustainable approach and would deliver the best outcomes for service users in the medium to long term. Therefore, it is recommended that officers bring a full business case to cabinet in the autumn to include details on structure, governance, finance, risk, timescales and other potential implications.

8.0 Financial Implications

- 8.1 The 2015/16 base budget for Kingsbury Resource Centre is £550,700. This report has two options proposed for the future of the centre.
- 8.2 Section 7.2 of this report outlines the issues and considerations associated with Option 1. It should be noted that this options offers limited opportunities for savings and could potential add costs pressures it terms of under utilisation of the service.
- 8.3 For Option 2 the financial implications are clearer as the current building would no longer be required. The exact saving against the current net budget is dependent upon the mix of clients opting for alternative spot purchased provision and those whom will be given a direct payment. Modelling that has been undertaken suggests a saving of £150,000. Section 7.3 of this report outlines the issues and considerations associated with this option.
- 8.4 The two options for Kingsbury Resource Centre form part of the wider transformation of direct services initiative that has a full saving requirement of £755,000 over 2015/16 (£432,000) and 2016/17 (£323,000). The saving generated through Option Two is at a sufficient level to indicate that the full saving for the service can be fully met. These savings are monitored as a part of the council's budget monitoring process.
- 8.5 If neither option were to be agreed, the department would need to develop alternative saving options within the service.
- 8.6 In both options there is also a possibility of one-off redundancy costs being incurred that would need to be contained within the council's general fund.
- 8.7 The financial implications for the social enterprise model for the New Millennium Day Centre would be assessed as part of the business case development. This would recognise the long term challenges for the council so any community enterprise would be seeking to reduce operating costs.

9.0 Legal Implications

- 9.1 An underpinning principle of the Care Act 2014 is the promotion of health and wellbeing to prevent, reduce or delay the need for care and support focusing on keeping people as independent as possible through prevention and early intervention. Comprehensive information and advice will enable individuals to make early informed choices about their care and support.

- 9.2 As the Council puts actions into place to deliver the Day Opportunities Strategic Plan, there is a need to be clear and precise about processes and to ensure we act in accordance with our duties under the Equality Act 2010.
- 9.3 Cabinet members are reminded that they are under a duty to have due regard to protect and promote the interests of persons with protected characteristics, to consider and analyse how the decisions they make are likely to affect those with protected characteristics and to remove any unlawful discrimination, or other protected conduct and to consider whether practical step should be taken to mitigate or avoid any adverse consequences. In addition Cabinet members must also take into account the necessity of providing cost effective and good quality services and these or other requirements may mean that those types of considerations ultimately justify a decision which does to some extent adversely impact on people with protected characteristics.
- 9.3 The impact assessments, including feedback from consultation or engagement where appropriate, will also be made available in compliance with the 2010 Act.

In addition to the legal implications outlined above, we must also ensure that the Council is satisfied that the needs of the service users are being met and that the enterprise model is sustainable before the Council's ties diminish, so that we are not in breach of our statutory duties.

10.0 Diversity Implications

- 10.1 All options presented in this report will ensure that all people who are eligible for a service continue to receive one. It is important to note that any of the proposed options for consideration in this paper will be considered on the basis that the council has a statutory duty to provide an appropriate service for those people who are assessed as eligible to receive one.
- 10.2 The proposed options and social enterprise model for consideration and assessment as set out within this report will create a more positive approach to diversity, ensuring that individual needs, whatever they may be, are addressed in a more personalised manner. It will also provide people with more control over the way they live. This is reflected in the focus on person centered planning as the foundation of the implementation of any major changes to the service.
- 10.3 The Consultation and Co-production processes ensured that a diverse range of issues has been discussed, included all the protected characteristics highlighted within the Equalities Framework.
- 10.4 Following on from the Consultation and Co-production meetings the Equalities Impact Assessment has been updated to take into account the comments made and the associated impact and mitigation. This is attached as Appendix 2 and will inform any plans for future day opportunities provisions.

11.0 Staffing Implication

- 11.1 **Kingsbury Resource Centre Option 1:** *To take forward the ideas from the co-production sessions and work with the Voluntary Sector.*
- 11.2 Subject to consultation and further consideration by the Cabinet, any outsourcing of the management and operation of the Kingsbury Resource Centre would have significant staffing and accommodation implications. TUPE will apply to approximately 8 council staff working in the centre likely to transfer to the voluntary organisation. Pursuant to TUPE the new provider will be required to meet obligations under the legislation. The procurement process will require that the preferred provider must operate consistently with Brent TUPE processes to protect the rights and benefits of Brent employees.
- 11.3 A requirement will be imposed on the provider to permit former council staff to continue to access the Local Government Pension Scheme (“LGPS”) if they wish by the provider becoming an admitted body under the LGPS. An admitted body under the LGPS will generally bear liability for any pensions’ deficit that may accrue. It is not considered to be in the council’s interest to place 100% of all pensions’ risks on the provider as the provider has no real control over such risks. Where the provider has to bear full pensions risks, its bid will generally be more expensive. As the council is setting a funding envelope for the contract, placing 100% of risks on the provider will instead translate into the provision of fewer services or a lower quality service. In the circumstances, officers sought bids on the basis that a pensions’ risk share agreement will be offered, with the standard form of pensions risk share agreement, agreed by the General Purposes Committee, issued with the Invitation to Tender.
- 11.5 **Option 2:** *To Close down Kingsbury Resource Centre, purchase spot placement within the voluntary/independent sector and release to building to be either sold or transfer as part of a community transfer project.*
- 11.6 The implication of this preferred option would mean that all the staff would be entitled to compulsory redundancy in accordance with the council Managing Change policy.
- 11.7 Within the consultation process 3 staff meetings were held. Staff actively put forward their suggestions on the proposal which included looking at working with other organisations to rationalise resources.
- 11.8 Staff were also quite concern about the future of their jobs and asked many questions related to this. However it was acknowledge that many of these questions could not be answered in isolation.
- 11.9 Trade Unions will be briefed prior to the start of any formal HR consultation process and we will work with trade unions to ensure staff understand the range of support that is on offer to them during the process.
- 11.10 Subject to consultation and further consideration by the Cabinet, any outsourcing of the management and operation of the New Millennium Centre

would have significant staffing and accommodation implications. TUPE may apply to approximately 14 council staff working in the centre likely to transfer to the social enterprise. Pursuant to TUPE the new provider will be required to meet obligations under the legislation. The procurement process will require that the preferred provider must operate consistently with Brent TUPE processes to protect the rights and benefits of Brent employees.

- 11.11 A requirement will be imposed on the provider to permit former council staff to continue to access the Local Government Pension Scheme (“LGPS”) if they wish by the provider becoming an admitted body under the LGPS. An admitted body under the LGPS will generally bear liability for any pensions’ deficit that may accrue. It is not considered to be in the council’s interest to place 100% of all pensions’ risks on the provider as the provider has no real control over such risks. Where the provider has to bear full pensions risks, its bid will generally be more expensive.

Contact Officers

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APPENDIX A

Adult Social Service

Direct Services

Kingsbury Day Centre Consolidated Consultation Report July 2015

Introductions

In February 2015 Brent Council Cabinet agreed that officers could consult with service users, carers and staff at Kingsbury Resource Centre on a proposal to close the day centre. The statutory 90 day consultation programme commenced in March 2015. 18 Meetings were held in total with service users, carers and staff. There were 9 service user and 9 carer meetings. All discussions were captured by a note taker. Key workers, advocates, translators and a Makaton signer were also available to assist service users to express their views.

The 90 day consultation process has raised a number of issues in response to the specific proposal to close the centre. Many questions were asked at the consultation meetings as well as email and letter exchanges. The various questions and issues are highlighted below with the appropriate response from the Council.

This document provides a detailed overview of the discussions with 3 separate groups in the following order:

- Service users
- Carers
- Staff

It sets out the key questions and answers from individual meetings, lessons learnt from the process and then at the end there is a summary of the key issues.

Items	Subject of Discussion
<p data-bbox="69 272 192 339">Service User</p> <p data-bbox="69 379 192 416">Month 1</p> <p data-bbox="85 719 125 863" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 28</p>	<p data-bbox="259 272 645 304">Key Questions & Answer</p> <p data-bbox="259 309 898 341">Q: Will a social worker come to visit us first?</p> <p data-bbox="259 346 2056 416">A: First, the information from the consultation will be pulled together and members will to make a decision in June then a social worker will come to you to assess your needs and ensure that you receive the support you are eligible to receive.</p> <p data-bbox="259 456 898 488">Q: What happens when the money is gone?</p> <p data-bbox="259 493 2107 600">A: If your assessment indicates you have a need, then you will be allocated money to get a service (a Personal Budget). If you decide to go down the route of direct payment, then you can purchase a service using that money. If you choose for the Council to purchase a service on your behalf, then officers will do that.</p> <p data-bbox="259 639 1630 671">Q: People here are different in terms of physical abilities and needs. Are these going to be met?</p> <p data-bbox="259 676 2152 746">A: Everyone’s needs will be assessed by the social worker and, should they move to a different centre, then all that will be taken into consideration. Nothing should change in terms of people’s needs being met.</p> <p data-bbox="259 786 2107 857">Q: We come in on Thursdays. We enjoy it and are able to practise our English with staff (emphasis on enjoyment). If this centre is closed, we have nothing like that. We look forward to coming here.</p> <p data-bbox="259 861 2123 932">A: If the centre closes then friends can stay together. There are other places which provided the similar cultural activities you enjoy here. I know that people have close friends and want to stay together – it is not the Council’s intention to break up friendship groups.</p> <p data-bbox="259 971 1532 1003">Q: This place is my second home. What am I going to do if it closes? Feed the pigeons?!</p> <p data-bbox="259 1008 2107 1078">A: If the centre closes, everyone will have another service – no services will be taken away. Everyone who has eligible needs will have their services provided. Everything that you do here, you can do in other centres. You will not be stuck at home.</p> <p data-bbox="259 1118 2145 1189">Q: We don’t want to go to a new environment. We like it here. If we go to another centre then we won’t know anyone. We don’t want to go anywhere else, we like the staff here.</p> <p data-bbox="259 1193 1016 1225">A: This is noted and will be taken into consideration.</p> <p data-bbox="259 1265 2145 1335">Q: If you are looking for savings, can any savings be made on transport? Maybe, charge us a nominal sum for morning coffee or cut down on some transport routes</p> <p data-bbox="259 1340 1122 1372">A: Possibly. They are both good ideas that we will look into.</p>

Service user - lessons learnt - Month 1

- To ensure that at each meeting the easy read presentation is re-capped to ensure the proposal to close Kingsbury Resource Centre is clear to all participants.
- To ensure advocacy support is available at all service users group to improve communication and understanding.
- To rotate the days of the week that the next wave of meetings are held on to ensure all users have an opportunity to contribute as some of the users attend day care on different days.

Service Users

Month 2

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Key Questions & Answers

Q: Concerns were raised about accessing services through private organisations and if KRC were to close the belief is that the council would not open a new centre.

A: Private/Voluntary Day Centres/organisations will offer the same service, and they have the capacity to support additional people.

Q: Nancie asked how many days service users attended and what they did on days they did not attend.

A: The response was that they feel lonely and get bored not having anyone to talk with or socialise with. Even though some service user only attend 1-2 days a week they look forward to meeting their friends, which they have made over a number of years from Attending KRC. If KRC were to close the belief is friendships will be lost.

A: Nancie said the council would make every effort to keep friendship groups together.

C: Nancie mentioned about Direct Payments being used to access a service of their choice, following individual assessments.

Q: Many of the KRC service users are unable to get out due mobility problems and dementia.

A: Nancie reiterated that savings will need to be made and this will be in the form of day centre running and building costs.

Service Users Ideas

- Merge with the New Millennium Day Centre.
- Letting the building out to other people/organisations.
- Service Users paying towards transportation cost.

Q: Will we have to pay for services in the private sector.

A: No, your Personal Budget, will be your contribution giving you the option and choice to choose your own personal assistance. You should not have to pay more than you are paying here.

	<p>Q Asked if the councillors could be invited to the day centre so they can have the opportunity to ask their questions and raises their concerns and directly.</p> <p>A: Nancie said she would try to arrange for a councillor to visit as soon as possible however it was dependant on the availability.</p>
<p>Service user - lessons learnt - Month 2</p> <ul style="list-style-type: none"> To have the Keyworkers closer in the Consultation meetings to support users and to minimise any anxiety and apprehension. 	
<p>Month 3</p> <p>Service Users</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 30</p>	<p>Key Questions & Answers Meeting attended by Cllr Hirani (Cabinet Member) Phil Porter (Strategic Director)</p> <p>Q: Service Users asked if we link up with NMDC, bearing in mind that they deal with L/D clients, will there be a different section for OAP clients? A: Nancie responded that there are already some older people service users attending that Day Centre and they will look at re-organising the Centre if there is an increase of Service Users with different care needs.</p> <p>Advocate: Invited service users to recap on what has been said on the proposal to close the day Centre. Service User responded by confirming that the Council needed to save money and they proposed to close KRC, ways of Making savings are being considered and service users will not be abandoned , if possible Judy will ensure that friends are Kept together.</p> <p>R: We have been told that this is the only centre like this that council still has in Brent and if it closes, maybe you will go to different centres in the borough that might be private and voluntary centres and the service user is saying you don't want to do that so what will happen.</p> <p>CLLR HIRANI: There are a number of other charity organisations in the borough which provide similar service.</p> <p>Q: Most of us people can't get around we have to rely on transport and every thing else.</p> <p>CLLR HIRANI: Transport is an important issue when going to any day care centre and when you are out in your every day lives as well. With transport we still have 3 months. We will look at every individual's plan and make sure they are supported to go to the day centre of their choice, it does actually depend on your individual circumstances, where</p>

	<p>you live and the day centre you choose, I can promise that we will look at every individual's needs specifically depending on what their need is, where they need to go, where they live.</p>
<p>Service user - lessons learnt - Month 3</p> <ul style="list-style-type: none"> It was important for the users to have allocated time to speak to the Director of Social Services and Councillor. 	
<p>Summary of Key Questions, Answers and Comments from service users</p> <ul style="list-style-type: none"> Most users do not want Kingsbury Day Centre to close. This was acknowledged. Many users feel attached to the day centres as social meeting places and have build friendship over the years. Any potential move will take into consideration friendship groups Friendship groups will need to be consider and to ensure users stay in their groups if they are re-located as many of them have known each other for a considerable amount of time. Some of the service users live in Supported Living and staying at home was a worry for many of them. Anyone who has eligible needs will continue to have their service By wave 3 consultation meetings users were getting a better understanding that Kingsbury Resource Centre may close and another service will provide day care provisions. Service users will have a choice in where they could go and what activities they want Some of the Gujarati Users live in the South of the Borough and would embrace moving to another service if they could stay together. This will be taken into consideration as part of the assessment process Service Users stated they were willing to fund transport or look at other options if it meant making savings and the day centre can remain open. This suggestion was welcomed Some of the users were concern that they would not received the same days of day care provision as they are receiving now. The assessment process would address their needs and may include increasing days Transport was a major factor of concern due to service users mobility and they were reassured this would be looked into. 	
<p>Carers Meeting</p> <p>Month 1</p>	<p>Key Questions & Answers</p> <p>Q: Will I still be coming five days a week as I do at present?</p> <p>A: A service users needs will be re-assessed after any Cabinet decision in July, so nothing will change between now and June. If that person is assessed or reviewed as requiring five days' service, then that is what they will receive.</p> <p>Q: My father suffers with dementia. He is not going to get any better.</p>

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	<p>A: Everyone has an annual review no matter what, whether we are proposing this change, we have an annual review. Some people's needs improve; some people's needs do not improve. Your father will always get a review of his service. Any review process will look at all of your father's needs and all the support he receives. He (and you) will have a choice about where that support is provided. If he is assessed as needing five days, he will get those five days. Nothing really may change. What may change is that the support will not be provided here.</p> <p>Q: Is somebody exploring opportunities with developers to perhaps keep this bit as it is and then modify it or then on top build lots of flats? You could save costs.</p> <p>A: Not at this point in time. Co-production looks at all information, but this building is currently also used by another service, so it is not that simple.</p>
	<p>Carers meetings - lessons learnt - month 1</p> <ul style="list-style-type: none"> • To organise the meetings during the day so that carers who could not make the evening sessions could attend. • To ensure the palantypist minutes are sent out via e-mail and everyone has a copy of the discussions
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 3 Month 2 Carers Meeting</p>	<p>Summary of Key Questions, Answers and Comment</p> <p>C - One thing I have to stress is that everyone who has eligible needs will not have their service taken away. Everyone who has eligible social care needs and services will continue to be provided.</p> <p>C Friendship Groups are also a key factor and we strive to keep everyone together to make sure that people can do their activities, whether it's here or anywhere else in terms of co-production work that Friendship Group will stay together. I know that people have been together for a number of years and that's really important to them.</p> <p>C As part of the consultation, we have advocacy to support our service users to ensure they are able to engage in ideas, putting forward their concerns or their suggestions about moving things forward.</p> <p>Q: There was something up on there about Direct Payments, I'm not sure what they are?</p> <p>A: People who come here have a Personal Budget, the cost of the support they receive. There's an opportunity if people want to have that sum of money directly, which is called a Direct Payment. Then they can choose how to spend that money to meet their needs. They may choose not to come to this day centre, they may choose to do other activities in the community or several activities in the community and in doing that pay for a personal assistant to take them to those personal activities.</p>

	<p>Q: A lot of people are dependent on relatives who might be a full time carer and they could get them here. I was never told if I could get my father here the centre might close because that's less cost to Brent. If someone had said that I'm sure someone would pick him up and get him here every Tuesday. If Brent doesn't ask we don't know. Those are the little things that make the difference, to think outside the box and think smartly. I'm just throwing that out there. If one of your major expenses are your transport let's see what we can do as a community. I'm sure people in this area would pick up an elderly person and bring them here as part of your costs.</p> <p>A: I hope so as well, that's a commitment that people have to commit to. It takes part of their day away. Another thing we can look at is how we actually stagger the operating times within the day. Some people work different times.</p>
<p>Month 3</p> <p>Carers</p> <p>Page 33</p>	<p>Key Questions & Answers</p> <p>Q: Basically what you are saying is someone outside, another centre or something, could take this one over?</p> <p>A: I see three different options. If the current model is not viable, everyone who is eligible can have their service re-provided elsewhere in the borough and what goes with them is their personal budget. The second option is to see whether or not we can work closely with local organisations who do something similar and we can either give them the service to run and the council steps away, but how that looks I don't know because we haven't had those discussions, those are long term discussions. Or we could commission that service, so we pay a provider to provide that service and nothing should really change.</p> <p>Q: So still use this centre?</p> <p>A: Yes.</p> <p>Q: That would be great for everyone, wouldn't it? What organisations will take it over? How much will my mum have to pay? Will it be a payment scheme?</p> <p>A: No, it's just a different provider. Technically we are a provider of services and the council in the long term will not be a provider of services anymore. There will be a commissioner of service and a lot of local authorities do not provide services directly anymore. An example is who collects your bins.</p> <p>Q: It's all contractors.</p> <p>A: Yes, so a lot of services are being commissioned out. This could be something similar, we commission out to someone else.</p> <p>Q: She keeps asking 'am I going next week, am I going Tuesday or not?' I say 'look mum, we will wait and see, we've got a last</p>

	<p>Meeting and see what they decide.’</p> <p>A: There would be a smooth hand over. We would make sure they have been reassessed, about the friendships, groups you are in, The sessions your loved ones like, all of that will be captured in the support plans. It will be a complete picture about your Relatives everything about them</p> <p>A: The consultation has been going on for about 10 weeks now, 90 days. The main concern is fear of losing their service. I reiterated again that people who have needs will have their service re-provided. It may or may not be here, but no-one will have the service taken away. I want to leave on that note that people feel confident that that will happen. No matter what, no-one is going to be stuck at home.</p>
<p>Carers meetings - lessons learnt - month 3</p> <ul style="list-style-type: none"> The need to ensure the continuous engagement and effective communication with carers and to be open and transparent throughout the future follows up of the project. 	
<p>Carers - summary of Key Questions, Answers and Comments</p> <p>Page 34</p> <ul style="list-style-type: none"> Carers oppose the closure of Kingsbury Resource Centre because of the rapport their loved ones had built up of a number of years with other users who they see as their friends. Assurance was given in terms of keeping friendship groups together Worried about the change would affect the service users and they would be emotionally distressed. Support in this process will be provided through care management or other supportive services They are concerned about Transport and whether another service provider will provide this essential service as most of their loved ones have mobility issues and this is a key. This would be taken into consideration as part of the assessment process Concern about their loves staying at home and not having any day care provision to access. This will not be the case as everyone with eligible needs will continue to have their services provide 	
<p>Staff</p> <p>Month 1- 3</p>	<p>Key Questions & Answers</p> <p>Q: The Council has already made up its mind on the change. What is the point of a consultation?</p> <p>A: The Council has not made up its mind – nothing has been decided yet. The consultation is a way of getting ideas together and if something good comes up then it can be taken further.</p> <p>Q: Can we not merge with New Millennium Day Centre?</p> <p>A: That is an option. It also does not have to be New Millennium; it could be a merger with a private or voluntary organisation.</p>

Q: If the centre closes, will there be redundancies?

A: I cannot answer that question until we get to the Human Resources process which will be after members have made a final decision in June.

Q: I think we could make better use of transport services, i.e. the routes could be better managed.

A: That is interesting. So, you mean routes rationalisation.

Q: I would say 98% of service users need the bus, but some could make it themselves. Also, loved ones could drop their family member on their way to work, but at the moment some only let them go via the bus because it is more convenient. If staff starting times were staggered, so that some staff were available earlier, say 8:00am, that would allow more loved ones to drop family members to the centre themselves. It could be more efficient.

A: Thank you. That is a good idea. We will look into that.

Q: Staff enquired about the fact the consultation is no longer going ahead at the New Millennium Day Centre.

A: Nancie informed that following discussions the council members have decided not to consult on closing NMDC, however there will need to be changes in how the centre is run to make it sustainable in the long term..

Q: Why is the council making these changes.

A: Reasons listed below(Highlighted from previous presentation slide)

- ❖ Changes within National Policies to include the Care Act 2014
- ❖ Cost of current services
- ❖ Council budget deficit
- ❖ More choice for Service Users
- ❖ Making better use of our buildings
- ❖ To develop new services and ensure they are more person centred and promote inclusion.

Q: Why have the councillors or Phil Porter not attended any of the consultation meetings at KRC.

A: Nancie said she will invite the councillors and Phil Porter to one of the meetings; however this is dependant on their availability

Staff meetings - lessons learnt – months 1 -3

- To allow Union representation to attend the future meetings if staff feel the wish to express their views and be represented.

Overall summary & next steps

In the main there was a general concern about potential closure of the service. Assurances were given that everyone who has eligible needs will continue to receive services. No one will stay at home feeling isolated. Everyone will have a review of their care service undertaken by a social worker and those who do not currently have a social worker will have one allocated to them. The need to stay with friendship group will be serviced through the review process taking into account specific cultural and language needs.

As consultation moved into co-production ideas were generated to reduce cost and to keep the centre open e.g. paying for transport, beverages served at the centre and partnership working with other organisations. All these views have been taken into consideration and the information will be used to inform the general review of the service and people's individual assessment of needs and the care and support that is provided to them in the future.

Adult Social Services

Direct Services

New Millennium Day Centre Consolidated Consultation Report - July 2015

Introductions

In February 2015 Brent Council Cabinet agreed that officers should work with service users and carers at New Millennium Day Centre to determine proposals for the future of the service. The discussions in this consultation and co-production meetings are summarised as follows.

This document is divided into three sections:

1. Consultation and co-production meetings before the visit to Thurrock, which are focused on initial concerns and clarifying the issues and process
2. The visit to a social enterprise day opportunities service in Thurrock, and the information collated
3. Consultation and co-production meetings after the visit to Thurrock, which focus more on the future and options.

Section 1:

This section provides a detailed overview of the discussions with 3 separate groups in the following order:

- Service users
- Carers
- Staff

It sets out the key questions and answers from individual meetings, lessons learnt from the process and then at the end there is a summary of the key issues.

Group	Subject of Discussion
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Service User meetings	Key Questions & Answer
	<p>Q: The building is hidden and clear signage needs to be put up to make the building easier to locate. A: Things are at the proposal stage and at this point in time the services are geared towards people with eligible needs, who know where the building is. If there is a decision to widen participation, then these changes can be made.</p>
	<p>Q: A couple of other Brent centres have closed, leaving just a few and it will be a shame to see so few left A: If the building closed, then everyone with eligible needs would have their service re-provided for them, no one will be left to sit at home doing nothing. However, there is no proposal to close NMDC at the moment. Nancie also stated that people have made new friends since moving to millennium and will make sure that this is taken into consideration.</p>
	<p>Q: This service means a lot to them and their carers, attending the centre give their carer's breaks, taking it away will cause a lot of problems. As stated previously there is nothing in the proposal about closure, there are numbers of other options outlined to keep the centre open and suggestions are very welcome by the Council.</p>
	<p>Q: Discussion around better utilisation of the building. College is not always a good thing. I don't want to achieve a qualification centre, I want to do something I enjoy, Millennium is our community and we have everything that they enjoy in the centre.</p>
	<p>C: College was not a good experience. I did not want to attend college in the main stream it was a horrible experience, A: This was noted. The college already attends the centre and everyone who attended their classes was happy with what they did.</p>
	<p>C: The centre in its current form is not sustainable as it is very expensive. Different ways are being looked at to ensure the centre either remains open or some kind of collaborative approach with other organisations to make budget savings or close it down and services are provided in the community with user's choices. Service users can choose what they want to do and the council will take it on board.</p>
	<p>C: The Council does not understand what disabled people are going through and what their needs are. The people at the meeting wanted to raise awareness for Brent and hope this will mean they get what they need. A: The Council is aware of the ranges of disabilities in the room and the various needs people have and will continue to support</p>

those people and their individual needs.

C Explained that for the future of the centre, she will be look at working with smaller groups to come up with a proposal. The consultation meeting as from date is completely finished and all parents and carers will be informed by writing and they will also be informed that the co-production is now the focus for all to work on for the future.

A Nancie explained that when these meetings start in the next couple of weeks ideas would be needed, it's doesn't need to be worked out to go into report, it should be workable ideas that everyone agrees with.

Service User – Key Lessons – Month 1 and 2

To continue to listen to concerns and open further communication channels through emails and more visits to the centres

Carers meetings

Q The Care Act emphasises more support for carers. If you take this service away it will put more pressure on us
A That is true about the Care Act, but the proposal is not to take the service away.

Q I heard the centre is not closing.
A Yes that is true

Q When you do annual assessment will you be doing carers assessments at the same time
A Yes, an annual review should always include the carer.

Q We did not know that service users were being consulted.
A We take that on board, and this could had been communicated better, but service users and families are being consulted and this was in the report that went to cabinet in February.

Q How is co-production and consultation going to feed into each other
A My role is to consult and the information from the consultation and the co-production will feed into each other. You will know what comes out from the co-production team.

Q Who is involved in co-production meeting
A Three carers and six service users are at the core representing the wider group, but all service users and carers will be involved.

Q A number of times I have heard comments along the line of lines of unit costs in the private sector, voluntary sector is much better than here It would be good to get sight of what that unit cost is and what is the composition of that cost, what feeds into that unit

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definition.

A Comparable cost takes into consideration building costs, transport and staff costs. I will find out if you can have this information (Information Provided via FOI).

Q You say younger people are not using the service day service centres so much. A lot of them are taking direct payment and they are not aware of the services that are out there, and many of them, while they are young and while their carers are relatively young, that's fine. But these younger people will get older, as are their carers, and the two or three hours a week caring that they buy in from their direct payments will not be sufficient

A The direct payment offer is made at the point of assessment, so it's someone's choice. We have to offer direct payment as a Choice, but it is only ever a choice.

Q Why can't we have this centre operating in say two sections, develop it further, for example, develop a specialism for Learning Disability.

A At the moment now, when those centres close, Stonebridge and Strathcona, a number of service users came to this centre. So we already have a number of people with learning disability here. We can look into this option as part of planning for the long term future.

Q Staying in their friendship groups did not happen when they were in Strathcona. People were dispersed, not according to the friendship groups, but as and where there were places.

A We need to get that right, following from the assessment or review of persons' needs, should there be service changes that need to be done in collaboration with whatever is happening with the friendship group as well, so that when a change is made people bring their friends along with them where possible. We will learn from that experience, the last experience.

Q How are you measuring value for money? What sort of criteria are you using?

A We look at the average cost of a day placement and the quality measures. It is important to note that some centres in Brent are running under-capacity. Some centres cost more in terms of transport. Some centres are not in good quality buildings which increases costs. There is a wider piece of work taking place across all day services to ensure that value for money and quality are consistent. I would stress that we know people really do value the service. It has a very good reputation across the borough. Care managers recognise it as being a place that people want to come to.

Q Isn't that your job to utilise the building as best you can? I mean, talking about services in the hospital, I mean what would we know about that? We would like to work in partnership with everyone. What happens is that if I start making a decision and Council

	<p>starts making a decision and you are not informed or tuned into the decisions; it may not be the right decisions.</p> <p>A Agreed this is why we are carrying out this consultation and the co-production work, which involves the local public.</p> <p>Q How long is this centre open for now? How long is it saved for?</p> <p>A That is a question I can't answer. We are trying to make the centre viable for the next two years at least, and for the long term and the best way to do this is to ensure it is competitive with other day centres in Brent.</p>
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Carers Meetings – Key Lessons
 To be available after consultation meeting to ensure those who wanted further points of clarity and to ensure people can have a 1-1 with the Council officers.

<p>Staff Meetings</p> <p>Page 41</p>	<p>C Most people who attend the day centre use Brent transport or public transport. The transport service could be better utilised as some of the buses come with very few clients, sometimes there are only one or two service users on the bus.</p> <p>A The council is looking at numbers of different ways that people can travel and not just with the buses, some will be confident with one to one, individual taxis is been looked.</p> <p>C The centre has a lot of activities but lots of people are not aware of what goes on here. The service needs more visibility and that is what staff would like to work on. Maybe a new name and some leaflets would help. Ideas to work more like a resource centre base where we can take people into the community more similar to John Billam</p>
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Overall Summary from meetings
 There was an overall concern about closure, and that the council would come back time and time again to look at saving money from the centre.
 It was also stressed that the service provided much needed respite for carers, and service users, carers and staff all valued the service and were wary of change.
 As the consultation moved to co-production people understood this was not about closure, and joint working on how to ensure future viability became the main focus.

Section 2: Trip to Thurrock Lifestyle Solutions

- Feedback was provided by four members of the group
- The group liked the following aspects of the TLS model:
 - Service users were represented on the TLS Management Board (e.g. the director is a service user)
 - TLS provide lots of excursions (e.g. to Butlins, France)
 - TLS has very little involvement from the local council; they are sustainable and financially independent
 - TLS find work placements for service users
 - TLS service users integrate well within the local community (e.g. skills workshops, making use of community and leisure services)
 - TLS provide reablement flats for service users who wish to live independently from their carers (e.g. six months residential life-skills training)
- The group were more wary of the following aspects of the TLS model:
 - There are no day centres; instead, TLS run 4 drop-in centres (informal space used for coffee mornings and meetings with PAs)
 - The majority of TLS service users receive direct payments, rather than make use of formal care and support arrangements
- There was a group discussion about direct payments. Members of the group asked for clarification about the entitlement process (e.g. would it pay for a holiday to Jamaica).
- It was suggested by a member of the group that it would be useful for a member of council staff to do a presentation about Direct Payments at NMDC. This was actioned.
- Concerns were raised about hiring a Personal Assistant (PA) through Direct Payments. The TLS model was referred to as a positive way in which a care provider organisation can support a service user to recruit a PA. At TLS the recruitment process and contract negotiation is managed by the Board.

- It was suggested by a member of the group that the TLS model could be adapted to Brent so that NMDC became a drop-in centre, rather than a formal day centre.
- Concerns were raised about the level of support that would be available to service users at NMDC if the TLS model were to be implemented.
- It was also suggested that a visit to another social enterprise would be beneficial for the group. This was not finalised – the group will feed back to NA.

Section 3: Consultation and co-production meetings after the Thurrock visit

Service user

- It was explained to the group that NA will be facilitating both the co-production (NMDC) and consultation (KRC) meetings going forward. A letter has been sent to service users by HW, listing the dates and locations of future meetings. It was agreed that future co-production (NMDC) meetings will include a wider range of service users and carers. Meetings will take place in two to three groups over the course of a day - or couple of days - depending on the availability of staff, carers, and service users.
- The group agreed that they would prefer to be referred to as “customers”, rather than as “service users”, at future meetings.
- It was suggested that hard copies of future presentations should be available at the day centres. Spare copies of the presentation from this meeting were given to staff at NMDC to make available at reception.
- It was also agreed that links to and / or attached versions of presentations will be circulated via email in advance of future meetings.
- The different types of service model were reviewed with the group
 - Voluntary sector led social enterprise
 - Customer and carer led social enterprise
 - Staff led resource centre
 - Independent / private sector resource centre
- It was agreed by the group that their preferred option would be to create a customer and carer led social enterprise, with help and advice from the voluntary sector on an informal basis.
- The private sector model was ruled out by the group because of concerns about the lack of control for service users (i.e. risk of closure / selling the day centre) and the focus on profit, rather than quality of care.
- The staff led model was ruled out by the group due to the anticipated demanding workload for staff and unrealistic expectations from service users and carers.

- The voluntary sector led model was ruled out by the group due to concerns about new staff and service users and the lack of choice and control for service users.
- The group agreed that the name of the co-production meetings should be changed to “*planning meetings*” going forward.

The above meeting was then repeated with smaller groups at the centre. 12 Groups in total consisting of 5- 8 service users. Those where English was not their first language had a translator and British Language and Makaton signers were available to support them. The purpose of these smaller meetings was to ensure everyone had a share in the options put to them and had an opportunity to have their say.

Out of the four options in the main the smaller groups chose the option of a service user led social enterprise but there was also strong support for a staff led social enterprise organisation.

Carers

The purpose of this meeting was to ensure the Carers of service users had the same information as the service users and those who were part of the co-production meeting. The meeting was to give the carers the opportunity to comment on the four options discussed at the co- production meeting and for then to say what they felt about the models. The below is a series of question, answer and comments made at the co-production meetings

- C I went to see the Thurrock model. It is good. It took several years to get off the ground and the council supported them. It is not model you can copy completely In Brent it will have to be adapted
- C I think it's definitely worth thinking about. We just need to be very, very careful about where we start, what we start with, what the risks are and whether we are capable of managing those risks.
- Q What do other people feel in terms of that idea?
- A Well I think there will be risks in terms of location for example, Thurrock might have access to budget it would be totally different, access to voluntary services will be different. So there will be a lot of differences. We are in an area where just finding space is impossible.

- C We can look at other funding streams. I know some people have direct payments and we've got Public Health so we could tap on their doors and people get independent living funds. There's various existing funding streams. What we really need to do first of all is to look at what is it we want. The 4 models, which you said, it could be a hybrid of those 4, what's workable for here in terms of information about what's available locally and we've improved on that because of the Care Act and we have to now provide information in terms of what is available in the community. At least we've now got a starting point. We've got a software system that can provide all that information, not only in Brent but in the locality, the neighbouring boroughs. So we've got information where people can access and use this centre.
- C All I'm saying is I personally recognise and I know a few other carers have started to recognise we don't have a choice, we have to do something and that something is going to take a brave step, but we need to do a lot of research, we need to, both from the Council as well as carers, do a lot of research, a concerted effort to come up with a model, identify risks and think about how we are going to manage those risks.
- C We have some good staff. Some may move on
- C Barnet have externalised all their services They obviously did it differently. I saw some really good things but I have also seen some not so great things
- Q Is anyone warming to any one of those four options? If I have a show of hands, what are people's feelings about the independent sector coming in, the private sector?
- A No show of hands
- Q The trouble with presenting four options like that is the devil is in the detail a little bit. You can say what the pluses and minuses might be, but it is down to what you specify it as the requirements for the centre, so what it needs to be able to provide. You have not really provided any of that. What are the basic services, what is the bottom line, what are the must haves that came out of the co-production?
- A The must haves are really what people want to see maintained at the centre, which means keeping a very similar service here. That would be specified in terms of an overall specification, but if it's a private sector then they will have to run it as a business.
- Q Could that be put to the private sector or indeed the voluntary sector option; could that be specified in a tender agreement?

A It will have to be because the value of the service -- our procurement rules is that anything that is worth over £250,000 will have to go to a formal tendering process. So whether it's tendered through the voluntary organisation or tendered through the independent sector or both would have to put through a formal procurement process.

Q None of those four options include the Council running it?

A No.

Q Why is that?

A Because the Council can't afford to manage it in that way. In the long term, we don't want to keep coming back to say closure, this centre will close, so we want some kind of long term stability in the centre. So what the Council could do is invest for the first few years.

Q What about in terms of the Council's obligation to make sure that people who attend here have a statutory right to a certain level of service; what does the Council do to ensure that?

A Everyone here who has needs so the Council will still have to support those needs. The Council would performance and quality manage the service in the same way as it does this for other services.

Q There isn't enough meat on the bones here

A They are just options at the moment.

Q You can't cost them.

A We can't cost them out now.

Q They don't have any proposals. All I see from this option is the Council wants to wash their hands of it. That's what the Council want to do is wash their hands of the centre. And then pass the buck into somebody else.

A I think the Council is trying to ensure some kind of long term stability in the service.

Q What is the Council's responsibility in terms of the governance that the Disability Act and all that sort of thing? What is their responsibility in providing this service for Brent

A We have to provide a service for someone who has eligible needs. We don't have provide it directly ourselves.

Q But you have to provide and you have to cost that.

A: Every service is costed out. Everyone has a personal budget here and everyone's needs are different, so everyone's personal budget is different. That personal budget could be spent anywhere.

Q What I'm failing to understand is the money. The money comes from the Government. It pays for people to attend here. Why is the Council not able to do this and why is it looking at these options of farming it out to a social enterprise voluntary sector, resource centre and private organisations

A There are not very many councils now that provide direct services. Most Councils are going towards commissioning services. We have a commissioning department that procures for the home care service, so when we used to have a home care provider in-house. We no longer have that residential care; we don't have any residential homes anymore.

Q How will private organization make money? I would like to see the tendering documents

A This will be confidential as it contains sensitive information

Q Within three months they could go bust because they've over stretched themselves.

A No, there are clauses in the contract. We are a local authority so we couldn't let our service users go under. We have an obligation to make sure that our service users are protected

Q The independent sector can't go bankrupt. They can walk away from the whole thing.

A If they walk away, we have an obligation to make sure that service carries on in some form

Q The private sector coming in they are not going to come in just for the sake -- they want something back in return.

A Of course, yes.

Q Then the quality won't be the same, the staff won't have the same confidence in the new management because they fear for their job and then their heart and soul won't be in the job. I think that it's not right. I know what you're saying, but it's not right at all.

A That is not necessarily the case. The private sector can and do provide many good services.

Q If the staff were running it, it is a big responsibility. It's not fair to put that on them. It's not their family.

- A The staff said that they don't want that responsibility, but they would still have a management team, so it is not as simple as suggested in the question.
- C If we go down the route of a social enterprise supported by service users we will have to provide support. A project manager and some financial skills. The can help the service users build on their ideas and make the enterprise work
- Q It is not fair that the council is doing this.
- A The council is trying to ensure sustainability. Not coming back to look at savings year on year.
- Q It could still happen with the options that you've given us. There is no guarantee.
- A There are no guarantees at all. What is certain is that the status quo can't continue.
- C In all of those options new staff is inevitable even if the service users take control because staff leave. You can still have some of the old staff.
- A Staff can be TUPE'd across but we can't force staff to stay. It will be their choice.
- Q Is the Council's proffered option to go for private
- A No, the Council has not made a choice. We will work with you to decide on an option and work with you to deliver.
- Q Where are you going to make savings
- A It's not about saving money. Remember there are no savings attached to this centre, the consultation said that. It's about making the centre work for the long term, so that we don't come back and say we are going to close the centre in three or four years. There's no saving attached here. The money we have is the budget to run the centre and that's what we've got to look within.
- Q Someone is going to have to lead this I can't imagine even if the staff work with users.
- A Some of the users really wanted to get involved. Some of the users didn't want to get involved, some don't have the skills. Some of the people in the carer groups may not have the skills. It will to be up to the Council to get those skills and resources.
- Q Some of the users can't make those choices. How many people with learning disability are there in this centre that you know of?

- A Off the top of my head, the majority of people here have a physical disability.
- A It's about 28.
- A There are 12 users that have a learning disability. We can get the figures for you.
- Q You said you have had discussion with the voluntary organisations.
- A Yes I have they have expressed an interest in working with us
- Q How do organisations make a profit on a service like this?
- A That's not for me to answer but if they say they are interested then we assume they can make it work
- C I don't like what is going on one little bit, but one thing I will say to all of you is that we can either do this kicking and screaming, or we can get collaborative and start working with it because with or without us, I'm telling you this is going to happen. Right. So let's not waste time going over the same thing over and over again. All the arguments and objections that have been put forward we've discussed them for months. Every time we meet we talk about the same things, like the £40 refuge collection, any number of things. So, either we do this, the choice we can make today is either we do this kicking and screaming and get on with it and they do it to us rather than with us, or we wise up and do it with them. We can get collaborative and start working with it because with or without us, I'm telling you this is going to happen. Right. So let's not waste time going over the same thing over and over again. All the arguments and objections that have been put forward we've discussed them for months.
- Q Is this the last meeting until to submit your report
- A Yes
- C I'm getting quite worried that the clock is ticking and this meeting is going to finish at 3 o'clock.
- A No. 3.30.
- Q: So we've got half an hour to go through the same arguments or we can say something that goes into the report because the report is being submitted and this is the last meeting. The only debate out of the four you pick your choice
- A Not all the service users choose. You do not have to choose any
- C It doesn't matter who runs it, so I think all we can do is try and contribute to what we want out of this service.

- C I wanted this to be the last message from me I am really disappointed about is that the four options you are talking about now is what we've been hearing about since January. Now as far as the meat on the bones is concerned, I am so disappointed that there isn't any kind of governance statements attached to each one of the options that allows us to weigh up the positives and negatives to at least give you an indication of what people prefer.
- Q It's not detailed enough.
- A I understand it's not detailed enough, but the detail but we will need to work up an idea – and present the model later. When I have done something similar in another service we brought down people who have more knowledge about the procurement process and what it means in terms of our legal obligation. So once we've got to a situation where we have narrowed down those options, it may be just the two options that goes into the report, it may be the fact that all four options and a preferred option coming back from what the service users have said, then the next stage is to clarify about governance around that by ensuring the right people are down here.
- C One of the things two will need to happen with each one of those options, whether it's service users led or any of the other options, the reason being that either what they have to do is increase the number of users so that per head cost is reduced. That could be one dimension. The other could be evolving the service in a way that Thurrock, for example, have done which is going to respite care, going into community and earn money by giving people guidance to do the consultation which is what Thurrock are doing. Whether it's expanding and forwarding the service to become more sophisticated or increasing the number of people that are being supported one way or another the business model will have to evolve. So if this is a pure service user led business model, petrifies the hell out of me. I tell you that for nothing.
- A If you take the Thurrock model that's how they started.
- C I know they did, but incidentally because I visited that place, the very first task they did was recruited a CEO whose a smart cookie and is still there. It's not fair to say that it's completely service user led.
- C No one has said to me they don't want X, Y and Z, but what I'm getting from this meeting as a whole is that people are very much against private sector.
- Q Is this change going to happen?
- A The change will happen, so there is no option for not doing anything. The pressures on local government are increasing and it is important that we get on the front foot.

Q So basically in the future the Council aren't going to run the centre?

A Service users and council have developed four different ways in which the centre can run in the future. It's really for yourselves and for the service users to input into those options to say yes or no to a certain degree. If you think it is a good idea and if most people think either one of those options is a potential goer, then that will be worked up into a

Q Does that mean that some of the service users and carers would have to pay towards coming here

A It could well be, but then again that's not the initial model that we're looking at

Q If option three did happen for argument's sake just say this building would they have to rent this building from the Council

A We have a new initiative called community transfer whereby if they can demonstrate that they can make effective use of the building, the building can be transferred across. The contractual arrangements around that I'm not clear about, but there is an option where the building can be transferred to either the community or the independent sector in terms of future

Q If nothing is done sake, if we abstain what would happen then? Would you make a decision or would the Council just choose an option or what would happen then

A Well, we have not got to that, so I don't know. Because people have said they have a preferred option. We do have people warming to an option. We have some people who are more inclined to actively want that particular proposal and then some people who I wouldn't say

Q Is something going to be sent out, like a prospectus or a little booklet or something to look through

A We don't know what the service model is. We have to work up that service model, so as soon as we go to Cabinet and we inform Cabinet that this is the model. We will tell them the four options that are put forward. We will tell them that this is the option that most people seem to be warming towards. This is what the implication of that model is. So I would need to work out the finance implication, legal implication and staff implications as well to give members confidence that the chosen model is a workable model and then ask members to give me the authority to go out and work out a plan.

Q I suppose people will want to know in advance what it would cost them to become self-sufficient.

A Of course. There's a lot more work to do. I need to come back and say what the implications are for the chosen option. I will need to have a discussion with our finance people for sure and then before we move into a co-production working up the project and a project implementation to give people clarity about what the real implications are for this particular proposal

- C I would be leaning to option 4 working with the voluntary organization
- C Lot of people would as well they heard of big charity organization like Age concern, Mencap
- Q Is Mencap the council?
- A No they are a charity who work all over the UK supporting people with learning disabilities
- Q Would there be any change in staff pay and conditions or their pension arrangements
- A That is what transfer undertaking public employment means. It means they take all their terms and conditions with them to the new provider, so they don't lose out in terms of pay or pension.
- Q Transport is important. People will need transport
- A Yes we will take that into account
- C Staff led is also a good option
- A Yes but it has personal financial implication for staff

Summary of this phase of consultation and co-production

For some service users the concept of a social enterprise was difficult to understand and they refrained from the decision to support any of the specific models above and some did not want to get involved in a commercial operation. However, in the main service users were supportive of a service model which they had control over to build on their ideas for improving services and having control over who supports them and how that support is provided. A smaller but significant number of service users wanted the existing staff to own and manage the social enterprise because of their knowledge of the existing staff and the quality of care that they provide. However, staff expressed their dis-interest in owning and managing a social enterprise because of the risk in terms of financial investment.

At the Carer's co production meetings there was a lot of support for no change to the existing day centre service. Three initial meetings were held which included the session where the group went to review the Thurrock Council's social enterprise model. The fourth and final meeting focused at the 4 social enterprise models put forward as options and whether carers had a preference. There was not a clear out right preference on any of the models however; there was a complete rejection on any partnership arrangement with the private. This forms the recommendations put forward to Cabinet.

Proposal to close Kingsbury and New Millenium Resource Centres

Department

Everyone

Person Responsible

Judy Hubert

Created

30th January, 2015

Last Review

30th January, 2015

Status

Assessed

Next Review

30th January, 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)

- Neutral

Kingsbury Resource Centre

Age 60 -70 9 users

Age 70 -80- 23 users

Age 80 -90 28 Users

All service users that access day care provision age range from 65 to 95 years old. Many of them have age related illness specifically dementia, mobility and frailty problems and experience social isolation because many live on their own. Older service users might find it difficult to accept new concepts or adapt to change. Five service users had moved to this centre as a consequence of the closure of previous older people day centres in the borough i.e. Westbrook Day Services and Dollis Hill. They feel that there is nowhere else they can go in the community.

To mitigate the above the consultation focused on ensuring all service users will have their needs re-assessed by the social work team. All those who are eligible will continue to receive a service. Family, Keyworkers and advocate will be part of this process to ensure that the assessment is based on the individual holistic needs and that any change to service provision will effectively support the individual un met needs.

New Millennium Day Centre

The age range is from 30-90.

30 – 40 = 8 Service Users

40 – 50 = 24 Service Users

50 – 60 = 26 Service Users

60 – 70 = 12 Service Users

70 – 80 = 15 Service Users

80 - 90 = 2 Service Users

The majority of people are age between 50 and 70. Younger People are choosing not to attend this type of day care provision finding educational and vocational routes more able to meet their needs.

For all age groups ages the centre provides them with the social activities they have found difficult to access in the wider community. The social enterprise model will enable them to continue and build on the social element of the current service. It will give them more of a choice and control on how the service transforms in the future and with the support of the council become an entity which remains a viable operating model for the future. The project will empower service to shape services for disable people for the future and they can continue to work in this new environment with the existing and new friends as the service evolves.

5.2 Disability (select all that apply)

- Neutral

Kingsbury Resource Centre

All service users have a range of disabilities to include
Demetria Limited Capacity to make decision and choice
Vascular dementia No capacity to make a decision or choice
Physical Disabilities
Sensory Impairment
Mental Depression
Stroke suffers
Dyslexia
Asperger Syndrome

Kingsbury Resource Centre

People from the older community find it more difficult to manage change and as most of the people in Kingsbury are disable this may have an impact. As the consultation meeting moved forward there was a general understanding that what was important was to have a service. Where services are provided will form part of the review of needs process which will look at the specific disability of individuals and match services to their needs. An example of this is to place an older person who lives with Dementia within that specialist new service to support that need and this would be done in collaboration with the service user, family members, key workers and advocate

New Millennium

All service users have a range of disabilities. Developing their own social enterprise will help them to develop services to support the range of disability currently associated with the users of the centre. The focus will be to look at a menu of activities which could be social, educational or work related that will enhance and develop skills. There will be opportunities to promote services to the wider disable community of Brent and attract revenue which can be re-invested into the service allowing the enterprise to be sustainable for the future.

For some service users the focus will be on re-ablement which will help disable people back into to living independently and to access more day opportunities in the community to enhance their lives. Ultimately the new service model will promote social inclusion for disable people

5.3 Gender identity and expression (select all that apply)

- Neutral

For both Kingsbury Resource Centre and New Millennium there is no impact

5.4 Marriage and civil partnership (select all that apply)

- Neutral

For both Kingsbury Resource Centre and New Millennium there is no impact

5.5 Pregnancy and maternity (select all that apply)

- Neutral

For both Kingsbury Resource Centre and New Millennium there is no impact

5.6 Race (select all that apply)

- Positive

Brent remains a majority Black Asian Minority (BAME) borough with 63.7% of the population being non white. In England and in Wales the figure is 14% and 40% in London. The largest single ethnic group in Brent - is the Asian-Asian British, Indian or British Indian Group 18.6% of the borough population followed by the White: English/Welsh/Scottish/ Northern Irish/ British group with 18%. In England and Wales the Asian/British: Indian or British Indian group makes up 2.5 % of the population, rising to 8.8% in Outer London

Kingsbury

Asian 26 service users
Black Caribbean 21 service users
Black African 4 service users
White UK 26 service users
White Irish 5 service users
White Other 5 service users

Kingsbury Resource Centre has 41 people from the above represented group of the BAME population which represents 68% of the total borough overall population

There is a positive impact on the current diverse groups as there are a number of cultural specific day centres within

the borough which can better support race and cultural needs

New Millennium

Have 51 people from the above represented group of the BAME population which represent 58% of the total borough total population. There is a positive impact and the social enterprise model will allow service users to plan and develop services around their cultural and racial needs

5.7 Religion or belief (select all that apply)

- Positive

Kingsbury Resource

The Council does not believe that there will be any impact on the grounds of Religion or belief. For those service users who would be transferring to alternative day services or community facilities. A practice of different religions is available in many of the voluntary and independent day care centre. The Day Opportunities Strategy which was first implemented in 2012 for learning disabilities day service demonstrated that many users were able to secure alternative community services which better supported the religious and spiritual needs, for example day services for supporting people from the Jewish and Hindu community.

New Millennium

The Council does not believe that there will be any impact on the grounds of Religion or belief. The practice of different religions is something which will form part of the service provision within the social enterprise model. There will be opportunities to promote, share and practice the various religions of current and future service users of the enterprise. Learning about the different religious belief will enhance personal development and will develop a greater understanding.

5.8 Sex (select all that apply)

- Neutral

Kingsbury Resource Centre

The gender profile of service users is 38 female and 22 male, which reflects the general trend of more females using our services, as a general theme men use our day services less than women. Overall the policy will have a negative impact on females. We aim to ensure that both females and males are supported according to their needs during the process through robust advocacy as well as psychologist loss and bereavement therapy if necessary.

New Millennium

The total number of male is 48 and female 39 The policy will have a positive impact on males as there are more male service users. However it will also have a positive impact on females and they choose how specific services are develop to meet their needs

5.9 Sexual orientation (select all that apply)

- Neutral

Kingsbury Resource Centre and New Millennium

We are unable to specify whether the policy will have an impact or not due the unavailability of information. No feedback has been received through discussions with users, carers or staff which indicates that the proposal would have any impact in regards to this group.

New Millennium

Kingsbury Resource Centre and New Millennium

We are unable to specify whether the policy will have an impact or not due the unavailability of information. No feedback has been received through discussions with users, carers or staff which indicates that the proposal would have any impact in regards to this group.

5.10 Other (please specify) (select all that apply)

- Neutral

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?

Consultation and Co Production

Consultation Kingsbury Resource Centre

The statutory 90 days consultation programme commenced in March 2015. 18 Meetings were held in total with service users, carers and staff. There were 9 service user meetings. All discussions were captured by a note taker. Key workers, advocates, translators and a Makaton signer were also available to assist service users to express their views. There were 9 carers meetings. All discussions were captured by a palentypist which provided a complete verbatim record of what had been discussed. Translators were also present.

The 90 days consultation process has raised a number of concerns in response to the specific proposal. For example, they:

do not want to lose the day centres as a meeting place where they have friends

expressed a fear of having to stay home and being socially isolated

were apprehensive about the assessments process, and whether this would lead to a reduction in number of days at a

also wanted a more cultural specific centre which would better meet their needs.

Carers concerns focused on the following. They:

raised their view that the changes are driven by the need to save money rather than improvements to the service

were concerned about the quality and relevance of the current assessments, and the need for future high quality, transparent assessments and support plans

wanted to know why the cost was higher than the associated cost within the independent sector

raised concerns about the timescale for any changes

wanted to consolidate the services provided at Kingsbury with other local services.

The key points were confirmed: that this consultation is not about taking away a service, but about changing the way that service is delivered, and the assessment process would be focused on individual needs, in a person "centred" way involving people who are important to the service users, including their key worker and will take account of existing friendship groups as part of any transitional arrangements.

Consultation New Millennium Day Centre

The statutory 90 days consultation programme commenced on 19th March and ended on 20th April. As the focus had been to co-production, working together with service users and carers to develop options the formal 90 days statutory consultation was not necessary. 8 Meetings were held in total with service users, carers and staff.

All service user meeting, 3 in total, responses and questions were captured by a note taker. Key workers, Advocates Translators and British Sign Language (BSL) signers were also available to assist service users to express their views.

All carers meetings, 3 in total, responses and questions were captured by a palentypist which provided a complete verbatim record of what had been discussed. Translators were also present.

The consultation process has raised a number of significant concerns in response to the specific proposal.

Service users concerns were wide ranging. For example, they:

were worried about the centre closing, and the ongoing changes, which seem to be a continuous process, going on for at least the last 6 years. They felt the change needed to stop

raised issues about trusting the Council which were the product of the concerns they have with the last changes to in house day services in felt there is a lack of alternative provision in the borough

think the centre is special. They are all like one big happy family.

do not want to lose the relationship they have with staff

Carers concerns focused on the following, they:

The impact of continuous budget cuts on the service

wanted to stress that the service provided much needed respite support

to ensure the assessment process also included carer assessments to

to make better use of the building

Openness and transparency was important to ensure trust and confidence in the process. Continuous and effective communication was maintained across all stakeholder groups and delivering and sharing key messages in a timely way helped to rebuild trust.

The move to co-production work will support a sustainable model for the future

Although it had been identified that there was a number of other day centre services within the voluntary sector operating in the borough that provided similar activities to that held at New Millennium Day Centre the aim was to work together to look at ways of rationalising day service provision, reduce costs, make better use of the buildings we have and to develop a sustainable model for the future

All future assessment will take into account carers assessment and any respite requirements. This forms part of the

Council's commitment when implementing the Care Act 2014.

Co-production Kingsbury Resource Centre

While Kingsbury Resource Centre were involved in Co-production the focus was on closure as this was the proposal that had been put forward in the Cabinet Report in February.

The meetings were very much focused on ideas for reducing costs to help keep the centre viable. Ideas put forward included:-

- Families transporting their relative to the centre
- Rationalising the number of routes being used for transport
- Extending the use of the building to other organisations
- Working with local community organisations to rationalise resources
- Paying for tea and coffee

As a way of taking some of the ideas forward meetings were held with a number of voluntary organisations to establish how partnership arrangement could work. These discussions were very positive and led to the development of a variety of ways of effectively working together and at the same time reducing cost.

Co-production New Millennium

The aim was to look at alternative care solutions working closely with stakeholders to develop a range of more personalised options and to offers service users a way to be truly being in control of the services they receive and to work in genuine partnership to deliver the best outcomes

At these meetings service users were supported by Key Workers, Advocates, Translators and British Sign Language signers (BSL) to assist them to express their views. 3 initial meetings took place, mapping out similar local community resources and looking at ways of rationalising the number of services. One of these 3 meetings involved a visit to Thurrock Council to review a service model based on a social enterprise organised and managed by learning disabilities service users. This model was discussed and built on in the 3rd co-production meeting which concluded by pulling information together from the first and second meetings to share with the wider service users and carer groups. Then 12 smaller co-production group meetings were held to inform all the service users what had been happening in the previous 3 co-production meetings and to get from them an opinion on the suggested care service models for the future which included:-

For some service users the concept of a social enterprise was difficult to understand and refrained from the decision to support any of the specific models above and some did not want to get involved in a commercial operation. However, in the main service users were supporting a service model which they had control over to build on their ideas for improving services and having control in who supports them and how that support is provided. A smaller but significant number of service users wanted the existing staff to own and manage the social enterprise because of their knowledge of the exiting staff and the quality of care that they provide. However staff expressed their dis-interest in owning and managing a social enterprise because of the risk in terms of financial investment.

At the Carer's co production meetings there was a lot of support for no change to the existing day centre service. Three initial meetings were held which included the session where the group went to review the Thurrock Council's social enterprise model. The fourth and final meeting focused at the 4 social enterprise models put forward as options and whether carers had a preference. There was not a clear out right preference on any of the models however; there was a complete rejection on any partnership arrangement with the private sector

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

No. Central to the work of the Adult Social Care services are the concepts of dignity, respect, equality, anti discrimination and fairness and the backbone of this work is the right to independence, choice and control for vulnerable people and specifically people from the protected groups. These concepts and the aims of the Day Opportunities Strategy fulfil the Council's Action Plan for disability and Race Equality and adhere to the Equality Act of 2010.

The promotion of greater personal choice and independence, employment and well-being is in line with the Council's policy.

8. What actions will you take to enhance the potential positive impacts that you have identified?

The assessment process will be person-centred focus and results in a support plan being developed that can meet the overall outcomes service users want and that improves their overall well being. Increasing access to community based services will require strategic commissioning work with voluntary and community based providers, for example: ensuring services are more culturally appropriate and better meet the health and social care needs of individual. Consideration will also be given to those who would like their relative and friend to be part of this process and visits to potential new centres will take place together with a trial period before any confirmed new placement is made.

Service users will have advocate input to ensure they have an understanding of the concept and the proposed change.

The policy aims to ensure that friendship groups are not broken up and that any new service provision chosen by users will have enough capacity to support groups of friends.

Flexible payment mechanisms, for example, a Direct Payment so that people have a choice in how they spend their personal budget will be promoted for both Kingsbury Resource Centre and within the Social Enterprise model for New Millennium

Continued engagement with service users, carers, staff and other stakeholders happen and assurance will be given that all FACs eligible service users will continue to have their care needs met.

The Council will also work with the users of New Millennium Day Centre to work up a business case for the development of the social enterprise model. The right skills and resources will be invested and partnership working through a dedicated board will form part of the governance arrangements

A communication plan will be produced which outlines the full breadth of the communication activities which will be delivered and a commitment to continue to deliver a quality service to vulnerable adult

9. What actions will you take to remove or reduce the potential negative impacts that you have identified?

There are no negative impacts identified. Should this change on implementation the Council will work with individual's families, advocates and key workers to reduce the impact. Each service user will be supported in a person centred way taking into account specific needs and choice and to jointly together find a way of obtaining a positive solution

10. Please explain how any remaining negative impacts can be justified?

There are no negative impact

Comments

Staff

Staff have been engaged in a consultation process following the proposals being made; this has involved service managers Human Resources and Union representation.

Should the proposals be approved staff will be subject to a full range of options and wherever possible redeployment opportunities will be identified for staff.


Databases of staff numbers and grades currently employed at each centre are available.

Individual meetings will be held with staff to ensure their individual circumstances needs and preferences are identified taken into account when considering redeployment opportunities. This will include ability to access transport, family commitments working patterns and any other individual factors impacting on individuals.

Full engagement with HR and Unions will ensure a fair and equitable process is undertaken with due regard to all employment law and equalities legislation.

Any competitive interview process will be undertaken within an equal opportunities framework.

Any potential redundancies will be considered with due regard to employment law and legislative requirement. In common with most areas of social care and health provision, there are more women than men working in mental health day services. The issue of safety for staff working alone in the community should pay attention to any risks specifically for female staff.

 Brent	<p style="text-align: center;">Cabinet 27 July 2015</p> <p style="text-align: center;">Report from Strategic Director Adults</p>
<p>For Action Wards Affected: ALL</p>	
<p style="text-align: center;">Tudor Gardens – Supporting Independent Living</p>	

1.0 Summary

- 1.1 In February 2015 Cabinet agreed to consult with residents, families and stakeholders on the proposal to deregister Tudor Gardens Residential Care home and re-provide it as supported living accommodation in line with the Department's objectives to support people to have increased choice and control to live as independently as possible.
- 1.2 The Council has now completed a twelve-week statutory consultation on proposed changes. This report outlines the responses to that consultation, the potential impact on the residents and resulting recommendations taking into account the feedback that has been received from service users, family members, advocates, staff and unions. A summary of the consultation process and outcomes is attached at Appendix A.
- 1.3 To deliver the supported living model a new provider(s) will be selected through a tender process to deliver on-site care and management services.

2.0 Recommendations

- 2.1 Cabinet to note the responses received during the consultation meetings over the 90 statutory consultation days between March and June 2015.
- 2.2 Cabinet to approve Officers start the process to de-register Tudor Gardens as a residential care home and the re-provide as supported

living accommodation for the reasons detailed in paragraphs 3.7 and 3.8.

2.3 Cabinet to approve the invitation of tenders for the on site care and support services at Tudor Gardens on the basis of the pre - tender considerations set out in paragraph 7.1 of the report.

2.4 Cabinet to approve Officers evaluating the tenders referred to in 2.2 above on the basis of the evaluation criteria set out in paragraph 7.1 of the report.

3.0 Background

3.1 The council has a statutory duty to provide, or procure access to, services and support for those people who are assessed as eligible. The council is also legally responsible for the key policies and guidance for people with learning disabilities that relates to the proposed changes and is required to consult on proposed change to residential care services.

3.2 The Care Act 2014 reinforces Brent Council's focus on what people can do, rather than what they cannot do and the importance of promoting independence, choice and control in order to make a difference to people's well-being. The Council's 'Market Position Statement' (MPS) and the New Accommodation for Independent Living (NAIL) project are focused on the creation of a more diverse accommodation based care and support market to ensure that the council is able to meet people's individual needs in the least restrictive environment, reducing the reliance on institutional care (residential and nursing care) and increasing access to other forms of accommodation such as supported living.

3.3 Residential and Nursing care is an expensive care option and often discourage independence. Supported living, on the other hand, provides service users with a tenancy, their own front door (self contained living environment) and encourages a different model of care and support which is focused on maximising the independence, choice and control individual service users have and, therefore, improving their quality of life.

3.4 Changes to residential services are complex, particularly in circumstances where people have lived in their home for a long time and have built social networks and routines that are valued. This is an important consideration for the implementation of the recommendation and will be central to the way that changes are managed.

3.5 It is important to note that the council has a legal duty to continue to provide support to the residents of the services at Tudor Gardens,

based on an assessment of their needs. Within any recommendation for changes to services the council will continue to ensure that high quality care and support is available to all residents, based on an up to date assessment of the individual's needs and a support plan which meets these.

- 3.6 In February 2015 Cabinet agreed to consult with residents, families and stakeholders on the proposal to de-register Tudor Gardens. The results of the consultation suggest that relatives did not want change but supported the supported living model.
- 3.7 This report recommends to Cabinet to agree to deregister Tudor Gardens residential care home. The creation of supported living accommodation with tenancies for residents, who already live in studio flats, will provide the residents with greater security, and it also means they can access a wider range of benefits, including housing benefit. The ability to access housing benefit to pay for their accommodation also significantly reduces the cost of support for adult social care, which is set out in more detail in the Financial Implication section.
- 3.8 It also creates additional opportunities to work with the residents to identify new support and services tailored to their individual needs to enable them to be as autonomous and independent as possible. In order to do this Officers will work with the current residents and their families, carrying out individual reviews of needs and support plans, and working with the residents and their families as groups, to co-produce the revised service and support needs. This in depth understanding of individual and collective needs will ensure Officers are able to commission the right range of care and support to help people to live more independently.

4.0 Tudor Gardens: the service

Current and future

- 4.1 Tudor Gardens is a relatively new residential care home, which replaced Melrose House four years ago. Most of the staff and residents moved from Melrose House to Tudor Gardens. It's the one remaining in-house, directly provided residential care home. It currently provides support to 14 people who have a learning disability, but it has the capacity for 15 residents. There are 24 staff that provide support.
- 4.2 The home was built in partnership with the housing department under a PFI scheme and comprises three separate buildings, each containing 5 units.
- 4.3 Each of the buildings is made up of self contained studio flats. Each studio flat has an en suite bathroom, kitchenette and living and sleeping area. Each building also has a shared bathroom, laundry

room, communal area and kitchen. In other words, the building and accommodation is ideal for supported living.

- 4.4 The levels of need and support vary across the 3 buildings, but only one of the buildings supports residents who have relatively high care needs and require 24 hour care support. The service is well regarded by residents, relatives and commissioners and has been inspected by the Care Quality Commission on a number of occasions and has always met all standards.

5.0 The Consultation Process and Impact

- 5.1 6 meetings have been held over a statutory 90 day period aimed at service users, relatives and staff. More meetings had been scheduled, however, at the request of relatives this was reduced as many of them live outside London. Relatives also requested to have joint meetings with residents, which was done.

- 5.2 For all service users' meetings there was a Makaton signer, an advocate and a note taker. For all relatives meetings there was a palentypist who transcribed a verbatim record of what was being said. The joint resident and relative meetings were extended to take into account the level of understating of resident and the need for Makaton translation.

- 5.3 One of the consultation meetings commenced with a visit to two other supported living homes - 167 Willesden Lane and 2 Lyndsey Drive in Wembley. Both of these establishments gave relatives a detailed overview of how a supported living establishment operates and provided relatives with the confidence to know that people with all levels of needs can successfully be supported within a supported living environment.

- 5.4 Other consultation meetings had highlighted concerns about social work practice, the procurement process and de-registration, so the relevant people were invited to attend the final consultation meeting to talk through all of these concerns: the social work team manager for Learning Disability, a procurement representative and a manager from a supported living establishment.

- 5.5 Residents were primarily concerned about 3 issues. They:
- wanted to keep the existing staff, specifically individual key workers. It was stressed that this may be possible through TUPE but could not be guaranteed
 - 1 resident wanted a better understanding of 'the money' (benefits)
 - did not want Tudor Gardens to close down, and it was confirmed that the proposal was not to close Tudor Gardens down, just to change the way it works.

- 5.6 Relatives concerns focused on the following. They:
- had concerns about the quality of the assessment and support plans (for example, a number of residents had been previously identified as being ready to undertake employment and it was felt that residents did not have the capacity to work.
 - there was a desire to have a psychologist to undertake the assessment and not care managers. These issues were explicitly addressed when the Learning Disability social work team manager attended the final consultation meeting
 - had some concern that supported living would not meet the needs of the people who currently live in Tudor Gardens. It was explained that supported living can meet any level of need depending on how it is set up and this was evidenced through the visits to supported living accommodation, which those who attended the visit agreed
 - expressed a lack of trust in the Council and trust in the process and asked to extend the consultation period to 6 months as there was a feeling it was being rushed. It was agreed that after this 3 month consultation, the engagement and co-production would continue through the implementation phase as a way of continuing to build trust
 - Consistency of staff in the new service model. The preference was to have the existing staff group if TUPE applied, and as above it was confirmed that this may be possible, but could not be guaranteed.
- 5.7 Assurance was provided that the process would be open and transparent and that engagement with families was essential to ensure success. This helped to rebuild trust. Families were told that the council intended to continue to work with them throughout the three month consultation process and to engage with them over the next three months to identify additional opportunities, through the new model of care. The aim would be to work together to focus on the resident's individual needs, by way of the assessment process to maximise their independence and improve their quality of life and to make the change a success.
- 5.8 The staff consultation meetings were very much focused at HR issue with Unison in attendance. The main issue here tended to focus of future pattern of work and what will happen to those staff with fixed term contracts.
- 5.9 Members are referred to Appendix A for further details of the consultation. Following consideration of the consultation, Officers continue to regard deregistration of Tudor Gardens as appropriate.

6.0 The Deregistration Process

- 6.1 The Care Quality Commission (CQC) is clear that in supported living there must be a genuine separation between the provision of care and

the accommodation. The clearest response to this would be for the Council to contract with the independent sector for the regulated care and make alternative arrangements with regard to tenancy management arrangement. The future care and tenancy management arrangements providers will be selected through an Open procurement process. As the estimated value is above the relevant EU threshold, the tender will be managed in compliance with the Public Procurement Regulations 2015 as set out at 7.1.

6.2 The de-registration process takes up to 12 months from the point at which consultation on the proposed changes begin. Officers have already had initial discussions with CQC, who have confirmed that the strength of the current residential service is a good starting point for the de-registration. Subject to the agreement of Cabinet, an application will be made to CQC in August to de-register. This starts an iterative process where Officers will work with CQC and service users and carers to confirm the detailed plans for the new supported living service. Officers will need to ensure that the process progresses at the right speed to ensure service users and carers are kept informed and engaged, and that there is clear alignment with the procurement timeline (award in January 2016) and the planned go-live in April 2016. The de-registration process may not be fully complete by the time the contract for care and support services is awarded in January 2016, but it is possible to award subject to completion of the de-registration process.

7.0 Pre-tender considerations

7.1 In accordance with Contract Standing Orders 89 and 90, pre-tender considerations have been set out below for the approval of the Cabinet.

Ref.	Requirement	Response
(i)	The nature of the service.	Provision of on site care and support service arrangements at Tudor Gardens.
(ii)	The future estimated value of the contract	The contract value for the care and support services arrangements is estimated as £3.3m.
(iii)	The contract term	The care and support services contract will be let for a 5 year period.
(iv)	The tender procedure to be adopted.	The care and support services arrangement will be procured through an Open tender process in accordance with the Council's Standing Orders.
(v)	The procurement timetable	

		<p>Care and support service contract (Open tender)</p> <p>Indicative dates are:</p> <ul style="list-style-type: none"> • Adverts placed • Issue Procurement documentation including the Invitation to Tender (ITT) • Deadline for tender submissions • Panel evaluation complete • Report recommending Contract award circulated internally for comment • Cabinet approval to award contracts • New contract commence • Service go live 	<p>1st September 2015</p> <p>1st September 2015</p> <p>2nd October 2015</p> <p>23rd October 2015</p> <p>9th November 2015</p> <p>14th December 2015</p> <p>2nd January 2016</p> <p>April 2016</p>
(vi)	The evaluation criteria and process	<p>The procurement process for the care services arrangements will be evaluated in accordance with the Council's Contract Procurement and Management Guidelines.</p> <p>Whilst an Open tender process is being followed, bidders will still have to meet the Council's financial standing and technical capacity requirements.</p> <p>The panel will evaluate the tenders against <u>Quality and Price criteria</u></p> <p>Tenders will be evaluated on the basis of the most economically advantageous tender (MEAT) and the contract awarded using the</p>	

		<p>following criteria</p> <p>1. Quality: Quality will consist of 40% of the evaluation weightings. The quality assessment will be evaluated using a range of criteria, namely:</p> <ul style="list-style-type: none"> • How experience in delivering similar services will be applied to the Service. • How the Service will be operated to lead to improved personal independence • How out of hours services will be delivered. • Proposals with regard to staffing – skills, qualifications and experience and structure in order to meet the needs of the client group • How the Service will be operated to achieve delivery of outcomes • How policies and procedures regarding equality and human rights will be applied specifically to this group of service users. • How the Safeguarding policy will be implemented specifically for this group of service users. <p>2. Price will consist of 60% of the evaluation weightings.</p>
(vii)	Any business risks associated with entering the contract	Save as detailed elsewhere in the report, no other specific business risks are considered to be associated with agreeing the recommendations in this report.
(viii)	The Council's Best Value duties	The evaluation criteria are based on a model where cost and quality will be distributed to ensure that provider(s) are selected on best value. The tendering documentation will also specify how the agreements will be managed to ensure on-going delivery of the outcomes.
(ix)	Consideration of Public Services (Social Value) Act 2012	See section 12.0 below
(x)	Any staffing implications	See section 11.0 below
(xi)	The relevant financial, legal and other considerations	See section 8.0 and 9.0 below

7.2 Cabinet are asked to approve these proposals as set out in the recommendations and in accordance with Standing Order 89.

7.3 The current building management (maintenance) will continue to be provided through the PFI contractual arrangements. Officers are continuing to explore the most appropriate arrangements with regard to housing management. Given that Tudor Gardens is part of a PFI scheme, any housing management arrangements need to dovetail with maintenance arrangements and be consistent with the Council's PFI agreement.

8.0 Financial Implications

8.1 The 2015/16 Tudor Gardens budget in scope for this cabinet report is £872,000.

8.2 Based upon the latest modelling the expected saving from deregistering to a Supported Living facility is expected to be £300k. This would be achieved through operating efficiency through sourcing Care and Support from the external market and the receipt of a new rental income stream.

8.3 The additional rental stream would potentially generate £100k pa, which would be considered a saving for the department. This is based upon 14 units charged at £600 per month. This rental income would be in the form of Housing Benefit which cannot be claimed within a residential care home.

8.4 The full available gross budget for a new Tenancy Management contract and care and support service arrangements is £672k pa.

8.5 Based upon previous modelling the expected contract cost of Tenancy Management for 14 residents is expected to be £7k and the expected contract cost for all care and support services would be £665k. This equates to a full contract budget for five years of approximately £3.3m.

8.6 There is the possibility with the decision of this report that there will be one off redundancy costs incurred as a result. The council will therefore have to contain these one-off costs within its General Fund.

8.7 This saving forms part of the wider transformation of direct services initiative that has a full saving requirement of £755,000 over 2015/16 (£432,000) and 2016/17 (£323,000). It is expected that the contribution de-registration of Tudor Gardens makes to this saving is sufficient to make the whole saving achievable by the end of 2016/17.

8.8 Savings are monitored as part of the council's budget monitoring process and this decision would form part of that monitoring going forward.

8.9 As part of procurement process Officer will need to consider the liability in relation to any risk sharing related to TUPE implications

9.0 Legal

- 9.1 There is a need to be clear and precise about processes and to ensure the council acts in accordance with its duties under the Equality Act 2010.
- 9.2 Cabinet members are reminded that they are under a duty to have due regard to protect and promote the interests of persons with protected characteristics, to consider and analyse how the decisions they make are likely to affect those with protected characteristics and to remove any unlawful discrimination, or other protected conduct and to consider whether practical step should be taken to mitigate or avoid any adverse consequences. In addition Cabinet members must also take into account the necessity of providing cost effective and good quality services and these or other requirements may mean that those types of considerations ultimately justify a decision which does to some extent adversely impact on people with protected characteristics.
- 9.3 The impact assessments, including feedback from consultation or engagement where appropriate, is available at Appendices A and B in compliance with the 2010 Act.
- 9.4 The current CQC Guidance is very clear that the Council must be able to show that there is a clear separation between the provision of accommodation and the provision of care for the de-registration to be lawful, i.e.,
- that each resident is genuinely living in his or her own home,
 - that the community care needs and service required by each resident has been considered separately,
 - that each resident has been given a choice as to who provides these services, including the option to receive a personal budget or direct payments and to employ their own carer or to meet his or her needs in other ways.
- 9.5 The CQC guidance is not binding, however, it does state that it will consider this Guidance when considering an application to deregister a care home.
- 9.6 The estimated value of the future care and support services contract is in excess of £250k. As such the contract is a High Value Contract for the purposes of council's Contract Standing Orders and Financial Regulations and thus Cabinet approval is required to invite tenders and to evaluate tenders for the contract.
- 9.7 Care and support services fall within the social and other specific services listed in Schedule 3 ("Schedule 3 Services") of the Public Contracts Regulations 2015 ("EU Regulations") and as such are subject to a lighter touch regime. As the estimated value of this proposed tender is £6.3m, it is above the threshold applicable to Schedule 3 Services (currently set at £625,050) and will therefore need to be procured in accordance with EU Regulations, including advertising in the Official Journal of the European Union.

- 9.8 Once the tendering process is undertaken, Officers will report back to Cabinet in accordance with Contract Standing Orders explaining the process undertaken in tendering the contract and recommending award.
- 9.9 As this procurement is subject to the full application of the EU Regulations, the Council must observe the requirements of the mandatory minimum 10 calendar standstill period imposed by the EU Regulations before the contract can be awarded. If no challenge or successful challenge is brought during this standstill period, the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.
- 9.10 The Transfer of Employment (Protection of Employment) Regulations 2006 (“TUPE”) will apply when the contract is awarded to a new contractor where immediately before the change of contractor, there is an organised grouping of employees situated in Great Britain which has as its principal purpose the carrying out of the activities concerned on behalf of the Council and where the employees are assigned to that organised grouping. Subject to the right of the employee to object to transferring, the employee’s contract of employment will transfer to the new contractor. This is likely to apply to all 24 staff currently employed. Further details regarding TUPE implications are contained in the Staffing Implications.

10.0 Diversity Implications

- 10.1 The proposed care contract will require the provider(s) to deliver services which are:
- culturally sensitive by providing cultural awareness training for all staff, matching specific language requirements where possible and recruiting a local workforce which reflects the communities of Brent;
 - able to provide support and advice to residents with learning disabilities, and;
 - able to provide training for all staff in areas that will raise awareness of issues faced by vulnerable people from different ethnic groups.
- 10.2 The care provider will be monitored to ensure it is complying with these requirements through checking of their records, regular review of services provided to individual resident where feedback will be sought from residents, monthly monitoring meetings and provision of quarterly performance information to the council.
- 10.3 An equalities impact assessment has been completed (see Appendix B) in accordance with the Equality Act 2010. Overall the changes are neutral, but should have a positive impact by providing the tenants with

secure tenancies, and reinforcing the focus on individualised assessments and support plans which give them greater choice and control.

11.0 Staffing Implication

- 11.1 Any de-registration of Tudor Gardens would have significant staffing implications. TUPE will apply to approximately 24 council staff working in the centre likely to transfer to the new provider. Pursuant to TUPE the new provider will be required to meet its obligations under the legislation to former council staff. In particular, all contractual terms and conditions currently afforded to those staff will need to be sustained by the incoming provider at the time of transfer.
- 11.2 If the incoming supplier intends to make changes to the staffing contracts which Officers are aware of, the council will need to advise the staff of any known proposed changes at the time of advising the staff of the date of the transfer and the name of the successful bidder.
- 11.3 A specific requirement will be imposed on the provider to permit former council staff to continue to access the Local Government Pension Scheme (“LGPS”) if they wish by the provider becoming an admitted body under the LGPS or alternatively provide former council staff with broadly comparable pension provision. An admitted body under the LGPS will generally bear liability for any pensions’ deficit that may accrue. It is not considered to be in the council’s interest to place 100% of all pensions’ risks on the provider as the provider has no real control over such risks. Where the provider has to bear full pensions risks, its bid will generally be more expensive. As the council is setting a funding envelope for the contract, placing 100% of risks on the provider will instead translate into the provision of fewer services or a lower quality service. In the circumstances, Officers will seek bids on the basis that a pensions’ risk share agreement will be offered, with the standard form of pensions risk share agreement, agreed by the General Purposes Committee, issued with the Invitation to Tender.
- 11.4 It is probable that the staff who are on fixed term contracts will not have those renewed once the transfer has occurred. The council may need to consider the political implications of those job losses once figures are supplied as to the quantity of staff involved.
- 11.5 Trade Unions will be briefed prior to the start of any formal HR consultation process and Officers will work with trade unions to ensure staff understand the range of support that is on offer to them during the process. There is no statutory minimum period of time for consultation with staff and representatives although best practice is to start the

process as early as possible as the council may be found to be in breach of its duties if it fails to consult in a reasonable manner.

- 11.6 The council will supply all relevant TUPE information to prospective bidders in line with its established practices, reflecting the need for confidentiality and data protection.

12.0 Public Services (Social Value) Act 2012

- 12.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (the “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. Officers have commenced engagement with a range of service users to understand their views of the current service and how the future contract may be shaped to meet economic, social and/or environmental needs.

- 12.2 The services being procured have as their primary aim improving the social and economic well being of some of the most vulnerable groups in Brent. They are specialist services with only a limited number of organisations who can meet the Council’s requirements. Nevertheless, Officers will endeavour to ensure the requirements of the Act are implemented as part of the procurement process.

- 12.3 Bidders will also be asked to submit pricing that includes the London Living Wage.

13.0 Background Papers

Report to Cabinet – 23 February 2015

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APPENDIX A

Adult Social Service

Direct Services

Tudor Gardens Consultation Report June 2015

Introductions

The aim of the statutory consultation was to obtain the views from service users and carers about the proposal to de-register Tudor Garden as a residential care home and move to a supported living model and whilst doing so promoting independence, choice and control for the existing residents

6 meetings have been held over a statutory 90 day period aimed at service users, relatives and staff. More meetings had been scheduled, however, at the request of relatives this was reduced as many of them lived outside London. Relatives also requested to have joint residents meetings so that they could act as advocates for their relative. This was done.

For all service users' meetings there was a Makaton signer, an advocate and a note taker. For all relatives meetings there was a Palentypist who transcribe a verbatim record of what was being said. Copies of the palentypist notes have been sent to all relatives. This consultation report represents a summary of the palentypist record of all the meetings attended and relatives and the notes taken at all residents and staff meetings. The questions reflect the main topics coming out of each consultation meeting and the important issues for residents and relatives. Not all carers attended the meetings but there was consistent representation from 7 relatives at all of the meetings. The joint resident and relative meetings were long meetings which were extended to take into account the level of understating of resident and the need for Makaton translation

The first 3 meetings happened in April. There were individual meetings with residents, relatives and staff. The fourth meeting was a joint residents and relatives meeting, as requested, and was divided into two parts. The first part involved a visit to two supported living operations in the borough, where relatives were able to ask the questions they wanted and gain a good understanding of the needs of the people who lived there, how the service worked, and the benefits for the people who lived there. The second part

involved a meeting at Tudor Gardens where more questions were raised in relation to the council's proposal. The third and final meeting included presentations from, and discussions with: the Learning Disability social work team manager, who addressed concerns about the assessment and support planning process; a senior Commissioning and Quality manager who addressed concerns about the procurement.

Key Questions, Answer and Comments

Meeting 1 – Overview

Q: How is the accommodation paid for?

A: The residents will qualify for benefits, including housing benefits. Within that they will be able to pay for things like their rent, their council tax.

Q: Will somebody will help them to make those applications.

A: Yes they won't be able to do that on their own, not the support workers here, but another organisation will facilitate that.

Q: I'm concerned about the assessments because Brent has a history of providing poor quality assessments. You should assess their capacity to contribute and give their ideas before you do the consultation.

A: We are talking to service users as part of a consultation process to get their views on the suggested proposal. It's an idea at the moment, so therefore we are not formalising anything in terms of making the final decision. The final decision will be made only when we've got enough information about the proposal and that can only come from having meetings like this. Some users have vocalised their concerns, We are also able to work with the key workers who know the residents very, very well and communicate with the residents much better than myself or with an advocate. We are hoping to build on the communication flow as the weeks go on.

Q: What are the disadvantages of assessing resident's ability to understand what they are being asked before you ask them?

A: It is not about whether there is a disadvantage. When we do an assessment process, a review process, we are reviewing their whole needs, the holistic needs of that individual. It's not only really their ability to live in a supported living environment, so every year the residents here do get reviewed

C: All relatives and carers present said no they don't get reviewed every year. All relatives and carers agreed no assessments at all had been done

Q: My son has not had a review for a while.

A: I think your son has had a review, perhaps you didn't realise it was a formal review. This has happened before, but we need to ensure people are clear what the process is.

Q: The CQC guidelines are very clear that we should be involved in a review. The one that took place didn't follow the guidelines.

A: I wasn't aware you weren't involved, I can only apologise for that, and I will look into it.

Q: What concerns us is Brent has owned the place for 4 years, all of a sudden we are expected to drop everything and come from Devon, Manchester to a meeting at 10 days' notice and another one next week. This is unreasonable. We also want to have meetings with our relatives. We are their advocates as well.

A: Agreed to have joint meetings and to reduce the number of meeting. Future meetings will be scheduled for a longer period of time to take into account the communication support needs of the residents. Future meetings to also be arranged around the availability of relatives and the time they can get to the meeting due to distance and work commitments.

Q: We want to be involved in the assessments or anything they have done, we all want to be involved and be there to weigh the pros and cons.

A: We would welcome your contribution and would like you to be involved

Q: When you talk about choice and control, I am concerned that my relative will be neglected as this has happened in a previous home she lived in.

A: That would never happen in this home, and it would not happen in a well run supported living environment.

Q: When you talk about supported living, I know you are describing something different, but my experience is very, very, very different and has been a very negative one.

C: One Carer submitted a detailed history of a failing in a supporting living home and the failure to manage this effectively

A: I'm sorry for the experience you've experienced. It's not our intention to go down that road in the slightest. How I see supported living happening here is there should be very little difference in terms of the care that's provided, very little difference in terms of the way that people live. The only difference should be positive in terms of small improvements in independence and in how the money and how bills are being paid. We have to make sure that doesn't happen. My role here is to make supported living work for Tudor Gardens. I can only make it work if everyone is happy with the final product.

Q: Who owns Tudor Gardens?

A: The Council.

Q: Can the Council provide the care then

A: The CQC likes the care to be separated from the accommodation.

C A relative pointed out that the CQC doesn't have a preference. The CQC is exclusively concerned with quality of provision not who provides it

Q: Will all the staff that we have here be able to stay here, because they are under Brent?

A: They may go across to a new provider. The staff shouldn't change in terms of numbers, but what may change is the pattern of work.

Q: My sister won't leave the building if it's on fire. To me therefore you can't predict a fire, which means that someone has to be ready to push her out physically if the building is in flames and if there is only one person. We've had a real fire in Torquay, it takes two of us to get her out of the room when she doesn't want to go, but when it's on fire we are prepared to use force.

A: It is key that the assessment process is the highest quality to give that confidence and I'm going to make sure that we do get good social workers and make sure that the key workers here are definitely involved in that process. These safety concerns will be taken into consideration at the point of the assessment. I hope you too take part in that process. Then the support will be commissioned to ensure that these risks are managed.

Q: The Care Act 2014 says that in the event of an assessment being complex or the decision being taken being major the assessment should be carried out by a medical professional, such as a clinical psychologist, clinical psychiatrist or a doctor. Expert opinion needs to be sought and therefore the assessment needs to be done by an expert and the social worker is not an expert.

A: The social workers who will review your relative have the appropriate skills and knowledge to undertake the reviews. Most of them will already have a good knowledge about your relative and can undertake the assessment of need and a mental capacity assessment.

Q: Can we be involved in the interview process for the new provider of care?

A: Yes. However, we currently have a framework of home care providers so there is already a select list we can draw down from.

Q: Can we have a copy of that, who they are?

A: I will try and get you some information in relation to that.

Q: If you've got a problem who would you go to? Would it be the senior worker here?

A: You will have a named person. You will definitely have a named person.

Q: Will Brent still have control overall? Would they be overseeing it?

A: Brent would have to monitor the quality of the care and also ensure that payments of bill happen. There will be someone auditing that. And the CQC would still inspect but on a different basis.

Q: If the people fell down on their duties you would be able to change the contract.

A: Yes. There are sanctions written into the contract

Q: Would the residents would get as much money as they are getting now or even more.

A: I can't say that for sure. They would get as much as their assessment said they required.

Q: So they can still do all the things they are doing now and maybe more? Who will decide what they are going to eat

A: They can decide, they will have more choice and control, and they can do that in collaboration with their support workers.

Q: We would like to look at how supported living homes are currently run of having a look at how they do supported living in homes they currently run.

A: We will try to arrange that for you.

Q: Do Brent have a view on whether or not the people who live here are capable of living in supported living environment?

A: Yes, they do. There are a number of other homes that have been deregistered and the view that Brent has is based on that success. Most, if not all people can live in Supported Living accommodation it depends on the level of support put into the accommodation?

Q: I am concerned that there will be less staff especially at night and if someone has to go to hospital there will be problems. Some residents cannot express pain or need. It's essential that staff stay with residents if they are admitted to hospital.

A: This is about giving you confidence. You don't want to be at home worrying about what is happening at Tudor Gardens down here. You need to feel confident that the care she's receiving is of the highest quality and not compromised in the slightest.

Q: Concerns were raised about staff reductions and reduced salaries paid by a new provider.

A: If TUPE applies, which it should do, staff take their terms and conditions with them and their pay will be exactly the same as they are getting here and this could be for 2-3 years. And all new contracts we let are supposed to be London Living Wage compliant.

Q: Is there a guarantee they are going to remain working here or could that organisation then move them to some other place? They are like one big happy family here.

A: There are no guarantees. We would have to have a dialogue with the providers at the time.

C: Relatives and carers whilst understanding the TUPE law weren't happy that guarantees couldn't be provided

Q: We value the staff and the manager of Tudor Gardens and would not want to change this.

A: We also have to recognise that people want to move on and develop their career as well.

C: I feel much better about this after this meeting. I don't feel I have been lied to. I don't feel that there's a hidden agenda whereby this is going through come what may and Brent is prepared to do anything at all to get its own way. I feel there's a degree of openness and honesty, which has not characterised our dealings with Brent in the past. We are not going away thinking we need to have another meeting after this to work out how to fight them.

C: I feel quite happy. Our brother is 67. I think there's 6 of them over 65 and I was so worried you would say he is that age, he needs to go to an old people's home, but you haven't, you said they will stay together and all be here.

A: It can only happen if we are both happy on both sides, if we are transparent, open. If I say the Council can't do this I'm going to say it clear and be open and honest with you. If I don't understand or know the answer to something I will try and find out and give you the information.

Meeting 2

C: I was very impressed with the supported living establishment we went to see, more than I thought I would be I have to say.

Q: Can we extend the consultation to 6 months as it feels that is rushed.

A: We will work with you to ensure we are happy through the process of change. This will be throughout the 3 consultation

process and over the next three months to work up the model together so that everyone is happy and confident.

Q: How do we know who is going to win the tender, how can we decide whether this is the right way to go, we've only seen two supported living so far today. How can we decide?

A: You decide on the basis that this is what we are going to do, we are going to de-register Tudor Gardens, and we've assessed people's needs as the second part of that process. We specify and monitor.

Q: Will these social workers be experts in learning disability?

A: They will be yes with long years of experience. Most of the social workers I know have been there for a while and recently have undertaken a vast amount of training under The Care Act

Q: I'm still not happy that you de-register the home while you are doing the assessments.

A: Both processes will commence together but deregistration will take longer. It could take up to six months We will start the re-assessments as soon as the de-registration process is started so they will be done long before the de-registration process is complete.

Q: Is the Care Quality Commission involved?

A: Yes we have to get them involved. Part of the planning process we'll have to have a dialogue with them and they can say at any time I want you to do X or Y I don't agree with this or that. What we'll do is work in partnership as a group to have that dialogue with the CQC.

C: In the spirit of mutual honesty I think it's true to say we are much happier with what we saw than we expected to be. There are significant advantages to supported living, like having a tenancy; I think we all agree with that. We are not dead against it, but we worry that things might go too far, too fast and any slowing down you can do we would very much support and welcome.

A: I don't think it's about slowing down the process; I'm in no real hurry. Obviously I'm working to a timescale, but I do think the important issue is to work together because unless you are happy with what's happening, unless you are involved.

C: Knowing we haven't got all these deadlines makes me feel easier because I did feel under pressure.

A: The various meetings that have been published for you to attend, they are flexible; it's to make sure we cover a wide range of carers.

C: They weren't flexible before when the meetings were going to finish at the end of June and we were told a decision had to be made by June.

C: It seems more flexible now, doesn't it?

A: A paper will be presented in July, not in June. The consultation officially finishes the first week of June, so that's the 90 day statutory consultation, but then we'll go straight into the planning, and part of the paper that goes to the Cabinet would be about the plans because we will be having discussions about what is this model, what does it mean to our residents who live here. So we already started the planning process in that sense.

Q: How long do you think the assessments will take from when you start doing them?

A: It shouldn't take too long because there are not many residents, but it's about the resources that are required and making sure we've got the right people in the room and that includes you.

Q: Is the assessment in one three hour block?

A: The assessment is very individual and is dependant on the needs of the resident and who needs to be involved.

Q: What is the money called and what is it used for?

A: The money is called benefit and is used to pay for things

C: Everyone would like Tudor Gardens to stay the same. Same staff.

Meeting 3 – Social Work Team Manager, Commissioning & Quality manager and the Management from Lyndsay Drive Supported Living Organisation attend

C The Council explained the Mental Capacity Act and how resident mental capacity would be assessed. The Council confirmed that if a resident did not understand the questions at the assessment meeting then a judgement would be made in relation the to the resident's lack of capacity to understand. People who are important to the service uses e.g. relatives, key worker will be present at the assessment meeting to support the resident provide information

C Carers asked if they could add their questions to assist the assessment process. It was confirmed that the assessment questionnaire was very comprehensive to obtain the relevant information. It was person centred focused and lead to the development of a support plan focused on supporting residents needs. However additional questions from the relatives would be

accepted to further support the process

Q: Have you got a time frame when you will start the assessments?

A: According to the programme that Nancie sets out - she will tell us when we need to start.

A: We've had some preliminary discussions about that this morning so as I said the cabinet paper will be presented to cabinet some time in July. We're hoping to start the assessment fairly soon after that, so early August.

Q: We would like to ask additional questions as part of the assessment e.g. what would happen in an emergency situation because we know the answers to questions like "what would the resident do if there was a fire, gas leak, medical emergency etc.? These were not asked as the last assessment and were partly to responsible for very poor quality assessment

A: These are fundamental questions that we would be asking as part of managing residents' personal safety and safety within the home. Without that, we couldn't understand what the risks are facing the individuals.

A: Your questions will be taken into consideration because we want to make sure that you are happy as relatives in terms of the support that we are trying to give to the relatives here. So we do have a framework that we have to work within as the law says. We'll take into consideration any additional questions and the information coming from that will help to enforce the support plan and the safety arrangements of relatives.

Q: It's important that social workers know the types of questions to ask and understand how residents communicate or don't

For example residents will give different answers to the same questions if they're asked more than once

A: These are all fundamental things that we need to know about, so although we have not got a direct question in the form that we ask under the heading, we would be asking those questions, so whatever you said these would be things that we would be including within our exploration.

Q: How long do you monitor the new care providers for?

A: For the length of the contract

Q: Can we sit on the panel to choose the care provider?

A: Yes. There's an opportunity to sit on the Panel to choose who comes to work to deliver the services at Tudor Gardens. There's a chance to help to make sure you train them up and get them to understand what is needed to make them run and manage it well here and then there's a chance to be involved in the long term making sure you giving feedback to If they major misconduct or incompetence, what can you do about it; can the company that got the contract be removed and replaced? Is that

a lengthy business or it can it happen quite quickly.

Q: How long is the contract for?

A: In general Council contracts are only allowed for a maximum of four years. What we would do is to determine what is in the best interests of the particular service that we are looking to procure.

Q Can you write the tender in a manner which forces companies to avoid excessive staff turnover?

A Monitoring staff turnover would be part of the quality assurance monitoring undertaken by the Council

Q: If there is major misconduct or incompetence, what can you do about it; can the company that got the contract be removed and replaced? Is that a lengthy business or it can it happen quite quickly.

A: It depends on the level of the issue and what in the contract. You have a contract and it says gross misconduct stealing, this is what will happen, and so yes, The contract is used to trigger that process of change.

Q: Are you in a position to put in the contract major staff upheaval or lots of staff leaving, high staff turnover would be a sign - could you make that something that would be a major trigger if you chose to do so?

A: What we want to understand is what is causing that because it's really the cause that we would be most interested in. Is it just that there's brilliant opportunities down the road and they couldn't resist, that's not the organisation, but if they are leaving because they are very unhappy because the service that they've being asked to provide doesn't feel right, then we would be looking at the causes.

Q: How many staff say they want to be TUPE'd over?

A: We don't have choice on TUPE, there are rules. The lawyers get involved and they tell us TUPE does apply or it does not apply, no. If the answer is TUPE does apply, then at that moment in time in theory every single worker has the potential to be TUPE'd into the new organisation. Then it depends on how that organisation goes forward. In principle, if TUPE applies, they have to look at everybody's job description to see if those jobs need to happen in the new organisation and if those jobs still need to happen in the new organisation, then TUPE has said to apply and those jobs are TUPE'd.

Q: Can you specify in the tender the continuity of care with named people and named clients or being either TUPE'd over or continued to be employed by Brent?

A: Legally we are not allowed to name individuals because again you name them by the job title. We will follow the rules. But continuity of care is paramount to when we say what we will write down; one of the things that we want to write down is that there

will be good continuity of care for everybody. The whole principle of when you move to a new contract is that it should not feel like a big upheaval.

Q: We will need a manager. The manager has left and that would leave a gap.

A: Aga is still the manager here although she has been moved temporarily to John Billam to the day centre and Mary is here in her place.

C (commissioner): My proposal is that the joint working group would be looking for volunteers who would be able to make the commitment to work through the green and purple, possibly the green and purple into the blue areas of the tender process. My experience says that if you have people dipping in and out, they miss part of getting the specification right. The key is the debate and discussion and working out how to fit it altogether and taking what you've agreed into the tender process and interviewing companies against what you intend on that specification. So what I would be proposing, and again we can do it in different ways, but what I am proposing is it could be that we have one or two nominees who are heavily involved and then others who are less heavily involved but get to see the drafts, or be involved at the beginning, wait to see if it's at final draft stage before they have any comment. That group get to keep updated. There are different ways we can do it and to some extent, that is determined by you as individuals and you as a group as to how much time and energy you have for this, how much skill you feel you have for contributing to these pieces.

Q: What will the cabinet be told what the relatives views are on this process? Is there anyone who is going say to the cabinet "yes relatives and carers are really interested, they think it's great "I would summarise the relatives and carers' views, and I think I speak for the residents as well, as we regard the privatisation of the service and the move to supported living as the least bad option if we lose the residential home. What we would all prefer is for the residential home to remain with the staff that we've got and would you all agree with that?

Yes. " was the response of all carers and relatives present.

A: That is my responsibility because I'm the one that is charged with writing the cabinet report that will be presented in July. As part of that report all the information coming out of the meetings that we've had will be part of that report and members will consider what is being said by relatives and service users.

Q: Is this change driven by making savings?

A: It is about becoming more personalised giving people more choice, there's a greater opportunity within a supported living environment.

Q: Can you give us an example of what you mean by choice

A: One example of choice might be about food and instead of people having to eat much the same kind of dinner or snacks, you would be choosing, maybe going to the supermarket to help buy it and having things in your cupboard that you have chosen. Another choice might be about the things that you do the activities that you do in the day. That could be different and chosen by you. In supported housing, each person gets hours of support one to one support and you can be involved with your family in thinking how you want to use that support.

Q: My sister cannot become independent. How can this possibly happen?

A: We will work slowly with resident to improve their confidence and build skill. It will not happen overnight

Q: How do you quantify how much care a person needs in hours?

A: Evidence of this will be provided by key worker as they know resident best together with care management. This will be recorded in support plans and if needs change an increase or decrease in hours will be given.

Lyndsay Drive Management

C: Natalie and Ray from Lyndsay Drive Supported Living gave a presentation on their experience of deregistration. They explained the benefits to include tenancy , a right to stay wherever they lived, more choice and money

Q: How important is it to get the right staff?

A: It is important to have committed staff who can provide good quality personal care. This was normally achieved by training and education. Service Users choose who they wanted to support them and those not chosen don't continue to work with them

Q: What about having good managers?

A: All management at all levels should be good quality

Q: Did staff leave due to salary decreases

A: Salaries were protected by TUPE but staff had a choice to stay or leave the organisation. The focus was about having enough staff to support service users to become independent

C: Natalie explained the importance of ensuring that care hours provided to resident met their needs e.g. how long will it take a

resident to brush their teeth. It was important that key worker knew this information and this should form part of the assessment process

Q: Is Tudor Gardens keeping a record of service users needs.

A: Yes as key workers they are all aware of the needs of the residents they support

Overall Comments from advocate for residents

C: We should involve residents throughout the process and take into account their preferences

R: The Council will continue to ensure residents are involved throughout the process of change

C: Most of the residents understood or had the mental capacity to understand the changes proposed in the view of all relatives and carers, and the independent advocate, in addition to attending the meetings the advocate went to see residents individually to see if she could help them understand the proposals. She concluded she could not, and agreed with Ken Knight's summary of their inability to follow what was being discussed at the meetings, where their interjections bore no relation to the matters in hand. The Council together with advocates and key workers will have to continue to support them through this process

R: It is the Council's intention to continue to support residents to enable them to effectively contribute and to ensure that they understand that Tudor Gardens is not closing. The message of improving resident 's quality of life and promoting their independence will be reiterated

Overall Summary & Next Steps

Assurance was provided that the consultation process would be open and transparent and that engagement with families was essential to ensure success.

Concerns were raised about the supported living model, the assessment process and the procurement process. All of these concerns were addressed, but it is fair to say that many concerns remain specifically around residents' understanding and mental capacity, issues around TUPE and retaining the same staff. However, there is also a clear commitment that in addition to working with them through the three month consultation process, officers will continue to engage through the implementation process (the crucial next three months and beyond) to identify additional opportunities, through the new model of care. The aim would be to work together to focus on the residents' individual needs, maximise their independence and improve their quality of life and to make the changes a success.

Following the assessment of needs all residents will have an up to date support plan. The assessment will be holistic and will involve those people who are important in the resident's life including their key worker. The support plan will illustrate how the residents care and support needs will be provided within a supported living environment

Although relatives remain concerned they gave a commitment to work with us to ensure the supported living model provides the right level of service for resident, improves their quality of life and that the model is successful

De-registration of Residential Home Tudor Gardens

Department

Adults Social Care

Person Responsible

Aga Ambroziak

Created

2nd February, 2015

Last Review

2nd February, 2015

Status

Assessed

Next Review

2nd February, 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)

- Neutral

AGE- The clients age range is:

30-40- 2 service users
40-50- 2 service users
50-60 - 6 service users
60-70 - 2 service users
70+ - 2 service users

Some older clients may find the change difficult as they may become more worried and resistant to a change. Younger clients who haven't reside in Tudor Gardens for a long time in the home may be less affected by change and if they choose to leave, they may find it easier and they may become more adaptable to a new changing status of the home. In relation to Brent's Diversity Profile the biggest population was the 30 to 44 year old with a quarter of Brent's population. Majority of service users in Tudor Gardens are between age 30 - 70.

5.2 Disability (select all that apply)

- Positive

All service users who currently reside in Tudor Garden have moderate or severe learning disability. Some of the clients will have no capacity to make a judgment and a decision about their future without help of others. This would be exercised through Mental Capacity Assessments, Independent Advocates, Guardians and Deputyship arrangements for clients who have no families or any other relatives. All clients will received an individualised assessment that will ensure all their needs are taken in consideration. Each clients needs will reflect in personal budgets and a level of care that will be arranged for each individual. The Policy will have a positive impact on residents because it will promote independence and give choice and control how they live their lives.

It was proposed to arrange joined consultations with residents and their families. The families were able to advocate for the residents and explain them things in a positive manner. It also meant, that residents were included throughout the consultation process. Residents needs like concentration span, language, communication were taken into careful consideration. The aim was to ensure meetings were broken down into smaller sections. In addition, key workers were asked to speak to individuals about proposed changes. Residents also received an additional support from an independent advocate outside formal consultation meetings. This allowed residents to have one to one time or meet in a smaller groups with an advocate to discuss their concerns about the proposal.

5.3 Gender identity and expression (select all that apply)

- Unknown

There is not enough data captured on the gender identity of service users. This characteristic is historically underreported and we are unable to determine the precise impact upon transgender people.

5.4 Marriage and civil partnership (select all that apply)

- Neutral

None of the residents who reside in Tudor Gardens are married or have been in civil partnership, therefore this policy has a neutral effect on the group.

5.5 Pregnancy and maternity (select all that apply)

- Neutral

This policy has neutral effect on the group.

5.6 Race (select all that apply)

- Neutral

The current profile of residents who reside in Tudor Gardens is following:

2 residents African Caribbean

3 residents White Irish

1 resident African

6 resident White UK

1 resident white Others

All residents are either born in United Kingdom, or have come to United Kingdom earlier in their lives.

White British and Irish are in majority. All the clients have lived together for almost 30 years. Brent remains a majority Black Asian Minority Ethnic (BAME) borough with 63.7% of the population being non-White. In England and Wales the figure is 14% and 40% in London. The largest single ethnic group in Brent is the Asian/Asian British: Indian or British Indian group with 18.6% of the borough's population, followed by the White: English/Welsh/Scottish/Northern Irish/British group with 18%. In England and Wales the Asian/Asian British: Indian or British Indian group makes up 2.5% of the population, rising to 8.8% in Outer London.

80% of Tudor Gardens service users are White, therefore the proposal will disproportionately impact upon white service users.

5.7 Religion or belief (select all that apply)

- Neutral

The policy should have no negative impact on service users or believes religion or believes. The Policy aims to provide more independent life for all service users. The Policy aims to continue to support service users accordingly to their faith and religion and any other spiritual needs they may have during the process.

At present we have no date on religion or belief of the current service users waiting list. The New Accommodation for Independent Living (NAIL) project may start gathering information of clients waiting list, therefore more detailed information in relation to clients religion and belief may be available in a later stage of the process.

5.8 Sex (select all that apply)

- Neutral

There are currently 7 males and 7 females residing in Tudor Gardens. The number of male and female clients does not reflect the wider Brent Population.

5.9 Sexual orientation (select all that apply)

- Unknown

We are unable to collect the evidence in this characteristic, therefore we are unable to specify of the policy will have negative or positive impact on the group.

5.10 Other (please specify) (select all that apply)

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?

In February 2015 Brent Council Cabinet agreed that we should work with residents and carers at Tudor Gardens to determine proposals for the future of the service. It was proposed that the service provision should change and the residential care home should be de-registered with Care Quality Commission and to provide service as a Supported Living.

Approximately 6 meetings have been held over a statutory 90 days consultation period aimed at service users, relative and staff. There were more meetings scheduled, however at the request of relatives this was reduced as many of the live outside of London. Relatives also requested to have joined residents meetings. For all service users' meetings there was a Makaton signer, an advocate and a note taker. For all relatives meetings there was a palentypist who transcribe a verbatim record of what was being said. The joint resident and relative meetings were extended to take into account the level of understating of resident and the need for Makaton translation. One of the consultation meetings commenced with a visit to two other supported living homes - 167 Willesden Lane and 2 Lyndsey Drive in Wembley. Both these establishments reassured relatives how a supported living establishment operates and provided relatives with the confidence to know that people with high level of needs can successfully be supported within a supported living environment. The previous consultation meetings had highlighted concerns about social work practice, the procurement process and de-registration, so people were invited to attend the final consultation meeting to talk through all of these concerns: the social work team manager for Learning Disability, a procurement representative and a manager from a supported living establishment.

Residents concerns were focused on 3 issues

Residents wanted to keep the existing staff specifically individual key workers
A better understanding of what benefits (financial) they can receive
Residents did not want Tudor Gardens to close down

Relatives concerns focused on the following:

Lack of trust in the Council and trust in the process
The quality of the assessment and support plans
Request to have residents assessed prior to any Cabinet decision as there were concerns that many will not be able to live in a supported living environment
Apprehension of the assessment process and care management staff. There was a desire to have a psychologist to undertake the assessment and not care managers
To extend the consultation period to 6 months as there was a feeling about being rushed
Consistency of staff in the new service model. The preference was to have the existing staff group if TUPE applied.

All relatives and carers were informed that all residents currently living at Tudor Gardens will receive a comprehensive reviews of the care and support they receive. During the review process residents needs will be looked at in a holistic way.

Assurance was provided that the process would be open and transparent and that engagement with families was essential to ensure success. Families were told that the council intended to continue to work with them throughout the three month consultation process and to engage with them over the next three months to identify additional opportunities, through the new model of care. The aim would be to work together to focus on the resident's individual needs, maximise their independence and improve their quality of life and to make the change a success.

Separate staff consultation

The staff consultation meetings were very much focused at HR issue with Unison in attendance. The main issue here tended to focus of future pattern of work and what will happen to those staff with fixed term contacts. As these were all HR issues staff were told this will be addressed after the decision has been made by cabinet.

The proposal will have a positive impact on all residents. All residents will be able to live in their home and will have greater choice and control in their lives. They will be able to held their own funds and choose the appropriate care and support to meet their needs.

Although this will have a positive impact on all residents, some of the residents will require extensive support from an independent advocate to ensure they are fully engaged and supported through the process. This resources will be taken into a consideration and as well as family members acting up as additional advocates.

A detailed and transparent communication to be maintained between all residents, families and staff to ensure all parties are fully engaged through the process and are made aware of any implications and impact of the process.

Overall the changes are neutral, but should have a positive impact by providing the tenants with secure tenancies, and reinforcing the focus on individualised assessments and support plans which give them greater choice and control.

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

No. Adults Social Care ensures that all residents are treated with dignity, respect and equality. We also aim to ensure we take any actions for discriminatory behaviours. We ensure all residents are treated fairly and the backbone of this work is the right to independence and control the lives of vulnerable people.

8. What actions will you take to enhance the potential positive impacts that you have identified?

To build on the positive impact, we will ensure we will work together with residents and families throughout the implementation process and ensure key milestones reach our agreements with all stakeholders. We will ensure that the supported living model we build on residents to live independent life, having full choice and control on how they live.

9. What actions will you take to remove or reduce the potential negative impacts that you have identified?

Our aim is to ensure people are treated equally despite their age, disability, gender, race, religion or beliefs or sexual orientation.

We ensure that all service users have the same access to information and ensure they adapted in a format they can understand.

To ensure discrimination is eliminated we will put in place following:

1. Residents will be consulted on the change with a support of an independent advocate
2. Residents will be given choice whether they wish to remain in residential care or supported living scheme
3. Residents will be given time to understand the consultation and easy read forms will be introduced to them.
4. For residents who have no capacity an Independent Mental Capacity Assessment will be arranged
5. We will make appropriate adaptations in their flats to ensure they can live more independently
6. Occupational Therapy (OT) assessments will be arranged to ensure people can achieve and maintain independence in all aspects of their lives
7. Residents will have the same rights and responsibilities as other citizens.
8. We will make sure that we will work closely with other organisations e.g advocacy
9. We will work closely with families and friends
10. We will work closely with other Council's departments
11. We will work closely with health representatives e.g. GP, Psychiatrist and Pharmacist

10. Please explain how any remaining negative impacts can be justified?

The negative impacts can only really be justified by acknowledging that the Council needs to remain as efficient and effective organisation, maintain quality and support vulnerable residents in the community, while ensuring they continue to live safely.



Cabinet
27 July 2015

**Report from the Strategic Director of
Adults**

Wards Affected:
ALL

Brent Mental Health Operating Model and Section 75 Agreement

1. Summary

- 1.1 This report sets out the outcomes of the Mental Health Operating Model work, which has been undertaken in partnership with Central and North West London NHS Foundation Trust (CNWL) and NHS Brent CCG to develop a new assessment and care management model for community mental health services in Brent. It explains the thinking behind the new operating model and how it fits into the broader mental health system and the wider work on mental health improvement that is taking place in North West London.
- 1.2 The local work on mental health improvement has been taken forward in a joint project involving CNWL, Brent CCG and Brent Council. The focus of this work has been on commissioning mental health services in the borough, restructuring community mental health services and improving access to accommodation for mental health service users so that they can reintegrate back into society and be supported to live independently. It is important to acknowledge that inpatient services were out of scope for this work, and that the focus of the work has been on services for adults aged 18-65.
- 1.3 Finally, the report seeks members' approval to extend the Section 75 agreement between the council and Central and North West London NHS Foundation Trust for a further 12 months, for the delivery of mental health social care services.
- 1.4 It should also be noted that while the work outlined above was being undertaken, CNWL underwent an organisation wide Care Quality Commission (CQC) inspection. The overall rating for the Trust was 'requires improvement'. The nature of the inspection makes it difficult to extrapolate issues specific to Brent Community Mental Teams, the focus of this report. The only specific reference is to insufficient care co-ordination resource within these teams, which is one of the areas this model seeks to address. (A more detailed overview of the inspection findings are included at Appendix1)

2. Recommendations

It is recommended that the Cabinet -

- 2.1 Notes the work of the Brent Mental Health Improvement Project to date
- 2.2 Endorses the emerging Brent community mental health service operating model and approves the move towards implementation
- 2.3 Endorses a move towards joint commissioning with Brent CCG of community mental health service teams and mental health services commissioned from the voluntary sector
- 2.4 Approves the extension of partnership arrangements with Central and North West London NHS Foundation Trust by entering into a 12 month partnership agreement under section 75 National Health Service Act 2006 for the delivery of mental health social care services.
- 2.5 Approves an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value Contracts to permit the council to enter into the partnership agreement referred to in Recommendation 2.4 for the good operational reasons set out in paragraphs 3.54 and 3.56 of the report.

3. Report

3.1 Introduction and Context

- 3.2 Brent Council and Brent CCG spend approximately £48m per year on adult mental health services provided by Central and North West London NHS Foundation Trust (CNWL). The service forms a critical element of the council's approach to fulfilling its statutory duties under the Mental Health Act 1983, the NHS and Community Care Act 1990 and the Care Act 2015, and CNWL are a key provider for the CCG. The service comprises a number of different functions including assessment, brief treatment, care co-ordination, early intervention, assertive outreach, acute, community, and residential care for people with mental health conditions.
- 3.3 Brent Council staff are seconded and integrated into CNWL teams, working alongside health staff to provide mental health and social care services. However, this does not fully reflect the reality on the ground as CNWL, and therefore the integrated teams, are commissioned separately by Brent Council and Brent CCG. In other words, there are integrated teams working to deliver 'un-integrated' commissioning intentions. Brent Council has a Section 75 partnership agreement with CNWL to deliver services. The CCG commissions CNWL to deliver mental health services via a contract agreed with four other CCGs. The different commissioning arrangements add an extra layer of complexity to the working arrangements.
- 3.4 The council, Brent CCG and CNWL are committed to continuous improvement in mental health services. A service transformation project has been developed by all three organisations to drive improvement in services locally. The council, CCG and CNWL have built a strong partnership over the last two years which is being further developed by the transformation project. The underpinning objective of the project is to strengthen the partnership between the three organisations as a necessary precursor to delivering the changes that will make a difference to the lives of the people of Brent. This means building a relationship which is focused on a shared

understanding of what makes a difference to people's lives and a commitment to work with service users and carers to deliver evidence based change and improved outcomes for individuals with a focus on recovery.

Care Quality Commission Inspection

- 3.5 CNWL has recently been subject to an organisation wide inspection by the Care Quality Commission. The inspection was primarily focused on health services as social work is not an inspected service. However, Brent Council social workers are part of the Community Mental Health Teams, so it is relevant to the council, and to this report.
- 3.6 Although there were areas of good and outstanding practice identified, overall the trust was given a "requires improvement" rating. The strengths of the service relating to Brent identified in the inspection relate to the use of peer support workers and engagement with service users and their family. The main issues highlighted in the Brent Community Mental Health Teams were access to physical health checks and defibrillators and the number and responsiveness of care co-ordinators. This latter point is being addressed directly by the MH operating model work set out in this report, which has looked closely at service capacity and care coordinator numbers. The new model will help to ensure that the Community Mental Health Teams has the capacity to manage effectively the service users in their care.
- 3.7 Whilst the overall rating was disappointing, the council is committed to continuing its partnership arrangements with CNWL and delivering the improvements required. The transformation projects and the work on the operating model are evidence of the desire to seek continuous improvement within the service, something the council will continue to drive with CNWL and Brent Clinical Commissioning Group for the benefit of Brent residents.
- 3.8 The better outcomes that the project is seeking to achieve will be delivered through two fundamental changes:
- The project will build on the social care 'Recovery Pathway' to deliver a full implementation of a health and social care 'Recovery Pathway'. This will mean further work with partners to embed the key elements of the pathway and to align this with the health agenda 'Shifting Settings of Care' to ensure there is a single approach to recovery, which supports people with a severe and enduring mental health illness to lead independent lives in the community (and evidences a significant reduction in the use of institutional care).
 - There will be a comprehensive review of the integrated community teams in order to design and implement a new operating model for community mental health services. The aim will be to ensure these teams are designed to deliver the health and social care 'Recovery Pathway' and that Brent has a true recovery model in its mental health services that also meets our statutory requirements.
- 3.9 There are a number of reasons why work on the operating model is considered necessary and why now is an appropriate time to be doing this work, not least the financial challenges facing all three organisations. Brent Council has to save £750,000 from its mental health social care budget over the next two years. The operating model work will help the service deliver £350,000 of savings from the Adult

Social Care budget between 2015/16 and 2016/17. CNWL has a savings target across the organisation of £45m, to be achieved by April 2016. Locally, the operating model is expected to help the Brent service save £1.2m in health service savings and help to fund a Single Point of Access for North West London.

- 3.10 There are also a number of related projects which will have a significant impact on any changes made to the mental health operating model that are in development and moving towards implementation. Understanding the interfaces with local community services is crucial. The key projects and interfaces are summarised below -

(i). North West London Single Point of Access

The NWL single point of access (SPA) will provide 24/7/365 access to CNWL's adult mental health services replacing existing local borough based referral points into the service. Access to services will be coordinated from a centralised entry point. The process of ensuring that the right person gains access to the right service should be faster and leaner, releasing secondary care clinical capacity to where it is needed most along the care pathway. Around 25 staff will work in the SPA, primarily made up of Band 6 nurses, admin support, a manager and a part time consultant psychiatrist. The SPA will provide an enhanced Urgent Advice Line (UAL) service with greater functionality and access to appointments. Service users will have access to the 24/7/365 SPA via one phone number. GP's will be able to contact a team of clinical staff (including a psychiatrist) to discuss potential referrals or shared care. The team will process emergency, urgent and routine referrals and tele-triage calls, signposting to appropriate services either within CNWL or to other statutory and third sector providers.

(ii). Shifting Settings of Care and Primary Care Plus

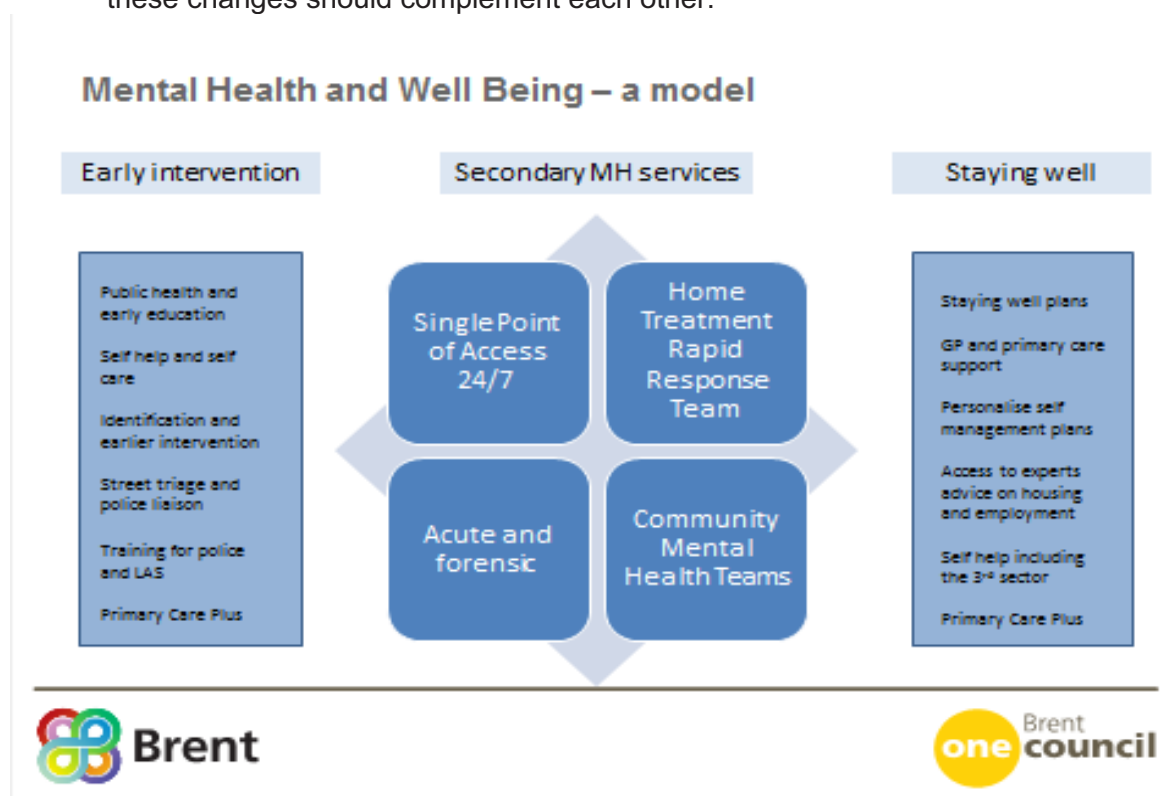
Brent CCG is part of a collaboration of North West London CCGs (NWLCCGs) implementing the 'Shaping Healthier Lives' strategy. This identified significant numbers of people in secondary care who could manage their own condition better in primary care (shifting settings of care), some of whom might require additional low-intensity support (primary care plus). In working to develop a new operating model for community mental health services, CNWL and the CCG have identified around 250 people who are potentially eligible to transfer to primary care in 2015/16, where they will receive support from the Primary Care Plus service.

The CCG's aim is to reduce the caseloads in secondary care by putting in place sufficient support and capacity to prevent people going into secondary services in the first place, and to assist with discharge out of services back to primary care. Primary Care Plus will form an integral element of the care pathway for mental health service users. For GPs, it will be a point of reference prior to any referral via the single point of access, helping to provide care and support to service users for a defined, short period of time to prevent acceleration into secondary services. The population eligible for PC+ will need to be agreed, along with the clinical presentations that will be covered by the service.

At the other end of the pathway, CNWL have identified service users who are ready to be discharged from secondary services. Reducing the numbers of people in secondary, community based services, will be essential if the revised community service operating model is to work within capacity limits. Understanding who is to be discharged and what their clinical presentation is will be crucial. Further work as part of the operating plan development has just begun, with the focus on length of stay in the service. Analysis has shown that fifty three percent of service users under the

care of the existing CNWL Recovery Team have been in services for five years or longer. Understanding which service users could be discharged and their diagnosis will be an important element of implementing the new operating model. Although this work has been initiated as part of the operating model work, it is contributing to the aims of shifting settings of care – it shouldn't be seen as a separate piece of work.

- 3.8 The development of the new community service operating model along with additional changes happening in the mental health system will have a transformative effect on services. It is important to understand that the changes to services, including the new operating model for community services, are not happening in isolation. The diagram below shows that community services are part of a wider network of services, and changes in one area will have an impact on another. This is why the developments of the Single Point of Access and Shifting Settings of Care work is happening at the same time as the changes to community services, and that these changes should complement each other.



3.9 Community Mental Health Services in Brent

- 3.10 In developing the new operating model external changes happening to services across North West London have been considered and the model has been designed with these changes in mind. What is proposed is in line with the changes that are emerging from the work on the single point of access for mental health services and the CNWL transformation programme. However, Brent cannot afford to wait until all other work streams are complete before starting to make changes particularly in terms of proposals for community teams. In this regard we are ahead of other boroughs. The changes to the operating model are in line with prevailing ideas for mental health, and are about making the service work in a more efficient way, improving social care support, refocusing on outcomes, recovery and good practice and putting in place a more manageable structure.

3.11 Changing the community operating model isn't an especially radical step. The purpose of the new model is to make the service work in a more efficient way with effective interfaces with the other elements of the mental health system – Primary Care Plus, the single point of access, Home Treatment and Rapid Response (when it's developed) and acute services.

3.12 Developing the Operating Model

3.13 In developing options for change, it was felt important to articulate a number of drivers for the new service which have emerged from engagement with service users and staff. These factors have been taken into account when putting together the new model as they set out what would be expected from highly performing integrated community mental health and social care service -

3.14 Service user feedback -

- The service needs to be genuinely holistic, taking into account all health and community support needs.
- The service needs to be person-centred, with the service user setting their own goals.
- Better information should be available at the point of referral about what services are available, and how they are accessed.
- Assessment and Brief Treatment needs to be improved – assessments aren't timely enough and brief treatment is not always provided.
- Community services for those who are not in acute crisis need to be improved so that support doesn't drop away when an individual's mental health starts to improve.
- The service needs to be better linked with the third sector in order to address broader needs.
- There needs to be clear information for service users on what they should do if they go into crisis and they need emergency support.

3.15 Service users also felt quite strongly that they would benefit from having a consistent care coordinator throughout their care if possible. Whilst it is understood that changing care coordinator can be disruptive, particularly if it happens on a regular basis, it will be difficult to deliver a model that ensures service users have the same care coordinator throughout their time with secondary mental health services. What is important though, is that the care coordinators with the right skills to most help a service user recover is allocated the case – better case allocation is something that will be achieved from the new operating model.

3.16 Staff feedback –

- There should be fewer handoffs between teams and service users should move less between teams.
- There should be clarity around third sector services in Brent and how service users can access them.
- The single front door, with senior people carrying out the first assessment, should be more effective than it currently is where services find they are “playing catch up” with the core assessment – eliminate the need for more than one assessment.
- Bureaucracy should be reduced in the new model

- The advantages and disadvantages of generic care coordinators should be considered – new skills have been learned, even if social care assessments aren't as good.
- The continuity of care should be improved.
- Staff may feel unsettled if they don't like the new structure – Brent already has recruitment and retention issues
- The service should have sufficient capacity to manage demand
- Links to other services, such as Housing, need to improve
- Effective discharge planning with service users is essential.
- The implementation plan has to be well thought through. The impact on service users has to be considered as services are reorganised and staff moved around.
- Ensure specialist functions aren't lost in the reorganisation.
- Interfaces shouldn't be replicated elsewhere, such as between Primary Care Plus and the secondary service.

3.17 There is little in the service user and staff feedback to disagree with, but there are other areas where the new model has to make a difference. Easy access to the service is crucial. The single point of access has been developed with GP endorsement, but what happens once a referral is made and passed to community teams is just as important. The timeliness of response is crucial and ensuring that resources are there to provide an emergency face to face service if needed is important. The community service will have to respond to this challenge until options for a Home Treatment and Rapid Response service are brought forward and service standards around speed of response will need to be set. There are also other changes to the local offer which are being proposed to improve service access, which are set out in the details below.

3.18 Changing the culture within the mental health service

3.19 Changing the operating model and the size and structure of teams will help to improve services, but this also needs to be accompanied by changes to culture and working practices if there is to be genuine transformation. As well as making changes to the teams staff work in, work will take place with staff to change the way they work. There is more to do in terms of changing what people do, as opposed to the teams they work in. Ideas which need to be taken forward include –

- Better recognition of social breakdown and the contribution it has to a person's mental health at the initial assessment stage. Multi skilled workers are required, people who can perform a health and social care role and recognise when social factors are the cause of mental ill health. There needs to be a range of services available for staff to refer people to so that social issues are addressed, rather than in the absence of anything else, people have to be accepted into the secondary service. Referrals to supporting people services, day services, the use of direct payments, third sector and peer support services have to become the main tools for the service and available to staff for their work with service users. Commissioning these services to improve the mental health system will be essential.
- The service should focus on a period of intervention, not on keeping cases open indefinitely. Developing and implementing a recovery pathway, where people are not kept in the service indefinitely in case they should relapse, will be central to the new model. There will be a strong focus on outcomes, which services users will be encouraged to work towards during their time in the secondary service. The service will not be judged on time spent with service users, but on the results it delivers.

- Named case workers should be allocated to the most difficult cases so that there is a clear contact and named person to call if there is a problem with a particular service user. Accountability for cases will be clearer.
- Better management of urgent referrals is a key priority and, with staff, plans will be put in place to help prevent a backlog of referrals building up as they have in recent months.
- For people discharged to Primary Care there will be, for an agreed period of time, the ability to get support from secondary services without having to re-refer back to the SPA. Links to primary care need to be improved, to bring about a more cohesive mental health system. The community mental health service will only work effectively if its links with other parts of the system are effective.

3.20 The New Operating Model

- 3.21 The current community mental health service carries out a range of functions relating to the assessment, treatment and care management of people with complex mental health problems. The service has been structured along a service line basis, based on service lines created within CNWL. In summary, the existing teams in Brent do the following –

Assessment and Brief Treatment Team – This team provides a single point of entry/access, including an initial assessment, to the Brent Mental Health Service. The team provides short-term, multi-disciplinary interventions over the course of six to twelve sessions, at which point the service user is either discharged back to their GP or referred to another team within the service for further treatment.

Recovery Team - This team works with individuals who have severe and enduring mental health problems. Service users are supported to identify and achieve personal goals e.g. returning to work/college, self-managing their condition etc. Generally people under the care of the Recovery Team are living independently in the community, although a small number live in mental health accommodation services, including SP funded services.

Rehab Team - This team works with service users with complex mental health needs who have been discharged from acute services and are in need of rehabilitation, residential care or supported accommodation and help towards independence.

Assertive Outreach Team (AOT) - AOT is an outreach service for individuals with complex mental health and social care needs, who are particularly difficult to engage with services.

Early Intervention Service – The EIS provides works with people under the age of 35 experiencing a first episode of psychosis.

- 3.22 In developing a new operating model for the service, it was agreed that it was important to create a model where teams are smaller, more manageable and have a clear remit. The current Brent Recovery Team has over 50 people, which is too large to manage effectively. Creating a model based around the Recovery function, but split into two network groups will enable management and supervision arrangements to be more robust and create better links to other services in the area. None of the functions of the current teams will be lost, but structure arrangements simplified. Importantly, the two local networks will be able to focus on building effective working relationships with GP practices, which will help in managing services in a way that

can be tailored to meet local needs. This will be one of the key priorities for the managers of the local network teams.

3.23 The financial challenges facing the council, CCG and CNWL are set out earlier in the report. It is important to understand that there will be fewer staff in the new model. From the local authority side, it is proposed to reduce the establishment by seven, including five social workers. From the health side, it is proposed to reduce staffing numbers by 16.5 wte although some of the health savings will be reinvested in the Single Point of Access and Primary Care Plus. There are currently more vacancies in both health and social care staff than posts to be deleted.

3.24 The other important factor was reducing the number of handoffs between teams and being clear about what each team would be responsible for. In the new model the number of handoffs is reduced significantly, and the structure is simplified and based around a core Recovery function. Full details on the new operating model are included as an appendix to this report. In summary it is proposed to introduce a structure based on the following principles –

3.25 Single Point of Access

3.26 This is summarised earlier in the report, but the North West London single point of access will provide an access point for all new referrals to the Brent Mental Health service.

3.27 Recovery Service

3.28 A Brent Recovery Service will be established, split into two network groups which will deliver a range of functions including –

- Responding to referrals and providing brief treatment as required – providing an initial response to referrals, particularly a face to face response within four hours for urgent access, pending Trust-wide work on the development of a HRRTT model, which will be crucial for the networks.
- Assessment Function – a full Core Assessment, Risk Assessment and Carer's Assessment will be carried out in network groups following referral from the screening service.
- An outcome based Care and Support Plan will be put in place for each person, with progress reviewed against this plan on a regular basis by the Care Coordinator. Working towards discharge from the secondary service back to primary care will be a key function of the service.
- The service will engage with people to ensure they are involved with Employment Support Services, training and other activities designed to promote independence and recovery and to avoid social isolation.
- The functions of the Rehab Service will be carried out within the network teams. Care for service users in residential care and supported accommodation services will happen from the networks.
- A "Staying Well Plan" for each service user will be put together at the point of discharge. This will be personalised for each service user, so they are aware of the services available to them in primary care and the voluntary sector, and what to do if they feel they are relapsing.

3.29 One of the key service standards that will be introduced is based around length of time in the Recovery Service. The team has to start thinking about how long it is appropriate for someone to stay in recovery. Of the 869 service users allocated to the

current Recovery Team, 457 have been in the service for five years or more. This has been challenged and progress made in reviewing and discharging people who don't need to be in the service. A new model with clear standards and expectations for staff, as well as stronger links with other parts of the system will deliver further progress with this issue. The service is moving towards a model where working with service users on the basis of a maximum of a two year period for recovery is the ambition. It is acknowledged that a step-down to primary care services will be impacted upon by the implementation and monitoring of agreed and not yet agreed shared care protocols and the current lack of specialist services such as Personality Disorder Service, Community Forensic Service, and Dual Diagnosis Services in Brent, as well as the lack of clear commissioning streams/budgets for service users with complicated needs such as ADHD, Autism, Brain Injury etc. This will be reliant on better commissioning between the council and CCG.

3.30 Early Intervention Service

3.31 The Early Intervention Service (EIS) works with people under the age of 35 experiencing their first episode of psychosis. It is a time-limited service, focussed on intensive interventions and recovery. By delivering sustained support over a three year period, the possibility of an individual developing a long-term condition is minimised. There is a strong focus on social support networks and support is also offered to the families of service users, to try to ensure relationships are maintained.

3.32 Because there is a national directive, based on strong evidential support for the effectiveness of Early Intervention Services, the EIS will remain a standalone team, but will be hosted within one of the network teams. The importance of recognising the EIS clinical pathway and service standards for those experiencing their first episode of psychosis is such that it will remain a separate team providing borough wide coverage. The key service standard that has been introduced since April 2015 is that all those referred to and accepted into the service shouldn't have to wait longer than 14 days from referral to treatment.

3.33 Mental Health Act Team

3.34 The Mental Health Act Team is a council funded team, made up of Approved Mental Health Act Practitioners (AMHPs). AMHPs are responsible for carrying out Mental Health Act assessments and can deprive people of their liberty if it is felt that this is required for treatment for their illness. It is a specialist role that is governed by legislation. At present all of the AMHPs in Brent are social workers, and those who work in the Mental Health Act Team don't carry a caseload, their focus is on Mental Health Act work.

3.35 For the time being it is proposed that the Mental Health Act Team remains as a stand alone team, providing coverage across Brent. This includes AMHPs based at Brondesbury Road and Park Royal, who are to be brought together as one team. In time it is proposed that AMHPs are integrated into the Recovery and Rehab Services leaving only a core Mental Health Act Team, of one AMHP manager and one permanent AMHP. AMHPs will provide coverage on a rota basis as this evolves. The Mental Health Act Team will continue its interface with the EDT, to ensure that there is Mental Health Act coverage 24 hours a day in the borough.

3.36 Service Standards

3.37 As part of the work in developing a new operating model, an audit of case files has been undertaken to look at strengths and weaknesses in practice and to help clarify

service standards which will guide working practice and the implementation of a recovery model. There are some clear issues that have been identified from the audit as well as analysis of the current case load data and work with service users which has led to the development of the service standards set out below –

- Monthly contact as a minimum with all service users
- Urgent referrals seen and assessed within four hours; routine referrals seen within 28 days
- Targets for length of time people are in the secondary MH service – two years as a maximum, based on the point that it isn't a service for life and that the primary goal is recovery
- Uniform approach to discharge planning including a “staying well plan” - proactive management to avoid the need for crisis intervention, jointly agreed with GPs
- Better interaction between secondary and primary care based on “staying well plan” to ensure people can access secondary support even when in the community
- Reduced hand offs between teams - smaller teams based on two networks – better links with primary care and the local community

3.38 For staff, the service standards and service capacity will mean that each of the 51 care coordinators in the service will be expected to do -

- 1 service user review per week
- 1 new assessment per week
- 11 “contacts” with service users on their caseload (2.5 hours is set aside for each contact), so that every service user is contacted every 3 weeks

3.39 Each care coordinator will have a caseload of around 35 people. Cases will be segmented into one of 4 zones, depending on the complexity of the persons' illness –

- Reablement: 1-12 weeks – It is expected that 40% of cases will be included in this zone
- Targeted treatment: 2-6 months - 15% of cases will be included in this zone
- Continued Care: 3-9 months - 15% of cases will be included in this zone
- Complex needs: 9 months plus - 30% of cases will be included in this zone

3.40 There will be 51 care co-ordinators in the service, 22 of which will be social care funded social workers. The community service will be able to manage a caseload of 1,500 service users at any one time. This is a reduction from the 1,800 currently in the service, but reflects the changes that are happening in the system – the development of Primary Care Plus and discharge of service users to that service, as well as a better focus on service user recovery.

3.41 Commissioning within the Mental Health System

3.42 Changing the operating model and improving the way teams work in CNWL will only be effective if other services in the mental health system are commissioned to compliment those provided by the secondary care service. The council and CCG have been working on this, to look at ways of aligning existing commissioning arrangements and reviewing contracts and grants with voluntary and third sector organisations that provide mental health services in the borough. The aim of this work is to ensure that there is a range of services in Brent that are commissioned jointly to help provide a recovery focus to mental health, and that also dovetail with

the services provided by CNWL. This is especially important with the development of the SPA, that the total service offer in Brent is understood to enable effective signposting to services if a person does not meet the criteria for secondary services.

- 3.43 The feedback from staff and services users during the work on the operating model was clear – there needs to be better access to services provided by voluntary organisations; staff want to know what is provided and, that alternative service provision should link up with services provided by CNWL. The commissioning work is taking this into account in developing plans for mental health commissioning.
- 3.44 The focus of work to date has been on bringing together information on mental health services in the borough. Over £1m is spent each year on mental health services commissioned from the voluntary sector by the council and CCG. In looking at the smaller contracts that the council and CCG have outside of the CNWL partnership agreement and contract, there are a number of organisations that are being engaged by both organisations. Some organisations also receive funding from different parts of the council, but coordination between service areas in their commission work could be better. This is an area where it is felt that the council and CCG can make progress and at the very least align commissioning arrangements before moving to joint commissioning of services.
- 3.45 In the future, including for 2015/16, work will take place with services commissioned from the same organisations in order to implement joint arrangements with a single service specification. The importance on being clear on the vision for mental health, and what is wanted from these services, will be highlighted by the joint commissioning work. A mental health vision and strategy will help to guide this work and a draft of this is included as an appendix to the report.
- 3.46 Going forward, the work on commissioning will be based around a “Ladder of Care” model, looking at services and spend at each level of the service user pathway – Universal Services, Early Intervention, Rehab and Reablement, Community Care and Acute Care. The Improvement Project Group will make recommendations on future commissioning intentions based on achieving the aims set out in the vision for mental health and realigning spend on services accordingly. Work will be done with the teams in secondary services and with GPs so that referral routes and the offer provided by commissioned services is clear to all.
- 3.47 The commissioning work will ask some fundamental questions about the approach to services and how they connect to the recovery model. For example, service users have found the point of discharge from the secondary service to be a difficult transition for them. There are concerns about coping with their illness, how they will be managed in primary care, whether their benefits will be affected and the impact the discharge could have on recovery. Linking service users up with community providers and/or the Recovery College that offer advice and support and help people continue with recovery will be crucial. The work will look at existing commissioning decisions and determine whether the areas of investment are correct to enhance recovery and prevent people coming back around and into the secondary system.
- 3.48 It is important to acknowledge this context and see the operating model work and commissioning work as one. Ultimately, the council and CCG should consider moving towards a point where they are jointly commissioning a CMHT pathway across health and social care, focussing on a recovery model. This work is a starting point on a more ambitious and joint approach to commissioning which it is hoped that the CCG Executive and council Cabinet can support. Even at this stage, a model has been developed in the context of the work that is happening across NWL, the

principles of which it is hoped can be endorsed before moving to implementation stage.

3.50 Section 75 Agreement

- 3.51 Currently the council and CNWL have a partnership arrangement to cover the delivery of mental health social care services, delivered in integrated mental health and social care teams. It is recommended that a partnership agreement pursuant to section 75 of the National Health Service Act 2006 is entered into for a further 12 months so that both parties have the reassurance that they are committed to working together in partnership to deliver improvements in mental health and social care services in Brent.
- 3.52 There has been considerable investment in the partnership between the council and CNWL over the past two years, particularly the two improvement projects that have been undertaken. The Phase 1 project led to a significant reduction in the use of residential care for service users. The Mental Health Act team was reviewed to improve quality and resilience and the work of the Employment and Welfare Support team was mainstreamed in the Recovery Service to reduce staff overheads. The foundations were set to deliver a wider savings plan, which reduced the overspend in the service. This has been continued in Phase 2, with further reductions in the use of residential care, as well as the work on the operating model and commissioning. The financial position has improved significantly. The budget for the service in 2012/13 was £7.603m. This has reduced to a forecasted budget of £5.412m in 2015/16, without compromising the quality of service.
- 3.53 There are still improvements that can be made, and the new operating model, assuming it is approved, will need to be implemented. Additionally, there is work taking place with Housing Services to improve the supply of private sector accommodation for mental health service users. If this is successful, it will help to further reduce the use of residential care and supported accommodation, giving more independence to service users and focussing services on their recovery. The commissioning work outlined above also needs to be completed. Improvements to the mental health system as a whole require strong partnerships with providers such as CNWL. Entering into a 12 month 75 agreement will help provider the stability required to deliver further improvements in services.

3.60 Conclusions

- 3.61 The work on the operating model has led to a proposal that if implemented will help to improve mental health services in Brent. Changing structures and teams in itself will not improve services; looking at processes and working practice are as important, if not more important if service improvement is to be delivered. This work has attempted to do this, and with staff a comprehensive implementation plan will be developed to take this work forward in the coming months.
- 3.62 There is much happening across mental health services, which the operating model work has had to take into account, such as the development of the single point of access and primary care plus. There are to be further system changes in due course as well. What is worth stressing is that the proposed changes to community teams in Brent are in line with other work that is taking place and do not take Brent Mental Health Services in a different direction of travel to the wider NWL system or CCG intentions. But, Brent cannot afford to stand still and wait for all other work to be

completed before making changes to the way services operate in the borough. We want to proceed to implementation, involving GPs, service users and other key stakeholders in working this through.

- 3.63 Assuming the model is approved in principle, the main focus of the work in the coming months will be on developing the specific service standards and interfaces and implementing the new model. As set out previously in this paper, we want to make the service work in a more efficient way, refocus on outcomes, recovery and good practice and put in place a more manageable structure rather than radically change the nature and principles of the service.
- 3.64 It is important that changes to the operating model are not seen as an end in itself. They have to be coupled with a new approach to commissioning, and ensuring that there are services in place to compliment those provided in secondary (and primary) care. Working collaboratively, starting with the development of a vision for mental health services, the council, CCG and partners will be looking to develop a more cohesive mental health system and ultimately move to a position where it is jointly commissioning community mental health and social care services in Brent.

4. Legal Implications

- 4.1 The council has various statutory duties in relation to mental health matters, including a statutory obligation to complete assessments and put in place appropriate community care services for those with mental health needs in their area. The council must also ensure that there are sufficient Approved Mental Health Professionals (AMHPs) to conduct assessments under the Mental Health Act 1983. Under the Section 3 of the Care Act 2014 the Local Authority has a duty to exercise its functions with a view to promoting integration of health and social care provision where this will improve quality of care and support and promote the well-being of individuals in their area. The Recommendations of this report would appear to be consistent with the council's Section 3 duties.
- 4.2 Members are recommended to approve the council entering into a 12 month partnership agreement with CNWL under section 75 of the National Health Service Act 2006. Section 75 allows local authorities and health bodies to enter into various arrangements, including pooled budgets and partnership arrangements, if these are likely to lead to an improvement in the way that the respective functions of those bodies are exercised. Under Contract Standing Order 85, partnership arrangements require the use of a written agreement as well as approval from the Chief Finance Officer. In addition, partnership arrangements of this type require Cabinet approval because there is a delegation of the council's functions to CNWL.
- 4.3 Where a partnership arrangement is approved under Contract Standing Orders and the arrangement includes the delivery of services by the health body, then an exemption from Contract Standing Orders, relating to the usual requirement to tender such services, is required. Such an exemption can only be granted where there are good financial / operational reasons for doing so and Members are referred to paragraph 3.54 to 3.56 for details.

5. Financial Implications

- 5.1 The council's Adult Social budget for Mental Health service for 2015/16 is £5.4m.
- 5.2 As part of the 2015/16 budget setting process, the council agreed to set a savings target of £500k in 2015/16 and a further £250k in 2016/17 for the Mental Health

service. The proposed new operating model will deliver £350k of the £500k savings required in 2015/16, with the remainder delivered via other work streams.

- 5.3 It should be noted that the department's short term budgeted savings plans have assumed a continued partnership arrangement with CNWL. If the Section 75 agreement was not renewed the delivery of these savings would be at risk and alternative savings would need to be found.

6. Equalities Implications

- 6.1 An equalities analysis of the work has been carried out to assess the impact of the proposals on service users and staff. It should be noted that the work on the mental health transformation is referenced in the council's Equality Strategy 2015-2019, as it is included in the section on the council's priorities, under the "Enabling people to live healthier lives and reducing health inequalities". The work on the operating model is part of a wider programme of change, which will have an impact on service users.
- 6.2 The model will improve services for people with a recognised protected characteristic, disability. The changes are designed to encourage recovery and independence and for people to take greater control of their lives and not become dependent on services. This is based on previous work that has been done with the mental health service, to encourage step down from residential care and high level supported accommodation - we want to move away from institutionalising service users, even in community services. Research with service users through the project has shown that they support this principle and the changes to the operating model.
- 6.3 There are no plans to remove services from people, but the way that services are set up and delivered will change for those in the secondary mental health service. The biggest change is the abolition of existing teams and creation of two networks. For most service users, changing teams will mean very little. But, change of care coordinator is more of an issue. Service users don't like changing care coordinator if it can be avoided, and so this will need to be carefully managed. One of the problems with the current structure is that when people change teams, their care coordinator changes. This can happen frequently, but in the new model it will happen less – once someone is given a care coordinator when they enter the service, unless there is good reason to change they will remain with that care coordinator until discharge.
- 6.4 The other main change is that links with primary care are to be enhanced, through the creation of Primary Care Plus. We need to change the approach to discharge, and increase the flow of service users out of the service - we can't hold people in secondary care in case they should ever relapse. This will need careful management with service users, to see discharge as a positive step, but also provide reassurance that there are ways back into services if they ever relapse. People who have mental illness and their carers and family are often sensitive to change. This is understandable and strong relationships can be forged between service users and staff. Within the new model we want to encourage independence and recovery and to see the achievement of these things as a positive step for people.
- 6.5 Analysis of staff who work in the service has uncovered one striking feature that stands out - the age of staff. Only 13 of the 61 council staff are aged under 40. Twenty six are aged 51 to 60 and five are aged 61 to 70. Over 50% of the staff are aged 50 or over. This could have had implications for the operating model work, but savings will be taken from vacant posts rather than existing staff. However, this will be an issue for the service and it will need to take steps to ensure experienced members of staff are replaced as they leave in the future. It has already been

recognised in the AMHP function, where a programme of training has been instigated to train social workers to become AMHPs, partly because a number of existing AMHPs were approaching or already at retirement age.

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Services provided and their rating:

Service	Type	Overall Trust Rating	Local Brent Provision
Acute wards for adults of working age	Mental health	Inadequate	Pond Ward, Pine Ward, Shore Ward
Mental Health Psychiatric Intensive Care Units	Mental health	Inadequate	Caspian Ward
Mental Health Crisis Services and Health Based Places of Safety	Mental health	Good	Park Royal Mental Health Centre
Ward for older people with mental health problems	Mental Health Services	Requires Improvement	Butterworth Centre
Mental Health Services	Long stay rehabilitation mental health wards for working age adults	Good	Fairlight
Community Based Mental Health Services for Older People including Memory Services	Mental health	Good	Fairfields House, Central Middlesex Hospital,
Community Based Mental Health Services for Adults of Working Age	Mental health	Requires improvement	Brondesbury Road, Pary Royal Mental Health Centre, Roundwood Centre, Central Middlesex Hospital,
Specialist community mental health services for children and young people	Mental Health Services	Good	Bell House, Warranty House,
Learning Disability Services	Mental health	Inspected but not rated	Brent and Harrow Community Team (Learning Disabilities)

Trust wide areas of good practice

The CQC noted that the positive attitude of staff was very evident throughout the inspection. This was reflected in their pride in working for the trust and their service and in their wish to provide the highest standards of care to people using the service.

The pharmacy team not only ensured that the arrangements for the supply of medicines was good, but also provided considerable guidance and support to staff and patients throughout the services.

Patients, carers and staff all valued the courses provided by the recovery college and the opportunities for personal development. The recovery college was very well organised and responsive to local need.

Please note that 'must do's' identified by the CQC are made for core services areas, and therefore not all will be applicable to the borough's services.

Acute Wards for Adults of Working Age

Areas of good practice:

- The wards all had access to information to monitor and audit quality through data extracted from the electronic record system.
- Generally the CQC found that patients spoke very positively about the support they received from the staff. They said staff were helpful, caring, listened to them and gave them encouragement and support with their needs. Most of the patients spoke of being involved in their care and support planning
- CQC observed positive, kind and caring interactions between staff and the patients, including under challenging circumstances.
- Acute services were effective. Clinical staff made assessment of patients' needs including physical care on admission to wards. Where needs were identified, the care plans reflected those needs.
- Multidisciplinary teams worked effectively together in caring for and supporting patients.
- The staff in acute services were kind and respectful to patients and had a good understanding of individual needs. During MDT meetings, CQC observed that patients and their relatives were encouraged to express their views.
- In 2014 the acute care services introduced daily 'whiteboard' meetings on each ward. These were attended by a range of disciplines including the consultant psychiatrist, matron, staff nurse, psychologist, pharmacist, occupational therapist and medical trainees. The meeting provided a daily update on each patient and opportunity for professions to have daily oversight of what was happening with each patient.

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Areas for improvement:

12 x 'must do's'

1. The Trust must address the blind spots in the ward environment of Park Royal MHC to enable clearer lines of sight and reduced risks to patients and staff.
2. Staff working on the wards must be able to articulate how they are assessing and managing the potential risks from ligature points for the patients using this service. The use of blanket restrictions must be reviewed and risks from ligatures managed to reflect the needs of the patients on the ward.
3. The provider must ensure that staffing levels are adjusted to reflect the actual numbers of patients on the wards. This number must include those patients spending the day on the ward even if they are sleeping on another ward or at another hospital overnight.
4. The Trust must implement the training of all staff in new restraint techniques to ensure that staff working together on wards are all trained in the same techniques and in line with current best practice on the use of prone restraint, to prevent injury to staff and patients.
5. Staff must always monitor and record physical vital signs in the event of the use of rapid tranquilisation until the patient is alert. They must improve medical reviews of patients receiving rapid tranquilisation to ensure patients are not at risk.
6. The Trust must take further steps at the Park Royal MHC and other sites where acute inpatient services are provided to ensure that risks to detained patients from being absent without authorised leave are minimised.
7. The Trust must ensure that, on admission to a ward, patients have a designated bed that is within the ward occupancy levels.
8. Patients returning from leave must have a bed available on their return to the ward.
9. The Trust must take steps to reduce the number of times that patients are moved to other wards to sleep for non-clinical reasons. Where it is unavoidable, staff must ensure that a thorough handover takes place to promote continuity of care. Patients must only be moved at reasonable times so that they are not adversely affected.
10. The Trust must promote the privacy and dignity of patients. Patients must be able to make calls in private.
11. The Trust must ensure the acute wards for adults of working age are well led by having contingency plans in place for when the numbers of patients needing a bed increases above the beds available.
12. The Trust must ensure the acute wards for adults of working age are well led by having contingency plans in place for when the numbers of patients needing a bed increases above the beds available.

Mental Health Crisis Services and Health Based Places of Safety

Areas for improvement:

2 x 'must do's'. 4 x 'should do's'

Must do's

- The Trust must ensure that when a person is assessed as requiring an inpatient bed that they are able to access a bed promptly.
- The Trust must ensure that the access to the Trust's places of safety promotes the patient's dignity and privacy by the provision of a separate entrance.

Should do's

- Risk Assessments should be updated on the Trust's electronic record system to reflect changing risk.
- Lone Working should be reviewed to ensure all teams have a robust system.
- A patient's capacity to make a decision should be recorded in the written records.
- Team to consider ways of collecting regular feedback from service users.

Mental Health Psychiatric Intensive Care Units

Areas for improvement:

1 x 'must do'. No 'should do's'

- The Trust must ensure information is available to inform patients on how to make a complaint. They must ensure verbal complaints are addressed and, if needed, patients and carers have access to the formal complaints process.

Community Based Mental Health Services for Adults of Working Age

Areas of good practice

- Almost all services had employed peer support workers, people who had used or were using mental health services, who were a positive addition to the teams.
- Several community services involved patients in interviewing prospective new staff members as part of the recruitment process.
- Most teams held regular forums for patients and carers to give feedback about the service.

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Areas for improvement:

3 x 'must do's'. 4 x 'should do's'

Must do's

- The provider must ensure that where automated external defibrillators (AEDs) are provided because there is a clinical need for this equipment, for example at Hillingdon community recovery team (Pembroke Centre) that they are maintained on a regular basis, accessible and available for use. The provider must ensure that other teams also have resuscitation equipment if needed.
- The Trust must ensure there are sufficient staff available to work as care co-ordinators so that duty workers in some services are not holding large numbers of patients which could potentially create a risk for the safety and welfare of patients
- The provider must ensure that patients using community services are referred for regular physical health checks.

Community Based Mental Health Services for Older People including Memory Services

Areas of good practice

- Services are thoughtful, considered & respectful, working closely with relatives.
- Staff have access to training to support them in their job role.
- There are clear processes for reporting and learning from incidents.
- Very good use of the Mental Capacity Act to support decision making.
- Staff used NICE guidance to deliver service.
- There are strong triage systems in place to ensure people are seen in a timely manner.
- There are good processes in place to follow up DNAs and cases are closed on an individual, considered basis.

Areas for improvement:

0 x 'must do's'. 4 x 'should do's'

- Care Plans should include a full physical healthcare management plan where physical health care issues are noted on initial assessment.
- The teams should explore if care plans can be provided in a more accessible format.
- The services should ensure all staff have access to regular supervision.
- The services should collate informal verbal complaints so that lessons can be learnt from these.

CAMHS

Areas of good practice:

- The Brent CAMHS service ran the targeted mental health in schools (TaMHS) programme. They worked to support school staff to recognise young people with emotional wellbeing and mental health needs. They provided access to advice and consultation from a professional in mental health.
- Incident reporting and learning from incidents was apparent across teams. Staff had been trained and knew how to make safeguarding alerts. Staff managed medicines well.
- Young people referred to teams were seen by a service that enabled the delivery of effective, accessible and holistic evidence-based care.
- Staff demonstrated their commitment to ensuring young people received robust care by being proactive and committed to people using the service, despite the challenges with limited resources.
- There was strong leadership at a local level and service level across most of CAMHS that promoted a positive culture within teams.
- There was a commitment to continual improvement across the services.
- Young people were used on interview panels and had been involved in developing interview questions.

Areas for improvement:

0 x 'must do's'. 0 x 'should do's'

This section contains actions that are being taken, or are already in progress, in response to the findings presented in the CQC reports. Our conversations with you will help shape these actions and deliver a robust action plan back to the CQC.

The following actions are underway to address the 'Must do's' and 'Should do's':

Safe environment and safe care:

- The Team reviews Care Plans and Risk Assessments weekly at the Clinical Review Meeting.
- Monthly audits completed by Team Doctor and staff members.
- Where blind spots/lines of sight is an issue, wards have agreed day-to-day management of these ward areas through ward zone observation, allocating staff responsible for observing the affected areas. [Completion 12 June 2015]
- All ward environments have been assessed and mirrors ordered to address blinds spots / clear lines of sight identified. Update at 12 June 2015: St. Charles MHC, Park Royal MHC, Riverside Centre, acute wards at Northwick Park MHC and Seacole Centre at Kingswood have so far been completed. The installation programme will be completed by 20 July 2015.
- Ligature risks have been identified in each ward and documented in risk registers held in each of these clinical areas. Each ward has specific ligature

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risks identified and documented. It is imperative that ligatures that are identified as requiring local management and are fully understood by staff and included in staff supervision structures and MDT ward rounds.

- The ligature risk registers are reviewed on a monthly basis via the work place risk assessments. The Ward Managers and local Estates Lead conduct the monthly reviews.
- The ligature risk assessments are reviewed at the bi monthly estates and facilities meetings, where all ward managers attend, with the local estates lead and matrons.
- There is a Trust Wide Ligature removal programme led by one of the corporate Estates Officers, who oversees this programme. The programme is then reviewed at regular estates meeting.
- The ligature risk audit is completed on an annual basis and this is led by the Trust Health and Safety Department and the Estates Team. The above programme is monitored by the service manager.
- Ligature risk competency framework and training programme has been developed. The expected outcome of this programme will be that all staff will be able to fully articulate the way that ligature risks will be managed in their wards, Nursing Care Plans and shift by shift entries are audited on a regular basis, and individual patient care plans being linked to identified ligature risks according to patient and environmental risks will be monitored, and reported at ward level.
- Datix incident reports are monitored by the Matrons and service manager and all episodes of self-harm are responded to with the individual team (including Consultant Psychiatrist) providing assurance on care and treatment plans.
- The Trust Risk Assessment policy includes a review of suicide and self-harm risk and individual patients presenting with ligature tying risks, or

general risk of suicide or self-harm are identified and these issues are managed across the Multi-Disciplinary Teams on an ongoing basis.

- The observation and engagement policy provides the practice framework for managing self-harm risk via therapeutic engagement and enhanced one to one observation for patients identified as presenting significant self-harm risks
- Statistics on the use of close observation are monitored via the daily Trust wide bed capacity reports.
- A memo communication was sent to all staff on 21 May 2015 to raise awareness / remind staff of the monitoring/review requirements when administering rapid tranquilisation, for example, noting the reason for the administration, and the on-going reviews of the patients' physical health following the rapid tranquilisation administration. [Completed 21 May 2015]
- Since May 2015, fortnightly audits are being carried out by the Divisional Governance Team to monitor the completion of vital signs monitoring following rapid tranquilisation, and the reason is specified. The results, by clinical team, are fed back to ward managers and the lead clinician for immediate follow up action, and are discussed at team meetings, handovers, and during staff supervision. Results are monitored by the Divisional Director of Nursing. Results at June show improvements have been made, with an aim of achieving 100%.
- The Trust has undertaken a Security Review of all acute in-patient wards: the report from this was agreed by the Operations Board, chaired by the Chief Operating Officer on 23rd April 2015.
- As a result, the actions we are implementing have been designed to support a reduction in the number of people absconding from the wards and has set a target to reduce this by 50% by 1 April 2016.

- The Trust is now designing an e-learning package that will be essential to role for all staff, to be completed prior to working within the in-patient environment. This training package will be in place by 31 July 2015. The training will be delivered to all existing staff over 8 weeks and new staff will complete this as part of their local induction. Where Agency staff are employed, hardcopy versions will be delivered by ward managers. Whilst the e-learning package is being designed, the Trust has put in place Interim Security and Safety Guidance; this has been distributed to all staff working at acute in-patient sites.
- A Security Review has been completed; this identified that 'tailgating' (i.e. closely following a visitor or staff member through an exit) is a primary cause of absconsion.
- Work has begun to remove all door release buttons, located in nursing offices, to assist in the prevention of tailgating and guidance on relational security is included in the Interim Security and Safety Guidance, to ensure that a member of staff is by the ward entrance door to greet visitors or authorise guests.
- A review of the physical security infrastructure has been conducted and works at those sites identified by the CQC have been prioritised. There are plans for additional doors to increase the 'layered approach' to security (i.e. the additional doors will combine with existing security controls to further minimise the risk of absconsion) where necessary. This work will be completed by 5th December 2015. The remote door release has been removed from all the doors, this means that only staff with a swipe card reader can enter or exit the ward. All other individuals will need to be let on or off the ward.
- Work is ongoing with inpatient staff (multi-disciplinary teams) to ensure that where risk of absconsion for a patient is identified as a result of a risk assessment that the risk management plan is reflected in the patient's care plan. This is being addressed through local Quality Governance Groups and Team Meetings. Care plans are regularly audited by Ward Managers and Clinical Team Leaders.
- The AED Standard Operating Protocol clarifies that staff are to keep a record of daily checks on the AED including that:
 - i - it is in place and serviceable with a green light displayed on the AED
 - ii - the attached pads are in date
 - iii - a razor and shears are immediately available with the AED
 - iv - There is immediate access to spare pads and battery or an alternative AED
- Team Managers will monitor that these checks are being recorded and sign the completed forms each month. The AED Standard Operating Procedure has been circulated to all adult community mental health teams, which includes the explanation around AED maintenance and that an annual maintenance check is expected from BCAS and that this will be reflected on the sticker on the AED.
- Audits are completed to ensure each risk has an associated care plan results are fed back to care coordinators and where risks are found without a care plan remedial action is taken.
- All service users have their physical health care needs assessed on initial assessment and then every 6 – 12 months.

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Dignity and privacy:

- Private patient telephone calls: Access to private phone calls is available for all patients. This is via cordless telephones, telephone booths or the ability to make mobile phone calls from patient bedrooms.

Staffing:

- There is a local Lone Working Policy for Brent HTT. This is under review currently to incorporate an alert system. The local policy will be in line with the new Trust wide Lone Working Policy.
- Staffing levels are adjusted reflecting the changing clinical risks and patient number of a ward to ensure patient safety and comfort. This is monitored and reviewed on a daily basis.
- All team members have access to regular clinical supervision and this is being monitored by matrons.

Safeguarding service users from abuse and patients not being protected against the risk of unsafe control or restraint:

- The Trust is now training all relevant staff who may be required to use physical intervention in the delivery of an alternative technique to the prone restraint position.
- As of 1 June 2015, 314 (57%) staff have been trained in the alternative supine position.
- The remaining 237 (43%) members of staff are due to receive their update by July 2015.
- Where wards have seclusion rooms a seclusion log is in place, which is completed on every episode of seclusion. The log will document that medical and nursing reviews have taken place and is monitored by the ward manager and Matron. Issues will be highlighted at team meetings as required, and any specific practice issues followed up in clinical supervision. [Complete May 2015]

Care and welfare of people who use services:

- There is an HTT service user questionnaire to collect feedback from service users. The feedback is evaluated and fed back on a monthly basis.
- The Trust will explore other relevant formats for care plans to be provided in a more accessible format to meet the accessibility requirement of patients.

Bed Management:

- Bed availability is reviewed at weekly bed management meetings and through the scrutiny of daily out of hours senior manager on call reports with a process of escalation to address any delays.
- Local ownership:** bed occupancy is discussed at least twice daily with Borough and Clinical Directors
- New Place of Safety Project underway and led by Estates. A separate entrance will be provided in the new suite.
- The number of patients who have slept out or been moved has reduced to a minimal level.
- The overall aim of the Trust's bed management process is to reduce the bed occupancy rate to 95% by 1 June 2016.
- Immediate Actions we have taken:
 - **Stopped admission** of adults to older adult wards
 - **Greater central oversight:** set up centrally-led 3 x weekly bed management meetings, chaired by the Chief Operating Officer, at which we discuss/review:
 - all 4, 8, 12, 24 and >24 hour breaches;
 - monitor the number and reasons for patients staying over 60 and 100 days;
 - community and home treatment team engagement in preventing unnecessary admissions, and
 - community team provision of support in progressing delayed discharges and work together to resolve unnecessary delays.
- Escalation process** both in and out of hours to manage patient flow put in place.
- Improved information flow:** twice daily (morning and evening) bed state disseminated across the Trust
- Use of ECR beds:** we are using ECR beds as and when necessary with the support of funding from commissioners - these conversations are ongoing.
- Engagement of stakeholders:** Borough Directors are currently working closely with our local authority and commissioner colleagues in managing delayed discharges. This is on-going.

Quality of service provision:

- Care coordinators to review all care plans to ensure each one has a crisis plan – end June 2015.
- Where crisis plans are not in place care coordinator to ensure one is developed within 4 weeks with the service user - end July 2015.
- Quarterly Peer Audits of Crisis Plans will be undertaken commencing July 2015.

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Complaints:

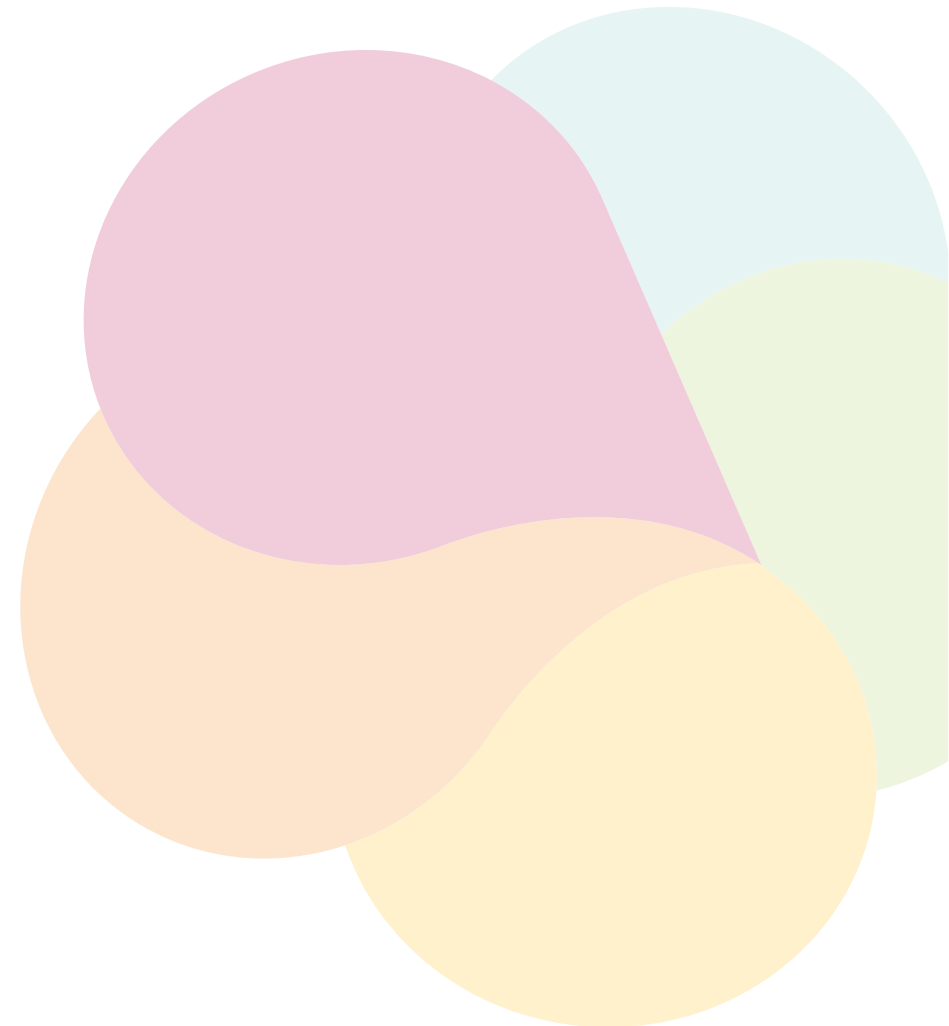
- New complaints posters and leaflets have been designed and displayed in patient/public areas. [Completion 12 June 2015]
 - Spot checks by service managers/matrons to ensure these posters are up and leaflets available to patients, special confirmation to be received from the Ward managers for PICU's. [Completion 30 June 2015]
 - Our new DatixWeb system is used to capture all patient feedback, including concerns and complaints, verbal and written. DatixWeb allows regular reports to check verbal concerns and complaints are being logged and acted on.
- Staff have been briefed of this requirement via the Trust's weekly news, and a series of communication and this is supported by the new Patient Feedback Policy. [Completion 31 July 2015]
- The revised Patient Feedback Policy and procedure currently being consulted on with a view to launch by 30 June 2015, and includes the requirement to record verbal concerns and complaints on DatixWeb. [30 June 2015]
- Informal complaints are discussed as they come in will be discussed at the monthly community quality and management team meeting.

Respecting and involving service users:

- Patient capacity to make a decision is audited weekly using a proforma.

CAMHS:

- Triage system is in place; process in place reiterated to staff which is beginning to address the high demand on the service.
- The service has reissued and discussed the Lone Working Policy and procedures and managers have been asked to review alarm systems.
- Care and Crisis Plan - all staff reminded to discuss this with service users and record that this has been done. Service users to be given a crisis card.



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Mental Health Operating Model

Department

Everyone

Person Responsible

Andrew Davies

Created

29th June, 2015

Last Review

29th June, 2015

Status

Assessed

Next Review

29th June, 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)

- Neutral

5.2 Disability (select all that apply)

- Positive

The model will improve services for people with a recognised protected characteristic, disability. The changes are designed to encourage recovery and independence and for people to take greater control of their lives and not become dependent on services. This is based on previous work we have done, to encourage step down from residential care and high level supported accommodation - we want to move away from institutionalising service users, even in community services.

New service standards to be implemented with the model will give service users minimum standards they can expect from services, including at least 14 "contacts" per year, a staying well plan and better links with primary care and support in primary care at the point of discharge. From the time that a person is accepted into the service, work will take place to prepare them for discharge and to embed the idea that services aren't for life, but for a period of time whilst a person is unwell.

Capacity modelling has also been carried out so that it is clear as to the number of service users the service can hold at any time. This hadn't been the case previously, but should ensure service quality is sustained for those in the service. Strong partnerships with primary care will be needed to sustain capacity numbers. The mental health system has to function properly for the community service to be able to work as intended.

5.3 Gender identity and expression (select all that apply)

- Neutral

5.4 Marriage and civil partnership (select all that apply)

- Neutral

5.5 Pregnancy and maternity (select all that apply)

- Neutral

5.6 Race (select all that apply)

- Neutral

5.7 Religion or belief (select all that apply)

- Neutral

5.8 Sex (select all that apply)

- Neutral

5.9 Sexual orientation (select all that apply)

- Neutral

5.10 Other (please specify) (select all that apply)

- Neutral

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?

- Four staff engagement events - December 2014, February 2015, May 2015 and June 2015. Service users attended the May event.
- Service User engagement - Two events in October 2014. Recently the Brent User Group has surveyed users on the proposed changes, and this information has been fed back to the Work Stream Group meetings by the BUG representative on the group. Service users are positive about the changes, in particular the simplification of teams and the reduction of artificial barriers between teams and services.
- BUG and another service user have been on the Work Stream Group.

A summary of the staff and service user feedback is set out below -

Staff

- There should be fewer handoffs between teams and service users should move less between teams.
- There should be clarity around third sector services in Brent and how service users can access them.
- The single front door, with senior people carrying out the first assessment, should be more effective than it currently is where services find they are "overplaying catch up" with the core assessment "eliminate the need for more than one assessment.
- Bureaucracy should be reduced in the new model
- The advantages and disadvantages of generic care coordinators should be considered "new skills have been learned, even if social care assessments aren't as good.
- The continuity of care should be improved.
- Staff may feel unsettled if they don't like the new structure "Brent already has recruitment and retention issues
- The service should have sufficient capacity to manage demand
- Links to other services, such as Housing, need to improve
- Effective discharge planning with service users is essential.
- The implementation plan has to be well thought through. The impact on service users has to be considered as services are reorganised and staff moved around.
- Ensure specialist functions aren't lost in the reorganisation.
- Interfaces shouldn't be replicated elsewhere, such as between Primary Care Plus and the secondary service.

Service Users

- The service needs to be genuinely holistic, taking into account all health and community support needs.
- The service needs to be person-centred, with the service user setting their own goals.
- Better information should be available at the point of referral about what services are available, and how they are accessed.
- Assessment and Brief Treatment needs to be improved "assessments aren't timely enough and brief treatment is not always provided.
- Community services for those who are not in acute crisis need to be improved so that support doesn't drop away when an individual's mental health starts to improve.
- The service needs to be better linked with the third sector in order to address broader needs.
- There needs to be clear information for service users on what they should do if they go into crisis and they need emergency support.

The staff and service user feedback has been reflected in the final model, where it has been possible to do so. For example, service users like have the same care coordinator. This will be done where possible. Reducing the number of teams in the service will help to achieve this.

An EIA, looking at service user implications was also carried out at the start of this work - see attached document.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

8. What actions will you take to enhance any potential positive impacts that you have identified?

We are working with staff on a range of training issues ahead of implementation including -

- Core Skills Training - Assessment, care management etc.
- Signposting to third sector and alternative service provision, to complement the core services provided by CNWL
- Better use of SDS, especially in the delivery of peer support for service users
- Recovery in mental health
- Embedding service standards and objectives for the service

The purpose of this training offer will be to enhance service provision and ensure that the focus on recovery is embedded throughout the service.

9. What actions will you take to remove or reduce any potential negative impacts that you have identified?

I don't believe there are negative impacts as a result of the changes, although communication with service users will take place in the lead up to the implementation of the new model. This will be coordinated by CNWL rather than the council, and will be personalised through care coordinators where required.

10. Please explain the justification for any remaining negative impacts.

N/A

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Workforce restructure equality analysis form

This form is to be used to monitor the impact of restructures on equality in the workforce to ensure that:

- all decisions and criteria are fair, transparent and non-discriminatory
- no one is treated less favourably than anyone else because of their equality characteristics during a restructure process.

This form should be completed in three stages:

- **Stage 1: Predictive** (complete sections 1, 2 and part of section 4)
You should complete the predictive analysis at the very beginning of the restructure process. This will help you to think about how equality considerations should inform the restructure process and give you time to address issues of inequality.
- **Stage 2: Post-consultation** (complete section 3)
- **Stage 3: Retrospective analysis** (complete sections 4 and 5)
You should complete the retrospective analysis at the end of the restructure process to compare the outcomes with your predictive analysis. You will assess there were any differential impacts on equality and reflect on lessons learned from the process.

A separate equality analysis should also be completed to assess the potential impact of a restructure on service users.

If you have any questions about this form, please contact your Senior Employee Relations Officer.

1. Overview

Department	Adult Social Care
Unit	Care Planning & Support
Team	Mental Health
Responsible manager	Phil Porter
Date of predictive equality analysis	14/07/15
Date of retrospective equality analysis	
Number of employees affected	57 55 staff are affected by changes to team structures, and minor refocus of tasks within their existing role profiles. None of these staff will be subject to redundancy or changes to their existing role profiles. 2 staff will be affected because their posts are being deleted from the new team structure. The consultation paper on this

	change is attached. Because these individuals cannot be identified within the diversity profile, the EA will reflect the data that relates to the entire team.
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Please attach the consultation paper which should summarise the background, key objectives and proposed changes to the workforce.

2. Process – please confirm that you have completed the following steps

Action	Date completed	Comments
Confirmed that all criteria used for redundancies, ring-fenced interviews and new job descriptions are fair and non-discriminatory	June 2015	No ring-fenced posts or new JDs. The preference will be to find suitable roles
Signposted affected employees to support for dealing with stress	July 2015	Included within consultation document
Confirmed if any affected employees are disabled and may need reasonable adjustments during the process	June 2015	No adjustments required
Made reasonable adjustments for disabled employees at each stage of the restructure process	N/A	
Confirmed if any affected employees are pregnant, on maternity leave or due to return from maternity leave and are a priority group for assimilation or redeployment	N/A	No staff are on maternity leave
Ensured that any recruitment panels are representative in terms of race and sex	Yes	
Ensured that all members of any recruitment panels have completed recruitment and selection training either at Brent Council or elsewhere	Yes	Panel staff have all completed CNWL or Brent recruitment and selection training

3. Consultation

Consultation dates	
Who did you engage with?	
What equality issues were raised during the consultation?	
How will you respond to these findings?	

4. Outcomes

If **more than ten** employees are affected, complete this section in full.

If **fewer than ten** employees are affected, only include data on age, race and sex.

If **fewer than five** employees are affected, do not complete this section.

Please contact your Senior ER Officer if there is any risk that individuals could be identified.

a. Workforce diversity profile

		Previous structure (predictive)		New structure (retrospective)	
Snapshot of workforce as at:		January 2015		[Date]	
Total number (no.) of employees		57		[No.]	
Age	Under 21	0	0.00%	[No.]	[%]
	21 – 30	2	3.51%	[No.]	[%]
	31 – 40	11	19.30%	[No.]	[%]
	41 – 50	17	29.82%	[No.]	[%]
	51 – 60	22	38.60%	[No.]	[%]
	61 – 70	4	7.02%	[No.]	[%]
	71+	1	1.75%	[No.]	[%]
Disability	Disabled	3	5.26%	[No.]	[%]
	Not disabled	37	64.91%	[No.]	[%]
	PNTS/ Unknown *	17	29.82%	[No.]	[%]
Race	Asian	7	12.28%	[No.]	[%]
	Black	23	40.35%	[No.]	[%]
	Mixed heritage	1	1.75%	[No.]	[%]
	White	14	24.56%	[No.]	[%]
	Other	1	1.75%	[No.]	[%]
	PNTS/ Unknown *	11	19.30%	[No.]	[%]
Religion or belief	No religion / belief	6	10.53%	[No.]	[%]
	Christian	13	22.81%	[No.]	[%]
	Hindu	4	7.02%	[No.]	[%]
	Muslim	1	1.75%	[No.]	[%]
	Other	1	1.75%	[No.]	[%]
	PNTS/ Unknown *	32	56.14%	[No.]	[%]

Sex	Female	37	64.91%	[No.]	[%]
	Male	20	35.09%	[No.]	[%]
Sexual orientation	Lesbian, gay or bisexual	1	1.75%	[No.]	[%]
	Heterosexual / straight	26	45.61%	[No.]	[%]
	PNTS/ Unknown *	30	52.63%	[No.]	[%]
Transgender		No data		[No.]	[%]
Married or in a civil partnership		11	19.30%	[No.]	[%]
Pregnant or on maternity leave		0	0%	[No.]	[%]

* PNTS = Prefer not to say

b. Outcomes diversity monitoring (Retrospective analysis)

	Placed in new structure						Redundancies				Redeployment	Other		
	Grade increased		No change		Grade reduced		Compulsory		Voluntary					
	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
All staff	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Age														
Under 21	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
21 – 30	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
31 – 40	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
41 – 50	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
51 – 60	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
61 – 70	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
71+	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Disability														
Disabled	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Not disabled	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
PNTS	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Race														
Asian	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Black	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Mixed heritage	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
White	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Other	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
PNTS	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Religion or belief														
No religion	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Christian	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Hindu	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Muslim	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Other	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
PNTS	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Sex														
Female	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Male	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Sexual orientation														
Lesbian, gay or bisexual	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Heterosexual/straight	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
PNTS	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Transgender	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Married or in a civil partnership	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]
Pregnant or on maternity leave	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]	[No.]	[%]

5. Summary and lessons learned

What were the main differences between the predictive and retrospective analyses?

--

Did the restructure have a disproportionate impact on any of the equality groups?

--

If so, can you justify why there was a disproportionate impact?

--

What lessons on equality and diversity can be learned from this restructure process?

--

Please return this form to your Senior Employee Relations Officer for auditing.



Brent

**Staff Consultation Paper on the
Carers Team
July 2015**

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1. Context and Background

Context & Background

The service has been working for the past twelve months on a new designed operations model for the following teams:

- ABT
- Recovery Team
- AOT
- Rehabilitation Team
- Carers Team

The following model has been developed for the service

A Brent Recovery Service will be established, split into two network groups which will deliver a range of functions including;

- Responding to referrals and providing brief treatment as required – providing an initial response to referrals, particularly a face to face response within four hours for urgent access, pending Trustwide work on the development of a HRRTT model, which will be crucial for the networks. The Mental Health system needs this part of the pathway to function effectively so that those referred to the service are seen in a timely manner.
- Assessment Function – a full Core Assessment, Risk Assessment and Carer's Assessment will be carried out in network groups following referral from the screening service. A Social Worker or a Nurse will assess, where Social Care and Health Needs have been identified at the screening stage. A Doctor will only carry out an assessment on service users where Health needs have been identified. There may be a need for joint assessment or two assessments if initial triage at SPA does not accurately identify the needs.
- If after assessment it is determined that a person requires support from the secondary service, the case will be allocated to a Care Coordinator best equipped to work with the service user, and also take into account capacity within network groups.
- An outcome based Care and Support Plan will be put in place for each person, with progress reviewed against this plan on a regular basis by the Care Coordinator. Working towards discharge from the secondary service back to primary care will be a key function of the service.
- The service will engage with people to ensure they are involved with Employment Support Services, training and other activities designed to promote independence and recovery and to avoid social isolation.
- The functions of the Rehab Service will be carried out within the network teams. Care for service users in residential care and supported accommodation services will happen from the networks, and will include -
 - Arranging accommodation placements based on the needs of service users
 - Skills development to help service users live independently

- Regular reviews to determine suitability for step down, and the suitability of care packages
 - Ensuring support packages are delivering value for money and renegotiating costs where appropriate
 - Working with providers to ensure care and support meets the needs of service users. Challenging providers if there are problems and working with Commissioning to rectify these.
 - Working with the council's Commissioning Team to ensure there is sufficient supported accommodation for mental health service users, which is meeting needs in Brent.
 - Working with service users in CCG funded institutional care
 - Working with Housing Services to ensure there is access to general needs accommodation for service users and maintaining this relationship.
- The service user will be contacted or seen by appointment as a minimum once a month by their Care Coordinator. If the service user does not need to be seen as frequently as this, thought should be given to discharging them from the secondary service.
 - Home visits should take place for each service user at a minimum of once a quarter, and following the completion of a Risk Assessment.
 - The work of the AOT Service will be mainstreamed into the new service and the stand alone team will be disbanded. However, the clinical pathways for AOT will be retained for those service users who require additional support. In the caseload analysis carried out in preparing the new model, there was not enough evidence to support the retention of a separate AOT – they did not appear, from the analysis undertaken, to be offering anything different to service users than that offered by the Recovery Team. There wasn't evidence that AOT service users were seen any more frequently than Recovery service users and as a result it is felt that there isn't the evidence for a standalone team.
 - ABT will be disbanded; the Single Point of Access (SPA) will be established, and the Assessment and Brief Treatment functions will be included in the network groups.
 - ***The Carers Team is to be disbanded and carers assessments will form part of the core assessment process. This has been factored into the 2000 assessments the service has capacity for each year. Ensuring the service meets its obligations under the Care Act will be critical, and this includes identifying carers and undertaking appropriate carers assessments. Relevant training has taken place with staff on this, and more will be arranged if it is felt this is needed to ensure obligations to carers are met.***
 - A Co-Worker / Buddy System will be implemented so that caseloads are known by two people in case there is a problem with a member of staff, or to ensure that there is some knowledge of cases if a staff member leaves. This is to avoid some of the handover problems that can occur when Care Coordinators change. The service will record the number of inappropriate referrals from the Single Point of Access, to monitor the quality of the service. This will be used to feedback to the SPA Team every quarter.
 - The service will receive direct referrals for service users who have previously been cared for in the secondary service, but discharged for up to 12 months after their discharge (although staff will be encouraged to use their own judgement for service users discharged more than 12 months previously). The majority of service users should be able to be managed in primary care. However, for a few, escalation back to the secondary services may be necessary. It will be more reassuring for service users,

carers and GPs if there is a route back into services after an individual has been discharged. This will need to be worked up, but if the throughput of service users is to improve this may have to be done on the basis that there is an easier route back in for those who have previously been discharged. This does go against the principles of the SPA and means that on a weekly basis some diary time will need to be protected and managed by the local teams to manage this need.

- A “Staying Well Plan” for each service user will be put together at the point of discharge. This will be personalised for each service user, so they are aware of the services available to them in primary care and the voluntary sector, and what to do if they feel they are relapsing.
- A duty system will be established to deal with emergency / urgent cases (that are not MHA based). This does go against the principles of the SPA and means that on a daily basis some diary time will need to be protected and managed by the local teams to be able to respond to such emergencies.

Early Intervention Service

The Early Intervention Service (EIS) will remain a standalone team, but will be hosted within one of the network teams. The importance of recognising the EIS Clinical Pathway and service standards for those experiencing their first episode of psychosis is such that it will remain a separate team providing borough wide coverage. The key service standard that has been introduced since April 2015 is that all those referred to and accepted into the service should not have to wait longer than 14 days from referral to treatment. It will be emphasised that most service users should not be with the team for longer than one / two years.

The EIS Team intends to carry out a review of their function in the coming six weeks, looking at service demand and capacity, ways of working and skill mix within the team. This will be an important piece of work in determining the future direction of the team and making sure it is set up to deliver the standards expected of it, not least referral to treatment targets. The results of this work and the changes arising from it will be reported to the Trust by mid July.

Mental Health Act Team

For the time being it is proposed that the Mental Health Act Team remains as a standalone service, providing coverage across Brent. This includes AMHPs based at Brondesbury Road and Park Royal, who are to be brought together as one team. In time it is proposed that the AMHPs are integrated into the Recovery and Rehab Services leaving only a core Mental Health Act Team, of one AMHP Manager and one permanent AMHP. AMHPs will provide cover on a rota basis as this evolves. The Mental Health Act Team will continue its interface with the EDT, to ensure that there is Mental Health Act cover 24 hours a day in the borough.

Forensic Social Worker

Whilst the Forensic Pathway is developed, the Forensic Social Worker post will be aligned to the Recovery Service and managed from within one of the Network teams.

2. Timescales for Comments

This consultation is for the disbandment of the carers team. The consultation will commence on 15th July 2015 for a period of 30 days and therefore will end on 12th August 2015. Comments are invited from both staff affected within this time period. Written comments can be sent to Mr Ian Currie, Service Manager/Lead Manager at ICurrie@nhs.net. During this period there will be a consultation meeting with both affected staff, this will take place 15^h July 2015 at 9:30 am at 15 Brondesbury Road, London NW6 6BX, Meeting Room 1.

In addition to this, individual staff members will be invited to one to one sessions with Ian Currie, Service Manager/Lead Manager and ? Lead HR Advisor. The DMT will receive feedback from the consultation process and a final decision will be made on 18th August 2015 and communicated to staff on 19th August 2015 for implementation by 1st September 2015

Item 10.5 outlines the timetable for achieving the restructure.

3. Current Structures and/or Working Arrangements (Janet please add in here)

The carers assessors service comprises of two Local Authority employed staff who report to a CNWL Manager. One staff member is employed on a part- time basis (22hrs) and the other full- time (36hrs).

All assessments take into account the impact of caring on the carers physical, social and mental health well-being, which is further supported by an individualised support plan. Based on the outcome of the assessment a number of carers have been eligible to receive either £250 or £300 one off respite payment from Brent Council. There is also funding for a number of carers to embark on a three day residential retreat. Cares assessments are conducted annually however, day to day support can be provided by either a care coordinator or a carers assessor.

The team's main function is to aid independence and encourage recovery and community involvement. The team works with individual carers.

The team operates Monday – Friday, 09:00 – 17:00 and is based at Brondesbury Road.

Referrals are made directly to the team from any of the Community Teams in Brent. There is no referral form process, and Care Coordinators can call the team directly to make a referral for any carer who has eligible needs.

The total budget for the team is £75,168.65 and consists of 2 staff.

4. Budgets/Savings (Debbie please add in here)

Year	Savings (£)
1 (Sept. 2015 to March 2016)	£21,700.00 + £25,043.27 = £46,743.27
2	£32,237.33 + £42,931.32 = £75,168.65
3	£32,237.33 + £42,931.32 = £75,168.65
4	£32,237.33 + £42,931.32 = £75,168.65

5. Proposal for New Structure/Service/Working Arrangements

The change is being made as carers assessments will form part of the core assessment process. This has been factored into the 2000 assessments the service has capacity for each year. Ensuring the service meets its obligations under the Care Act will be critical, and this includes identifying carers and undertaking appropriate carers assessments. Relevant training has taken place with staff on this, and more will be arranged if it is felt this is needed to ensure obligations to carers are met.

6. Existing & Proposed Staffing

The tables below show the proposed changes to existing posts;

Existing Post/Structure	Grade	Change (<i>specify whether</i>)
Mrs Jasvanti Patel	S01	Delete Post
Ms Sybil Brown	S02	Delete Post
TOTAL POSTS 2		
New Post/Structure	Grade	Change (<i>specify whether</i>)
Please list all posts		
TOTAL POSTS 0		

7. Accommodation

N/A

8. Assimilation and ring fencing (think we can go for slotting in to two posts.)

8.2.1 Assimilation applies where an employee is matched to a post without the need for an interview and a:

- New or existing post is available in the same service/unit and the post is substantially similar to the post which is being deleted or changed;
- New or existing post's grade is no more than one above or one below that of the post being deleted or changed;
- There is the same number or fewer potential redeployees than available matching posts.

8.2.2 Competitive assimilation applies where substantially similar roles are available within the same service/unit or Council wide if looking at functional groups but there are more potential redeployees than available matching posts;

- Employees will need to be interviewed to decide which of them are appointed to the job(s), and other forms of assessment may also be used.
- As with assimilation, staff must be considered for roles that are one grade up or one grade down from the grade of their existing post.

- 8.2.3 Ring-fenced interviews will take place where a new post is substantially different to the role the employee is currently undertaking but where there is recognition that some similarities exist;
- The new or existing post's grade will be no more than one above or one below that of the post being deleted or changed
 - The employee will be required to attend a ring-fenced interview and other forms of assessment may also be used.
 - In some instances no appointment will be made.

9. Selection Criteria

- 9.1 The proposed selection criteria would include a combination of;
- a) a formal interview

10. Voluntary Redundancy

- 10.1 The council is committed to mitigating the risk of compulsory redundancies where possible and will consider applications for voluntary redundancy from all staff affected by these proposals.
- 10.2 Through this document, affected staff may submit expressions of interest for voluntary redundancy, using the form (Appendix 1) by 26th June 2014. Written estimates of redundancy payments and the process for formally applying for redundancy will be provided in the following week.
- 10.3 Applications will be considered and applicants will be notified of decisions by the end of the consultation period. In cases where the Council agrees that a voluntary redundancy request can proceed, the employee will need to formally accept the redundancy by a date which will be notified.
- 10.4 The decision on voluntary redundancy applications will be made by a panel representing the Strategic Director, Adult Social Services, the Chief Finance Officer, and the HR Director.

10.5 Timetable for Achieving Restructure

Activity	Start date	End date
Borough Director signs off consultation report	04/07/2015	04/07/2015
Strategic Director ASC signs off consultation report	06/07/2015	06/07/2015
DMT signs of consultation report	07/07/2015	07/07/2015
HR Director signs off consultation document	10/07/2015	10/07/2015
Chief Finance Officer signs of report	10/07/2015	10/07/2015
Send proposals to unions – GMB & Unison	10/07/2015	10/07/2015
Meeting with affected staff	15/07/2015	15/07/2015
Consultation starts	15/07/2015	12/07/2015
Staff and unions submit comments on consultation paper	15/07/2015	12/08/2015
Meeting (1-2-1) with affected staff	17/07/2015	17/07/2014
Consultation ends	12/08/2015	12/08/2015
Review and update consultation paper	13/08/2015	13/08/2015
Borough Director and HR signs off final consultation report	13/08/2015	13/08/2015
Strategic Director ASC signs off final consultation report	14/08/2015	14/08/2015
Final consultation report issued to staff	17/08/2015	17/08/2015
Interviews with ring fenced staff	21/08/2015	21/08/2015
Implementation date	01/09/2015	01/09/2015

Appendix 1:

Voluntary Redundancy Application Form

Please note that by completing this application form the council is not making an offer of redundancy. Formal applications MUST be submitted by 25th June 2014. You will be notified after the close of the consultation period whether or not your application has been agreed by deciding officers.

Please return your application form by either:

- *Paper copy to: Natalie Fox, Borough Director, Park Royal Centre for Mental Health Central Way, Off Acton Lane, London NW10 7NS*
- *Email copy to Natalie.Fox@nhs.net*

Personal details:

Surname..... First name

Date of birth Post title Payroll number

National Insurance number Department

Brent council employment start date

Local authority continuous start date

Local authority breaks of service period: From To

Name of Unit

Name of Head of Service.....

Name of Assistant Director.....

Please tick

- I am interested in the possibility of voluntary redundancy

Preferred last date of service ___ / ___ / 2014

Signed..... Date

Supporting Staff Through Change

Employee Assistance Programme (EAP)

Lifestyle Action - A free and confidential 24 hour a day, 7 days a week helpline (0800 116 4368) offering expert advice, specialist counselling (face-to-face & telephone) and support on issues including:

- debt, tax and financial management
- family and personal
- starting a new job
- moving location
- staying healthy
- coping with change
- career and development transition

Global Solution Services and Personal Career Management

Brent Council is working with Global Solution Services (GSS) and Personal Career Management (PCM) to support staff during the difficult period of career transition.

All Brent Council staff, whose post has been identified as being at risk, can access support from GSS. GSS are experienced at supporting individuals through the transition that possible redundancy initiates. If you would like to attend the first of GSS's ½ day workshops - **Proactive Job-Search and the Hidden Job Market and CV and Interview Skills** or any other workshop in the series, please register your interest via ETWeb.

PCM's services are available for managers (PO6 and above) who have been issued with notice of compulsory redundancy. PCM is one of the UK's leading career management and outplacement companies. Managers can access a range of support in the form of workshops, face to face coaching and online resources.

Staff should contact **Elaine Tomlinson** via email or telephone (02089371343) for further information.


Brent Learning Hub – E-Learning

A number of e-learning modules (listed below) are available on the Brent Learning Hub accessed through the intranet at your convenience. If you require assistance please contact the Corporate Learning and Development Team on 020 8937 3912 or email Learning and Development support@brent.gov.uk

- **Self Development & Career Management** - these more general modules show how to develop and implement a career plan for the longer term. They provide a structured approach to assessing your own development needs, developing a plan and appraising your progress.
- **Impact of change for Employees** - completing this module will help you to consider the impact of change. It will also help you to understand the need for change and how to cope with it.

- **Impact of change for Managers** - completing this module will help you to consider the impact of change for you and your team. It will also enable you to prepare your team members for change and support them through the change process.
- The modules below are aimed at those who may be facing redundancy or a change of jobs as a result of organisational change:
- **Reviewing career options** - this module is aimed at those at risk of, or considering choosing redundancy. It will help you take stock of where you are in your career, and analyse your skills and personal attributes. The module also focuses on how training can help you prove and improve your skills and appreciate other possibilities like self-employment, volunteering, further education, or career break travel.
- **Searching for Jobs** - in this module we offer key points that will enable you to use formal and informal sources of new job information, recognise the positives and negatives of self-employment and appreciate the possibilities of volunteering.
- **Applying for Jobs** - this module is on applying for jobs. It offers tips on preparing a good CV, completing paper and on-line application forms and responding to advertisements by letter and on-line.
- **Writing a CV** - this module offers valuable insight into putting together a quality CV. What to include, the problems you may face and the importance of tailoring for each specific job.
- **Preparing for Interviews** - this module offers insight into conducting a successful interview. It outlines the different types of interview and the questioning techniques commonly met with. The module also highlights the importance of effective preparation and the steps to take should you not be successful at interview.

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 <p>Brent</p>	<p style="text-align: center;">Cabinet 27 July 2015</p> <p style="text-align: center;">Report from the Strategic Director of Regeneration and Growth</p>
<p style="text-align: right;">Wards affected: Stonebridge</p>	
<p style="text-align: center;">Bridge Park – to enter into Heads of Terms</p>	

Appendices 3, 4 and 5 are Not for Publication

1. Summary

- 1.1 This report follows on from the two previous reports (see Background Papers) presented to the Executive on the subject lands Unisys and Bridge Park Community Leisure Centre (BPCLC) as per the site plans at appendices 1 & 2.
- 1.2 This report provides an update for Members and seeks agreement to enter into Heads of Terms with General Mediterranean Holding SA (“GMH”) as Guarantor and Harborough Invest Inc as Property Owner, to sell part of the land owned by the London Borough of Brent at BPCLC to fund the design and build of a new leisure centre paid for out of the proceeds of sale and advanced Community Infrastructure Levy (CIL).
- 1.3 Following entering the Heads of Terms this report sets out the next steps.

2. Recommendations

That the Cabinet:

- 2.1 Delegate authority to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to finalise negotiations and enter into Heads of Terms with General Mediterranean Holding SA as Guarantor and Harborough Invest Inc as Property Owner in substantially the form set out in Appendix 3 of this report.
- 2.2 Delegate authority to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to enter into negotiations, finalise and enter into a land sale agreement with General Mediterranean Holding SA and Harborough Invest Inc.

3 Detail

- 3.1 Bridge Park Community Leisure Centre (BPCLC) as detailed at Appendix 1 is a former bus depot that was converted in the 1980's into a Leisure Centre with dry side sports, function hall, conferencing and meetings rooms along with business units for rent using GLA funding and has been managed by the Council for at least the last 13 years.
- 3.2 Bridge Park has four main elements: a sports hall and associated health and fitness facilities, a large community hall with catering and conference rooms, a number of business units and Technology House - a separate office block that is leased out by the Council from which a children's nursery and church group operate.
- 3.3 Both BPCLC and Technology House have a backlog of repairs and need significant future investment to bring them up to modern standards.
- 3.4 The ex-Unisys site (adjacent to BPCLC) is owned by Harborough Invest Inc (Harborough) the site has sat empty and derelict for around 17 years.

Heads of Terms

- 3.5 At the Executive on 17th June 2013, the Executive resolved:

“That agreement be given to the draft Heads of Terms as set out in appendix 3 of the report from the Director of Regeneration and Major Projects to form the basis of the detailed sale agreement between the council and GMH and instruct the Director of Regeneration to complete terms for a land sale between GMH, its subsidiary company and the council as set out in Appendix 3 subject to suitable parent company guarantees to the satisfaction of the council.” (The subsidiary company referred to was Tucan Investments Plc at the time of the 2013 report).
- 3.6 Since the June 2013 Executive, negotiations with GMH have been ongoing through their agent Nick Shattock Real Estate (NSRE) (now Chainwork Capital Limited) to ensure that the Council receives best value for its land. As a result the Heads of Terms have changed and it is proposed that the Strategic Director of Regeneration and Growth concludes negotiations and enters into Heads of Terms with GMH & Harborough Invest Inc in substantially the form set out in Appendix 3 of this report.
- 3.7 The current proposal comprises that on the land to be developed by GMH and its subsidiary Harborough, 505 new homes, a hotel and one new commercial unit be provided (which may be subject to change as scheme design is further developed).
- 3.8 It is proposed that GMH will procure its own consultants and contractors, joint venture partners and affordable housing provider and the Council will procure

its own consultants and contractors to build out the Leisure Centre. GMH will pay its own costs and also pay for the Council's professional fees.

- 3.9 On completion of sale, the council will leaseback the existing leisure centre on a peppercorn rent for 30 months and will continue to operate until the new leisure centre is built and ready for operation, subject to a long-stop of 41 months from completion of sale (with conditions as detailed in appendix 3). Details of proposed ownership after the land sale and CPO are detailed at Appendix 2.
- 3.10 The Council will continue with compulsory purchasing the site known as the 'car breakers yard' appendix 1 and GMH will underwrite these costs up to a cap as detailed in Appendix 3. Negotiations with the land owner to date have proven to be difficult and land value expectations have been very much in excess of the valuation advice the Council has received.
- 3.11 The Heads of Terms continue to assume advanced CIL. The advanced CIL is no longer limited to the first two phases of the development as the combined Minimum Land Receipt and advanced CIL will be the cost of the Leisure Centre (as per details in appendix 3).
- 3.12 A principle change since the matter was last considered by the Executive is that GMH have indicated that their subsidiary will be Harborough and no longer Tucan Investments Plc. GMH have explained that it would be sensible for the landowner to be party to the agreement rather than a new development vehicle. The Council has checked landownership details with land registry and this confirms the owner as Harborough Invest Inc of 364-366 Kensington, High Street, London W14 8NS from 22nd April 1998.
- 3.13 The current Heads of Terms now has a Minimum Land Receipt (as per details in appendix 3) which is approximately 30% greater than reported in 2013.
- 3.14 The current Heads of Terms are more detailed than the previous Heads of Terms providing more detailed information on for example: The Legal Structure and Conditions Precedent, Overage, Affordable Housing and the Construction Programme including the obligations on GMH.

Affordable housing

- 3.15 Current planning policy requires a target of 50% affordable homes subject to development viability. This development will be looking at a much lower percentage level due to the need to provide a capital receipt and advance CIL to fund a new leisure centre. The offer from GMH is therefore on a sliding scale – see Appendix 3 & 5.

Termination provisions

- 3.16 The final price will be determined as the site goes through planning, with provision in heads of terms for a financial review pre-planning and at planning consent stage with the ability to walk-away by either party.

Leisure Centre

- 3.17 Since the last report progress, planning consent has been granted for a replacement sports centre with a new swimming pool at Moberly, in the south of the borough. In addition the previously consented Dexion House scheme is also coming forward at Wembley and this too incorporates a swimming pool.
- 3.18 All options presented to the Executive in February 2014 (including the preferred option – Option 3) showed the revenue expenditure exceeds the income and there would still be a revenue cost to the Council. The revenue subsidy required for a new swimming pool as part of the preferred Bridge Park scheme is estimated at £369,542. See table below:

	Net Annual Running and life cycle costs (£)	Additional annual revenue costs above the cheapest option with lifecycle (£)
Option 1 - base case	224,065	4,906
Option 2 - base case plus pool	373,954	154,795
Option 3 - the pool replacing function hall	369,542	150,383
Option 4 - no pool but 5a side pitch on roof	219,159	0
Option 5 - no development and refurbish the existing centre	966,547*	747,388

- 3.19 Further work will be undertaken in an effort to reduce this subsidy requirement in the light of the ongoing pressures on local government finances.

Next steps

- 3.20 The following table outlines the intended next steps:

Land Sale Agreement Negotiation
Negotiation/CPO Process for Car Breakers Yard
Officer Review Mix within Leisure Centre
Procurement Approach Agreed to allow for Architect and Professional Team appointments
Planning Application Submission
Start on Site

4 Financial Implications

- 4.1 The capital cost to build the Leisure Centre is proposed to be funded from the derived land receipt and advanced CIL. As such, delivery of the project is entirely dependent on adequate land sale receipts and advance CIL payments being received from GMH. Should either fall short of anticipated levels or should there be a cashflow issue then the differential in cost would need to be

financed from an alternative source which could have additional budgetary implications and would be subject to Cabinet approval.

- 4.2 The figures for the capital build are as of 2013 and would need to be retested to assess affordability in respect of the derived land receipt and advanced CIL.
- 4.3 The Council employed Deloitte LLP to determine if a proposed disposal of the Council land to GMH, represented best consideration to the Council. Deloitte LLP concluded that the proposal as at June 2014 did not represent best consideration to the Council.
- 4.4 Deloitte LLP re-engaged with GMH, via their agent NSRE to seek in principal agreement to the various development costs, revenues and timescales. This exercise resulted in the Council receiving a revised offer from GMH as at September 2014. As a result of the discussions between DRE and NSRE, Deloitte LLP conclusion was that whilst they did not necessarily agree with all of the points raised in the NSRE offer letter, the revised GMH offer for the Land at Bridge Park was above that of Deloitte LLP revised opinion of value (Appendix 4).
- 4.5 On-going Leisure Centre revenue costs will, at a minimum, be retained within current budget allocations. However, work is ongoing to see if the on-going revenue costs required can be removed to allow for the Leisure Centre to operate without any funding from the Council.

Financial Status Checks

- 4.6 General Mediterranean Holding SA and Harborough Invest Inc are both in overseas ownership and not registered at Companies House. As such the process for carrying out financial checks on these companies cannot be completed in the normal manner and the required financial information in an appropriate format is awaited. Finalisation of negotiations and entering into Heads of Terms with these companies will be subject to confirmation of satisfactory financial standing.

5. Legal Implications

- 5.1 The Council has a statutory duty under Section 123 of the Local Government Act 1972 to obtain best consideration for the disposal of land save in respect of a lease of 7 years or less OR where the Secretary of State has given its consent.
- 5.2 Disposals on the open market by auction, marketing agent or to a special purchaser by way of private treaty following an independent market valuation will satisfy the best consideration requirement ensuring the site has been properly exposed to the market. This is a disposal to a special purchaser where the independent market valuation was undertaken by Deloitte Real Estate.
- 5.3 The council's statutory duties in relation to sport and leisure provision are engaged under s19 (1) of the Local Government (Miscellaneous Provisions)

Act 1976 which gives a local authority the power to provide such recreational facilities as it thinks fit. Given a local authority has discretion as to the nature of the recreational facilities it provides, the council is permitted to select any of the proposals subject to consultation that confirmed the preferred option as Option 3.

- 5.4 The decisions made by the Executive in June 2013 in regards to the Compulsory Purchase Order (CPO) to acquire the freehold interest and other relevant legal interests of the Car Breakers site continues to remain relevant.
- 5.5 The decision of the Executive in June 2013 did not give the Director of Regeneration the authority to continue to negotiate the Heads of Terms. As it has not been possible to conclude negotiation on all elements of the Heads of Terms, this report seeks approval to delegate authority to the Strategic Director of Regeneration and Growth in consultation with the Chief Finance Officer and Chief Operating Officer to conclude the Heads of Terms negotiations and to enter into both Heads of Terms and land sale agreement.

6. Diversity Implications

- 6.1 An equality analysis was completed for the February 2014 Executive report in regards to the Leisure Centre options. An equality analysis focusing on entering into the Heads of Terms has been completed; this does not revisit the Leisure Centre options equality analysis.
- 6.2 The proposals show that there will be an overall positive impact as a result of the redevelopment. The redevelopment will provide a new state of the art leisure centre, with the current leisure centre staying open whilst the new one is built. New homes will be built and there will be potential employment opportunities through the build stage or within the new hotel. The deal with GMH will bring about the redevelopment of the Unisys site, which has stood empty for more than a decade and bring about an improved local environment. Stonebridge ranks as the lowest ward in terms of median household income and has the only traveller site within the borough located in the ward. As such providing improved facilities and investment into the area should have positive impacts for the community.
- 6.3 There will be adverse impacts as part of the redevelopment, which are discussed below and in detail in the attached Equality Analysis.
- 6.4 The redevelopment will require the acquisition of the car breakers yard site which will have an adverse impact on the owner and those who work on the site. As this would be an acquisition through either negotiation or CPO there would be a financial payment.
- 6.5 As business space and large meeting room space is not being re-provided, this will have an adverse impact on those utilising this space. Particularly this will have an impact on “religion or belief” with a number of religious groups utilising commercial space or space within the centre. There is also a nursery which uses the business space and a group called PLIAS which primarily targets offenders and ex-offenders, in order to support their re-reintegration

back into society. The previous equality analysis identified community space within a three miles radius which those utilising the function hall/meeting room space could use. In total there are around 20 individuals/organisations using the business space at Bridge Park (including 4 Council departments). The Council will seek to help sign posts business organisation to available premises, but any premises the Council had would need to be openly marketed. It should be noted that the business units are not fully occupied with 9 units vacant and 3 under offer out of 42 units.

- 6.6 Through pursuing a deal with GMH the Council is not releasing the option of disposing of the Council land to the market and not giving other organisations the chance to bid for the opportunity if this had been available on the open market. The land price has been robustly tested in order to align with best market price and external consultants to Brent have undertaken detailed development appraisal, valuation and sensitivity testing work confirming the GMH & Harborough proposal to represent best value. A big positive of this transaction is that it brings momentum and is a catalyst to redevelopment of the land standing empty – the former Unisys buildings. External Stakeholders will have the opportunity to bid for work on the Leisure Centre.
- 6.7 The equality analysis has identified that there is a lack of information on the equality characteristics of those using the function hall and meeting room space and the business space users. The Council will seek to gain equality information to better inform the redevelopment going forward, and to be able to assist those who are affected.

7. Staffing/Accommodation Implications (if appropriate)

- 7.1 Bridge Park is now showing its age and is difficult to manage because it is a converted bus garage. Because entry is difficult to control at peak times and the building is not alarmed, security staff have to be employed. Any new centre would have new and up-to-date facilities and proper controlled access would increase security.
- 7.2 If the existing centre is kept open until the new one opens, then there would be no implications to staff that operate the new centre. If it were subsequently decided to outsource service provision at any new centre then TUPE arrangements would apply.

8. Background Papers

- 8.1 17th February 2014 Executive - Proposed Redevelopment of Bridge Park Community Leisure Centre
- 8.2 17th June 2013 Executive - Bridge Park-Redevelopment Proposals

9. Appendix

1. Bridge Park Current Ownership
2. Bridge Park Ownership After Land Sale and CPO
3. EXEMPT Heads of Terms

4. EXEMPT Deloitte LLP Best Value Letter
5. EXEMPT Affordable Housing
6. Equality Analysis

Contact Officers

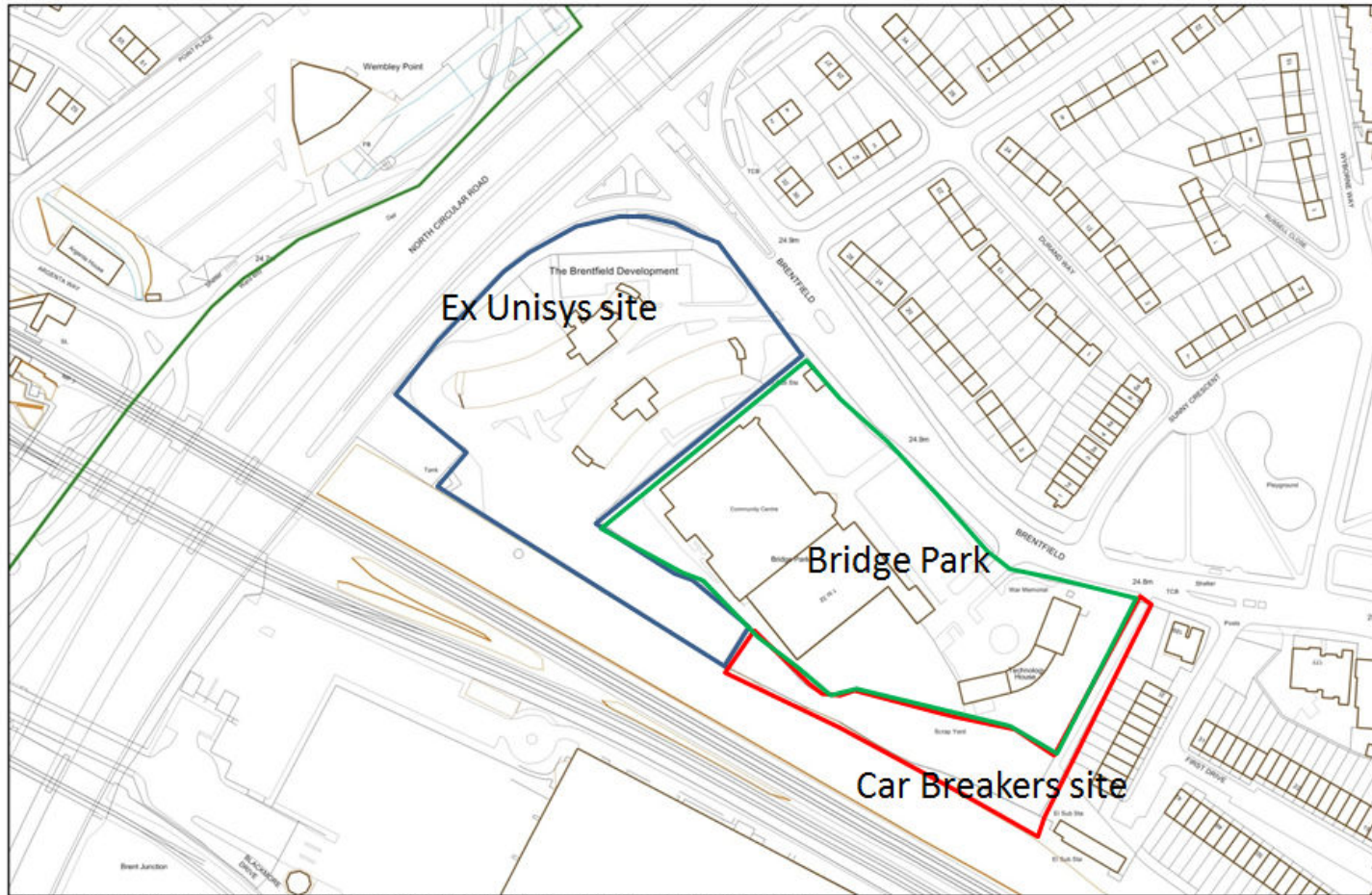
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Appendix 1 Bridge Park Current Ownership

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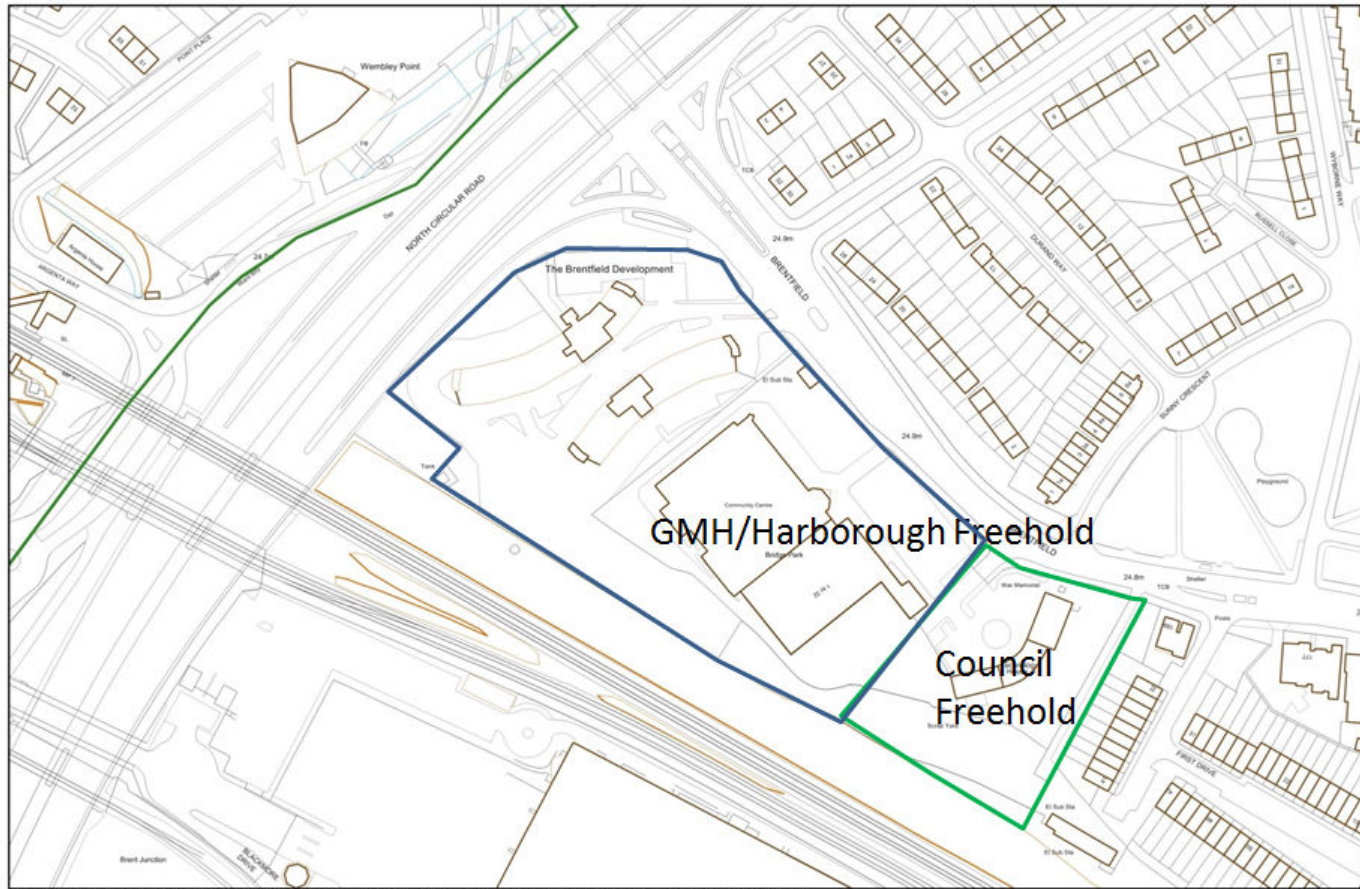
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Date

Appendix 2 Bridge Park Ownership After Land Sale and CPO



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Bridge Park Heads of Terms 2

Department

Regeneration and Growth

Person Responsible

Jill Rennie

Created

14th May, 2015

Last Review

14th May, 2015

Status

Complete

Next Review

31st August, 2015

Screening Data

1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

Brings Forward New Housing - To bring forward the development of circa. 500 new homes. Â This was to include new tenures such as private rented housing

Quality & architecture & design - To deliver exemplar quality architecture and urban design and landscape design to transform the Bridge Park neighbourhood to improve resident's life chances and maximise value to the benefit of the regeneration programme.

Brings forward significant improvement to the joint sites - Brings forward significant improvement across the Council, Car Breakers and Unisys sites, through creating a new Leisure Centre and bringing back into use the Unisys site

State of the art sports facilities to the local community - To relocate the existing Sports Centre to a modern fit for purpose facility supporting the Council regeneration agenda.

Future of Bridge Park - To make a clear decision about the future use of the Councils Bridge Park site

Deliver a Sports Centre at no cost to the Council - Paid for out of CIL and land value

Delivers continuous sport provision - Delivers a centre at the beginning of the development programme before the existing centre closes

This equality analysis is attached to the June 2015 Cabinet report which is a follow on to two previous Cabinet reports. Â The June 2015 Cabinet report relates mainly to entering into the Heads of Terms.

Heads of Terms

Bridge Park Community Leisure Centre and Technology House (a separate office block on the site) have a backlog of repairs and both need future investment to bring them up to modern standards. The ex-Unisys site (owned by Harborough Invest Inc (Harborough) to whom General Mediterranean Holdings SA (GMH) are a parent company) has stood vacant for over a decade. Â A development between GMH and the council would secure a significant land value with a Community Infrastructure Levy (CIL) to afford a replacement leisure centre. The current leisure centre would not close until the new leisure centre is built. Â The development would result in the Council selling part of its site to Harborough/GMH - see attached Cabinet report. Â

The Executive agreed in June 2013 that the council pursue the option of GMH and its subsidiary company (Tucan a special purpose vehicle proposed for the purposes of this development) developing the Unisys and Bridge Park sites for residential and commercial development to fund a new Bridge Park sports centre. The principle where GMH sit behind the transaction has not changed. The Council is seeking agreement to enter revised Heads of Terms with GMH & Harborough, which results in a greater land receipt to the Council.Â GMH have indicated that their subsidiary will be Harborough and no longer Tucan Investments Plc. GMH have explained that it would be sensible for the landowner to be party to the agreement rather than a new development vehicle.

The Executive in February 2014 agreed to the preferred Leisure Centre option, this was option 3 which included a swimming pool which the current centre does not have. This Cabinet paper does not seek any changes in regards to the Leisure Centre option at this time, as such the equality analysis on the Leisure Centre option has not be revisited and should be read in conjunction with this analysis.

2. Who is affected by the proposal? Consider residents, staff and external stakeholders.

Residents: There will be a new state of the art Leisure Centre for local residents, with the current provision not closing until the new one is built. Property which has stood vacant for over a decade will be redeveloped. A New housing provision will provide opportunities for the local community and the development of the site and the hotel development could provide local employment opportunities. There will be no re-provision of the function hall/large meeting rooms, as such those who utilise this will be affected.

Staff: Bridge Park Community Leisure Centre is now showing its age and is difficult to manage because it is a converted bus garage. Because entry is difficult to control, security staff have to be employed. Any new centre would have new and up-to-date facilities and proper controlled access would increase security. If the existing centre is kept open until the new one opens then there would be no implications to staff if current arrangements are maintained. If it were chosen to outsource any new centre then TUPE arrangements would apply.

Tenants within the Bridge Park site: There are approximately 20 separate individuals/organisations utilising the business space at Bridge Park, (four of which are Council departments), and includes two church groups, an upholsterer, a nursery, charities and storage purposes. As this accommodation will not be re-provided there will be an impact on these individuals/organisations.

Car breakers yard site: The car breakers yard site is to be acquired as part of the development. The quality of the existing car breaker's site contributes to the poor physical environment that currently exists in the wider Bridge Park site. The acquisition either through negotiation or CPO would extinguish the existing car breakers business operating from the site at the rear of Bridge Park. There would be a financial payment for any acquisition of the site.

External Stakeholders: By pursuing a deal with GMH the Council is not releasing the option of disposing of the Council land to the market. This could result in the Council not getting best value for money as the market has not been tested through an open marketing campaign (though it should be noted that Deloitte's have stated that the GMH offer for the Land at Bridge Park was above that of Deloitte LLP revised opinion of value). The Council is also not giving other organisations the chance to bid for the opportunity if this had been available on the open market. External Stakeholders will have the opportunity to bid for work on the development of the Leisure Centre. The Council did consider if a development could be taken forward on the Council land solely, but decided to progress with a holistic development.

3.1 Could the proposal impact on people in different ways because of their equality characteristics?

- Yes

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

- Age
- Disability
- Gender identity and expression
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Other (please specify)

The equalities analysis completed for the 2014 February Cabinet paper was concerned with the new Leisure Centre option. The equality analysis did identify that a new Leisure Centre (option 3) would have a positive impact on age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, sex and sexual orientation, with an adverse impact on religion and belief.

The previous equality analysis outlined the options and reasoning for option 3 and the impacts.

As part of the redevelopment the business units will not be re-provided, this was discussed in the previous equality analysis, but it is being re-looked at in this analysis, given the impact. It should also be noted that the function hall/large meeting rooms are also not being re-provided within the preferred option.

Of note from the previous equality analysis in respect of the business units and function hall/meeting rooms was that: There is only one consistent fortnightly room hire of the current function hall. There were 29 casual bookings of the function hall over the last year and there is no guarantee that such bookings will be repeated. Equalities data is not available with regard to casual use although anecdotal evidence would suggest that the profile is reflective of the ward. There is consistent use of the existing meeting rooms at BPCLC by four faith groups (1 Muslim and 3 Christian). Inclusion of meeting rooms that can accommodate approximately 40 people has not been included in any of the facility options.

The business units at BPCLC are offered at a commercial rent. There are a range of voluntary and commercial organisations as well as Council teams that rent business units. We don't hold demographic information on these groups but the nature of the work of their work would indicate that no particular equality strand will be proportionally adversely impacted by the proposals. The provision of business units is not proposed within any of the new facility options. Officers will work with these organisations to signpost them to alternate Council owned units.

The wider development will provide new housing which could be accessed by the community, whilst the affordable offer is on a sliding scale and will be a matter dealt with through the planning process, the increase in housing supply in the area is positive.

There is also the possibility of employment for the local population through the construction process and also through the new hotel development.

The redevelopment will provide an improved local environment which will have a positive impact on the local community. By pursuing a deal with GMH and Harborough, the Council is bringing forward a holistic redevelopment of the Bridge Park site including the Unisys Buildings, which have stood empty for a number of years. The Heads of Terms allows for the Leisure Centre to remain open whilst the current one is being built. The other benefit of this approach is that the comprehensive nature of the development helps overcome potential flood issues on the site, increases overall housing numbers, develops a desirable sustainable local environment impacting overall values as the outlook between the two sites is enhanced and the open space within the Scheme can be planned comprehensively.

The redevelopment will require the acquisition of the car breakers yard site which will have an adverse impact on the owner and those who work on the site. Equality data is not known. As this would be an acquisition through either negotiation or CPO there would be a financial payment. Given equality data is not known the car breakers yard is not discussed in detail below, but it should be noted that there is an adverse impact on the car breakers yard.

By pursuing a deal with GMH the Council is however not releasing the option of disposing of the Council land to the market and not giving other organisations the chance to bid for the opportunity if this had been available on the open market. The land price has been robustly tested in order to align with best market price and external consultants to Brent have undertaken detailed development appraisal, valuation and sensitivity testing work confirming the GMH and Harborough proposal to represent best value. A big positive of this transaction is that it brings momentum and is a catalyst to redevelopment of the land standing empty – the former Unisys buildings. External Stakeholders will have the opportunity to bid for work on the Leisure Centre.

Overall the proposals would be positive on equality groups with the exception of those utilising the business units and the function room/meeting space, the car breakers yard or those who may have bid for the Council land should it have been released to the market. The Council does not hold equality information on the groups within the business units, but equality impacts have been extrapolated based on the nature of the organisation. The Council can also not anticipate the equality groups who may have applied for the opportunity to bid for the council land, although the size of opportunity would result in companies and corporates being most likely to bid.

3.2 Could the proposal have a disproportionate impact on some equality groups?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are disproportionately impacted

- Age
- Religion or belief
- Other (please specify)

Age

The Montessori Nursery currently operates on the Bridge Park site. The 0-4 age group will be negatively affected by the Montessori Nursery not continuing to operate on the Bridge Park site.

A new leisure centre, housing and employment opportunities will have a positive impact across age groups.

According to the 2011 census, Stonebridge had the most males and females in the 5-to-19 age group in a ward, the

breakdown is:

Age Census 2011:

0-4:	8.86%	(1,498)
5-19:	26.11%	(4,413)
20-34:	22.15%	(3,744)
35-49:	21.10%	(3,566)
50-64:	13.10%	(2,215)
65+:	8.68%	(1,467)

New housing in this area will provide a positive opportunity as this population ages and seeks to move out of parental accommodation.

Overall, whilst there is an adverse impact for the nursery, overall for age this will be positive due to the opportunities the redevelopment brings.

Religion or belief

The largest religion followed in Brent remains Christian at 41.5% in the 2011 Census however this has declined from 47.7% in 2001.

Religion of the Stonebridge ward was:

Religion 2011 census:

Buddhist:	0.44%	(74)
Christian:	49.86%	(8,436)
Hindu:	6.32%	(1,069)
Jain:	0.10%	(17)
Jewish:	0.17%	(29)
Muslim:	28.20%	(4,772)
Sikh:	0.16%	(27)
Other religion:	0.50%	(84)
No religion:	6.72%	(1,137)
Religion not stated:	7.54%	(1,275)

85.7% of the residents in Stonebridge had a religion.

There are two Christian organisations using business units at Bridge Park - Melody Tabernacle (a Christian Ministry) and New Life Christian Centre. Religious groups have also been affected by function hall/meeting rooms not being re-provided in the new Leisure Centre option. Overall there will be a negative impact for religion/belief

Other

PLIAS Resettlement is a community based not for profit organisation, and registered charity. The support services offered are available to residents of the London boroughs of Brent and Harrow and other boroughs in West London. PLIAS Resettlement was formed in September 2004 and was officially established in December 2005. Their main objective is to provide numerous services, primarily targeting offenders and ex-offenders, in order to support their reintegration back into society.

This group is not covered by the Census data. Metropolitan Crime data shows Brent to have average crime rates for London. It is not known the impact that PLIAS has in Brent or the immediate area.

The loss of this service from the area if new accommodation can not be found is assumed to be negative.

People from low income backgrounds and Traveller Community

All neighbourhoods in the ward feature within the 25% index of multiple deprivation 2010.

The median household income in Stonebridge is below the Brent median figure of £31,601 at £22,188.

There are approximately 5,903 residential properties in the ward, most of which are social rented

Stonebridge ranks as the lowest ward in terms of median household income.

Brent's only travellers' site is also situated in the ward at Lynton Close.

As such the loss of the commercial and function hall/large meeting space will have an impact on local residents who utilise these services. However, the positive benefits of the redevelopment will be felt by these residents through a new state of the art leisure centre being provided, possible employment opportunities, new housing opportunities and an improved urban environment.

3.3 Would the proposal change or remove services used by vulnerable groups of people?

- Yes

PLIAS Resettlement is a registered Charity and not-for-profit organisation that supports the reintegration of ex-offenders back into the community.

3.4 Does the proposal relate to an area with known inequalities?

- Yes

Stonebridge ranks as the lowest ward in terms of median household income.

3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

- Yes

If you answered 'Yes', please indicate which equality characteristic(s) are impacted

- Religion or belief
- Other (please specify)

The removal of space for the Religious group's particularly Christian organisations and the ex-offender charity is likely to be sensitive for these groups

3.6 Does the proposal relate to one of Brent's equality objectives?

- Yes

To encourage residents to participate and engage with us in order to help us to shape local priorities and improve our performance in service delivery across the protected groups. There has been consultation on the Leisure Centre option and there will be further consultation opportunities through the planning process.

To ensure that sound equality practices underpin our Procurement and commissioning processes. Whilst the opportunity to develop the Council land is by a land sale agreement. The tendering for the professional team will use sound equality practices.

Recommend this EA for Full Analysis?

Yes

Comments

I have gathered information from the previous equalities analysis, tenancy schedule for the commercial units and ward profile.

I have reviewed the effect the proposal will have on different groups.

Going forward with the project, further engagement will be required with the commercial tenants and users of the function hall/large meetings rooms to capture their equality characteristics.

Rate this EA

N/A

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

The previous equality analysis identified a positive impact on age and this analysis continues to identify a positive

impact on age.

A new Leisure Centre which will have a swimming pool will be positive as the previous Equality Analysis identified that for 16 – 25 years olds swimming was the second most popular sport activity in England with it the most popular for those aged 26+ (Active People Survey 7). With a high young population, the provision of new housing in the local area which the population could take advantage of is a positive in that it provides the opportunity for young people to move out of their family home, but also provides for the opportunity to stay in the local community. However, it is not known if new housing would be affordable, especially given that Stonebridge ranks as the lowest ward in terms of median household incomes. Current planning policy requires a target of 50% affordable homes subject to development viability. This development will be looking at a much lower percentage level due to the need to provide a capital receipt and advance CIL to fund a new leisure centre.

There will be a negative impact for those of/require nursery provision or who would use business space. The Ofsted report for the Montessori nursery in October 2014 identified that there were currently 19 children on the roll, all in the early years age range, out of a total number of places available of 30. The user numbers are small and the report does show that the nursery is not used to full capacity.

The 2013 Executive paper stated that "Officers will however look at further options to replace the nursery during the proposed consultation process". It should be noted that options to replace the nursery have not been explored.

5.2 Disability (select all that apply)

- Positive

The previous equality analysis identified a positive impact on disability and this analysis continues to identify a positive impact on disability

The previous equality analysis identified that: The estimated direct cost of physical inactivity to the NHS across the UK is £1.06 billion. This is based upon five conditions specifically linked to inactivity, namely coronary heart disease, stroke, diabetes, colorectal cancer and breast cancer. (Department of Health: Start Active, Stay Active). As a borough Brent has lower than average self-reported good health. Unemployment constitutes a significant risk factor for health as it is associated with general ill health, including ill health, disease and depression. Stonebridge and Harlesden wards have the highest rates of unemployment in the borough. Brent has one of the most inactive adult populations in London and England. Sport England's Active People Survey 7 (APS7) results show that nationally 46.9% of adults undertake zero sport and active recreation once a week, reducing to 46.1% in London. In Brent 52.8% of Brent's adult population undertake no sport or active recreation. The results showed that Brent's males are more active than females with those undertaking sport and active recreation 3 times per week for 30 minutes which varies slightly from the membership profile:

20.9% were male and 16.8% were female.
26.1% were aged 16 – 34, 17.1% aged 35 to 54 and 8.2% aged 55+.
20.9% were white and 17.4% were non white

The previous equality analysis identified that: Stonebridge has statistically significantly lower than average rates of reported good health with 16.8% of the ward's residents have a limiting long-term illness.

In November 2013, 1.5% (125 people) of Stonebridge residents of working age - aged 16 to 64 - were claiming disability benefits (Nomis). This rate is higher than the 0.8% rate for Brent, and the 0.9% rate for London.

The proportion of residents who felt that they had good health increased from 68.3% in 2001 to 79.9% in 2011.

In the census, 1 in 6 (16.5%) Stonebridge residents considered that their health had a limiting impact on their day to day activities. This is higher than the rate for Brent of 14.5%.

As such ensuring good quality leisure facilities in the area is important to help improve the health of the local population.

New developments will also be up to the necessary building standards which includes access to and use of buildings and sanitary conveniences in buildings.

5.3 Gender identity and expression (select all that apply)

- Positive

This equality analysis has not identified any specific impact on this equality group, the overall development will have a positive impact therefore a positive impact would be expected.

The 2014 Equality Analysis identified a positive impact

5.4 Marriage and civil partnership (select all that apply)

- Positive

This equality analysis has not identified any specific impact on this equality group, the overall development will have a positive impact therefore a positive impact would be expected. A possible impact could be the removal of function hall/large meeting space could remove a venue for weddings/civil ceremonies, however as per the previous Equality Analysis there are other venues.

The 2014 Equality Analysis identified a positive impact

5.5 Pregnancy and maternity (select all that apply)

- Positive

This equality analysis has not identified any specific impact on this equality group, the overall development will have a positive impact therefore a positive impact would be expected.

The 2014 Equality Analysis identified a positive impact

5.6 Race (select all that apply)

- Unknown

Whilst the equalities data on race is not available for the tenants of Bridge Park and the function room/meeting room users, there is an assumption, especially in regards to the Church users, that there is a significant Black and Asian use, this would be inline with the ethnic breakdown of Stonebridge which is:

Black/African/Caribbean/Black British – 47%

Asian/Asian British – 17%

The previous equality analysis identified that a survey carried out by Sporting Equals into the 2010 APS3 results concluded that swimming has a higher than average non-white participation profile and is a relatively popular sport with all ethnic groups. It is more popular with white and non-white females compared to white and non-white males. Swimming is often carried out as a family recreational activity with BME groups, which is why it is so popular.

The 2014 equality analysis concluded that there would be a positive impact for race, this analysis recognises that there maybe an adverse impact associated with the church users, but there is not the data to verify this.

5.7 Religion or belief (select all that apply)

- Negative

The previous 2014 analysis identified an adverse impact, this analysis continues to conclude that there will be an adverse impact.

The previous equality analysis identified that there was consistent use of the existing meeting rooms at BPCLC by four faith groups (1 Muslim and 3 Christian). The current business space includes two church groups. As such these groups will be adversely affected as there will not be the business or meeting space re-provided in the new development.

5.8 Sex (select all that apply)

- Positive

This equality analysis has not identified any specific impact on this equality group, the overall development will have a positive impact therefore a positive impact would be expected.

The 2014 Equality Analysis identified a positive impact.

The previous analysis identified that the provision of a pool is likely to attract a greater percentage of female users.

5.9 Sexual orientation (select all that apply)

- Positive

This equality analysis has not identified any specific impact on this equality group, the overall development will have a positive impact therefore a positive impact would be expected.

The 2014 Equality Analysis identified a positive impact.

5.10 Other (please specify) (select all that apply)

- Negative

There will be an adverse impact for those who use the ex-offenders charity provision at Bridge Park.

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?

The current list of occupiers using business space at Bridge Park
 Census 2011 data/Stonebridge Ward Profile
 Leisure Centre consultation was carried out in 2013 and used to inform the previous equality analysis which has been discussed in this analysis
 HM Government, The Buildings Regulation 2010, Access to and use of buildings
 Met Police data

What did you find out from consultation or data analysis?

The previous equalities analysis provided background to the results of the previous analysis. It identified that whilst there were adverse impacts, overall the new Leisure Centre would have a positive impact on the majority of equality groups.

The public consultation which ran had 5 options for the Leisure Centre redevelopment which did include a "do nothing" option which would have left the site with the business, function and meeting room provision. The consultation had approximately 95% of the respondents who voted for an option other than do nothing.

Responses included:

1. Significant enthusiasm for the idea of a swimming pool, some drawing attention to the considerable distance from other swimming pools, and suggestions for how this could be operated, for instance: male and female only sessions, more lanes, and a salt water pool.
2. Concerns about the loss of the existing facilities, particularly the commercial units and Christian Centre, and because the building is a landmark.
3. Suggestions as to alternative facilities which could be provided: dance studio, pool/snooker tables, cafe, spa/beauty treatments, squash and table tennis: and different modes of operation: local staff, sport/activities for those with learning disabilities, and no more footballers.
4. Concerns about Brent losing ownership and control, and particularly the partnership with UNISYS a company considered to have a poor record in Brent.
5. Concern about cost, whether in terms of development costs, raised charges when the new centre opened, or that budgets should be better spent elsewhere.

Previous consultation results are discussed with the 2014 Equality Analysis.

In respect of the June 2015 paper comment 4 & 5 are relevant. The others relate to the specification within the leisure centre.

Were the participants in any engagement initiatives representative of the people who will be affected by your proposal?

The 2013 consultation received 177 responses, due to the small sample size it was stated that it made any options comparisons based on the equality strands difficult to statistically validate.

The consultation was publicised by:

- Emailing 2,000 of the leisure centre members using registered emails
- Leafleting households close to the centre
- Advertising consultation on the council's Twitter and Facebook pages
- Council press release and an article in the Brent and Kilburn Times

The commercial tenants were invited to the initial consultation, though their response was that there was no need for them to attend as there would be no future for them in the redevelopment

An exhibition was held at BPCLC during August and September showing all five options. Two face to face events were held at BPCLC on the 20 August and 12 September. Participants were asked to rank these options 1 to 5 with one being their most preferred option.

Once again it is noteworthy this 2013 consultation was in respect of leisure centre options.

How did your findings and the wider evidence base inform the proposal?

The previous Cabinet paper and Equality Analysis established that there was a desire for a new Leisure Centre at Bridge Park and that this would have an overall positive impact. The 2013 Cabinet paper agreed the proposal of working with GMH.

This Cabinet report continues to recommend entering into the Heads of Terms. The analysis does however identify groups who will be specifically affected by these proposals and where further equality information does need to be acquired. This will then help to inform how the Council can engage with these groups to help identify alternative accommodation. It should however be noted that the Council could not "ring fence" accommodation to groups.

7. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

- No

Not to my knowledge

8. What actions will you take to enhance any potential positive impacts that you have identified?

Current planning policy requires a target of 50% affordable homes subject to development viability. This development will be looking at a much lower percentage level due to the need to provide a capital receipt and advance CIL to fund a new leisure centre. However, affordable housing should be provided

Buildings will be built in line with current building requirements.

The Council will work with colleagues to identify whether local residents can take advantage of employment opportunities as the scheme progresses

As outlined within the report the Council is to review the current mix of facilities to see to see if the on-going revenue costs required can be removed to allow for the Leisure Centre to operate without any funding from the Council. This will be positive as it will allow the service to continue and should not be impacted by Council cuts.

9. What actions will you take to remove or reduce any potential negative impacts that you have identified?

Further engagement will be made with groups who are currently adversely affected by the proposals to help to identify alternative solutions. In terms of the business space we will sign post organisations to Council space available, but this will need to be applied for through the Councils standard procedures. We will give the organisations as much notice as possible and keep them informed, in particular the commercial tenants.

The previous equality analysis identified alternative function and meeting room space within a 3 mile radius of the Bridge Park Community Leisure Centre. As the redevelopment progresses a revised list will be drawn up to disseminate to groups.

10. Please explain the justification for any remaining negative impacts.

There are two remaining negative impacts:

1. Organisations/individuals who could not relocate their business/activities with the loss of business, meeting or function space
2. Organisation/individuals who have not been able to take advantage of the opportunity to redevelop the Council land

1. It is unknown how many organisations/individuals would not be able to relocate. It is deemed that a new Leisure Centre and Housing will have a positive impact on a greater number of people than this loss. There are few places within the borough where a new development of c.500 units could be located with the development providing for the opportunity for a new Leisure Centre to be built through the receipts and CIL. The business tenants currently in Bridge Park are small scale and could potentially re-locate elsewhere. The car breakers site may not be able to locate elsewhere due to the size and nature of the business, however, the car breakers owner would receive a financial payment for the site. As identified within the previous equality analysis there are a range of other meeting and function space within a three mile radius which could be utilised.

2. There is not mitigation against those who have not been able to take advantage of the opportunity to develop the Council land. The deal with GMH provides the following positive impacts:

A joint proposal regenerates both Bridge Park and the Unisys Buildings and values will be better if both sites are brought forward to enhance the other

Bridge Park will not be closed until the new sports centre is built and the new centre is built up-front as a first phase. The new sports centre will be fully funded by the development through a land payment and CIL.

The risk of the enabling housing development lies with GMH and not the council.

Organisation Sign-off Data

11. What did this equality analysis conclude?

- The proposal was found to have some justifiable negative impacts

12. Please write a brief summary of your equality analysis which should be included in the 'diversity implications' section of any reports.

The proposals show that there will be an overall positive impact as a result of the redevelopment. The redevelopment will provide a new state of the art leisure centre, with the current leisure centre staying open whilst the new one is built. New homes will be built and there will be potential employment opportunities through the build stage or within the new hotel. The deal with GMH will bring about the redevelopment of the Unisys site, which has stood empty for more than a decade and bring about an improved local environment. Stonebridge ranks as the lowest ward in terms of median household income and has the only traveller site within the borough located in the ward. As such providing improved facilities and investment into the area should hopefully have positive impacts for the community.

There will be adverse impacts as part of the redevelopment, which are discussed below and in detail in the attached Equality Analysis.

The redevelopment will require the acquisition of the car breakers yard site which will have an adverse impact on the owner and those who work on the site. As this would be an acquisition through either negotiation or CPO there would be a financial payment.

Business space and large meeting room space is not being re-provided, this will have an adverse impact on those utilising this space. Particularly this will have an impact on "religion or belief" with a number of religious groups utilising commercial space or space within the centre. There is also a nursery which uses the business space and a group called PLIAS which primarily targets offenders and ex-offenders, in order to support their re-reintegration back into society. The previous equality analysis identified community space within a three miles radius which those utilising the function hall/meeting room space could use. In total there are around 20 individuals/organisations using the business space at Bridge Park (including 4 Council departments). The Council will seek to help sign posts business organisation to available premises, but any premises the Council had would need to be openly marketed. It should be noted that the business units are not fully occupied with 9 units vacant and 3 under offer out of 42 units.

Through pursuing a deal with GMH the Council is not releasing the option of disposing of the Council land to the market and not giving other organisations the chance to bid for the opportunity if this had been available on the open market. The land price has been robustly tested in order to align with best market price and external consultants to Brent have undertaken detailed development appraisal, valuation and sensitivity testing work confirming the GMH & Harborough proposal to represent best value. A big positive of this transaction is that it brings momentum and is a catalyst to redevelopment of the land standing empty, the former Unisys buildings. External Stakeholders will have the opportunity to bid for work on the Leisure Centre.

The equality analysis has identified that there is a lack of information on the equality characteristics of those using the function hall and meeting room space and the business space users. The Council will seek to gain equality information to better inform the redevelopment going forward, and to be able to assist those who are affected.

13. I confirm that this equality analysis represents a fair and reasonable view of the implications of this proposal on equality and that appropriate actions have been identified to address the findings.

Enter your name

Sarah Chaudhry

Enter your designation

Head of Strategic Property

Enter your department

Regeneration & Growth

Enter today's date

15-05-2015

Comments

Commercial negative impact and proposed mitigation. Brent will signpost users to alternative space. Including the councils own buildings and if available and tenants wish to apply they would need to go through the councils application process.

In respect of community use. We will sign post them to alternative provision. The last equality analysis identified the space available in a 3 miles radius and we will update this information closer to the time.

Those commercial interests that are not able to buy the land. There is no mitigation proposed. As the party we are contracting in is in a unique position. And provided the best value test is satisfied which it is as we had an external third party consultants report confirming best value. Then we will work with the adjoining landowner to bring forward not only the leisure centre redevelopment but also the development of new homes and a new hotel on the former Unisys site.


Next Review Date

2015-08-31

Outstanding Actions

No outstanding actions

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 Brent	<p style="text-align: center;">Cabinet 27 July 2015</p> <p style="text-align: center;">Report from the Strategic Directors of Regeneration and Growth and Children and Young People</p>
Wards affected: ALL	
2015/16 Temporary School Expansion Programme	

1.0 Summary

- 1.1 In a report to Cabinet in January 2015, Officers advised that revised pupil projection data was expected from the Greater London Authority in early 2015 and that this would be reviewed in detail against local data to make sensible projections of demand for school places in the 2015/16 academic year. Officers committed to report back to Cabinet with the outcome of that review and with proposals for the provision of sufficient school places for approval if required. The report was also to include a review of corporate buildings currently in use for education purposes and the requirements for that to continue or otherwise.
- 1.2 This report sets out the revised primary school pupil projections and provides an analysis of the number of school places anticipated to be required against the currently available and planned capacity. It outlines the approach to ensuring sufficient school places are available to meet projected demand during the next academic year in line with the revised School Place Planning Strategy. It provides a financial update to support that approach.
- 1.3 This report also sets out the current position in respect of council buildings used for temporary primary school place provision. It regularises the need to maintain some of those buildings for primary education use beyond the previously agreed timescales and identifies those buildings which will no longer be required for temporary primary school places, recognising that there may be other council requirements for those buildings including other education uses.
- 1.4 This report therefore seeks approval from Cabinet for the 2015/16 Temporary Expansion Programme and use of annexe buildings in order to meet the Council's statutory duty for the provision of sufficient school places for 2015/16 academic year.

2.0 Recommendations

Cabinet is recommended to:

- 2.1 Note the projected demand for primary school places in 2015/16 alongside the planned capacity.
- 2.2 Approve the 2015/16 Temporary School Expansion Programme as described in paragraphs 3.9-3.12.
- 2.3 Approve the budget of £2.148m for the 2015/16 Temporary School Expansion Programme to be met from secured Basic Need Funding within the Schools Capital Portfolio.
- 2.4 Approve the continued use of council buildings to meet the required number of school places across the borough as described in paragraphs 3.15-3.16 and to delegate authority for the Operational Director – Property & Projects to enter into necessary licences for use with the managing schools.

3.0 Detail

Demand for Reception Places for the 2015/16 Academic Year

Reception demand

- 3.1 There were 3,911 on time applications for Reception places for September 2015. This compares with 3,935 applications at the same point last year. Based on the number of late applications received in previous years, Officers anticipate 800 late applications for Reception and a 90 per cent conversion rate from applications into take up of a place. This gives an anticipated Reception roll of 4,240 for 2015/16. This methodology gave an accurate prediction for 2014/15.
- 3.2 Reception offers were made on 16 April 2015 and all on-time applicants received an offer. Eighty percent of applicants were allocated their first preference school. This compares with the London average of 81 per cent and indicates a good level of popularity across Brent primary schools. Five percent of applicants (197 children) were offered none of their preferred schools but rather the nearest available place. Of these, 192 were offered a place less than two miles away, with five being offered a place more than two miles away, the furthest being 2.13 miles.

Projected Demand and Supply of Primary School Places for the 2015/16 Academic Year

- 3.3 The School Place Planning Strategy 2014 set out a long list of permanent expansions which were scheduled to come on stream for September 2015. These are set out in Table 1 below with a status indicated against each.

	No. of Places	No. of FE	Status	No. of FE delivered
Wembley High Technology College	840	4	Only published at 90 reception for 15/16	3

Uxendon Manor Primary	420	2	Opening bulge classes ahead of permanent expansion	2
Elsley Primary	420	2	Opening bulge classes ahead of permanent expansion	2
Stonebridge Primary	210	1		1
Islamia Primary	210	1	School already operating at this size so no additional places	1
Malorees Infants	210	1	Opening bulge class	1
Byron Court Primary	420	2	Not deliverable for September 2015	
Leopold (Gwenneth Rickus)	210	2		2
Kilburn Grange (Free School)	420	2		2
Oakington Manor Primary	210	1	Not going ahead until Sept 16 at the earliest	
Total number of places	3360	18		14

Table 1 – Additional Permanent Primary Places for September 2015

Annexe buildings

- 3.4 In the current academic year 2014/15, there is heavy reliance on provision in ‘annexes’ that is additional classes run in buildings as add-ons to existing schools. In total there are 42 classes of this kind across the borough. The governing body of the managing school has in all cases agreed to run the annexe provision and the children are on roll at the school. While the physical facilities are good quality and schools do an excellent job in ensuring that annexe pupils receive the quality of education achieved on the main site, they tend to have a predominance of children who are travelling above average distance to the school and who are on waiting lists for other schools and a disproportionate number of children are late arrivals with little or no prior education. This creates a number of challenges and is not sustainable in the medium to long term. The extent of the current reliance on annexes demonstrates and emphasises the fact that the majority of permanent expansion set out in Table 1 are “catching up” with existing demand rather than anticipating future demand.
- 3.5 In two cases it is appropriate to integrate the annexe into the school as a permanent expansion creating a two site school. This creates a stable intake and the annexe becomes part of a permanent school. This was agreed by Cabinet for Leopold Primary School’s use of the Gwenneth Rickus Building in January 2015 (subject to necessary approvals). It is also proposed for Roe Green Infants School’s use of the Strathcona site (see paragraph 3.16 below).

3.6 In the other cases, ideally for the 2015/16 academic year, the council would be looking to reduce its reliance on annexe buildings. However the delay in availability of permanent expansions shown in Table 1 is a constraint on this as it restricts the availability of vacant classrooms which could be used for upper year groups in non-gradual permanent expansion. A list of the Annexe buildings setting out the use and status of each is shown below in 3.15

3.7 Table 2 below shows the projected number of all primary pupils against capacity for 2015-16. The projections as noted have been adjusted to reflect the local picture as described in paragraph 3.1. This analysis assumes that all annexes apart from the Anansi building remain in use and this is detailed in paragraph 3.16 below.

Table 2 – Projected primary numbers against capacity 2015-16 assuming all annexes in use

	Year Group	Capacity	Projections using JAN 2015 census (adjusted)	Surplus places	Surplus places Forms as of entry	Percentage Surplus
2015-2016	R	4,259	4,240	19	0.6	0.4%
	Y1	4,137	4,078	59	2.0	1.4%
	Y2	3,992	3,867	125	4.2	3.1%
	Y3	4,052	3,925	127	4.2	3.1%
	Y4	3,927	3,815	112	3.7	2.9%
	Y5	3,782	3,680	102	3.4	2.7%
	Y6	3,633	3,602	31	1.0	0.9%
Total		27,782	27,207	575		2.3%

Assumptions: Permanent expansions as per Table 3 plus **Annexes** at Douglas Avenue 45 Year 5, Church Lane 90 Year 2, former Preston Road Library 60 Reception, Roe Green Strathcona, 30R plus **bulge classes** Harlesden 60 Y2 (replacing Anansi annexe), Preston Park 30 Y2 and 30 Y4, Uxendon 30 Y1, Elsley 60R and Mount Stewart Junior 30 Y3.

3.8 Given the aspiration set out in the School Place Planning Strategy 2014 that there should be five per cent spare places to allow for in year mobility and unanticipated fluctuations, this is tight but there are sufficient places for 2015/16.

Temporary School Expansion Programme 2015/16

3.9 In order to meet the Council’s statutory duty to provide sufficient school places in all year groups, a programme to provide temporary places in addition to the permanent plans described in Table 1 above is required. This programme consists of opening 16.5 classes across a combination of existing empty classrooms in both permanently expanded main school sites and in temporary expansion at annexes, using existing non-teaching space and providing new temporary accommodation. All 16.5 classes are included within the capacity shown in table 2 above and Members are asked to approve the Programme to enable this capacity to become available to meet projected demand.

- 3.10 The programme will form part of the Schools Capital Portfolio and will provide sufficient primary school places in all year groups for the projected demand during the 2015/16 academic year as shown in Table 2 above. Table 3 below lists the projects included in the programme.

School / Project	Project Detail
Mount Stewart Junior School	New temporary accommodation for one Year 3 class (continues bulge from Mount Stewart Infants)
Elsley Primary School	New temporary accommodation for two new Reception bulge classes (in advance of the permanent expansion planned for Sept 2016) plus two relocated Reception classes
Uxendon Manor Primary School	One Year 1 bulge class in existing accommodation (TBC with Uxendon Manor or an alternative school)
Former Library, Preston Road	Two Reception bulge classes in existing annexe accommodation (to address loss of two Reception classes due to delayed proposed permanent expansion at Byron Court)
Malorees Infant School	New temporary accommodation for one Reception bulge class (as the proposed permanent expansion cannot proceed as planned)
Church Lane PRU	Three Year 2 classes in existing accommodation
Lyon Park / Douglas Avenue	45 places in Year 5 in existing accommodation
Roe Green Infant / Strathcona	One Reception class in existing accommodation
Harlesden Primary	Two Year 2 classes (non-gradual permanent expansion in existing permanent school accommodation)
Preston Park Primary School	One Year 2 class and one Year 4 class (non-gradual permanent expansion in existing permanent school accommodation – TBC with school)

Table 3 – Projects included in 2015/16 Temporary School Expansion

- 3.11 The programme will also make a financial provision for the cost of providing a further two reception classrooms and a Multi Use Games Area (MUGA) at Elsley Primary School in the event the permanent expansion does not proceed. This was the subject of a Cabinet report in June 2015.
- 3.12 The estimated cost of the programme is described in section 4 below. Members are asked to approve both the programme as described above and the financial implications described below.

Annexes and Temporary Buildings currently used as School Classrooms

- 3.13 Integral to the 2015/16 Temporary School Expansion Programme is the continued use of council buildings as school annexes.

- 3.14 Cabinet approved recommendations in reports in May 2013, July 2013 and February 2014 about the provision of temporary primary school places to supplement planned programmes of permanent primary school expansion and the use of council buildings to achieve that. The proposals agreed in those reports are described here with an update on current use and future requirement for them.
- 3.15 Table 4 below summarises the council buildings currently used for temporary school provision across the borough and describes the extended use currently required in order to regularise that usage to fulfil the Temporary School Expansion Programme outlined above.

Temporary School Site	Approved Use Expires	Requested Extension Date
1. Ashley Gardens	July 2015	July 2017
2. Former Church Lane PRU	July 2015	July 2020
3. Douglas Avenue	July 2015	July 2018
4. Former Anansi Nursery	July 2016 – July 2018	This building is no longer required
5. Former Preston Road Library	July 2014	July 2017
6. Former Stonebridge Day Centre	July 2015	July 2017
7. Former Strathcona Day Centre	July 2017 – July 2020	At least July 2022, preferably permanent use (see below)

Table 4 – Summary Table of Temporary School Provision in Brent

- 3.16 Cabinet is asked to approve the specific recommendations listed below for buildings where the required use differs to earlier approvals:

1. Ashley Gardens

It was expected that these pupils in temporary classes would become part of the permanent expansion of Byron Court Primary School for the academic year 2015/16. The move into the permanent expanded building is expected to be completed during The 2016/17 academic year (subject to planning permission). Therefore, Cabinet is requested to approve the extension to the agreed use until the end of the 2016/17 academic year and for officers to apply for planning permission to extend the use of the land and buildings until July 2017.

Cabinet is also requested to delegate authority to the Operational Director of Property and Projects to extend the existing licence with Byron Court Primary School for the use of the Ashley Gardens building until 31 July 2017.

2. Former Church Lane PRU

Cabinet is requested to approve an extension until the end of the 2019/20 academic year. Officers are currently working with local schools to confirm suitable management arrangements. Cabinet is requested to delegate authority to the Operational Director of Property and Projects to enter into a licence with an identified school as required, to last no later than 31 July 2020.

3. Douglas Avenue

The current Cabinet agreement expires at the end of the current academic year (2014/15). A Year Five class will use the building for two academic years and for 2017/18 the Douglas Avenue site can host the three classes from the proposed Alperton free school whilst this school is constructed. Cabinet is requested to approve an extension of three years until the end of the 2017/18 academic year. Also, Cabinet is requested to delegate authority to the Operational Director of Property and Projects to extend the existing licence with Lyon Park Primary School until 31 July 2018.

4. Former Anansi Building

This building is no longer required and no further approval is required. As the building is surplus to the council's requirements for temporary primary education use the future use of the building has been reviewed and initial market testing is underway for the community to indicate if any alternative use within the current planning classification exists. Subsequent building specific approvals will be sought from Cabinet and the Secretary of State as required.

5. Former Library, Preston Road

This building was originally used as an annexe by Preston Park Primary whilst the new permanent school building was completed. That use is no longer required however the former Preston Road Library is proposed to accommodate 60 reception places to compensate for the loss of 2 Reception classes from the delay to the proposed expansion at Byron Court Primary School. Cabinet is requested to approve an extension until the end of the 2016/17 academic year. Further, Cabinet is requested to delegate authority to the Operational Director of Property and Projects to enter into a licence with an identified school until 31 July 2017.

It is noted that at the time of drafting this report, a licence to occupy the building exists granting the Friends of Preston Road Library use of the building for the operation of a pop up community library. This expires on 31 July 2015. Proposed future school use will take account of the local aspiration for this community library to continue in some way.

This property is currently included in the Council's Capital Disposals programme for 2016/17 and forecast capital receipts arising from disposal are assumed to fund the Capital Programme for that year. Approval of the proposal to extend use until July 2017 will impact on the completion of a disposal and receipt of an associated capital receipt will be delayed until 2017/18.

6. Former Stonebridge Day Centre

Further to earlier reports to Cabinet in respect of the redevelopment proposals for Stonebridge, this building is currently in use by Stonebridge Primary School and it was expected that these pupils would become part of the permanent expansion for Stonebridge Primary School for the academic year 2015/16. The move into the permanent expanded building is likely to be completed during the 2016/17 academic year (subject to necessary approvals). Cabinet is requested to approve an extension until the end of the 2016/17 academic year and to delegate authority to the Operational Director of Property and Projects to extend the existing licence with Stonebridge Primary School until 31 July 2017.

This property is currently included in the Council's Capital Disposals programme for 2016/17 and forecast capital receipts arising from disposal are assumed to fund the Capital Programme for that year. Approval of the proposal to extend use until July

2017 will impact on the completion of a disposal and receipt of an associated capital receipt will be delayed until 2017/18.

7. Former Strathcona Day Centre

In 2013/2014 academic year, Roe Green Infant School began using the former Strathcona Day Centre as an annexe to the main school site. The proposals identified above show the requirement for a new Reception class to start at this school in September 2015. They would at least need to use the building for all of their Primary Education through to the end Year Six in July 2022.

Further, it is proposed that statutory consultation is undertaken to change the educational character of Roe Green Infant School. This would be reliant on the continued use of the Strathcona site as a permanent second site for the school should the proposals be approved.

Cabinet is requested to approve an extension until the end of the 2021/22 academic year and to delegate authority to the Operational Director of Property and Projects to extend the existing licence with Roe Green Infant School until 31 July 2022.

Cabinet is further asked to approve the commencement of statutory consultation on changes to Roe Green Infant School, noting that any proposal would include the permanent use of the Strathcona site as a school.

4.0 Financial Implications

- 4.1 The total estimated cost of the proposed Temporary School Expansion Programme 2015/16 is £2,148,000. The costs for each of the proposed schemes in the Programme are detailed in table 5 below. It should be noted that the costs shown below include furniture and ICT that will be re-used in permanent expansions and where new accommodation is provided this will be used for at least two academic years (four years in the case of Mount Stewart) and potentially 7 years at Malorees Infant and Junior Schools; and will be able to re-used elsewhere when no longer required at the schools shown below.

Scheme / Project	Cost
Mount Stewart Junior School	£250,000
Elsley Primary School	£1,200,000
Uxendon Manor	£30,000
Former Library, Preston Road	£60,000
Malorees Infant and Junior Schools	£250,000
Additional FFE/ICT and Programme Contingency	£358,000
Total	£2,148,000

Table 5 – Estimated costs for proposed schemes in the Temporary School Expansion Programme

- 4.2 A full financial profile for the Schools Capital Portfolio was approved by Cabinet in January 2015. As the need for these school places was not known at that time, this did not include the cost of this Programme. At that time the profile demonstrated that, whilst there was a forecast deficit across the whole Schools Capital Portfolio to 2020-21, there was sufficient secured funding to meet the forecast costs of delivering the current Phase 3 Permanent Primary School expansion programme of works (listed in table 1 above). At that time, the forecasts for future unsecured Basic Need grant allocations totalled £29.64m for the remaining period of the Financial Profile.

Since this information was last reported to Cabinet, a further sum of Basic Need Capital Grant has been secured for 2017/18 of £15.32m. This was in excess of the forecast amount of £7.41m that was previously reported to Cabinet as unsecured funding. This additional income reduces the forecast gap in the overall Schools Capital Portfolio.

- 4.3 The costs of the proposed Temporary School Expansion Programme 2015/16 can be met from within the overall secured funding of the Schools Capital Portfolio.
- 4.4 A revised financial profile to include the Temporary School Expansion Programme 2015/16 and amended Phase 3 scheme costs will be provided with the update to the School Place Planning Strategy expected to be reported to Cabinet in October 2015.
- 4.5 It should be noted that of the above sites, the former Preston Road Library and the former Stonebridge Day Centre are both included in the Capital Disposals Programme for 2016/17 with forecast receipts of £700k and £1.5m respectively estimated for Quarter 4. A decision to extend the currently approved use of these buildings will delay these receipts and impact on the funding of the capital programme in that financial year. The earliest a receipt could be received for these sites would be the latter half of the 2017/18 financial year. It is likely that this delay will be accommodated within the medium term capital programme as a result of slippage in scheme expenditure, but if not the programme will have to be adjusted to be delivered within available resources (if necessary this will be reported to members in future monitoring reports).

5.0 Legal Implications

- 5.1 Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient school places in their area and promote diversity and increase parental choice. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 5.2 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event that a school place is not available. Schools are not required to maintain classes over the planned admission number but revert to the usual admission number when children leave.
- 5.3 Statutory proposals are required for a proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser). Proposals may also be required for some cumulative expansions and a review of any other enlargements that were made without the need for statutory proposals would need to be made before determining if statutory proposals would be required.
- 5.4 This means adding those enlargements made:
 - In the 5 year period that precedes the proposed expansion date
 - Since the last approved statutory proposal to enlarge the school (within this 5 year period)

- Exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years)
- Add the making permanent of any temporary enlargement.

5.5 Under current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the LA as admission authority must consult the Governing Body of the school where it proposes to either to increase or keep the same PAN.

5.6 Under Section 19 of the Education Act 2006 and School Organisation Regulations the authority can decide to propose an enlargement, follow the statutory process and resolve to do without requiring consent of Governing Body whose redress would be to object to the schools adjudicator.

5.7 Any land or building used for school purposes cannot subsequently be disposed of without the Secretary of State's consent unless eight (8) years have elapsed since school use ceased.

6.0 Diversity Implications

6.1 An Equality Impact Assessment was undertaken for the school place planning strategy. The strategy aims to address equality issues around social disadvantage and disability. This was tested during the consultation period and is reflected as far as possible in the final proposals.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 There are no staffing or accommodation implications for the immediate purpose of this report.

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Cabinet
27 July 2015

**Report from the Strategic Director,
Regeneration and Growth**

Wards affected:
Sudbury & Northwick Park

Sudbury Town Neighbourhood Plan Referendum

1.0 Summary

- 1.1 Following the independent examination of the Sudbury Town Neighbourhood Plan, approval is sought for the Plan to proceed to referendum subject to the modifications set out in the examiner's report. Subject to the majority of those who vote in the referendum being in favour of the Plan, it is recommended the Plan is made (adopted) by the Council as planning policy for the neighbourhood area.

2.0 Recommendations

- 2.1 That Cabinet agree:
- a) That Sudbury Town Neighbourhood Plan, incorporating the recommended changes of the examiner, proceed to referendum.
 - b) That subject to the majority of those who vote in the referendum being in favour of the Plan, the Plan is made (adopted) by the Council.

3.0 Background

- 3.1 Neighbourhood Planning was introduced through the Localism Act 2011. It enables communities to develop planning policies that will become part of the planning framework for their area. Neighbourhood planning is delivered by 'neighbourhood forums' for their 'neighbourhood area'.
- 3.2 On 12 December 2012 the Council approved the designation of Sudbury Town Neighbourhood Forum and Neighbourhood Area. The forum undertook a series of consultation events and exercises between May 2012 and March 2014. This included consultation on an Options Report during November and December 2013, and consultation on the Draft Neighbourhood Plan for a 6 week period during January and March 2014. The consultation undertaken informed the draft Neighbourhood Plan which was formally submitted to the Council on 12 August 2014. Following formal submission the Council published the Plan and invited comments from the public and

stakeholders. The consultation period ran from 23 October to 3 December 2014. Six representations were received all of which were broadly supportive of the Plan.

3.3 The vision of the Neighbourhood Plan is ‘to create a greener, cleaner, safer Sudbury Town, with a High Street at the heart of the community that we can all be proud of.’ The Plan contains six key planning policies. In summary these are:-

- STNP 1 seeks to promote a mix of uses within Sudbury town centre which will support the viability and attractiveness of the centre.
- STNP 2 sets design criteria for the continuation of public realm works.
- STNP 3 sets design criteria for shopfronts within the Plan area.
- STNP 4 seeks to protect open spaces and allow the reuse or redevelopment of buildings within Butlers Green and Barham Park, for uses which support the function of the green space.
- STNP 5 sets priorities for spending Neighbourhood CIL, including public realm improvements.
- STNP 6 identifies uses which will be appropriate in Sudbury town centre and support development that strengthens Vale Farm as a regional centre for sports excellence, whilst preserving open space.

3.4 In addition items that the community are seeking, but that cannot be delivered through planning policy are identified as aspirations.

Examination

3.5 Brent Council in consultation with the Forum, appointed an independent examiner Paul McCreery, B.SC, M.Phil, FRTPI, to review whether the Plan met the basic conditions required by legislation and should proceed to referendum. The examiner’s report concludes that, subject to making the modifications recommended in his report, the Plan meets the basic conditions set out in legislation and should proceed to a neighbourhood planning referendum. The examiner’s report recommends that the area for the referendum should be based on the neighbourhood plan area.

3.6 In his report the examiner concluded ‘*The Plan is a highly commendable document that will help to guide growth and sustainable development. It is a credit to all those who have worked hard to produce such a readable and well-presented Plan. The Plan’s real strength is in its articulation of the concerns and aspirations of the local community, by reflecting the results and outcomes of a very extensive engagement process. Where there has been some lack of clarity, it has been possible to recommend modifications.*’

3.7 The modifications are set out in full in the examiner’s report which is provided as a background document. In summary, they include:

- The Plan should have an OS based policies map;
- Each Policy should be identified by a name rather than a number and each policy should deal with only one single policy issue;

- A new policy should be created to list the identified areas of Local Green Space, with reference to the OS based policies map, and contain an appropriate policy basis for their long term protection;
- Definition of main town centre uses should be added to policy STNP 6;
- Reference to other appropriate good practice guidance should be added to policies STNP 2 and STNP 3 to broaden scope of good practice guidance which may be used.

3.8 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what actions it takes in response to the recommendations of an examiner, and as soon as possible after making a decision publish a 'decision statement'. Having considered each of the recommendations made by the examiner's report, and the reason for them, officers recommend the modifications be agreed. These changes are considered to be necessary to ensure that the draft Plan meet basic conditions. They are for clarity and are considered to improve the usability of the document. The modifications make no significant changes to the policy and strategy. This report will form the Council's decision statement and be publicised in accordance with the requirements of the Neighbourhood Planning Regulations.

Referendum

- 3.9 Approval is sought for the Plan to progress to referendum. A person is entitled to vote if at the time of referendum, they live in the neighbourhood area and meet the eligibility criteria to vote in a local election. If the majority of those who vote in a referendum are in favour of the Plan then the Plan is made (brought into legal force) by the local planning authority. The only circumstance where the local planning authority is not required to make the Plan is where it would breach, or otherwise be incompatible with, EU or human rights obligations. The Sudbury Town Neighbourhood Plan is compatible with EU and human rights obligations, as confirmed in the examiner's report, therefore it is recommended subject to the majority of those voting in the referendum supporting the Plan, the Plan is made (adopted) by the Council.
- 3.10 Once the Plan is adopted it will form part of Brent's Local Plan and will be a material consideration in determining planning applications in the neighbourhood area. The aspirations identified in the Plan are to be taken forward by the forum.

4.0 Financial Implications

- 4.1 The expenditure for this project is grant funded by the DCLG. The Council was awarded £10,000 to support the preparation of the Plan and a further £20,000 will be paid by the DCLG now that the Plan has successfully undergone examination.
- 4.2 This is towards the cost of examination and referendum. The examination was undertaken at a cost of £4,500, leaving £25,500 for the referendum of the £30,000 awarded. The budget is managed by the policy and projects team within Planning and Regeneration.

5.0 Legal Implications

- 5.1 There is a duty upon the Council to provide support and advice to communities wishing to bring forward a neighbourhood plan under the Neighbourhood Planning

(General) Regulations 2012. Under part 18 of the Regulations as soon as possible after making a decision, the local planning authority must publish the decision they have made in relation to the examiner's report and their reason for it (the decision statement). This report forms the decision statement.

6.0 Diversity Implications

6.1 There is a requirement for the Council to ensure that, in granting neighbourhood forum and neighbourhood area status, those applying are representative of the area covered. Sudbury Town Neighbourhood Forum satisfied this requirement.

7.0 Staffing/Accommodation Implications

7.1 Staff resources will be diverted from other plan making projects to provide support and advice.

8.0 Environmental Implications

8.1 A Strategic Environmental Assessment (SEA) Screening Opinion was produced in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and concluded the Plan is unlikely to have significant environmental effects. The Basic Conditions statement outlines how the Plan will contribute to sustainable development.

9.0 Background Papers

Sudbury Town Neighbourhood Plan, Final, June 2015

Sudbury Town Neighbourhood Plan: Basic Conditions Statement, July 2014


Sudbury Town Neighbourhood Plan: Consultation Statement, July 2014

Sudbury Town Neighbourhood Plan: Report of Examination, 13 May 2015

Contact Officers

Any person wishing to inspect the above papers should contact Claire Jones, Policy & Projects, 020 8937 5301

**ANDY DONALD
STRATEGIC DIRECTOR
REGENERATION & GROWTH**

 <p>Brent</p>	<p>Cabinet 27 July 2015</p> <p>Report from the Strategic Director of Regeneration and Growth</p>
<p>Wards affected: ALL</p>	
<p>Housing Supply and Demand – Homelessness, Allocations, and Social Lettings</p>	

1. Summary

- 1.1 This report provides an analysis of housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards. A number of recommendations are made in order to manage these challenges.
- 1.2 The report recommends that the allocation of 80% of social housing lettings to homeless households is continued in 2015/16 and seeks approval of a revised placement policy for homeless households.
- 1.3 The report also seeks approval for BHP to establish a lettings agency to assist the council in securing access to private rented properties to discharge its duties to homeless households and authority to award a contract to BHP for the continued management of the BDL temporary accommodation provision.

2 Recommendations

That Cabinet:

- 2.1 Note the analysis of affordable housing supply and demand issues, including performance in 2014/15 and challenges for 2015/16 onwards.

- 2.2 Agree the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation (PRSO) as set out in Appendix D to this report.
- 2.3 Agree that Brent Housing Partnership set up an ethical lettings agency as set out in paragraphs 4.23 to 4.26 of this report.
- 2.4 Agree that the Council award the contract to Brent Housing Partnership to continue to operate The Brent Direct Leasing Scheme (BDL) subject to consent being provided by the Secretary of State under section 27 of the Housing Act 1985
- 2.5 To approve an exemption from the usual requirements of Contract Standing Orders to carry out a tendering process in relation to High Value contracts, to allow the award of the contract referred to in Recommendation 2.4 above to Brent Housing Partnership for the good financial / operational reasons set out in paragraphs 5.20 and 5.25 of the report.
- 2.6 Agree the target proportion of social lettings for 2015-16 for homeless, housing register and transfer applicants as set out in paragraph 6.12 in the main body of this report.

3 Introduction

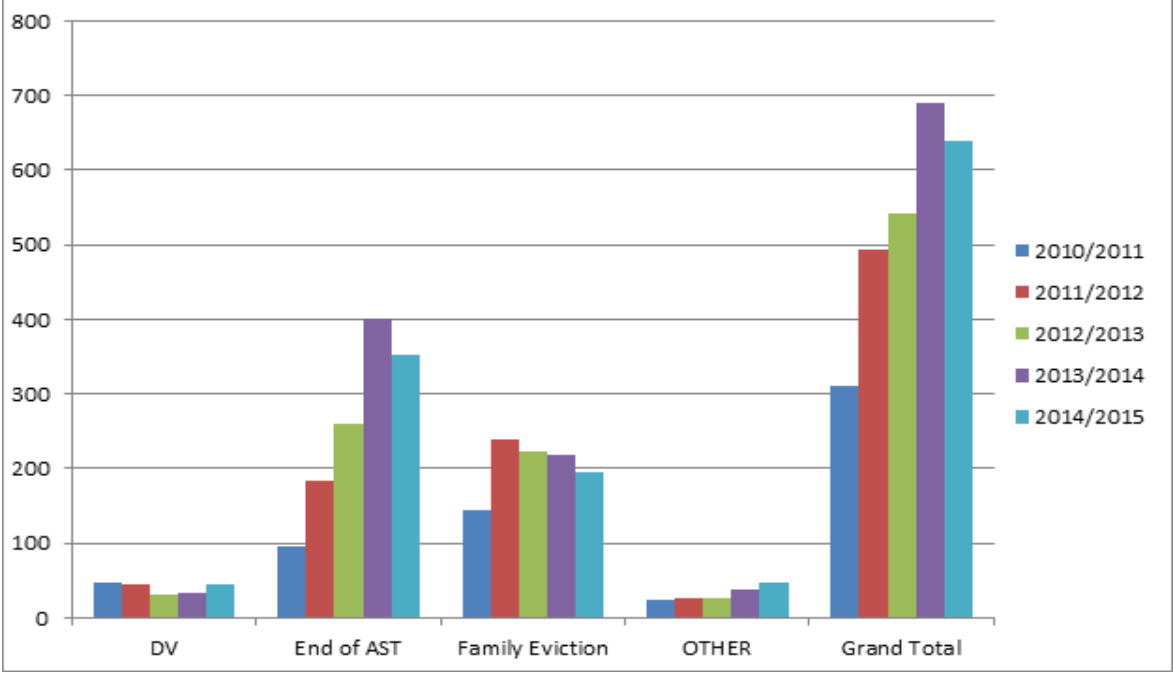
- 3.1 The body of this report is divided into the following sections:
 - 1. Homelessness
 - 2. Temporary Accommodation
 - 3. Social Lettings

4 Homelessness

- 4.1 The shortage of supply of both social housing and affordable private rented accommodation in Brent continues to lead to high demand on the Housing Needs Service. Homelessness demand is being driven by a lack of access to affordable housing. The supply of this accommodation in the private rented sector has been significantly impacted in Brent by Welfare Reform, specifically the changes to the Local Housing Allowance (LHA) and the introduction of the Overall Benefit Cap (OBC). The reduction in the Overall Benefit Cap is likely to worsen the position and the nature and extent of further welfare reforms is not known at the time of this report.
- 4.2 The effect of the OBC and the LHA caps in Brent led to a 300% increase in the number of households who were accepted as homeless due to being evicted from the private rented sector, increasing from just under 100 households in 2010/11 to 400 households in 2013/14. This figure has decreased in 2014/15 to 353, however it still accounts for 55% of all homelessness acceptances in Brent.

4.3 The other main reasons for homelessness in Brent during 2014/15 were Family Evictions (30%) and Domestic Violence (7%). The “Other” reasons for homelessness (8%) are a combination of properties being unreasonable to continue to occupy, non violent breakdown in relationship, and other evictions.

Figure 1 – Reason for Homelessness of Accepted Applications by Financial Year.



4.4 When a household approaches the council in housing need, the Housing Options team will try to prevent homelessness. As 85% of all homelessness acceptances are due to either an eviction from the private rented sector or a family eviction, this is usually achieved through negotiation with either the landlord or the parent/family member who is evicting the household. However as the majority of evictions from the private rented sector have been due to affordability issues, driven by the LHA and OBC caps, it is often not possible for the Housing Options team to prevent the homelessness as the Council are unable to make up the shortfall between the LHA rate and the market rate.

4.5 The Housing Options Team provide advice and assistance to all households who approach in housing need. Financial assistance may be provided to statutory homeless households to assist them to secure accommodation in the private rented sector, before they become actually “roofless”.

4.6 Due to the gap between the LHA rate and the market rate for private sector accommodation in Brent (see figure 2 below), the majority of households are not able to find affordable accommodation in Brent before they are “roofless”. Households are made aware of the shortage of affordable accommodation that is available in Brent, and are given advice about looking in cheaper areas, where affordable accommodation is more readily

available. However, because their support networks and connections are predominately in Brent most households do not pursue this option.

Figure 1 – LHA rates and Private Rented Sector market rates in Brent.

Brent (South)	1 Bed	2 Bed	3 Bed	4 Bed
LHA Rate (per week)	£258	£299	£351	£413
Market Rate (per week)	£315	£395	£575	£850

- 4.7 The Housing Options team makes a formal assessment against a number of criteria as prescribed in homelessness legislation. If it is not possible to prevent homelessness, and the household has met the legislative criteria, there is a statutory duty to rehouse a homeless household.
- 4.8 This duty to provide accommodation for accepted homeless households may be discharged by the council providing a property in the private rented sector for all households who were accepted as homeless on or after 9 November 2012. .
- 4.9 Duties owed to homeless households who were accepted as homeless before that date are discharged by providing social housing. However due to the lack of supply of social housing, these households are accommodated in Temporary Accommodation (TA), often for a period of many years, while they wait for an allocation of social housing.
- 4.9 When an offer of Temporary Accommodation is made, or when the homelessness duty is met by making an offer of accommodation in the private rented sector, the Council seeks to accommodate households in Brent and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However in recent years, due to the acute shortage of affordable housing locally, and rising rental costs, an increasing number of households have been placed outside the borough.
- 4.10 The Council has a policy for the placement of households in temporary accommodation that details how households will be prioritised for housing in Brent, and outside of London. This policy has recently been updated for the Cabinet’s approval to include the placement of households in the private rented sector, and to take account of the directions provided by the Supreme Court in the *Nzolameso v Westminster CC* case, where Westminster placed a homeless family in Temporary Accommodation outside of London.
- 4.11 The Supreme Court has held that where local housing authorities offer accommodation outside of their own district in discharge of their duties

under homelessness legislation, they must explain, ideally by reference to published policies, the choices that have been made.

4.12 The revised placement policy states that accommodation offered outside of London will only be used to discharge housing duties when suitable, affordable accommodation is not available locally. Priority for in-borough accommodation, whether temporary accommodation or affordable accommodation for discharge of housing duties will be given to certain households whose circumstances indicate that they would best be housed locally. These include:

- Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in Brent.
- Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred.
- Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well being.
- Households with children registered on the Child Protection register in Brent, or families who have high social needs who are linked into local health services and where it is confirmed that a transfer to another area would impact on their welfare.
- Households containing a child with special educational needs who is receiving education or educational support in Brent, where change would be detrimental to their well-being.
- Applicants who have a longstanding arrangement to provide care and support to another family member in Brent who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
- Any other special circumstance will also be taken into account

Priority for placements in Greater London will be given to:

- Applicants who have been continuously employed in Greater London for a period of six months, and for 24 hours or more per week. Women who are on maternity leave from employment and meet the above criteria would also be prioritised for placements in Greater London.
- Applicants who have as part of their household, a child or children who are enrolled in public examination courses in Brent, with exams to be taken within the next six months. Wherever practicable we will seek to place such households within 60 minutes travelling distance of their school or college.

- Wherever practicable, any applicant who works for more than 24 hours per week and has been employed continuously for more than six months will not be placed more than 90 minutes travelling distance by public transport, from their place of employment.

4.13 It is recommended that Cabinet agree the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation (PRSO) which is attached at Appendix D to this report.

Homelessness Challenges for 2015/16

4.14 Although there was a 6% decrease in the number of households that the council accepted a duty to accommodate last year, the demand for affordable housing still outstrips the supply of accommodation that is available. The unsatisfactory nature of some of the temporary accommodation provided, particularly the emergency bed and breakfast accommodation, and the associated high costs of this form of accommodation mean that it is not a sustainable model of meeting homelessness demand.

4.15 There are two key areas of focus for 2015/16 to reduce both the volume and cost of the temporary accommodation portfolio:

Increasing access to affordable accommodation in the Private Rented Sector

The housing needs team secure accommodation in the private rented sector to offer to homeless households to prevent homelessness before a statutory duty is accepted, or to discharge that duty.

4.16 Due to the over heated market in London, it has not been possible to procure the volume of affordable accommodation in Brent that is required to meet the demand from homeless households both to prevent homelessness and discharge the homeless duty. The housing needs team are actively procuring the most suitable and affordable private rented accommodation available, but this is most likely to be outside of the borough and to a significant extent outside of London.

4.17 If a sufficient supply of private sector accommodation is not available to meet demand, the council will not be able to prevent homelessness nor discharge its homelessness duties. This will mean that the statutory duty to provide accommodation will have to be met by providing expensive bed and breakfast and other forms of temporary accommodation that may also be outside of the borough due to the lack of supply of this form of accommodation.

Self Service Project

- 4.18 Households approaching the Council for assistance are most likely to have come from the private rented sector, and are very likely to receive an offer of private rented accommodation as the resolution to their homelessness. As the council is unable to procure the volume of affordable accommodation that is required to meet the demand from homeless households a new project has begun to develop a new service model to help households take responsibility by providing a self-serve approach to enable them to find their own property in the private rented sector, with support and financial assistance, rather than waiting to receive an offer of accommodation from the Council.
- 4.19 Utilising the window of time before the household loses their current accommodation, the project team will engage with households to provide assistance about their options that will be tailored to their individual needs. This ongoing support will be provided to the household while they are still residing in the accommodation that they are being evicted from. Lessons learnt from the Welfare Reform Mitigation Team's work with households affected by the Overall Benefit Cap will be used to assist households to look for their next accommodation before the eviction date.
- 4.20 The benefits of the household finding their own accommodation before they become actually homeless is that the household will avoid having to be placed in emergency bed and breakfast accommodation and be able to move to a sustainable tenancy in the private rented sector, that they have chosen for themselves.
- 4.21 This approach will also lead to a reduction in the rate of refusals of accommodation offered, as the household will have selected the property for themselves. If they are unsuccessful in finding accommodation in Brent, they will be given advice and assistance about areas outside of Brent where affordable accommodation is more readily available. This approach will empower the household to choose the location of the alternative property, rather than the council making the offer in an area where the household has had no choice.
- 4.22 If the household is not successful at finding their own accommodation, and the Council accepts the full homelessness duty to rehouse, this duty will be met by providing a private rented sector property, whether temporary or a discharge of the housing duty, before the household loses their current accommodation and therefore avoid a move into emergency bed and breakfast accommodation.

Brent Housing Partnership (BHP) Ethical Lettings Agency

- 4.23 To help increase access to the limited supply of affordable private sector accommodation that is available in Brent, it is proposed that BHP set up and operate a lettings agency to secure affordable rented accommodation

which will be offered to the Housing Needs service to nominate a homeless household. This will not involve BHP or the Council having to set up a separate company.

- 4.24 The term 'ethical' is used because the lettings agency main focus will be on securing properties from private landlords for tenants who are homeless or threatened with homelessness, and who have been nominated by the Housing Needs Team. Additionally BHP staff will assist the tenants with financial advice and offer support where possible with training and employment opportunities from their social value programme to help sustain tenancies. As mentioned, whilst the main focus will be on securing properties from private landlords for tenants nominated by the Council's Housing Needs Team, BHP lettings will also manage accommodation which is let to private tenants. The reasons for this is that it spreads risk, increases income and could allow the landlord in time to accept nominated tenants from Brent.
- 4.25 Due to the overheated market conditions, BHP Lettings offer needs to be attractive to landlords to secure their properties. The Housing Needs currently makes incentive payments to a number of private lettings agencies and landlords to secure access to affordable private rented accommodation, and this approach will be taken in respect of BHP's lettings agency. It is intended that the council will pay financial incentives to BHP of a maximum of £5,200 per new property secured to assist them in securing access to private landlords properties for homeless households. This level of incentive payment will be reviewed on a monthly basis at the pre agreed monthly monitoring meetings between the Council and BHP. The financial incentives will not in themselves bridge the gap between LHA levels and open market levels. The amount of the incentive payments, both generally and in respect of the arrangement with BHP, will be set by the council and will be periodically reviewed to reflect changing market circumstances.
- 4.26 Additional benefits will also be offered to attract landlords to use BHP Lettings. As not all Landlords want the same range of services BHP Lettings will offer a selection of services that is tailored to individual landlords needs. . This will typically include acting as the managing agent for the property and may additionally include providing a guarantee of the rent payments to the landlord and could extend to the provision of repairs and related services. The intention is that BHP will tailor their service offering to meet the individual needs of each landlord. This service offering could include such benefits as undertaking repairs, rent guarantee, reduced management fee compared to high street lettings agents, free inventory, cleaning service, and British Gas 5 star homecare agreement provision. However, whilst the benefits could prove attractive, BHP intend to ensure they offer a first class management service to landlords which then becomes the main attraction to using the service than financial incentives
- 4.27 The increased supply of affordable accommodation that is generated by BHP Lettings will complement the Self-service project to enable more

homeless households to move to alternative private sector accommodation in Brent and avoid having to be placed into temporary accommodation.

- 4.28 It is recommended that Cabinet agree that BHP set up and operate an ethical lettings agency to help meet housing demand from homeless households.

5 Temporary Accommodation

- 5.1 At the end of March 2015 there were a total of 3,161 households living in temporary accommodation, (TA) a 5% decrease during 2014/15 (180 households). While representing progress Brent Council still has the largest number of households in temporary accommodation in England and Wales.
- 5.2 Temporary accommodation is used by the council to accommodate households who have been accepted under homelessness legislation until either social housing or private sector accommodation can be secured to discharge homelessness duties.
- 5.3 Often the initial form of temporary accommodation that is provided is emergency bed and breakfast accommodation (1st stage TA) where a household will remain while the council assesses their statutory homeless application. If a homelessness duty is accepted the household will either be offered private rented accommodation to end the duty, or be accommodated in temporary accommodation leased through a housing association, or managing agent (2nd stage TA) pending the offer of private rented or social housing accommodation as appropriate.

Temporary Accommodation Challenges for 2015/16

- 5.4 Although the council is able to meet the main homelessness duty for newly accepted households by making an offer of suitable accommodation in the private rented sector, there will always be cohort of households who are unable to move into the private rented sector due to social, welfare or employment issues and will therefore require Temporary Accommodation while they wait for an allocation of social housing.
- 5.5 There is also a backlog of historic cases, where the homelessness duty was accepted before the 9 November 2012, and therefore cannot be made an offer of private sector accommodation to end the duty, without their explicit consent to do so. The number of households in this category is 2,100.
- 5.6 Therefore the council needs to sustain a supply of temporary accommodation to meet the housing needs of these households. The current portfolio of temporary accommodation needs to be reduced and reconfigured to improve the quality of the units and to reduce the cost. This needs to be achieved for both 1st Stage and 2nd Stage temporary accommodation.

Temporary Accommodation Reform Project

- 5.7 A number of initiatives have been identified that will achieve this reduction in cost and improvement in the quality of the Temporary Accommodation portfolio.

1st Stage Temporary Accommodation

- 5.8 This type of temporary accommodation should only be used during the assessment period of a homelessness application, to accommodate a homeless household while the Housing Options team determine what statutory rehousing duties may be owed by the council.
- 5.9 Once a decision on the case has been made the household should move out of this accommodation, either because no duty to rehouse was accepted, or to move onto more suitable 2nd Stage Temporary Accommodation or the private rented sector to end the duty. However the lack of move-on accommodation in both Temporary Accommodation schemes and the private rented sector has led to a silting up of accepted homeless households who are still living in 1st Stage TA.

Permanent Homelessness Hostel

- 5.10 In April 2013 the Council's Executive approved the conversion of a former residential care home at Knowles House, Harlesden to 1st Stage Temporary Accommodation for homeless households, for a period of two years with the option to extend for a further two years. The scheme provides 42 units which is not enough to meet the demand from homeless households. This has resulted in the majority of 1st Stage Temporary Accommodation being provided by the use of emergency bed and breakfast accommodation, which is both inferior in quality and expensive.
- 5.11 The Housing Needs service is therefore working with colleagues in Property and Planning to examine the feasibility of redeveloping Knowles House as a permanent resource to increase the capacity to meet the demand for 1st Stage Temporary Accommodation. If the Knowles House site cannot be secured for this purpose, an alternative site will be identified.

Modular Housing

- 5.12 A Temporary Modular Housing Scheme is being developed for use as 1st Stage Temporary Accommodation. A potential site for this scheme has been identified at the Dennis Jackson Centre, which was decommissioned in 2011.
- 5.13 The scheme will provide approximately 20 - 30 units of two bedroom 1st Stage TA. The scheme will be designed to allow for conjoined units to be opened out into one large single unit. This will enable the scheme to house

larger households, who are the most expensive to accommodate in emergency bed & breakfast accommodation

- 5.14 It is planned that the combination of the initiatives to increase the supply of private sector accommodation to meet demand from homeless households and securing a permanent homelessness hostel and modular housing with enough capacity to meet the demand for 1st Stage Temporary Accommodation will result in the Housing Needs service no longer having to use emergency bed and breakfast accommodation.

2nd Stage Temporary Accommodation

Housing Association Leased Scheme (HALS)

- 5.15 The majority of 2nd Stage Temporary Accommodation is provided by accommodation leased from the private sector by Housing Associations. This is good quality, well managed stock and is a comparatively cheap form of temporary accommodation to provide. The scheme was retendered in February 2015, however the volume of units provided through this scheme has been steadily declining due to a combination of the Housing Associations not being able to attract new landlords and current landlords not renewing the lease, due to market conditions in the private sector. The Housing Needs service are therefore developing other models for the provision of 2nd Stage Temporary Accommodation

Dynamic Purchasing System (DPS)

- 5.16 In June 2015, Cabinet approved the appointment of the contractors onto the Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation.
- 5.17 The DPS will procure affordable, cost effective and good quality 2nd Stage Temporary Accommodation, both within and outside the M25, and has the flexibility of adding new suppliers throughout its period of operation. This potentially increases the supply base for the provision of the service.

5.18 Brent Direct Leasing Scheme

The Brent Direct Leasing Scheme (BDL) is used to provide 2nd Stage Temporary Accommodation for homeless families. As with the HALS scheme the volume of units has been steadily decreasing due to the private sector market conditions. However there are still currently 165 BDL units in use. Furthermore, BHP also manage 105 properties at South Kilburn under BDL arrangements which are part of the regeneration programme and awaiting demolition

- 5.19 The existing contract, which involves the delegation of the Council's housing management functions in respect of the provision of temporary accommodation, was awarded to Brent Housing Partnership on the 1st September 2010 for 2 years with provision to extend for a further 1 year.

The contract was duly extended until the 1st September 2013 and therefore needs to be renewed.

- 5.20 The provision of the service by BHP has been advantageous in that it has enabled close and effective working between the housing needs service and BHP and allowed for flexibility as the portfolio of available properties has changed in optimising their use. To maintain these benefits and to enable continuity it is recommended that the Council awards a contract for the provision of housing management for temporary accommodation for homeless families to Brent Housing Partnership without undertaking an EU procurement exercise. This is allowed under the Public Procurement Regulations 2015 under the in-house exemption as BHP is a wholly owned subsidiary of the Council, in which there is no direct outside capital invested. Also more than 80% of BHP's activities are carried out in the performance of tasks for the Council. However, this is subject to the Secretary of State giving permission for the Council to delegate its housing management functions in this manner pursuant to section 27 of the Housing Act 1985 and in practice, the consent application will be considered by the Homes and Communities Agency on behalf of the Secretary of State.
- 5.21 The proposed duration of the contract with BHP is to be to 1 April 2020, with the option for either party to terminate the contract giving no less than six months notice.
- 5.22 The past management fee charged by BHP for the service has been reviewed in light of tendered prices for other temporary accommodation management services. In Spring 2014, the London Council's Director's Group and Director's Nightly Rates Sub-Group commissioned a study on Leasing Schemes and Incentives. It was found that the average weekly management fee for Councils in North and West London was £40 per week. Appendix E. Based on the management of 165 units, the proposed management fee of £30 per week provides value for money when compared to similar leasing schemes in North and West London.
- 5.23 BHP proposes to move responsibility of the management and operation of the merge the current resources used to operate the BDL scheme into the new, with the BHP Lettings Agency. This will offer a degree of flexibility to prospective landlords who would have a choice of either a temporary accommodation or a private sector scheme. The scheme also generates a small profit that would be used to cross-subsidise the lettings agency.
- 5.24 A further benefit of using BHP to operate the BDL scheme is that there is a seamless management operation at South Kilburn (and possibly new areas in the future) between preparing the voids for occupation and managing the units. For example, when buildings are vacated as part of the regeneration programme, BHP Voids Team decommission, secure the buildings, and prepare the voids for letting. Having this operation under one roof makes the process more efficient.

- 5.25 It is recommended that Cabinet agree to award the BDL contract to BHP for the reasons set out in the previous paragraphs.

6 Social Lettings

- 6.1 All social housing in Brent is allocated through the Housing Register, which is a register of housing need in the borough. Because the demand for housing exceeds supply the Housing Register is a record of demand, broken down into priority bands as defined within the Housing Allocations Scheme to prioritise those households that are in greatest need and have been waiting the longest for an allocation of Housing.

- 6.2 The Housing Allocations Scheme covers:

- Allocation of local authority housing to new tenants
- Transfers requested by local authority tenants
- Allocation of local authority housing to current tenants of Registered Providers
- Nominations that the Council makes to Registered Providers

Demand from homeless households, council tenants seeking a transfer and applicants on the Housing Register are mapped against expected future trends and supply levels

- 6.3 There are currently 4,358 households in the Priority bands A to C, which provides one indicator of unmet need. Including households in band D would give a level of unmet demand for social housing within the Borough of 16,566 households.

Housing Register and Transfers Demand

- 6.4 Of the 4,358 households in 'active' bands on Brent's housing Register, 20% are in Bands A or B and 80% are in Band C. Homeless households in Bands A to C make up 80% of the register. A breakdown of current applications on the lists, by demand group and the number of bedrooms needed is provided in Appendix A.

- 6.5 In 2015/16 there will be a projected 589 lettings into social housing tenancies (Council and housing association) which will meet around 14% of the current total demand from Bands A to C.

2014/15 social lettings

- 6.6 At the beginning of each financial year, Cabinet are asked to approve a set of detailed lettings projections. The table below summarises actual lettings performance for 2014/15 against original projections.

Table 6 – Lettings Variance from Targets – 2014/15

		Targets 2014/15	Actuals 2014/15	% Variance	%age of lettings
Target Group	Homeless	520	368	-29	67
	Register	65	125	+92	23
	Transfer	87	54	-17	10
	Total	673	549	-18	100

- 6.7 There was an overall shortfall of 18% in the number of lettings that were achieved compared to the forecast for 2014/15. This was in part due to the low number of transfers of existing council tenants – as these moves in turn generate another vacancy. The original forecast of Housing Association units that would be available for letting during 2014/15 was 360, however the actual number of units that were available was 331 (an 8% reduction). The reason for the decrease in the number of Housing Association units that were available was due to some slippage in the delivery of new build units, and these units will now be available in 2015/16.
- 6.8 Lettings to Brent Housing Partnership units during 2014/15 were 218 against a forecast of 313 (a 30% reduction). This in part reflects the low level of transfers but also results from the trend of reduction in void and re-let rates that has been seen in recent years, which reflects the lack of options available to tenants who wish to move on from social housing.
- 6.9 There was a target of 80% of lettings to homeless households in 2014/15. In practice 66% of lettings were made to this group. This was in part due to the fact that the increase in the target from 60% to 80% was only agreed and applied from September 2014. A detailed breakdown of lettings made in 2014/15, with a breakdown of beds needed and demand groups are provided in Appendix B.

Lettings Projections 2015/16

- 6.10 The majority of the 589 lettings of social housing expected to be made during 2015/16 will become available through re-lets within existing social housing stock, including those arising from the transfer of existing tenants. However the Council expects a total of 153 additional properties to be delivered through the new build programme. Furthermore due to slippage from last year, another 77 properties will be delivered this financial year that had originally been forecast to be delivered in 2014/15, so the total of new build units for this year is 230. A level of contingency has been assumed to allow for slippage of delivery into 2016/17. Appendix A provides a table of anticipated supply. Table 7 summarises the distribution of these lettings by property size.

Table 7 – Brent and Housing Association Projected Lettings - 2015/16

	1 bed	2 bed	3 bed	4 bed +	Total
Brent	101	74	25	18	218
RSL	105	145	85	36	371
Total	206	219	110	54	589

Priority Groups

6.11 The Allocations scheme will continue to give specific priority to certain key groups.

6.12 Homeless Households

It is recommended to maintain the number of lettings that are targeted for homeless households at 80%. This percentage is the same as last year and is equal to the percentage of those on the housing register who are homeless. This target is also necessary to help mitigate the impact of the Overall Benefit Cap on the households currently living in temporary accommodation that is no longer affordable and to reduce the number of households in temporary accommodation generally (Table 8). The anticipated overall distribution of lets to different groups for different bed-sizes is shown in the table below.

Table 8 – Anticipated distribution of lets by property size to demand groups

	1 bed	2 bed	3 bed	4bed+	Total	%
Housing Register - Homeless	164	175	89	43	471	80
Housing Register - Other	10	11	7	2	30	5
Transfers	32	33	14	9	89	15
Total	206	219	110	54	589	100

7 Financial Implications

- 7.1 The total agreed Temporary Accommodation budget for 2015/16 is £2.4m, and this includes a reduction of £1.3m when compared to the 2014/15 budget to reflect the management of cost pressures and service demands.
- 7.2 Based on current forecasts, officers are reporting an overspend against the Temporary Accommodation budget of £652k for this financial year, as a result of the pressures outlined in this report. However, this will continue to be monitored during the year with a view to reducing the projected overspend.
- 7.3 There are several initiatives that are being explored to bring the budget back in line. Some of these have already commenced while others will be progressed during the year to ensure a successful outcome.
- 7.4 The business case for the Self Service Project referred to in paragraphs 4.18 to 4.22 highlights a potential savings target of £628k on the TA budget in 2015-16. Once the Project is up and running, the exact savings from this Project will be determined and will assist in reducing the current projected overspend mentioned above.
- 7.5 Paragraph 4.3 of the report proposes to set up an ethical letting agency. This proposal will assist in securing increased affordable properties from private landlords which the Council will use to nominate tenants from the housing waiting list.
This will enable more homeless households to move to more cost effective private sector accommodation rather than expensive bed and breakfast and other forms of costly temporary accommodation. This initiative will assist in reducing the financial pressure on the Temporary accommodation budget.
- 7.6 The placement policy for Temporary accommodation and Private rented Accommodation will result in some homeless households being accommodated out of borough compared to in borough accommodation. The average cost for out of borough placements is cheaper than in borough and may result to additional savings to assist in reducing the pressure on the temporary accommodation budget.
- 7.7 The award of the contract to BHP to continue to operate the Brent Direct Leasing Scheme (BDL) equates to a savings of approximately £85K in 2015-16 for the management of 165 units. As mentioned in paragraph 5.22 of the report, the proposed management fee of £30 per week agreed with BHP in comparison to an average management fee of £40 per week for Councils in North and West London provides value for money. This is a potential savings of £10 per week per property managed by BHP.
- 7.8 The recommendation in paragraph 6.12 to maintain the number of lettings that are targeted to homeless households equates to about 470 lettings in

2015-16 compared to actual lettings of 368 units in 2014-15. If this target is achieved, this is approximately additional 100 lettings compared to the previous year with a potential savings of approximately £150k if these households remained in TA and could potentially be more if those households are housed in expensive hotel accommodation.

- 7.9 It is important to emphasise that there continues to be significant risks attached to the Council's ability to control demand led pressures relating to this particular service whilst ensuring that statutory duties are met.

8 Legal Implications

Housing Register / Allocations Scheme

- 8.1 The primary legislation that governs the allocation of new tenancies is set out in Part VI of the Housing Act 1996 ("the 1996 Act"), as amended by the Homelessness Act 2002 "the 2002 Act") and the Localism Act 2011. As enacted, the 1996 Act introduced a single route into council housing, namely the Housing Register, with the intention that the homeless have no greater priority than other applicants for housing. Since the enactment of the 2002 Act, councils are required to adopt an allocations policy which ensures that "reasonable preference" is given to certain categories of applicants (which are set out in section 166A of the 1996 Act as amended by the Localism Act 2011 and includes homeless households and persons living in overcrowded conditions and persons who need to move on medical or welfare grounds), and to allocate strictly in accordance with that policy. An allocation of accommodation under Part VI of the 1996 Act must be made in accordance with the Council's own allocation policy (cf. section 166A (14) of the 1996 Act). Allocation of temporary accommodation pursuant to the Council's homelessness duties under Part VII of the Housing Act 1996 is not governed by Part VI of the 1996 Act.
- 8.2 Brent adopted Locata, a choice-based Allocations Scheme, working in partnership with other local authorities and Housing Associations in the West London Alliance in 2003. Locata applies to all categories of applicant, including those seeking a transfer within Council housing. Although an analysis of demand and lettings is made with reference to (i) homelessness, (ii) Housing Register and (iii) transfer demand; there is no legal difference in the duties owed to people in each of these categories for the provision of accommodation under Part VI of the Housing Act 1996.

Homelessness legislation and case law

- 8.3 The primary legislation governing decisions on homeless applications is Part VII of the Housing Act 1996, which was amended by the Homeless Act 2002. The Council is required to make decisions on homeless applications within the scope of the legislation bearing in mind local demand.

- 8.4 Local authorities have a duty under Part VII of the Housing Act 1996 to house homeless persons in temporary accommodation who satisfy the qualifying criteria (i.e. eligibility, homeless, priority need, not intentionally homeless and local connection). The Council can only discharge its duty to those qualifying homeless persons in temporary accommodation under the circumstances set out in section 193 of the Housing Act 1996 and the circumstances in which this duty can be discharged are as follows: (i) if the homeless person accepts an offer of permanent accommodation from the Council in the form of a secure tenancy under Part VI of the Housing Act 1996; (ii) if the homeless person accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord; or (iii) following the changes made by the Localism Act 2011, if the homeless person accepts an offer of private rented accommodation where there is a fixed term of at least 12 months.
- 8.5 The Localism Act 2011 has enabled Local Authorities to fully discharge the full housing duty to homeless applicants by making a Private Rented Sector Offer (PRSO) (s193 (7AA)-(7AC) Housing Act 1996 as amended by s.148(5)-(7) Localism Act 2011.
- 8.6 The Homelessness (Suitability of Accommodation)(England) Order 2012 sets out what matters are to be taken into account in determining whether accommodation is suitable for a person and also sets out circumstances where accommodation, which is being provided to an applicant for the purpose of a private rented sector offer under section 193(7F) of the 1996 Act, is not to be regarded as suitable.
- 8.7 In the recent judgment in the Supreme Court case of *Nzolemeso v Westminster City Council*, Lady Hale gives guidance to local authorities when making decisions to house homeless families outside their own area which is as follows: “Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away.” Consequently The Council has revised its placement policy for the provision of temporary accommodation and private rented sector accommodation and this is set out in Appendix D to this report.
- 8.8 Another impact of the judgment in the case of *Nzolemeso v Westminster City Council* is that the exercise of the Council’s housing and homelessness functions under the Housing Act 1996 Act, which includes providing

temporary accommodation to homeless families within and outside the borough, is subject to section 11(2) of the Children Act 2004, which requires the Council to have regard to the need to safeguard and promote the welfare of children.

Brent Direct Leasing Scheme

- 8.9 As set out in paragraph 5.20 above, with regard to the delegation of housing management functions in managing temporary accommodation of behalf of the Council, consent from the Secretary of State for Department of Communities and Local Government is required under section 27 of the Housing Act 1985 before the Council enters into the Brent Direct Leasing contract with BHP.
- 8.10 Where offers of temporary accommodation are made to homeless applicants where the Council is the landlord, the applicants are granted non-secure tenancies under paragraph 4 of Schedule 1 of the Housing Act 1985 where the provision of the accommodation is done pursuant to the Council's homelessness functions under Part VII of the Housing Act 1996.
- 8.11 Recommendation 2.4 seeks authority to award a contract to operate the BDL Scheme to BHP. The estimated value of the contract is over the threshold contained in the Public Contracts Regulations 2015 ("PCR 2015") for services contracts of £172,514. As such the contract would ordinarily need to be procured. However, Regulation 12 of the PCR 2015 contains an exemption to the requirement to procure where:

Regulation 12 (1)

- (a) the contracting authority exercises over the legal person concerned a control which is similar to that which it exercises over its own departments;
- (b) more than 80% of the activities of the controlled legal person are carried out in the performance of tasks entrusted to it by the controlling contracting authority or by other legal persons controlled by that contracting authority; and
- (c) there is no direct private capital participation in the controlled legal person with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the controlled legal person."

For the purposes of the BDL contract and as detailed in paragraph 5.20, it is considered that BHP meets the requirements of Regulation 12 (1) (a) – (c) and therefore there is no breach of PCR 2015 in awarding such contract directly to BHP.

- 8.12 In addition to the requirements of the PCR 2015 and as detailed in Recommendation 2.5, an exemption from Contract Standing Orders is

sought relating to the usual requirement to tender a contract and instead to award a contract directly to BHP for BDL services. Such an exemption can only be granted pursuant to Contract Standing Order 84(a) where there are good financial / operational reasons for doing so. Members are referred to paragraphs 5.20 and 5.25 and will note the good financial / operational reasons advanced.

Brent Housing Partnership - Lettings Agency

- 8.13 The general power of competence under section 1 of the Localism Act 2011 gives local authorities a broad range of powers "to do anything that individuals generally may do" subject to limits within other legislation and there are no adverse limits on the proposed scheme under the current legislation. Section 93 of the Local Government Act 2003 gives the power for local authorities and their subsidiaries to charge individuals for services but not to make a profit. As BHP is providing the service, there are no procurement issues that arise for the Council. The decision for BHP to set up and operate a lettings agency requires the approval of the Council's Cabinet
- 8.14 Furthermore, the Council has powers under section 24(1) of the Local Government Act 1988 to provide any person with financial assistance for the purposes of, or in connection with, the acquisition, construction, conversion, rehabilitation, improvement, maintenance or management (whether by that person or by another) of any property which is or is intended to be privately let as housing accommodation. Although this power is subject to consent from the Secretary of State for the purposes of section 25 of the Local Government Act 1988, in 2010 the Secretary issued a general consent under section 25 and that general consent allows, amongst other things, a local authority to provide any person with any financial assistance (other than the disposal of an interest in land or property) : (a) for the purposes of or in connection with the matters mentioned in section 24(1) of the 1988 Act;

9 Diversity Implications

- 9.1 Two Equality Impact Assessments have been completed to consider the impact of allocating 80% of social housing lettings to homeless households and of relocating families out of London as a consequence of the revised Placement Policy for Temporary Accommodation and Private Rented Accommodation.
- 9.2 There are negative impacts to the proposal to allocate 80% of social housing lettings to homeless households, particularly on overcrowded households within the social sector and the Private Rented sector where applicants are predominantly from BAME origins and female headed applications. However, this negative impact is balanced by the positive impact that will be seen on this same protected groups through the increased lettings made to homeless applicants

- 9.3 The main risk of negative impact arises from relocating families out of London. BAME households are negatively impacted but cultural considerations have been taken into account when identifying areas of relocation thus mitigating the impact on this cohort. There is also a negative impact on women, however the increased lets to accepted homeless households neutralises this impact as women are over-represented in the homeless population. The analysis recognises that relocating with a young baby can be stressful and is likely to have an adverse impact on these households. The Council aim to mitigate this impact by setting up links with family support groups and childcare services in areas where the accommodation is sourced.
- 9.4 Through the Dynamic Purchasing System for procurement of temporary accommodation outside of London, pre-selected providers will ensure an on-going supply of privately sourced accommodation. Certain types of properties can be specifically sourced, for example, some BAME households tend to have larger households and require larger properties. Households with certain disabilities require ground floor level access. Properties are to be sourced in areas where there is access to support and resettlement. Consideration will be given to transport links to Brent.
- 9.5 Homeless households, of which BAME households are over represented, will spend less time in emergency accommodation which compromises quality of life, educational attainment, and social inclusion and integration.
- 9.6 Efforts will be made to integrate homeless families into communities and avoid them being stigmatized as homeless households. Accommodation providers were asked to demonstrate how they would deal with harassment/ anti social behaviour in order to be successful and are required to submit performance statistics on monthly basis. The following actions have been identified to ensure that affected groups continue to obtain a fair and equitable service as a result of the policy:
- 9.7 The Council will be directly responsible for nominating applicants to the scheme in line with temporary accommodation policy and procedure and will be able to monitor take up by affected groups. Providers were asked to demonstrate how they would implement equalities and deal with harassment/ anti social behaviour in order to be successful. These requirements form part of the contractual obligations.
- 9.8 The Housing Act 1996 code of Guidance makes reference to criteria in the 'suitability of accommodation' order which takes into account education, welfare and medical needs. These criteria will be used to make decisions about whether to place out of borough. The council's Placement Policy used the criteria above to ensure that certain vulnerable groups remain in borough. There will be continuing monitoring and review of provider's commitment to provide an equitable service to homeless applicants.

10 Staffing/Accommodation Implications

- 10.1 Resources within the housing needs service have been deployed to support the initiatives and approaches set out in this report and this deployment will be adjusted as necessary.

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Appendix A - Current Live Applications

	Number of Bedrooms Required									Sum:	
	1	2	3	4	5	6	7	8	9		
ELDERLY SHELTERED	190										190
HOMELESS APPROVED	204	1404	1155	437	154	37	11	2	2		3406
LEAVING CARE	35	1									36
MANAGEMENT TRANSFER	3	5	3	4	1						16
MEDICAL	47	17	36	1	1						102
MOVE ON QUOTA	15	2	4	2							23
OVERCROWDING		20	119	72	14	1					226
PERMANENT DECANTS	79	26	14								119
SOCIAL HARDSHIP	1	2	8	1							12
STATUTORY DUTY	1										1
SUCCESSION (UNDEROCCUPATION)	14	1									15
UNDEROCCUPATION	85	36	4								125
UNSATISFACTORY HOUSING	3	1	1								5
QUALIFYING OFFER	9	26	31	10	6						82
ARMED FORCES	2										
Sum:	688	1541	1373	527	176	38	11	2	2		4358

Appendix B - Lettings Performance BHP and Housing Association - 2014/15

	Bedroom Size						Grand Total
	1	2	3	4	4+		
HOUSING REGISTER							
CHILDREN LEAVING CARE	33	1					34
APPROVED HOMELESS	83	169	78	22	9		361
MEDICAL 25 (HOMELESS)	2	3	1	1			7
OVERCROWDING	4	25	4	1			34
CONTRIBUTION TO MOBILITY (YOUR MOVE)	5	2	1				8
MEDICAL 25 (REGISTER)	2	2	2	1			7
MOVE-ON QUOTA	21						21
ELDERLY SHELTERED	20						20
QUALIFYING OFFER		1					1
Sub Total	170	202	86	25	9		49
TRANSFERS							
UNDER OCCUPATION	16	4	1				21
DECANT	15	2	1				18
SUCCESSION (UNDEROCCUPATION)	9						9
MANAGEMENT TRANSFER	1	2	2				5
Sub Total	41	8	4				
Grand Total	211	210	90	25	9		549

Appendix C – Lettings Projections 2015/16

Brent and Registered Provider – Projected Lettings 2015/16

For Brent Council properties, the projection is made based on last year's lets, i.e. Council owned properties that became available to relet.

For Registered Provider properties, the projections are made based on the number of existing properties that became available to let as well as new builds.

The table below shows the number of new build units that will become available during 2015/16. Based on experience from previous years, we are reasonably confident that properties that are due completion by 31 December will actually become available and there will be a slippage for the rest. Additionally, 99 properties (Asra HA units at Park Royal) will be extra care sheltered units and therefore not let through the CBL scheme thus leaving 131 new units, including the 77 units that slipped from 2014/15 becoming available to let this year.

2015-16 Forecast Completions

Address	HA	Tenure	Total Units	Comp Due
Linthorpe Avenue (19-29)	Catalyst	AR	9	30-Sep-15
Kilburn Park Road S106 (15/18)	Home Group	AR	23	01-Dec-15
Park Royal Asra C&S	Asra	AR	39	14-Dec-15
Willows Yard, Rucklidge Avenue	Origin	AR	22	14-Dec-15
Park Royal Asra Elderly	Asra	AR	60	21-Dec-15
Willesden Depot (15/18)	NHHT	AR	10	15-Jan-16
Blarney Stone, Blackbird Hill	Catalyst	AR	36	15-Feb-16
61 Craven Park Road (15/18)	Asra	AR	11	21-Mar-16

210

Taking the above into account, the predicted number of lets for the 2015/16 financial year is expressed in the table below:

	1 bed	2 bed	3 bed	4 bed +	Total
Brent	101	74	25	18	218
RP	105	145	85	36	371
Total	206	219	110	54	589



Placement Policy - Temporary Accommodation and Private Rented Accommodation (PRSO)

This document sets out Brent Council's policy for the placement of households in temporary accommodation and private rented accommodation, both inside and outside the Borough. It covers both *interim* placements made under Section 188 Housing Act 1996 ("HA96"), while homelessness enquiries are undertaken, *longer term* temporary accommodation placements for households accepted as homeless under Section 193 HA 1996 and a private rented sector offer defined by section 193(7AC) with a view to bringing the section 193(2) duty to an end (**Appendix 1**)

The policy complies with:

- The Housing Act 1996, as amended by the Homelessness Act 2002
- The Localism Act 2011
- Equality Act 2010
- Homelessness (Suitability of Accommodation)(England) orders 1996, 2003 & 2012.
- Supplementary Guidance on the Homelessness changes in the Localism Act 2011 & the homelessness(Suitability of Accommodation)(England)Order 2012
- The Homelessness Code of Guidance
- The Strategic Tenancy Policy 2012
- The Temporary Accommodation placement policy
- The Housing Strategy 2014 - 2019
- The Allocation Scheme
- Children Act 1989 (in particular S.17)
- Children Act 2004 (in particular S.11)

1.1 The policy takes into account the statutory requirements on local authorities in respect of suitability of accommodation as per section 206, including Suitability Orders, Supplementary Guidance on homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation ((England) Order 2012 , the Homelessness Code of Guidance 2006, the Children Act 2004 S.11 which places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children..

1.2 As per section 208 HA 1996, and paragraph 16.7 of the Homelessness Code of Guidance, so far as reasonably practicable, the Council seeks to accommodate homeless households in Brent and always

considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing locally, and rising rental costs, an increasing number of households are likely to be placed outside the borough, as it will not be reasonably practicable to provide accommodation within Brent. The application of housing benefit caps, LHA rates within the borough (Appendix 2) welfare reform, universal credit, together with restrictions upon overall benefit entitlement, has further restricted the number of properties that will be affordable to homeless households in Brent, and particularly larger families.

1.3 When determining whether it is reasonably practicable to secure accommodation in Brent, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration, matters to be taken into account here would include information provided on the suitability form which is completed by the client, together with paragraph 17.39 of the Homelessness Code of Guidance. The reality is however that the demand for housing greatly exceeds supply, due to this intensive pressures on housing stock in Brent, rent levels remain high and affordability remains a primary obstacle not only in respect to securing PRSO accommodation but also in respect to securing all forms of temporary accommodation within our borough boundaries.

1.4 The scale of demand and the limitations on resources are such that the council and its partners cannot build enough to meet all housing need. Even if resources were available, there is a limit to capacity given that the opportunities for large scale new development in Brent are constrained by land availability and costs.

1.5 The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in. These areas are called Broad Rental Market Areas (BRMA).

1.6 The LB Brent is divided into three Broad Rental Market Areas, which are used to calculate LHA rates in Brent. Inner North London BRMA, North West London BRMA and Inner West London BRMA.

1.7 The tables in Appendix 4 illustrate the LHA rates in some of the regions outside London where accommodation costs are lower, there are costs savings to be made by utilising accommodation in areas outside of the three BRMA's in Brent .

1.8 The policy therefore details how applicants will be prioritised for housing in Brent, and outside of London.

2 PRSO and Temporary Accommodation Offers and Refusals

2.1 Due to the shortage of suitable accommodation in Brent, homeless applicants who are housed under the Council's interim duty to accommodate pursuant to Section 188 HA96 may initially be placed in emergency accommodation, including bed and breakfast and short-term self-contained accommodation, such as annexes, while enquires are carried out. This accommodation may be outside of the borough. If the Council decides it has a duty to house the household, they will be moved to longer-term temporary accommodation or made a PRSO as soon as a suitable property becomes available.

2.2 Wherever possible, the Council will avoid placing: families with dependent children; pregnant women; and, young people aged 16/17 in bed and breakfast accommodation. Where no other suitable accommodation exists and such placements are necessary, the Council will move these households to more suitable self-contained accommodation within six weeks.

2.3 Where the Council decides that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave, usually within fourteen days of receiving a homelessness decision letter.

2.4 Applicants will be given one offer of suitable accommodation this may be under an interim duty while enquiries are being carried out, or longer term temporary accommodation where a full housing duty has been accepted or a PRSO, they will be advised to accept this. There is no obligation upon the Council to enable applicants to view the accommodation prior to acceptance. In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in section 3 of this policy and Council's criteria on in/out of borough placements detailed in section 4.

2.5 If an applicant rejects an offer, they will be asked to provide their reasons for refusal. This applies to new applicants to whom the Council has an interim duty to accommodate under Section 188 HA96, as well as those seeking a transfer from existing Temporary Accommodation (TA) or those in TA who are required to move by the Council whom the Council has accepted a rehousing duty towards under Section 193 HA96. The Council will consider the reasons given and undertake further enquiries as necessary. If the Council accepts the reasons for refusal and agree the offer is unsuitable, the offer will be withdrawn and a further offer will be made.

2.6 Where applicants refuse suitable emergency accommodation (which may include out of borough placements) and the Council does not accept their reasons for refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements. There is no right of appeal against the suitability of accommodation offered to applicants under Section 188 HA96 (although they can apply for judicial review through the courts). For applicants where the Council has accepted a rehousing duty under Section 193 HA96, (s193 duty) there is a right to request a review of the suitability decision, pursuant to Section 202 HA96.

2.7 In cases where the applicant still refuses a suitable offer of accommodation, the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property within 14 days and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation, the current housing provider would be advised that the duty has been discharged.

2.8 Where Applicants, whom the Council has accepted a s193 duty refuse a suitable offer and submit a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

3 Suitability of accommodation – factors to consider

3.1 In offering temporary or private sector accommodation, the Council will consider the suitability of the offer, taking into account the following factors:

3.1.1 **Accommodation available in the borough** – if suitable accommodation is available in the local authority area, applicants will be housed in Brent, allowing them to maintain any established links with

services and social/support networks. However, when there is a lack of suitable accommodation or there are higher priority households awaiting accommodation in the borough, out of borough placements will be used to meet the Council's housing duty (see section 4 on priority for local accommodation below). Given the shortage of accommodation locally, bed and breakfast in/outside of the borough may be considered suitable for short-term interim placements.

3.1.2 Affordability: 'Affordability' has been defined in this policy thus: "the household must have its equivalent level of income support or income based jobseeker's allowance (whether claimed or not) available to spend on reasonable living costs after accommodation costs have been deducted from the household's income". Due regard will be paid to s.17.39 of the Code of Guidance 2006 when accessing affordability.

3.1.3 Size and location of the property and the availability of support networks in the area – accommodation must provide adequate space and room standards for the household and be fit to inhabit. (To ensure that the property is suitable in terms of space and arrangement in light of the relevant needs, requirements and circumstances of the household. E.g. Health or mobility issues) In deciding on the fitness of the property, consideration would be given to the length of time needed to complete any necessary repairs and whether it is reasonable to complete these while the property is occupied. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are unlikely to be acceptable reasons for a refusal.

3.1.4 Health factors – the Council will consider health factors, such as ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Brent. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant must submit a medical form with 24 hours. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Problems such as depression, asthma, diabetes or back pain would not normally make a property unsuitable, as the problems would persist in any sort of accommodation.

3.1.5 Education - attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for in-borough placements (see Section 4).

3.1.6 Employment –the Council will consider the need of applicants who are in paid employment to reach their normal workplace from the accommodation that is secured (see Section 4)

3.1.7 Proximity to schools and Services - The council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located.

3.1.8 Any special circumstance - The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable.

4 Criteria for prioritising placements inside/outside of Brent

4.1 As the borough faces pressure to house applicants outside the area, it will increasingly be necessary to make decisions about the suitability of out of London/Greater London placements for individual households and balance these against the type and location of temporary accommodation and private rented accommodation that can be offered. In many cases housing outside of the borough will be more

sustainable for the household in the long-term, with lower rents allowing them to better meet their subsistence and household costs and avoid rent arrears.

4.2 In placing households in temporary accommodation and private rented accommodation, there will be a general presumption that placements outside of London will be used to discharge housing duties where suitable, where affordable accommodation is not available locally.

Notification arrangements when households are placed outside of London:

We will aim to ensure that information concerning details of placements in temporary accommodation and private rented accommodation outside London is shared as far as possible in a fair and timely manner with the relevant councils in areas where families are moving to.

- A) Notification arrangements – we will notify the receiving authority of any placement (as far as this is possible). The receiving authority should also notify us as to any action they may have taken against a landlord/agent.
- B) Pay a Fair Rent – We will as far as is practical ensure that the rent paid is in accordance with the prevailing LHA rent levels and is not at a level that is likely to encourage inflation of rent levels.
- C) Vulnerable families – So far as is practicable if placing vulnerable families outside of London we will ensure that such families will continue to receive appropriate support.

However, priority for in-borough accommodation will be given to certain households whose circumstances indicate that they would best be housed locally. These include:

4.2.1 Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available in Brent.

4.2.2 Applicants who are in receipt of a significant package and range of health care options that cannot be easily transferred.

4.2.3 Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well being.

4.2.4 Households with children registered on the Child Protection register in Brent, or families who have high social needs who are linked into local health services and where it is confirmed that a transfer to another area would impact on their welfare.

4.2.5 Households containing a child with special educational needs who is receiving education or educational support in Brent, where change would be detrimental to their well-being.

4.2.6 Applicants who have a longstanding arrangement to provide care and support to another family member in Brent who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.

4.2.7 Any other special circumstance will also be taken into account

4.3 Priority for placements in Greater London will be given to:

4.3.1 Applicants who have been continuously employed in Greater London for a period of six months, and for 24 hours or more per week. Women who are on maternity leave from employment and meet the above criteria would also be prioritised for placements in Greater London.

4.3.2 Applicants who have as part of their household, a child or children who are enrolled in public examination courses in Brent, with exams to be taken within the next six months. Wherever practicable we will seek to place such households within 60 minutes travelling distance of their school or college.

4.3.3 Wherever practicable, any applicant who works for more than 24 hours per week and has been employed continuously for more than six months will not be placed more than 90 minutes travelling distance by public transport, from their place of employment.

4.3.4 Applicants who meet none of the above criteria will be offered properties out of London when no suitable property is available.

4.3.5 Applicants who are victims of domestic violence would be placed outside of Brent or Greater London in an area where the risk of violence does not exist having given consideration to all other factors within this policy.


4.3.6 Applicants who are at risk of violence being perpetrated against them would be placed outside of Brent or Greater London in an area where the risk of violence does not exist having given consideration to all other factors within this policy.

4.3.7 Applicants who indicate a desire to be housed in a particular area outside of Brent or Greater London will be housed in those area(s) so far as reasonably practicable.

4.3.8 Any other special circumstance will be taken into account.

Appendix E – Rents paid for PSL Schemes - West, North and East London Sub- Regions

	InH/ Agent/ LL/RP	Responsibility			Studio	1 Bed	2 Bed	3 Bed	4 Bed	
		Agent/LL	HS/LA	Shared						
West	Ealing	A	Rpr; V	RC	90% of January LHA + £40, also in cases where procurement is difficult pay up to full market value					
	LBHF	InH		RC; V	Rpr	Current LHA + 10%				
	Harrow	InH		RC; V	Rpr	90% of January 2011 LHA rate subject to negotiation				
	Hillingdon	InH		Rpr; RC; V		90% of January LHA 2011 + £40				
	Hillingdon	A	Rpr; RC; V			The lease is around 10 years. Rent is based on arrangement/subsidy of the time. Expires 2014.				
	Hounslow	InH		Rpr; RC; V		90% of January 2011 LHA + £25. For larger bed sizes offer full TA Subsidy + £40				
North	Barnet	InH		RC; Rpr; V	90-95% of current LHA					
	Enfield	InH		RC; Rpr; V	n/a	£680 (TR pre 2000)	£765 (TR pre 2000)	£940 - £1,050 (TR pre 2000)	£1165 (TR pre 2000)	
	Haringey	InH		RC; Rpr; V	90 - 100% of January 2011 LHA					
	Haringey	A	Rpr; V	RC	90% of January 2011 LHA + £25 (based on tendered price)					
	Islington	A	Rpr; V	RC	..	90% of January 2011 LHA + £40				
	Westminster	A	Rpr; V	RC		90% of January 2011 LHA + £40				
East	LBBD	A	Rpr; V	RC	..	90% of January 2011 LHA + £40				
						£180.18	£180.18	£216.51	£258.09	£330.75
	Hackney	A	Rpr	RC	V	90% of January 2011 LHA + £25				
	Newham	A	Rpr	RC	V	£640.25 (TR 2009-12)	£745.33 (TR 2009-12)	£943.58 (TR 2009-12)	£1074.67 (TR 2009-12)	£1230.67 (TR 2009-12)
	Newham	A	Rpr	RC	V	90% of January 2011 LHA + £25 (collaborative tender with Redbridge and Waltham Forest 2012-15)				
	Redbridge	A	Rpr	RC	V	90% of LHA + £15	90% of LHA + £15	90% of LHA + £15-£40	90% of LHA + £15-£40	90% of LHA + £15-£40
						n/a	£363.88	£402.87	£409.36	£422.30
LBTH	A	Rpr	RC	V	The scheme was set up in 2005. Lease requires annual uplift of RPI based on June RPI figure; compound inflation based upon prices negotiated in 2005					
LBWF	A	Rpr	RC	V	90% of January 2011 LHA + £40					

 <p>Brent</p>	<p>Cabinet 27th July 2015</p> <p>Report from the Director of Regeneration and Growth</p>
<p>Wards affected: Wembley Central Tokyngton, Barn Hill Alperton, Stonebridge</p>	
<p>Wembley and Alperton Housing Zones</p>	

Appendix 1 is not for publication.

1.0 Summary

- 1.1 The Council has secured GLA Housing Zone designations for Wembley and Alperton which will help to accelerate the delivery of hundreds of new homes and bring forward regeneration in these areas. On 15 September 2014, Cabinet gave approval for the Council to submit bids to the GLA for Alperton and Wembley to become Housing Zones and agreed for a further report to be brought to Cabinet on the required funding arrangements between the Council and the GLA and any associated matters requiring approval.
- 1.2 The Council intends to make use of the Housing Zone designations to increase and accelerate the delivery of new homes in Wembley and Alperton, largely through the acquisition and assembly of land, and by working with development partners.

2.0 Recommendations

- 2.1 Officers recommend that Cabinet:
- 2.2 Approve in principle entering into contract with the Greater London Authority to receive Housing Zone grant funding to assist with delivery of the Housing Zone objectives in Alperton (£13.9million) and Wembley (£8 million) with

approval of the terms of such funding contracts to be delegated to the Strategic Director for Regeneration and Growth in consultation with the Chief Financial Officer.

- 2.3 Approve in principle the taking of steps to make use for development of retained land along the Wembley High Road frontage at Ark Elvin Academy through the Wembley Housing Zone, subject to receiving section 77 approval from the Secretary of State for Education and subject to meeting agreed costs in the fit out of the new academy.
- 2.4 Note the intention to make use of the Mayor's London Development Panel to develop the retained land at Ark Elvin Academy and to form a development partnership for the Wembley Housing Zone.
- 2.5 Delegate authority to the Strategic Director for Regeneration and Growth in consultation with the Chief Financial Officer to take steps to dispose of the retained land at Ark Elvin Academy. The final decision on the disposal of the land will be subject to a final decision remaining with Cabinet.
- 2.6 Approve in principle to make Compulsory Purchase Orders of land interests within the Housing Zones under Planning, Housing and Highways legislation to bring forward the development objectives, subject to a further specific resolution of Cabinet in respect of the making of each order.

3.0 Detail

About GLA Housing Zones

- 3.1 In 2014 the Mayor of London published its Housing Prospectus in which it outlined proposals for Housing Zones. Housing Zones would be designated where Local Authorities would successfully apply for financial assistance to bring forward additional and/or accelerated delivery of new homes in London, including affordable housing.
- 3.2 A £400m fund was available to draw on, consisting of £200m grant and £200m of development finance. The GLA advised that proposals for up to £20m (split roughly between grant and development finance) would be assessed in line with the objectives of the Housing Prospectus. Up to 20 Housing Zones will be established in London.

Summary of the Wembley Housing Zone

- 3.3 Following approval by Cabinet in August 2014 an application for Wembley to be designated as a GLA Housing Zone was submitted to the GLA in September 2014 to receive grant funding to assist with the accelerated delivery of approximately 660 homes by 2021, including approximately 215 affordable homes, representing a proportion of 30%.
- 3.4 On 16th March 2015, the Mayor confirmed that Wembley had been successfully designated as a Housing Zone subject to a period of due diligence. Officers are now working with colleagues at the GLA to ensure that

information is exchanged for due diligence to progress over the coming months.

- 3.5 Additionally, the Mayor announced that Quintain had successfully applied for nearly £39m of development finance through the London Housing Bank to bring forward development to the east of Wembley Stadium for 450 intermediate rented homes.
- 3.6 The Council has identified sites within Wembley that would be acquired and developed through the Housing Zone initiative. These are sites that benefit from planning policy that supports mixed use development, most recently within the Wembley Area Action Plan, adopted in early 2015.
- 3.7 Design feasibility work has been undertaken for these sites that indicates that the initiative can deliver approximately 660 homes. The design feasibility has been developed in conjunction with Brent's planning department to provide a degree of certainty that the designs can be taken forward in more detail.
- 3.8 The sites will be brought forward through a phased programme of acquisition and development, with the land residual of for example phase one reinvested into bringing forward phase two, and so on through four phases.

Summary of the Alperton Housing Zone

- 3.9 Following approval by Cabinet in August 2014 an application was submitted in September 2014 to the GLA for Alperton to be designated as a Housing Zone. The application was for Housing Zone grant and development finance to assist with the delivery of approximately 2,300 new homes by 2025 including approximately 850 affordable homes, representing a proportion of approximately 35%
- 3.10 The project includes provision to improve accessibility to Alperton Underground Station by improving pedestrian and cyclist access from Woodside End along Atlip Road.
- 3.11 Additionally, funds will be directed toward the remediation of contaminated land that is otherwise prohibitively expensive to bring forward for development. This will be in the form of development finance made available to the development sector in relation to bringing forward residential development in the Housing Zone.
- 3.12 The GLA has now confirmed that Alperton has successfully been designated as a Housing Zone, subject to a period of due diligence which is now underway.

GLA Housing Zone agreement

- 3.13 The GLA have issued a contract agreement to the council which will cover the terms of the financial transactions between the GLA and the council for the Housing Zones. The contracts will include the requirement to deliver housing and affordable housing outputs against an agreed timeframe.

- 3.14 Members are asked to provide approval in principle to enter into the agreement and delegate authority to the Strategic Director for Regeneration and Growth to agree the terms of the agreement in consultation with the Chief Finance Officer.

Development of retained land at the Ark Elvin Academy

- 3.15 The Wembley Housing Zone proposal includes the development of land freed up by the delivery of the new Ark Elvin Academy on the site of the former Copland School. The future development of this land was reported to and approved by Cabinet in April 2014.
- 3.16 The development of the land at Copland School will meet a funding requirement in the delivery of the new Ark Elvin Academy, in particular fixtures, fittings and equipment, including ICT.
- 3.17 The Council's proposed route for development is to make use of the Mayor's London Development Panel which is a framework of pre-procured developers. A condition of the development will be to form a development partnership with the council to deliver the Housing Zone objectives.
- 3.18 Officers recommend that Cabinet delegate authority to the Strategic Director for Regeneration and Growth in consultation with the Chief Financial Officer to take steps to dispose of the retained land at Ark Elvin Academy subject to consent of the Secretary of State for Education under the relevant Act in line with the delivery arrangements envisaged within the Wembley Housing Zone bid. Approval of the final disposal of the land would remain with the Cabinet.

Compulsory Purchase Orders

- 3.19 The delivery of the Housing Zone initiatives will require the acquisition of private land. It is the intention of officers to negotiate the purchase of land by private treaty. However the council may ultimately be required to make use of Compulsory Purchase Powers conferred upon it through the Town and Country Planning Act 1990, The Highways Act 1980 and The Housing Act 1985.
- 3.20 This report seeks Cabinet approval to the principle of using Compulsory Purchase Orders where these are necessary. In these circumstances specific reports will be required justifying the use of each Compulsory Purchase Order and setting out the financial arrangements that would underwrite each Order.

4.0 Financial Implications

- 4.1 The council will be required to enter into contracts for each Housing Zone in relation to financial transactions between the GLA and the Council. The contracts will include the housing and affordable housing outputs and a programme for delivery. Entering into these contracts will facilitate receipt of Housing Zone grant funding to assist with delivery of the Housing Zone objectives in Alperton (£13.9million) and Wembley (£8 million).

- 4.2 Subject to s77 consent and meeting the agreed costs for fit out and other associated works for the new Ark Elvin Academy, the retained land at Ark Elvin Academy will be developed through the proposed partnership with a developer.
- 4.3 In addition to the contribution of £8m Housing Zone grant by the GLA it is proposed that the Council will contribute £2m at the outset of the development programme, this amount then being recovered at the conclusion of that programme. It is currently forecast that all costs associated with the Housing Zones development will be met from the combination of grant and capital receipt.
- 4.4 The Housing Zones will be project managed within the existing governance framework within the Regeneration and Growth department making use of project management tools derived from the Capital Portfolio Office.
- 4.5 The council has committed to funding a post to provide client side project management of the Housing Zones and as such these costs will be met from existing revenue budgetary provision by diverting resources from within the Regeneration and Investment Team.
- 4.6 As momentum of the Housing Zones programme builds, further project support will be required. There is currently no budgetary provision to meet additional project support costs beyond the next two years.

5.0 Legal Implications

- 5.1 The council will procure legal advice to support the delivery of the Housing Zone including contract matters with the GLA, the acquisition and disposal of land (including retained land at the former Copland School), procurement of joint venture partners, drafting and managing the development agreements, procurement and appointment of consultants, State Aid and Compulsory Purchase Orders.
- 5.2 The council will enter into development agreements with a joint venture partner to deliver the Housing Zone outputs. Within Wembley, the partnership will be linked to delivery of homes upon the retained land at the former Copland School and will be a condition of the development of this land.
- 5.3 The council will almost certainly be required to make a Compulsory Purchase Order to assist with the acquisition of development sites within the Housing Zones. This is likely to be under both The Town and Country Planning Act 1990, The Highways Act 1980 and The Housing Act 1985.
- 5.4 Further reports to cabinet will follow at the appropriate time to obtain the requisite Cabinet authority in respect of relevant land to be acquired which will set out the Council's case for compulsory acquisition to form the substance of statement of reasons to be submitted to the secretary of state with the compulsory purchase orders.

- 5.5 Under Section 123 of the Local Government Act 1972 the Council has the general power to dispose of properties by way of sale or lease .The essential condition is that the Council obtains the best consideration that is reasonably obtainable unless it is a lease of 7 years or less.
- 5.6 Disposal on the open market either via auctioneer, marketing agent or to a special purchaser by way of private treaty will satisfy the best consideration requirement ensuring the site has been properly exposed to the market through marketing with bids coming in on a competitive basis.
- 5.7 The disposal of the land forming part of the former Copeland School is designated as education land and therefore the Secretary of State for Education consent is required under Schedule 1 to the Academies Act 2010.

6.0 Diversity Implications

- 6.1 The Housing Zones will deliver homes to help meet the needs of Brent residents, including those listed on the council's waiting list. Housing allocations will be made in accordance with the council's allocations policy.
- 6.2 At least ten percent of the homes will be designed and delivered to be wheelchair adaptable homes while all homes will be designed to Life Time Homes standards.

7.0 Staffing Implications

- 7.1 The Housing Zones will be project managed within the existing governance framework within the Regeneration and Growth department making use of project management tools derived from the Capital Portfolio Office
- 7.2 The council has committed to funding a post to provide client side project management of the Housing Zones reporting to the Project Sponsor and to complete the project reporting requirements of the GLA. As momentum of the Housing Zones programme builds, further project support will be required.

Contact Officers

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Strategic Director Regeneration and Growth

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Cabinet
29 July 2015

Report from the Chief Executive

For action

Brent Council Membership of the West London Economic Prosperity Board

1. Introduction

- 1.1 This report seeks Cabinet approval to establish a Joint Committee to be known as "West London Economic Prosperity Board," in partnership initially with Barnet, Ealing, Harrow and Hounslow (with other WLA members, namely Hammersmith & Fulham and Hillingdon also potentially joining later), and to note the Leader or person nominated by the Leader, will take up membership of the Board on the behalf of Brent.

2.0 Recommendations

- 2.1 Cabinet is recommended to note the following:

- (a) agree that Brent Council will enter into arrangements with some other West London local authorities for certain of their functions (as specified in the report) to be discharged jointly;
- (b) note that the Leader, having consulted the Chief Legal Officer, will agree the arrangements for functions and procedures (see Appendix 1) with the other authorities and/or their executives as appropriate;
- (c) agree that the arrangements will include a Joint Committee (to be known as "the West London Economic Prosperity Board");
- (d) note that the Leader (or suitable alternative chosen by the Leader) will be appointed as a voting member of the Joint Committee;
- (e) note that the functions to be discharged by the Joint Committee will be with the intention of promoting economic prosperity within the local government areas of the participating boroughs;
- (f) note that it is anticipated that the participating boroughs will initially be Barnet, Brent, Ealing, Harrow and Hounslow, but that other WLA members (namely, Hammersmith & Fulham and Hillingdon); are also invited to join and
- (g) note that any changes to the constitution resulting from this report will be reported to Full Council for approval.

3. Detailed Considerations

Context for the Economic Prosperity Board

- 3.1 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.
- 3.2 However 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.
- 3.3 These challenges are recognised in the council's Borough Plan 2015 – 2019. The Borough Plan sets out three key priorities for the Council and its partners. Two of the three are particularly relevant to regeneration and economic prosperity. These are creating 'Better Lives' for our residents and working 'Better Locally'. Our aims under these priorities are:-

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;

- 3.4 The ambitions of in the Borough Plan 2015 – 2019 are supported by Brent's established Regeneration Strategy (2010-2030) and its Employment, Skills, Enterprise Strategy, 2015-2020.

In terms of the Regeneration and Strategy. Strategic Priorities two and three are particularly 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.

3.5 The Employment, Skills and Enterprise Strategy 2015 – 2020 identifies specific goals that relate to driving local growth, creating jobs, enhancing local skills and promoting the regeneration of the borough.

Five objectives have been identified: that are particularly relevant.

- To promote economic growth through regeneration, increasing the number of local jobs and providing new opportunities for local businesses.
- 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.
- 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.
- To reduce poverty through employment and progression in work.
- To secure increased local influence over national and regional employment programmes so as to deliver better outcomes for Brent residents.

3.6 In support of these goals, the council is working in partnership with other West London authorities, through the West London Alliance (WLA), whose area is acknowledged as a functional economic area. West London's functioning economic geography recognises the connections, alignment and interdependencies between constituent boroughs and the important relationships to the rest of London, surrounding council areas and the wider UK economy.

3.7 Working with the WLA enables Brent council to address issues relating to growth, jobs and skills which span geographical boundaries; take advantage of economies of scale (e.g. in relation to bids for ESF and external funding); and increasingly to present a credible and substantial basis for devolved central government functions relating to growth, employment and skills. In particular, establishing an Economic Prosperity Board would strengthen the negotiating position for greater devolution of key funding streams.

3.8 The WLA boroughs have prioritised the growth and prosperity agenda, and developed a shared Vision for Growth, agreed in 2014. The rationale for a West London approach to delivery of the vision for growth is that the scale of the issues in boosting economic growth and increasing prosperity for all in West London is beyond the capacity of any one West London authority to deliver.

3.9 The Vision for Growth is being delivered through a focus on six priorities. These are around:

- growing business
- developing skills
- maximising young people's potential
- building new homes
- creating and maintaining thriving town centres
- investing in infrastructure.

These priorities align not only with Brent's Borough Plan aspirations to build a better Brent borough, but also align well with the broader set of objectives captured in the themes:

Better lives
 Better place
 Better locally.

- 3.10 The suggestion for establishing the West London Economic Prosperity Board came about through meetings of the WLA Leaders' Group. It is possible that all WLA boroughs will choose to participate in due course. The proposal is that the establishment of the **West London Economic Prosperity Board (EPB)** to ensure appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing participating authorities' aspirations for greater economic prosperity, as set out in West London "the Economic Prosperity Agenda", in partnership with employers, representatives from regional and central government, and education and skills providers.
- 3.11 Membership of the Economic Prosperity Board will not preclude each individual authority continuing to pursue borough specific regeneration, growth and employment proposals and initiatives where a local approach is more appropriate.
- 3.12 The Local Democracy, Economic Development and Construction Act ("the 2009 Act") enables, outside of London, the establishment of combined authorities and economic prosperity boards, facilitates the collaboration and joint working between local authorities to improve economic development, regeneration and transport in functional economic areas, thus promoting economic growth. Economic prosperity boards have functions in relation to economic development and regeneration only. The 2009 Act contains a number of conditions which need to be met before the Secretary of State can make an order, subject to Parliament's approval, establishing a proposed combined authority or economic prosperity board. The 2009 Act does not permit the establishment of Economic Prosperity Boards within London, which is why it is proposed that the WL EPB will take the form of a Joint Committee. The Joint Committee does not require approval by the Secretary of State.
- 3.13 This approach is also designed to support joint applications for funding such as the European Social Fund (ESF). The GLA has agreed with ESF co-funders to recognise the WLA boroughs, collectively, as a functional economic area for the purposes of commissioning ESF programmes 2014 – 2020. Sub-regional approaches to securing and governing such funds are increasingly more likely than individual borough funding bids to be successful.
- 3.14 In addition to specific functions relating to the delivery of the Vision for Growth, the Board will lead West London's engagement with London Councils, the GLA, the LEP and government departments in relation to the economic prosperity agenda; and pursue

opportunities for devolution in relation to economic growth on the behalf of West London boroughs.

3.15 It is proposed that the West London EPB takes the form of a formal Joint Committee. The rationale for this approach is explained in the Key Implications and Legal Implications sections below, and reflects the outcomes of discussions and evaluation of options by the Leaders and Chief Executives of the local authorities which comprise the West London Alliance, in their meetings between December 2014 and March 2015. The selection of a Joint Committee model reflects appropriately the participating authorities' collective desire for formal governance arrangements to be in place to deliver the Vision for Growth, which stops short of the formation of a stand-alone statutory authority.

3.16 It is anticipated that the authorities who will agree to discharge their functions jointly ("the Participating Boroughs") via the Joint Committee will initially be Barnet, Brent, Ealing, Harrow and Hounslow. The two other WLA members (namely Hammersmith & Fulham and Hillingdon) have been invited to join and may do in the future.

3.17 The functions to be discharged jointly will be:

- i. Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities
- ii. Allocating any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving joint procurement.
- iii. Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda
- iv. Exercising any such powers and allocating any such funding
- v. Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- vi. Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
- vii. Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
- viii. Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.
- ix. Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
- x. Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the 2009 Act, to be established by groups of boroughs in London.

3.18 The **West London Economic Prosperity Board (EPB)** will be a joint committee set up to be a decision-making body which will discharge these functions. Decisions made by the West London EPB will be binding on the participating boroughs. Authorities will not, however, be prevented from discharging the above mentioned functions on their own account as well.

- 3.19 The proposed functions and rules of procedure for the West London EPB are attached as Appendix 1. These outline the membership of the Committee, the functions it will perform, and the procedures it will follow in relation to decision-making.
- 3.20 The proposal is that each participating borough will appoint one voting member of the West London EPB. The proposal is that the committee procedures for the West London EPB will include an arrangement that its chair will be one of these voting members. The voting member appointed by each of the participating boroughs will act as chair for 12 months at a time on a rotating basis.
- 3.21 Where a participating borough operates “executive arrangements”, then the appointment of a voting member of the West London EPB will be the Leader of the executive. Where a participating borough does not operate “executive arrangements”, then it must follow its own procedures to appoint the voting member of the joint committee, but it is envisaged that this will usually be one its senior councillors.
- 3.22 The joint committee may also contain non-voting special representatives from the business, education and skills sectors and observers or advisers from the civil service and central government to make comments and to attend meetings.
- 3.23 This approach means that voting members of the West London EPB will be able to make binding decisions relating to the economic prosperity agenda in West London EPB meetings. As a joint committee, the West London EPB will be subject to the same rules as other committees in relation to admission to meetings, access to agendas, reports, background papers, minutes and other documents. Furthermore, for those authorities operating executive arrangements, decisions made by the joint committee may be subject to the same overview and scrutiny requirements as executive decisions made by the borough solely.
- 3.24 It is critical that the work programme and agendas for the Economic Prosperity Board are shaped by the issues and priorities for Brent. All actions and decisions taken by the EPB will be reported back to Members in Brent on a regular basis.

4. Financial Implications

- 4.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.
- 4.2 Apart from 4.1 above, there are no immediate financial implications arising directly from this report. Establishing and participating in the West London EPB does not require an immediate funding contribution from participating authorities, neither does it require transfer of budgets from participating local authorities to the Committee.
- 4.3 However, as one of its functions, the West London EPB will have the power to bid for third party funding in relation to the local government areas of the participating boroughs in order to advance progress towards delivering the WLA Vision for Growth and enhancing economic prosperity in West London, and make decisions about the allocation of these resources.
- 4.4 As the governance model proposed is one of binding decisions by majority voting, it follows that proper safeguards will need to be introduced to protect possible minority

interests, as would be the case with any joint arrangements that the council entered into. Otherwise, it would theoretically be possible for the joint committee to bind Brent (or any other single council) into onerous arrangements. With goodwill, of course, such circumstances should not arise, but it is always appropriate to introduce proper safeguards at the start of any such arrangement, including exit provisions.

- 4.5 The West London EPB will also have decision-making powers to determine how any outcomes from decisions relating to devolution, which relate specifically to the economic prosperity agenda, impact on the local authority members of the West London EPB. Some of these outcomes may include financial implications – for example transfer of funding from central to local government to perform specific functions relating to the economic prosperity agenda.
- 4.6 The Joint Committee will develop detailed procedures for dealing with financial matters.

5. Legal Implications

- 5.1 Subject to the more detailed considerations mentioned below, two or more local authorities can arrange for any of their functions to be discharged jointly. If they wish to do so, the authorities can set up a joint committee in order to discharge these functions. Such a joint committee can set up a sub-committee (unless the participating authorities specify otherwise when making the arrangements). Where such a committee (or sub-committee) makes a decision, the decision is binding on the participating authorities. However, where an authority has made arrangements for one of its functions to be discharged by a joint committee, the authority still retains the ability to discharge that function itself.
- 5.2 The Local Government Act 2000 (“the 2000 Act”) (section 9B) allows a local authority to operate (amongst other things) either a “committee system” (s 9B(1)(b)) or “executive arrangements” (s 9B(1)(a)). Operating a “*committee system*” means that the authority does not operate “executive arrangements” and instead arranges the discharge of its functions in accordance with Part 6 of the Local Government Act 1972 (“the 1972 Act”). Operating “*executive arrangements*” means that the authority must identify which of its functions are the responsibility of the executive (sometimes called “executive functions” or “cabinet side functions”) and which are not (sometimes called “non-executive functions” or “council side functions”).
- 5.3 Where at least one of the participating boroughs is operating executive arrangements, then it is necessary to identify whether any of the functions which are to be discharged jointly are “executive functions” for any of the participating boroughs.
- 5.4 Brent, Ealing, Harrow and Hounslow each operate “executive arrangements”. Each has a leader and cabinet. Barnet operates a “committee system”.
- 5.5 The 2000 Act provides that all the functions of a local authority which has chosen to operate executive arrangements are executive functions unless either (i) legislation specifies that they cannot be executive functions or (ii) legislation specifies that they need not be executive functions, and the authority’s constitution has specified that the functions will not be executive functions. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853) (“the 2000 Regulations”) specify functions that are not to be the responsibility of an authority’s executive or can be by choice or are to be the responsibility of such an executive only to a limited extent or only in specified circumstances.

- 5.6 It would be possible, in principle, for a participating borough which operated executive arrangements to discharge some of its executive functions, and also some of its non-executive functions, via the same joint committee. If that were to be the case, then decisions would need to be made both by the Leader (or Cabinet) and by Full Council (or a council-side committee where allowed by the constitution), in relation to the arrangements for the joint committee.
- 5.8 The current proposal is that Brent will choose to discharge some of its executive functions only, (and none of its non-executive functions), via the joint committee. Thus the joint committee will not discharge any of the functions specified in Schedule 1 of the 2000 Regulations such as: certain decisions in relation to planning and development control; the granting of certain licenses; the power to promote or oppose local or personal Bills in Parliament; the power to appoint employees to the staff of any of the participating boroughs; and nor will it be responsible for making the arrangements for the proper administration of the financial affairs of any of the participating boroughs.
- 5.9 At Brent, Part 2, Article 12 of the constitution states that “The Cabinet may delegate executive functions to the Cabinet of another local authority or if the function is a non-executive function of the other local authority to that local authority” (12.6(b)) and it can also receive a delegation from another local authority (12.6(c)). It is also expressly stated that the Leader may establish joint arrangements with one or more local authorities and/or their Executives to carry out any of their functions and that the Leader has agreed to delegate his executive functions in this regard to the Cabinet (Part 2, 12.2(a)).
- 5.10 Since the joint committee (the West London EPB) will be discharging functions on behalf of at least 5 local authorities, Brent will only be able to appoint individuals to the committee who are elected members of Brent Council (including Cabinet members). This is due to the operation of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (“the 2012 Regulations”), and Regulation 12(3) in particular. Appointments on behalf of Brent could be made by its Leader but he has decided to delegate this executive function to the Cabinet and hence the Cabinet will appoint members to the Joint Committee (although, where the Leader has not directed otherwise, the appointments could be made by Cabinet, a committee of Cabinet, or by another individual cabinet member).
- 5.11 Where a participating borough is not operating executive arrangements, or else where a participating borough chooses to discharge any of its non-executive functions (as well as some executive functions) via the joint committee (the West London EPB), that borough must follow its own constitution. The draft functions and rules of procedure attached at Appendix 1 indicate that such a borough will only appoint one of its elected members to serve on the Joint Committee. Barnet is the only WLA Council not operating executive functions.
- 5.12 Sections 100A to 100D of the 1972 Act, in relation to admission to meetings, access to agendas, reports, background papers, minutes and other documents will apply to the Joint Committee. Where an authority’s executive functions are being exercised jointly, the executive function remains the responsibility of that authority’s executive for the purpose of the overview and scrutiny requirements. See section 9E, 9EB and 9F of the 2000 Act.

6. Efficiency

- 6.1 Brent's economic prosperity is influenced significantly by the broader economic activity of West London (one example being the significance Park Royal in terms of local employment). It is a better use of Brent's resources to work in active, formal co-operation with West London authorities to ensure West London authorities' resources and strategies for boosting growth and prosperity are aligned, than for Brent to pursue the economic prosperity agenda alone.
- 6.2 Benefits over and above strategic alignment include the opportunities for economies of scale, for example through collaborative commissioning and procurement of goods and services to help deliver the WLA Vision for Growth.
- 6.3 Furthermore, for reasons set out earlier in this paper, there is more likelihood of the council attracting third party investment (e.g. in the form of ESF funding) if it can demonstrate that it is working in partnership with other local authorities, in particular neighbouring authorities / sub-regions.
- 6.4 Finally, the approach proposed in this report represents a strategic approach to delivering better value for money, when placed in the context of other strategic agendas. For example, the implications of the government's welfare reform agenda places an increasing focus on employability of a way of helping the most vulnerable in society; and there is a strong body of evidence to support the view that active economic engagement plays a key role preventing poor outcomes which result in dependency on costly public services, enhancing resilience and independence from state support, and improving health, well-being and quality of life.

7. Equalities Implications

- 7.1 There are no immediate equalities implications for equalities arising directly from this report, as the report is not seeking decision on a specific programme of activity. However, it is set out in this report that the West London EPB will focus on delivery of the WLA Vision for Growth, which has a strong focus on improving the skills, employability and prosperity of groups across West London including those who would fall into categories of vulnerability which would also place them within groups with "protected characteristics" in the Equality Act 2010.
- 7.2 As and when the EPB takes decisions, an appropriate assessment of impact on equalities and human rights will be carried out.

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Background papers

- Capitalising on the Boroughs: Promoting growth through greater financial devolution in London' – A report from the Society of London Treasurers
- 'Consultation on proposals to amend legislation related to combined authorities and economic prosperity boards' (December 2014) – DCLG
<https://www.gov.uk/government/consultations/proposal-to-use-a-legislative-reform-order-in-forming-a-combined-authority-or-economic-prosperity-board>
- 'English Devolution: Local solutions for a successful nation' – Local Government Association
<http://www.local.gov.uk/documents/10180/6917361/L15-178+DevoNext+devolution+publication/7e036308-6ebc-4f20-8d26-d6e2cd7f6eb2>
- 'Financing English Devolution' – the Independent Commission on Local Government Finance
<http://www.localfinancecommission.org/documents/iclgf-final-report>
- The Conservative Party Manifesto 2015
<https://www.conservatives.com/manifesto>
- The West London Vision for Growth
<http://www.westlondonalliance.org>

APPENDIX ONE

JOINT COMMITTEE OF THE BOROUGHES OF BARNET, BRENT, EALING, HARROW AND HOUNSLOW (KNOWN AS “WEST LONDON ECONOMIC PROSPERITY BOARD”)

DRAFT Functions and Procedure Rules

1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Barnet, Brent, Ealing, Harrow and Hounslow (“the Participating Boroughs”) have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000, and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee shall be known as **‘WEST LONDON ECONOMIC PROSPERITY BOARD.’**
- 1.3 The Joint Committee’s role and purpose on behalf of the Participating Boroughs relates to ensuring appropriate, effective and formal governance is in place for the purposes of delivering the West London Vision for Growth and advancing Participating Boroughs’ aspirations for greater economic prosperity in West London, including promoting “the Economic Prosperity Agenda”, in partnership with employers, representatives from regional and central government, and education and skills providers.
- 1.4 The purpose of the Joint Committee will be collaboration and mutual co-operation and the fact that some functions will be discharged jointly by way of the Joint Committee does not prohibit any of the Participating Boroughs from promoting economic wellbeing in their own areas independently from the Joint Committee.
- 1.5 The Joint Committee is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by all of the Participating Boroughs.
- 1.6 These Procedure Rules govern the conduct of meetings of the Joint Committee.

2. Definitions

- 2.1 Any reference to “Access to Information legislation” shall mean Part V and VA of the Local Government Act 1972 (as amended) and, to the extent that they are applicable, to the Openness of Local Government Bodies Regulations 2014 (as amended) and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).

2.2 Any reference to “executive”, “executive arrangements”, “executive function” or “committee system” has the meaning given by Part 1A of the Local Government Act 2000.

3. Functions

3.1 The Joint Committee will discharge on behalf of the Participating Boroughs the functions listed below related to promoting economic prosperity in West London:

- 3.1.1 Making funding applications and/or bids to external bodies, in relation to economic prosperity for the benefit of the local government areas of the participating local authorities.
- 3.1.2 Allocating any such funding awards to appropriate projects for the benefit of the local government areas of the participating local authorities, including, where applicable, approving joint procurement.
- 3.1.3 Seeking to be the recipient of devolved powers and/or funding streams for the local government areas of the participating local authorities, which relate to the economic prosperity agenda.
- 3.1.4 Exercising any such powers and allocating any such funding.
- 3.1.5 Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- 3.1.6 Representing the participating authorities in connection with the Greater London Authority, London Councils and the London Enterprise Panel, for the benefit of the local government areas of the participating authorities, in matters relating to the economic prosperity agenda.
- 3.1.7 Representing the participating local authorities in discussions and negotiations in relation to pan-London matters relating to economic prosperity.
- 3.1.8 Seeking to influence and align government investment in West London in order to boost economic growth within the local government areas of the participating authorities.
- 3.1.9 Agreeing and approving any additional governance structures as related to the Joint Committee, or any sub-committees formed by the Joint Committee.
- 3.1.10 Representing the participating local authorities in discussions and negotiations with the Secretary of State for Communities and Local Government to encourage legislative reform enabling Economic Prosperity Boards, as defined by the Local Democracy, Economic Development and Construction Act 2009 Act, to be established by groups of boroughs in London.

3.1.11 Inviting special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, higher education sector, schools, voluntary sector, and health sector to take an interest in, and/or seek to influence, the business of the committee including by attending meetings and commenting on proposals and documents.

3.2 In relation to the Participating Boroughs which operate executive arrangements only executive functions of each borough may be exercised.

4. Membership

4.1 The membership will comprise of 5 members with each Participating Borough appointing one person to sit on the Joint Committee as a voting member.

4.2 Each Participating Borough will make a suitable appointment in accordance with its own constitutional requirements.

4.2.1 Where a Participating Borough operates executive arrangements, then the appointment of a voting member of the West London EPB will be by the leaders of the executive or by the executive. It is anticipated that, where practicable, the leader of each such executive will be appointed to the West London EPB.

4.2.2 Where a Participating Borough does not operate executive arrangements, the appointment of a voting member of the West London EPB will be in accordance with the Borough's own procedures. It is envisaged that this will usually be one of its senior councillors.

4.3 In all cases, the appointed person must be an elected member of the council of the appointing Participating Borough. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing Participating Borough.

4.4 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

4.5 Each Participating Borough will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.

4.6 Where a Participating Borough wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the committee members. A six month notice period must be provided.

4.7 When a new borough wishes to become a Participating Borough then this may be achieved if agreed by a unanimous vote of all the existing Participating Boroughs.

5. Chair and Vice-Chair

5.1 The Chair of the Joint Committee will be appointed for 12 months, and will rotate amongst the Participating Boroughs.

5.2 Unless otherwise unanimously agreed by the Joint Committee, each Participating Borough's appointed person will serve as chair for 12 months at a

time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant borough as a replacement will serve as Chair for the remainder of the 12 months as chair.

5.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chairman. This appointment will also rotate in a similar manner to the Chair.

5.4 At its first meeting, the Committee will draw up the rotas for Chair and Vice-Chair respectively.

5.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting.

5.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

6. Sub-Committees

6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.

7. Delegation to officers

7.1 The Joint Committee may delegate specific functions to officers of any of the Participating Boroughs.

7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.

7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more Participating Boroughs before exercising their delegated authority.

8. Administration

8.1 Organisational and clerking support for the Joint Committee, and accommodation for meetings, will be provided by the Participating Borough whose representative is Chair unless otherwise agreed by the Joint Committee. The costs of this will be reimbursed by contributions from the other Participating Boroughs as approved by the Joint Committee.

9. Financial matters

9.1 The Joint Committee will not have a pre-allocated budget.

9.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of LB Ealing.

10. Agenda management

10.1 Subject to 10.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the Participating Boroughs or their representatives.

10.2 It will be the responsibility of each report author to ensure that the impacts on all Participating Boroughs are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each Participating Borough or by some other appropriate method.

10.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the Participating Boroughs may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.

10.4 Each Participating Borough operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as 'key- decisions' and/or have them included in the Forward Plan. Each Participating Borough operating a committee system will apply its local non statutory procedures.

11. Meetings

11.1 The Joint Committee will meet as required to fulfil its functions.

11.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all Participating Boroughs.

11.3 The quorum for a meeting of the Joint Committee shall require at least 4 of the 5 appointed members (or their substitutes) to be present in order to transact the business as advertised on the agenda.

11.4 Access to meetings and papers of the Joint Committee by the Press and Public is subject to the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014. The Joint Committee will also have regard to the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, notwithstanding the fact that its provisions do not strictly apply to the Joint Committee for so long as the committee has any members who are not members of an executive of a Participating Borough.

12. Notice of meetings

12.1 On behalf of the Joint Committee, a clerk will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

12.2 At least five clear working days in advance of a meeting a clerk to the Joint Committee will publish the agenda via the website of clerk's authority and provide the documentation and website link to the Participating Boroughs to enable the

information to be published on each Participating Borough's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

12.3 The clerk to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

13. Public participation

13.1 Unless considering information classified as 'exempt' or 'confidential' under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

13.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.

13.3 The maximum number of speakers allowed per agenda item is 6.

13.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.

13.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the committee including by attending meetings and commenting on proposals and documents.

13.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

14. Member participation

14.1 Any elected member of the council of any of the Participating Boroughs who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

15. Business to be transacted

15.1 Standing items for each meeting of the Joint Committee will include the following:

- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Provision for public participation
- Substantive items for consideration

15.2 The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.

15.3 An item of business may not be considered at a meeting unless:

- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

15.4 "Special Circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

16. Extraordinary meetings

16.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

17. Cancellation of meetings

17.1 Meetings of the Joint Committee may, after consultation with the Chairman, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chairman and appointed members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

18. Rules of debate

18.1 The rules of debate in operation in the Chair's authority shall apply.

19.. Request for determination of business

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration
- The meeting be adjourned.

19.2 The Joint Committee will then vote on the request.

20. Urgency procedure

20.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Participating Borough (in line with pre-existing delegations in each Borough's Constitution) to take urgent action as is required within each of the constituent boroughs.

21. Voting

21.1 The Joint Committee's decision making will operate on the basis of mutual cooperation and consent and will take into account the views of the special representatives. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

21.2 Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

21.3 Any matter (save for a decision under Rule 4.7 above) shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

21.4 Any two members can request that a recorded vote be taken.

21.5 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his / her vote for or against the matter or whether he/ she abstained from voting.

22. Minutes

22.1 At the next suitable meeting of the Joint Committee, the Chairman will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

22.2 Once agreed, the Chairman will sign them.

22.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

23. Exclusion of Public and Press

23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

23.3 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks is necessary.

23.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

24. Overview and Scrutiny

24.1 Decisions of the Joint Committee which relate to the executive functions of a Participating Borough will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any Participating Borough operating a committee system may have) as would apply locally to a decision made by that Participating Borough acting alone

24.2 No decision should be implemented until such time as the call-in period has expired across all of the Participating Boroughs.

24.3 Where a decision is called in, arrangements will be made at the earliest opportunity within the Participating Borough where the Call-In had taken place for it to be heard.

24.4 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Participating Borough concerned have been concluded.

25. Access to minutes and papers after the meeting

25.1 On behalf of the Joint Committee, a clerk will make available copies of the following for six years after the meeting:

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

26. Amendment of these Rules

These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee following consultation with the monitoring officers of the Participating Boroughs. Note that Rule 3 (Functions) may only be amended following a formal delegation from each of the Participating Boroughs.

27. Background Papers


27.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author:

- (i) disclose any facts or matters on which the report or an important part of it is based;
- (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

27.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the clerk shall make available for inspection

- (i) a copy of the list of background papers for the report
- (ii) at least one copy of each of the documents included in that list.

27.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

 <p>Brent</p>	<p>Cabinet 27 July 2015</p> <p>Report from the Chief Finance Officer</p>
<p>Wards affected: ALL</p>	
<p>Financial Report – May 2015</p>	

1.0 Purpose

1.1 This report highlights the overall financial position of the Council as at May 2015. The report will cover the following topics:

- Revenue Budget monitoring summary
- 2015/16 Savings
- Council Tax & NNDR Collection Rates
- Other debt analysis and collection
- Capital Programme monitoring summary

2.0 Recommendations

2.1 That Cabinet notes the financial position of the Council as at the end of May 2015

3.0 Revenue Budget Monitoring Summary

3.1 As at May 2015 the overall forecast is that the general fund budget will be overspent by £2.6m by the year end. The issues are principally in the Children and Young People's and Regeneration and Growth departments. Paragraphs 3.6 to 3.14 and 3.19 to 3.21 set out the issues and the action being taken to resolve them in more detail. In summary the key management actions in place in CYP to lower costs are to:

- review, by August 2015, all short term placements costing over £500 per week;
- conclude a review of support costs for children who are no longer looked after; and
- establish monthly meetings with health colleagues to ensure that proper contributions towards the health component of care packages are made.

- 3.2 Within Regeneration and Growth the principal pressures are in temporary accommodation, where the decline in numbers forecast over the year, whilst welcome, does not match the budget targets planned for. The separate report on this agenda on Housing Supply and Demand sets out in greater detail the measures to reduce the use of expensive emergency accommodation and increase the supply of new accommodation.
- 3.3 If these actions do not reduce the overspends forecast against these budgets then further controls over expenditure will be introduced to produce underspends against other areas of the budget in order to contain expenditure within the available resources.
- 3.4 However, this does need to be seen in the context. The council's net budget is £250m, and is therefore forecast to be overspent by 1%. The council set a challenging budget for 2015/16 with savings of £27.5m to be delivered in year. Seen in this context the projected overspend, even if not corrected by the year-end, would still represent delivery of over 90% of the planned savings. This is not to underplay the vital importance of delivering against the agreed budget, but the context is nevertheless important to understanding the financial position.
- 3.5 The table below sets out the forecasts against the revenue budget by department.

Department	Gross Expenditure Budget	Gross Income Budget	Net Budget	Forecast Outturn	Forecast Variance
	£m	£m	£m	£m	£m
Children & Young People	48.8	(9.4)	39.4	40.7	1.3
Adult Services	104.4	(20.3)	84.1	84.1	0
Regeneration & Growth	94.2	(69.5)	24.7	25.8	1.1
Chief Operating Officer	110	(50.5)	59.5	59.7	0.2
Public Health	18	0	18	18	0
Service Area Total	375.4	(149.7)	225.7	228.3	2.6

3.6 Children & Young People

The Children & Young People's department has forecast that it will overspend its social care budget by £1.3m. A significant cost driver is the number of children being looked after, or otherwise monitored by the department, and if numbers rise then there are further risks to the budget.. All of the significant financial issues are within Children's Social Care; the Early Help and Education division is forecast to spend to budget.

- 3.7 Within Children's Social Care, the forecast overspend against the budget and financial risks have three principal components.

No Recourse to Public funds.

- 3.8 The service is currently supporting 61 families at a projected cost of £0.9m in 2015/16, which would result in an overspend of £0.4m against the current budget of £0.5m. In order to contain this pressure the service has tightened eligibility criteria in line with other London boroughs and is challenging all accommodation types to ensure the cost and size of accommodation is proportionate to the size of the family. In addition, the service has begun offering families cheaper accommodation outside of London. In order to progress

with this strategy further, a joint project has been formed with Housing to set up a housing scheme for NRPF clients. The model will save money by moving NRPF clients into cheaper accommodation instead of housing them in expensive B&Bs in Brent.

- 3.9 This is a highly volatile budget and it is difficult to assess the number of families that will present themselves during the year and the number that will leave Brent. Therefore the following assumptions have been taken into account to calculate the forecast; an analysis of previous year's trends in terms of the mix of families leaving and entering the service, an estimate of the number of families currently in B&B that the service will be able to move into cheaper accommodation during the year, and the average number of families being maintained at the current level of 61 at any one point in time.

Children's Social Care Savings 2015/16.

- 3.10 As part of the Council's agreed budget in March 2015, Children's Social Care are required to save £2.2m in 2015/16 and a further £0.9m in 2016/17, a total of £3.1m. These savings were principally to be achieved through more efficient commissioning of services, for example in collaboration with other WLA boroughs, increasing use of direct payments and through continuing to manage the number of secure remand placements at or about the levels experienced in the last eighteen months. In order to deliver these savings a number of projects have either begun or are being developed with the expectation of meeting the required savings targets. At present, two key savings targets have been identified as being at high risk of not being fully delivered.

- A saving of £0.3m in 2015/16 was planned to be achieved within the social care placements budget, predicated on a change in the mix of placements, specifically reducing the number of residential care, independent fostering and remand placements and increasing the use of in house Brent foster carers. Further savings of £0.14m were also predicated on reducing the overall numbers of looked after children through more effective early intervention. To date these combined savings are forecast to be under achieved by £0.3m.
- In addition, there is a potential cost pressure of £0.4m related to staffing. This includes the additional costs of employing agency staff due recruitment and retention issues. Also, the savings in relation to the de-layering of management are partly predicated on a new structure being implemented for Children's Social Care as part of the Signs of Safety project. At present this project is behind schedule and is forecast to go live from December 2015.

Overall, at present the various projects are forecast to deliver savings of £1.3m in 2015/16 and £1.3m in 2016/17, against the total target for the two years of £3.1m.

- 3.11 Workforce planning in Children's Social Care is designed to ensure that caseloads across the Locality service do not exceed 20 children per social worker and in Care Planning do not exceed 15 children per social worker. This strategy is in light of the ongoing growth in Brent's child population, increased expectations from Ofsted and recruitment/retention issues in relation to Social Workers.
- 3.12 However, the initial one-off intervention in 2014/15 to achieve this will not be sustained unless either more permanent resources are allocated to the service (increasing the savings required by the council as a whole) or unless the total number of cases under management begins to reduce. The effect of social work interventions should ideally be to deal with the particular circumstances in a child's life and put in place structures where ongoing (or significant ongoing) support by the Council is no longer required.

- 3.13 Although in many cases this will not be practicable successful interventions should have the twin impact of improving children's lives and reducing ongoing costs. However, ongoing demographic pressures go the other way, and increase the total number of cases with which the service has to engage.
- 3.14 Further work will need to be done by the service to establish how caseloads will continue to be balanced and how total cases are managed within available resources. There is therefore a risk that further overspends in this area will become apparent, and a short-term strategy of one-off funding for this, whilst potentially reasonable for 2015/16, will not be financially sustainable in the long-term unless further savings are found.

Adult Services

- 3.15 The Adults budget is forecasting spend to budget as at May. The major possible pressures that have been identified to date, relate to delivery of some of the savings items in 2015/16. At present, these are forecast to be met, although it has been recognised that some of these carry a higher risk of not being fully delivered.
- 3.16 The first risk relates to Reablement, where a 10% saving upon homecare was agreed, therefore leaving a total potential cost pressure of £0.6m if unachieved. The second is Commissioning with a potential budget pressure of £0.5m. This is attached to a new Commissioning model being implemented across Adults, Children's and Public Health.
- 3.17 The third is within Mental Health, which has a savings requirement to reduce client numbers to 10, by the end of 2015/16. The current number of residential clients is 28. It is expected that some of the additional costs that this pressure will generate, can be contained within the existing budget. It is also anticipated that suitable supported and independent accommodation will be identified in 2015/16, aimed at reducing the number of residential clients towards the target figure. This leaves a potential cost pressure of £0.1m.

Regeneration & Growth

- 3.18 The department is reporting a projected overspend of £1.1m. The significant contributing factors leading to the adverse position are the temporary accommodation and Brent START budgets.
- 3.19 The temporary accommodation (TA) budget is reporting a projected overspend for the year of £0.65m. To date the number of households supported in TA has reduced from 3,161 at the end of March 2015 to 3,085, at the end of May, a fall of 76. Service managers are predicting that 2,962 families will be remaining in TA by the end of March 2016, a reduction of a further 123 households. This is heavily dependent on the level of increase incidence of families presenting and being accepted as requiring Temporary Accommodation and the impact of increased numbers in bed and breakfast due to a shortfall in available rented properties.
- 3.20 The report elsewhere on the Cabinet Agenda in relation to Housing Supply and Demand sets out the ongoing pressures in respect of temporary accommodation, together with a range of measures that are being put in place to try and bear down on the use and costs of that accommodation. This includes measures to reduce expensive emergency accommodation (bed and breakfasts), and measures to increase the supply of new accommodation (including hostel provision and modular homes). The budget is closely

monitored by senior housing and finance staff on a monthly basis to identify cost risks and bring forward proposals for the management of these risks.

- 3.21 At present the overspend is being forecast because, although the number of households in TA is expected to fall by almost 200, or 6%, this is not as great a fall as was assumed could be achieved when the budget was set.
- 3.22 The Brent Start budget is forecast to be overspent by £0.35m. Performance against the SFA contract during the 2014/15 academic year has not been as strong as anticipated, leading to a potential claw back against the grant previously allocated. . There have been a number of contributory factors to this, including a reduction in classroom capacity associated with the need to vacate Madison House at short notice. Mitigation measures being undertaken include a cleansing of all management information to ensure the final claim is fully accurate (and therefore maximising the grant draw down) and the provision of additional courses that will deliver further qualification outcomes. The Skills Funding Agency are fully aware and the Operational Director is in regular dialogue with our SFA relationship manager about the situation. Any final clawback at the end of the academic year will be partly offset by savings due to a high vacancy rate within the service during 2014/15.

Chief Operating Officer

- 3.22 The Chief Operating Officer's department is projecting to overspend by £0.2m.
- 3.23 The risk area is within Legal Services, which is projecting a £0.2m overspend. The key cost drivers leading to the adverse position are similar to those faced last year:
- An upsurge on legal fees resulting from increase in volume of cases re: childcare proceedings; family justice review; property & licensing issues etc.
 - Additional costs resulting from the relocation of the children's court to Feltham. This is expected to increase the use of private lawyers instead of own staff, to attend hearing on behalf of Brent Council.
- 3.24 With the exception of the above, the remaining services within COO's department are expected to come within budget.

Central items

- 3.25 The Council holds a number of budgets centrally, rather than within departmental budgets. These mostly relate either to fixed items, such as subscriptions to London Councils or the LGA, or to technical items such as the earnings on treasury items, which cannot be ascribed to the activities of any given departmental budget. In addition, the SEN Transport budgets are now held here, although managerial accountability for allocating places and controlling costs still sits in the children's social care and transport services, as last year. This transfer prevents the recharging of costs between services that was a partial cause of the overspend against last year's budget. Underlying pressures on the SEN budget remain, and are being managed through the One Council project and through addressing the supply side issues.

Ring Fenced Budgets

Housing Revenue Account:

- 3.26 As shown below, this month Housing Revenue Account is reporting an over spend of £1.1m. The main contributing factor to the over spend is the continued pressure on the

rental income budget due to the increased numbers of RTB sales. At the end of May total RTB sales completed were 39, implying a total for the year of 230-240, as against a total of 114 for RTB and all other reductions in 2014/15.

The Council had planned on the basis of the HRA using £0.8m of its reserves of £4.5m in the 2015/16 budget. As currently forecast this balance would reduce to £2.6m by the year end.

The wider impacts of the anticipated changes to RTB legislation are not yet known. Depending on how the legislation is eventually drafted the impacts to the HRA will vary, but the scenario planning undertaken to date indicates that the impact could be substantial. The recent announcements of reductions to future social housing rents will also impact on the long-term HRA business plan, but the impact of this has not yet been quantified.

Description	Budget	Forecast	Variance
	2015-16 £m	2015-16 £m	
Income	(55.8)	(55.1)	0.7
Expenditure	56.6	57.0	0.4
Deficit/(Surplus) for the year	0.8	1.9	1.1

Dedicated School Grant:

In March 2015 the Department for Education updated the latest DSG settlement for all local authorities. The provisional amount for Brent has been set at £207.208m. The final announcement will be made later in the year and will be subject to further change as academy conversions materialise during the year, funding for disadvantaged two year olds and funding for free entitlement for three and four year olds is released. It is anticipated that the final allocation will be in the region of £215m. Within this budget, £158m is passed directly to Brent schools. This budget does not include the retained balances held within individual School's accounts, which at the end of 2014/15 stood at £20m. Based on a sample of 25 London boroughs this is the fourth highest figure in London, and only about one third of boroughs' schools had, like Brent, increased their balances over this period.

Ring-Fenced budgets	Gross Expenditure Budget	Gross Income Budget	Net Budget	Forecast Outturn	Forecast Variance
	£m	£m	£m	£m	£m
Dedicated Schools Grant	215	0	215	215	0

4.0 Savings

4.1 The table below summarises the 2015/16 savings by department and forecast as at May 2015. Out of the total committed savings of £27.5m, £26.7m (96.4%) are forecast to be delivered.

Service Area	2015/16 Savings	Percentage of 2015/16 budget	Forecast Savings	Forecast Variance
	£m	%	£m	£m
Children & Young People	2.9	7.0	2.1	(0.8)
Adult Services	8.8	9.4	8.8	0.0
Regeneration & Growth	4.1	14.9	4.1	0.0
Chief Operating Officer	11.7	13.3	11.7	0.0
Total	27.5	-	26.7	(0.8)

5.0 Debt & Income Collection Analysis

5.1 The Council collects income from individuals and businesses for a range of reasons. The main types of income are:

- Oracle debt
- Charges for Social Care Services
- Council Tax
- Business Rates (National Non-Domestic Rates)
- Parking Fines
- Housing Rents

We also collect a wide range of fees and charges for everything from Land Registry Searches to Planning Applications and Licenses.

5.2 Oracle debt includes invoices raised by service areas and collected by the Finance Service Centre. The table overleaf shows the balance as at 31st May 2015.

	Apr-14	Jul-14	Oct-14	Jan-15	Apr-15	May-15
	£m	£m	£m	£m	£m	£m
Invoices Raised	2.1	0.9	4.5	1.9	1.9	1.9
Collected	(2.0)	(1.3)	(1.0)	(1.3)	(9.1)	(2.5)
Balance	7.4	7.3	9.9	9.7	10.4	9.8

Of the outstanding debt of £9.8 million, 46% relates to invoices up to 60 days past their due date. (18% relates to invoices less than 30 days), 31% relates to debt over 360 days and is being pursued by the FSC debt recovery team, although £0.9m is secured against an asset.

- 5.3 The Abacus system records debt relating to social care fees and charges for council run services including residential care, day care, home care, adaptations, equipment etc.

	Apr-14	Jul-14	Oct-14	Jan-15	Apr-15	May-15
	£m	£m	£m	£m	£m	£m
Invoices Raised	0.7	0.7	0.8	0.7	0.7	*0
Collected	0.7	0.7	1.4	0.6	0.6	0.5
Balance	10.4	10.3	9.3	9	9.5	9
Balance disaggregated to:						
Unsecured client debt	7.9	7.9	8.1	7	7.7	7.2
Secured (against Property) client debt	2.5	2.4	1.2	2	1.8	1.8

*No invoices raised in May 2015 while annual reassessments are carried out.

Total debt outstanding at the end of each month has reduced from an average between £10m and £10.5m in the early part of 2014/15 to approximately £9m to £9.5m in 2015/16 (the exact figures vary each month, of course). However, whilst this trend is favourable the proportion of debt secured against client properties is also slightly down to around 20%. This gives the Council comfort that its lawful charges (set within a national framework and guidelines) will in time be paid.

- 5.4 In terms of Council Tax, the total amount required to be collected for 2015/16 is £87.7m (excluding the GLA share) and the collection rate target is 95.9%.

Council Tax collection for 2015/16 was at 21.9% at the end of May 2015, compared to 22.0% for May 2014. The final collection percentage is anticipated to be very similar to last year's figure of 95.6%. However, the target negotiated with Capita for 2015/16 is 95.9%, and so this is at some risk of not being met. This has been escalated with the contractor to seek to get performance back on track.

In 2013/14 Brent's collected 95.7% of the council tax due for that year within twelve months of the billing date, slightly below the London average of 96.2%. This was the 21st highest collection of the London boroughs (the same as in 2012/13). In 2014/15

collection fell to 95.6%. This was against a trend of rising collection rates in London, with the average rising by 0.3%, and as a result Brent has slipped down to 25th place, out of 33, relative to other London boroughs.

- 5.5 For 2015/16 there has been a significant reduction in the total of Council Tax Support granted, largely due to falling unemployment. This continues the trend from 2014/15.

The total granted for 2014/15 was £26.6m, compared to an anticipated £25.5m in 2015/16 (although this may fluctuate during the year, depending on economic conditions). Since CTS was introduced in April 2013 the trend has been continually downwards. There has also been an increase in cash collectable as a result of new properties coming in to rating (1,300 new properties have come in to rating since September 2014 – this compares to an increase of 534 Band D equivalents between September 2013 and September 2014). The overall effect of this (including the reduction in CTS) is to increase Brent’s share of the collectable income by approximately £2.5m. Therefore even if the overall collection rate fell slightly compared to last year, the actual amount of income will increase substantially. The legislative position is that the financial benefit of this is translated through to the general fund in 2016/17, through the council tax base and, if appropriate, collection fund surplus.

- 5.6 For NNDR, the total amount collectable is £114.0m (of which Brent retains a 30% share) and the collection rate target is 97.7%. As at May 2015, the collection rate was 19.8%, compared to 19.2% in May 2014. Therefore overall collection is slightly up on last year, and early indications are that collection should be similar or slightly above last year’s final figure of 98.1%. Monthly collection percentages for NNDR are more volatile than for Council Tax, as they are affected by changes in the Rating List (e.g. if a property with a large rates bill comes in to rating during the month, until a payment is made this will reduce the overall collection percentage, or if one is removed from rating or has a substantial rateable value reduction the collection percentage will increase until the refund due is made). This has much more effect than for Council Tax, as an individual property’s NNDR bill can be several hundred thousand pounds (or in rare instances over £1m). 25 properties in Brent have a bill of over £0.5m. Early indications are that the final collection rate for 2015/16 will be around 98.3%.

- 5.7 In 2013/14 Brent collected 97.6% of the total NNDR due. This was the 17th highest of the London boroughs, up from 20th the previous year. The London average was 98.4%. Collection is higher in inner London, with the outer London average being 97.8%. The 98.1% collection rate in 2014/15, a 0.5% improvement on the previous year, leaves Brent as the 18th highest performer out of 33 boroughs.

- 5.8 Parking debt is analysed by measuring the total number of Penalty Charge Notices (PCNs) issued against the expected yield of the total debt raised, as shown below:

Period	Debt Raised £m	Issued PCNs	Forecast £m	Cash collected on 14/15 PCNs £m	Cash collected from previous years debt £m	Total cash collected £m
Q1 Average 14/15	1.3	14,626	0.73	0.5	0.2	0.7
Q2 Average 14/15	1.1	13,259	0.7	0.6	0.1	0.7
Q3 Average 14/15	1	12,389	0.7	0.6	0	0.6
Q4 Average 14/15	1.1	13,932	0.7	0.6	0	0.6
Apr-15	1.2	14,170	0.7	0.3	0.4	0.8
May-15	1	14,345	0.7	0.5	0.2	0.7

- 5.9 Whilst there are variations in the number of PCNs issued each month, the level of revenue forecast remains broadly the same as 2014/15, representing around 64% of the value of issued PCNs. The method of forecasting income within Parking is based on a prevailing 18 month PCN yield multiplied by the number of PCN issued per month. Of the £1.2m outstanding PCN income as at the end of 2014/2015, £0.6m (52%) has been recovered to date.
- 5.10 Slightly more PCNs were issued in the first quarter of 2015/16 than forecast, taking account of seasonal factors. However following the severe restrictions on CCTV enforcement of parking contraventions imposed by the Deregulation Act on 1 April 2015, the overall composition of the PCNs has changed significantly; there has been a 95% reduction in the quantity of CCTV-issued parking PCNs. A greater emphasis is now placed on Civil Enforcement Officer-issued PCNs, as anticipated when the council's budget was set. From July 2015 there will also be more emphasis on tackling Moving Traffic contraventions, following the installation of additional enforcement cameras.
- 5.11 HRA Council Tenant debt is analysed in three categories; Current Tenants, Former Tenants and Other Non-Rental Debts.

The table below shows the balances for 2014/15 and 2015/16.

Period	Current Tenants £'000	Former Tenants £'000	Other £'000	Total £'000
Q2 Average 14/15	1,434	619	574	2,626
Q3 Average 14/15	1,558	626	567	2,751
Q4 Average 14/15	1,551	531	587	2,669
Apr-15	1,469	557	627	2,653
May-15	1,526	619	618	2,763

- 5.12 Overall debt has increased from £2.653m in April to £2.763m in May. This indicates a 4.1% increase in outstanding debt compared to the previous month, which is directly attributable to the level of bad debt provision provided to cover any anticipated loss of income.

The level of tenant debt reflects:

- An increasing number of residents claiming they are unable to pay their rent. This is due to changes in employment, changes in benefit rates and people who are in employment but now not eligible to claim housing benefit as they are just above the threshold.
 - Debt Relief Orders and IVA are becoming more increasing.
 - DWP sanctions are increasing.
 - Court hearings being adjourned due to the tenants citing disrepair.
 - Issues with successions and introductory tenancies which are having an impact on arrears.
- 5.13 Approximately 22% of the total debt at the end of May relates to Former Tenants arrears where tenants have left their properties owing rent to the Council. These debts have been transferred to 1stLocate to chase and collect, which will commence by the end of June 2015.

6.0 Capital

6.1 The following table sets out the 2015/16 Capital budget and forecast as at the end of May 2015. The Amended Budget column reflects the budget position inclusive of the proposed budget carry forward (slippage) from 2014/15 to 2015/16. The primary areas of slippage in the 2014/15 outturn related to Regeneration and Growth, Environment and Neighbourhoods and the HRA. In some instances, due to the increased expenditure in 2014/15, the 2015/16 budget has been reduced to compensate for the shift in spend.

Service Area	2015/16 Original Budget £m	2015/16 Amended Budget £m	2015/16 Forecast Outturn £m	Forecast Variance £m
Adult Services	2.3	2.2	2.2	0
Children and Young People	0.3	0.2	0.2	0
Chief Operating Officer				
Communications	0.4	0.5	0.5	0
Culture & Heritage	1.4	2.4	2.4	0
Recycling & Waste/Public Realm	0.1	0.3	0.3	0
Transportation - General Fund	4.2	4.5	4.5	0
Transportation - TfL	3.8	3.8	3.8	0
Regeneration & Growth				
School Expansion Schemes	65.4	72	72	0
South Kilburn Regeneration	22.1	24.4	24.4	0
Private Housing	4.9	5.9	5.9	0
New Accommodation for Independent Living	5	5.3	5.3	0
The Library at Willesden Green	9.5	9.7	9.7	0
Schools (Non Expansions)	5	6	6	0
Strategic Property	3.4	5.2	5.2	0
Affordable Housing	1.5	1.5	1.5	0
Facilities Management	0.9	1.7	1.7	0
Planning, Landscaping and Major Projects	0.8	1.6	1.6	0
Regeneration & Growth (HRA)				
Affordable Housing	7.1	7.1	7.1	0
Major Repairs & Improvements	41.7	44.7	44.7	0
Total	179.8	199	199	0

7.0 Financial Implications

7.1 This report is entirely concerned with Finance and the detail is contained in the body of the report.

8.0 Legal Implications

8.1 There are no legal implications arising from this report.

9.0 Diversity Implications

9.1 There are no diversity implications arising from this report.

10.0 Staffing/Accommodation Implications

10.1 There are no staffing/accommodation implications arising from this report.

11.0 Contact Officers

11.1

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CONRAD HALL
Chief Finance Officer