

## Cabinet 1 June 2015

### Report from Strategic Director, Children and Young People

Wards affected: ALL

#### Youth Services in Brent - A New Delivery Model

#### Addendum to Appendix 3 is not for publication

#### 1.0 Summary

- 1.1 This report outlines a proposed new delivery model for Youth Services in Brent based on a community-led approach that is developed and delivered in partnership with the community, voluntary and social enterprise sector (VCSE) and other stakeholders.
- 1.2 The model outlined builds on the outcomes of a recent options appraisal that was commissioned and funded by the Cabinet Office as part of its Delivering Differently for Young People Programme (DDYP). It also takes into account budget decisions on the Council's Youth Services which take effect from 2016/17.
- 1.3 The report draws out the implications of the change and sets out a number of considerations that will need to be taken into account in deciding to develop this sort of model. An outline plan for future work and related timelines are set out for consideration

#### 2.0 Recommendations

#### **That Cabinet:**

- 2.1 Note the financial context for the Council's Youth Services and the issues and opportunities related to the future delivery of youth services.
- 2.2 Approve officers carrying out further consultation with staff, stakeholders and young people on the proposal for a new, independent Young Brent Foundation and on potential changes to the Council's current Youth Service provision, in line with the broad model set out in section four of this report.

- 2.3 Note that the revised service model set out for the Council's service (see paragraphs 4.11 4.15) does not include continuation of direct delivery of youth centre provision, with new partnership arrangements required to sustain delivery.
- 2.4 Instruct officers to ensure active involvement of young people and a wide range of partners in the further development of the new service model.
- 2.5 Note that the further work to develop and implement the new service model for youth services will be undertaken as part of the One Council Programme.

## 3.0 Background – Financial and Operational Context for Brent Youth Services

- 3.1 The Council's Youth Service, which is based in the Youth Support Service<sup>1</sup> within the Children and Young People's Department, has a significant role in helping the Council to meet its aspirations for young people. Targeted at young people aged 13 19, the service is currently predominantly focussed on young people living in areas of highest need and on specific groups of young people who may need extra support to thrive. Current provisions support a number of broader Council strategies linked to health, employment, community safety, safeguarding and volunteering and play a role in tackling a number of high profile issues, including gang and serious youth violence, child sexual exploitation and violent extremism.
- 3.2 The current Youth Service offer covers a number of different strands, including:
  - Cultural, sports and other diversionary and support activities at four youth centres:
  - Outreach and detached youth working in areas where young people are most at risk from gangs and serious youth violence;
  - Support packages for young people who have offended:
  - Diversionary holiday programmes;
  - Management of the Duke of Edinburgh Award Scheme, Eton Project and Youth Parliament; and,
  - Other specialist support, including the Right Track Programme to support pupils temporarily excluded from school and projects to support lesbian, gay, bisexual and transgendered young people and young people with learning difficulties.

Details of the specific youth service provisions run by the service, including their cost, attendance levels, and levels of accredited outcomes, are set out in **Appendix One**. The service currently employs 41 members of staff (24.04 full-time equivalents<sup>2</sup>).

3.3 The Youth Service can provide some strong examples of high quality work with young people and is highly valued by many of the young people who use it. It has however 'evolved' over time rather than forming a coherent whole, and does not complement the services offered by other agencies, especially the voluntary sector. Moreover, the council is unable to sustain the service at its current level due to budget constraints. This situation is replicated to varying degrees across the country, where spending on youth services has tended to be a target for budget reductions, with some local authorities ceasing provision entirely. Figures provided by the

<sup>&</sup>lt;sup>1</sup> The Youth Support Service also includes the Connexions Service and the Youth Offending Service.

<sup>&</sup>lt;sup>2</sup> 3.62 FTE Youth Services posts are currently vacant, with service 28.96 FTE posts in total within the service.

Department of Education show that expenditure on youth services<sup>3</sup> in England fell from £1.2 billion to £791 million between 2010/11 and 2012/13 – a reduction of 36 per cent. Within Brent, expenditure on Youth Services has also reduced year on year. On current plans, the Council's budget for Youth Services is as follows going forward:

#### TABLE ONE: YOUTH SERVICES - NET EXPENDITURE

YEAR	2014/15	2015/16	2016/17
Youth Services	1,414,394	1,314,394	414,394
Net Expenditure			
(£)			
Year on year		100,000	900,000
savings (£)			

- This scale of financial reduction (71 per cent) requires a new model to support delivery of youth services with considerably less Council investment.
- 3.5 As detailed in the Budget and Council Tax Report presented to the Council on 2<sup>nd</sup> March 2015, the Council wishes to respond to the financial challenges for its youth services by developing a new service model and favours:
  - ".....the development of a new means of service provision in partnership with the voluntary sector and other groups.... This will in time lead to a lower cost model with less Council control but with significant services still commissioned".

#### 4.0 A New Delivery Model for Youth Service in Brent

#### **Options appraisal - conclusions**

- 4.1 To support development of a new youth service model, the Council was one of eleven local authorities nationally which was selected, following a bidding round, to participate in the Cabinet Office's Delivering Differently for Young People Programme. Geldards LLP (a legal firm with a consultancy arm) were subsequently appointed and funded directly by the Cabinet Office in November 2014 to carry out an options appraisal for Brent's Youth Service with a focus on the following options:
  - No service
  - Reduced service offer in-house service or commissioned service
  - Staff mutual
  - Independent commissioning and delivery organisation, in partnership with the voluntary and community sector and other partners
- 4.2 A brief summary of the consultants' assessment of different models is set out in **Appendix Two**, with the full report attached at **Appendix Three**.
- 4.3 The overall conclusion from the review was that the development of a community led commissioning organisation for youth services would represent the best option for the future service in so far as it could:
  - (a) help to protect and extend services for young people in the longer-term through better access to additional funding opportunities not available to the Council;

<sup>&</sup>lt;sup>3</sup> The national spending figures also include other elements of funding for young people, such as, teenage pregnancy services and drug and alcohol support programmes.

(b) be well-placed to work more closely with the voluntary, community and social enterprise (VCSE) sector and other local partners to build the capacity of local providers, support more joint commissioning of services and provide a 'voice' to champion local youth services.

#### A proposed New Model for Youth Services in Brent

- While some valuable insights and ideas were generated through the options appraisal, it has not in itself generated a fully operable future model of delivery Further work has therefore been undertaken to develop a model of delivery which can work within the proposed financial envelope but remain predicated on the principles and aspirations which informed the options appraisal exercise, in particular:
  - Young people's needs and preferences must be at the heart of any new service model. They must be part of the leadership of any new organisation and be able to influence the way it works.
  - The new model should aim to inspire a renewed focus on services and support which can promote the physical, social and emotional well-being of young people and encourage the development of **more innovative approaches**; it should help to position the Council and its partners as champions of young people's interests.
  - Any new model should seek to strengthen working relationships with the community
    and voluntary sector and help to build the capacity and capability of local youth
    service providers. It should work closely with Brent CVS to prevent duplication and
    promote joined up approaches. With over 300 local providers of youth services in
    Brent, there is a very real opportunity to share resources, skills and learning more
    effectively.
  - It should offer capacity to **draw in additional funding** via grants and sponsorship, helping to fill gaps in local youth service provision and meet the needs of both Brent's growing population of young people and the significant minority of Brent's young people who need extra support to transition successfully to adulthood.
  - Brent NHS, the Police, Public Health, the Council and local housing providers all
    play a role in commissioning services for young people. As such, the new approach
    needs to actively support the development of a joint commissioning strategy for
    young people's services to identify future priorities for service development,
    encourage joint initiatives, and promote added value.
  - The new model will need to be connected to key local partnerships including to Safer Brent, the Health & Well-Being Board, Local Safeguarding Children's Board and the Children's Trust; to national and London wide youth bodies; and to a wide range of potential funding providers. Effective networking and links will help to ensure good practice, exploit opportunities for future funding, promote regional collaboration, and help to put Brent's work on youth services on the map.
  - There will need to be effective integration between the approach to youth services and those services which play a role in tackling the range of challenges which can pose risk to a significant minority of young people, including poor health, substance misuse, gang activity, low educational attainment and violent extremism. Most obviously, this includes the Working with Families initiative, Alternative Education Service, local schools, the Youth Offending Service and local health services.

#### **Young Brent Foundation**

- 4.5 To meet these objectives, a community-led 'Young Brent Foundation' (YBF) developed as a standalone organisation is considered the best way forward, with the new organisation expected to play five key roles in relation to youth service commissioning and delivery:
  - Leadership to take a strategic lead for youth provision in the borough across all sectors, capturing the vision of what young people in Brent need, establishing a model of governance that involves the local authority, the voluntary sector and young people.
  - **Enterprise** to maximise access to funding for youth services through collaborative bids, fund-raising and sponsorship.
  - **Capacity building** to build the capacity and capability of Brent's VCSE youth providers through networks, training and other support, working in partnership with Brent CVS to avoid duplication.
  - Championing to promote the youth agenda across the borough and celebrate the success and contribution of young people.
  - Delivery to actively commission new youth service provision to meet identified and emerging priorities in line with a needs assessment and a strategic commissioning strategy. What the new service offer might initially consist of is spelt out in more detail in paragraphs 4.11 to 4.15 below, although with an increased focus on bidding for alternative funds, it is expected that more new projects and initiatives for young people will also develop over time.
- While detailed constitutional arrangements need to be developed further, it is proposed that YBF would be constituted as either a company limited by guarantee with charitable status, or as a charitable incorporated organisation, giving increased access to external funding opportunities and other financial benefits<sup>4</sup>. Overall staffing and related running costs are estimated at between £180-200k per annum, broken down as follows:

TABLE 2: YOUNG BRENT FOUNDATION - ESTIMATED FULL YEAR COSTS

Staffing and running costs	£000
Small core staffing structure – CEO, funding and	100
commissioning lead, plus some office management	
support	
Board related costs	4
Insurances	5
Annual accounts/auditing /regulation	5
Legal/HR/IT/Finance/Telephony/Payroll	25
Marketing & branding	10
Other office costs, including training and supplies	3
Operational contingency*	25
TOTAL	177

<sup>\*</sup>Three months running costs is standard sum for independent organisation

<sup>&</sup>lt;sup>4</sup> There are considerable tax benefits to a charity, such as no tax on profits as long as they are derived from the primary purpose of the organisation and an exemption from stamp duty land tax on property acquisitions. Charities can also get up to 100 per cent tax relief for business premises that they occupy for charitable purposes.

- 4.7 In addition to Council core funding, the John Lyons Trust has indicated that it would welcome an application for a three-year grant for up to £100k per annum to support core funding costs, subject to a successful application by mid-September 2015. There would also be potential to secure additional funding from a wide range of providers to support new service development once the organisation was established. Accommodation costs for the new body could be minimised by colocation with Brent CVS, local housing association premises or within the Roundwood Centre, though this would be subject to further investigation.
- 4.8 If Cabinet was minded to support this approach following consideration of the results of consultation, there will be a requirement to formally establish the new body– either by incorporating a company limited by guarantee with Companies House and /or making an application to the Charity Commission. If it is agreed to use a company limited by guarantee, there will be a separate process to secure charitable status for the company through the Charity Commission. Directors/Trustees will also need to be appointed to the Board to steer the new body. This could be done through a transparent appointments process.
- 4.9 To ensure that the organisation was ready to deliver its new remit by April 2016, it would be important to establish the new organisation by October 2015 at the latest. This would allow sufficient time to develop operating policies and procedures (including financial management arrangements), to draw up a clear branding and marketing strategy for the new organisation, and to ensure that the organisation can assume any commissioning or contract management responsibilities that may evolve through the development of the other elements of the Council's new youth service offer.

#### **Future options for current services**

- 4.10 Within the future budget envelope, it will not be possible to continue to directly deliver the existing range of Council youth services. Should Cabinet agree to further develop and consult upon the development of the new Young Brent Foundation (YBF), there must also be a focus on maximising the impact of the remaining resources available within the Youth Services budget in 2016/17, initially estimated to be in the region of £300k. This funding needs to be used in a way that can lead to additional resources being generated in the borough through the voluntary sector and external funding. In the short-term, there may also be some opportunities to lever in additional resources to support projects for young people that could support public health, housing or criminal justice priorities.
- 4.11 Having reviewed the current range of Youth Service provisions within the service and looked at approaches to service delivery adopted in other authorities officers have identified a number of elements which could be included and funded within a new youth service offer totalling about £300k per annum. This will require further discussion and development with stakeholders and young people. Any new offer will also need to be subject to a programme of formal consultation, both to ensure that it meets the needs and aspirations of young people and satisfies legal requirements to involve young people in changes to services and service design. However, as a basis for initial consultation, the service offer could potentially include the following elements:
  - The development of the Roundwood myplace Centre as a dedicated youth centre
    by passing its running and management over to another organisation possibly
    the Young Brent Foundation or other third sector youth provider through a
    community asset transfer arrangement. This could have a number of potential
    benefits, including better value for money through lower overhead costs, greater
    use of volunteers and an increased ability to apply for social investment (capital)

funds. It could also help to maximise community buy-in and support the Council's wider objective of empowering local communities. While running and building maintenance costs (and related financial risks) could still pose a potential barrier to this option, the Council could consider offsetting running costs through either a grant or a financial subsidy relating to a social value assessment<sup>5</sup>, possibly to the value of £100k per annum. Under this model, the costs of running any youth services and activities at the centre, and decisions on what activities to run for young people, would rest with the new provider rather than the Council. However, some existing services based at the centre, such as the Right Track Project, Connexion Intensive Support Advisors, the Duke of Edinburgh Award schemes and enterprise programmes for young people, could continue to run from the centre subject to a sub-letting agreement with the new provider.

- Investment in a small team of qualified youth workers who would work directly with youth service providers across the borough (3/4 posts at a cost of around £120k) – in line with a model based on a strong community empowerment ethos, these youth work professionals would play a pivotal role in building the capacity and capability of existing youth service providers across the borough, identifying new and emerging needs for services among young people, and bidding for new resources to meet them, as well as supporting local groups to deliver positive outcomes and high quality services. Based within the YBF, they could potentially carry out work to:
  - Develop youth service provider networks and consortia which promote sharing of good practice and resources and contribute to the development of joint initiatives across VCSE youth providers and other agencies;
  - Work with VCSE youth providers across Brent (300 plus organisations) to develop their capacity and quality in delivery and promote better outcomes for young people;
  - Research opportunities and develop bids for external funding of new youth projects; and programmes, working in partnership with a wide network of funders, statutory agencies, regional bodies and local youth service providers.
  - Plan, commission and potentially project manage any new services and programmes for young people that arise from successful bids where they run across the borough.
  - Act as a lead, qualified, youth work professional overseeing the work of YBF volunteers and sessional workers working with young people at youth centres and in other community locations (e.g. housing association community centres, schools, church halls, mosques, etc.)
  - Actively engage young people in the planning, design, delivery and evaluation of new programmes developed and /or commissioned by YBF;
  - Contribute to the development and improvement of the YBF, improving its profile and performance and demonstrating quality.
- Investment to support delivery of statutory duties this would include resources to maintain the database of youth service provisions (already run in partnership with other West London boroughs), to promote access to youth provisions across the borough in line with statutory guidance, and to support prevention and reparation work within the Council's Youth Offending Service (estimated at approximately £25k).

<sup>&</sup>lt;sup>5</sup> Social value assessments are generally undertaken through the community asset transfer process and seek to attach a financial value to the social, economic and environmental benefits of a transfer.

- Continuation of Brent Youth Parliament (BYP) (estimated at 60k) BYP plays a valuable role within the Council's decision-making processes and helps to meet the Council's overall responsibility to involve young people in making decisions about services which affect them, and to maintain structures for doing so<sup>6</sup>. However, this provision could possibly be relocated in the Council's corporate team responsible for community engagement (part of the Chief Operating Officer's department), with some youth work support.
- 4.12 Certain provisions currently within the Youth Service offer could additionally continue under the new model without direct financial support from the Council. This would include the Right Track Programme for pupils excluded temporarily from school that is fully funded by Brent schools, and the Duke of Edinburgh's Award Scheme which, subject to agreement with the DofE Regional Office, could be managed at regional level by the programme. There may also be options, at least for a transitional period, to continue to fund youth work to support lesbian, gay, bisexual and transgendered (LGTB) young people and some elements of detached youth work through public health funding, subject to further discussions with the Director of Public Health.
- 4.13 Within the resources available, the costs associated with running the Council's four youth centres cannot be met, with overall running costs held within the current Youth Services budget<sup>7</sup> estimated to be in the region of £650k (see table overleaf):

#### **TABLE THREE: YOUTH CENTRE RUNNING COSTS**

Expenditure 2014/15	Granville Centre	Poplar Grove*	Roundwood	Wembley**
Premises related cos	ts			
Running costs	185,510	134,927	202,908	0
Income	(95,719)	(77,468)	(48,826)	0
Net expenditure	89,791	57,549	154,082	0**
Net youth work related costs***	92,794	57,864	112,836	89114
Total net costs	182,585	115,413	266,918	89,114

<sup>\*</sup> Premises related costs of Poplar Grove will be passed to Brent River College in early 2015/16, with preserved access for evening/weekend sessions set out within a new service level agreement with the Youth Service which is subject to the agreement of the PRU's Management Board.

4.14 Officers are therefore actively exploring how youth centre provision could continue through new partnership arrangements. In addition to considering the possibility of a community asset transfer for the Roundwood Centre, further work will be undertaken to establish if there are any opportunities for other providers to run some recreational and educational youth provisions at Poplar Grove and the Wembley and Granville Youth Centres under licences or short-term occupational arrangements, with different providers occupying the building at different times. The YBF could potentially play a

<sup>\*\*</sup>Property related costs related to Wembley have not been included within the Youth Services budget to date.

<sup>\*\*\*</sup>Costs include staffing and support costs

<sup>&</sup>lt;sup>6</sup> Statutory guidance for local authorities on services and activities to improve young people's well-being (Department for education, June 2012) indicates that "local authorities musty take steps to ascertain the views of young people and take them into account in making decisions about activities and services for them, in line with Article 12 of the United nations Convention on the Rights of the Child (UNCRC).

<sup>&</sup>lt;sup>7</sup> There are some property related costs for each youth centre held centrally, including capital repairs/maintenance budgets and services such as IT and telephony.

coordinating role in managing lettings at the centres, as well as promoting better use of other community premises that could be used for youth work.

- Work to take forward a community asset transfer proposal for the Roundwood Centre would need to reflect the approach outlined in the Council's Strategic Property Plan 2015-19 and the related process for community asset transfer (as detailed in another report on this agenda). In particular, the process will need to meet the following principles:
  - Community asset transfer will support the priorities in the Borough Plan;
  - Organisations that benefit from the transfer need to be credible, constituted, financially viable with a clear business plan;
  - The services and buildings need to promote equality and community cohesion:
  - All opportunities should be advertised; and
  - Buildings should be transferred on a repairing leasehold basis.
- 4.16 A business plan underpinning the transfer would need to demonstrate how the receiving body will promote financial sustainability and not incur financial liabilities for the council, as well as promote benefits for young people and meet identified needs. Evidence of support from other potential funders, and the provider's capacity and experience to manage the asset, could also be included within the evaluation criteria for proposals.
- 4.17 If no opportunities are identified for the Granville and Wembley Youth centres, the Youth Service will have to consider vacating the premises as there will be no funding available within the budget envelope to pay for the running costs. A further report to Cabinet in October 2015 will set out further proposals for youth provision at each centre, following wider engagement with stakeholders and young people and a programme of formal consultation on proposed changes to the service.

#### Risks and delivery considerations

- 4.18 If Cabinet wishes to take forward the further development of a new independent organisation and reshaped offer and consultation with stakeholders, there will be a need to consider some of the related risks and issues that could arise in the development phase or if the proposals were agreed following consideration of the outcomes of consultation:
  - An implication of the move to a Foundation model is that the Council will vest more resources in a partnership approach (with the exception of a few services which may be provided directly or under contract). Effectively, this will mean ceding some Council control to the governing body of a new organisation, thereby reducing any opportunity to redirect committed resources to its own priorities without wider agreement. While the development of a joint commissioning strategy for the new Youth Foundation could help to protect all partners' interests, tensions may arise when funding organisations or a new Board have different or conflicting priorities.
  - There are recognised risks and delivery issues related to community asset transfer, and no cast iron guarantee of success. While there are some positive examples of community asset transfer, particularly among early adopters such as Birmingham and Bristol City Councils, the process is often dependent upon strong community commitment to the facility and a strong partnership approach between the council and provider. In practice, financial liabilities can often prove too onerous for small community groups, leading to break down of negotiations or overly protracted processes (with negotiations of 12-18 months not uncommon). In the case of the

Roundwood Centre current restrictions on the hours and type of use will also limit commercial opportunities for any new provider. An obvious implication is that there is a risk that youth centre provision at Roundwood could cease from April 2016 if a transfer was not achieved. Similarly, there may be difficulties identifying alternative providers to run youth services at the other three youth centres. In such circumstances, some building related costs would have to pass back to the Council's property and asset management service. If the Council is not able to fund or secure an alternative provider to run youth provisions at Roundwood, the Council could also be required to repay, in full or in part, the National Lottery grant of £4.997m which was used to support the development of the centre (see paragraph 7.5 of this report for further details).

- The legal and procurement implications of moving to a new service model will require further consideration during the development stage. In particular, officers will need to consider the potential impact of the Public Contract Regulations 2015 (PCR 2015) and TUPE that may arise through proposals to commission or deliver services through an independent organisation. In practice, this may give rise to additional financial implications for the Council and/or new youth service organisation and/or a requirement to competitively tender a contract for services to the wider provider market. Learning from other Councils (including Torbay, RB Kensington and Chelsea and Knowsley) who have successfully established arms length arrangements for youth services alongside some transfer of existing Council staff will help to inform the approach taken (see also paragraph 7.4). The risks and benefits of partially funding the core costs of YBF through a grant or a contract for the supply of services will also need to be carefully assessed.
- A final proposal on the future management of the four youth centres, the range of youth services to be included within a reduced funding envelope and likely partner contributions will need to be worked up for consideration by Cabinet by October 2015 in order for overall saving targets to be realised. This report will need to include the outcomes of consultation on the Young Brent Foundation and revised service offer which will take place in summer 2015, as well as a full equality impact assessment.
- The development and effectiveness of a new, high profile Foundation will depend heavily on the commitment and involvement of external partners, including a wider range of CVSE partners. While initial soundings have identified support from some key stakeholders (such as the John Lyons Trust, Brent CVS, Bangedutainment and QPR in the Community), a great deal of time and effort (from both officers and Members) will be needed to build wider understanding of the approach, secure financial commitments and create enthusiasm for a new way of working. It will be important to appoint a 'chief executive' for the Youth Foundation at an early stage.
- Significant input will be needed from Council support services (Legal, Finance, Procurement, Communications and Property) to ensure that any new organisation has appropriate constitutional and governance arrangements, a sustainable business plan, and a workable property strategy. Experience elsewhere shows that there is also a need to develop new policies and procedures for any new organisation, a process often requiring further Council support, and for the Council to actively support the business planning process underpinning community asset transfers.
- There will be some costs associated with taking forward the new model in this
  financial year e.g. for legally constituting a new organisation, specialist legal and
  property advice, and project management and consultation costs. It is anticipated
  that these costs can be met from within the Council's One Council Programme
  budget.

4.19 Reduced levels of funding will inevitably result in significant reductions in youth service staffing, with staff redundancies and withdrawal of some high profile services. Staff changes will need to be carefully managed in line with the Council's Managing Change policy and procedure. If the revised service offer, focuses on the development of the YBF and those provisions set out in paragraphs 4.11-4.15 of this report, some services such as the detached and outreach youth work, youth bus, the Eton Project, youth arts provisions, the youth work contribution to the Brent in Summer programme, and (potentially) some centre-based provision will not continue unless alternative resources can be secured.

#### 5.0 Next Steps

- 5.1 If Cabinet agree that officers should further develop, and formally consult upon the Foundation model and revised service offer within this report, it is proposed that future work is taken forward as part of the Council's One Council Programme, in part to ensure that the work benefits from the specialist skills and input needed from different sections across the Council. A stakeholder group, comprising key stakeholders from other statutory agencies, housing providers, schools, VCSE representatives and other charitable funders, (such as the John Lyons Trust and QPR in the Community), Brent Youth Parliament, and staff representatives, will also be needed, both to help to build a consensus on a way forward and to share skills and expertise. The Operational Director, Early Help and Education will chair this group.
- 5.2 A broad timeline for the further development of, and consultation upon, the proposals set out in this report are set out below:

	100
Activity milestone	When
Consultation and involvement strategy for youth service change programme developed, with support from VCSE partners and corporate communications.	By mid-June 2015
Young Brent Foundation (YBF) model further developed with VCSE partners, including proposed operating principles, and governance and staffing arrangements	May /June 2015
Priorities for youth services / details of future youth service offer further developed with key stakeholders, including input from VCSE partners, young people and youth service staff	May/June 2015
Property strategy developed for youth centres, taking into account wider Council property proposals, potential market feedback, and financial implications.	June 2015
Soft market testing event with potential providers interested in community asset transfer opportunities.	June 2015
Formal consultation on new proposals for youth services, including the establishment of the Young Brent Foundation and youth centre property strategy. This will include consultation with: VCSE local youth service and other youth service providers in Brent, the Youth Parliament, service users, and wider community of young people / stakeholders.	July /August 2015
Detailed proposal for new youth service offer and related	19 October 2015

property strategy presented to Cabinet, along with the results of formal consultation and full equality impact assessment (a Full Council decision may be required – legal to confirm)	
Implementation of agreed service model, including formal consultation with youth service staff on the implications of the new arrangements under the Council's management of change policy and procedure.	September 2015 – April 2016

#### 6.0 Financial Implications

- 6.1 The council has committed to save £100k and £900k in 2015/16 and 2016/17 respectively from the Youth Service budget, which is a reduction of 71 per cent against the current budget envelope.
- 6.2 If the proposal to create an independent organisation (Young Brent Foundation) is approved, further work will need to be done to determine its status as either a limited company with charitable status or as a charitable incorporated organisation. There are a number of benefits of having charitable status, including several tax benefits, having increased access to external funding not available to a local authority and access to a more established pool of volunteers. Likewise, there are a number of new costs associated with this proposal including initial set up costs, running costs of the YBF (currently estimated at £177k), exposure to VAT, TUPE and redundancy. As mentioned in paragraph 4.16 further work will need to be done with legal, HR, procurement and property colleagues to assess and develop all available options, risks and opportunities.
- The savings of £1m to be delivered between 2015/16 and 2016/17 are predicated on a new model of delivery to go live from April 2016. Therefore, in order to deliver the savings committed, decisions about the future service model and related implementation arrangements need to be progressed quickly. This includes resolving any issues in relation to the community asset transfer for Roundwood Youth Centre and the setting up of the YBF in terms of internal processes and constitutional, legal and governance arrangements.
- 6.4 Specialist project management support will be required during 2015/16 to lead on the establishment of the new organisation, formal consultation, and the development of property proposals. It is proposed that these costs (estimated at approximately £105k, including one off implementation costs) are funded from the One Council Programme enabling fund.

#### 7.0 Legal Implications

- 7.1 Section 507b of the Education Act 1996 places a specific duty on the Council to secure 'as far as reasonably practicable' sufficient educational and recreational activities for the improvement of young people's well-being, and sufficient facilities for such activities. Young people are defined as those aged 13-19, and those with learning difficulties to age 24. There is no requirement to directly fund or deliver services to a particular level (or at all).
- 7.2 Statutory guidance issued in support of the duty in June 2012, and the wording of the Act, makes clear that the Council must consult young people in the design of its services rather than simply on specific proposals emerging through reviews. A Court of Appeal ruling relating to North Somerset Council in 2013 underlines the need to actively engage young people, with the Council judged to have acted unlawfully in making significant reductions to its youth services, due to both a lack of adequate

- consultation with young people and insufficient consideration of the protected characteristics of its service users under the 2010 Equality Act.
- 7.3 Section 1 of the Localism Act 2011 provides the council with a general power of competence which would enable the establishment of an arms-length organisation. Establishment of a new arms-length service model will require detailed assessment of the risk and opportunities offered by different corporate vehicles, including those relating to governance, service delivery and finance. Legal expertise will be required to inform this process and ensure that the Council's interests are well protected. Equally, legal advice will be needed in relation to any emerging property, procurement, governance and staffing proposals. Some specialist legal support may be required to advise on the establishment of the new arms-length organisation.
- 7.4 To support the model proposed in this paper, the Council may need to put in place contractual arrangements which enable YBF to either commission or deliver services on its behalf. The type of services commissioned could fall within Schedule 3 of the Public Contract Regulations 2015 (PCR 2015) meaning that a new, light touch regime for certain health, social and education services could apply. In this case, contracts with a total value below the current threshold (£625,000) would not need to be advertised in OJEU and participation in the procurement process could be limited to certain qualifying organisations, such as mutual and social enterprises (save where there is assessed to be cross border interest). If services did not fall within Schedule 3, the full procurement regime would apply if the total value of the contract is above the current threshold (currently £172,000). In this case, a contract could not automatically be awarded to YBF and there would be a requirement to tender with no guarantee that YBF would necessarily be successful in this process.
- There are some restrictions around future use of the Roundwood Youth Centre, which was redeveloped through a National Lottery grant of £4.997m as part of the Government's myplace Programme. Under the terms of the grant agreement, the Council is required to notify the Cabinet Office of any planned changes of use and/or ownership and could be required to repay the grant in whole or in part. While this does not mean that the centre could not be transferred to new owners or managed by a third party subject to Council and Government approval, early discussions with the Cabinet Office will be necessary. Experience in other local authorities suggests that the Cabinet Office, which now holds responsibility for the myplace Programme, is prepared to adopt a pragmatic approach to new arrangements, particularly when future financial viability is an issue and community benefits for young people will still be realised.

#### 8.0 Diversity Implications

8.1 Young people across Brent and staff working within the current Youth Service have a range of protected characteristics under the 2010 Equalities Act. Business and implementation plans for a new service model will require a full equalities impact assessment, covering implications for both existing service users, the wider community of young people, and staff employed within the service. This will help to demonstrate that any new approach represents the best option to meet diverse needs with less resource.

#### 9.0 Staffing/Accommodation Implications

- 9.1 The budget reductions that need to be achieved through service remodelling mean that staffing reductions with the Youth Service are inevitable. Affordability will be a critical factor in a new model and some new skills and expertise may be needed to support new ways of working. Any proposed staffing changes will need to comply with the Council's management of change procedures.
- 9.2 Until the staffing structure of the new service model and relationship with existing Council roles and services is confirmed, it is not possible to state the applicability or otherwise of TUPE. However, when the proposed structure has been finalised a position can then be taken in respect of whether TUPE applies or whether there will be a need to manage the situation in accordance with the Council's Managing Organisational Change process.
- 9.3 The proposed service offer and resources available means that there will not be funding to continue direct delivery of youth centre provision, with new partnership arrangements required to sustain delivery. These will be explored through future work but in practice it could mean ceasing some centre –based provision /or transferring the running and management of one centre to a different provider to act as youth hub/or letting out the centres under licences or short-term occupational arrangements, with different providers occupying the building at different times. Any new arrangements would need to be considered in relation to wider Council disposal and/or redevelopment plans, longer-term financial sustainability, and opportunities to locate provision in a wider range of community settings, including housing associations and VCSE partner premises.

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#### **APPENDIX ONE**

#### 1A: Summary of Youth Service Budgets 2014/15 and 2015/2016

	Net Budget 20	14/15 (£)		Net Budget 2015/16 (£)			2015/ 16
Service area	Net Expenditure	Net Income	FY Total Budget	Net Expenditure	Net Income	FY Total Budget	Staff (FTEs) (1*) incl. vacanci es
Youth Office	251,426	0	251,426	151,426		151,426	3.25
my place Roundwood Centre (property related costs) (2*)	202,909	(48,826)	154,083	202,909	(48,826)	154,083	3
Roundwood Youth Service costs	118,836	(6,000)	112,836	118,836	(6,000)	112,836	2.64
Granville Centre (property related costs)	185,510	(95,719)	89,791	185,510	(95,719)	89,791	3
Granville Arts – service costs	92,795	0	92,795	92,795	0	92,795	2.02
Poplar Grove (property related costs)	134,927	(77,468)	57,459	134,927	(77,468)	57,459	1
Poplar Grove Youth	57,864	0	57,864	57,864	0	57,864	1.1
Wembley Youth Centre (3*)	89,114	0	89,114	89,114	0	89,114	1.76
Mosaic	38,092	0	38,092	38,092	0	38,092	1.28
Right Track	77,951	(77,951)	0	77,951	(77,951)	0	1
Duke of Edinburgh Award Schemes	78,997	(15,504)	63,493	78,997	(15,504)	63,493	2.09
Summer University	100,812	(5,000)	95,812	100,812	(5,000)	95,812	1
Outreach	183,195	0	183,195	183,195	0	183,195	4.82
Youth Parliament	67,812		67,812	67,812		67,812	1
Youth Equipment	60,644	0	60,644	60,644	0	60,644	0
Estimated Totals	1,740,885	(326,468)	1,414,418	1,640,885	(326,468	1,314,418	28.96

#### **NOTES:**

- 1\* Due to budget reductions over time, a number of posts within the service are unfilled, with the current staff in post totalling 24.04 FTE (41 staff in total).
- 2\* Premises related costs for the three youth centres highlighted in orange include: cyclical and planned maintenance, utility costs, security, water and business rates, cleaning and grounds maintenance premises management and other miscellaneous premises costs.
- 3\* Premises costs relating to Wembley Youth centre are not currently within the Youth Service budget as they were allocated to another lead tenant.

#### 1B: Summary of Youth Service Provisions 2014/15

Provision/ Project	Summary of provision	Total number of individual young people attending	Total number of attendances by young people	Total number of young people gaining accredited awards	Total number of accredited awards gained
Roundwood Youth Centre	<ul> <li>The key aims of the myplace Centre are to:</li> <li>Give young people access to positive activities to help tackle antisocial behaviour.</li> <li>Help young people to engage in their community.</li> <li>Provide young people with a safe and exciting place to go.</li> <li>Enable more young people to socialise and participate in positive leisure time activities.</li> <li>Provide young people with access to information, advice and support services.</li> <li>The Centre provides a mix of regular services and occasional events, plus holiday programmes. Examples of current provision include: <ul> <li>Big Music project for myplace centres (a 10 place, six week training course in radio production and enterprise and music production;</li> <li>A weekly girls' empowerment group (offering drams. Arts and drumming as well as the opportunity to socialise</li> <li>Arts ands crafts, cheerleading, and sports such as badminton, basketball and taekwondo and a football team.</li> <li>Duke of Edinburgh Award programmes</li> <li>Training, employment and 121 support via Connexions and work</li> </ul> </li> </ul>	1580 <sup>8</sup>	(This figure includes all attendances to programmes and services offered at the Centre and includes attendances for Connexions)	820	3016

<sup>&</sup>lt;sup>8</sup> There were also an additional 965 interventions recorded by Prospects at the Roundwood Centre in 2014/15, the Connexions' service provider, at the centre, but the total number of individual young people the interventions were provided to is not recorded. Connexions is outside the scope of the youth services review.

Provision/ Project	Summary of provision	Total number of individual young people attending	Total number of attendances by young people	Total number of young people gaining accredited awards	Total number of accredited awards gained
	placements  • Enterprise programmes, provided by a partner organisation based at the Centre  • Support for young people who have offended including the Chance to Change programme, reparations activity, meetings with YOS staff and Referral Order Panel meetings.  The centre also hosts the schools-funded Right Track programme which runs every day in term time to support Brent pupils temporarily excluded from schools. In 2014/15, 681 young people attended the youth club held at the centre, with 9609 attendances in total.				
Granville Youth Arts Centre	The Centre aims to engage young people in a range of creative and cultural activities designed to increase levels of self-esteem and achievement. The programme includes an on-going offer of creative arts activities including; dance, one to one vocal training, acoustic guitar, music jam, one to one piano / keyboard lessons, band mentoring, one to one drumming lessons, taekwondo, fashion, arts / illustration, yoga / meditation, film making, events management and professional development - in addition to specialist workshops, master classes, trips, events and a teen library / study support. Members of Granville Plus Youth Arts Centre regularly perform at local and regional events.  All classes at Granville Plus Youth Arts Centre are run by industry professionals, and the centre works in partnership with many arts organisations including: Central St Martin's College of Art and Design, Camden Arts Centre, the Sadler's Wells Theatre, the British Film Institute, London Youth Dance, the Tricycle Theatre and National Youth Jazz Orchestra.	791	5035	110	164

Provision/ Project	Summary of provision	Total number of individual young people attending	Total number of attendances by young people	Total number of young people gaining accredited awards	Total number of accredited awards gained
Poplar Grove Youth Centre	The Youth Club programme runs on Tuesdays, Thursdays and Fridays plus Saturdays and holidays. Activities include: martial arts, t-shirt design, cooking and baking classes, dance, yoga, plus general open access (offering table tennis, pool, basket ball and console games) The Youth Worker provides individual support for young people on a range of issues they may be facing.	675	2512	112	137
Wembley Youth Centre	Activities include: female only kick boxing and boxing workshop; music production, weight training and fitness, outdoor football, taekwondo and basket ball. The centre also offers to computers for homework and employment opportunities. Youth Workers support young people with issues they may be facing e.g. as young people newly arrived in the UK.	451	4105	78	91
Outreach & Detached Youth Work Team, plus Youth Bus	<ul> <li>The Team provides highly targeted provision in crime hot spots and areas with knife and gang related issues, including:         <ul> <li>Street based outreach work with young people at risk of disaffection and gang involvement</li> <li>Detached youth work in a range of locations e.g. community centres and schools</li> <li>Mobile provision, using the Equipped 2 Go Youth Bus</li> </ul> </li> <li>There is also a Public Health funded project focusing on community safety, financial prevention and social exclusion.</li> </ul>	331	1554	96	111

Provision/ Project	Summary of provision	Total number of individual young people attending	Total number of attendances by young people	Total number of young people gaining accredited awards	Total number of accredited awards gained
Mosaic LGBT Youth Project	This is specialist project focuses on gay, lesbian bi-sexual and transgendered young people. The provision includes a youth club every Wednesday evening between 6.30 and 9 pm, usually including a structured activity and opportunities for 121s with a youth worker. Structured activities have included workshops on coming out, safer sex, gay history, self-defence, assertiveness - plus video, drama, dance and art nights. The project is currently delivering an additional programme funded by Public Health.	406	1381	403	517
Youth Parliament	This is a high profile group of 80 representatives (age 10-19) who meet regularly with decision makers in the borough. The BYP enables young people to express their views and have a say in decisions that affect them. The Parliament meets on the last Saturday of every month at the Brent Civic Centre to discuss important issues which young people face. Parliament members decide on the issues that they want to look at and then work with councillors / council officers to bring about changes that will improve local services for young people. Members also choose one campaign that they want to work on every year. In 2015 2016 the chosen campaign is Mental Health. BYP sends representatives to the UK Youth Parliament.	76	418	15	15
Duke of Edinburgh Award	The Council acts as the License Holder for the DoE Award programme in Brent, with costs covering the management and running of the scheme after fees are deducted. The programme includes two Open Award Centres and includes targeted provision for key groups who may not access the provision otherwise e.g. looked after children and Muslim girls. The scheme provides in excess of the Corporate target of 5000 volunteering hours into the borough each year (6,328 in 2014 2015), as well as offering a qualification that employers recognise and value highly.	555	1119	376	1961

Provision/ Project	Summary of provision	Total number of individual young people attending	Total number of attendances by young people	Total number of young people gaining accredited awards	Total number of accredited awards gained
Brent Eton Summer School	This scheme provides a week long residential experience at Eton College for over 40 young people from Brent every year with the aim of raising aspirations and developing confidence. Workers within the Youth Service organise the scheme within their regular duties, with all other costs covered by schools.	43	841	43	600
Right Track Project	This is a programme to support pupils in Brent schools who have been temporarily excluded from school. After attending the project, between 70 – 80% return to mainstream schools and are not excluded again. The service is fully funded by Brent secondary schools.	122	825	26	36
Brent in Summer	This covers the costs of holiday provision provided by the Youth Service. Costs include staffing, tutor and material costs. The service works with the National Citizenship Service and colleagues in Libraries and Sports to provide a single offer over the six weeks of the summer. Additional holiday programmes are organised over other breaks.	853	3455	398	847
Youth Office	This covers the management costs of the service, quality assurance staff, training, IT, Integrated Youth Support Services database costs, printing and promotional costs. Management costs include the Head of Youth Support Services (25 per cent), two Service Managers and a Quality Assurance Officer.	N/A	N/A	N/A	N/A

## Summary of Geldards LLB Options Appraisal Report – Shaping the Future for Youth

The options appraisal report on youth service produced by Geldards LLB explored four options:

- No service
- Reduced service offer in-house service or commissioned service
- Staff mutual
- Independent commissioning and delivery organisation, in partnership with the voluntary and community sector and other partners

A brief summary of the consultant's assessment of the different options and overall conclusion is set out below:

#### (a) No service

This would involve closure of all Youth Service provisions, including the four current youth centre provisions. All staff within the service would face redundancy and alternative use and /or sale or redevelopment options would need to be explored for the property estate (some of which already fall within current Council redevelopment plans). Annual savings in the region of £1.3 m on the Youth Service budget (excluding corporate overhead costs) would initially be reduced by redundancy costs and any ongoing property-related costs. There would be a need to maintain some strategic resources to meet the Council's statutory responsibilities in this area.

<u>Consultants' assessment:</u> The consultants indicate that this option is included only for baseline purposes. The option does not meet Members' objectives in terms of working with the VCSE sector to develop services and grow/ sustain youth service provisions. There are concerns that withdrawal of services would generate longer-term costs for other services (such as health, police and youth offending services) and generate reputational risks for the authority.

#### (b) Reduced service offer - in-house service or commissioned service

This would include retaining aspects of the current service offer / or reshaping the offer to a reduced budget envelope. For example, if only £400k was available, the consultants suggest a model including retention of the Roundwood Youth Centre, possibly supported by a small outreach service and continued (but reduced) investment in the Youth Parliament, though they indicate that the actual model could be shaped with Members and other stakeholders. This approach would enable the Council to realise its agreed savings target. This small retained service could be outsourced or held in-house. The majority of youth service staff would face redundancy and alternative use/or sale/or redevelopment options would need to be explored for the property estate. TUPE would probably apply if some services were outsourced.

<u>Consultants' assessment:</u> Under this approach (in-house or outsourced), the Council would retain control of the services and be able to shape a more limited resource and, potentially, align and further develop the service offer, in partnership with other stakeholders, including the VCSE. However, related community benefit would be low owing to the low level of investment and the approach would not be particularly well-placed to attract further funding or promote joint commissioning.

#### (c) Staff mutual

This would transfer delivery of youth service provision to a new staff mutual organisation, either through a competitive or negotiated procurement process, dependent upon the range of services offered. The mutual would bear the financial and operational risk of support costs, with staff, as 'owners' of the organisation, expected to assume strategic leadership and governance responsibility for the new organisation. The report indicates that a staff mutual can offer a number of benefits, including giving the opportunity for front-line professional to improve services, a deep staff knowledge of the client group, and leaner management structures. However, commissioners, staff and service users must have a shared enthusiasm for the enterprise to make it work.

Consultants' assessment: This model would not be viable in Brent's current situation. There would be a need for at least a five-year block contract to give the mutual an opportunity to evolve and survive. This is not viable in the current budget situation — and a need to make significant budget reductions over the next few years would lead to significant potential financial burdens for a new organisation, in terms of TUPE related costs. This would make it hard to develop a viable business plan. Additionally, where staff mutuals have succeeded, there has often been a shadow organisation in place prior to transition. With a need to put new arrangements in place in Brent by April 2016, there would be little opportunity to have this sort of transitional phase and support staff to develop the commercial and entrepreneurial skills they needed to make a mutual work.

# (d) Independent commissioning and delivery organisation, in partnership with the community and voluntary sector and other partners

This model would involve setting up new arms-length management organisation — what the consultants call the "Brent Youth Organisation" - possibly as a limited company with charitable status or as a charitable incorporated organisation. This new body would take on responsibility for commissioning youth services, capacity building for the wider VCSE sector of youth providers, and fund-raising. It would in part be financed through management fee(s) paid to it by the Council for contract management of a new Council local authority trading organisation<sup>9</sup> (LACTO) which delivers youth services and for other Council contracts (e.g. the existing Connexions contract).

In this model, the LACTO is set up mainly to provide a vehicle for the delivery of the Council's youth service offer – which could be designed to match the resources available and any agreed commissioning priorities. Existing youth service staff within scope of the agreed service offer would work for the LACTO as secondees, meaning that pension and TUPE obligations would remain with the Council. By establishing the LACTO as a 'Teckal' entity<sup>10</sup>, the contract for the youth service provision could be awarded to the new LACTO without a procurement process (and the model could offer scope for staff to spin out in to a mutual in the longer-term). However, there may

A council may set up a service delivery company which is solely concerned with delivering a service back to that council but does not trade significantly with external organisations. This is likely to qualify for the 'Teckal' exemption from procurement rules which means that the council can pass work to the company without having to put it out to competitive tender

<sup>&</sup>lt;sup>9</sup> LACTOs operate as separate entities to a council but are wholly owned by them. They can be set up either as service delivery models – where they provide work mainly for the council or a group of councils – or as commercial trading companies which trade more widely with external organisations and individuals.

be a need for a competitive process to award any new contract management responsibilities to a new Brent Youth Organisation.

A diagram setting out this new model is set out below, with further details within the Geldards report (pages 20-26).

#### Suggested Independent Brent Youth Org Model Funding Mg't Contract Fee from Brent to BYO Funding from Brent to LATCO **Brent Council** re LATCO & Full Funding 3rd Pty Contracts Contractand Funding Staff remain with Brent Capacity Grant and Building Other Funders Funding Brent Youth Org -Single All other LATCO (100% Brent Owned) Services & Delivery Organisation Youth Services Contracts to Social Provider (under 3rd parties Core VCS Teckal Rules) with Brent Stakeholders (incl. HA's) funding Small Core Executive Team Management of LATCO for BYO Contract Management for Brent Brent Bid Letting Outcomes Providers Stakeholder Writing Contracts Mg't Interface Engagement

The financial modelling underpinning this approach suggests that this it would require Council investment to taper more slowly than is currently planned. For example, if the youth service offer within the LACT is largely transferred 'as is' in 2016/17, the net operating cost is estimated at around £2m, with a range of new costs related to the new model (for example, governance, VAT exposure and internal support costs) adding to current gross expenditure on youth services of around £1.7m. The model shows that overall costs would initially be met by Council contributions, existing income streams and a high level of (as yet unsecured) grants and sponsorship — estimated at £529k in year 1 (and rising to over £1m in year 5). (see five year financial summary at page 46 of the Geldard report). In practice, it is unlikely within current budget constraints that the youth service could be transferred 'as is'; however, the model suggested could be flexed to reflect lower levels of investment.

Consultants' assessment: This model would provide an opportunity to improve and foster better partnership arrangements across the stakeholder community in Brent and provide a vehicle for attracting grants and sponsorship, helping to promote long-term sustainability of the youth service offer and its related benefits. In the longer-term there could be opportunities to spin out the LACTO into a staff mutual. The consultants point out that the initial cost of the model could be flexed according to how much resource was invested in the youth service offer, particularly centre-based provision. However, given the fixed corporate and operating costs, they do not consider it to be a viable approach if the Council has only small sums to invest at the outset, principally as available resources to support any service delivery would then be nominal and the set up would lack initial momentum. There are obvious risks attached to the high income targets required to support the overall model as the level of Council funding diminishes.

A variation of this model is also set out in the report, based on a proposal by the John Lyons Trust for a Brent Youth Foundation (pages 26/27). This also proposes an independent commissioning organisation, though with the option to support direct delivery if some existing youth staff were moved across to continue aspects of the current youth service provision (with TUPE costs possibly applying). Although this model is not explored in depth by the consultants, it could be run at lower cost than the above option, especially if it was developed on a commissioning-only basis.

#### (e) Final assessment

The consultant's preferred option is to develop the Brent Youth Organisation model, supported by the LACTO. They conclude that this offers the best option of growing future provision and engaging with partners, including VCSE stakeholders, to develop a shared commissioning approach. However, if the level of investment is set at around £400,000 per annum, they advise that it could be preferable to direct investment in a smaller range of high profile youth services, provided directly or on an outsourced basis, rather than deflecting resources to support a new organisation.

## **Geldards LLB Options Appraisal Report – Shaping the Future** for Youth

The full report and separate addendum report, focused on developing a model within the reduced funding envelope are attached

Geldards LLB Options Appraisal Report – Shaping the Future for Youth – March 2015

Geldards LLB Addendum Summary Report – Shaping the Future for Youth – May 2015

(not for publication)