



# Brent

## Cabinet

**Monday 16 October 2023 at 10.00 am**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

Please note this will be held as a physical meeting which all Cabinet members will be required to attend in person.

**The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [HERE](#)**

### Membership:

#### Lead Member Councillors:

#### Portfolio

M Butt (Chair)  
Tatler (Vice-Chair)

Leader of the Council  
Deputy Leader, Cabinet Member for Finance, Resources  
& Reform and Cabinet Member for Regeneration,  
Planning & Growth

Donnelly-Jackson  
Farah

Cabinet Member for Customers, Communities & Culture  
Cabinet Member for Safer Communities & Public  
Protection

Grahl  
Knight

Cabinet Member for Children, Young People & Schools  
Cabinet Member for Housing, Homelessness & Renters  
Security

Nerva  
Krupa Sheth

Cabinet Member for Public Health & Adult Social Care  
Cabinet Member for Environment, Infrastructure and  
Climate Action

**For further information contact:** James Kinsella, Governance Manager, Tel: 020 8937 2063; Email: [james.kinsella@brent.gov.uk](mailto:james.kinsella@brent.gov.uk)

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## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

**Item** **Page**

**1 Apologies for Absence**

**2 Declarations of Interest**

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

**3 Minutes of the Previous Meeting** 1 - 8

To approve the minutes of the previous meeting held on Monday 11 September 2023 as a correct record.

**4 Matters Arising (if any)**

To consider any matters arising from the minutes of the previous meeting.

**5 Petitions (if any)**

To discuss any petitions from members of the public for which notice has been provided, in accordance with Standing Order 66.

**6 Reference of item considered by Scrutiny Committees (if any)**

To consider any reports referred by either the Community and Wellbeing or Resources and Public Realm Scrutiny Committees.

## Resident Services reports

**7 Highways Capital Maintenance Programme 2023-24** 9 - 36

This report seeks approval for Brent's 2023/24 Carriageway Maintenance programme developed through prioritised programmes of major road resurfacing and preventative maintenance. The report also details the budgets for asset condition surveys and analysis, improvements to highway structures & drainage, improvements to the public realm and renewal of road markings.

Members are asked to note that in order to enable further engagement with ward councillors on ward priorities a report detailing the footway maintenance programme will be presented to a future Cabinet.

**Ward Affected:**  
All Wards

**Lead Member:** Cabinet Member for Environment, Infrastructure & Climate Action (Councillor Krupa Sheth)

**Contact Officer:** Tony Kennedy, Head of Highways and Infrastructure  
Tel: 020 8937 5151  
[tony.kennedy@brent.gov.uk](mailto:tony.kennedy@brent.gov.uk)

## Finance & Resources reports

### 8 Quarter 2 Financial Report 2023/24 37 - 88

This report sets out the current forecast of income and expenditure versus the revenue and capital budgets for 2023/24 and other key financial data.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader and Cabinet Member for Finance, Resources and Reform (Councillor Shama Tatler)

**Contact Officer:** Ben Ainsworth, Head of Finance  
Tel: 020 8937 1731  
Email: [Benjamin.Ainsworth@Brent.gov.uk](mailto:Benjamin.Ainsworth@Brent.gov.uk)

## Care, Health & Wellbeing reports

### 9 Review of Adult Social Care Charging Policy 89 - 124

This report outlines recommendations identified for changes to the Adult Social Care charging policy. In detailing the impact of the proposals, Cabinet is being asked to consider the proposed changes and agree that prior to any final approval they are subject to consultation with Adult Social Care service users and the wider public in Brent with any final amendments agreed to the Adult Social Care Charging Policy to be implemented at the start of the 2024/25 financial year.

**Ward Affected:**  
All Wards

**Lead Member:** Cabinet Member for Public Health & Adult Social Care (Councillor Neil Nerva)

**Contact Officer:** Andrew Davies, Head of Commissioning, Contract and Market Management  
Tel: 020 8937 1609  
[andrew.davies@brent.gov.uk](mailto:andrew.davies@brent.gov.uk)

## Children and Young People reports

### 10 School Place Planning Strategy 2024-2028 125 - 176

This report seeks approval of the new School Place Planning Strategy 2024-2028.

**Ward Affected:**  
All Wards

**Lead Member:** Cabinet Member for Children, Young People & Schools (Councillor Gwen Grah)

**Contact Officer:** Shirley Parks, Director Safeguarding, Partnerships and Strategy  
Tel: 020 8937 4529

[Shirley.Parks@brent.gov.uk](mailto:Shirley.Parks@brent.gov.uk)

## 11 Review of Primary School Places in Primary Planning Area 4

177 - 190

This report informs Cabinet of the intention to informally consult on proposals to manage spare school capacity and falling pupil rolls in Primary School Planning Area 4 (PA4) based on the new School Place Planning Strategy 2024-2028 (which is subject to consideration under Agenda Item 10). This planning area comprises the wards of Stonebridge, Roundwood and Harlesden and Kensal Green.

**Ward Affected:**  
Harlesden &  
Kensal Green;  
Roundwood,  
Stonebridge

**Lead Member:** Cabinet Member for Children, Young People & Schools (Councillor Gwen Grah)

**Contact Officer:** Shirley Parks, Director - Safeguarding, Partnerships and Strategy  
Tel: 020 8937 4529

[Shirley.Parks@brent.gov.uk](mailto:Shirley.Parks@brent.gov.uk)

## Governance reports

## 12 Complaints Annual Report 2022-23

191 - 274

This report sets out complaint's performance in Brent Council for the period 1 April 2022 to 31 March 2023 and focuses on the nature of complaints and the learning they provide to inform Brent's future approach to service improvement.

**Ward Affected:**  
All Wards

**Lead Member:** Deputy Leader and Cabinet Member for Finance, Resources and Reform (Councillor Shama Tatler)

**Contact Officer:** Mariza Barros, Complaints and Casework Manager  
Tel: 020 8937 1381

[mariza.barros@brent.gov.uk](mailto:mariza.barros@brent.gov.uk)

## 13 Exclusion of Press and Public

No items have been identified in advance of the meeting that will require the exclusion of the press or public.

## 14 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or their representative before the meeting in accordance with Standing Order 60.

**Date of the next meeting: Thursday 16 November 2023**



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. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#)



## LONDON BOROUGH OF BRENT

### MINUTES OF THE CABINET

Held in the Conference Hall, Brent Civic Centre on Monday 11 September 2023 at 10.00 am

PRESENT: Councillor M. Butt (Chair), Councillor Tatler (Vice-Chair) and Councillors Donnelly-Jackson, Farah, Knight, Nerva and Krupa Sheth.

Also present: Councillor Georgiou.

#### 1. **Apologies for Absence**

Apologies for absence were received from Councillor Gwen Grahl (Cabinet Member for Children, Young People and Schools).

In welcoming everyone to the meeting, Councillor Muhammed Butt (Leader of the Council) announced that due to Councillor Mili Patel having recently commenced a period of maternity leave he had appointed Councillor Tatler to cover the role of Deputy Leader and Cabinet Member for Finance, Resources and Reform. This would be in addition to her existing position as Cabinet Member for Regeneration, Planning and Growth. In welcoming Councillor Tatler to her new position, the Leader also took the opportunity to congratulate Councillor Mili Patel on the recent birth of her second child and wished her and her family well.

Councillor Muhammed Butt also advised members that it was with regret he had to inform them of the death of former Councillor Ruth Moher. In paying tribute, the Leader recognised the dedicated and compassionate way in which former Councillor Moher had served during her time in office and advised she would be deeply missed by all who knew her.

#### 2. **Declarations of Interest**

No declarations of interest were made at the meeting.

#### 3. **Minutes of the Previous Meeting**

**RESOLVED** that the minutes of the previous meeting held on Monday 17 July 2023 be approved as an accurate record of the meeting.

#### 4. **Matters Arising (if any)**

None.

#### 5. **Petitions (if any)**

There were no petitions submitted for consideration at the meeting.

6. **Reference of item considered by Scrutiny Committees (if any)**

There were no references from the Community & Wellbeing or Resources & Public Realm Scrutiny Committees submitted for consideration at the meeting.

7. **Future of Housing Repairs Service**

Councillor Knight (Cabinet Member for Housing, Homelessness and Renters Security) introduced a report setting out options, developed following consultation with members, for delivering the housing repairs service following expiry of the current repairs service contract with Wates Construction Limited in September 2024.

In considering the report, Cabinet noted the main principles developed to guide future delivery of the repairs service taking account of the current social housing climate and extensive nature of the consultation and engagement with members in seeking to develop a preferred service delivery option. Details of the options considered along with the detailed appraisal undertaken had been set out within section 7 of the report, with the preferred option identified being a hybrid model. Cabinet were advised this would involve the repairs and maintenance provision being divided into six lots (three in the north and three in the south of the borough) for external procurement meaning at least two contractors would be involved in delivering the service; the establishment of a framework for small local sub-contractors and development of an in-house handyman service, with the expectation that this would include provision for local contractors based in Brent and the recruitment of handyman's from amongst Brent residents. Members were advised that this approach had also been designed to support the Council's strategic priorities in relation to Prosperity and Stability, Community Wealth Building and Thriving Communities.

In supporting the approach outlined and thanking all those involved for their efforts in developing the options outlined and wider engagement with members, Cabinet **RESOLVED**, having noted the exempt information contained in Appendix 1 of the report:

- (1) To agree the principles outlined for future delivery of the repairs service, as set out in section 5.0 of the report.
- (2) To note the process and outcome of the consultation with members as outlined in section 8.0 of the report.
- (3) To approve the implementation of Option 3 (Hybrid Model) by Brent Housing Management (BHM) for future delivery of the Housing Repairs Service.
- (4) To agree the timetable for future repairs delivery actions as detailed within the report.

8. **Brent Data Strategy**

Councillor Muhammed Butt (Leader of the Council) introduced a report which outlined the development of a Brent Data and Insight Strategy and Delivery Plan.



In considering the report, Cabinet noted that the Strategy and Delivery Plan had been developed to fulfil the commitment within the Borough Plan 2023-27 to introduce a dedicated data strategy that would support the Council in becoming an organisation that maximised the value of data. The Strategy and Delivery Plan was also recognised as key in defining the Council's approach to harnessing the power of data to not only inform decision making but also secure improvements in the way the organisation operated and collaborated in delivering better outcomes for local people.

In welcoming the innovative nature of the Strategy, members also recognised the confidence and assurance it would provide in ensuring that data continued to be used in accordance with best practice and the necessary legal and ethical guidance. In recognising the increasing significance and need for robust management of data, members also welcomed the establishment of a Data Ethics Board as a means of providing further guidance and challenge in delivery of the Strategy, with it noted that Brent was currently one of only a few local authorities to have implemented such a Board.

Having expressed support for the approach outlined in terms of the way it would assist in establishing more modern, joined up and agile ways of working to support better outcomes for local residents, Cabinet **RESOLVED** to endorse and approve the Brent Data and Insight Strategy and the accompanying Delivery Plan, as set out in Appendix 1 of the report.

## 9. **Alperton Housing Zone - Parks Improvements**

Prior to consideration of the report, Councillor Muhammed Butt (Leader of the Council) invited Councillor Georgiou, who had requested to speak on the item, to address the meeting. Councillor Georgiou (as one of the local councillors representing Alperton Ward) began by welcoming the proposed additional infrastructure investment in Alperton, stating that the funding was crucial to ensure that regeneration benefitted both new and existing residents. Although recognising the positive impact that the investment could have on the parks, Councillor Georgiou highlighted that 40% of residents currently believed the spaces to be in a poor or very poor state and that the parks and surrounding areas experienced heightened anti-social behaviour and fly tipping.

In outlining previous attempts to improve green spaces in the area it was felt that not all of these efforts had managed to fully achieve the desired objectives. As a result, Councillor Georgiou felt it would be important to ensure that the funding committed was designed to secure long lasting, transformative and meaningful improvements with local residents, schools and community groups such as the Wembley Central and Alperton Residents Association (WCARA) and Friends of Mount Pleasant Space all fully engaged in the decision-making process regarding use of the investment secured.

Furthermore, in highlighting previous issues concerning parks and open spaces, Councillor Georgiou suggested that the 10% budget allocation for ongoing maintenance be increased to ensure it was sufficient to cover necessary costs and ensure the long-term benefit of the investment with the need for further investment in enforcement measures in the borough's green spaces to keep the areas safe and clean also highlighted. In concluding, Councillor Georgiou welcomed the investment

in Alperton which it was hoped (continuing the work already undertaken) would result in significant and lasting improvements at One Tree Hill and Mount Pleasant Open Spaces.

In response, Councillor Butt (Leader of the Council) thanked Councillor Georgiou for his comments and welcomed the support expressed for the proposed additional investment, which he felt demonstrated the positive benefits arising from delivery of the Council's regeneration programme for residents across the borough despite the financial difficulties being experienced.

Councillor Tatler (as Cabinet Member for Regeneration, Planning & Growth) was then invited to introduce the report which sought approval for the use of Strategic Community Infrastructure Levy (SCIL) funding and the use of Public Health funding to design, plan and deliver improvements to One Tree Hill and Mount Pleasant Open Spaces. In presenting the report, Councillor Tatler took the opportunity to highlight the Council's commitment to investing in the borough's park and open spaces in order assist in meeting the growing demand for outdoor infrastructure and recreation space and in support of the wider programme of regeneration and growth across the borough, with Alperton recognised as one of the fastest growing wards by population in the borough. In thanking officers for the work undertaken to engage with local residents and ward councillors (and welcoming the support expressed by Councillor Georgiou at the meeting) in developing the proposals, the proposed improvements to the open spaces identified were not only felt to be important in terms of addressing growing demand but also in terms of improving the physical and mental health and wellbeing of residents in the area. Confirmation was also provided that the final proposals had been based on a detailed assessment of available options, key objectives and investment priorities within the Local Plan and would also be subject to ongoing consultation with local residents and stakeholders.

In support of the proposals, Cabinet welcomed the proposed investment identified which it was recognised would also include a commitment to ensure that parks and open spaces were accessible for all residents, including young people (including the provision of SEND friendly play equipment) and contributed towards the ongoing delivery of Brent's Climate and Ecological Strategy.

Having noted the benefits of the proposed improvements to the open spaces identified in relation to public health and in addressing the growing demand for accessible and well-maintained open spaces Cabinet **RESOLVED:**

- (1) To approve £525,466 of Strategic Community Infrastructure Levy funding and £100,000 of Public Health funding to design, plan and deliver improvements to One Tree Hill and Mount Pleasant Open Spaces.
- (2) To approve the engagement plan for the proposed improvement works outlined in Appendix 5 of the report.

#### 10. **South Kilburn medical centre additional SCIL contribution**

Councillor Tatler (as Cabinet Member for Regeneration, Planning and Growth) introduced a report detailing the funding challenges currently facing the delivery of the South Kilburn Medical Centre and seeking a further contribution of funds, in

addition to the Strategic Community Infrastructure Levy (SCIL) funding previously agreed by Cabinet. In considering the report, Cabinet were reminded that the South Kilburn Medical Centre formed part of the social and community infrastructure included as part of the South Kilburn estate regeneration programme and Masterplan for the Peel Scheme. The importance of the scheme in supporting wider improvements in health outcomes and the quality of primary care in the area was also highlighted, with members noting that the additional funding being sought had been as a result of the current high interest rates and inflation which had increased building costs and negatively impacted on the current viability of the scheme. In order to address the viability gap identified the Integrated Care Partnership (ICP) had agreed to match the additional SCIL contribution being sought, which was welcomed by Cabinet as a means of securing the additional funding requirement to enable the current scheme to progress. The use of SCIL for the purpose of supporting infrastructure provision linked to growth and development was also confirmed as being compliant with the necessary regulations and in accordance with the principle of the initial contribution agreed by Cabinet in April 2020.

In supporting the proposals, Cabinet recognised the current pressures on the viability of construction schemes along with the importance in delivery of infrastructure schemes such as the medical centre in growth areas such as South Kilburn as a means of tackling health inequalities and enhancing the quality of primary care facilities designed to meet local need. As such, members praised the partnership working with the NHS and welcomed the plans for community engagement regarding the services on offer once the Medical Centre became operational.

In commending the collaborative approach that had secured the viability of the Medical Centre, Cabinet **RESOLVED** to agree an additional £600,000 of Strategic Community Infrastructure Levy funding for the infrastructure fit out costs of South Kilburn Medical Centre, subject to an amended funding agreement.

11. **Picture Palace Refurbishment Project: Approval to Use Strategic Community Infrastructure Levy (SCIL)**

Councillor Tatler (as Cabinet Member for Regeneration, Planning and Growth) introduced a report outlining progress on the refurbishment of the Picture Palace as a community facility and seeking approval for £3.3m of Strategic Community Infrastructure Levy (SCIL) funding to complete the project. In considering the report Cabinet noted the aspirations behind the refurbishment project with the building expected to become a significant cultural and community anchor driving long lasting and positive change for Harlesden and the surrounding areas. Members were advised that the use of SCIL funding was being sought as a means of ensuring the scheme could be progressed (working alongside the wider consortium of local organisations already involved) in terms of the necessary design and build works enabling the schemes wider ambitions to be realised.

In support of the approach outlined, Cabinet welcomed the way in which the project had been designed to enable local communities to lead on the development and management of activities within their area supported by a local desire to see the scheme delivered. Members were also keen to recognise the positive impact being

created through the use of SCIL as part of the wider programme of regeneration activity and its associated benefits for local communities across the borough.

In support of the wider benefits identified and ongoing commitment to create long lasting and positive change for local communities in Harlesden and the wider area Cabinet **RESOLVED**:

- (1) To note the update on the Picture Palace refurbishment project.
- (2) To approve the use of £3.3m of Strategic Community Infrastructure Levy funding to complete the Picture Palace refurbishment project.

## 12. **Brent Youth Justice Plan**

As a result of Councillor Grahl (Cabinet Member for Children, Young People and Schools) having submitted her apologies for absence Councillor Muhammed Butt (Leader of the Council) introduced a report presenting the Brent Youth Justice Plan 2023/24. In considering the report Cabinet noted that the Youth Justice Plan included an overview of local youth justice progress and priorities along with the arrangements for monitoring performance, with the Plan (in accordance with statutory requirements) having been submitted to the Youth Justice Board for review and approval prior to its formal consideration by Cabinet in advance of its recommended adoption by Full Council.

In recognising the commitment and achievements of the Youth Justice Service and the wider partnership work being undertaken to support children and young people who were at risk of or had entered the youth justice system, members noted the overall performance achieved by the service particularly in respect of the reduction in number of young people entering the criminal justice system for the first time and low numbers of young people in custody. The strong performance identified was attributed to the Council's focus on prevention and engagement with children and young people, with members welcoming the positive feedback provided through young people and their parents and carers and supporting the importance identified in maintaining funding contributions towards the Youth Justice Service partnership budget.

Whilst recognising the positive work being undertaken, members in supporting the Plan also highlighted the need to maintain a focus on the increased risks identified in relation to serious youth violence, drug related offences and criminal exploitation and gang activity following the pandemic along with the ongoing work to reduce the disproportionate representation of young black people in the criminal justice system.

In thanking all those working within the Youth Justice Service for their efforts, diligence and innovation in supporting young people Cabinet **RESOLVED** to approve the Brent Youth Justice Plan 2023/24 to proceed to Full Council on 18 September 2023 for formal sign off and adoption.

## 13. **Treasury Management Outturn Report 2022/23**

Councillor Tatler (as Deputy Leader and Cabinet Member for Finance, Resources and Reform) introduced a report updating members on Treasury Management activity during 2022 - 23.

In considering the report Cabinet noted the economic background in relation to the current outturn position which included the continuing economic volatility and challenges arising from the war in Ukraine and increase in both inflation and interest rates. In recognising the importance of the Treasury Management function in managing and planning for the level of funding required to support the Council's activities, services and affordability of the capital programme members noted that the activity looked to optimise the effect of borrowing costs and investment income whilst managing the associated risks in line with the Council's Treasury Management Strategy and Prudential Indicators, which had been approved by Full Council in February 2022 and in accordance with relevant professional codes and legislation.

In noting that the Council had complied with its Prudential Indicators for 2022 – 23, members attention was also drawn to a review of the Minimum Revenue Provision (MRP) undertaken following a recommendation from the Council's external auditor which had resulted in a change of approach for assets acquired prior to 2008. This had resulted in the expected economic life of these assets having to be revised downwards from 100 years to 49 with the changes reflected in the updated MRP statements for 2021 – 22 through to 2023 – 24 included within Appendices 4 – 6 of the report and requiring formal approval by Council.

Cabinet thanked officers for their work in relation to managing the Council's Treasury Management activity and having considered the report **RESOLVED:**

- (1) To note the 2022/23 Treasury Management Outturn Report and the Minimum Revenue Provision (MRP) Strategies set out in Appendix 4-6 of the report.
- (2) To agree that the Treasury Management Outturn Report and appendices be forwarded to Full Council for approval, in compliance with CIPFA's Code of Practice on Treasury Management.
- (3) To note that for 2022/23 the Council had complied with its Prudential Indicators which were approved by Full Council on 24 February 2022 as part of the Council's Treasury Management Strategy Statement and Capital Strategy Statement.

#### 14. **Exclusion of Press and Public**

There were no items that required the exclusion of the press or public.

#### 15. **Any Other Urgent Business**

None.

The meeting ended at 10.28 am

COUNCILLOR MUHAMMED BUTT  
Chair

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 <b>Brent</b>	<b>Cabinet</b> 16 October 2023
	<b>Report from the Corporate Director of Resident Services</b>
	<b>Lead Member – Cabinet Member for Environment, Infrastructure &amp; Climate Action (Councillor Krupa Sheth)</b>
<b>Highways Planned Maintenance Programme 2023-24</b>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Four: Appendix A: Highways Maintenance Programme Completed in 2022/23 Appendix B: Highways Maintenance Programme for 2023/24 Appendix C: Ward Abbreviations Appendix D: Key Officer Decision
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Jonathan Westell, Highways Contracts & Delivery Manager 020 8937 3660 <a href="mailto:jonathan.Westell@brent.gov.uk">jonathan.Westell@brent.gov.uk</a>  Tony Kennedy, Head of Service, Highways Management 020 8937 5151 <a href="mailto:tony.kennedy@brent.gov.uk">tony.kennedy@brent.gov.uk</a>  Chris Whyte Director, Environment & Leisure 020 8937 5342 <a href="mailto:chris.whyte@brent.gov.uk">chris.whyte@brent.gov.uk</a>

## 1.0 Executive Summary

- 1.1 This report sets out recommendations for Brent’s 2023/24 Carriageway Maintenance programme through prioritised programmes of major road resurfacing and preventative maintenance, which includes injection patching.

1.2 It also sets out budgets for asset condition surveys and analysis, improvements to highway structures & drainage, improvements to the public realm and renewal of road markings.

1.3 To enable further ward councillor discussions on ward priorities a report detailing the footway maintenance programme will be presented to a future Cabinet.

## **2.0 Recommendation(s)**

That Cabinet:

2.1 Approves the 2023/24 Planned Carriageway Maintenance Programme as set out in Appendix B of this report.

2.2 Note the budgets allocated for asset condition surveys and analysis, improvements to highway structures & drainage, improvements to the public realm and renewal of road markings.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

3.1.1 Highway infrastructure is the most visible, well used and valuable physical asset owned by the Council. The latest value of Brent's asset is estimated at around £4.5bn and includes 505 km of roads; 847 km of pavements; 20700 road gullies and 90 bridges and structures.

3.1.2 Our Asset Management approach uses condition survey and other data to produce annual road and footway maintenance programmes, to give optimum condition improvement for our budget, taking into account deterioration of the asset.

3.1.3 This work chimes well with our Borough Plan, particularly "Prosperity & Stability in Brent" and "A Cleaner Greener Future". Our efforts to reduce the carbon footprint of our highways works help our "Climate and Ecological Emergency Strategy". The highways drainage work is embedded in our "Flood Risk Management Strategy" and the highways term contracts (through which this work is carried out) have been procured in accordance with the "Procurement Strategy". Overall, highway maintenance allows our highway assets their continued availability to contribute towards the "Transportation Strategy".

3.1.4 A report detailing a three year Planned Footway Maintenance programme will be presented to a future Cabinet. This is to enable further discussion with Ward Councillors on the priority locations they want included in the 2023-26 Planned Footway Maintenance programme, which may differ from the priority locations identified through the Asset Management selection process.

### **3.2 Background**

***Last Year's Highways Maintenance Investment 2022/23***



3.2.1 In 2022/23 Brent's annual highways maintenance investment programme consisted of £3.5m base Brent capital funding, plus £2m extra Brent Capital funding. This was used to maintain Brent's carriageways, footways and highway structures. The works delivered, which resulted in (amongst other things) around 4.3 miles of roads being resurfaced, and 5.7 miles of footways being reconstructed.

### ***Brent's Highway Assets***

3.2.2 Highway infrastructure is the most visible, well used and valuable physical asset owned by the Council. The latest value of Brent's asset is estimated at around £4.5bn and includes:

- 505 km (315 miles) of roads;
- 847 km (529 miles) of pavements;
- 90 bridges and structures;
- 20700 road gullies;
- 10,000 street trees; and
- 22,848 streetlights and other illuminated street furniture.

### ***Asset Condition Surveys***

3.2.3 We have taken advantage of new technology to improve our asset condition data collection. Now, for carriageways, a video survey of the whole borough can be completed in a week, much quicker than a traditional manual survey. The survey is undertaken from an ordinary car using a standard mobile phone. The innovative part is that Artificial Intelligence (AI) software then scans the images, quickly and reliably identifying defects and categorising them into types.

3.2.4 Being quick, this survey method means we can progress repairs quickly ; from the start of borough-wide video survey, through data analysis, to a programme of pothole repair works commencing on the ground can be as little as three weeks. The rapidity of this survey method means that we have comprehensive and up-to-date road defect data and so can target repairs (e.g. injection patching) much more effectively.

3.2.5 The video survey has other benefits; officers can interrogate the images to see exactly why one section is showing up "red" condition; inventories of traffic signs (temporary and permanent) are collected automatically; and the system can (for instance) identify faded road markings, allowing us to produce a comprehensive intelligence-lead prioritised refresh programme much more efficiently.

3.2.6 It is proposed to utilise up to £100,000 of Brent capital funding to undertake asset condition surveys and analysis during 2023/24. These surveys assist us in managing the asset by providing data on the long-term deterioration of the network and help us draw up prioritised works programmes.

### **Structural Asset Condition**

3.2.7 The table below sets out the condition of Brent's roads (carriageway) by indicating the percentage of each length of road type where maintenance should be considered.

<b>Year</b>	<b>% of roads where maintenance should be considered</b>		
	<b>A class roads</b>	<b>B and C class roads</b>	<b>Unclassified roads</b>
2008/2009	8%	9%	23%
2009/2010	11%	9%	23%
2010/2011	9%	7%	27%
2011/2012	9%	6%	26%
2012/2013	8%	9%	20%
2013/2014	13%	11%	21%
2014/2015	16%	16%	21%
2015/2016	6%	10%	21%
2016/2017	6%	5%	24%
2017/2018	22%	7%	21%
2018/2019	6%	7%	18%
2019/2020	14%	10%	14%
2020/2021	17%	14%	9%
2021/2022	22%	16%	8%
2022/2023	10%	7%	8%

3.2.8 The classified road network has improved in condition, with A-roads improving from 22% to 10% in need of maintenance and B&C-roads going from 16% to 7%. The improvement in A-road performance reflects the investment put in by Brent last year 22/23, with 2 km of resurfacing and a large patching programme. However, capital spend resulting in improvement is not the only factor on these figures as at the same time network deterioration also affects condition by making it worse. Unclassified roads make up 80% of all borough roads and from the latest surveys and their condition has held steady, with 8% of Brent's unclassified roads now in need of substantial maintenance. This is in spite of the unfavourable weather conditions experienced in the 22/23 winter, and reflects the increased budget for road resurfacing recent years as the footway allocation within the £3.5m normally used for footways was "repurposed" for extra carriageway maintenance in the years of large additional investments of £20m & £15m. The extensive injection patching programmes no doubt help the carriageway condition.

3.2.9 As time goes on roads and pavements that are currently in good condition will deteriorate, just like any physical asset such as a house or a vehicle. To keep on top of the deterioration of our asset the council must invest continually in maintenance.

### **Highways Asset Management & Scheme Prioritisation**

3.2.10 To improve the way the council maintains its highways, the council adopted the Highway Asset Management Plan (HAMP) in February 2014. The HAMP sets out a strategy based on the need to repair our assets on a regular basis, before

they fail, to extend their lifespans and reduce repair costs long-term, and provide the best value for money for the Council.

3.2.11 The strategy initially involves introducing a programme of major resurfacing works along with preventative maintenance, which takes the form of thin surface treatments (to seal roads against water ingress) and injection patching (to slow down the rate of deterioration)

3.2.12 During 2022/23, the network has been assessed to determine the current condition of our carriageways. A range of factors is then considered to define priorities for maintenance.

3.2.13 Our Asset Management (AM) software uses the Council's condition survey data to produce annual road maintenance programmes, including suggested treatments, for defined budgets to give optimum condition, taking into account deterioration of asset. Officers use this function of the AM tool to draw up programmes for:

- Major resurfacing programme for B, C and unclassified roads;
- Preventative maintenance for unclassified roads (both thin surfacing and injection patching programmes)
- Road-marking refresh programme

3.2.14 The factors taken into account come under two broad headings, "**Treatment Benefit**" from network condition and "**Prioritisation benefit**" for all the other factors. Scores are given according to each of the factors and the total score gives the relative priority for maintenance of one road against another.

#### **Treatment Benefit**

- a) In order to create analytical models to understand maintenance needs, firstly we define how the asset will deteriorate if no remedial action is taken. This can be done in a number of ways, one of which is using historical condition data. The next thing is to define the remedial treatments to counter that deterioration. Specific treatments could be 20mm resurfacing, 40mm resurfacing or reconstruction for a carriageway.
- b) Defined data is used to identify the suitable remedial treatments to be applied to each scheme and are obtained from the combination of condition triggers required for each treatment.
- c) The system then analyses the maintenance rules over subsection lengths (e.g. 10m, 20m) of carriageway. For each subsection, from the condition surveys it identifies the treatment required. It then merges treatment subsections together into "schemes".
- d) A "Benefit Cost Ratio" (BCR) is calculated for each subsection, which is the expected improvement in condition (i.e. the Benefit) versus the cost of treatment. This is then averaged over the total length of road surface identified as needing maintenance, to get the "Average Treatment Benefit".

#### **Prioritisation Benefit**

Scores for each of the following Prioritisation factors are calculated, weighted according to both the relative importance of each factor, and the total length of

required maintenance (“treatment length”) identified within a road, to get the Prioritisation Benefit score.

- e) **Claims Priority** Roads with a recent history of public accident claims for loss or damage on the carriageway are allocated a score in this category. The number of accident claims in a road is divided by its length, so that roads of different lengths can be compared on an equal basis.
- f) **Defects Priority** Roads with a recent history of reactive maintenance defects identified on the carriageway are allocated a score in this category. Reactive maintenance defects could be potholes or cracking and are identified through either reactive safety inspections in response to customer reports or scheduled safety inspections. The number of defects in a road is divided by its length, so that roads of different lengths can be compared on an equal basis.
- g) **Nominations Priority** Roads, which have been named in that year’s round of Councillor Nominations, are allocated a score in this category
- h) **Hierarchy Priority** Brent carriageway hierarchies have been determined according to the principles in the industry Code of Practice “Well Managed Highway Infrastructure” by Metis Consultants Ltd. A network hierarchy based on asset function is the foundation of a risk-based maintenance strategy. The hierarchy takes into account current and expected use, resilience, and local economic and social factors such as industry, schools, hospitals and similar.

3.2.15 Note the above relates to Non-Principal Roads only, for Principal Roads resurfacing programmes have been determined solely by structural condition as they carry the greatest volume of traffic.

3.2.16 Programmes are often drawn up on a whole road basis. This means a section of road in relatively good condition may be resurfaced if it is on a street where the rest of the road needs maintenance and it would be illogical, or impractical, not to resurface the whole street. With longer roads, schemes can be targeted at a section of the road between junctions where the priority is highest.

### ***Preventative Treatments and Innovation***

3.2.17 Thin surface treatments used in preventative maintenance is appropriate where the deterioration in the surface (as measured by highway condition survey data) has not yet resulted in problems with the underlying structure of the road. Similarly, major resurfacing is required when deterioration has progressed further and so more extensive (and more expensive) repairs are necessary.

### **Highways Investment during 2023/24**

3.2.18 Two schemes on the Principal Roads resurfacing programme and ten locations for major footway reconstruction were approved by Key Officer Decision for an early start in August. This was to facilitate implementation of the 2023/24 programmes, by giving approval for implementation before this customary

annual Highways Capital Maintenance report to Cabinet. See Appendix D for the Key Officer decision report.

### 3.2.19 Carriageway Works

- a) Roads have been prioritised from the results of an independent network condition survey, also considering roads against the wide range of factors noted above, and with an engineer’s assessment from a site visit.
- b) In summary the proposed carriageway works programme for FY 23/24 includes:

<b>Carriageway works programme 2022/23</b>	<b>£000</b>
Major resurfacing of B, C & unclassified roads; Preventative maintenance unclassified roads	2175
Carriageway Short Sections	150
Injection patching	250
Renewal of Road Markings	50
£15 m - Major resurfacing of Principal (“A”) roads	2000
<b>Total</b>	<b>4,625</b>

#### ***Principal Road Network Funding***

- c) In previous years, in addition to £3.5m of Brent capital, TfL would add funding for Principal Road (A-road) improvements. However, in November 2017 TfL published details of their new five-year Business Plan and between 2018/19 and 2019/20 investment in proactive planned renewals on both the Borough Principal Road Network (BPRN) and TfL Road Network (TLRN) was “paused”, with only very limited funding available across London; Brent received no funding in 2018/19 and 2019/20. In 2020/21, Brent received £239,000 of TfL funding to resurface Willesden Lane (Sidmouth Road to Coverdale Road). No funding from TfL was received for 2021/22, or 2022/23 either. This year 23/24 Brent has successfully secured £200k of funding towards the resurfacing of the A4006 Kenton Road between Woodcock Hill and Rushout Avenue

#### ***Injection patching***

- d) In summer 2018, a successful pilot programme of injection patch repairs was carried out on unclassified roads (side roads). With this process, a large number of potholes can be treated quickly. A pothole repair can be done in about two minutes – the normal time it usually takes a conventional repair gang to do the job would be 10-15 minutes. The programme went very well, with a large number of defects being fixed across the borough in a short space of time, with minimal disruption.
- e) Though it should be pointed out that the process does not claim to provide repairs as long-lasting as traditional patch repairs, many repairs have indeed turned out to be durable, and there is no doubt that injection patching is a useful addition to our palette of repair types.

- f) Given this success, in 2019/20, a two-year contract was and a programme of repairs was carried out with a £500,000 annual budget to deliver a borough wide programme of injection patching pothole repairs.
- g) The previous two-year injection-patching contract has now expired, and a new two-year contract was procured in summer 2021. As of 2nd July 2023, our injection patching contractor has now completed their latest programme of repairs with Phase one running from January to September 2022 and Phase two running from March to June 2023. They concentrated on residential roads, picking up all surface highways defects along identified routes. In all they visited 398 roads, and undertook 13,424 repairs.
- h) This works out at £29.79 per repair on average (disregarding the size of the repair). In comparison a 1m2 traditional repair 100mm deep costs on average £89.87 (the cost varies depending on the type of asphalt)

### ***Carriageway Short Sections***

- i) Short lengths of carriageway that are in poor condition can cost a significant amount in reactive maintenance repairs, as well as being a cause of accident claims. It is therefore proposed to invest £150k of this year's overall budget to resurface short sections of carriageway through a targeted large patching programme. The programme will be determined "in-year" according to priorities at the time.

### **3.2.20 Investing in Public Realm**

This year it is proposed that the Public Realm programme will continue with an allocation of £125k. The works will be to strengthen and protect footways and soft verges, particularly at junctions, to mitigate the effects of vehicle overrun.

### **3.2.21 Reducing the risk of flooding in Brent**

#### ***Implementation of Sustainable Drainage Systems (SuDS) in Developments***

- a) Since the introduction of the Flood & Water Management Act 2010, the Highways & Infrastructure service assesses every major development within the borough to ensure that each is in accordance with the London plan for sustainable drainage. So, each development will have at least a 50 % reduction in surface water discharge from the current level, which will incrementally decrease the volume of flow entering the sewer system during any rainfall event which will start to reduce significantly highway flooding.
- b) To accompany the reduction in discharge, we ensure that each development incorporates SuDS infrastructure such as green roofs, blue roofs and permeable paving that provides amenity for our residents, reduces carbon outputs, and enhances biodiversity.

## **Flood Risk Alleviation Schemes**

- c) We are currently looking at hydraulic modelling to assess the prime areas of flooding within the borough and are looking at new opportunities to implement new schemes in order to alleviate flooding, provide amenity, and increase our biodiversity and lowering our carbon outputs

## ***Watercourse Maintenance***

- d) We manage the non-statutory main rivers within the borough and undertake inspections and maintenance to ensure that the watercourses are able to attenuate rainfall flows sufficiently and prevent “fluvial flooding” This occurs when the water level in a river, lake or stream rises and overflows onto the surrounding banks neighbouring land. By contrast, a pluvial flood occurs when an extreme rainfall event creates a flood independent of an overflowing water body

## **Flood Risk Management strategy**

- e) Following extensive flooding in 2007, the Government gave powers and responsibilities to local authorities enabling them to manage flood risk more effectively. The Flood Risk Regulations 2009 and the Flood and Water Management Act 2010, have increased the statutory responsibilities of unitary authorities such Brent Council, which has a new role as the Lead Local Flood Authority (LLFA) for the borough.

The Flood Risk Regulations 2009 introduced duties onto Local Lead Flood Authorities (LLFAs) to prepare preliminary assessment reports, to identify Flood Risk Areas and to prepare a Flood risk Strategy. The Flood and Water Management Act 2010 aims to provide better, more comprehensive management of flood risk for people, homes and businesses.

This strategy builds on the work already carried out and details what actions the Council and other key stakeholders are taking to manage flood risk in Brent. The Strategy has five objectives:

- Improving the understanding of flooding risks In Brent.
- Reducing the risk of flooding for people and businesses in Brent.
- Providing clear information on the roles and responsibilities of everyone involved in flood risk management in Brent.
- Ensuring that emergency plans and responses to flood incidents in Brent are effective.
- To take a sustainable and holistic approach to flood management, seeking to deliver wider environmental and social benefits.

This strategy is now being reviewed with an expected completion date of the autumn 2023.

## **Gully Cleansing**

- f) We prioritise gully cleansing to prevent local flooding, with both scheduled and reactive gully cleansing activities taking place. There are approximately 20718 road gullies in the borough, which are cleaned as part of a cyclic maintenance. The cleaning cycle includes:
- High-priority (regularly blocking) gullies cleaned every six months.
  - 1,300 medium-priority gullies cleaned each year; and
  - 14,688 gullies cleaned every twelve months as part of a rolling programme.
  - 18,874 gullies cleaned every eighteen months as part of a rolling programme.
- g) The cleansing frequencies depend on the likelihood of gullies filling up with silt. Monitoring of the contractor performance continues and the contractor has remained on programme. Hard to reach gullies (i.e. where there are parked cars over them, or on busy corners) are subject to repeat attendance until cleaned; if necessary other measures (e.g. suspending parking bays) will be considered where necessary.
- h) Gullies are also cleaned on a reactive basis in response to reports from members of the public or Councillors of blocked gullies.
- i) We implement small scale schemes to address localised flooding problems such as broken gullies or gully pipes, or localised gully capacity problems. Larger scale capacity problems are within the remit of Thames Water who are responsible for the main drainage system. Whilst maintenance helps, rainfall flows that are greater than the capacity of the network will still result in localised flooding. This flooding will normally dissipate away down the drains given time.

### **3.2.22 Improving Brent's Bridges And Structures**

- a) The Council are responsible for 90 highway structures, including 60 bridges, 13 retaining walls and 17 culverts. The majority of bridges are small structures spanning brooks. Funding for bridge maintenance is normally allocated by Transport for London on a regional priority basis.
- b) The proposed schemes include desk studies, special inspections, feasibility/options studies, assessments in order to get an informed decision for subsequent design stages and implementation of construction work. These activities are being undertaken in accordance to current design standards/guidance documents and CDM Regulations, taking into account the public and site personnel safety and the environment. Applications via BridgeStation for LoBEG funding are also being submitted for schemes that are eligible, though we have not been allocated any LoBEG funding in 2022/23.
- c) The Council's £76k revenue budget will be used for the 2022/23 Inspection programme and providing highway structures consultancy support.
- d) In 2022/23, the £0.45m Brent capital will be used for various highway structures and drainage tasks to be decided according to in-year priorities.



### 3.2.23 Renewal of Road markings

- a) Up until 2015/16 no funding was allocated for the systematic renewal of road markings. However, following on from the practice started in 2015/16 officers recommend the continuation of a £50,000 annual renewal programme. This programme will be drawn up using the video condition survey and as prioritised by the asset management system.
- b) Renewal of those road markings, which are required for enforcement, are managed by the Healthy Streets & Parking Service.

## 4.0 Stakeholder and ward member consultation and engagement

- 4.1 Officers continue to take account of councillor nominations for road maintenance and this is factored into the priorities for the annual maintenance plans.

## 5.0 Financial Considerations

- 5.1 The table below summarises the proposed allocation of Brent capital funding for highways maintenance during the year 2023/24:

Schemes	2023/24
	£000
<b>BRENT BASE CAPITAL ALLOCATION</b>	
Major resurfacing of B, C & unclassified roads; Preventative maintenance unclassified roads	2,175
Carriageway Short Sections	150
Injection patching	250
Injection Patching Traffic Management	
Highway Structures (*& Drainage)	450
Improvements to the public realm	125
Condition Surveys & Analysis	100
Renewal of Road Markings	100
Major Footway Works	0
Footway Short Sections	150
<b>Sub-total Base Brent Capital</b>	<b>3,500</b>
£20 m Major Footway Resurfacing, Refurbishment of Local Shopping Parades, Major Town Centre Refurbishments	
Recovery Funding	
£15 m - Major Footway Resurfacing	1500
£15 m - Major resurfacing of Principal ("A") roads	2000
<b>Sub-total Major Footway Investment</b>	<b>3,500</b>
TfL Funding for Principal Roads	200
<b>TOTAL HIGHWAY MAINTENANCE PROGRAMME</b>	<b>9,030</b>

- 5.2 The table above does not include the slippage from prior year budgets. For FY23/24 the capital monitoring reports takes into account this slippage and is the 'revised budget'. Carriageways on the monitoring reports is £3.5m and in line with the table above (Sub-total Base Brent Capital). Pulling works forward will increase the reported Revised Budget figure and would need formal approval of this paper. Budget FY24/25 would be reviewed and revised down in line with this paper proposal during the budget build for FY24/25.

<b>Highways Capital Expenditure Budget FY23/24</b>	
<b>Budget includes over/under budget spends from FY22/23</b>	
	<b>2023/24 BUDGET</b>
Footways	4,084
Carriageways	3,757
Other Highway Mtce costs	1,147
<b>Total Highways Mtce Programme</b>	<b>8,987</b>

- 5.3 It is proposed to utilise up to £100k of the £3.5m Brent Base Capital to undertake condition surveys and analysis during 2022/23. These surveys will assist preparation of a long-term asset management programme
- 5.4 The annual £3.5m is funded through a revenue contribution to capital and the investment of £15m will be funded through council reserves.

## **6.0 Legal Considerations**

- 6.1 The Council's overall Capital Programme for 2023-2024 was agreed by Full Council on 23 February 2023. The programme consists of individual projects and sum allocated for work of a particular type. Under the Council's Policy Framework and Financial Regulations (Part 2 of the Constitution), any draft capital programme for a service area utilising those capital resources allocated by the Council must be submitted to Cabinet for approval.
- 6.2 Section 41 of the Highways Act 1980 places a duty on the council as highways authority to maintain the public highway. The Highways Maintenance Scheme Programme must make sufficient provision for the Council to comply with this duty. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain the highway. There is also a general power under section 62 of the Highways Act 1980 to improve highways.
- 6.3 Any contracts referred to within this report that are let for the provision of works must be let in accordance with the Council's Contract Standing Orders (Part 2 of the Constitution).
- 6.4 (Subject to certain restrictions in sections 2-4 of the Localism Act 2011, and subject to any specific prohibitions within other legislation, or the existence of more specific legal powers in other Acts), the Council may rely on the general

power of competence in section 1 of the Localism Act 2011 to work collaboratively with other local authorities where necessary.

- 6.5 The current Climate Change Act 2008 does not impose any direct statutory obligations on local authorities to reduce greenhouse gas emissions or to reduce their carbon footprint. However, local authority policy making including that at Brent Council, and case law is rapidly developing in this area. The Court of Appeal held in a recent judicial review case *R (on the application of Plan B Earth Ltd) v The Secretary of State For Transport and others* [2020] EWCA Civ. 214, that international climate change and environmental obligations are relevant considerations for determining whether public authority decisions (including those as to budgets and the allocation of resources) are sustainable as reasonable, if challenged judicially. The Environment Bill currently before Parliament will impose firmer targets and obligations in this area.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 The proposals in this report have been subject to screening there are considered to be no equalities implications that require full assessment. The works proposed under the highways main programme do not have different outcomes for people in terms of race, gender, age, sexuality or belief.
- 7.2 In addition, the design criteria used in all highway work does take note of the special requirements of various disabilities. These will take the form of levels and grades associated with wheelchair users, for example road crossing points, and for partially sighted / blind persons at crossing facilities. The highway standards employed are nationally recognised by such bodies as the Department for Transport. This programme of works continues the upgrade of disabled crossing facilities at junctions, which were not constructed to modern day standards. All new junctions are designed to be compliant at the time of construction.
- 7.3 Strengthened areas of footway are far less susceptible to damage and will therefore aid the movement of pedestrians that may find it difficult to walk on uneven pavements.
- 7.4 Officers will make sure accessibility ramps are provided to aid wheelchair users and those with prams. Officer will make sure high visibility barriers and tapping rails are provided to allow those with visual impairments to negotiate the works as they are in progress.
- 7.5 Officers will make sure of the visibility of the required signage, also where temporary work is being carried out.
- 7.6 Officers will monitor of the quality of the work to ensure that the finished surface is to specification and does not form a mobility hindrance; and that signage and road markings are correctly provided as aid to movement.

## **8.0 Climate Change and Environmental Considerations**

## 8.1 The Challenge is Now

8.1.1 The Highways Management service are keen to play an ever-increasing role in reducing carbon and other greenhouse gas emissions from within our remit. The industry code of Practice “Well Managed Highway Infrastructure” recommends:

*“The effects of extreme weather events on highway infrastructure assets should be risk assessed and ways to mitigate the impacts of the highest risks identified.”*

[Recommendation 21]

*“The impact of highway infrastructure maintenance activities in terms of whole life carbon costs should be taken into account when determining appropriate interventions, material and treatments.”* [Recommendation 32]

8.1.2 It is important that decision making in highways asset management be taken with these recommendations in mind. At the same time, London Boroughs should work to ensure that the Mayoral policy of London being carbon neutral by 2030 is achieved.

8.1.3 Thereby reduction of CO<sub>2</sub> in highway interventions needs to be assessed, understood and mitigated through:

- a) Reduction of carbon in the production of materials
- b) Reduction of carbon in transportation of materials to site
- c) Reduction of carbon in installation
- d) Reduction of waste generated from site
- e) Extension of life of the assets ensuring resilient materials are used that withstand climate change and deliver a service to society in the longer term.

## 8.2 Common Aims with Asset Management

8.2.1 The challenge of reducing carbon footprint for the maintenance of the highways asset dovetails well with the aim of highways asset management; which is to have a structured approach to managing assets effectively and minimise the whole life cost of the asset whilst delivering the required levels of service.

8.2.2 Given that our aim is to minimise ongoing maintenance; all maintenance has it's carbon footprint and so by minimising maintenance - especially by increasing planned maintenance (which is by its nature more cost effective) and thereby decreasing the need for reactive maintenance – we also decrease carbon emissions.

## 8.3 What we are doing already

8.3.1 On a regular basis councils are reporting carbon efficiencies in schemes and contracts and works on various industry magazines. Currently our approach can be encapsulated by the watchwords **Reduce, Reuse and Recycle:**

- a) **Reduce** – the most desirable of the three: we reduce the ongoing maintenance through asset management, and use resilient materials in our footways and carriageways to be fit for the challenges of today. This approach needs to cover all schemes in the public realm, such as town centre refurbishments, to make sure they do not become maintenance liabilities. Warm-mix asphalt has many benefits over standard bitumen including reduced emissions (up to 30% & 50% at the point of mixing & laying respectively), reduced overall costs, improved Health & Safety and enhanced technical performance. Our preventative maintenance programmes reduce the need for more intrusive and costly maintenance
- b) **Reuse** – the next desirable is reusing materials where possible. For example, during footway improvement works wherever possible we reuse the existing granite kerbs, instead of shipping in completely new kerbs from places like Portugal or China.
- c) **Recycle** – lastly, if reducing or reusing is not possible, at least recycle. It is standard practice now amongst contractors to recycle as many material arisings from highway works as possible, and turn it into granular fill, which can be used in the foundations of footway and carriageway construction. Often recycle rates are well over 90%.

#### 9.0 Human Resources/Property Considerations (if appropriate)

N/A

#### 10.0 Communication Considerations

N/A

**Report sign off:**

**Peter Gadsdon**  
Corporate Director, Resident Services

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## APPENDIX A - Highways Maintenance Programme Completed in 2022/23

### Major Footway Reconstruction Completed in 2022/23

Major Footway Reconstruction	Length (m)	Treatment	Ward
Castleton Avenue	1143	Asphalt/Brick	WHL
West Court	338	Asphalt/Brick	NPK
Swinderby Road	938	Asphalt/Brick	WEM
St Marys Road	554	Asphalt/Brick	HKG
Pasture Road	1020	Asphalt/Brick	NPK
Lushington Road	415	Asphalt/Brick	HKG
Maybury Gardens	391	Asphalt/Brick	WLG
Monson Road	446	Asphalt/Brick	HKG
<b>Total km</b>	<b>5.25</b>		
<b>Miles</b>	<b>3.28</b>		
<b>Total Area m<sup>2</sup></b>	<b>22591</b>		

### Carriageway Resurfacing Completed in 2022/23

Carriageway Resurfacing	Length (m)	Treatment	Ward
Essoldo Way	243	Major	QBY
Lea Gardens	231	Preventative	WHL
Park Place	87	Major	WHL
Kingsbury Circle	273	Major	QBY
Carlisle Road	435	Major	QBY/KGS
East Hill	206	Major	BAR
Tunworth Close	78	Preventative	WHP
The Link	40	Major	NPK
West Close	183	Preventative	BAR
Marquis Close	127	Preventative	ALP
Elmwood Crescent	143	Major	KGS
Salisbury Road (Harvist Road to Chevening Road)	713	Major	QPK
Rowdon Avenue	192	Preventative	BPK
Park Court	85	Preventative	WHL
Kenyngton Place	131	Preventative	KEN
Hawarden Hill	68	Major	DOL
Elm Way	187	Preventative	WHP
Westview Close	65	Preventative	DOL
The Retreat	52	Major	KGS
Salmon Street Roundabout	188	Major	BAR/WHP
Acton Lane	816	Major	STN/HKG
<b>Total km</b>	<b>4.54</b>		
<b>Miles</b>	<b>2.84</b>		
<b>Total Area m<sup>2</sup></b>	<b>35884</b>		

## Principal (A Road) Maintenance Programme Completed in 2022/23

Principal (A Road) Maintenance Programme	Length (m)	Treatment	Ward
A4008 Forty Lane (The Paddocks to Salmon Street)	514	Major	BAR
A4008 Dudden Hill Lane (Burnley Road to High Road)	566	Major	WLG/RWD
A404 Harrow Road (bus lane District Road to Elton Avenue)	266	Major	SUD/WEM
A404 Brentfield/Hillside (NCR to First Drive)	390	Major	STN
A4089 Park Lane (Wembley Hill Road to house number 32 also to include bus stop at the junction with Dagmar Avenue)	290	Major	WHL
<b>Total km</b>	<b>2.03</b>		
<b>Miles</b>	<b>1.27</b>		
<b>Total Area m<sup>2</sup></b>	<b>22,576</b>		



**APPENDIX B - Highways Resurfacing Programme for 2023/24**  
**Carriageway Resurfacing 2023/24**

Carriageway Resurfacing (£2175k)	Length (m)	Estimated Cost (£k)	Treatment	Ward	North South
High Street, Harlesden (Jubilee Clock to Tavistock Road)* additional cost to original £200k budget	154	163	Reconstruction	Harlesden & Kensal Green	South
Station Approach *additional cost to original £156k budget	144	94	Reconstruction	Sudbury	South
Brook Avenue	487	121	Major	Preston	North
Sidmouth Road (Willesden Lane To No 42)	780	257	Major	Brondesbury Park	South
Pear Close	96	17	Major	Kingsbury	North
Tiverton Road	377	121	Major	Queens Park	South
Allington Road	264	68	Major	Queens Park	South
Kingsgate	99	23	Major	Barnhill	North
Amery Gardens	97	21	Major	Brondesbury Park	South
Cholmondeley Avenue	130	32	Major	Harlesden & Kensal Green	South
Felixstowe Road	190	47	Major	Queens Park	South
Abbey Road	1396	536	Major	Stonebridge	South
Buck Lane (Kingsbury Road to Wakemans Hill Avenue)	349	157	Preventative	Kingsbury	North
Coles Green Road	915	277	Major	Dollis Hill	North
Milverton Road	458	144	Major	Brondesbury Park	South
Preston Waye	182	32	Major	Kenton	North
Tankridge Road	106	23	Major	Dollis Hill	North
Westfield Close	228	42	Major	Kingsbury	North
<b>Total km</b>	<b>6.45</b>	<b>2175</b>			
<b>Miles</b>	<b>4.03</b>				
<b>Total Area m<sup>2</sup></b>	<b>56736</b>				
<b>Reserve Carriageway 2023/24</b>					
Aylestone Avenue	816	259	Major	Brondesbury Park	South
Sellons Avenue	391	98	Major	Harlesden & Kensal Green	South
Hill Drive	201	44	Major	Welsh Harp	North
Twyford Abbey Road (Rainsford Road to Abbey Road)	207	62	Major	Stonebridge	South
Highfield Close	63	10	Major	Kingsbury	North
The Mount	176	29	Major	Barnhill	North
Hartland Road	297	76	Major	Queens Park	South
<b>Total km</b>	<b>2.15</b>	<b>578</b>			
<b>Miles</b>	<b>1.34</b>				
<b>Total Area m<sup>2</sup></b>	<b>17180</b>				

All schemes subject to co-ordination with internal and external agencies

**Principal (A Road) Maintenance Programme**  
**2023/24**

Principal (A Road) Maintenance Programme	Length (m)	Estimated Cost (£k)	Treatment	Ward	North South
A4006 Kenton Road (Woodcock Hill to Rushout Avenue)	1062	678	Major	Kenton	North
A4088 East Lane (Preston Road to Harrowdene Road)	915	536	Major	Wembley Hill/Preston	North
A4088 Blackbird Hill (Forty Lane to Coombe Road)	420	301	Major	Welsh Harp/Barnhill	North
A404 Harrow Road (Oakington Manor Drive to Berkhamsted Avenue)	380	249	Major	Tokington/Wembley Hill	South
A404 Harrow Road (Wakeman Road to Greyhound Road)	370	233	Major	Queenspark	South
A404 High Road Wembley (Park Lane to Ealing Road)	445	286	Major	Wembley Central/Wembley Hill	South
<b>Total km</b>	<b>3.59</b>	<b>2283</b>			
<b>Miles</b>	<b>2.25</b>				
<b>Total Area m<sup>2</sup></b>	<b>39,830</b>				

All schemes subject to co-ordination with internal and external agencies

Short Sections of Footway Resurfacing 2023/24	Length (m)	Estimated Cost (£k)	Treatment	Ward
Sites to be prioritised in-year	tbc	150	-	-
Short Sections of Carriageway Resurfacing 2023/24	Length (m)	Estimated Cost (£k)	Treatment	Ward
Sites to be prioritised in-year	tbc	150	-	-
Renewal of Road Markings 2023/24	Length (m)	Estimated Cost (£k)	Treatment	Ward
Sites to be prioritised in-year	tbc	100	-	-
Public Realm Improvements 2023/24	Length (m)	Estimated Cost (£k)	Treatment	Ward
Sites to be prioritised in-year	tbc	125	-	-
Injection Patching 2023/24 (inc. Traffic Management )	Length (m)	Estimated Cost (£k)	Treatment	Ward
Sites to be prioritised in-year	tbc	250	-	-
Condition surveys 2023/24	Length (m)	Estimated Cost (£k)	Treatment	Ward
Structural Highways Condition surveys	tbc	100	-	-
Highways Structures & Drainage 2023/24	Length (m)	Estimated Cost (£k)	Treatment	Ward
Sites to be prioritised in-year	tbc	450	-	-


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## APPENDIX C - Ward Abbreviations

### Abbreviations for the New Wards

<b>NEW WARD NAME</b>	<b>ABBREVIATION</b>
Alperton	ALP
Barnhill	BAR
Brondesbury Park	BPK
Cricklewood & Mapesbury	CMY
Dollis Hill	DOL
Harlesden & Kensal Green	HKG
Kenton	KEN
Kilburn	KIL
Kingsbury	KGS
Northwick Park	NPK
Preston	PRE
Queens Park	QPK
Queensbury	QBY
Roundwood	RWD
Stonebridge	STN
Sudbury	SUD
Tokyngham	TOK
Welsh Harp	WHP
Wembley Central	WEM
Wembley Hill	WHL
Wembley Park	WPK
Willesden Green	WLG

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	<p align="center"><b>Officer Key Decision</b> 14 August 2023</p>
	<p align="center"><b>Report from Tony Kennedy Head of Highways Management to the Corporate Director Resident Services</b></p>
<p align="center">Highway Capital Maintenance Programme 23/24</p>	

<b>Wards Affected:</b>	Kenton, Wembley Hill, Preston
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2 – Appendix 1 – Principal Roads Programme 2023-24 Appendix 2 – Major Footway Reconstruction Programme 2023-26
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Jonathan Westell, Highways Contracts & Delivery Manager <a href="mailto:jonathan.Westell@brent.gov.uk">jonathan.Westell@brent.gov.uk</a>  Tony Kennedy, Head of Service, Highways Management <a href="mailto:tony.kennedy@brent.gov.uk">tony.kennedy@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 Following cancellation of the August Cabinet, the 2023/24 Highway Capital Maintenance programme is now scheduled to be presented for approval to September’s Cabinet.
- 1.2 This report seeks approval to bring forward two locations from the proposed 2023/24 Principal Roads Carriageway resurfacing programme and ten locations from the proposed 3-year 2023-26 Planned Footway Maintenance programme, with work to commence in August.

## 2.0 Recommendation(s)

### That the Corporate Director, Resident Services:

- 2.1 Agrees that two highway schemes (the longest two) on the 2023/24 Principal Roads programme (see Appendix 1) and ten locations for major footway reconstruction (see

Appendix 2) be approved for an early start in August, ahead of Cabinet approval of the full 2023/24 Highway Capital Maintenance programme in September.

### **3.0 Detail**

- 3.1 To facilitate implementation of the 2023/24 Principal Roads programme and the major footway reconstruction programme, by giving approval for implementation before the customary annual Highways Capital Maintenance report goes to Cabinet, due this year in September.
- 3.2 Our planned maintenance programmes usually commence in June and run to the end of March. However, this year we have experienced delays in preparing the programmes due to data collection and analysis issues, as well as staff resources prioritised to the mobilisation of our new Highways contracts.
- 3.3 A report is scheduled to be presented to September's Cabinet, therefore the earliest works are presently likely to commence is mid to late October, as programming and advance notifications will need to be arranged. This means we will be commencing the programmes 3-4 months later than usual and miss the benefits and efficiencies of commencing the work during the milder summer weather, when traffic is generally lighter.
- 3.4 The council, as the local highway authority, has a duty to maintain the public highway and delays to commencing our planned programmes increases the risk of accidents, further deterioration, and complaints.
- 3.5 To assist the contractor in mobilising we have confined the work for both carriageway and footways to locations in relative proximity to each other. For the carriageway works this will have the benefit of the contractor being able to plan for both schemes to be carried out simultaneously (night working). For footways the contractor will have the flexibility of moving gangs and equipment between jobs to maximise output.
- 3.6 The locations to be brought forward are in the Kenton, Wembley Hill and Preston wards, with a total works value of £2.2m, made up from £1.1m Principal Roads (£200k contribution from TfL) and £1.1m Major Footway construction.
- 3.7 **Principal Roads** – The two longest areas for resurfacing on the full programme have been selected to bring forward. They are both in the north and will enable the contractor to achieve efficiencies through programming. It will also provide a substantial improvement in road surface condition making these two routes, which have received many reports / complaints, more resilient to defects occurring during the colder wetter months.
- 3.8 **Footways** – Working on multiple schemes in a confined area will enable the contractor to pool and allocate resources to ensure maximum output can be achieved. The value of work for each contractor is circa £500k with around 1500m of footway construction for each. This will be sufficient to ensure the contractor retains the resource in the borough and has work through to mid-October when they will be ready to commence additional locations from the full Cabinet approved programme.

### **4.0 Financial Implications**

- 4.1 The proposed works are to be funded within existing budgets – See below breakdown of 23/24 highways capital maintenance funding.

Schemes	2020/21	2021/22	2022/23	2023/24
	£000	£000	£000	£000
<b>BRENT BASE CAPITAL ALLOCATION</b>				
Major resurfacing of B, C & unclassified roads; Preventative maintenance unclassified roads	2,120	1,058	1,535	2,175
Carriageway Short Sections	150	150	150	150
Injection patching	500	250	250	250
Injection Patching Traffic Management	25	Included above	Included above	
Highway Structures (*& Drainage)	500	450	450*	450
Improvements to the public realm	125	105	125	125
Condition Surveys & Analysis	30	50	100	100
Renewal of Road Markings	50	50	50	100
Major Footway Works	0	1,387	690	0
Footway Short Sections			150	150
<b>Sub-total Base Brent Capital</b>	<b>3,500</b>	<b>3,500</b>	<b>3,500</b>	<b>3,500</b>
£20 m Major Footway Resurfacing, Refurbishment of Local Shopping Parades, Major Town Centre Refurbishments	9,984	3,934		
Recovery Funding		1,821		
£15 m - Major Footway Resurfacing			1,010	3330
£15 m - Major resurfacing of Principal ("A") roads			990	2000
<b>Sub-total Major Footway Investment</b>	<b>9,984</b>	<b>5,755</b>	<b>2,000</b>	<b>5,330</b>
TfL Funding for Principal Roads	239	0	0	0
<b>TOTAL HIGHWAY MAINTENANCE PROGRAMME</b>	<b>13,723</b>	<b>9,255</b>	<b>5,500</b>	<b>8,830</b>

4.2 The table above does not include the slippage from prior year budgets. For FY23/24 the capital monitoring reports takes into account this slippage and is the 'revised budget'. Carriageways on the monitoring reports is £3.5m and in line with the table above (Sub-total Base Brent Capital). The Footways revised budget for FY23/24 in the capital monitoring is £5.2m – not the £5.3m in the table above – this is due to budget FY22/23 having an underspend which has been slipped into FY23/24. Pulling works forward will increase the reported Revised Budget figure and would need formal approval of this paper. Budget FY24/25 would be reviewed and revised down in line with this paper proposal during the budget build for FY24/25.

4.3 There are no significant risks outside normal business activity.

## 5.0 Legal Implications

5.1 Section 41 of the Highways Act 1980 places a duty on the council as highways authority to maintain the public highway. Breach of this duty can render the council liable to pay compensation if anyone is injured as a result of failure to maintain the highway. There is also a general power under section 62 of the Highways Act 1980 to improve highways.

5.2 The value of the proposed works falls below £5m and is therefore not required to be considered by the Cabinet.

## 6.0 Equality Implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.
- 6.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.
- 6.4 The proposals in this report have been subject to screening there are considered to be no equalities implications that require full assessment. The works proposed under the highways main programme do not have different outcomes for people in terms of race, gender, age, sexuality or belief.

## 7.0 Consultation with Ward Members and Stakeholders

- 7.1 The Cabinet Member for Environment and the Leader of the Council have been consulted about this matter, including the lists of locations in Appendices 1 & 2.

## 8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Not Applicable – None.

**Report sign off:**



**Peter Gadsdon**  
Corporate Director of Resident  
Services



## Appendix 1 - Principal (A Road) Maintenance Programme 2023/24

### Schemes to be brought forward

Principal (A Road) Maintenance Programme	Length (m)	Treatment	Ward
A4006 Kenton Road (Woodcock Hill to Rushout Avenue)	1062	Major	Kenton
A4088 East Lane (Preston Road to Harrowdene Road)	915	Major	Wembley Hill/Preston

## Appendix 2 - Major Footway Reconstruction 2023/26


### Schemes to be brought forward

Major Footway Reconstruction 2023/26	Length (m)	Treatment	Ward	North South
Ledway Drive	442	Asphalt/Brick	Kenton	North
Totternhoe Close	378	Asphalt/Brick	Kenton	North
Southwell Road	188	Asphalt/Brick	Kenton	North
Ashridge Close	232	Asphalt/Brick	Kenton	North
Gabrielle Close	254	Asphalt/Brick	Preston	North
Hollycroft Avenue	366	Asphalt/Brick	Preston	North
Acacia Avenue	120	Asphalt/Brick	Wembley Hill	South
Park Place	150	Asphalt/Brick	Wembley Hill	South
Stanley Road	130	Asphalt/Brick	Wembley Hill	South
Oakington Avenue	1035	Asphalt/Brick	Wembley Hill	South

Note:

Top Ward priority based on Asset Management

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	<b>Cabinet</b> 16 October 2023
	<b>Report from the Corporate Director of Finance and Resources</b>
	<b>Lead Member - Deputy Leader, Cabinet Member for Finance, Resources &amp; Reform (Councillor Tatler)</b>
<b>Quarter 2 Financial Report 2023/24</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Two: Appendix A: Savings Delivery Tracker 2023/24 Appendix B: Prudential Indicators
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Minesh Patel, Corporate Director of Finance & Resources Tel: 020 8937 4043 Email: <a href="mailto:Minesh.Patel@Brent.gov.uk">Minesh.Patel@Brent.gov.uk</a>  Ben Ainsworth, Head of Finance Tel: 020 8937 1731 Email: <a href="mailto:Benjamin.Ainsworth@Brent.gov.uk">Benjamin.Ainsworth@Brent.gov.uk</a>

## 1.0 Executive Summary

- 1.1 This report sets out the financial forecast for the General Fund revenue budget, the Housing Revenue Account, the Dedicated Schools Grant and the Capital Programme, as at Quarter 2 2023/24.
- 1.2 The Council's revised General Fund revenue budget for 2023/24 is £291.2m. The revised budget includes planned revenue savings in-year of £13.5m and the status of these are set out in Appendix A. There is a forecast overspend of £13.4m against the revised revenue budget at Quarter 2. If sustained until the year end, this would require a transfer from unallocated reserves. Equally, any overspending not dealt with in 2023/24 would, potentially, carry

over into 2024/25 thereby increasing the requirement for further savings in that year whilst at the same time providing reduced scope to draw on the Council's reserves.

1.3 The seriousness of the Council's financial position cannot be understated. The scale of the financial challenge for 2023/24 and 2024/25 is such that, in addition to work currently underway to implement savings in 2023/24 and to identify new savings proposals for 2024/25 and 2025/26, the Council will need to implement further measures to control expenditure in order to address the underlying issue that the Council's net expenditure is significantly greater than available sources of in year funding. Further details on these measures are set out below.

1.4 The tables below show the forecast position against budget for the General Fund, Dedicated Schools Grant and Housing Revenue Account. Further detail on each area is contained within section three of this report.

	<b>Budget</b>	<b>Forecast</b>	<b>Overspend / (Underspend)</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Care, Health and Wellbeing	124.2	124.2	0.0
Children and Young People	63.0	63.5	0.5
Communities and Regeneration	7.2	7.2	0.0
Governance	13.8	13.6	(0.2)
Finance and Resources	11.7	11.7	0.0
Resident Services	71.3	84.4	13.1
<b>Subtotal Service Area Budgets</b>	<b>291.2</b>	<b>304.6</b>	<b>13.4</b>
Central Budgets	67.3	67.3	0.0
<b>Total Budget Requirement</b>	<b>358.5</b>	<b>371.9</b>	<b>13.4</b>
Funding	(358.5)	(358.5)	0.0
<b>Grand Total General Fund Budgets</b>	<b>0.0</b>	<b>13.4</b>	<b>13.4</b>
DSG Funded Activity	0.0	1.4	1.4
Housing Revenue Account (HRA)	0.0	0.0	0.0
<b>Net Total</b>	<b>0.0</b>	<b>14.8</b>	<b>14.8</b>

*\*DSG and HRA budgets have been presented as net figures in the table above. Gross income and expenditure budgets for the DSG and HRA are shown below.*

<b>DSG gross income and expenditure</b>			
	<b>Budget</b>	<b>Forecast</b>	<b>Overspend / (Underspend)</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>DSG</b>			
Income	(220.8)	(220.8)	0.0
Expenditure	220.8	222.2	1.4
<b>Total</b>	<b>0.0</b>	<b>1.4</b>	<b>1.4</b>

<b>HRA gross income and expenditure</b>			
	<b>Budget</b>	<b>Forecast</b>	<b>Overspend / (Underspend)</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>HRA</b>			
Income	(61.2)	(61.2)	0.0
Expenditure	61.2	61.2	0.0
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

- 1.5 The table below shows the current forecast against the revised budget for the Capital Programme for 2023/24. Further detail is contained within section four of this report.

<b>Directorate</b>	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Current Forecast</b>	<b>FY Variance</b>	
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m (Underspend) / Overspend</b>	<b>£m (Slippage) / Brought Forward</b>
Corporate Landlord	10.3	14.5	15.0	0.5	0.0
Housing GF	82.3	159.9	155.3	(4.1)	(0.5)
Housing HRA	157.0	135.4	138.3	2.5	0.4
PRS I4B	0.0	0.0	0.0	0.0	0.0
Public Realm	25.5	35.8	35.5	0.1	(0.4)
Regeneration	74.1	9.9	8.2	0.1	(1.8)
Schools	35.1	19.6	14.5	(0.9)	(4.2)
South Kilburn	27.0	28.1	28.1	0.0	0.0
St Raphael's	31.7	0.8	0.8	0.0	0.0
<b>Total</b>	<b>443.0</b>	<b>404.0</b>	<b>395.7</b>	<b>(1.8)</b>	<b>(6.5)</b>

### **Current economic environment**

- 1.6 The current economic environment is volatile and uncertain with high inflation, particularly affecting energy costs, rising interest rates and war in Ukraine, precipitating the cost-of-living crisis. CPI Inflation was 6.7% in August 2023,

which is the lowest it has been since February 2022, although still significantly above the Bank of England's target of 2%. Inflation is expected to continue to fall, estimated to reach 5% by the end of 2023 before falling further towards the 2% target in 2024. As at September 2023, the Bank of England has frozen interest rates at 5.25% after 14 consecutive increases. Despite this freeze, there may be further increases in 2023, particularly as much of the UK economy has remained resilient despite higher inflation and interest rates. These factors create a challenging environment for the Council to plan its future resourcing requirements.

### **Medium Term Financial Strategy update**

- 1.7 The Council budget for 2023/24 approved by Council on 23 February 2023, including new savings proposals of £18m to be delivered between 2023/24 (£14.5m) and 2024/25 (£3.5m). An update to the MTFS was considered by Cabinet in July 2023, where it was estimated that the budget gap between 2024/25 and 2025/26 was £8m.
- 1.8 The MTFS is currently being updated based on the latest information available to the Council on expenditure pressures. The outcome of this work will be reported to the Cabinet in November 2023 as part of the draft 2024/25 budget.

### **Maintaining Financial Control**

- 1.9 Local government is facing the most challenging financial environment for many decades. Many councils are overspending and depleting their reserves; most are experiencing the adverse effects of high inflation, high interest rates and significant increases in demand due to demographic changes. Some are even declaring bankruptcy by issuing s114 notices. Concerns about future levels of government funding are widespread. Against this backdrop, Brent has maintained a strong position in terms of financial resilience and sustainability with a good track record of delivering savings and balancing the overall budget. However, the position for 2023/24 has worsened significantly and the current forecast will require the Council to take urgent actions in the short and medium term to maintain financial control.
- 1.10 A number of immediate and medium term actions are being taken to mitigate these pressures in order to maintain financial control over the current budget position, this includes taking a Council wide approach. Officers have implemented a Budget Assurance Panel to provide additional oversight and scrutiny of its financial position, including in-year budget pressures and issues, mitigating actions and the delivery of agreed savings.
- 1.11 The main cause of the forecast overspend is within the Housing Service, where high levels of demand due to a rise in homelessness and reduction in supply of suitable accommodation are expected to result in an overspend of over £13m.

Section 3.8 of this reports sets out the Council's strategy in dealing with the significant increase in costs of providing temporary accommodation for those homeless people to whom the Council owe a legal duty. While Brent is not in the financial situation of those Council's that have recently issued, or threatened to issue, a Section 114 notice (legally required when the council cannot balance its budget, unlike the NHS and other parts of the public sector councils are not allowed to carry a deficit) all efforts must be focussed on positively changing the financial position.

- 1.12 In addition to these actions and the additional oversight provided by the Budget Assurance Panel, further measures are considered necessary to prevent the situation worsening. These will include, but are not limited to, controls on new spending decisions, limits on new recruitment, reduction in the use of agency workers, bringing forward in year savings and other mitigations to reduce expenditure. These sensible, proactive and prudent measures will provide more assurance over the Council's spending decisions and reduce the risk that the budget position deteriorates further. These measures will remain in place until the end of the financial year, and updates provided to the Cabinet in future forecast reports and budget reports.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet note the overall financial position and the actions being taken to manage the issues arising.
- 2.2 That Cabinet note the savings delivery tracker in Appendix A.
- 2.3 That Cabinet note the Prudential Indicators set out in Appendix B.
- 2.4 That Cabinet approve the virements set out in section 3.9.10 of this report.
- 2.5 That Cabinet agree for new loan facilities of up to £2.31m to be made available to First Wave Housing for the Refugee Housing Programme as set out in section 4.5.2.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

- 3.1.1 This report sets out the Quarter 2 forecast for the Council's overall 2023/24 budget. The forecast overspend in housing as a result of increases in homelessness and lack of suitable accommodation, will have a significant impact on the Council's budget. While this is being reported as a London wide issue, a number of actions are being taken to manage these pressures and support vulnerable residents that have been affected by the cost-of-living crisis. This is in line with the Council's strategic priority - Prosperity and Stability in Brent.

3.1.2 It is also important to recognise that over a decade of austerity on Local Government has reduced the ability of councils to withstand issues like the increased pressures on Temporary Accommodation. The impact of the disastrous mini-budget last year on interest rates and inflation has significantly impacted supply of housing and on delivering council services. Brent will continue to take decisions to ensure a balanced budget and safeguard services.

### 3.2 Contribution to Borough Plan Priorities & Strategic Context

3.2.1 The Borough Plan includes a specific priority to support residents affected by the cost-of-living crisis.

### 3.3 Care, Health and Wellbeing

Care, Health and Wellbeing	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Adult Social Care	100.6	100.6	0.0
Public Health	23.6	23.6	0.0
Integrated Health Partnerships	0.0	0.0	0.0
<b>Total</b>	<b>124.2</b>	<b>124.2</b>	<b>0.0</b>

#### Summary

3.3.1 Care, Health and Wellbeing are forecast to break even this financial year. The budget for 2023/24 includes a savings target of £4.3m and assumes an additional growth budget of £15.3m. This budget has been set accordingly, based on assumptions around future demographic and inflationary trends.

3.3.2 There are increasing pressures around staffing recruitment and retention particularly in Adult Social Care. There is on-going work within the service to reduce the use of agency staff and retain more experienced and qualified members of staff.

3.3.3 There is increased pressure on the ASC budget as a result of rising costs and client numbers for supported living, nursing and residential care.

3.3.4 The weekly average cost of Nursing Care has increased by 5% to £1,072pw with client numbers currently 10% higher than this time last year.

3.3.5 On average Residential care weekly costs appear stable, at present, with a 2% increase. However, residential dementia care costs have increased by 8% to £790pw. With client numbers also on the rise, as we have seen an increase of 6% since this time last year.



- 3.3.6 Client numbers for supported living has increased by 10% against this time last year, with an average weekly cost increase of 6% to £967.
- 3.3.7 Whilst there are ongoing pressures within ASC relating to expenditure on agency staff, homecare, Nursing, Residential care, and LD supported leaving ASC is forecasting a breakeven position for Q2 as the additional growth allocation will mitigate any additional costs as a result of underlying pressures.

### **Risks and uncertainties**

- 3.3.8 There are a number of risks and uncertainties within the service that could affect the assumptions made and the overall forecast outturn for Care, Health and Wellbeing 2023/24.
- 3.3.9 As is the case in other service areas, Public Health contracts are likely to be affected by the rising levels of inflation. The majority of public health services are commissioned from the NHS where national Agenda for Change pay awards have significantly outstripped uplifts in the public health grant, even before the resolution of current industrial disputes. However, for 2023/24 the costs are anticipated to be contained within the main Public Health grant.
- 3.3.10 Within Adult Social Care, demographic and inflationary pressures, spends on agency staff, as well as uncertain implications of the introduced fair cost of care and social care reforms, all pose financial risks to the service's budgets.
- 3.3.11 Whilst the planned social care charging reforms have been delayed from October 2023 to October 2025, the sector must still work to ensure sustainable rates for care are paid with fair cost of care funding from the Government continuing for the next two years.
- 3.3.12 The demand for social care services and complexity of care needs are also ever-increasing resulting in higher costs. Whilst there are some reductions in costs due to less Residential and Nursing placement following the COVID-19 outbreaks, there are still ongoing pressures as the demand for homecare and supported living continue to rise.
- 3.3.13 The cost-of-living crisis and the steep rise in inflation, heating and fuel costs are likely to have an impact on spot placement requests from providers who are looking to recover all of the additional costs they are incurring. For 2023/24, the Adult Social Care budget was increased and was allocated a growth budget of £15.3m to meet projected demographic growth demand and inflationary increases. Due to continued rises in inflation this creates additional risk and uncertainty, and care package budgets are therefore being monitored closely whilst any placement fee increase requests from providers are also being reviewed in detail.

3.3.14 It has now been confirmed that Brent will continue to receive Hospital Discharge Funding from the government this financial year of £3.54m. The fund is designed to increase capacity in post-discharge care and support improved discharge performance, patient safety, experience and outcomes. This grant funds 9 schemes related to the LA Direct DHSC Funding of £1.9m. Whilst the NWL ICB DHSC Funding of £1.7m funds 6 additional schemes, a fortnightly return is submitted to the DHSC to monitor spends on this grant.

### **Savings and Slippages**

3.3.15 A savings target for 2023/24 of £4.3m is planned to be delivered across a number of services within the department including, homecare, reablement, staffing, learning disability and mental health placements. The department will need to manage any risk of slippage as stated earlier.

### **Summary of Key Assumptions**

<b>Key Assumption</b>	<b>Downside if worse</b>	<b>Upside if better</b>	<b>Mitigations</b>
The Adult Social Care providers' costs will increase to the anticipated level in line with inflationary assumptions.	A 1% increase on the cost of care packages could result in a £0.7m pressure.	A 1% decrease on the cost of care packages could result in a £0.7m reduction in anticipated costs.	The Council is working closely with the service providers and provides robust challenge of individual package costs based on evidence as part of placement reviews.
Client numbers and unit costs stay within the forecast range	Additional budget pressures should there be clients beyond those predicted in the forecast	Client numbers falling below those forecasted would reduce costs	The Council are monitoring both client numbers and package costs for each service. This should allow for early identification of pressures so mitigating actions can be taken.

### 3.4 Children and Young People (CYP) (General Fund)

CYP Department	Budget (£m)	Forecast (£m)	Overspend / (Underspend) (£m)
Central Management	0.8	0.8	0.0
Early Help	4.9	4.9	0.0
Inclusion	2.8	2.8	0.0
Localities	21.1	21.6	0.5
Looked After Children and Permanency	7.2	7.2	0.0
Forward Planning, Performance & Partnerships	24.3	24.3	0.0
Safeguarding and Quality Assurance	1.9	1.9	0.0
Setting and School Effectiveness	0.0	0.0	0.0
<b>Total</b>	<b>63.0</b>	<b>63.5</b>	<b>0.5</b>

#### Summary

3.4.1 The Children and Young People department at this stage is forecasting a £0.5m overspend at the end of Quarter 2.

3.4.2 The forecast overspend is largely due to demand and price increases for placements and care packages in the Localities Service. Also, due to the volatility of demand led budgets and the use of agency social work staff, ongoing mitigating actions are being undertaken to control spend and these include:

- A monthly panel to review the stepdown arrangements from residential placements to foster placements and/or semi-independent placements for young people aged 16+, and measures to move 21+ semi-independent placements into independent living arrangements. To date, £0.657m has been saved as a result of five step downs from residential care to semi-independent placements and two residential placements have also been moved to less expensive placements.
- A number of actions are in place to address the workforce pressures across the service, including working in collaboration with our neighbouring local authorities on effective and targeted recruitment and retention activity. Compliance with the London Pledge to ensure that agency worker rates are kept to the agreed cap which is closely monitored at Director level. A weekly Establishment Board has been created to scrutinise all agency recruitment, and corresponding activity to achieve

permanency through conversations with agency staff to convert to permanent roles. A workforce development plan is in place with metrics linked to savings and reductions in agency spend. This has resulted in a net 2.6% reduction across agency spend in the Localities and Looked after Children and Permanency services compared to last year.

- 3.4.3 The Localities service which includes the Children with Disabilities (CWD) demand led care packages budgets i.e. Direct Payments, Care at Home, Residential and Day Services has seen the number of supported clients rising by 8% since 2022/23 and is reflecting a forecast pressure of £0.5m. Care packages are also seeing significant price increases, including 5% increases in Care at Home and 9.25% in Direct Payments and the pressure is also partly due to a £0.115m slippage against the savings target CYP03 to reduce the care packages for families receiving support from the 0-25 children and young people with disabilities teams. The Localities and the Looked After Children and Permanency services are also reliant on the need to use agency social workers to cover vacant positions.
- 3.4.4 The Forward Planning, Performance and Partnership service demand led budgets have seen the following increases in this financial year:
- On average, a 12% increase in residential placement prices, although numbers have remained fairly stable this year. There has also been a 4% increase in the number of CYP placed in independent fostering agencies (IFAs).
  - The semi-independent provision supporting care leavers budget, has seen an overall 10% increase in numbers compared to 2022/23 and prices have increased typically by around 7%. Approximately 50% of this increase is due to the number of Unaccompanied Asylum-Seeking Children (UASC) who as care leavers need to be accommodated until the Home Office make an asylum determination. Currently around 35% of the care leavers in semi-independent provision are UASC. There have been well publicised national issues with the slowness of the asylum decision making process. The FPPP forecast is also dependent on income from the Home Office for UASC and leaving care grants c£3.5m, and c£0.5m of contributions from health and housing benefits income.

### **Risks and Uncertainties**

- 3.4.5 The main risks and uncertainties impacting on the CYP department are national trends and, research collated by the Association of Directors of Childrens Services (ADCS) in August 2023 has shown that pressures in children's services spending have seen significant increases i.e., a 41% rise comparing the 2021/22 overall children's services spend to 2009. With pressures mainly arising from rising needs and complexities, lack of sufficiency of placements and rising costs. These are similar issues faced by Brent where there are pressures arising from the impact of inflation resulting in providers increasing costs significantly and the impacts of the cost-of-living

- crisis on care leavers and vulnerable families and increasing demand for services.
- 3.4.6 Recruitment and retention of skilled and experienced social work staff remains a risk in Localities and Looked After Children, and Permanency (LAC&P) services with agency staff occupying over 50% of the workforce in some teams.
- 3.4.7 The volatility surrounding the placements budget for looked after children (LAC) is a key challenge. If demand for residential placements continue to increase, this will increase the pressure as an individual high cost residential or secure placement can cost over £0.3m per annum. Ofsted are strengthening their reviews of children's Residential Homes and there is a risk that this could lead to a reduction in the number of homes, causing higher demand for the rest of the homes and higher costs for local authorities competing for the same places. In response Brent has been successful in a DfE bid to build and run a children's home which will help to manage costs and improve placement sufficiency. The home is expected to be operational in 2024/25. Brent is also joining a pan-London vehicle to ensure greater sufficiency of secure welfare residential placements which will be operational in 2025.
- 3.4.8 There is the risk of additional cost pressures being passed on to local authorities from semi-independent provisions due to the DfE introducing mandatory national standards from April 2023, which will be overseen by an Ofsted-led registration and inspection regime. The average weekly cost for semi-independent accommodation is c£906 per week for a looked after child and £787 per week for Care Leavers, and there is a risk that the weekly cost of both could increase. It is expected that additional funding will be made available, however the risk remains that the funding may not be sufficient to cover the increase in costs expected.
- 3.4.9 The Children with Disabilities budget within the Localities service funds the care costs for children with Education, Care and Health Plans (EHCPs). There remains a risk that further increases in EHCPs would put additional pressure on the care packages budgets in this area and impact on staffing costs. The annual growth of EHCPs comparing July 2023 to July 2022 shows an increase of 8%. Brent is part of the DfE's Delivering Better Value (DBV) in SEND programme to support the Brent's Management Plan action to manage the rising demand for EHCPs.
- 3.4.10 The CYP forecast position is also dependent on estimated income from the Home Office for (UASC) and Care leavers of c£3.5m and overall health contributions from the Integrated care Board (ICB) of £1.7m. There is a risk that, without effective joint operating agreements, health contributions could reduce, increasing the pressure against the CWD and placement budgets.

## Savings and Slippages

- 3.4.11 The department has a £0.84m savings target to deliver across the department. The savings are mainly from reductions in care packages of £0.36m, staffing efficiencies of £0.36m, and £0.12m arising from contract savings and a reduction in the training budget. The department is on track to deliver most of the savings, however, there is a risk of slippage against CYP03 of £0.115m against a savings target of £0.365m as reviews required to deliver the savings are gradually being undertaken of the Resource Allocation System (RAS).

## Summary of Key Assumptions

Key Assumption	Downside if worse	Upside if better	Mitigations
LAC and Care Leaver placements forecast assumes numbers of 819 and unit costs reflect current trends.	An increase in the number of high cost residential or secure placements would place additional pressure on the budget. e.g., an increase by 4 placements in year could cause an additional in-year pressure of c£0.6m (and £1.2m per annum).	Increased step-down arrangements result in falling number of residential placements. A single stepdown from a residential placement to a semi-independent placement could reduce expenditure by c£0.1m in-year.	Ongoing review of packages for best outcomes and focus on stepdown arrangements to support children to transition from residential to foster and/or semi-independent placements. Supporting the transition of care leavers to their own tenancies, to improve outcomes and independence. Innovative support and partnering with Health for CYP Mental Health and Wellbeing, among other preventative measures.
Health contributions for CYP	The spend will not be mitigated by these	It will assist in mitigating	Maximising joint funding approaches with

placements and Children with Disabilities (CWD) packages will be lower than the 2022/23 levels.	contributions in proportion to the overall demand.	overall net spend.	health to ensure contributions to placement costs where applicable. Targeted activity across ICS to ensure consistency in Continuing Health Care funding.
Mix of social work staff and caseloads in the Localities and LAC & Permanency service to include the use of agency staff.	If increases of 15% during the year, there could be up to £0.7m additional spend on agency social work staff to manage the pressure.	There would be a reduction in the use of agency staff and the reduced caseloads could be attractive to social workers seeking permanent roles.	Continued management action to monitor caseloads across the service and review and manage social work resources.

### 3.5 Communities and Regeneration

<b>Communities and Regeneration</b>	<b>Budget (£m)</b>	<b>Forecast (£m)</b>	<b>Overspend / (Underspend) (£m)</b>
Communities	4.5	4.2	(0.3)
Communities and Regeneration Directorate	0.3	0.3	0.0
Regeneration	2.4	2.7	0.3
<b>Total</b>	<b>7.2</b>	<b>7.2</b>	<b>0.0</b>

#### Summary

- 3.5.1 The Communities and Regeneration department is currently forecasting to break even in 2023/24.

## **Risks and uncertainties**

### Regeneration

- 3.5.2 Regeneration is currently forecasting an overspend of £0.3m for the financial year. The current economic climate has caused a decline in the income generated within the department, with Building Control and Planning and Development Services being the areas most affected by this.
- 3.5.3 Within Planning and Development Services, Application and Pre-Application fee income has seen a decline in recent years. This reduction in income is not exclusive to Brent and has been the case across the country. Fee increases have been proposed by the Department for Levelling Up, Housing and Communities, and these increases are expected to be implemented in January. This has been included within the forecast, with a decline in demand also factored into the forecast in the latter months of the financial year. The service are expecting to overspend by £0.1m this financial year.
- 3.5.4 Rising interest rates and material costs are likely to cause cancellation or the scaling back of some developments, which will cause a decline in income in Building Control. This decline in income is being exacerbated by increased competition from private inspectors, which has resulted in a drop in the council's market share. Health and Safety Executive (HSE) high-rise building regulations will be introduced in October 2023, which will mean a switch to a cost recovery basis. The service are currently forecasting an overspend position of £0.7m, however £0.1m of departmental smoothing reserves will be utilised to partially offset this.
- 3.5.5 A line by line review of the Regeneration budget has identified that the service has not budgeted for the total cost of administering the total cost of the Community Infrastructure Levy (CIL). In addition, Community Infrastructure Levy activity this year is unusually high, which increases costs for administration. Together this is forecast to generate an additional £0.25m, which partially offsets the overspend elsewhere in Regeneration.

### Communities

- 3.5.6 Communities Service is currently forecasting a break even position. However, there is a risk within Strategy and Partnerships of £0.1m due to a contract dispute with a third sector partner. This relates to a historic contract and will not affect future years. Budgets are being reviewed and mitigating actions are being explored should this risk materialise.
- 3.5.7 The council is forecasting an increase in asylum seekers living within the borough, in part as a result of the Home Office's confirmed plans of increasing the number of asylum seekers in Brent through "hotel optimisation". As a result, there will be additional pressure within the Communities service and in other services, such as Children & Young People, Housing and legal services to meet the costs of supporting the asylum seekers. In the current climate these pressures are expected to continue into the next year.



3.5.8 In addition, Communities has identified small underspends of £0.1m across the directorate that will be used to offset the overspend in Regeneration.

### **Savings and Slippages**

3.5.9 A £0.33m saving is planned to be delivered from the Communities and Regeneration departmental budget in 2023/24, predominantly through changes to staffing structures. Delays with a supplier have resulted in a slippage of £50k on a saving which was to be achieved through efficiencies generated by the use of technology and automation. Mitigations are currently being explored to ensure a break-even position. The rest of the savings are on track to be delivered.

### **Summary of Key Assumptions**

<b>Key Assumption</b>	<b>Downside if worse</b>	<b>Upside if better</b>	<b>Mitigations</b>
Pre-Application and Application Fee increases will be introduced in January 2024 and demand will decline thereafter	The proposed fee increase has been included within the income forecasts. If there is a delay to the introduction of this increase, the service will overspend further, and even more so if the demand still declines.	Higher income volumes will generate additional revenue for the Council	Continuous monitoring of the fee income to identify budgetary pressures as early as possible.
Strategy and Partnerships contract dispute with a third sector partner over historic contract payments	Payment has been built into the forecast on a worst-case scenario basis.	If the potential payment is no longer needed, the funds will be available to other programmes or relieve pressures elsewhere within the directorate	Budgets are being reviewed and spending plans will be adjusted to absorb the overspend

### 3.6 Governance

<b>Governance</b>	<b>Budget (£m)</b>	<b>Forecast (£m)</b>	<b>Overspend / (Underspend) (£m)</b>
Legal Services	4.8	4.7	(0.1)
HR Services	3.8	3.7	(0.1)
Executive & Membership	4.1	4.1	0.0
Procurement	1.1	1.1	0.0
<b>Total</b>	<b>13.8</b>	<b>13.6</b>	<b>(0.2)</b>

#### Summary

3.6.1 The Governance department is forecasting an underspend of £175k for 2023/24, which is due to the following reasons:

- Legal Services are forecasting a £65k underspend due to a higher level of income anticipated to be received than budgeted. A £110k underspend is attributable to an early achievement of 2024/25 savings by the Human Resources service (£70k) and the Executive and Membership service (£40k)
- Executive and Membership are forecasting an underspend of £50k due to reduced number of councilors netted off by £10k overspend for additional training & conference costs.

#### Risks and uncertainties

3.6.2 There are no materials risks identified for this department at present.

#### Savings and Slippages

3.6.3 A £0.35m saving is planned to be delivered from the department's budget in 2023/24, predominantly through internal restructures and service transformations. This saving is on track and there is currently no slippage anticipated.

3.6.4 There is an additional digital saving of £75k to be achieved by the Governance department in 2023/24 that is currently on track. This is anticipated to be achieved with an introduction of a HR chatbot and moving one of the Legal systems from on-premise to cloud.

### 3.7 Finance and Resources

<b>Finance and Resources</b>	<b>Budget (£m)</b>	<b>Forecast (£m)</b>	<b>Overspend / (Underspend) (£m)</b>
Finance	7.1	7.1	0.0
Audit & Investigations	1.1	1.1	0.0
Shared Technology Services	0.0	0.0	0.0
Property & Assets	3.5	3.5	0.0
<b>Total</b>	<b>11.7</b>	<b>11.7</b>	<b>0.0</b>

#### Summary

- 3.7.1 Finance and Resources are currently forecasting a break-even position for 2023/24.
- 3.7.2 Within Property & Assets there is an anticipated £0.2m pressure due to income lost from expired leases and vacant property. However, this is currently offset by additional income generated from Car Parking fees within Facilities Management.

#### Risks and Uncertainties

- 3.7.3 Property & Assets are working to find new tenants to replace expired leases and vacant property to increase their income forecast. The service is actively marketing these properties and working with agents where appropriate.
- 3.7.4 Commercial Property are currently dealing with a dilapidation claim on a property for which they have vacated and broken the lease on. The claim is currently being reviewed, but could be in the region of £0.5 - £0.9m. Once the dispute is resolved it is anticipated that this cost will be covered by a central contingency which has been held for these types of issues.

#### Savings and Slippages

- 3.7.5 A total of £1.1m of savings are planned through reductions in staffing, digital transformation, security service transformation, rationalising soft FM services and other departmental efficiencies. The department is on track to deliver these savings.

### 3.8 Resident Services

Resident Services	Budget (£m)	Forecast (£m)	Overspend /(Underspend) (£m)
Resident Services Directorate	0.3	0.3	0.0
Customer Services	15.3	15.3	0.0
Housing	3.2	16.3	13.1
Environment and Leisure	41.1	41.1	0.0
Transformation	11.4	11.4	0.0
<b>Total</b>	<b>71.3</b>	<b>84.4</b>	<b>13.1</b>

#### Summary

- 3.8.1 Resident Services is forecasting an overspend of £13.1, which is directly attributable to the high level of pressures on the Housing Service. All other service areas are forecast to achieve a break even position. The department is taking a number of actions to support Brent residents and businesses to mitigate the impact of the cost-of-living crisis.

#### Risks and uncertainties

##### Housing

- 3.8.2 The forecast overspend of £13.1m is made up of a £4.5m overspend in the cost of providing temporary accommodation and a £8.6m loss of housing benefit subsidy from the Department of Work and Pensions as a result of type of accommodation being used to house those that are homeless.

##### *Temporary Accommodation – increase in demand and reduction in supply*

- 3.8.3 The increase in demand for Bed & Breakfast, Annexes and Emergency Homeless Lets (EHL) is expected to result in a £4.5m pressure against the current 2023/24 budget. An extremely high level of demand for housing services is a national issue, but is particularly acute in London. The Housing Needs Service in Brent has seen a 22% increase in a number of homelessness presentations when compared to the same time last year. Other London boroughs are experiencing a similar increase in demand, with a 20% increase in presentations on average. The total number of households in Temporary Accommodation in Brent has increased by 14% and the number of families in Bed and Breakfast hotels has seen a 322% increase. Whilst the COVID-19 pandemic, associated lockdowns and the ban on Private Rented Sector (PRS) evictions may have been a factor in this growth, demand for homelessness services continues to grow. As at the end of July 2023, the total number of homeless households living in B&B and Annexe accommodation has risen to 553, broken down between 324 families and 229 single people. If demand continues at the same rate, the service will receive

a total of 7,700 applications this financial year, an average of 148 applications every week, which is the highest it has ever been.

- 3.8.4 Once the Council accepts that a household is eligible as homeless, as defined by legislation, the Relief Duty to take reasonable steps to help the applicant secure that accommodation becomes available for at least six months is triggered. If the applicant is also deemed to be in priority need, as defined by legislation, there is an immediate statutory duty to secure suitable interim accommodation, pending further enquiries into the application.
- 3.8.5 As these issues are London wide, the availability of B&B and Annexe accommodation is severely restricted across the capital, with many Councils being forced to book rooms in commercial hotels to meet statutory duties. This lack of availability of accommodation is resulting in having to use expensive providers and at times outside of Brent, which also causes significant financial pressures to the families placed there due to additional travel costs for children at schools in Brent.
- 3.8.6 London Councils commissioned Savills and the London School of Economics (LSE) to produce a report on the Supply of PRS (Private Rented Sector) Accommodation in London. The report has found that London's PRS is affected by multiple factors driving a reduction in the availability of properties for rent. The report highlights that demand for housing is continuing to increase while supply is reducing across the whole market. It has found that greater reliance on the PRS to house lower income households and increasingly limited housing benefits are making accommodation less affordable and available. Currently it appears to be supply side factors notably taxation, interest rate changes and uncertainties about future regulation that are reducing availability at the lower end of the PRS.
- 3.8.7 The researchers also investigated affordability for the 300,000 London households reliant on Local Housing Allowance (LHA) to meet their housing costs. Eligible households receive LHA as part of their housing benefit or universal credit payment if they have a private landlord, and the government has frozen LHA rates since April 2020. In the face of fast-rising rents, the decision to keep LHA rates frozen has significantly reduced the number of properties affordable in London under LHA. Between January and March this year, only 2.3 per cent of London listings on a major online property portal were affordable in 2022/23 to those using the benefit to pay their rent – falling from 18.9 per cent in 2020/21.
- 3.8.8 Brent is one of 10 member boroughs of Capital Letters, which is a company established to enable a collaborative approach to procuring PRS properties across London, to help meet the demand for affordable housing from homeless families. The current PRS market conditions have also had a significant detrimental impact on Capital Letters performance in securing suitable PRS properties for member boroughs. There was a 53% reduction in PRS properties let through Capital Letters from 2021/22 to 2022/23. If the 2023/24 procurement continues at the same rate, the decrease will be 72%.

- 3.8.9 As well as procuring PRS properties through Capital Letters, the housing service operates a Find Your Home scheme, to encourage homeless households to find their own affordable PRS property, which the service will then assist them to secure by paying the owner a financial incentive in lieu of a deposit and first month's rent. There was a 35% reduction in PRS properties let through Find Your Home and internal procurement from 2021/22 to 2022/23. If the 2023/24 procurement continues at the same rate, the decrease will be 64%.
- 3.8.10 The supply of settled TA properties, leased from private owners and used to move families out of B&B and Annexe accommodation has also contracted. This is due to fewer new properties being procured under Private Sector Leasing (PSL) schemes, and owners not renewing the lease for existing stock, when the lease ends.

*Housing Benefit Subsidy loss*

- 3.8.11 The type of accommodation provided as TA also has a bearing on entitlement to housing benefit subsidy for the payments made. Where a family occupies more than one room in a hotel and those rooms are not connected only one room will be eligible for subsidy. Depending on whether the accommodation is self-contained (exclusive use of a kitchen, bathroom and toilet) or non-self-contained (one or more facilities is shared), there is a cap on the subsidy entitlement based on the applicable Local Housing Allowance (LHA). Payments above the LHA cap are ineligible for HB subsidy.
- 3.8.12 The loss of subsidy cost is forecast to rise to £8.6m in 2023/24 (from £3.7m in 2022/23) as rents increase but the LHA remains unchanged at its current level. Benefits paid to those living in TA is limited to 90% of the 2011 LHA rates which, particularly since the pandemic, is significantly less than rents being charged by most private sector landlords today. A percentage of the Housing Benefits subsidy received from DWP when compared to the total amount paid to residents is forecast to reduce by 14% when compared to the average over the last three years (67% versus a 81% average).
- 3.8.13 A programme of works has been designed to focus on containing the projected overspend. A number of workstreams covering affordability of Temporary Accommodation and new and alternative supply have been set up. Some progress has already been made to move some of the most expensive cases or those with the highest subsidy loss to alternative arrangements that aim to reduce costs to the Housing Needs service and associated overall subsidy losses, however it is too early to quantify the impact of these actions at this stage.

## Environment and Leisure

- 3.8.14 Within Brent Transport services, rising demand linked to the increase in the EHCPs (Educational, Health and Care Plans), as well as prices on taxi routes could put pressure on the budget. The impact on the budgets this financial year will become clearer once pupil numbers become known this month. Brent continues to monitor the demand projections for the year and mitigations in place to reduce the impact.
- 3.8.15 Within Leisure, reductions in income could cause financial pressures if demand for services is lower than anticipated. The income levels are being closely monitored and income maximisation strategies are being put in place. Higher utility costs for leisure centres also mean that a risk of provider failure is increasing. Supporting operators by subsidising their operating costs would create budgetary pressures for the Council and closing sites would also have a significant impact on both communities and income levels. The Council is working closely with the leisure providers to ensure continuity of the affordable service.
- 3.8.16 Volatilities in the energy market are being closely monitored against the budgetary assumptions but this is one of the risk areas for the service. Energy costs are currently forecast to be lower than initially feared earlier in the year and are expected to be contained within the budget growth allowed within the MTFS.
- 3.8.17 In addition, new contractual arrangements for a number of key services within the Environmental Services and Leisure department, such as parking and waste management, commenced in 2023/24, which creates further uncertainties that could materialise in financial pressures until the contracts are fully embedded. New contracts are being closely monitored and performance measured in order to identify any potential issues and develop mitigation plans in a timely manner. No financial pressures against the budgetary assumptions have been identified to date.

## Supporting residents

- 3.8.18 Following the government's Council Tax Energy Rebate scheme in 2022/23, under which the Council delivered £15m of support with energy bills for 90,000 households, a further £0.9m of support has been provided in the first two quarters of 2023/24 through the Energy Bills Support Scheme Alternative Funding and Alternative Fuel Payments Alternative Funding schemes. This has been delivered to households who were ineligible for support with their energy bill costs through their domestic electricity supply.
- 3.8.19 A Household Support Fund (HSF) grant has been awarded by the government to support residents through the cost of living and winter costs. The total grant allocated for 2023/24 is £5.6m. This is anticipated to be utilised in full to support households receiving free school meals for holiday period, 0-4 year old children whose parents or guardians are on Housing Benefits, food banks, careers in Brent, Housing Benefits residents who did not qualify for

any government help, as well as reactive food support through supermarket vouchers. The Council has already spent £1.5m to provide support to 11,207 households. Further activities for supporting residents claiming Housing Benefits only, Disabled residents receiving Housing Benefits, Young Carers is planned are planned for October/November. There are further plans to support Food banks, Charities and voluntary organisations to support our residents with financial, food and fuel support. Further payments for holiday vouchers for school children for an additional six weeks is still to be awarded of the total allocation, £2m of the HSF has been made available for the Resident Support Fund (RSF) for reactive support through RSF applications.

- 3.8.20 While these measures are much needed by Brent households and businesses, the Council has taken additional steps to provide more support to residents and businesses. The Council's RSF, which is a discretionary support fund, has been in place since August 2020 to provide help with the cost of living. This can include, but is not limited to, household bills, arrears in rent, mortgage, council tax, food, fuel, digital equipment and emergency funds. The RSF for 2023/24 is estimated to support 5,000 households with a total of £5m, of which £3m is the Council's investment and £2m of the HSF reactive support fund. This fund has already supported 2073 applications that were accepted and a total of £1.4m has been awarded to residents. High volumes of applications are expected in the winter months and the Council will be working collaboratively to support residents who may have difficulty in making payments.
- 3.8.21 In addition, £1m has been made available in the form of the Family Food Fund. So far 236 applications have been received out of which 196 have been provided with support of £64.8k. The take up is expected to increase as the schools have opened in September.
- 3.8.22 The Council has foregone around £32m of Council Tax revenue in 2023/24 to fund the Council Tax Reduction Scheme (CTRS), supporting around 26-27,000 households in the borough. In addition to this, the Council is reducing Council Tax bills for CTRS households by up to £25, funded by Central Government's Council Tax Support Fund. Any remaining allocation from this fund will be used to support vulnerable households through the RSF.

### **Savings and Slippages**

- 3.8.23 A £4m saving is planned to be delivered from the department's budgets in 2023/24. The main savings are expected from the services transformation, restructures and digital projects. There is a risk that a £1.2m saving allocated against the Brent Transport Services will slip against the original timeline, however it is anticipated that this will be managed by the department through one-off measures.
- 3.8.24 In addition, there is a £300k digital saving allocated against this department that is currently on track. This is anticipated to be achieved through processes automation, licenses and technology efficiencies and a back office review.



## Summary of Key Assumptions

Key Assumption	Downside if worse	Upside if better	Mitigations
Rent collection rates for the Housing Needs service will not fall below the anticipated level.	A 5% worsening in the collection rate will cost £0.9m.	A 5% improvement in the collection rate will recover £0.9m.	Collection rates are being closely monitored and investigations into the drivers for the movements in the collection rates are ongoing.
SEN Transport spend is within budget and expected client numbers.	Every additional child requiring transport via taxis costs the Council an average of £10,102 per annum.	Reduction in the growth requirement for future years.	The service is monitored as part of the shared service with Harrow. Client numbers can therefore be planned for.  A strategic review of this service is taking place to look for efficiencies.
Energy costs stay within the expected forecast.	Additional pressures on reserves.	Reduced pressure on the Council's reserves.	The service is working closely with the contractors to build projections and mitigate impacts.

### 3.9 Central items

#### Collection Fund – Council Tax

- 3.9.1 The net collectible amount for Council Tax for 2023/24 (after exemptions, discounts and Council Tax Support) at 31<sup>st</sup> August 2023 is £202.5m. As at the end of August 2023, the amount collected was 45.4%, an increase of 0.4% when compared to the in-year target, but 0.8% lower than the amount collected in the same period of 2022/23 (46.2%). However, the collection in the first two quarters of 2022/23 included some payments from the Council Tax energy rebate scheme which are not present in the 2023/24 collection data.

- 3.9.2 Collection of Council Tax remains 1.7% up on the equivalent period of 2021/22 (43.7%). This suggests that collection rates are still slowly recovering from the COVID-19 pandemic, but this recovery may be being impacted by the ongoing cost of living crisis. Work will be carried out in Q3 to review the collection data and determine what the long term forecast is. This will lead into the decision required for the Council Tax Base report to General Purposes Committee in December 2023 on whether to increase the long term collection rate back to the pre-pandemic target of 97.5%. The results of the review and the decision taken will have a direct impact on the resources available to the General Fund in 2024/25 and future years.

### **Collection Fund – Business Rates**

- 3.9.3 The budgeted net collectable amount for Business Rates (NNDR) for 2023/24 is £125.5m (after exemptions, reliefs and discounts). This was based on the forecast used for the NNDR1 form in January 2023 and has increased by 11% from £112.8m in 2022/23. This increase has been caused by the revaluation of all non-domestic properties at 1<sup>st</sup> April 2023 (the first revaluation since 2017), which has resulted in an increase to the overall rateable value of Brent's non-domestic properties from £312m to £370m (19% increase). The increase to the net collectable amount has been partially offset in 2023/24 by transitional reliefs applied to some properties to defer the increase in rates because of the revaluation.
- 3.9.4 The actual net collectable amount for NNDR at 30<sup>th</sup> April 2023 is £122.0m, a decrease of £3.5m from the budget in January. However, adjustments to this may occur during the year due to increases or reductions in the number of non-domestic properties and successful appeals against rateable values.
- 3.9.5 The decrease to the net collectable amount for NNDR does not directly affect the General Fund as the overall resources that the Council receives from the Business Rates retention system are determined in the Local Government Finance Settlement. However, where the actual income to the Collection Fund is different to the budget, Brent's share of the resulting surplus or deficit estimated in January is distributed to/from the General Fund in the following financial year.
- 3.9.6 As at the end of August 2023, the amount collected was 46.8%, which is only 0.1% lower than the collection in the equivalent period in 2019/20, the last year before the COVID-19 pandemic. The amount collected in the same period in 2022/23 was 44.0% and in 2021/22 the collection was 34.7%. This increase suggests that collection of Business Rates is recovering from the COVID-19 pandemic.
- 3.9.7 However, there are currently a number of factors present in the economy, which could have a negative affect on the ability of businesses to pay their Business Rates, such as energy costs, high inflation and the reduction in consumer spending power as a result of the cost of living crisis. During Q3, work will be undertaken to review the NNDR collection rates and determine if

the future trend is one of continued growth, or if the aforementioned economic factors will result in a new drop in collection rates.

### **Pay Award**

- 3.9.8 The current financial environment is putting considerable upward pressure on pay. As of the time of dispatch of this report, the pay award for 2023/24 has not been formally agreed. However, on 23 February 2023, the National Employers agreed unanimously to make a full and final offer, which for Outer London consists of an increase of the highest of 3.88%, or £1,925, plus the Outer London Weighting. In absolute terms, this is similar to the pay award for 2022/23, but broadly equates to an average 5.8% increase in pay (6.5% in 2022/23), ranging from 9.4% at the lowest level of pay to 4.3% at the highest level of pay. This is estimated to cost £8.5m in 2023/24. Provision has been made for this in the Council's budget for 2023/24, so it is not anticipated at this time that further management action will be required to mitigate this pressure.

### **Savings**

- 3.9.9 The 2023/24 budget, agreed at Full Council on 23 February 2023, included an £18m savings target, of which £4.5m was deferred to 2024/25. Appendix A sets out the progress in delivery against this savings target and any mitigating actions. Of the savings for 2023/24, at Quarter 2 84% of these are on track to be delivered. The remaining savings have been flagged as at risk, however mitigating actions are being implemented to deliver these savings targets.

### **Virements**

- 3.9.10 The table below shows the virements which have been entered to adjust the budgets at Corporate Directorate level during 2023/24. Cabinet are recommended to approve these virements.

	<b>2023/24 Opening Budget</b>	<b>In-year growth</b>	<b>Transfer of functions between services</b>	<b>Technical Adjustments</b>	<b>2023/24 In- Year Budget at 31.07.2023</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Adult Social Care and Health	<b>122.0</b>	1.2	0.1	1.0	<b>124.2</b>
Children and Young People	<b>62.1</b>	0.0	0.0	0.9	<b>63.0</b>
Communities and Regeneration	<b>5.2</b>	1.8	0.0	0.1	<b>7.2</b>
Resident Services	<b>69.2</b>	2.4	0.1	(0.4)	<b>71.3</b>
Governance	<b>13.6</b>	0.3	(0.2)	0.1	<b>13.8</b>
Finance and Resources	<b>11.7</b>	0.4	0.0	(0.5)	<b>11.7</b>
Central Items	<b>(283.8)</b>	(6.1)	0.0	(1.3)	<b>(291.2)</b>
<b>Total Budget</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

- 3.9.11 In-year growth items are budget movements from the Central Items budget to Departmental budgets which were not actioned at the start of the financial year.
- 3.9.12 Transfers of functions between services are budget movements between Corporate Directorates, which occur when a department is moved from one service to the other. The virement ensures that the department and the related budget remain together.
- 3.9.13 Technical adjustments are budget movements resulting from either events which are provided for in the MTFS, but only confirmed during the year (e.g. pay award), or budget movements resulting from changes to processes (e.g. centralisation of budgets).
- 3.9.14 The table above includes the following technical adjustments added between May and July 2023:
- Replacing the 2022/23 Borough Plan budget with the agreed budget for 2023/24
  - Allocation of savings from August 2022 Voluntary Redundancy Scheme to service areas
  - Adjustments to allocation of savings agreed in the February budget report
  - Centralisation of budgets due to changes to processes
  - Other adjustments to budgets agreed between services

### 3.10 Dedicated Schools Grant (DSG)

Funding Blocks	Overall DSG Funding 2022/23	Forecast Expenditure	Overspend/ (Underspend)
	£m	£m	£m
Schools Block	119.5	119.5	0.0
High Needs Block	74.7	76.1	1.4
Early Years Block	24.5	24.5	0.0
Central Block	2.1	2.1	0.0
<b>Total DSG</b>	<b>220.8</b>	<b>222.2</b>	<b>1.4</b>

#### Summary

- 3.10.1 The DSG forecast reflects a deficit of £1.4m, against grant funds of £220.8m for 2023/24, due to pressures from the High Needs (HN) Block.
- 3.10.2 As reported in Quarter 1, the forecast assumes that the other funding blocks will achieve a balanced budget by the end of the financial year. This position is likely to change over the next two quarters, as more information becomes available. For example, the forecast for the Early Years (EY) Block is likely to change following payments to childcare providers for the autumn term, as this would determine if there has been an increase in the number of hours for early years' provision from September 2023. The actual cost of payments for the first two quarters would inform a better projection for Quarter 3 & Quarter 4.
- 3.10.3 Although the HN Block allocation increased by £7m in 2023/24, the number of children with Education, Health, and Care plans (EHCPs) has continued to rise, therefore adding continued pressure against the HN Block from growing demand. The HN budget, excluding the proportion allocated to academies, is £74.7m. This allocation includes a £1.2m transfer from the Schools Block. The HN Block funding is expected to be adjusted for a recoupment of funds for school place funding for Brent pupils in other local authority areas and for a place funding repayment from other local authorities, following a recent import/export review by the DfE in July 2023.
- 3.10.4 The cumulative DSG deficit brought forward from 2022/23 is £13.8m. This includes an in-year surplus of £1.3m achieved in 2022/23. This surplus is held in a separate usable reserve to support the DSG budgets in this financial year. The £15.1m deficit carried forward has been disclosed as an earmarked unusable reserve in line with Department for Education (DfE) regulations (the School and Early Years Finance (England) Regulations 2021). The regulations state that the deficit must be carried forward and held separately from in-year surpluses, to be funded from future years' funding and/or recovery plans agreed with the DfE. The forecast deficit on the HN block will increase the DSG deficit to £15.2m by the end of this financial year.

## Forecast

- 3.10.5 The £1.4m deficit against the HN Block is an increase from the break-even position reported in Quarter 1. This is mainly due to an increase in the forecast spend on top-up funding to in-borough mainstream schools and academies. The pressure against the budget set for this area is equivalent to an additional 329 pupils at an average cost of £9k.
- 3.10.6 The growth in EHCPs is a London and national trend whereby the number of children assessed as meeting the threshold for support continues to increase. However, the HN funding has not increased in line with the growth in overall pupil numbers creating financial pressures. At the end of July 2023, there were 3363 EHCPs, which represents a growth of 8% compared to July 2022 (3122) and a 14% increase compared to the March 2022/23 outturn of 2959 EHCPs.
- 3.10.7 The forecast position is due to the following pressures:
- £2.1m forecast pressures against top-up funding paid to in-borough academies and mainstream schools which includes funding to be recouped from other local authorities for their children placed in Brent schools. The pressure is due to an increased number of pupils with special educational needs placed within the borough.
  - The pressure is further offset by a £0.8m forecast underspend against SEN Services and support being provided for inclusion services. This forecast is likely to change by year end as it is subject to the actual number of pupils excluded from mainstream schools during the year, following enrolments from September 2023.
- 3.10.8 The Council has a Deficit Recovery Management Plan in place with longer-term actions to recover the cumulative deficit. A task group led by the Corporate Director of Children and Young People (CYP) is in place to coordinate and monitor these actions. Some of these actions to reduce costs include developing Alternative Provision education in the borough, increasing the amount of special provision within the borough, particularly for secondary phase pupils and 16–25-year-old SEND students. A combination of these longer-term recovery actions and anticipated funding increases is expected to achieve a reduction in the deficit.
- 3.10.9 In 2022/23 Brent participated in the DfE programme called Delivering Better Value (DBV) in SEND, to provide dedicated support and funding to help local authorities reform their high needs systems. The first phase of the programme included a comprehensive diagnostic to identify root cause cost drivers and mitigating solutions or reforms and support in developing a quality assured Management Plan and the opportunity to bid for a £1m grant to deliver the actions in the Management Plan. Brent was successful and will receive the £1m funding over two financial years i.e., 2023/24 and 2024/25. The DBV programme will not address the historic deficit, however the current

Management Plan and efficiencies identified from the programme may allow funds to be released to address historic deficits.

### Risk and Uncertainties

- 3.10.10 A balanced budget was set for the HN Block but there remains a risk that the number of children and young people with Education Health and Care Plans (EHCPs) will continue to grow. The growth in EHCPs is a national and London wide trend whereby the number of children assessed as meeting the threshold for support continues to increase, however the HN Block funding has not increased in line with continued growth. Over the years, this has created financial pressures with a majority of authorities holding deficit balances. The HN Block received a 10% increase in funding for 2023/24 however the risk remains that this increase may not be sufficient to cover the costs of further increases in EHCP numbers and increases from providers for high inflationary costs.
- 3.10.11 The statutory override set out in the School and Early Years Finance (England) Regulations 2021 which requires local authorities to either carry forward any cumulative DSG deficit to set against the DSG in the next funding period or carry forward some or all the deficit to the funding period is due to come to an end in 2025/26. There remains the risk that the local authority would then be required to absorb any accumulated deficit from the DSG by using General Fund balances.

### 3.11 HRA

<b>HRA gross income and expenditure</b>			
	<b>Budget</b>	<b>Forecast</b>	<b>Overspend/ (Underspend)</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>HRA</b>			
Income	(61.2)	(61.2)	0.0
Expenditure	61.2	61.2	0.0
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

#### Forecast

- 3.11.1 The budgets for the Housing Management function are contained within the ring-fenced Housing Revenue Account (HRA), which has a balanced budget for 2023/24.
- 3.11.2 The HRA is forecasting a break-even position for 2023/24, with budget pressures of £0.3m due to service charge refunds being mitigated by keeping staffing vacancies. There are a number of other risks and uncertainties in this fund that could pose financial pressures.

## **Risks and uncertainties**

- 3.11.3 High levels of uncertainty around inflation and rising interest rates pose a financial risk to the HRA. This has an impact on the cost of materials and repairs, as well as the cost of new build contracts. Energy cost increases are to be passed on to tenants and leaseholders resulting in an increased risk of non-collection. In addition, an increase in service requests relating to damp and mould is likely to put additional pressures on budgets.
- 3.11.4 Other pressures involve the capital programme as there is no new government funding having been made available to meet environmental priorities and requirements such as carbon reduction works to homes.
- 3.11.5 The government has limited social housing rent increases to 7%, which means that the increased costs experienced by the HRA cannot be fully met by rent inflation. The HRA needs to modify service delivery and achieve considerable additional savings in order to close the gap between rental income and the cost of service delivery. In addition, the cost-of-living crisis is likely to further impact rent collection rates and consequently result in increased rent arrears.
- 3.11.6 These risks are being continuously monitored and reflected in the HRA Business Plan and the Council's Medium Term Financial Strategy.

## **4.0 Capital Programme**

### **4.1 Capital Summary**

- 4.1.1 The table below sets out the Capital Programme current forecast to the revised budget position for 2023/24.



Directorate	Original Budget	Revised Budget	Current Forecast	FY Variance	
	£m	£m	£m	£m (Underspend)/ Overspend	£m (Slippage)/ Brought Forward
Corporate Landlord	10.3	14.5	15.0	0.5	0.0
Housing GF	82.3	159.9	155.3	(4.1)	(0.5)
Housing HRA	157.0	135.4	138.3	2.5	0.4
PRS I4B	0.0	0.0	0.0	0.0	0.0
Public Realm	25.5	35.8	35.5	0.1	(0.4)
Regeneration	74.1	9.9	8.2	0.1	(1.8)
Schools	35.1	19.6	14.5	(0.9)	(4.2)
South Kilburn	27.0	28.1	28.1	0.0	0.0
St Raphael's	31.7	0.8	0.8	0.0	0.0
<b>Total</b>	<b>443.0</b>	<b>404.0</b>	<b>395.7</b>	<b>(1.8)</b>	<b>(6.5)</b>

4.1.2 The assessment of RAAC across Council owned assets is a key risk for the Capital Programme. The Council is not aware of the presence of RAAC in any maintained schools within the Borough and is taking a proactive approach of assessing other Council assets for the presence of RAAC.

## 4.2 Corporate Landlord

4.2.1 Corporate Landlord has a forecast of £15.0m versus a revised budget of £14.5m for 23/24. This variance is driven by an accelerated spend of £0.4m on the Civic Centre Development and an overspend of £0.2m on Public Sector Decarbonisation Scheme associated with higher than expected commissioning costs. This is offset by smaller underspends in a number of projects including Flexible Working Equipment, Willesden Green Library Development, and the Central and North West London College loan totalling £0.1m.

### Risk and Uncertainties

4.2.2 With regards to the Central and North West London College loan, there are discussions taking place with the DfE to establish whether the Council will continue to be the lender following the classification change of Colleges to be included within the public sector. For Civic Centre Development there is a risk that the project may be delayed but this is being mitigated against through close monitoring of subcontractors. There is also a risk that the Public Sector

Decarbonisation Scheme overspends by £0.2m if costs are higher than expected. Another issue involves insufficient resources available to ensure that work can be commissioned quickly from Brent IT and Shared Services leading to delivery delays. Timescales are being agreed in advance and escalation to Heads of Service is being carried out when timescales are not met.

### **4.3 Housing General Fund**

4.3.1 Housing General Fund is forecasting to spend £4.6m below the current year budget. This position is due to a combination of slippage at Edgware Road, £5.3m and Bridge Park, £0.5m and genuine overspends at Stonebridge £1.1m. Edgware Road is forecasting slippage for the current year due to delay in getting onsite relative to the original target. Bridge Park slipped £0.5m, while management continue to explore the delivery and financing options. The Stonebridge Housing Development is reporting a current year overspend of £1.1m and an overall overspend of £1.7m. The cause is due to design changes and unforeseen regulatory works.

### **4.4 Housing HRA**

4.4.1 The HRA is forecasting to spend £2.9m ahead of the current year profile. This is made up of £2.5m in genuine overspends together with accelerated spend totaling £0.4m. Frontenac is forecast to overspend £0.3m; due to unforeseen external works to balconies and post award changes. Gloucester Close is forecasting an overall overspend of £0.1m; due to unforeseen additional works. Mason Court and Hindhurst Close are collectively forecasting an overspend of £1.0m; due to contractor claims (re Covid and inflation). Tower Blocks - Kilburn Square is reporting an overall overspend of £0.4m. Aneurin Bevan Court is reporting a significant variance, £1.1m overall; this mostly due to the omission of on-costs from the original budget but also includes payment in respect of a loss and expense claim from the contractor. Longley Avenue is forecasting an overspend of £0.2m; the project was put on hold due to a dispute over part of the land; this dispute has been settled in our favour. Sycamore grove is showing underspend of £0.2m as the scheme will no longer proceed due to viability challenges.

## **Risk and Uncertainties – Housing**

- 4.4.2 Cost inflation is reportedly slowing, which should see a consequential slowing of tender price inflation, although any benefit from slowing inflation may be offset by cost pressures due to environmental and safety regulations. Viability challenges are set to continue given the current high interest rate environment. The Council in the last year has had to pause significant development schemes and further schemes in the New Council Homes Programme may need to be paused throughout the year. The Council is also experiencing significant supply pressures for Temporary Accommodation as set out in section 3.8 One of the options to mitigate the pressure is to increase the supply of temporary accommodation through a new acquisition programme.

### **4.5 PRS I4B and First Wave Housing**

- 4.5.1 During 2022/23, I4B drew down a £40m loan facility for the acquisition of properties as part of the private rented sector programme. Over 2022/23 I4B made acquisitions totaling £13.7m therefore, the company has £26.3m of their loan facility remaining. I4B are forecasting to spend £2.5m of the drawdown loan in 2023/24. This forecast spend is to cover currently known pipeline acquisitions. Acquisitions by the company have slowed on account of an adverse prevailing market.

#### **Risk and Uncertainties**

- 4.5.2 Whilst inflation is reportedly slowing, it is not certain the Bank of England will drop interest rates, which remain relatively high and make the financing of acquisitions more challenging. First Wave Housing, the Council's other wholly owned housing company, has applied for funding from the GLA's Refugee Housing Programme alongside a wider Council bid. This is for the planned purchase of six larger homes (four beds+) to house Ukrainian and Afghan refugees. If the bid is approved, acquisitions would be 50% grant funded, and the remaining 50% would need to be funded through new borrowing from the Council. For the six properties the funding requirement is expected to be circa £2.31m. I4B is also working closely with the Council on activities to support the temporary accommodation pressure. Depending on the scale of the project, a further loan may be required by the company to acquire more properties.

### **4.6 St Raphael's**

- 4.6.1 The St Raphael's project is forecasting to spend to budget. The budget of £0.8m is for planning and design spend for all phases and for the minor improvement works that will not require planning consent (formal application). Plans for further works will be firmed up in future subject to viability. The Council is now working towards the delivery of the first tranche of Estate improvement works, set to commence this financial year.

## **Risk and Uncertainties**

- 4.6.2 The development works on the infill masterplan are currently on pause. The Council remains committed to exploring alternative delivery and financing options however these remain significantly challenging.

## **4.7 Public Realm**

- 4.7.1 The Public Realm revised budget for the year is £35.8m with a latest forecast of £35.5m. The variance of £0.3m sits within the Public Realm Capital Programme Board where there are 135 projects with a revised budget. There are numerous projects which are forecasted as higher/lower than the revised budgets. The projects with higher forecasts than budget include the following; Highways has brought forward £1m of budget in order to use contractors to complete works in the summer of 2023. This is with approval to bring forward two schemes (the longest two) on the 2023/24 Principal Roads programme and 10 locations for major footway reconstruction for an early start ahead of formal Cabinet approval of the 2023/24 Highway Capital Maintenance Programme in September. Lamp Column electric chargers are forecasting £400k higher than budget however a grant claim has been submitted to the Department for Transport to cover these additional costs. RLS vehicle programme is forecasting £159k of spend to be brought forward as part of the the waste collection vehicle purchases, however the overall programme forecast is in line with the overall budget. A key projects where the forecast is lower than budget includes S106 Hostile Vehicle Mitigation (HVM) which is forecasting slippage of £658k which is constantly under review by the service as works are based on security works assessments and the need to carry out works. Pitch Improvements are forecasting slippage of £386k due to delays with irrigation and Thames Water works. Healthy Streets and Parking have re-profiled £185k on Roe Green Kingsbury. Parks and Capital are currently forecasting a £234k underspend on several projects which are winding down. Gladstone Park Tennis Court is currently forecast a (£60k) underspend as this project is also close to completion. There is c(£300k) in some Healthy Streets and Landscaping projects where re-profiling has occurred but overall budget spend still being forecast.

## **Risk and Uncertainties**

- 4.7.2 The reduction in grant funding for TfL has resulted in a smaller scope of works to deliver the Local Implementation Plan – The TfL submission for grant claims was submitted to maximum level in August. The long-term programme is being developed in recognition of this reduced level of funding to ensure we maximise the impact of the funding received.

## **4.8 Regeneration**

- 4.8.1 Regeneration is currently forecasting an underspend of £1.7m (£9.9m revised budget and forecast of £8.2m). £1.8m of this variance is due to the Picture Palace project being delayed. This project which is set to deliver a new community hub has been delayed due to planning issues and viability

challenges, however it has now been granted full funding of CIL and an updated schedule of works is being produced.

### **Risk and Uncertainties**

- 4.8.2 The Wembley Housing Zones project is expected to experience a viability pressure when updating the project plans to meet potential fire safety regulations. Work is already underway with the contractor, Wates, to reduce the impact of any changes required. The Morland Garden project is experiencing significant viability challenges whilst also being subject to a significant delay in the project delivery timescales dependent on the outcome of the public inquiry in relation to the stopping up order.

## **4.9 Schools**

- 4.9.1 The Schools Board is forecasting an underspend £5.1m for the financial year. £3.2m of this underspend is due to SEND projects which although currently forecasting in line with programme life budget, slippage in FY 23/24 has occurred. This is due to delays in ARP procurement, a detailed ongoing site review of St Gregs , prolongation of London Road SEND due to Thames Water sewer build over requirements and TVS and Woodfield moving to Post-16 at Airco Close. Brent Childrens Home is a new budget this financial year and the forecast is the more up to date view. This project has a £1.1m profiling underspend in FY23/24. The forecast is based on a property that has been identified as a workable solution but is currently being reviewed by planning and legal pre a potential Council purchase. However, until a unit is purchased then this forecast will be volatile. The remaining underspend is driven by an updated Devolved Formula Capital Projects submitted by Schools reducing the expenditure and minor underspends on the Schools Asset Management Programme and Roe Green kitchen project.

### **Risk and Uncertainties**

- 4.9.2 There are many schools involved in the Additional Resource Provision of the SEND programme which may not be able to progress once full feasibility studies and structural surveys are completed so the programme could see volatility in the location of the provision.

## **4.10 South Kilburn**

- 4.10.1 The South Kilburn programme has a budget of £28.1m of which the current forecast is spend to budget.

### **Risk and Uncertainties**

- 4.10.2 Viability is a key challenge for the remaining developments within the South Kilburn programme. The Single Delivery Partner approach is being explored to help provide certainty for the programme and provide economies of scale for the delivery partner.

#### **4.11 Treasury Management Prudential Indicators**

4.11.1 In line with the 2021 Prudential Code, a review of the prudential indicators for the authority will now take place quarterly rather than solely through the Treasury Management updates throughout the year. A performance of the treasury and capital activities against these indicators can be found in Appendix B.

#### **5.0 Stakeholder and ward member consultation and engagement**

5.1 There are no direct considerations arising out of this report.

#### **6.0 Financial Considerations**

6.1 The proposed loan of £2m to First Wave Housing Ltd would be financed by Council borrowing in accordance with its treasury management strategy. It is anticipated that the interest rate charged to First Wave Housing would be set in reference to PWLB rates at the time of First Wave Housing drawdowns.

6.2 The Council would be providing the loan to First Wave Housing Ltd for the provision of homes under the Greater London Authority Refugee Housing Programme. The Council considers this to be a loan for service delivery to a third party so this will be reported in the Council's capital expenditure programme.

#### **7.0 Legal Considerations**

7.1 There are no legal considerations arising out of this report.

#### **8.0 Equality, Diversity & Inclusion (EDI) Considerations**

8.1 There are no EDI considerations arising out of this report.

#### **9.0 Climate Change and Environmental Considerations**

9.1 There are no climate change or environmental considerations arising out of this report.

#### **10.0 Human Resources/Property Considerations (if appropriate)**

10.1 There are no HR or property considerations arising out this report.

#### **11.0 Communication Considerations**

11.1 There are no direct communication considerations arising out of this report.

**Report sign off:**

***Minesh Patel***

Corporate Director of Finance and Resources

MTFS Savings Delivery Tracker 2023/24

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
Care, Health and Wellbeing	2023-24 AH01	Homecare Reductions	1,200		1,200	Post Covid increases in homecare, driven by increased need and hospital discharge, introduce new reablement service and reduce double handed care packages to manage demand and increase independence	Green	Saving on track to be delivered
Care, Health and Wellbeing	2023-24 AH02	Not in-sourcing Reablement	1,300		1,300	Commission a reablement service through the market, which will deliver the same benefit for residents and for demand, but will cost substantially less to deliver than bringing the service in house	Green	Saving already achieved
Care, Health and Wellbeing	2023-24 AH03	Reduction in cost of Learning Disability Placements	600		600	Proposal to support more people with a Learning Disability to live as independently as possible and to continue to reduce Residential Placements	Amber	Potential delays in fully delivering the savings in 23/24, mitigating items to be identified if this materialises
Care, Health and Wellbeing	2023-24 AH04	Extra Care Void Saving	250		250	Reduce the number of care home placements, reversing the increase driven by health during Covid, re-focusing on extra care placements filling voids and new extra care schemes as alternatives that promote more independence	Green	Saving on track to be delivered
Care, Health and Wellbeing	2023-24 AH05	Mental Health Placements	470		470	Working closely with housing and secondary MH services to improve the recovery pathway post Covid, in particular reducing supported living placements and increased access to General Needs accommodation	Green	Saving on track to be delivered
Care, Health and Wellbeing	2023-24 AH06	Reductions in Staffing	270		270	Deliver the plan to increase the number of permanent staff in a very challenging recruitment market and reduce the Adult Social Care agency staffing	Green	Saving on track to be delivered via vacancy factors across the service

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
Care, Health and Wellbeing	2023-24 AH07	Digital / Transformation Savings	175		175	ASC - online forms, single view dashboards, integration of applications with Mosaic, assistive technology. Electronic document management. Direct payments automation and reduction in overpayments; and potential for increased alignment with CYP DP team. Automation of manual case review processes.	Green	Saving on track to be delivered
<b>Sub Total</b>			<b>4,265</b>	<b>0</b>	<b>4,265</b>			
Children & Young People	2023-24 CYP01	Early Help	240		240	Savings proposals will be a combination of establishment savings achieved by deleting posts and reducing some commissioned services.	Green	Savings on track to be delivered
Children & Young People	2023-24 CYP02	Inclusion and Virtual School	80		80	Reducing the Supporting Young People Contract, ('Connexions').	Green	Savings on track to be delivered
Children & Young People	2023-24 CYP03	Localities - Care Packages reduction	365		365	Care package reductions for families receiving support from the 0-25 children and young people with disabilities teams	Amber	Work underway to ensure that savings will be on track to be delivered a risk of slippage is anticipated.
Children & Young People	2023-24 CYP05	Looked after Children and Permanency		510	510	Review of agency worker usage and implementation of a vacancy factor	Green	Work underway to ensure that savings will be on track to be delivered.
Children & Young People	2023-24 CYP06	Forward Planning Performance & Partnerships		860	860	Proposed savings will be made through the commissioning of placements for Looked After Children and Care Leavers	Green	Work underway to ensure that savings will be on track to be delivered.
Children & Young People	2023-24 CYP07	Safeguarding and Quality Assurance	121		121	Savings will be made through the management of vacant posts and a reduction of the CYP training budget.	Green	Work underway to ensure that savings will be on track to be delivered.
Children & Young People	2023-24 CYP08	Setting and School Effectiveness	34		34	Proposed savings will be made by a reduction in staffing costs within the core school effectiveness team.	Green	Savings on track to be delivered
Children & Young People	2023-24 CYP09	Digital / Transformation Savings		200	200	Admin - case management, RPA, Mosaic enhancement (alerts), electronic document management,	Green	Work underway to ensure that savings will be on track to be delivered.



Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
						removing manual processes and excel. Schools admissions chatbots/virtual agents. Direct payments automation and reduction in overpayments; potential for increased alignment with ASC DP team. CAMS dashboard.		
<b>Sub Total</b>			<b>840</b>	<b>1,570</b>	<b>2,410</b>			
Communities & Regeneration	2023-24 CR01	Planning Service Staff		205	205	Reduce planning staff by 5% (3.5 FTE) achieved by natural turnover/deletion of vacant posts. Would impact ability to provide planning service and policy framework.	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR02	Brent Works / Brent Start	35		35	Proposal to combine advisors across both Brent Start and Brent Works via turnover / vacancy management	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR03	Brent Start Programme Leader	24		24	Proposal to merge a position with another programme to delete this provision in Brent Start via vacancy management	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR04	Regeneration Capitalisation		75	75	Opportunity for further capitalisation for 4 years, whilst Wembley housing zone schemes are built	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR05	Town Centre managers	68		68	Reduction of one Town Centre manager.	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR06	Strategy & Engagement restructure	55		55	Reduction in IAG Contract. Non appointment of new posts identified in the new structure	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR07	Communications restructure	100		100	Reduce the number of Communications Account Managers in the corporate communications team from five to three	Green	Savings on track to be delivered
Communities & Regeneration	2023-24 CR08	Digital / Transformation Savings	50		50	Automation, chatbot, virtual agents. Dashboards for contract monitoring and demand management.	Green	Delays with a supplier will result in a slippage. Mitigating actions need to be identified.

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
						Any changes to structures, alignment and commissioned services from Employment and Skills OBR. IoT e.g. potholes, better tech for field officers (Powerapps) to increase efficiency.		
<b>Sub Total</b>			<b>332</b>	<b>280</b>	<b>612</b>			
Resident Services	2023-24 RS01	Removal of first class envelopes from the Civic Centre	64		64	Removal of first class envelopes from Civic Centre to reduce postage spends. First class postage will remain available in the Post Room but only for those requiring first class postage	Green	Savings on track to be delivered
Resident Services	2023-24 RS02	Staffing Changes	86		86	Staffing changes across the Improvement & Performance Team and the Digital Post Room teams. Duties to be covered by existing staff once re-evaluation of JD's and staff consultation has been carried out	Green	Savings on track to be delivered
Resident Services	2023-24 RS03	IEG and Resilience contract reduction & Staffing reductions due to systems automation	262		262	Reduction in the usage of the Resilience contract and creation of in house applications to replace IEG	Green	Savings on track to be delivered
Resident Services	2023-24 RS04	Online diary and reporting system and booking citizenship ceremonies	11		11	Online diary and reporting system equivalent to current product bought in house use of corporate. Online booking Citizenship ceremonies incorporating facility for payment for private ceremonies	Green	Savings on track to be delivered
Resident Services	2023-24 RS05	Staff reorganisation	210		210	Staff reorganisation in the Revenue & Debt team	Green	Savings on track to be delivered
Resident Services	2023-24 RS06	Reduction in licensing, corporate printing,	418		418	• Reduction in licensing spend through applications rationalisation	Green	Savings on track to be delivered

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
		supplies and services, delivery of ICT roadmap, staffing				<ul style="list-style-type: none"> <li>• Reduction in corporate printing spend through continued move to digital options</li> <li>• Reduction in ICT and Transformation supplies and services spend</li> <li>• Reduction in Brent's contribution to the shared ICT service through realisation of savings through delivery of roadmap projects</li> <li>• Reduction in staffing in Transformation service</li> </ul>		
Resident Services	2023-24 RS07	Digital / Transformation Savings	300		300	Online forms, chatbot/virtual agent, RPA, further reduction in print, aligning systems	Green	Savings on track to be delivered
Resident Services	2023-24 RS08	Libraries stock	62		62	Reduction in Libraries stock budget	Green	Savings on track to be delivered
Resident Services	2023-24 RS09	Increase Council Owned Temporary Accommodation Portfolio	350		350	Build a new Temporary Accommodation scheme of up to 100 units (similar to Anansi House), providing better quality and more affordable accommodation for people who would otherwise be in private sector nightly paid accommodation	Amber	New accommodation will not be available until 2024 so one-off mitigations in year will need to be identified
Resident Services	2023-24 RS11	Increase portfolio of Council Managed Temporary Accommodation (TA)	86		86	Transfer HALS TA portfolio from Notting Hill Genesis (NHG) to Brent Direct Leasing (BDL)	Green	Saving is no longer deliverable in the original form, however mitigating actions have been identified to deliver the saving in an alternative way through reducing other costs within the Temporary Accommodation portfolio
Resident Services	2023-24 RS12	Street Light Dimming	60		60	Proposal for Street Light Dimming. Identify areas where lighting levels can be reduced to secure energy cost savings	Green	Savings on track to be delivered
Resident Services	2023-24 RS13	Waste disposal – Education and	250		250	Reduction in residual waste stream in order to secure increased recycling	Green	Savings on track to be delivered

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
		outreach insourcing				rates and reduced waste disposal payments to WLWA		
Resident Services	2023-24 RS14	Review Payments to WLWA	100		100	This proposal seeks to recover any over-payment of waste disposal charges made by Brent that may be retained by WLWA and held as reserves by that organisation.	Green	Savings on track to be delivered
Resident Services	2023-24 RS15	Increased use of Proceeds Of Crime Act	300		300	Subsidise Regulatory Services area with use of POCA income	Green	Savings on track to be delivered
Resident Services	2023-24 RS16	RLS related - Environmental Services Review	150		150	Environmental Services review staff structures as part of RLS Phase 2 review	Green	Savings on track to be delivered
Resident Services	2023-24 RS17	RLS related - Review of BTS	1,200		1,200	Detailed service review, route optimisation and alternative means of transport	Amber	The review is underway, however it is not anticipated that the saving will be realised in 2023/24 so one-off mitigations in year will need to be identified
Resident Services	2023-24 RS18	RLS Related - Negotiate RLS cost reduction		200	200	Potential to reduce cost as part of RLS competitive dialogue tendering approach	Green	Savings on track to be delivered
Resident Services	2023-24 RS19	RLS related - Rationalisation of Environmental service budgets	130		130	A rationalisation of the budgets within Environmental Services has taken place in anticipation of the savings required for the RLS project.	Green	Savings on track to be delivered
<b>Sub Total</b>			<b>4,039</b>	<b>200</b>	<b>4,239</b>			
Finance & Resources	2023-24 FR01	Reduction in staffing	252		252	Savings will be made from the creation of a centralised Oracle support function in IT, a proportion of Head of Finance management oversight of master data and systems control is no longer required	Green	Saving on track to be delivered
Finance & Resources	2023-24 FR02	Digital / Transformation Savings	250		250	Digital Transformation will enable automation of transactional activity across the whole of the Finance	Green	Saving on track to be delivered

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
						function and improvements in management self serve as a result of Oracle Cloud enhancements which will deliver savings		
Finance & Resources	2023-24 FR03	External support for Internal Audit activity	23		23	Reduce use of external support to internal audit service	Green	Saving on track to be delivered
Finance & Resources	2023-24 FR04	Civic Centre Office Let		680	680	Lease further floors of the Civic Centre to external organisations / tenants to generate revenue	Green	Saving on track to be delivered
Finance & Resources	2023-24 FR05	Increase car park/EVCP charge	100		100	Considered feasible to increase civic centre parking charge and also charging rate for EVCP provision without impacting demand.	Green	Saving on track to be delivered
Finance & Resources	2023-24 FR06	Security Service Transformation	300		300	Service transformation to be implemented following the detailed review of security provision across all Brent's operational buildings after staff TUPE'D across from the previous out-sourced provider in summer 2021	Green	Saving on track to be delivered
Finance & Resources	2023-24 FR07	Rationalise soft FM service	150		150	Rationalising soft FM services (cleaning) to meet reduced portfolio demand	Green	Saving on track to be delivered
Finance & Resources	2023-24 FR08	Commercial Staffing Review	50		50	Review capitalisation of staffing costs and replace interims with permanent staff	Green	Saving on track to be delivered
<b>Sub Total</b>			<b>1,125</b>	<b>680</b>	<b>1,805</b>			
Governance	2023-24 GOV01	Reduction in staffing via restructure	89		89	Proposed savings to be made from reduction in posts and more efficient allocation of tasks	Green	Savings on track to be delivered
Governance	2023-24 GOV02	Restructures in HR	85		85	This saving would introduce a new model for advisory support in HR and reduce the number of advisory posts in HR by one in 2023/24 and by one in 2023/24.	Green	Savings on track to be delivered
Governance	2023-24 GOV03	Reduce Corporate	40		40	Reduction in budget held by HR for Corporate training	Green	Savings on track to be delivered

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
		Learning and Development Budget						
Governance	2023-24 GOV04	Administrative and Miscellaneous Efficiencies	12		12	Increased advert via LinkedIn for recruitment advertising - reduction in publications	Green	Savings on track to be delivered
Governance	2023-24 GOV05	Increase income target for recoverable legal work costs	30		30	S106 and other third party income increase	Green	Savings on track to be delivered
Governance	2023-24 GOV06	Reduce Legal Fees Budget	50		50	Reduce the provision in the legal budget for payment of court fees and the costs of advice and representation by barristers in cases brought by or against the council	Green	Savings on track to be delivered
Governance	2023-24 GOV07	Cessation of DX Postal service	3		3	This savings would involve discontinuing use of the legal document exchange service through which documents for the court, barristers chambers and solicitors firms are currently sometimes despatched	Green	Savings on track to be delivered
Governance	2023-24 GOV08	Miscellaneous expenses reduction	19		19	Miscellaneous expenses reduction. This saving would remove a budget utilised for unplanned overhead expenses	Green	Savings on track to be delivered
Governance	2023-24 GOV09	Administrative and Miscellaneous Efficiencies	22		22	This proposal concerns aligning salary budgets with the establishment	Green	Savings on track to be delivered
Governance	2023-24 GOV10	Procurement restructure		50	50	Review structure of the Procurement team with overall impact leading to a reduction in the establishment by 1 FTE	Green	Savings on track to be delivered

Department	Index	Reference	2023/24 savings (£000)	2024/25 deferred savings (£000)	Total Savings (£000)	Description	RAG Status	Comments / Mitigating Actions
Governance	2023-24 GOV11	Digital / Transformation Savings		75	75	Electronic document management, further implementation of DocuSign, sharing documents with external parties via M365, chatbots for routine HR and Legal queries	Green	Savings on track to be delivered
<b>Sub Total</b>			<b>350</b>	<b>125</b>	<b>475</b>			
Corporate	2023-24 CORP1	Digital / Transformation Savings	600		600	Commissioning, Performance and Communications review	Green	Saving on track to be delivered
Corporate	2023-24 CORP4	Procurement savings	449	51	500	To be managed by the Commissioning and Procurement Board. All contracts on pipeline will come to the board to review contract specifications in order to deliver savings	Green	Saving on track to be delivered
Corporate	2023-24 CORP5	CMT Savings	200		200	Savings from June 2022 CMT Restructure	Green	Saving already achieved
Corporate	2023-24 CORP6	RLS related - Environment department saving	1,300		1,300	A rationalisation of the budgets within Environment has taken place in anticipation of the savings required for the RLS project.	Green	Saving already achieved
Corporate	2023-24 AH08	Technical Adjustment - recurring grant funding		1,500	1,500	Recognition of grants not previously budgeted for in the MTFS.	Green	Saving on track to be delivered
<b>Sub Total</b>			<b>2,549</b>	<b>1,551</b>	<b>4,100</b>			
<b>Grand Total</b>			<b>13,500</b>	<b>4,406</b>	<b>17,906</b>			

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## Appendix B

### Legislative Update

In December 2021, CIPFA published its revised Prudential Code and Treasury Management Code of Practice following concerns around the commercial activity undertaken by several local authorities and the affordability of borrowing plans.

The Code required authorities to not borrow to invest primarily for financial return and all capital expenditure undertaken must be related to the functions of the authority. The Council has not undertaken any activities to invest for a yield or have any commercial plans within the capital programme.

The code required the Prudential Indicators (which are approved as part of the Council's Treasury Management Strategy) to be reported quarterly (from semi-annually) as part of the financial updates. The code permitted this reporting to be implemented by the 2023/24 financial year so this appendix will be a recurring addition to the quarterly financial reports.

### Prudential Indicators

The Council has a significant borrowing requirement and balance and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Council's treasury management strategy.

#### (a) Capital Financing Requirement (CFR)

The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement. This is the amount of the Capital Programme that is funded by borrowing. The Council's maximum external borrowing requirement for 2023/24 is shown in the table below. The indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council tax and in the case of the HRA, housing rent levels.

	<b>2023/24 Forecast</b>	<b>2024/25 Budget</b>	<b>2025/26 Budget</b>	<b>2026/27 Budget</b>	<b>2027/28 Budget</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Opening CFR	1,146.4	1,435.3	1,726.0	1,869.7	1,899.3
Capital Expenditure	406.6	477.0	200.7	65.8	42.2
External Resources	(56.5)	(80.2)	(12.2)	-	-
Internal Resources	(43.5)	(86.4)	(22.6)	(11.4)	(6.3)
MRP	(17.4)	(19.7)	(22.2)	(24.7)	(27.4)
<b>Closing CFR</b>	<b>1,435.3</b>	<b>1,726.0</b>	<b>1,869.7</b>	<b>1,899.3</b>	<b>1,907.8</b>

#### (b) Gross Debt and the Capital Financing Requirement

In order to ensure that over the medium term, debt will only be for a capital purpose, the Council should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years. This is a key indicator of prudence. The table below shows that the Council expects to comply with this recommendation during 2023/24.

Debt	2023/24	Q2 2023/24
	Forecast	Actual
	£m	£m
Borrowing	833.3	747.2
PFI liabilities	17.1	18.8
Other	7.7	7.7
<b>Total Debt</b>	<b>858.0</b>	<b>773.6</b>
<b>Capital Financing Requirement</b>	<b>1,435.3</b>	<b>1,435.3</b>
<b>Compliance</b>	<b>Yes</b>	<b>Yes</b>

### (c) Liability Benchmark

The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

	31/03/24	31/03/2025	31/03/26
	Forecast	Forecast	Forecast
	£m	£m	£m
Loans CFR	1,435.3	1,726.0	1,869.7
Less Balance sheet resources	(438.2)	(438.2)	(438.2)
<b>Net Loan requirement</b>	<b>997.1</b>	<b>1,287.8</b>	<b>1,431.5</b>
Plus Liquidity Allowance	20.0	20.0	20.0
<b>Liability Benchmark</b>	<b>1,017.1</b>	<b>1,307.8</b>	<b>1,451.5</b>

### (d) Authorised limit and Operational Boundary for External Debt

The Operational Boundary for External Debt is based on the Council's estimate of most likely i.e. prudent, but not worst case scenario for external debt. It links directly to the Council's estimates of capital expenditure, the capital financing requirement and cash flow requirements and is a key management tool for in-year monitoring.

Other long-term liabilities comprise finance leases, Private Finance Initiative contracts and other liabilities that are not borrowing but form part of the Council's debt.

The Authorised Limit for External Debt is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

	2023/24 Operational Boundary	2023/24 Authorised Limit	Q2 2023/24 Actual external debt	Compliance
	£m	£m	£m	
Borrowing	1,500.0	1,700.0	747.2	Yes
Other Long-term liabilities	-	-	34.5	
<b>Total</b>	<b>1,500.0</b>	<b>1,700.0</b>	<b>781.7</b>	

The Corporate Director for Finance and Resources confirms that there were no breaches to the Authorised Limit and the Operational Boundary during Q1 of 2023/24.

**(e) Upper Limits on one-year revenue impact of a 1% movement in interest rates**

This indicator is set to control the Council's exposure to interest rate risk. The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

	2023/24 Approved Limits £m	Q2 2023/24 Actual £m
Upper limit on one-year revenue impact of a 1% rise in interest rates	5.0	1.4
Compliance with limits:		Yes
Upper limit on one-year revenue impact of a 1% fall in interest rates	(5.0)	(1.4)
Compliance with limits:		Yes

**(f) Maturity Structure of Fixed Rate Borrowing**

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates. The Council uses the option date as the maturity date for its LOBO loans.

Maturity Structure of Fixed Rate Borrowing	Upper Limit	Lower Limit	Actual Fixed Rate Borrowing at Q2 2023/24	% of Fixed Rate Borrowing at Q2 2023/24	Compliance with set limits?
	%	%	£m	%	Yes / No
Under 12 months	40%	0%	47.0	6%	Yes
12 months and within 24 months	40%	0%	-	0%	Yes
24 months and within 5 years	40%	0%	-	0%	Yes
5 years and within 10 years	60%	0%	4.5	1%	Yes
10 years and within 20 years	75%	0%	209.6	28%	Yes
20 years and within 30 years	75%	0%	126.3	17%	Yes
30 years and within 40 years	75%	0%	199.3	27%	Yes
Over 40 years	75%	0%	160.5	21%	Yes
			<b>747.2</b>	<b>100%</b>	

### (g) Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

Ratio of Financing Costs to Net Revenue Stream	31/03/24 Estimate
Financing costs	33.1
Proportion of net revenue stream (%)	5.1%

### (h) Upper Limit for Total Principal Sums invested over 364 Days

The purpose of this limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

Upper Limit for Total Principal Sums Invested Over 364 Days	2023/24 Approved	Q2 2023/24 Actual
	£m	£m
Limit on principal invested beyond a year	50	0

### (i) Security

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Credit Risk Indicator	2023/24 Target	Q2 2023/24 Actual
Portfolio average credit rating	A	A+

### (j) Liquidity

The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

Liquidity Risk Indicator	2023/24 Target £m	Q2 2023/24 Actual £m
Total cash available within 3 months	20	112.5

### (k) Investment Forecast

This indicator demonstrates the Council's investment exposure broken down by category.

Total investment exposure	2023/24 Forecast	2023/24 Actual
	£m	£m
Treasury management investments	30.0	112.5
Service investments: Loans	172.1	272.7
Commercial investments: Property	20.7	14.1
<b>TOTAL INVESTMENTS</b>	<b>222.8</b>	<b>405.9</b>
Commitments to lend	11.3	26.6
<b>TOTAL EXPOSURE</b>	<b>234.1</b>	<b>432.6</b>

Treasury management investments are higher than originally forecast due to the holding of additional short-term investments to allow for more flexible timing around long-term borrowing needs in light of the elevated interest rate environment.

### (l) Investment Funding

This indicator demonstrates the amount of exposure to borrowing as a result of investments made for service purposes. These investments are the loans to the Council's subsidiaries i4B Holdings Ltd and First Wave Housing Ltd.

Investments funded by borrowing	2023/24 Forecast	2023/24 Actual
	£m	£m
Service investments: Loans	172.1	272.7
<b>Total funded by borrowing</b>	<b>172.1</b>	<b>272.7</b>

### (m) Investment Rate of Return


This indicator demonstrates the rate of return obtained from the different investment categories.

Investments rate of return	2023/24 Budget	2023/24 Actual
Treasury management investments	3.10%	5.08%
Service investments: Loans	3.90%	3.11%
Commercial investments: Property	15%	21%

### (n) Other Investment Indicators

Indicator	2023/24 Forecast	2023/24 Actual
Debt to net service expenditure ratio	2.18	2.16
Commercial income as a % of net service expenditure ratio	0.94%	0.96%

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 <p><b>Brent</b></p>	<p><b>Cabinet</b> 16 October 2023</p>
	<p><b>Report from the Corporate Director for Care, Health and Wellbeing</b></p>
	<p><b>Lead Member – Cabinet Member for Public Health and Adult Social Care (Councillor Nerva)</b></p>
<p><b>Authority To Consult on Changes to Adult Social Care Charging Policy</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	One Appendix 1: Presentation - Proposed Changes to Adult Social Care Charging Policy
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Andrew Davies Head of Commissioning, Contracting and Market Management, ASC 020 8937 1609 Andrew.davies@brent.gov.uk

## 1.0 Executive Summary

- 1.1 The purpose of this report is to present to members recommendations for changes to the Adult Social Care charging policy. Before any of these recommendations are implemented, Cabinet is asked to agree that the proposed changes should be subject to consultation with Adult Social Care service users and the wider public in Brent.
  
- 1.2 The Care Act 2014 gives local authorities discretionary powers to charge adult recipients for social care services provided to them. The basis of those charges varies depending on whether someone is receiving care in a care home or in their own home or in another setting. However, they share some common elements.
  
- 1.3 Section 14 of the Care Act 2014 states that a local authority may make a charge for meeting needs, and must follow the Care and Support (Charging and Assessment of Resources) regulations if it chooses to charge. Section 17 of

the Care Act 2014 states that having determined that it will charge, the local authority must carry out a financial assessment to determine how much an individual should pay towards their care.

- 1.4 There are a number of principles that local authorities must follow when charging for care services. Most importantly, nobody should be expected or asked to pay a charge that they cannot afford. This is why people are subject to individual, personalised financial assessments, so that their personal circumstances are taken into account when charging for care services.
- 1.5 The Brent Adult Social Care Charging policy was last reviewed fully in 2016. Officers had begun to review the policy in 2021/22, ahead of the Government's proposed changes to adult social care charging (i.e. the introduction of the lifetime care cap, and changes to the capital thresholds for charging for care). These proposals are on-hold, and there are no plans to implement them currently. However, in doing the work on the charging policy ahead of those proposed changes, a number of issues and inconsistencies were found in the policy, and it is felt that there should be changes to the policy as a result.
- 1.6 The purpose of the changes that are being set out for consultation are to bring greater consistency to the charging policy and ensure that it is fit for purpose in the years to come. It is also important the charging policy links to wider aims for adult social care in Brent, to ensure that there is a sustainable service going forward, but that also the service is focussed on supporting people to remain as independent as possible without formal care commissioned by the local authority. Reviewing the policy on a regular basis is also good practice. The changes proposed for consultation include –
  - Reducing the discretionary personal allowance from 25% to 10% for those receiving non-residential or nursing care. This change would have an impact on the financial contribution made by all service users who contribute towards the cost of their adult social care services, except those in residential or nursing care. The consultation will help to determine whether this is implemented on a phased basis or in its entirety from April 2024.
  - Increasing the amount charged to service users if they do not participate or cooperate with their financial assessment.
  - Increasing the hourly rate charged for homecare from £12.97 per hour to the cost of commissioning care. This is currently £20.50 per hour for contracted services, or £17.50 an hour for spot placements. This would have an impact on the payments made by self-funders, and a small number of service users receiving very small packages of care.
  - That an annual uplift is applied to the hourly rate charged for homecare in line with the increase given to providers, so that the charge continues to reflect the amount paid to providers on an hourly basis.
  - Charging homecare service users for up to seven days after a hospital admission, to bring this into line with payments to care providers (who continue to be paid for up to seven days after a service user is admitted to hospital).



- Charging service users for 28 days after being admitted to hospital from a residential or nursing home. Providers are paid for up to 28 days, so it brings the charging policy into line with payments to providers.

1.7 Further details on the impact of these proposals are set out in the report below. Cabinet is asked to consider these changes and agree that the council should consult on the proposals with service users before introducing any changes. Amendments to the council's adult social care charging policy would be implemented at the start of the 2024/25 financial year.

## **2.0 Recommendation(s)**

2.1 Cabinet is recommended to:

- (i) Note the proposed changes to the Adult Social Care charging policy.
- (ii) Agree the proposal to allow officers to consult on the policy changes outlined in this report.
- (iii) Agree that a report is presented to Cabinet in January 2024 outlining the results of the consultation and confirming the changes to the charging policy that will be introduced from the start of 2024/25.
- (iv) Agree that any changes to the policy will be implemented to start on 1<sup>st</sup> April 2024.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

3.1.1 This report sets out a number of changes to the Adult Social Care Charging Policy that will be consulted on in October, November and December 2023. In the absence of a national health and social care service, adult social care remains a service for which councils can charge. Whilst this isn't always popular, it is essential that if the service is to remain sustainable and the council is to deliver care to all who need it that those who can afford to pay for care do so. It is also important that the authority regularly reviews and updates its charging policy to ensure that it is fit for purpose.

3.1.2 There are a number of things that the council can do to mitigate the impact from the charges that people pay for receiving care services. Firstly, everyone who receives a care service from Brent has a financial assessment to determine what they should pay towards their care – there is a clear principle that nobody should pay more towards their care than they can afford to. Secondly, the council will take into account disability related expenditure, and disregard legitimate expenditure where a person has little or no choice other than to incur the expenditure in order to maintain independence or quality of life. The council does all that it can to help people maximise their income, and social workers and care assessors play important roles in this, when explaining to people the process for receiving care and paying for care. And,

it is important to note that these proposals are coming forward at a time when the council is investing in reablement and other important preventative services to keep people as independent as possible for as long as possible without requiring adult social care services.

- 3.1.3 Within this report there are a number of changes that will be consulted on. Each of them will have varying impacts, but collectively they will bring greater consistency and fairness to the policy, which will help the council commission and provide good quality care services to the people of Brent.

## **3.2 Background**

- 3.2.1 The Care Act 2014 gives local authorities discretionary powers to charge adult recipients for social care services provided. The basis of those charges varies depending on whether someone is receiving care in a care home or in their own home or in another setting. However, they share some common elements.

- 3.2.2 Section 14 of the Care Act 2014 states that a local authority may make a charge for meeting needs, and must follow the Care and Support (Charging and Assessment of Resources) regulations if it chooses to charge. Section 17 of the Care Act 2014 states that having determined that it will charge, the local authority must carry out a financial assessment to determine how much an individual should pay towards their care.

- 3.2.3 Brent Council, along with 30 other councils in London, charges service users for their social care services. The council's charging policy sets out the basis on which the council does this and reflects local needs. The Adult Social Care charging policy has not been fully reviewed and updated since 2016. Officers began the process of review ahead of the Government's plans to change the adult social care charging regulations, specially the introduction of a life-time care cap on service user contributions to the cost of their care and changes to the capital thresholds that would determine whether someone paid for their care in full. Even though the implementation of these changes have been paused indefinitely, the review by officers uncovered a number of inconsistencies with the Brent charging and consequently the council is proposing a number of changes to the policy.

- 3.2.4 There are currently 4,335 people receiving social care services in Brent. Of these people, 2,069 do not make any contribution to their care costs, 2,266 people make a contribution but their contribution is capped based on their financial status (i.e. their contribution is less than the total cost of their care). 358 people are self-funders, and pay for their care in its entirety, 88 in residential or nursing care and 270 people receiving homecare.

- 3.2.5 Changes to the charging policy will be made in line with the key principles set out in the current policy. Those principles are that the council –

- Recovers contributions from service users for care services based on the service user's ability to pay. It is intended that no one would be put in a

position of financial hardship as a result of the Care Act 2014 Statutory Guidance, since the maximum contribution will be set at either the full cost of the services provided or at a level that affords the service user at least a basic living allowance.

- Has a clear and transparent charging policy which is easy to understand and is consistently applied to all service users, that take account of their individual circumstances and needs.
- Provides an early notification to service users of their contribution to care costs.
- Ensures that service users have an opportunity to maximise welfare benefits thus maximising their ability to contribute to their care costs.
- Ensures administrative efficiency and convenience for service users.

3.2.6 It is important that the ASC charging policy is reviewed and updated on a regular basis. The proposed changes outlined in this report are significant. Some will have an impact on all service users who make a contribution towards their care and support services. Others will effect a smaller number of people, but given the scale of the change a consultation will take place to seek views on the proposed changes.

3.2.7 It is also important to understand the changes in the wider context of developments within the adult social care service. The charges that the council implements for its adult social care service are essential to ensure that the service remains sustainable in the years to come. Without the income from service user charges, the service would not be sustainable. It is essential that there is a policy to provide a framework for charging, and that this is reviewed and updated on a regular basis.

3.2.8 There are other pieces of work that are happening in parallel with these proposals. The council is placing greater emphasis on preventative services and supporting people to remain as independent as possible for as long as possible. As well as supporting people to access universal services or community based provision, there is greater investment being made in our reablement service. Reablement is a short term service to support people regain skills and independence to enable them to live without ongoing support. Whilst it is a well established part of the council's hospital discharge process, more resources are being put into the service to make it a greater part of the community offer. If people are able to receive a reablement service, and prevent the need for ongoing support, not only is it better for the individual in that they aren't reliant on formal care, but clearly they will not have to pay towards services that they aren't receiving. Reablement is and will remain a free service.

### **How ASC Charges are calculated**

3.2.9 It is important to understand how adult social care services are charged for. The changes to the charging policy will mainly affect those people who receive homecare or other services in the community. There is only one change that will have an impact on those in residential or nursing services.

- 3.2.10 When the council assesses a service user's ability to pay a contribution towards the cost of their support, it ensures that each individual maintains a portion of their income that is at least the level of a basic living allowance. The maximum contribution per week for each service user is calculated using financial information received from service users and other information available to the council. The calculation will take account of relevant income and capital.
- 3.2.11 Any person with savings above £14,250 will make a contribution to their care costs. £14,250 is the lower threshold for savings, £23,250 the upper threshold. If the person holds savings above this amount, they will fund their care in full. Savings between the lower threshold and the upper threshold will attract a surcharge of £1 per week for each £250 (or part of £250). For example, if a service user has savings of £17,250 the notional payment to the council (excluding any income) would be £12 per week. This is worked out by £17,250 less £14,250 (= £3,000) divided by £250 (= £12).
- 3.2.12 Capital includes (not an exhaustive list) any savings in bank or building society accounts; National Savings bank accounts; PEP, ISA or TESSA accounts, SAYE (Save as You Earn) schemes; cash; Premium Bonds or National Savings Certificates; stocks, shares, trust funds and investments; invested in property, building and land (rental income will be included); or where someone else is holding any of these on behalf of service user.
- 3.2.13 When calculating the maximum contribution for homecare or services in the community, the value of the main residence occupied by the service user will be ignored (if the property is subsequently sold, the proceeds of sale will be subject to financial assessment). However, if the service user owns a second property, 100% of the beneficial value will be taken into account. Service users are assessed in their own right and the income of their carer, parent, partner, or spouse is not taken into account in the financial assessment. The maximum contribution any person will make, will be the full cost of care.
- 3.2.14 There are some forms of income which are partly or wholly disregarded and do not form part of the financial assessment. Examples include –
- The mobility component of Disability Living Allowance
  - Child benefit and child tax credit
  - The part of Attendance Allowance (AA), Disability Living Allowance (care component) (DLA), Constant Attendance Allowance (CAA) and Exceptional Severe Disability Allowance (ESDA) that covers care at night where the council purchases no element of night care
  - All costs incurred by the Service User receiving care at home directly for their housing costs, mortgage, rent or Council Tax (net of related benefits)
- 3.2.15 Disability Related Expenses (DRE) are also considered when the extra cost is needed to meet a service user's specific need due to a condition or disability where the service user has little or no choice other than to incur the

expenditure in order to maintain independence or quality of life. Examples of DRE include –

- Specialist washing powders or laundry
- Additional costs of special dietary needs due to illness or disability (the service user may be asked for permission for us to approach their GP in cases of doubt)
- Special clothing or footwear, for example, where this needs to be specially made, or additional wear and tear to clothing and footwear caused by disability

3.2.16 The assessable income for a service user is worked out by adding together all identified weekly income and then subtracting –

- Any appropriate housing costs
- Any income that must be disregarded in accordance with the Care Act 2014 Statutory Guidance
- Any disability-related expenditure; and
- The minimum income guarantee (MIG)

3.2.17 The result is the assessable income from which the council will determine the service user's contribution to the cost of their care.

3.2.18 While someone eligible for local authority funded support is expected to contribute their income towards the cost of their care, there is a minimum level of income which a person must be left with after charges are deducted. For care home residents, this is called the Personal Allowance and is currently set at £28.25 per week. Local authorities have discretion to increase a person's PEA if they wish. Brent does not do this currently, and these proposals do not make any change the Personal Allowance for those who receive residential or nursing care.

3.2.19 For people receiving care in their own homes, i.e. homecare, the amount of income that must be retained is called the Minimum Income Guarantee (MIG). The MIG varies depending on a person's circumstances. For example, for a single person who has reached pension credit age, it is £194.70 per week. For a member of a couple where one or both have attained pension credit age, the MIG is £148.65 per week. The proposed changes to the policy will have an impact on the Minimum Income Guarantee in Brent.

3.2.20 The details of each of the proposed changes to the charging policy are set out below, along with a summary of their likely impact.

**(i) Changes to the Minimum Income Guarantee for those receiving care at home**

3.2.21 As set out above, all people subject to a financial assessment are left with a basic living allowance known as a Minimum Income Guarantee (MIG). The MIG varies depending on the circumstances of the person. Currently Brent enhances the MIG by 25% for everyone who has been financially assessed to

contribute towards their homecare. This is a discretionary figure, which the council does not need to apply, but it results in residents keeping an additional 25% of their income when compared to local authorities that chose to assess on the figures recommended by The National Association of Financial Assessment Officers (NAFAO).

- 3.2.22 The council proposes to reduce the discretionary element from 25% to 10%. Residents will still receive a discretionary enhancement to their Minimum Income Guarantee, but not at the level currently provided. This proposal would affect all service users that make a contribution towards their homecare, and would increase income to the council if implemented, whilst still providing a basic living allowance above that required in the guidance on charging for care services. Brent is able to do this to reflect local need and to continue to offer a minimum income guarantee above the level required, which supports service users contributing to the cost of their care services.
- 3.2.23 There are clearly consequences to doing this, not least that it will have an impact on more than 2,000 people who pay towards their care services currently. Most people will not be aware that the 25% enhancement is applied to the Minimum Income Guarantee and may not recognise that a 10% uplift is still a more generous scheme than Brent is required to provide. However, at a time when the wider charging policy is being consulted on, it makes sense to seek feedback on this change at the same time as the other proposals in this report.
- 3.2.24 The impact of this change is best demonstrated using an example, although it should be noted that each individual receiving care services will have a re-assessment to work out the specific impact for them.

#### **Case Study – Mr Patel**

*Mr Patel is a single adult living alone and is aged 83. He has a weekly income of £400. Because of his circumstances his Minimum Income Guarantee is £201.05 per week. Currently Brent adds a 25% discretionary enhancement to this, to leave his MIG at £251.31. This leaves an assessable income of £148.69, which would be the maximum contribution to his care. By changing the enhancement to 10%, his Minimum Income Guarantee would become £221.20 per week, leaving an assessable income of £178.80 per week. Consequently, this is the maximum charge that Mr Patel could now pay towards his care.*

*Mr Patel's homecare package costs £175 per week. Under the current charging arrangement, he pays £148.69 per week towards this. Under the proposed arrangements, his contribution would increase to £175 per week.*

- 3.2.25 Although the intention is to reduce the discretionary allowance to 10%, it is recognised that this will be challenging for some people due to other pressures caused by the cost of living increases. As a result, the consultation will focus on whether this change should be implemented in full in April 2024, or phased in over two years (reducing the discretionary allowance by 7.5% in 2024 and

again in 2025) or three years (reducing the allowance by 5% in 2024, 2025 and 2026) to reach the 10% allowance by April 2026. A phased approach will give people more time to adapt and reduce the impact of this change on service users, but the views of service users will be considered during the consultation.

**(ii) Increasing the amount charged to service users if they do not participate in a financial assessment**

3.2.26 The Care Act 2014 Statutory Guidance states that in some circumstances a local authority may choose to treat a person as if a financial assessment had been carried out before it is fully completed. In order to do so, the local authority must be satisfied on the basis of evidence provided by the person that they can afford, and will continue to be able to afford, any charges due for their care. This is known as a 'light-touch' financial assessment. It allows councils where possible, to undertake financial assessments by accessing Department for Work and Pensions information or through telephone discussion with the client rather than visiting to verify financial information. This approach has been used in Brent for some years and enables the authority to complete assessments within 48 to 72 hours of a referral to our Financial Assessment team.

3.2.27 The main circumstances in which councils are permitted to consider carrying out a light touch financial assessment include:

- Where a person has significant income and savings and capital and does not wish to undergo a full financial assessment for personal reasons, but wishes nonetheless to access support from the Council in meeting their needs. In these situations the Council may accept other evidence instead of carrying out the financial assessment and consider the person to have income and savings and capital above the upper limit.
- Where the Council charges a small amount for a particular service which the customer is clearly able to afford and carrying out a financial assessment would cost more for the Council to perform than the cost of the service.
- When an individual is in receipt of benefits which confirm that they would not be able to contribute towards their care and support costs, such as Jobseekers Allowance.

3.2.28 Sometimes it is not possible to undertake a light touch assessment through the DWP, Housing Benefits or Council Tax system, or information exists which suggests a full assessment is necessary to verify the financial position of the service user. In these circumstances the Council, at its discretion, can insist on a full financial assessment before confirming the contribution towards care. Currently, where a light-touch assessment isn't sufficient, and a full assessment is needed the service user receiving care is charged an "average amount" for that care. The current amount charged is £29.07 per week, which was the average charge for service users at the time the council moved to light-touch assessments in 2016. Currently 34 people are paying an "average" contribution to their care.

- 3.2.29 The council aims to complete all full financial assessments within four weeks of care being put in place. Once the assessment is completed, the service user will be charged the correct amount. If this is more than £29.07 per week, the service user will be invoiced for the right amount going forward. If it is less than £29.07, they are reimbursed for charges in the first four weeks and invoiced the correct amount from that point on.
- 3.2.30 Most people receiving care cooperate with the financial assessment process, and the assessments are completed within two weeks. However, some do not. In these circumstances currently the council will begin to charge people the full cost of their care, if after four weeks they have not provided the information needed to complete the financial assessment.
- 3.2.31 It is proposed that this is written explicitly into the council's charging policy. At the same time, the average charge needs to be increased to reflect the current average contribution to care from service users. As of August 2023, this is £32.52. This should be reviewed on an annual basis, and the charge changed to reflect the average client contribution to care at the start of each financial year. This charge should then be applied whilst financial assessments are being completed, where a light-touch assessment has not been possible.
- 3.2.32 Finally, there are safeguards for people where the financial assessment is likely to exceed the 14 days due to the complexity of the assessment. In these cases the council will, by agreement with the service user or their representative, agree an interim level of contribution based on the information available at that time until the financial assessment can be completed. If the delay becomes unreasonable due to a lack of engagement from the service user, the full cost will be applied until the assessment is completed.

**(iii) Increasing the hourly rate charged for homecare from £12.97 per hour to the cost of commissioning care.**

- 3.2.33 As set out above, charging for care services is based on a person's income, capital, savings and other assets that are taken into account when that person has their financial assessment. The person's contribution towards their care costs is "capped" at the upper amount that the person is able to afford based on the findings from the council's financial assessment.
- 3.2.34 Consequently, the amount that the council charges for each hour of care is not a relevant factor for the majority of people who make a contribution towards their care costs. Most people who pay towards their care have their contributions "capped". Irrespective of the cost of the care package, a person will only pay what they are able to afford. If a care package increase (or even if it decreases in some cases) the charge for most clients doesn't change.
- 3.2.35 The main impact of changing the hourly rate charged for care will be on self-funders, and to a lesser extent, people receiving very small packages of care whose contributions are below their cap. Self-funders are people who have their care and support commissioned by the council, but pay the full cost of



their care. This is because, based on the financial assessment outcome, they are able to afford the total cost of their care.

- 3.2.36 Currently self-funders receiving homecare services are paying £12.97 for each hour of care received. This is considerably below the actual cost of commissioning the care, which is either £20.50 an hour (for contracted providers) or £17.50 an hour (for spot providers). The amount charged to service users has not kept pace with the increased costs of commissioning care.
- 3.2.37 It is proposed that this is changed and that the hourly rate charged for homecare is adjusted to reflect the costs of the care package for each service user. This would be a significant change for self-funders, who will see their contributions towards their care increase. However, before any changes were introduced, each person would be re-assessed to ensure that nobody was being asked to pay more than they could afford for their care. Currently there are 270 self-funders who pay the full cost of their homecare services, which represents around 17.5% of all homecare service users. They would all be effected by this change.
- 3.2.38 Whilst every service users' circumstances will be different, we can use an example to understand the impact on individuals.

#### **Case Study – Mrs Thomas**

*Mrs Thomas is 72 years old, married and lives with her husband in a home that they jointly own. Mrs Thomas has a personal income of £500 per week. Her husband's income, as well as her home, are not taken into account during her financial assessment as she receives a homecare service.*

*Mrs Thomas has a Minimum Income Guarantee of £148.65 per week. Therefore, her assessable income is £351.35. She receives seven hours of care per week, and currently pays £90.79 per week for this. If the hourly rate for care is increased to the cost of care, £20.50 an hour, the cost of her care package would increase to £143.50 per week. As the cost of care is still less than her assessable income, Mrs Thomas will remain a self-funder and will have to pay the full cost of care.*

- 3.2.39 There could be a number of consequences to this change, some of which are hard to predict until the change is implemented. These include –
- All self-funders will have another financial assessment. With the new charges, some may have their contributions capped, limiting the increase in the amount they pay towards their care.
  - The increase in charges may mean that some self-funders choose to make their own care arrangements, and not ask the council to do this on their behalf.
  - Some may choose not to pay the increased charge. If the council determines based on the information we have about their financial circumstances that the person should be full cost, the council will look to

recover any debts that arise as a result of non-payment. It should be noted that by definition of being a 'full cost client', the person should have the means to pay for the increase.

- 3.2.40 The council is able to charge for the full cost of care and other council's we have benchmarked with have done the same, having previously been charging people less than the cost of care. Their experiences have shown that some full cost clients came forward and provided the council with new capital information, which has meant they moved from full cost to a capped charge. This is why the Brent will offer a reassessment when these changes are introduced to make sure that nobody is expected to pay more than they can afford.
- 3.2.41 Secondly, those clients that had been charged full cost because they hadn't initially complied with the financial assessment (referred to above), also came forward when the changes were introduced and engaged with the financial assessment process.
- 3.2.42 Another group of service users that could be affected by this change are those people for whom the cost of their care package is less than their capped contribution. In the main, this will be people with low incomes, but receive a small care package (i.e. around 2 hours of care per week), where their contribution will be around £20 - £30 per week, but the capped charge is above this. This is best demonstrated with an example.

#### **Case Study – Mr Ali**

*Mr Ali has an income of £235 per week. After the council disregards his disability related expenditure and other living costs, he is left with £210 per week. His minimum income guarantee is £180.25 per week, leaving his with an assessable income of £29.75 per week. He is receiving a care package at home which consists of two calls per week, for an hour each. He pays £25.94 per week for this care.*

*As the hourly cost increases to £20.50 per hour, the cost of Mr Ali's care will increase to £41 per week. His contribution has increased to £29.75 per week, with the council paying the rest. The council will work with Mr Ali to support him to see what can be done to help maximise his income to pay the additional charge, as well as consider whether he would benefit from a short term reablement care package to try and reduce the need for ongoing care.*

- 3.2.43 For people like Mr Ali, the impact of the hourly rate change could be significant, and so the council will look to engage with them before the changes are introduced to see what can be done to support them, such as looking at disability related expenditure options and benefit maximisation to help those who came forward with issues as a result of this change. There are 109 people who currently receive a care package of 3 hours per week or less and until each is financially assessed, the impact of this change is difficult to quantify.

3.2.44 It should be noted that the changes to the Minimum Income Guarantee will have an impact on the contributions to care costs for those whose costs are capped. Whereas the changes to the hourly rate for homecare charges will have an impact on self-funders. Very few, if any people, will be affected by both changes. The example below shows the impact when the two changes are applied -

***Ms Campbell***

*Ms Campbell is 36 years old and receives four hours of care per week. The current cost of her care package is £51.88 (four hours care @ £12.97 per hour). Her total income is £237.10 per week and after disregarded income is taken into account, her assessable income is £203.45 per week.*

*Without the Brent 25% enhancement, Ms Campbell's Minimum Income Guarantee would be £144.20, but with the enhancement it is £180.25 per week. Therefore, the contribution Ms Campbell makes towards her care is £23.20 per week (£203.45 - £180.25 = £23.20 per week).*

*The impact of the change to the discretionary uplift on the Minimum Income Guarantee and the change to the hourly rate for homecare for Ms Campbell will be –*

- *Her assessable income remains £203.45*
- *Her Minimum Income Guarantee will become £158.62*
- *The cost of the care package increases to £82 per week (£20.50 x 4 hours)*
- *Ms Campbell's contribution increases to £44.83 per week – the change to the hourly rate does not affect her contribution, but the change to the MIG*

3.2.45 Although the council is recommending these changes are implemented, before this happens information will be shared with services users given the significance of the change.

3.2.46 It should be noted that some local authorities charge self-funders an admin fee for setting up their care services. The Care Act allows this, although it is not something that is done in Brent. Whilst this has been considered as a potential change to the policy, it is not a proposal that will be included in the consultation.

**(iv) An annual uplift is applied to the hourly rate charged for homecare**

3.2.47 In addition to consulting on a change to the rate charged for care, it is also important that provision is made to increase the charge on an annual basis in line with increases to the commissioned cost of homecare services.

3.2.48 As a result, in line with the increases proposed to the hourly homecare charges above, the council's charging policy will also be updated to include provision

for an annual review of the hourly rates charged for homecare, to keep them in line with the cost of commissioning care. This change will be included in the consultation plan for the charging policy.

#### **(v) Charging homecare service users admitted to hospital**

- 3.2.49 Under Brent's homecare contracts, care providers are paid for up to seven days after a service users is admitted to hospital. This is because staff shifts are organised and rotas prepared, and so the provider has put resources into that package even if it isn't delivered. The provider is able to respond and pick up the package if the person is discharged back home by keeping their rotas in place whilst a person is in hospital. If a hospital admission extends beyond seven days, the package is suspended and the care provider ceases to be paid.
- 3.2.50 However, the charging policy currently does not allow the council to charge service users during a short hospital admission. This feels like an oversight, given that they benefit from providers keeping services in place, or on stand-by, should they be required and the service users has been assessed as being able to pay for care. The proposed consultation will cover this area, and it is recommended that the charging policy and homecare contracts aligned so that there is consistency in payment approaches.

#### **(vi) Charging residential and nursing care service users admitted to hospital**

- 3.2.51 Currently Brent's charging policy says that the council should reimburse service users for any nights they are admitted to hospital from their care home placement. This is unworkable in practice, as people are regularly admitted to hospital from care homes for short periods of time, sometimes without the council being informed. The council also has to pay to keep the bed open, and it makes sense for service users to continue paying their contribution, for up to 28 days. At this point, service user contributions would be halted, as would payments from the council to the provider.

#### **Impact of the changes**

- 3.2.52 As set out above, there are 4,335 people receiving social care services in Brent. Of this number, 738 people are in residential or nursing services. The impact on this group will be limited to the change to charging for admission to hospital. Other proposed changes will have no impact on this group.
- 3.2.53 There are 3,597 receiving a community service of some kind, such as homecare, day care or a direct payment. People who currently make no contribution to their care could be impacted by changes to the minimum income guarantee, and they may have to start paying a small amount towards their care as the discretionary uplift is reduced from 25% to 10%. This will also effect those people who already make a contribution, but where that contribution is capped. Until each undergoes a new financial assessment, the

impact on each individual is difficult to quantify. The case studies in the report set out some hypothetical examples of the impact.

- 3.2.54 Self-funders, of whom there are 270 receiving homecare services, will be impacted by the change to the hourly rate for homecare. The changes to the minimum income guarantee will not impact this group, but they will pay more for each hour of care they receive that is commissioned by Brent Council.

### **Consultation Proposals**

- 3.2.55 Before the proposals set out in the report are implemented, there will be a targeted consultation and engagement with adult social care service users, their families and others involved in their care. The proposals will have an impact on people in different ways, the biggest impact being on self-funders receiving homecare, where if implemented the change to the hourly rate charged for care will increase to the cost of commissioning care.
- 3.2.56 Because of this, as well as writing to all service users to inform them of the proposed changes to the charging policy, and the implications for them (in general terms), officers will arrange for specific correspondence to be sent to self-funders and those people using in-house day services who would be affected by the changes to charges for in-house services. Meetings will be arranged in person and online to discuss the proposals specifically with these groups, to seek their views and feedback for consideration before deciding whether to implement changes to the charging policy.
- 3.2.57 An officer working group has been set up to lead this work, chaired by the Head of Commissioning, Contracting and Market Management in ASC, and involving colleagues from Brent Customer Services, Communications, Corporate Transformation as well as ASC. Details of the proposed changes and opportunities for feedback will be published on the council's website and social media channels to try to seek the views of as many people as possible before confirming whether any changes will be made to the policy. Opportunities to attend existing forums, such as the Brent Disability Forum, Multi-Faith Forum and Overview and Scrutiny Committee will also be taken forward, along with working with key partners such as the Brent Carers Centre.
- 3.2.58 The consultation will run from the 23<sup>rd</sup> October until 10<sup>th</sup> December, with results published in January and details of the changes to be implemented confirmed by the first week of February, to enable implementation from 1<sup>st</sup> April 2024. An initial slide deck setting out the main changes to be consulted on is included as an appendix to this report.

## **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 There will be a public consultation to follow on the proposals in this report before any changes to the Adult Social Care Charging Policy are implemented.

## **5.0 Financial Considerations**

- 5.1 The purpose of this report is to present proposals and begin the consultation on a review of the Adult Social Care charging policy. For this there are no immediate financial implications.
- 5.2 The Adult Social Care department is under growing pressure due to rising costs and increasing client numbers. The current challenging financial environment has seen rising costs across all areas of the Council. The proposed changes to the Adult Social Care charging policy would ensure that the charging policy is fit for purpose and allow the department to continue to operate efficiently.

## **6.0 Legal Considerations**

- 6.1 Although service users receiving support from the local authority be it home care, residential/nursing care or day care will be affected in one way or another, the proposed changes to the charging policy are legislatively sound in accordance with the Care Act 2014 and its accompanying Statutory Guidance as regards charging for care.
- 6.2 As set out in the body of this report, a consultation process will ensue, which is imperative given the significant changes proposed and the impact of them on service users.
- 6.3 The consultation must abide by case law which states that consultations must contain four elements:
- a. It must be at a time when proposals are still at a formative stage
  - b. It must give sufficient reasons for any proposal to permit intelligent consideration and response
  - c. Adequate time must be given for any consideration and response
  - d. The result of the consultation must be conscientiously taken into account in finalising any proposals
- 6.4 When a Local Authority is considering amending policies it should assess the actual or likely effect of its policies on those with a protected characteristic in the community. An Equality Impact Assessment should also be completed to assist Cabinet in its decision making.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 A full equalities impact assessment will be completed ahead of Cabinet. This will focus on the impact on disabled people, who will be affected by the proposed changes if implemented in full. As set out in the body of this report, any changes to charges people will pay for ASC services will be based on the outcomes of a new financial assessment and their ability to pay.

**8.0 Climate Change and Environmental Considerations**

8.1 None.

**9.0 Human Resources/Property Considerations (if appropriate)**

9.1 None.

**10.0 Communication Considerations**

10.1 A full communication and consultation plan will be developed as outlined in section 3.2.55 above. Different elements of the proposed changes will be consulted on separately with affected groups, and there will be engagement with all adult social care service users to inform them of the proposed changes and the possible impacts on them, depending on their circumstances.

**Report sign off:**

***Helen Coombes***

Corporate Director for Care, Health and Wellbeing

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# Proposed Changes to Adult Social Care Charging Policy

# What is the Adult Social Care Charging Policy?

- Local authorities are allowed to charge people for the adult social care services they receive. Brent's Adult Social Care charging policy is the framework that sets out how the council does this. The Care Act 2014 contains provisions that enable councils to charge for care services.
- Of 32 London boroughs, 31 charge for care services. Brent is not unusual in charging for care services.
- The council's charging policy has been reviewed and it is proposed that elements of the policy will change. This will not have an impact on all service users, but it is important that people receiving social care services are aware of the changes and are able to give their views on what is being proposed.

# What is the Adult Social Care Charging Policy?

There are some important principles that guide the way Brent charges for care services –

- Everybody who receives an adult social care service has a financial assessment, which works out whether they have to pay towards their care. Nearly 50% of people receiving care services pay no charge at all.
- Nobody will be expected to pay more for care than they can afford. Nor will anybody be expected to pay more than the cost of delivering their care package.
- The council supports people to maximise their income and also takes into account expenditure that people incur because of their disability or vulnerability, and disregards this expenditure when working out care charges.

# What is the Adult Social Care Charging Policy?

- The Government had planned to make some fundamental changes to the legislation relating to charges for adult social care – the introduction of a life-time cap on the contribution that a person would have to make towards their adult social care costs; and changes to the savings and capital thresholds which determined whether people contributed to their care costs. These changes are on hold, with no plans to implement them.
- Council's retain some local discretion in how they implement their adult social care charging policy, as long as they follow the Care Act legislation. For example, Brent is able to offer a more generous scheme than set out in legislation and guidance, and will continue to do so, which supports service users contributing to the cost of their care services as well as recognising local need.

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# A focus on sustainability and independence

- The charges that the council implements for its adult social care service are essential to ensure that the service remains sustainable in the years to come. Without the income from service user charges, adult social care services would not be sustainable.
- The council is placing greater emphasis on preventative services and supporting people to remain as independent as possible for as long as possible.

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For example, greater investment is being made in our reablement service. Reablement is a free, short-term service to support people regain skills and independence to enable them to live without care. Whilst it is a well-established part of the council's hospital discharge process, more resources are being put into the service to make it a greater part of the community offer to maintain independence and prevent the need for ongoing support.

# How charges are calculated

- Any person with savings above £14,250 makes a contribution to their care costs. £14,250 is the lower threshold for savings, £23,250 the upper threshold. If a person holds savings above this amount, they will fund their care in full.
- Income is also taken into account. There is a minimum level of income which a person must be left with after charges are deducted. For care home residents, this is called the Personal Allowance and is currently set at £28.25 per week.

# How charges are calculated

- For people receiving care in their own homes, the amount of income to be retained is called the Minimum Income Guarantee (MIG). The MIG varies depending on a person's circumstances age and whether they are single or part of a couple. For example,
  - For a single person who is over the age of 65, it is £201.05 per week. Brent adds 25% to this amount, taking it to £251.31 per week.
  - For a single person over 25, but less than 65, it is £144.20. The 25% enhancement takes this to £180.25 per week
- The proposed changes to the policy will have an impact on the Minimum Income Guarantee in Brent (i.e. people who receive homecare) but not the Personal Allowance.

# What Changes are being proposed?

## 1. Changes to the Minimum Income Guarantee

- Brent currently adds a discretionary 25% to the Minimum Income Guarantee for people who are receiving homecare or other services in the community. It is proposed to reduce this to 10%, which still provides a more generous policy for Brent than required, reflecting that charging is a local matter and Brent can set a MIG that supports local need.
- Residents will still receive a discretionary enhancement to their Minimum Income Guarantee, but not at the level currently provided. This proposal would affect all service users that contribute towards the cost of their homecare, but would still provide a basic living allowance above that required in the guidance on charging for care services.



# What Changes are being proposed?

## Case Study – Mr Patel

*Mr Patel is a single adult living alone and is aged 83. He has a weekly income of £400. Because of his circumstances his Minimum Income Guarantee is £201.05 per week. Currently Brent adds a 25% discretionary enhancement to this, to leave his MIG at £251.31. This leaves an assessable income of £148.69, which would be the maximum contribution to his care. By changing the enhancement to 10%, his Minimum Income Guarantee would become £221.20 per week, leaving an assessable income of £178.80 per week. Consequently, this is the maximum charge that Mr Patel could now pay towards his care.*

*Mr Patel's homecare package costs £175 per week. Under the current charging arrangement, he pays £148.69 per week towards this. Under the proposed arrangements, his contribution would increase to £175 per week.*

# What Changes are being proposed?

## 2. Increasing the amount charged to service users if they do not participate or cooperate with their financial assessment.

- Some service users do not participate or cooperate with the financial assessment process. It should be noted that most people do, and are charged the correct amount for their care.
- Where someone does not take part in the assessment, the council is proposing to charge people the full cost of their care, if after four weeks they have not provided the information needed to complete the financial assessment.
- Brent Council uses a light-touch assessment process, which enables most financial assessments to be completed in 48 to 72 hours of a referral. When an assessment takes longer than that, with the cooperation of the service user, the council charges an average contribution for care until the assessment is complete. This will rise to £32.52 per week, whilst the assessment is completed.

# What Changes are being proposed?

**3. (i). Increasing the hourly rate charged for homecare from £12.97 per hour to the cost of commissioning care.**

**(ii). That an annual uplift is applied to the hourly rate charged for homecare in line with the increase given to providers, so that the charge continues to reflect the amount paid to providers on an hourly basis.**

- The current cost of homecare is £20.50 per hour for contracted services, or £17.50 an hour for spot placements. The hourly charges have fallen behind the actual costs of care, and in not charging the full amount it is having an impact on the sustainability of services.
- This change will have an impact on 270 people who pay their care costs in full (self-funders). All will be re-assessed to ensure that they can afford the new costs of care – nobody will be expected to pay more for care than they can afford.

# What Changes are being proposed?

- Another group of service users that could be affected by this change are those people for whom the cost of their care package is less than their capped contribution.

Page 118 • These will be people with low incomes, but receive a small care package (i.e. around 2 hours of care per week).

- The council will look to engage with them before the changes are introduced to see what can be done to support them, such as looking at disability related expenditure options and benefit maximisation to help those who came forward with issues because of this change.

# What Changes are being proposed?

## **Case Study – Mrs Thomas**

*Mrs Thomas is 72 years old, married and lives with her husband in a home that they jointly own. Mrs Thomas has a personal income of £500 per week. Her husband's income, as well as her home, are not taken into account during her financial assessment as she receives a homecare service.*

*Mrs Thomas has a Minimum Income Guarantee of £148.65 per week. Therefore, her assessable income is £351.35. She receives seven hours of care per week, and currently pays £90.79 per week for this. If the hourly rate for care is increased to the cost of care, £20.50 an hour, the cost of her care package would increase to £143.50 per week. As the cost of care is still less than her assessable income, Mrs Thomas will remain a self-funder and will have to pay the full cost of care.*

# What Changes are being proposed?

## *Case Study – Mr Ali*

*Mr Ali has an income of £235 per week. After the council disregards his disability related expenditure and other living costs, he is left with £210 per week. His minimum income guarantee is £180.25 per week, leaving him with an assessable income of £29.75 per week. He is receiving a care package at home which consists of two calls per week, for an hour each. He pays £25.94 per week for this care.*

*As the hourly cost increases to £20.50 per hour, the cost of Mr Ali's care will increase to £41 per week. His contribution will increase to £29.75 per week, with the council paying the rest. The council will work with Mr Ali to support him to see what can be done to help maximise his income to pay the additional charge, as well as consider whether he would benefit from a short term reablement care package to try and reduce the need for ongoing care.*

# What Changes are being proposed?

## **Ms Campbell**

*Ms Campbell is 36 years old and receives four hours of care per week. The current cost of her care package is £51.88 (four hours care @ £12.97 per hour). Her total income is £237.10 per week and after disregarded income is taken into account, her assessable income is £203.45 per week.*

*Without the Brent 25% enhancement, Ms Campbell's Minimum Income Guarantee would be £144.20, but with the enhancement it is £180.25 per week. Therefore, the contribution Ms Campbell makes towards her care is £23.20 per week (£203.45 - £180.25 = £23.20 per week).*

*The impact of the change to the discretionary uplift on the Minimum Income Guarantee and the change to the hourly rate for homecare for Ms Campbell will be –*

- Her assessable income remains £203.45*
- Her Minimum Income Guarantee will become £158.62*
- The cost of the care package increases to £82 per week (£20.50 x 4 hours)*
- Ms Campbell's contribution increases to £44.83 per week – the change to the hourly rate does not affect her contribution, but the change to the MIG*

# What Changes are being proposed?

## 4. Charges during admissions to hospital

- (i). Charging homecare service users for up to seven days after a hospital admission,
- (ii). Charging service users for 28 days after being admitted to hospital from a residential or nursing home.

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- Both of these changes bring the charging policy into line with payments to providers, who continue to be paid to keep open homecare packages and care home placements.
- For homecare service users, this ensures that their care agency is ready to support them on discharge from hospital; for care home users, it ensures that their placement is available to return to when they leave hospital.



# Financial Assessment

The impact of these changes will be different for people receiving social care services. All service users will have a new financial assessment ahead of April 2024 to determine whether they may have to pay more towards their care when the changes are implemented – the impact will not be uniform, hence the need for individual financial assessments.

Brent Council is focussed on supporting people to maximise their income, and it will be an important mitigation for those impacted by these proposals. There are services available for those who are seeking to –

- Claim housing benefit or seek support with housing costs
- Receive support with council tax payments
- Claim support for electric, gas, water and other household bills.

Further information is on the Brent Council website - <https://www.brent.gov.uk/benefits-and-money-advice>

# Consultation Proposals

- A targeted consultation and engagement with adult social care service users, their carers and families will take place to seek views on these proposals. The consultation will run from 23<sup>rd</sup> October to 10<sup>th</sup> December 2023.
- Information on the changes will be sent to all ASC service users, along with details on how to respond to the consultation online, or in writing.
- Public meetings will be arranged in the five Brent Connect areas – Kingsbury, Wembley, Willesden, Harlesden and Kilburn. Meetings will also be held with stakeholders, such as CVS Brent, provider organisations and advocacy groups.
- Offers will be made to established forums, such as Brent Disability Forum, Pensioners Forum, Carers Partnership Board etc to attend their meetings to discuss the proposals and seek their views.
- The findings will be collated, analysed and presented to Cabinet for a final decision on the changes to be implemented in January 2024. Changes to the policy would happen from April 2024 onwards.

 <p><b>Brent</b></p>	<p><b>Cabinet</b> 16 October 2023</p>
	<p><b>Report from the Corporate Director of Children and Young People</b></p>
	<p><b>Lead Member – Cabinet Member for Children, Young People &amp; Schools (Councillor Grahl)</b></p>
<p><b>School Place Planning Strategy 2024 – 2028</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	One: Appendix 1: Brent School Place Planning Strategy 2024 - 2028
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Shirley Parks Director, Education, Partnerships and Strategy 020 8937 4259 <a href="mailto:Shirley.parks@brent.gov.uk">Shirley.parks@brent.gov.uk</a>  Michelle Gwyther, Head of Forward Planning, Performance and Partnerships 07388 859380 <a href="mailto:Michelle.Gwyther@brent.gov.uk">Michelle.Gwyther@brent.gov.uk</a>

## 1.0 Executive Summary

1.1. This report seeks Cabinet approval of the new School Place Planning Strategy 2024-2028.

## 2.0 Recommendation(s)

That Cabinet:

2.1 Approves the new School Place Planning Strategy 2024-2028, as provided in Appendix 1.

- 2.2 Notes the focus on planning for the sufficiency of places and the sustainability of schools, based on varying demand patterns impacting on school planning areas in Brent.
- 2.3 Notes there continues to be increasing demand for places that meet the needs of children and young people with SEND aged 0-25 and the planned strategies for addressing this need (including the SEN Capital Programme of £44m approved by Cabinet in January 2022 and the Post-16 Skills Resource Centre approved by Cabinet in May 2023).
- 2.4 Notes the change of government funding arrangements for Early Years provision and the planned approach to implementation of the new entitlements.

### **3.0 Detail**

#### **3.1 Cabinet Member Foreword**

- 3.1.1 The School Place Planning Strategy 2024-2028 supports the Borough Plan Strategic Priority 4: The Best Start in Life. By ensuring there are sufficient, suitable early years and school places for children and young people in Brent, the local authority is meeting its statutory obligations and supporting every child and young person to access high quality education locally to them in the borough.
- 3.1.2 In November 2018 Cabinet approved the Brent School Place Planning Strategy 2019-2023 which has come to the end of its lifespan. The School Place Planning Strategy 2024-2028 presents the objectives and operating principles that will underpin the Council's approach to school organisation over the next five years. The focus of the new Strategy is both the sufficiency of places and the sustainability of schools in the context of falling demand in some areas of the borough.
- 3.1.3 The Brent School Place Planning Strategy 2024 - 2028 sets the following expectations:
- All Brent schools are good or outstanding (98.8% at the end of the 2022/23 academic year).
  - Children are able to access education close to home (under two miles for children under 8 and 3 miles for children up to Year 6; within 75 minutes travel time for secondary aged children).
  - Brent net exportation of secondary school pupils reduces over the duration of this strategy to 25% (baseline 25.8% for the 2023 Year 7 intake).
  - An increase in local SEND places in the borough will lead to a reduction in the use of out-of-borough placements and placements in independent non-maintained special schools.
  - The take up rate of free childcare entitlements in the borough increases over the course of the strategy to 70% for two-year-olds and 80% for 3 and 4-year-olds (baseline 65.4% for two-year entitlement and 79.3% for 3 and 4-year-olds in January 2023).

## **3.2 Background**

3.2.1 The Brent School Place Planning Strategy 2024-2028 provides the latest assessment of school place demand across the borough based on pupil projections from the Greater London Authority (GLA). The GLA population projection models are updated and revised annually as new methods or data become available, for example the 2021 census, which ensures projections provide the best estimates of future population. The GLA projections are informed by centrally held demographic data, such as the Office of National Statistics (ONS) census data and fertility and birth rates, as well as locally held information such as migration patterns and planned housing growth provided by the Local Authority. The methodology also takes account of the percentage of children who historically move into the following academic year in an area and are therefore driven by the number of pupils on roll in the January 2023 school census. The GLA projections also take into account changes in housing growth, so the impact of new housing developments in the borough and those just outside borough borders are reflected in the strategy.

## **3.3 Early Years**

3.3.1 Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents and carers in their area. Brent has a mixed economy of 0-5 childcare provision in the borough that includes private, voluntary, independent (PVI) and maintained settings. The Brent Childcare Sufficiency Assessment (CSA) 2021-2023 showed an overall increase in the number of PVI providers in the borough with new providers entering the market and other providers expanding their premises, alongside a reduction in places in maintained and childminder provision. The reduction in childminders is reflective of a national trend.

3.3.2 In March 2023, the government announced a significant expansion of early years childcare entitlements to take effect between April 2024 and September 2025. The proposals included an offer of 30 hours of funded childcare for every child of a working parent between nine months and five years to be in place by September 2025. However, both the funding rate for these new entitlements and the statutory guidance will not be available until autumn 2023 causing some anxiety for providers. A survey between March and July 2023 of all Brent providers showed despite this uncertainty, 46% of providers surveyed said they would offer under-twos places and 63% said they would offer two-year-old places for working families. This survey will be completed again once the funding rates and statutory guidance is available.

3.3.3 Between the end of 2023 and September 2025 there will be a co-ordinated programme to support providers with implementation of the expanded entitlements, which could include but not be limited to assistance to increase the numbers of children, expand premises, change hours of operation and / or take on age groups they are not currently caring for. Where there are identified gaps in the expanded entitlements provision in the borough, suitable actions will be progressed. This activity will be part of the on-going drive to increase the take up rate of free childcare entitlements in the borough.

### **3.4 Primary Place Need**

- 3.4.1 Primary demand has been reducing since September 2017. The latest Greater London Authority (GLA) projections (based on the 2021 population census and the January 2023 school census) indicate demand at Reception age will continue to decrease over the next few years. At a borough level, Brent has sufficient capacity to meet forecast demand for mainstream primary places and maintain a level of 5% spare places to ensure there are sufficient places to respond to in-year movement, migration or any unforeseen increase in demand. However, some planning areas are showing sustained lower demand than available places, resulting in a significant number of spare places. While this means parents will have an increased choice of places, reduced intakes can present organisational and financial challenges for schools.
- 3.4.2 Over the past few years, the local authority has been working with schools to put in place strategies to manage changing demand and to support schools to ensure the sustainability of local provision. Measures to support reduced intakes include temporarily reducing admission numbers or placing an informal cap on admission numbers and repurposing spare capacity, for example, to provide Additionally Resourced Provision (ARP) for children with Special Educational Needs and Disability (SEND).
- 3.4.3 The sustained reduction in primary demand and the resulting level of spare places that are impacting on some schools means individual measures are not an adequate response. The strategy sets out a new focus on the options available to address the increasing vulnerability of schools facing falling rolls and indicates in which of the six primary planning areas targeted reorganisation proposals to reduce capacity are considered to be necessary.

### **3.5 Secondary Place Need**

- 3.5.1 The latest GLA secondary forecasts project a falling demand for Year 7 places as smaller cohorts transfer from primary schools. The projections confirm there will be sufficient capacity to meet forecast demand and provide the required 5% of spare places in Year 7 to manage any forecast in-year growth and any unforeseen increase in demand up to at least 2030/31. This includes capacity that will be provided by the North Brent School (180 places per year group), which will move to its permanent site in Neasden by September 2024.
- 3.5.2 A key challenge is in-year demand for secondary places which is expected to remain high in some planning areas and year groups. Brent will continue working with secondary schools to ensure in-year demand can be met, particularly in the higher year groups (Years 9 to 11).

### **3.6 Special Educational Needs and Disability (SEND) and Alternative Provision Need**

- 3.6.1 Demand for special provision in Brent has been growing and this is forecast to continue. There are currently 3368 children and young people aged 0-25 with

an Education, Health and Care Plan (EHCP), which at 4.2% of the school population is similar to national. The average annual growth in the number of EHCPs has been approximately 10% over the last three years, consistent with the national position. 10.8% of pupils are identified with additional needs that can be met at SEN support where a need is identified but does not meet threshold for an EHCP (compared to 13% nationally). 54% of children and young people with an EHCP are identified with communication and interaction needs (autistic spectrum disorder and speech, language and communication).

- 3.6.2 Direct work with schools and settings to better meet the needs of children with SEND has seen an increase in the number of children remaining within mainstream education. In 2022, 75.2% of children and young people issued with an EHC Plan for the first time were in mainstream settings, in line with the Children and Family Act 2014 position that all children should be educated in mainstream where possible. However, there remains a need for more local special places for children with the most complex needs. The capital investment programme of £44m agreed by Cabinet in January 2022 will provide over 400 additional special places, including a new Special School, expansions of existing special schools and new Additionally Resourced Provisions. Investment agreed by Cabinet in May 2023 in a Post-16 Skills Resource Centre at Welsh Harp and the Airco site will help to meet the needs of the 16-25 age group.
- 3.6.3 The continued increase in the number of children and young people with EHCPs means that, despite the investment agreed, further local places are required. The Strategy sets out the Council's intentions to consider using spare capacity in the primary estate to provide additional educational provision for children with SEND or Alternative Provision.
- 3.6.4 The Council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school. The Council provides support to Brent schools to reduce the number of exclusions, with a focus on early identification and prevention strategies working closely alongside pastoral teams in mainstream settings. Where pupils have been excluded or require provision that includes a vocational element to best meet their needs, Brent and local schools commission places for children and young people in Alternative Provision both in and out of the borough. Alongside Brent River College and Ashley College, the Roundwood School and Community Centre that opened in January 2021, also provides places for secondary aged children with Social, Emotional and Mental Health (SEMH) needs that cannot be met within mainstream schools.

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 Ward members will be consulted on the impact of this strategy where mainstream planning area capacity is reviewed or where additional SEND places are being considered.

- 4.2 The Lead Member has been and will continue to be briefed about school place planning issues.
- 4.3 School representatives have been and will continue to be involved in discussions about school place planning through the School Place Planning Working Group.
- 4.4 Any proposed changes to provision would be subject to public consultation with parents and stakeholders in accordance with statutory guidance and legal frameworks.

## **5.0 Financial Considerations**

- 5.1 Mainstream school places are funded from the annual Dedicated School Grant (DSG) based on pupil numbers as per the October school census in the preceding year. This means that, although there is a time lag, the revenue cost of mainstream pupil growth is recognised and funded by the DfE.
- 5.2 School budgets are devolved to respective school governing boards but are under pressure due to rising cost of inflation and falling rolls. As schools are funded on the basis of pupil numbers, it is likely small schools and those with falling numbers on roll will find it most difficult to balance their budgets. Larger schools are more likely to successfully manage the impact of these pressures.
- 5.3 Expanding funded High Needs provision will have revenue implications, as it is funded from the High Needs Block of the DSG. In order to help manage the financial pressure on the High Needs block, new in borough provision must replace current out-of-borough arrangements at a lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund to transport children and young people to out-of-borough provisions.
- 5.4 The SEN Capital Programme is expected to deliver 427 SEND places and reduce the need to send children to schools out of borough, which will lead to cost avoidance of c£6m by 2026/27. All projects within the programme are expected to be completed by 2025.
- 5.5 Basic Need Capital Grant and the Special School Capital Grant are not time bound or ring-fenced and can be used for any capital purpose. However, the Education and Skills Funding Agency (ESFA) has stated it is expected to be used for investment in schools, joining up with other capital resources when it is beneficial for schools to do so.
- 5.6 The nature of SEND education means the development of additional places presents additional complexities, and thus higher costs than primary expansions. The nature of any construction work required to provide additional school places, combined with the site location and layout all affect the cost per place. As proposals to address the forecast demand set out in the School Place Planning Strategy are developed, further reports will be provided to Cabinet with relevant financial information as required.



## **6.0 Legal Considerations**

- 6.1 The Council has a general statutory duty under Education Legislation to ensure there are sufficient school places available to meet the needs of the population in its area. The Council must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and increase parental choice. To discharge this duty, the Council has to undertake a planning function to ensure the supply of school places balances the demand for them. (Section 13 and 14, Education Act 1996) and (Education and Inspections Act 2006).
- 6.2 In addition to securing school places for pupils aged five to 16, the local authority has related statutory responsibilities in relation to children and young people with special educational needs and disabilities (SEND) up to the age of 25, where the Council has to make suitable provision to meet their needs and early years provision pursuant to the Children and Families Act 2014. The Council has responsibility for childcare sufficiency for provision for disadvantaged two-year-olds and all three- and four-year-olds and ensuring it overlaps coherently with school provision.
- 6.3 The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education.
- 6.4 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 a school place is not available. Schools are not required to maintain classes over the planned admission number (PAN) but revert to the usual admission number when children leave.
- 6.5 Statutory processes should be followed for any 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). However, it is not anticipated that there will be any requirement to enlarge any premises during the lifespan of the Strategy.
- 6.6 Statutory processes should be followed for the reduction or removal of capacity from any school. These processes are set out in the School Admissions Code 2021 for the reduction of a school's Published Admission Number and in the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools January 2023'.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity and foster good relations between those who share a "protected characteristic" and those who do not. This duty is

known as the public sector equality duty (PSED). The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.

- 7.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.3 There is no prescribed manner in which the Council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.4 The School Place Planning Strategy 2024-28 aims to ensure there are sufficient, sustainable and suitable school places for all Brent children, and their diverse and changing needs are met including those with special education needs. It also aims to raise the education standards for all and address inequality due to social disadvantage, disability (including multiple complex needs) and/or other protected characteristics and contributes to the delivery of the Council's equality duties.
- 7.5 The findings and the equality analysis screening of the School Place Planning Strategy 2024-28 show a slowdown in demand for primary school places and a short-term increase for secondary school places before returning to current levels. Demand for places for children and young people with SEND in the borough is also increasing and the strategy identifies the need for additional local places to meet their needs.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 The Strategy sets an expectation that the school estate is used efficiently to provide for current and future educational needs. This approach reduces the use of construction materials and waste production and encourages efficiency in the use of existing resources.
- 8.2 The strategy sets out the need to create additional capacity for SEND provision in Brent reducing the need for children to travel outside of the borough to receive their education. Travelling shorter distances closer to home will reduce emissions and reduce air pollutants from private cars, minibuses and taxis.

## **9.0 Human Resources/Property Considerations (if appropriate)**

- 9.1 Through delivering the strategy there could be some changes to the current use of school capacity, through for example an increase in SEND provision through utilising existing spare capacity in the mainstream primary school estate.
- 9.2 School reorganisation proposals that reduce capacity across the school estate could impact on school staff. This could have the potential effect of the need to consider redundancies for staff.

## **10.0 Communication Considerations**

- 10.1 Any proposed changes to provision would be subject to public consultation with parents and stakeholders in accordance with statutory guidance, legal frameworks and the Council community engagement process.

**Report sign off:**

**Corporate Nigel Chapman**

Corporate Director of Children and Young People

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London Borough of Brent  
School Place Planning Strategy  
**2024 – 2028**

*Working in partnership with schools in Brent to ensure  
the sustainability and sufficiency of school places*



**Brent**

**London Borough of Brent**  
**School Place Planning Strategy 2024 – 2028**

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## **1. Introduction**

Brent Council is focused on equipping Brent children and young people for the future. The Borough Plan 2023 – 2027 sets out the Council's priority to support young people to achieve the best start in life and receive the support they need when they need it. Working with schools and partners we will make sure access to education is fair and equal, and our children and young people receive a quality education which develops their skills and enables them to realise their aspirations.

Brent Council holds the statutory duty to ensure sufficient school places for Brent children (Education Act 1996, Section 14). This strategy sets out how Brent will deliver sufficient school places in the context of these statutory duties, ensuring school place planning delivers the best quality of education provision and achievement of the best outcomes for Brent children.

The Brent School Place Planning Strategy 2024-28 sets out the Council's priorities and the principles that underpin the Council's approach to school organisation. The focus is to ensure there is sufficient capacity to meet demand for all pupils who require a place, while also maintaining the sustainability of provision where schools may be experiencing falling demand. For the purposes of school place planning, the borough is split into six primary and three secondary school planning areas. This strategy provides the likely demand in each planning area, alongside details about the measures available or necessary to support areas experiencing falling demand or under pressure for more places.

The strategy was first published in October 2023 and will receive an annual refresh update each autumn term until the end of 2027. This is to ensure any new factors that impact on pupil forecasts are taken into account and refine the Council's understanding of future need. A new five-year strategy will be published in autumn 2028.

### **1.1 The Brent Context**

Brent is one of the most culturally diverse areas in England. The dynamic mix of communities continues to enrich and inform the social, economic and cultural make-up of the borough. The largest defined ethnic groups of statutory school in Brent age are: Asian Indian (18%), White British (9.2%), White Eastern European (7.3%), Black Somali (6.4%), Black Caribbean (5.9%), Asian Pakistani (3.9%) and Afghan (3%). Undefined ethnic groups include Other – Any Other (5.8%), Asian – Other Asian (4.3%) and White – White Other (3.3%) (Source: January 2023 School Census).

In addition to new arrivals, socio-economic pressures placed on many of Brent's families combined with a housing stock which relies heavily on privately rented accommodation, contribute to relatively high levels of pupil turnover in many of our schools. The proportion of Brent pupils in primary and secondary schools who are classed as disadvantaged is 21%, below the national figure of 25% and the total London average of 29% (based on pupil premium allocations).

## 1.2 School Effectiveness

Over the last six years, Brent's self-improving system has become firmly embedded in the borough, with a shared responsibility for school effectiveness and improvement between the Local Authority and schools.

As a result, the quality of education provision in the borough is high. At the end of the 2022-23 academic year, Ofsted had judged the overall effectiveness of 98.8% of Brent schools as good or outstanding. This put Brent 11.8% percentage points above the national average of 87% and 5.8% percentage points above the London average of 93%. All maintained nurseries, pupil referral units and secondary schools including all-through schools have been judged good or outstanding. Three of the borough's four special schools are judged as outstanding.

In 2023, Brent's Strategic School Effectiveness Partnership Board approved a revised 'Strategic Framework for School Effectiveness in Brent 2023-2027'. The Framework sets the following priorities which will be supported by the delivery of this Place Planning Strategy:

- Sustaining Ofsted 'good' and 'outstanding' judgements for all schools
- Raising the attainment of vulnerable children and priority groups to address disproportionate educational outcomes
- Supporting pupil wellbeing and mental health to support educational achievement
- Ensuring that school governance meets national quality expectations, and that governing boards are equipped to challenge school leaders to address the underperformance of groups in their schools
- Building leadership capacity across the borough including headteacher succession planning

## 2. Background Summary

The Education Act 1996 requires that local authorities shall secure sufficient school places to provide primary and secondary education in their area. In exercising this duty, local authorities should have a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

Brent Council has overarching responsibilities for school admissions in the borough, co-ordinating admissions at Reception, Year 3 (transition from infant to junior school) and at secondary transfer in Year 7. This is as well as processing in-year admissions and ensuring a school place is offered for any child not already on roll at a suitable school.

In addition to securing school places for pupils aged five to 16, Brent Council has related statutory responsibilities in relation to:

- **Children and young people with special educational needs and disabilities** (SEND) where the Council has to make suitable provision to meet their needs
- **Early years provision**, where the Council has responsibility for childcare sufficiency and for provision for disadvantaged two-year-olds and all three and four year olds



- **Post-16 education and training** where the Council leads the local 16 to 19 partnership and takes overall responsibility for the sufficiency and suitability of provision, so all young people can stay in education or training until at least their 18<sup>th</sup> birthday.

Brent Council works with schools and multi-academy trusts to deliver its statutory duties, as well as local trusts and Dioceses and the Department for Education Regional Director where this involves academies and free schools.

Planning for places for children in Brent falls under these five separate strands.

- Childcare and early years provision
- Mainstream primary school provision
- Mainstream secondary school provision
- Post-16 provision
- SEND places and Alternative Provision

## **2.1 Childcare and Early Years Provision**

Alongside the statutory duty to provide school places, Brent Council has a duty to secure sufficient childcare and early education. Existing entitlements for parents and carers include 15 hours of free early education for eligible two-year-olds and all 3 and 4-year-olds, and 30 hours for 3 and 4-year-olds from working families.

In March 2023 the government announced an expansion of these entitlements to include 15 hours free early education for children aged 9 months upwards from September 2024, with all children aged 9 months upwards from working families able to access 30 hours of free early education by September 2025. This is a significant change for the sector. Providers are waiting for confirmed funding rates for these entitlements before deciding on their delivery model.

Since September 2017, the Council has administered the free entitlement for schools and private, voluntary and independent (PVI) providers. This enables a full overview of early years provision, monitoring the take up both at ward level and across the borough. Detailed sufficiency monitoring takes place each autumn and will be repeated again in autumn 2023 once funding rates and new statutory guidance is known. This will provide a comprehensive picture of demand and availability of places for the new entitlements and identify where demand may outstrip supply. This will inform future sufficiency activity to target issues and gaps in provision.

## **2.2 Demand for Primary Places**

Following consistent growth in the need for primary school places in Brent from 2006-2015, demand for primary school places across the Borough peaked in 2017 and has been declining since then. The latest Greater London Authority (GLA) projections indicate demand will continue to fall until at least 2029 where it will reach a level last seen in 2013. Longer term forecasts suggest that demand will rise again after this point, but for the purposes of this

strategy primary projections are provided up to 2029. This is because projections are less reliable after this time due to uncertainty over future birth rates.

The fall in demand is a result of a number of factors including lower birth rates across the whole of London, the impacts of Brexit and the Covid-19 pandemic, which led to some migration away from the area, and more recently the cost of living crisis where families are finding they are unable to afford to move into the borough or remain living in the area.

Projections take into account growth in demand as a result of new housing developments in the borough and those just outside the borough border. Brent's housing target as set by the London Plan requires the delivery of 23,250 new homes by 2028/29. This is equivalent to one new home being built for every five that currently exist.

While projections indicate overall falling primary demand across the borough with a high number of spare places as a result (around 20%), distribution of demand is not equal across the 6 primary school planning areas. Some areas of the borough may still see demand exceeding availability of places, whilst others have low demand at the same time. The local authority will continue to support individual schools and groups of schools in managing the impacts of reduced pupil numbers.

### **2.3 Demand for Secondary Places**

Demand for places in Year 7 has been increasing steadily since 2013. This is in response to increased numbers that have been coming through the primary phase and following through into the secondary phase. The local authority has responded to this growth in demand by overseeing expansions in some secondary schools, and the North Brent School has also added new capacity to the secondary estate. It is expected this growth will now reverse at least in the short term as the secondary intake starts to reflect the falling numbers experienced in the primary phase.

Secondary demand is also affected by parental choice. Due to Brent's proximity to other boroughs parents have a choice to either send their children to secondary schools in Brent or further away, supported by the availability of free school transport for secondary aged children.

In 2023 907 out-of-borough offers were made to Brent residents, whereas 654 offers at Brent schools were made to out-of-borough residents (net -253). While Brent remains a net-exporter of secondary pupils, this is the smallest percentage of offers made to out-of-borough schools (25.8%) and the smallest net difference recorded over the past ten years, indicating more parents are choosing schools in Brent, recognising the increasing quality of local provision.

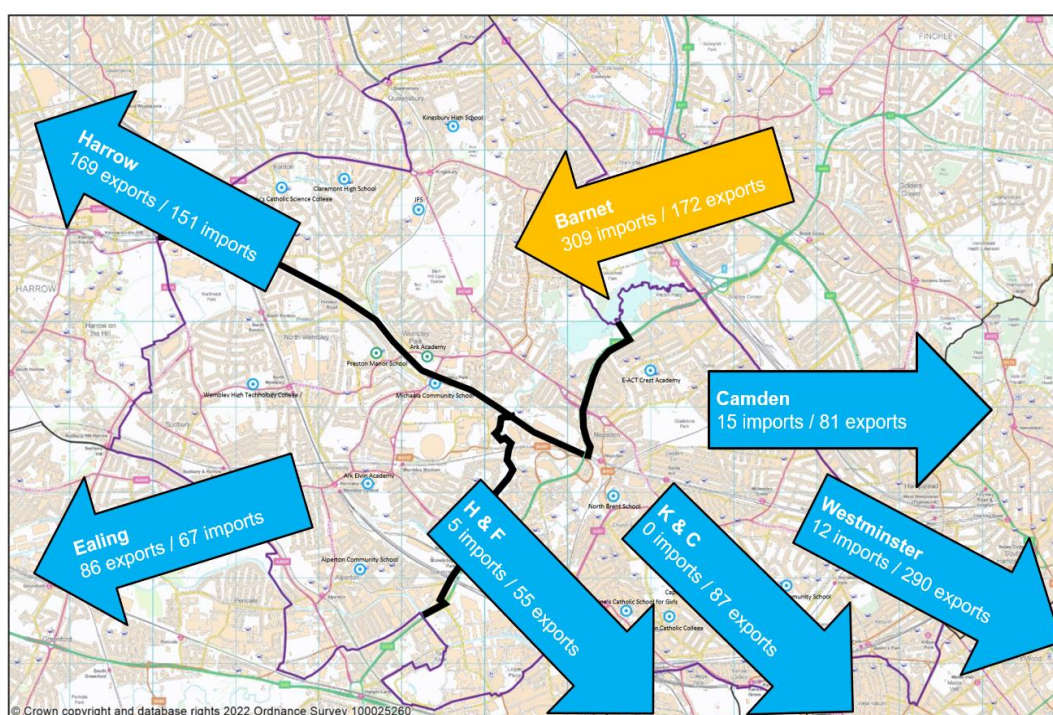
Table 1 shows the number of Year 7 children living in each secondary planning area by the local authority of the school they were offered on national offer day in 2023.

Table 1: Secondary offers by secondary planning area for Brent residents (Sept 2023)

LA of offered school 2023	Brent resident planning area			
	PA North	PA West	PA South	Total
Brent	653	1001	962	<b>2616</b>
Brent %	<b>80.4%</b>	<b>90.0%</b>	<b>60.2%</b>	<b>74.3%</b>
Barnet	82	14	76	<b>172</b>
Camden	3		78	<b>81</b>
Ealing		37	49	<b>86</b>
Hammersmith and Fulham		6	49	<b>55</b>
Harrow	64	29	9	<b>102</b>
Hertfordshire	4	4	3	<b>11</b>
Hillingdon	1	3	3	<b>7</b>
Hounslow			4	<b>4</b>
Kensington and Chelsea	1	2	84	<b>87</b>
Kent		1		<b>1</b>
Slough		5	1	<b>6</b>
Surrey		1		<b>1</b>
Sutton		3	1	<b>4</b>
Westminster	4	6	280	<b>290</b>
Non-Brent Total	159	111	637	907
Non-Brent %	<b>19.6%</b>	<b>10.0%</b>	<b>39.8%</b>	<b>25.7%</b>
<b>Grand Total</b>	<b>812</b>	<b>1112</b>	<b>1599</b>	<b>3523</b>

Figure 1 shows Year 7 allocation cross-border flows with directly neighbouring authorities (based on national offer day data 2023).

Figure 1: Secondary imports and exports for Year 7 for the 2023/24 academic year



Brent engages with neighbouring boroughs to understand their planning assumptions about cross-border movement, which will impact on demand for places in Brent. Where neighbouring boroughs face increased demand for secondary school places, Brent parents will find it increasingly difficult to access places in out-of-borough secondary schools.

Overall, in the borough, there is sufficient built capacity to meet demand in Year 7 over the coming years. However, future projections show a consistent in-year growth which adds pressure to the local authority's ability to make offers at other points of entry to schools. As with primary demand, demand for secondary school places will be higher in some parts of the borough than others, as reflected in the analysis of demand for each of the three secondary school place planning areas in Brent.

## **2.4 SEND places and Alternative Provision**

Despite lower pupil forecasts for mainstream places, demand for places that meet the needs of children and young people with Special Educational Needs and Disabilities (SEND) is increasing. This is due to a significant rise in the number of Education, Health and Care Plans (EHCPs) being issued, which set out the support for children and young people with SEND between the ages of 0 – 25 years of age.

The annual SEN 2 analysis evidences an annual growth rate in the number of maintained EHCP Plans of 10% since 2019 (compared to 9% for England and 12% for statistical neighbours), with a 10.7% increase between 2021 and 2022. The number of initial requests for assessment in Brent in 2022 was 5.9% higher than the year before.

Between 2021 and 2022 the number of EHC Plans increased across all age groups, with the highest increase in the 20-25 age group (40% compared to 3% nationally) and the 16-19 age group (18%). In Brent the age groups with the largest number of EHCPs are the 5-10 age group (37% of cohort) and the 11-15 age group (32%). This means that additional local special places in both primary and secondary are needed to respond to increasing demand, as EHCP numbers increase, as well as more local post-16 provision.

Addressing the sufficiency of local places for Brent children with SEND of both primary and secondary age, and for the 16-25 age group is a Council priority, not only to meet demand but to reduce dependency on out-of-borough independent special schools that are not close to families support networks. Brent Council has committed investment of over £44m to develop additional specialist places across mainstream and specialist provision, including a new secondary special school, and a Post-16 Skills Resource Centre for young people with SEND. The expectation is these places will be made available from 2025. Despite the planned capital investment, increasing demand means that further local specialist places are needed. This could include additional Additionally Resourced Provision (ARPs) and special school satellite provision.

## **2.5 Post-16 Provision**

The Education and Skills Act 2008 requires all young people in England to continue in education or training until at least their 18th birthday. The Council does not have a duty to manage places in this phase, but nevertheless works in partnership with schools and local colleges to ensure young people aged 16-18 (and up to the age of 25 for those who have an Education, Health and Care Plan) have access to a range of opportunities to continue their education or training at a wide range of post-16 providers or through apprenticeships.

## **3. The Strategic Approach to Place Planning**

Between 2005 and 2017, demand for school places in Brent rose dramatically. This led to a widespread expansion programme which saw the creation of nearly 8000 additional permanent primary school places. In January 2006, there were 20,882 children attending a Brent primary school, which rose to a peak of 26,823 in January 2017. Since then, the number on roll has fallen to 25,282 in January 2023 and is forecast to continue falling over the next five years to around 24,300 by 2027/28. As a projection, these forecasts are subject to change, but are based on existing and historical attendance and migration patterns in the borough.

The rise in demand for primary school places has followed through into the secondary phase, where a number of school expansions have taken place to ensure a sufficient provision of places. The new North Brent School opened in 2020 and will be opening to its full capacity as a six-form entry school from September 2024 on its permanent new site on Neasden Lane, Neasden.

Demand for school places is cyclical and therefore it is expected that after a period of sustained growth there will be a period of falling demand. London is experiencing a declining birth rate and this, in combination with migration 'shocks' brought about by Brexit, the Pandemic and now the cost-of-living crisis, is contributing to the current trend of falling demand in the city which is being experienced by the borough of Brent.

The focus of the 2019 – 2023 School Place Planning Strategy was to ensure there was sufficient demand to meet supply in the borough. When it was published in November 2018, it referred to the development of two new primary schools, one of which was proposed in response to housing developments in Wembley Park to be delivered when demand indicated it would be required. Neither of these schools were progressed as during the lifespan of the previous strategy, (which was refreshed annually), updated forecasts indicated insufficient demand. In response to lower pupil projections, the local authority has implemented both informal and formal measures to reduce or remove capacity in Brent Primary Schools.

The focus of the School Place Planning Strategy 2024 – 2028 is to ensure the sustainability of school places as and when populations fall, and the sufficiency of places when there is growth, working in partnership with Brent schools. Longer term general population forecasts suggest the population of Brent is projected to rise by between 17% and 28% between 2021 and 2028, and the child population aged under 16 is projected to rise by around 10% between 2021 and

2041. This projected growth comes after 2027, with the child population falling slightly in the short term (2021-2026). Projected changes in the child age group are more uncertain as they are very sensitive to assumptions about future migration and birth patterns.

Brent aims to have a minimum of 5% spare places to manage in-year migration and to ensure the authority can respond to any sudden increase in demand. This avoids the need to open temporary provision or bulge classes, which is neither educationally desirable nor cost effective. Based on current forecasts, there will be around 20% spare primary places at borough level over the next few years, which could rise as high as 30% by 2027/28 if no action is taken.

### **3.1. Place Planning Projections**

Regularly updated place planning projections underpin the school place planning process. The projections Brent and most other London authorities use to inform place planning are provided by the Greater London Authority (GLA) which are informed both by centrally held demographic data, such as census, fertility rate and birth rate data provided by the Office of National Statistics (ONS), together with locally held information on migration patterns and planned housing growth (ward level housing development data provided by the Borough). The projection methodology and model:

- calculate the number of children resident in each ward who are expected to attend each school by each national curriculum year from Reception to Year 11. The number of children projected for each new intake is calculated as an average of the proportion of children in those wards that attended the school in the previous 3 years multiplied by the ward level age population data. This helps to smooth out any unusual variations that are unlikely to reoccur each year. For other year groups the model calculates the current proportion of children in the ward attending the school and applies this to the ward level population data. School level projections are then aggregated to planning area projections and Borough totals.
- take account of the percentage of children who historically move into the following academic year in an area. This is particularly important in Brent where there is a high level of pupil mobility and migration to schools in other boroughs.

The GLA projections are a good indicator of place need, but they remain a statistical model which should be seen as a valuable tool rather than a definitive position. There are a number of factors which can lead to the projections being revised up or down:

- Underlying data, such as birth rates and migration patterns and the impact of local regeneration projects can change significantly in a short period of time.
- Secondary projections are more secure as they largely take account of children already in the system. However, the percentage of children who historically move into the following academic year is a particularly important factor in Brent which is currently a net exporter of secondary pupils. This may change if pressures on secondary places in

neighbouring boroughs lead to an increase in demand beyond those in the current projections.

- The Local Authority monitors both current and emerging local and national factors, such as Brexit and the COVID-19 pandemic that can impact on school place demand by changing migration patterns. It is difficult to predict the impact of these factors on demand for school places and in particular demand from families of Eastern European origin. Demand at schools that serve these communities are closely monitored.

### **3.2 Ensuring sufficiency of places during periods of growth in demand**

Where an area is projected to experience a sustained growth in demand, generally it is more cost effective to provide permanent places if they are needed for the longer term. However, there are times where site and time constraints mean this is not possible and there are also occasions where the bulge in numbers only applies to one cohort of students. In these circumstances, it is better to provide a temporary bulge class.

Expansion in the secondary phase is more complex than primary, partly because specialist facilities (e.g. sport, science or technology) may need to be provided alongside standard classrooms. Students also need to access these facilities during the building process which makes expansion more challenging and can impact on cost.

Where additional school places are needed, the Council seeks to provide places that provide high quality provision. This could be through expanding existing schools or through new schools. There are benefits to both approaches:

- Expanding existing schools that are judged to be good or better by Ofsted gives the Council greater confidence that additional provision will be good and it will be popular. It also helps to maintain stability in the existing school system. School expansion projects need to be well managed to avoid impacting on standards and on any particular groups of children and young people who are under-achieving. Expansions of existing provisions are funded by the Council from Basic Need grant funding or the Special Provision Capital Fund for Additionally Resourced Provision and SEND units for pupils with EHCPs.
- New schools offer a chance to provide new learning environments and to attract high quality providers. Current legislation requires new schools to be free schools/academies and the DfE Regional Director, acting on behalf of the Secretary of State, decides if a school should open. In a borough such as Brent there are considerable challenges in finding suitable sites for new schools. New schools are either funded by the Department of Education or by the Council when the new school presumption process is followed.

### **3.3 Supporting schools and planning areas with falling demand.**

When demand for school places falls significantly and the number of spare places increases, this can cause difficulties for individual schools in particular in managing staffing requirements and school budgets. Where this occurs, the Council analyses a range of local data, including but not limited to recent intakes, parental preferences, availability of places within the local area, the communities served by schools, school standards and building condition and recent/required investment, before recommending strategies that would support the sustainability of school provision in a given area. A School Place Planning Working Group, comprising officers and headteachers was established in the 2022/23 academic year and leads on reviews place planning within individual planning areas. The group in 2022/23 has been focused on planning areas where there is falling demand.

A range of options may be employed to support schools or groups of schools with falling demand as set out below. Any decision to reduce capacity has to be carefully considered in the context of the medium and long-term need for school places for all children, including those with SEND. The current cost of developing a new, medium sized primary school in London ranges from £10 - £20 million and is dependent on the site and existing facilities. Brent Council has already invested significant money into developing new and expanded primary and secondary school provision across the borough in response to the most recent episode of rising demand, which needs to be protected for when demand increases in the future.

#### **3.3.1 Reductions to Published Admission Numbers (PAN)**

A reduction to a school's Published Admission Number (PAN) reduces their official intake, normally by one or more forms of entry. This can help undersubscribed schools to manage their budgets more efficiently, with the aim that of the revised PAN being in line with demand. PAN reductions are subject to formal consultation and therefore can take up to two years to implement. They cannot be employed for every undersubscribed school in an area as the local authority needs to maintain some spare capacity for in-year admissions.

#### **3.3.2 Informal capping arrangements**

Informal caps can support schools by limiting their intake in a particular year group where demand is below PAN. However, implementing informal caps is not a long-term sustainable solution nor does it allow for good school organisation planning. Informal caps could be a possible solution in an arrangement where two schools work together to manage admissions. For example, where there is agreement to limit admissions in one school to actively facilitate fuller classes in the other. The advantage of informal capping arrangements is that they can be implemented quickly in response to a current situation and can easily be removed if there is an increase in demand in an area. For example, a three-form entry school that has only made 55 offers for a new Reception cohort may request to operate as a two-form entry for the cohort. This would mean any subsequent in-year offers would stop once the cohort reaches 60 pupils.



### **3.3.3 Utilising spare capacity for SEND and Alternative Provision**

Spare classrooms that are unlikely to be required in the longer-term can be used for alternative use, such as Additionally Resourced Provision (ARP) for children with SEND. Any long-term alternative use of spare capacity must be agreed by the local authority, to ensure the places are not likely to be required and managed alongside a PAN reduction.

### **3.3.4 Hard Federation**

A Hard Federation is where two schools formally join in partnership under one governing board and one leadership team. This arrangement can provide the opportunity for schools to share best practice and resources and can assist the budgets of small schools. A hard federation does not necessarily address the issue of reduced demand but could be used in conjunction with other strategies to manage the impacts of falling demand on school budgets.

### **3.3.5 Removing capacity from the Primary Estate**

Brent works collaboratively with schools in identifying solutions for a local area where a school reorganisation is considered to be the best way to ensure the sustainability of local provision. Legislation provides the Council with the authority to close community schools or to require them to amalgamate (and to instruct community schools to expand). It does not have the same authority over academies, Foundation or Voluntary Aided schools, as this sits with the DfE's Regional Director. The local authority undertakes informal consultation with stakeholders on proposals to cease provision to ensure their views are considered before any decision to proceed to formal consultation is taken in line with the relevant statutory guidance.

#### 4. School Place Planning Strategy Priorities and Principles

Brent's priorities over the next 5 years are:

- To continue to monitor and support those planning areas experiencing growth and high demand to ensure the sufficiency of local places is maintained.
- To support sustainability of individual schools and planning areas experiencing falling demand.
- To ensure any measures taken that remove capacity from Brent schools do not negatively impact on the need to ensure sufficient places in the future.

##### 4.1. Brent's operating principles for school organisation

The following operating principles underpin Brent's approach to school place planning:

- 1: *The local authority works in partnership with all schools to meet the sufficiency and sustainability of school places in Brent, putting in place effective strategies to manage changing demand.*
- 2: *The needs of all children and young people, including those with SEND and vulnerable groups, underpin all school place planning activity.*
- 3: *The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2023-2027 and inclusive schools.*
- 4: *School leaders are supported to manage the challenges of school reorganisations where there are expansions or reductions to capacity.*
- 5: *Inclusive provision will be considered in all school organisation proposals and the local authority will work with neighbouring authorities on the planning of special school places.*
- 6: *All school buildings will be of good quality and safe. Any changes to school buildings should meet government guidance on space standards but innovative design solutions will also be considered.*
- 7: *Any expansions of school places, including in academies and voluntary aided schools, will only be supported where there is local Brent demand.*
- 8: *The local authority works to develop local capacity to sponsor new schools, working with academies in all phases.*
- 9: *How the community can benefit from school facilities will be considered in all school organisation proposals.*
- 10: *Local communities will be consulted as part of the planning process to minimise/mitigate the impact of school organisation proposals*
- 11: *After assessing educational suitability, any reorganisation proposals will be judged in terms of value for money, ability to deliver and strategic fit with wider investment programmes.*

## **5. School Place Planning Strategy Measures of Success**

The impact of this strategy will be measured by the following outcomes:

- All Brent schools are good or outstanding (98.8% at the end of the 2022/23).
- Children are able to access education close to home (under two miles for children under 8 and 3 miles for children up to Year 6; within 75 minutes travel time for secondary aged children).
- Brent net exportation of secondary school pupils reduces over the duration of this strategy to 25%, with a stretch target below 25% (baseline 25.8% for the 2023 Year 7).
- Increasing local SEND places in the borough leads to a reduction in the use of out-of-borough placements and placements in independent non-maintained special schools.
- The take up rate of free childcare entitlements in the borough increases over the course of the strategy to 70% for 2-year-olds and 85 for 3 and 4-year-olds (baseline 65.4% for two-year-olds and 79.3% for 3 and 4-year-olds as of January 2023).

## **6. Childcare and Early Years Provision**

### **6.1 Early Years Provision**

Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. Brent has a mixed economy of 0-5 childcare provision in the borough that includes private, voluntary, independent (PVI) and maintained settings.

The Brent Childcare Sufficiency Assessment (CSA) 2021-2023 showed an overall increase in the number of PVI providers in the borough and a reduction in places in maintained and childminder provision. As of June 2023, there were 299 providers including private, voluntary and independent nurseries (PVI), childminders, nursery classes in schools and maintained nursery schools in Brent. 245 of these providers are registered to deliver free entitlement early education places. Two-year places are largely delivered by the PVI sector and childminders.

There has been an overall decrease in the number of childminder providers in the borough since 2015 with some moving out of the borough and others resigning as registered childminders. This decrease in provision is reflective of a nation-wide trend. Closures have also been seen amongst group providers in the last 12 months, some quoting rental increases and reduction in demand. Nonetheless there have been other providers who have moved premises to expand and new providers entering the market, indicating an ongoing demand for places.

Figure 2: 0-5 childcare providers in Brent

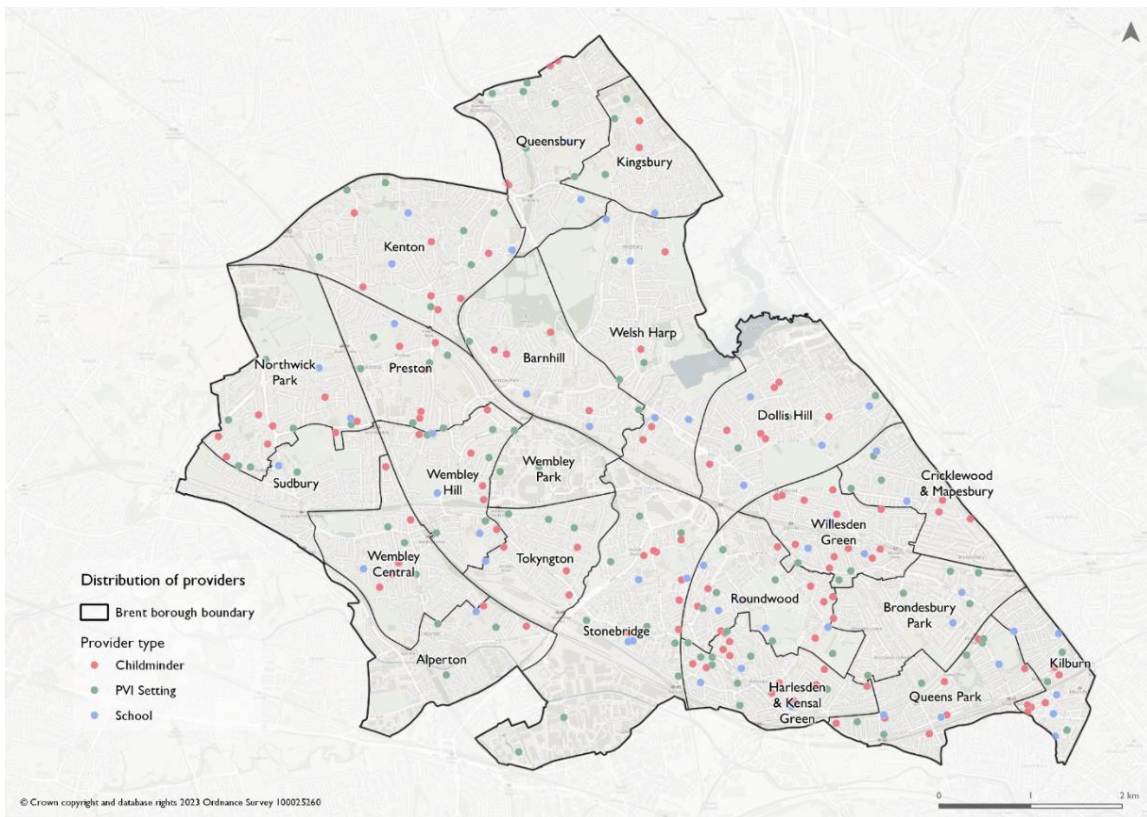
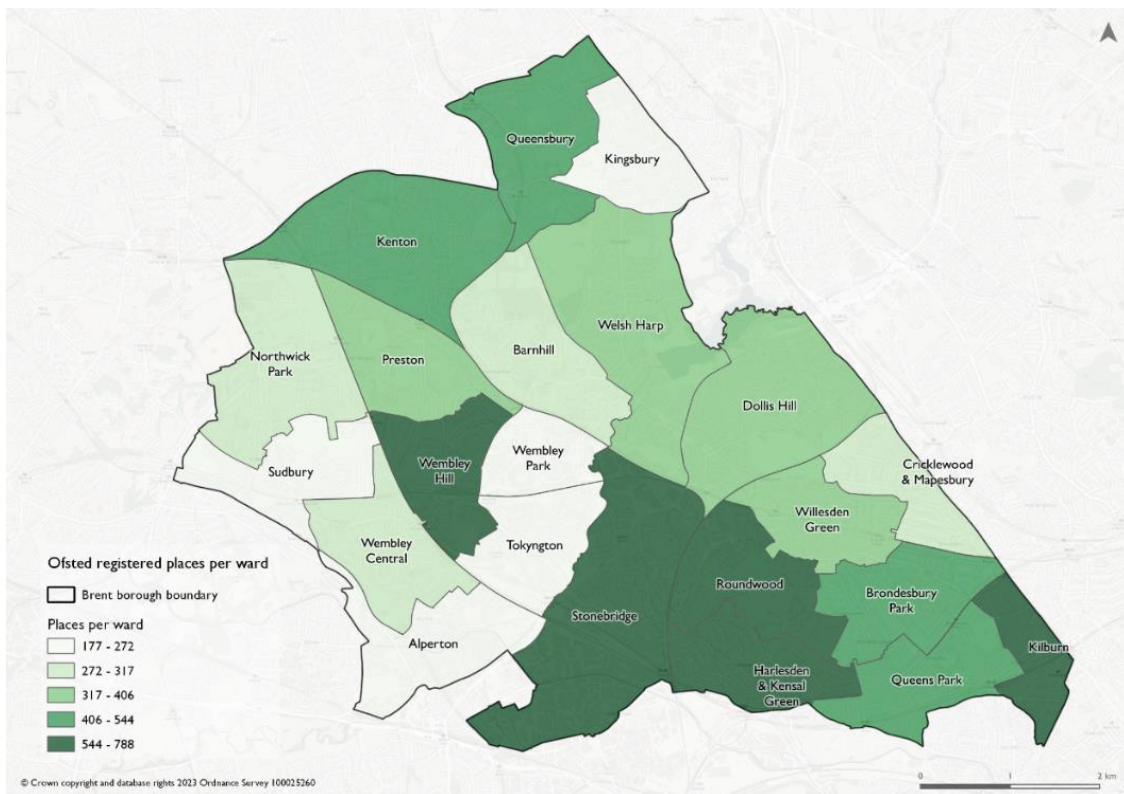


Figure 3: Distribution of childcare places in Brent



## **6.2 Take up of Early Years Entitlements**

Take-up of the free entitlements to childcare for 2, 3- and 4-year-olds has improved in Brent as a result of a focus on increasing take-up through ongoing marketing and promotion, raising awareness of entitlements with partners and parents, and the benefits of taking up entitlements for the children and also for parents, to be freed up to take up training or employment. Figures on take-up are provided to local authorities by the Department for Education (DfE) on an annual basis in the summer of each year based on January census returns. The last release of these figures (June 2023) indicated take-up in Brent as of January 2023 was 79.3% for 3- and 4-year-olds, an increase of 2.3% on the previous year. The percentage take-up of the two-year entitlement rose to highest levels to date at 65.4%, an increase of 8.4% on the previous year, but also the first time the Brent take-up of the two-year entitlement has exceeded the London average (65.2%).

## **6.3 Expansion of Early Years Entitlements**

In March 2023, the government announced a significant expansion of early years childcare entitlements to take effect between April 2024 and September 2025. The proposals include an offer of 30 hours of funded childcare for every child of a working parent between nine months and five years to be in place by September 2025. This is a significant change for the sector and providers await details of the funding rate for these new entitlements for 2024/25 and related statutory guidance to decide their delivery model. In the meanwhile, the DfE shared a supply and demand analysis in June 2023 and in July 2023 and details of the promised uplift to funding rates for 2023/24.

Brent Early Years providers were surveyed in 2023 about the proposed expansion to assess early intentions regarding expanded delivery and to understand what they saw as perceived challenges and barriers. This highlighted significant concerns within the sector about the impact the expansion will have on their settings, particularly in the absence of confirmed funding rates. Despite the lack of detailed funding arrangements and concerns noted, 46% of providers surveyed said they would offer under-twos places and 63% said they would offer two-year-old places for working families.

Detailed sufficiency monitoring takes place each autumn and will be repeated again in autumn 2023 once funding rates and statutory guidance is known. This will provide detailed mapping of demand and availability of places for the new entitlements and identify where demand may outstrip supply and gaps in provision in the borough.

Between late 2023 and September 2025 there will be a co-ordinated programme developed to support providers with implementation of the expanded entitlements. This could include but not be limited to, assistance to increase the numbers of children, expand premises, change hours of operation and / or take on age groups they are not currently caring for.

A significant promotional campaign will take place across the borough to ensure parents and carers are aware of the new entitlements, eligibility criteria and process for accessing the entitlements. This activity will be part of the on-going drive to increase the take up rate of free childcare entitlements in the borough.

The impact of the introduction of these additional entitlements will be monitored, especially the possible impact on the availability of places for the current two-year entitlement (15 hours) for disadvantaged children. This may occur if providers choose to offer more places for two-year-olds from working families who can get a maximum of 30 free hours. There are also concerns about the sufficiency of places for children with SEND as some parents are already struggling to find places for their children with SEND, and there is a concern that this situation could be exacerbated.

## 7. Primary School Place Planning

A borough-wide fall in demand for places is projected over the next three years as shown in Graph 1. Longer term projections, although less reliable for primary forecasts, indicate demand will rise after 2027/2028. The rate of increased demand in these longer-term projections is greater than previous projections, as there is a more accurate understanding of the rate of population of 0 – 4-year-olds as a result of the 2021 national census.

*Graph 1: Primary numbers on roll and projections as of January each year up to 2028*

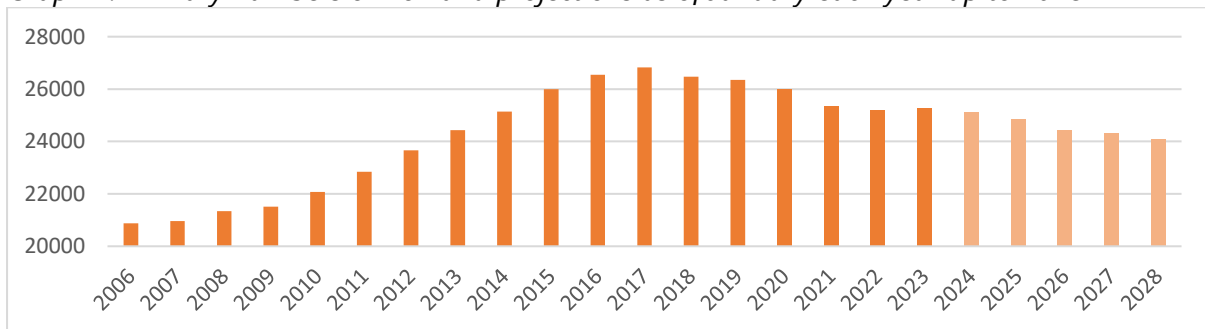


Table 2 shows that borough-wide there is sufficient capacity to meet anticipated demand across all primary year groups up to 2027/28 and to manage in-year pupil mobility.

Table 2: Primary forecasts 2023 (Green means more than 5% capacity)

Whole borough	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	4,217	4,217	4,217	4,217	4,217	4,247	4,222
	Projection	3458	3527	3639	3634	3594	3592	3682
	Surplus	759	690	578	583	623	655	540
	Surplus Percentage	22%	20%	16%	16%	17%	18%	15%
2024/2025	Capacity	4,217	4,217	4,217	4,217	4,217	4,217	4,217
	Projection	3465	3423	3493	3615	3650	3594	3623
	Surplus	752	794	724	602	567	623	594
	Surplus Percentage	22%	23%	21%	17%	16%	17%	16%
2025/2026	Capacity	4,217	4,217	4,217	4,217	4,217	4,217	4,217
	Projection	3271	3428	3394	3464	3627	3644	3611
	Surplus	946	789	823	753	590	573	606
	Surplus Percentage	29%	23%	24%	22%	16%	16%	17%
2026/2027	Capacity	4,217	4,217	4,217	4,217	4,217	4,217	4,217
	Projection	3464	3261	3403	3380	3491	3634	3668
	Surplus	753	956	814	837	726	583	549
	Surplus Percentage	22%	29%	24%	25%	21%	16%	15%
2027/2028	Capacity	4,217	4,217	4,217	4,217	4,217	4,217	4,217
	Projection	3450	3438	3243	3381	3407	3499	3658
	Surplus	767	779	974	836	810	718	559
	Surplus Percentage	22%	23%	30%	25%	24%	21%	15%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity and red = shortfall

Table 3 shows forecast Reception intakes against capacity. This suggests over the next five years that Reception cohorts will remain stable (with intermittent fluctuations) at a lower demand level than has been seen in recent years. This is consistent with the falling birth rates levelling off as seen in Table 4.

The indicated level of spare capacity across the system will place budgetary strain on some schools. Section 3 of this strategy outlines the options available to schools and the borough to promote the sustainability of schools under budgetary pressures due to falling demand.

Table 3: Reception forecasts against capacity

Year	Reception projected intake	Reception capacity	Spare places	% spare places	Spare places as forms of entry
2023/24	3458	4247	789	18.6	26
2024/25	3465	4247	782	18.4	26
2025/26	3271	4247	976	23.0	32
2026/27	3464	4247	783	18.4	26
2027/28	3450	4247	797	18.8	26

Table 4: Births in Brent (by academic year)

Academic Year	Number of births in Brent (Source ONS mid-year estimates)	Reception entry (September following 4 <sup>th</sup> birthday)
2016/17	5116	2022/23
2017/18	4878	2023/24
2018/19	4814	2024/25
2019/20	4794	2025/26
2020/21	4448	2026/27
2021/22	4520	2027/28
2022/23	4468	2028/29

The number of on-time applications for Reception in 2023 rose for the first time in seven years, which was counter to the trend of reduced applications across London. This has been attributed in part to more visible advertising for Reception applications and the development of Admission open events held across the Borough’s Family Wellbeing Centres. On time applications are important for all normal points of entry as they provide the greatest opportunity for parents to receive an offer for a preference school and schools are better placed to manage forms of entry, classroom and staff numbers.

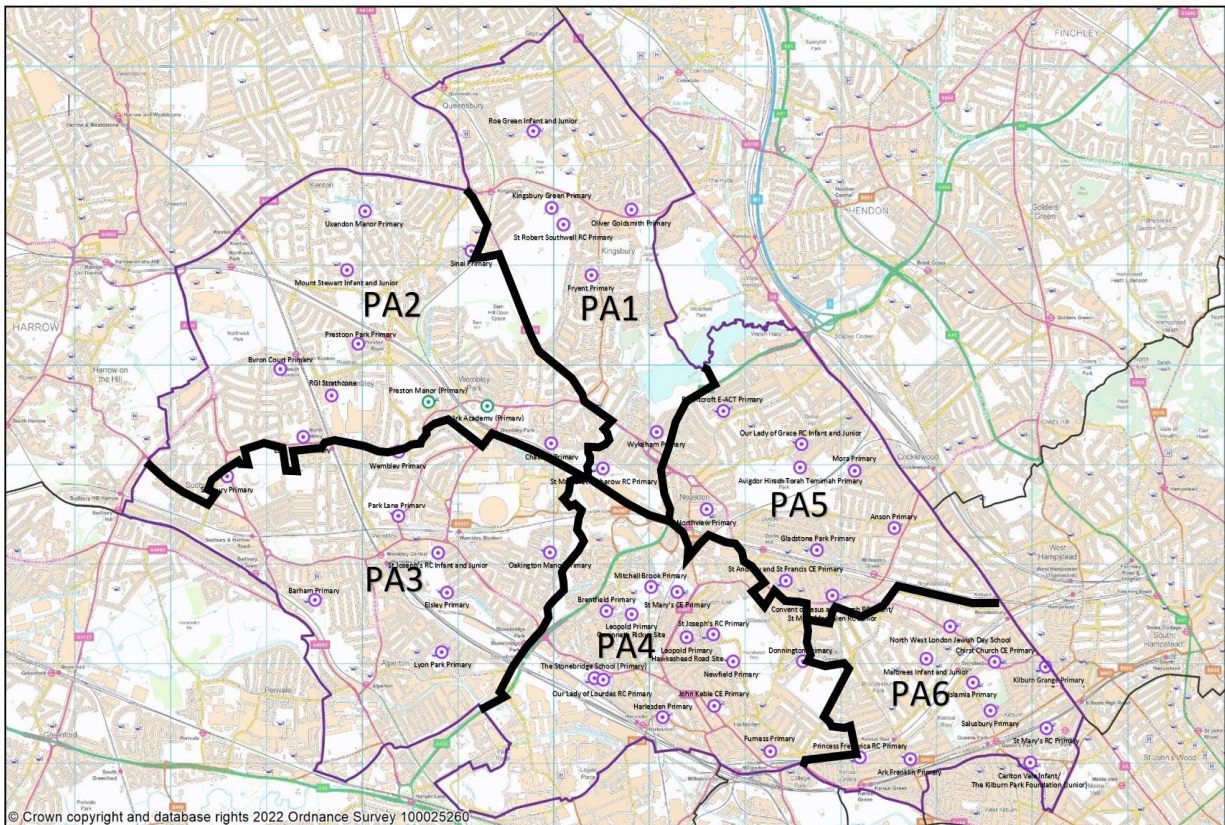
### 7.1 Primary Planning Areas

The local authority uses planning areas to identify local trends in demand which help to inform place planning decisions to ensure children can attend a school within a reasonable distance. (In the primary phase a “reasonable offer” is a school offer that is made within 2 miles of home for children under 8 years old, and 3 miles for older children). The borough is divided into six primary planning areas to help ensure places are provided near to where children live. However, in reality children can travel across planning areas to attend school, particularly when they live close to the borders.

All planning areas are aligned with the 2022 ward boundaries. This provides a clearer picture of demand as GLA projections are also based on these wards.



Figure 4: Brent Primary Planning Areas



Key to tables:

For each of the primary and secondary projection tables in each of the planning area, the shading relates to the percentage of surplus places available.

More than 5% capacity (Red text = 15%+ spare capacity)	5% spare capacity	Less than 5% spare capacity	Shortfall of places
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## Primary Planning Area 1

<b>Wards</b>	Kingsbury, Queensbury and Welsh Harp
<b>Schools</b>	Fryent Primary School, Kingsbury Green Primary School, Oliver Goldsmith Primary School, Roe Green Infant School, Roe Green Junior School, St Margaret Clitherow RC Primary School, St Robert Southwell RC Primary School, Wykeham Primary School

**Demand:** The January 2023 projections indicate that demand in Planning Area 1 will fall slightly before recovering to current levels over the next 5 years. It is projected that some year groups will see the spare places fall below the 5% margin the LA aims to maintain, resulting in a small deficit in some year groups. It is anticipated places in neighbouring planning areas will accommodate these pressures. Some mainstream capacity in the planning area is being used to provide SEN Alternative Resource Provision (ARP) places.

**Planned action:** Primary Planning Area 1 has been subject to a recent review by the School Place Planning Steering Group in Brent to identify strategies to ensure sufficient supply of places in some year groups, while identifying strategies to manage excessive surplus capacity in others. No area wide action is considered necessary and individual schools will continue to be supported as need arises. The Planning Area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 5: Planning Area 1 2023 projections and capacity

PA 1	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	510	510	510	510	510	510	510
	Projection	480	499	513	510	473	474	482
	Surplus	30	11	-3	0	37	36	28
	Surplus Percentage	6%	2%	-1%	0%	7%	7%	5%
2024/2025	Capacity	510	510	510	510	510	510	510
	Projection	484	479	493	504	515	476	463
	Surplus	26	31	17	6	-5	34	47
	Surplus Percentage	5%	6%	3%	1%	-1%	7%	9%
2025/2026	Capacity	510	510	510	510	510	510	510
	Projection	460	480	474	483	507	517	464
	Surplus	50	30	36	27	3	-7	46
	Surplus Percentage	10%	6%	7%	5%	1%	-1%	9%
2026/2027	Capacity	510	510	510	510	510	510	510
	Projection	493	462	478	466	488	511	508
	Surplus	17	48	32	44	22	-1	2
	Surplus Percentage	3%	9%	6%	9%	4%	0%	0%
2027/2028	Capacity	510	510	510	510	510	510	510
	Projection	494	493	462	469	474	491	503
	Surplus	16	17	48	41	36	19	7
	Surplus Percentage	3%	3%	9%	8%	7%	4%	1%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 2

<b>Wards</b>	Barnhill, Kenton, Northwick Park and Preston
<b>Schools</b>	Ark Academy, Byron Court Primary School, Chalkhill Primary School, East Lane Primary School, Mount Stewart Infant School, Mount Stewart Junior School, Preston Manor Lower School, Preston Park Primary School, Sinai Jewish Primary School, Uxendon Manor Primary School.

**Demand:** The January 2023 projections indicate that demand in the planning area will remain relatively stable over the next five years. Projected surplus places are above the 5% margin across all year groups and parents in this planning area have increased choice of provision. Planning Area 2 includes the Northwick Park growth area and this may generate additional demand at some point in the future.

**Planned action:** There is no current requirement to make any changes to the provision in this planning area and in the short term, surplus places could be managed with the use of informal capping arrangements agreed with individual schools. The Planning Area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 6: Planning Area 2 2023 projections and capacity

PA 2	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	870	870	870	870	870	870	870
	Projection	712	739	740	747	702	734	696
	Surplus	158	131	130	123	168	136	174
	Surplus Percentage	18%	15%	15%	14%	19%	16%	20%
2024/2025	Capacity	870	870	870	870	870	870	870
	Projection	725	716	735	742	747	699	734
	Surplus	145	154	135	128	123	171	136
	Surplus Percentage	17%	18%	16%	15%	14%	20%	16%
2025/2026	Capacity	870	870	870	870	870	870	870
	Projection	678	726	713	730	740	744	696
	Surplus	192	144	157	140	130	126	174
	Surplus Percentage	22%	17%	18%	16%	15%	14%	20%
2026/2027	Capacity	870	870	870	870	870	870	870
	Projection	727	689	725	713	734	742	745
	Surplus	143	181	145	157	136	128	125
	Surplus Percentage	16%	21%	17%	18%	16%	15%	14%
2027/2028	Capacity	870	870	870	870	870	870	870
	Projection	725	733	688	722	716	735	741
	Surplus	145	137	182	148	154	135	129
	Surplus Percentage	17%	16%	21%	17%	18%	16%	15%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

### Primary Planning Area 3

<b>Wards</b>	Alperton, Sudbury, Tokyngton, Wembley Central, Wembley Hill and Wembley Park
<b>Schools</b>	Barham Primary School, Elsley Primary School, Lyon Park Primary School, Oakington Manor Primary School, Park Lane Primary School, St Joseph's RC Infant School, St Joseph's RC Junior School, Sudbury Primary School, Wembley Primary School

**Demand:** Planning Area 3 includes two major growth areas in Wembley Central and Alperton and the latest projections are similar to previous years, indicating a rising demand. They suggest that over the next 5 years, most year groups will be at or below the 5% surplus margin, with some year groups operating with no surplus capacity, particularly in Key Stage Two.

**Planned action:** Longer term forecasts indicate there may be a continued increase in demand in this planning area, which would be consistent with pre-pandemic projections. The planning area will remain under review to ensure children can access local places. Planning Area 3 is adjacent to Planning Area 2 and Planning Area 4 which each have surplus capacity. It is anticipated that this surplus capacity would be used to accommodate excess demand before any need to consider any expanding provision in Planning Area 3.

Table 7: Planning Area 3 2023 projections and capacity

PA 3	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	820	820	820	820	820	820	820
	Projection	765	807	796	800	828	818	838
	Surplus	55	13	24	20	-8	2	-18
	Surplus Percentage	7%	2%	3%	2%	-1%	0%	-2%
2024/2025	Capacity	820	820	820	820	820	820	820
	Projection	787	784	802	804	808	831	830
	Surplus	33	36	18	16	12	-11	-10
	Surplus Percentage	4%	4%	2%	2%	1%	-1%	-1%
2025/2026	Capacity	820	820	820	820	820	820	820
	Projection	755	808	786	811	813	815	844
	Surplus	65	12	34	9	7	5	-24
	Surplus Percentage	8%	1%	4%	1%	1%	1%	-3%
2026/2027	Capacity	820	820	820	820	820	820	820
	Projection	815	783	810	797	825	825	827
	Surplus	5	37	10	23	-5	-5	-7
	Surplus Percentage	1%	5%	1%	3%	-1%	-1%	-1%
2027/2028	Capacity	820	820	820	820	820	820	820
	Projection	817	832	778	814	808	831	834
	Surplus	3	-12	42	6	12	-11	-14
	Surplus Percentage	0%	-1%	5%	1%	1%	-1%	-2%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 4

<b>Wards</b>	Harlesden & Kensal Green, Roundwood and Stonebridge
<b>Schools</b>	Brentfield Primary School, Donnington Primary School, Furness Primary School, Harlesden Primary School, John Keble CE Primary School, Leopold Primary School, Mitchell Brook Primary School, Newfield Primary School, Our Lady of Lourdes RC Primary School, St Joseph's RC Primary School, St Mary's CE Primary School, The Stonebridge School.

**Demand:** Planning Area 4 has very high levels of surplus places and the latest projections indicate that there will be a further reduction in demand. In the longer term, the area will serve some of the new housing being built as part of the Old Oak and Park Royal redevelopment scheme.

**Planned action:** Brent Council has started the process to address the excess capacity in the area as it is having a detrimental impact on some schools who are struggling with attendance and budget management. A series of reorganisation options are being considered including site closures, school closures and PAN reductions. It is anticipated that consultation on proposals will commence in autumn 2023.

Table 8: Planning Area 4 2023 projections and capacity

PA 4	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	855	855	855	855	855	855	855
	Projection	519	515	577	573	621	580	629
	Surplus	336	340	278	282	234	275	226
	Surplus Percentage	39%	40%	33%	33%	27%	32%	26%
2024/2025	Capacity	855	855	855	855	855	855	855
	Projection	498	502	504	582	581	617	603
	Surplus	357	353	351	273	274	238	252
	Surplus Percentage	42%	41%	41%	32%	32%	28%	29%
2025/2026	Capacity	855	855	855	855	855	855	855
	Projection	477	482	492	507	590	575	638
	Surplus	378	373	363	348	265	280	217
	Surplus Percentage	44%	44%	42%	41%	31%	33%	25%
2026/2027	Capacity	855	855	855	855	855	855	855
	Projection	485	462	472	494	514	585	592
	Surplus	370	393	383	361	341	270	263
	Surplus Percentage	43%	46%	45%	42%	40%	32%	31%
2027/2028	Capacity	855	855	855	855	855	855	855
	Projection	479	473	455	479	504	513	607
	Surplus	376	382	400	376	351	342	248
	Surplus Percentage	44%	45%	47%	44%	41%	40%	29%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 5

<b>Wards</b>	Cricklewood & Mapesbury, Dollis Hill and Willesden Green
<b>PA5 Schools</b>	Anson Primary School, Avigdor Hirsch Torah Temimah Primary School, Braintcroft E-ACT Primary Academy, Convent of Jesus and Mary Infant School, Gladstone Park Primary School, Mora Primary School, Northview Primary School, Our Lady of Grace Infant and Nursery School, Our Lady of Grace RC Junior School, St Andrew & St Francis CE Primary School, St Mary Magdalen's RC Junior School.

**Demand:** The latest projections show that there will be a small drop in demand over the next five years, but surplus capacity is comfortable for place planning purposes (5%).

**Planned action:** There are no current or planned actions in Planning Area 5. The planning area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 9: Planning Area 5 2023 projections and capacity

PA 5	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	557	557	557	557	557	557	562
	Projection	518	523	531	535	528	516	539
	Surplus	39	34	26	22	29	41	23
	Surplus Percentage	7%	6%	5%	4%	5%	7%	4%
2024/2025	Capacity	557	557	557	557	557	557	557
	Projection	522	511	517	524	534	528	520
	Surplus	35	46	40	33	23	29	37
	Surplus Percentage	6%	8%	7%	6%	4%	5%	7%
2025/2026	Capacity	557	557	557	557	557	557	557
	Projection	485	512	505	510	521	531	526
	Surplus	72	45	52	47	36	26	31
	Surplus Percentage	13%	8%	9%	8%	6%	5%	6%
2026/2027	Capacity	557	557	557	557	557	557	557
	Projection	508	478	504	496	508	520	531
	Surplus	49	79	53	61	49	37	26
	Surplus Percentage	9%	14%	10%	11%	9%	7%	5%
2027/2028	Capacity	557	557	557	557	557	557	557
	Projection	503	501	473	496	496	510	524
	Surplus	54	56	84	61	61	47	33
	Surplus Percentage	10%	10%	15%	11%	11%	8%	6%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Primary Planning Area 6

<b>Wards</b>	Brondesbury Park, Kilburn and Queens Park
<b>PA6 Schools</b>	Ark Franklin Academy, Carlton Vale Infant School, Christchurch CE Primary School, Islamia Primary School, Kilburn Grange Primary School, Malorees Infant School, Malorees Junior School, North West London Jewish Day School, Princess Frederica CE Primary School, Salusbury Primary School, St Mary's RC Primary School, The Kilburn Park Foundation School

**Demand:** Projections for Planning Area 6 show a slight decline in demand over the next five years. Future developments may affect demand and supply in this area. Islamia Primary School is likely to relocate to another site in Brent outside of the planning area within the next three years, removing 2FE of capacity from the area. As part of the South Kilburn regeneration programme, Carlton Vale Infant School and The Kilburn Park School Foundation are due to move into a new school building in 2028, which will attract additional demand.

**Planned action:** Plans are progressing for Carlton Vale Infant School and Kilburn Park Junior School to come together in a Hard Federation as a first step towards becoming a primary school. The relocation of Islamia Primary School will reduce capacity in Planning Area 6 and will impact on demand patterns, with some of the local children who would have attended the school accessing spare places in other schools. As part of the South Kilburn regeneration programme, school place in the Planning Area will remain under review.

Table 10: Planning Area 6 2023 projections and capacity

PA 6	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	605	605	605	605	605	605	605
	Projection	462	444	480	468	444	470	499
	Surplus	143	161	125	137	161	135	106
	Surplus Percentage	24%	27%	21%	23%	27%	22%	18%
2024/2025	Capacity	605	605	605	605	605	605	605
	Projection	450	431	438	458	465	442	472
	Surplus	155	174	167	147	140	163	133
	Surplus Percentage	26%	29%	28%	24%	23%	27%	22%
2025/2026	Capacity	605	605	605	605	605	605	605
	Projection	417	419	426	423	454	463	443
	Surplus	188	186	179	182	151	142	162
	Surplus Percentage	31%	31%	30%	30%	25%	23%	27%
2026/2027	Capacity	605	605	605	605	605	605	605
	Projection	437	391	415	412	420	452	465
	Surplus	168	214	190	193	185	153	140
	Surplus Percentage	28%	35%	31%	32%	31%	25%	23%
2027/2028	Capacity	605	605	605	605	605	605	605
	Projection	432	407	387	402	409	419	451
	Surplus	173	198	218	203	196	186	154
	Surplus Percentage	29%	33%	36%	34%	32%	31%	25%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## 8. Secondary school place planning

A downwards trend is projected for Year 7 demand over the next seven years with the latest forecasts projecting a more marked decline in demand. Demand is projected to be below the level of available capacity and therefore the LA is confident there is sufficient capacity to meet demand for the near future.

Brent has traditionally been a net exporter of secondary pupils, but the borough has seen an increase in parental preference for Brent secondary schools due to the sustained quality of local schools. These factors have been taken into consideration in the projection figures for secondary schools and it is possible that future demand for individual schools could increase further.

Table 11 shows Year 7 forecasts against current capacity and capacity to be provided by the North Brent School (from 2024/25).

*Table 11: Year 7 projections and planned capacity*

Year	Year 7 projected intake	Year 7 places available	Surplus	Surplus
2023/24	3308	3568	260	7.3%
2024/25	3195	3688	493	13.4%
2025/26	3166	3688	522	14.2%
2026/27	3195	3688	493	13.4%
2027/28	3208	3688	480	13.0%
2028/29	3129	3688	559	15.2%
2029/30	3042	3688	646	17.5%

Table 12 shows borough wide forecasts for all year groups and indicates a comfortable operating margin of at least 5% spare places in all year groups except Year 11 in the current academic year.



Table 12: Secondary projections 2023 and capacity

Whole borough	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2023/2024	Capacity	3,568	3,568	3,568	3,628	3,508
	Projection	3308	3334	3368	3392	3365
	Surplus	260	234	200	236	143
	Surplus Percentage	7%	7%	6%	7%	4%
2024/2025	Capacity	3,688	3,688	3,688	3,688	3,808
	Projection	3195	3337	3362	3405	3442
	Surplus	493	351	326	283	366
	Surplus Percentage	13%	10%	9%	8%	10%
2025/2026	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3166	3225	3363	3398	3456
	Surplus	522	463	325	290	232
	Surplus Percentage	14%	13%	9%	8%	6%
2026/2027	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3195	3200	3259	3401	3460
	Surplus	493	488	429	287	228
	Surplus Percentage	13%	13%	12%	8%	6%
2027/2028	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3208	3223	3229	3296	3460
	Surplus	480	465	459	392	228
	Surplus Percentage	13%	13%	12%	11%	6%
2028/2029	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3129	3245	3262	3275	3376
	Surplus	559	443	426	413	312
	Surplus Percentage	15%	12%	12%	11%	8%
2029/2030	Capacity	3,688	3,688	3,688	3,688	3,688
	Projection	3042	3164	3277	3303	3345
	Surplus	646	524	411	385	343
	Surplus Percentage	18%	14%	11%	10%	9%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## 8.1 Actions to respond to changes in demand

The North Brent School, which was approved by DfE in 2016 to provide 180 places per year (6 Form Entry), officially opened in September 2020. Due to building delays, completion of the school's new permanent building site has been delayed, resulting in lower intakes while children were taught on the Wembley High Technology College site. The school expects to relocate in 2024 to its permanent site in Neasden, where it will operate to full capacity.

A number of secondary schools have previously expressed an interest in expanding should additional places be required to meet demand. It is unlikely this will be required during the life of this current strategy for Year 7 but is not something which has been formally ruled out and will be reviewed as part of the annual refresh of this strategy in particular for higher year groups.

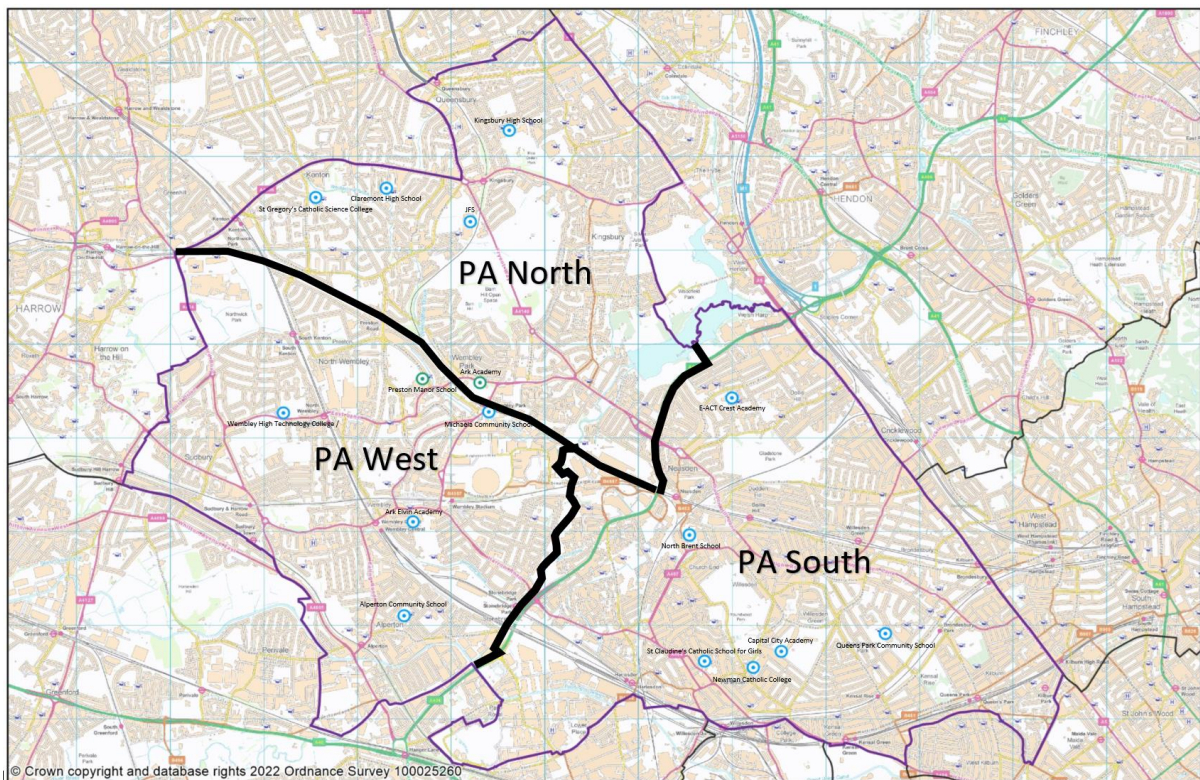
The local authority is currently employing a strategy of working with schools with existing spare built capacity (due to the employment of informal capping arrangements), to open up that capacity where needed in the higher year groups to ensure a sufficiency of places to meet in-year demand.

## 8.2 Secondary Planning Areas

Brent divides its secondary schools into 3 planning areas that reflect geographical groupings of schools – Secondary Planning Area North, Secondary Planning Area West and Secondary Planning Area South (Figure 4).

Secondary aged children can be expected to travel longer distances to school. A reasonable offer for a secondary place is one within 3 miles of home, which given the size of Brent and the good transport links mean children can travel to any school. However, secondary planning areas allow localised pressures for schools to be taken into account and where additional places would help more children attend a school near to where they live.

*Figure 5: Secondary Planning Areas*



## Secondary Planning Area North

<b>Wards</b>	Barnhill, Kenton, Kingsbury, Queensbury and Welsh Harp
<b>Schools</b>	Ark Academy, Claremont High School, JFS, Kingsbury High School, St Gregory's Catholic Science College

**Demand:** Schools in Planning Area are traditionally oversubscribed. However, the latest projections indicate there may be a small surplus over the next three years. Planning Area North includes the Burnt Oak Colindale and Northwick Park growth areas.

**Planned action:** There are no planned actions in this Planning Area North and demand will be kept under review as part of the annual refresh of this strategy. Spare places in Planning Area South will accommodate pressures in demand in this planning area, and the Fair Access Protocol will be implemented if required to manage demand for in-year places that cannot be fulfilled through normal admissions processes, especially in Years 9 – 11.

Table 13: Secondary Planning Area North 2023 projections and capacity

PA 7 - North	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2023/2024	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1244	1261	1260	1292	1290
	Surplus	34	17	18	-14	-12
	Surplus Percentage	3%	1%	1%	-1%	-1%
2024/2025	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1212	1253	1264	1276	1311
	Surplus	66	25	14	2	-33
	Surplus Percentage	5%	2%	1%	0%	-3%
2025/2026	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1175	1218	1254	1276	1291
	Surplus	103	60	24	2	-13
	Surplus Percentage	8%	5%	2%	0%	-1%
2026/2027	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1193	1185	1222	1267	1296
	Surplus	85	93	56	11	-18
	Surplus Percentage	7%	7%	4%	1%	-1%
2027/2028	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1195	1202	1191	1237	1289
	Surplus	83	76	87	41	-11
	Surplus Percentage	6%	6%	7%	3%	-1%
2028/2029	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1175	1204	1208	1207	1262
	Surplus	103	74	70	71	16
	Surplus Percentage	8%	6%	5%	6%	1%
2029/2030	Capacity	1,278	1,278	1,278	1,278	1,278
	Projection	1140	1182	1207	1221	1230
	Surplus	138	96	71	57	48
	Surplus Percentage	11%	8%	6%	4%	4%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## Secondary Planning Area West

<b>Wards</b>	Alperton, Northwick Park, Preston, Sudbury, Tokyngton, Wembley Central, Wembley Hill and Wembley Park
<b>Schools</b>	Alperton Community School, Ark Elvin Academy, Michaela Community School, Preston Manor School, Wembley High Technology College

**Demand:** Secondary Planning Area West includes two major growth areas in Wembley Central and Alperton and demand for Year 7 places is expected to remain at or around capacity. Projections indicate limited spare capacity up to 2024/25 with a shortage of capacity beyond this point. This is compounded by some schools in the area operating a lower PAN than their build capacity will allow.

**Planned action:** Longer term forecasts indicate there may be fluctuating demand in this Planning Area West, which will remain under review to determine whether any longer-term interventions are required to increase capacity. Spare places in Planning Area South will accommodate pressures in demand in Planning Area West. Fair Access Protocols will be implemented if required to manage demand for in-year places that cannot be fulfilled through normal admissions processes.

Table 14: Secondary Planning Area West 2023 projections and capacity

	Dataset	Year 7	Year 8	Year 9	Year 10	Year 11
2023/2024	Capacity	1,179	1,176	1,176	1,296	1,176
	Projection	1200	1188	1155	1151	1166
	Surplus	-21	-12	21	145	10
	Surplus Percentage	-2%	-1%	2%	11%	1%
2024/2025	Capacity	1,176	1,179	1,176	1,176	1,296
	Projection	1157	1217	1210	1176	1180
	Surplus	19	-38	-34	0	116
	Surplus Percentage	2%	-3%	-3%	0%	9%
2025/2026	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1174	1179	1241	1237	1207
	Surplus	2	-3	-65	-61	-31
	Surplus Percentage	0%	0%	-6%	-5%	-3%
2026/2027	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1185	1197	1207	1267	1277
	Surplus	-9	-21	-31	-91	-101
	Surplus Percentage	-1%	-2%	-3%	-8%	-9%
2027/2028	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1195	1202	1218	1229	1301
	Surplus	-19	-26	-42	-53	-125
	Surplus Percentage	-2%	-2%	-4%	-5%	-11%
2028/2029	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1166	1218	1232	1245	1275
	Surplus	10	-42	-56	-69	-99
	Surplus Percentage	1%	-4%	-5%	-6%	-8%

2029/2030	Capacity	1,176	1,176	1,176	1,176	1,176
	Projection	1138	1189	1243	1257	1285
	Surplus	38	-13	-67	-81	-109
	Surplus Percentage	3%	-1%	-6%	-7%	-9%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

### **Secondary Planning Area South**

<b>Wards</b>	Brondesbury Park, Cricklewood & Mapesbury, Dollis Hill, Harlesden & Kensal Green, Kilburn, Roundwood, Queens Park, Stonebridge and Willesden Green
<b>Schools</b>	Capital City Academy, E-ACT Crest Academy, Newman Catholic College, North Brent School, Queens Park Community School, St Claudine's Catholic School for Girls

**Demand:** Planning Area South includes the Neasden Station, Staples Corner, Church End and South Kilburn growth areas. Projections for this planning area remain steady for the next 7 years and there is sufficient availability of places to meet demand. The availability of places in this planning area means that children living in the North or West Planning Areas, who may not have been successful in gaining a place at schools closer to home, may be offered schools in the South, particularly if the applications are made in-year.

**Planned action:** The local authority has been in talks with Senior Leaders at E-ACT Crest Academy and the E-ACT Academy Trust to increase in-year provision at the school to meet demand across the borough as the school has the physical infrastructure to do so. Due to the nature of transport links in Brent, it is possible for pupils to easily travel between planning areas to attend schools further away, but still within recommended journey times, where there is no in-year availability at their local schools. The Planning Area will remain under review to determine if any longer-term changes are required as part of the annual refresh of this strategy.

Table 15: Secondary Planning Area South 2023 projections and capacity

	<b>Dataset</b>	<b>Year 7</b>	<b>Year 8</b>	<b>Year 9</b>	<b>Year 10</b>	<b>Year 11</b>
2023/2024	Capacity	1,114	1,114	1,114	1,054	1,054
	Projection	864	885	953	948	909
	Surplus	250	229	161	106	145
	Surplus Percentage	22%	21%	14%	10%	14%
2024/2025	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	826	867	888	953	952
	Surplus	408	367	346	281	282
	Surplus Percentage	33%	30%	28%	23%	23%
2025/2026	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	815	828	868	886	957
	Surplus	419	406	366	348	277
	Surplus Percentage	34%	33%	30%	28%	22%
2026/2027	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	816	817	830	867	887
	Surplus	418	417	404	367	347
	Surplus Percentage	34%	34%	33%	30%	28%
2027/2028	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	819	819	820	831	870
	Surplus	415	415	414	403	364
	Surplus Percentage	34%	34%	34%	33%	29%
2028/2029	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	787	823	822	823	839
	Surplus	447	411	412	411	395
	Surplus Percentage	36%	33%	33%	33%	32%
2029/2030	Capacity	1,234	1,234	1,234	1,234	1,234
	Projection	764	793	827	825	830
	Surplus	470	441	407	409	404
	Surplus Percentage	38%	36%	33%	33%	33%

Key: Green = 5%+ spare capacity (red text = 15%+); yellow = 5% spare capacity; amber = less than 5% spare capacity; red = shortfall

## 9. SEND and Alternative Provision place planning

### 9.1 Brent SEND Overview

Brent is a borough that has high aspirations for all children and young people with special, educational needs or disabilities (SEND). Services, schools and settings are needs-led and follow the ethos of early identification and early intervention. Brent recognises SEND is not a fixed or permanent characteristic. At a specific time, a child might have additional learning needs that require tailored or additional support to fully participate in everything the school has to offer, or they may require more specialist support in school for the whole of their education. All schools in Brent are inclusive and where possible a child or young person should be educated in their local mainstream school. The majority of pupils' additional needs can be met within one of the following contexts with only those not able to access their education in a mainstream school being met through a special school.

Table 16 – Full range of provision in Brent

<b>A FULL RANGE OF PROVISION</b>			
Fully inclusive mainstream provision (no support)	Mainstream with support	Additionally resourced mainstream provision	Brent special school provision

There is a rich range of high-quality specialist provision in Brent encompassing 3 enhanced pre-school providers, 1 primary special maintained school, 2 special all through academy schools and 2 secondary special school academies, and a number of Additionally Resourced Provisions (ARP) in both primary and secondary mainstream schools, all detailed in Table 17.

An ARP is designed to provide specialist and targeted support for children with special educational needs and/or disabilities who can function well in a mainstream school, and where the school has appropriate teaching and learning strategies and staff with the skills, knowledge, and expertise in a particular area of SEND. ARPs also provide specialist environments which support the learning needs of each pupil, and many young people with additional learning needs can make better, and more sustained progress when they attend mainstream schools.

Table 17: Special School PAN and Additionally Resourced Provision places 2022/23

School	Type of Provision	Type of School	Special Need	Specialist places 2022-23
*The Manor School	Special	Primary	Communication and Interaction	216
*The Avenue	Special	All-through	Communication and Interaction	100
Phoenix Arch School	Special	Primary	Communication and Interaction	55
+The Village School and Hope Centre	Special	All-through	Communication and Interaction and additional learning difficulty	310
*Wembley Manor (satellite provision in 2023/24)	Special	Secondary	Communication and Interaction and additional learning difficulty	27 (150 by 2025)
+Woodfield School	Special	Secondary	Communication and Interaction	188
Kingsbury Green Primary	ARP	Primary	Hearing Impairment	18
Oakington Manor Primary School	ARP	Primary	Communication and Interaction	23
Fryent Primary School	ARP	Primary	Communication and Interaction	42
Preston Manor High School	ARP	Secondary	Communication and Interaction	12
Preston Manor High School	ARP	Secondary	Communication and Interaction	12
Kingsbury High School	ARP	Secondary	Hearing Impairment	7
Carlton Vale Infant School	ARP	Primary	Communication and Interaction	10
Kilburn Park Junior School	ARP	Primary	Communication and Interaction	14
Newfield Primary School	ARP	Primary	Communication and Interaction	6

\*The Manor, Wembley Manor and The Avenue schools form the RISE Academy Trust. Children attending satellite provision of The Manor at Newman Catholic College will transfer to Wembley Manor once open.

+The Village and Woodfield schools form the Compass Learning Partnership Multi-Academy Trust.



## 9.2 Demand for special provision

Demand for special provision in Brent has been growing and this is forecast to continue. There are currently 3368 children and young people aged 0-25 with an Education, Health and Care Plan (EHCP), which at 4.2% of the school population is similar to national. 10.8% of pupils are identified with additional needs that can be met at SEN support where a need is identified but does not meet threshold for an EHCP (compared to 13% nationally). 54% of children and young people with an EHCP are identified with communication and interaction needs (autistic spectrum disorder and speech, language and communication). The average growth in EHCP numbers has been approximately 10% over the last three years, consistent with the national position.

Between 2021 and 2022 the number of EHC Plans increased across all age groups, with the highest in the 20-25 age group (40% compared to 3% nationally) and the 16-19 age group (18%). In Brent the age groups with the largest number of EHCPs are the 5-10 age group (37% of cohort) and the 11-15 age group (32%), with the 20-25 age group accounting for 9%. This means that additional local special places across all phases are needed to respond to increasing demand, as EHCP numbers increase, as well as provision for the 16-25 age group.

*Table 18: Actual and forecast number of EHCPs by age group*

<b>Timeline</b>	<b>Total</b>	<b>Under 5s</b>	<b>05 - 10</b>	<b>11 - 15</b>	<b>16 - 19</b>	<b>20 - 25</b>
<b>2017</b>	1960	100	836	681	285	58
<b>2018</b>	2076	114	907	696	306	53
<b>2019</b>	2173	99	926	704	377	67
<b>2020</b>	2426	137	1001	745	376	167
<b>2021</b>	2784	134	1124	839	490	197
<b>2022</b>	2938	128	1172	931	489	218
<b>2023</b>	3251	135	1197	1038	575	306
<b>2024</b>	3576	149	1317	1142	633	337
<b>2025</b>	3934	163	1448	1256	696	370
<b>2026</b>	4327	180	1593	1382	765	407
<b>2027</b>	4760	198	1753	1520	842	448

Source: SEN2 2023; forecast based on 10% increase.

Table 19 shows the prevalence of identified need in children and young people's Education, Health and Care Plans.

Table 19: Number of children and young people with an EHCP by identified need

	2021 Number	%	2022 Number	%	2023 Number	%
<b>Total</b>	<b>2784</b>		<b>2938</b>		<b>3251</b>	
Autistic Spectrum Disorder	895	32.1%	1097	40.6%	1216	37.4%
Hearing Impairment	70	2.5%	68	2.3%	81	2.5%
Moderate Learning Disability	479	17.2%	506	17.2%	578	17.8%
Multi-Sensory Impairment	8	0.3%	7	0.2%	8	0.2%
Other difficulty	19	0.6%	13	0.4%	17	0.5%
Physical Disability	108	3.9%	115	5.3%	122	3.8%
Profound and Multiple Learning Difficulty	82	2.9%	89	3.2%	89	2.7%
Social Emotional, and Mental Health	275	9.9%	294	12%	332	10.2%
Speech Language and Communication Needs	565	20.3%	447	15.2%	505	15.5%
Severe Learning Difficulties	204	7.4%	219	0.3%	203	6.2%
Specific Learning Difficulty	42	1.5%	48	2.1%	58	1.8%
Visual Impairment	37	1.4%	35	1.2%	42	1.3%

### 9.3 Where Brent children with special needs and EHC Plans attend school

Direct work with schools and settings to better meet the needs of children with SEND has seen an increase in the number of children remaining within mainstream education. 75.2% of children and young people issued an EHC Plan in 2022 (SEN2 analysis) are in mainstream settings in line the expectation in the Children and Family Act 2014 that all children should be educated in mainstream where possible.

The special schools in the borough cater for a wide range of children and young people with complex SEND but there are not enough local places to meet need. As a result, 1066 Brent pupils with EHC Plans attend out-of-borough special school places, and of these 158 attend

independent placements at a cost of over £7m per annum (2022/23). Notwithstanding the financial case, there is a strong educational and social rationale for the council to place pupils in schools closer to home and within the borough.

Once children are placed out-of-borough, or in an independent non-maintained special school (INMSS) it is very difficult to bring them back to local provision. This has meant a long-term reliance on out-of-borough and independent placements which continues often until children and young people are 19 years of age or older. While some children have such specific needs that cannot be met other than in very specialist provision, there is considerable scope to reduce expensive and distant out-of-borough placements.

#### **9.4 Planned action**

In developing additional places for children and young people with EHCPs, Brent engages with parents and carers of children and young people with SEND to ensure services meet their needs and achieve the best outcomes. The LA is currently undertaking a £44m capital expansion programme approved by Cabinet in January 2022 to develop a new special school, new ARPs in mainstream schools and expansions at Brent special schools to provide 427 additional specialist places. Despite this capital investment, increasing demand means that further local specialist places are still needed. This could include further Additionally Resourced Provision (ARPs) and special school satellite provision utilising spare primary accommodation.

*Table 20: Planned Special School Expansions due to complete in 2024*

School	Places
Wembley Manor Secondary School	150
The Village School Key Stage 3 and 4	20
Woodfield School Key Stage 3 and 4	40

#### **9.5 Alternative provision**

The Council has a statutory duty to arrange suitable full-time education for permanently excluded pupils, and for other pupils who because of illness or other reasons would not receive suitable education without such provision. In Brent there are two pupil referral units (PRUs) that are maintained by the local authority to provide sufficiency meet statutory duties. These are Brent River College (BRC) for permanently excluded pupils and Ashley College, for pupils who require alternative provision due to medical needs, and both PRUs are currently judged as 'Good' by Ofsted.

For pupils in Key Stages 1, 2 and 3 at risk of a permanent exclusion who have complex needs, Brent Council commissions two providers, Brent River College and The Pears Family School for pupils requiring time limited placements. Roundwood School and Community Centre, an alternative provision free school is also another provider who adds to the sufficiency of alternative provision in the borough.

The overall exclusion figures for all Brent pupils for the academic year 2022/2023 remains low with 31 students permanently excluded. This is due to the focus on early identification and prevention strategies working alongside teams in mainstream school settings. However, the number of pupils requiring respite provision for emotional wellbeing needs has grown and there is a need to increase the number of places at Ashley College. This would require a relocation for the provision and will be considered as part of wider school place planning considerations.

## **9.6 Post-16 Provision**

The government drive for improved engagement post-16 in supported employment and more paid employment opportunities has placed an additional focus on local authorities to drive forward an expansion in supported internships and opportunities for young people to prepare for adulthood through employability skills and work experience. As the number of young people with an EHCP continues to grow, the demand in this area will continue.

There is an expectation in the 2014 SEND Code of Practice that a full range of opportunities must be provided to support young people to become visible, active members of society. The Council has recently committed to developing post-16 SEND provision to meet this demand for places for young people with SEND, in particular young people aged 16-25 with complex learning difficulties. A new Post-16 Skills Resource Centre operating on two sites (Welsh Harp and Airco Close) was agreed by Cabinet in May 2023 and is aimed at addressing the current lack of in-borough provision for young people aged 16-25 with complex learning difficulties. To ensure efficiencies in how this is delivered, the Post-16 Skills Resource Centre at Airco Close will operate from the same building that will deliver agreed expansions of places at The Village and Woodfield Schools.

A partnership wide Supported Employment Forum has been established to ensure that the offer developed for young people is meaningful and sustainable. The Council, working with anchor organisations, has expanded the offer of supported internships. There have been over 50 supported interns to date, 12 of whom had placement rotations in the Council and Wembley hotels. The remaining interns were located within the Imperial College Healthcare NHS Trust.

## **10. Conclusion**

This strategy has set out the responsibilities the Council holds with regards to school place planning for early years, mainstream and special provision. It marks a departure from previous strategies which have been focused mainly on sufficiency of provision and moves towards a strategy based on the sustainability of provision that can adjust to both increases and decreases in demand for mainstream and specialist places.

The Local Authority will continue to work in partnership with schools to develop and implement actions that are identified as necessary to respond to changes in demand and strategies that ensure that the school estate can support current and future educational use.

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**Brent School Place Planning Strategy 2024 – 2028**

First edition – Published October 2023

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 <b>Brent</b>	<b>Cabinet</b> 16 October 2023
	<b>Report from the Corporate Director of Children and Young People</b>
	<b>Lead Member – Cabinet Member for Children, Young People &amp; Schools (Councillor Grahl)</b>
<b>Review of Primary School Places in Primary Planning Area 4</b>	

<b>Wards Affected:</b>	Stonebridge, Roundwood and Harlesden and Kensal Green
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Shirley Parks            Director, Education, Partnerships and Strategy            020 8937 4259  <a href="mailto:Shirley.parks@brent.gov.uk">Shirley.parks@brent.gov.uk</a></p> <p>Michelle Gwyther, Head of Forward Planning,            Performance and Partnerships            07388 859380  <a href="mailto:Michelle.Gwyther@brent.gov.uk">Michelle.Gwyther@brent.gov.uk</a></p> <p>Michael Rollin            Admissions and School Organisation Manager            020 8937 2862  <a href="mailto:Michael.rollin@brent.gov.uk">Michael.rollin@brent.gov.uk</a></p>

## 1.0 Executive Summary

- 1.1. The purpose of this report is to inform Cabinet of the intention to informally consult on proposals to manage spare school capacity and falling pupil rolls in Primary School Planning Area 4 (PA4). This planning area comprises the wards of Stonebridge, Roundwood and Harlesden and Kensal Green.
- 1.2. The new School Place Planning Strategy 2024-2028, due to be approved by Cabinet in October 2023, confirms the position of falling rolls in the primary

sector that was set out in the November 2022 refresh of the School Place Planning Strategy 2019-2023. Primary Planning Area 4 has the highest number of spare places of Brent's six Primary Planning Areas. It is within this context that consultation is proposed on two proposals: to reduce the Published Admission Number (PAN) of Mitchell Brook Primary School and to cease primary provision on the Gwenneth Rickus site of Leopold Primary School, so that the school operates only from its Hawkshead Road site.

## **2.0 Recommendation(s)**

- 2.1 That Cabinet notes that initial informal consultation will be undertaken with stakeholders that could lead to subsequent statutory consultation on a proposal to implement a phased closure of the Gwenneth Rickus site of Leopold Primary School. If a phased closure were to proceed, Leopold Primary School would continue to operate from its main site on Hawkshead Road. Ceasing provision on the Gwenneth Rickus site would involve a variation of the PAN for Leopold Primary School from 120 to 60 places for admissions in 2025 and no further admissions to the Leopold Gwenneth Rickus site from September 2025. There would be a phased closure of the Gwenneth Rickus site. The timing of the full closure of the site would be determined during consultation.
- 2.2 That Cabinet notes that a reduction in the PAN of Mitchell Brook Primary School from 90 to 60 from September 2025, will be recommended for formal consultation in a report at the November Cabinet meeting on the Admission Arrangements for 2025/26.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

- 3.1.1 School place planning supports the Borough Plan Strategic Priority 4: The Best Start in Life, by ensuring there are sufficient school places for children and young people in Brent and supporting every child and young person to access high quality education in the borough.
- 3.1.2 Borough-wide projections indicate that demand for Reception school places will continue to fall over the next 5 years. Planning Area 4 has the greatest number and percentage of spare places of all the six Primary Planning Areas in Brent. Schools in the area have been managing the impact of falling rolls for several years with the support of the local authority. The proposals to reduce capacity at Leopold Primary School and Mitchell Brook Primary School are aimed at ensuring the long-term sustainability of all schools in the area.

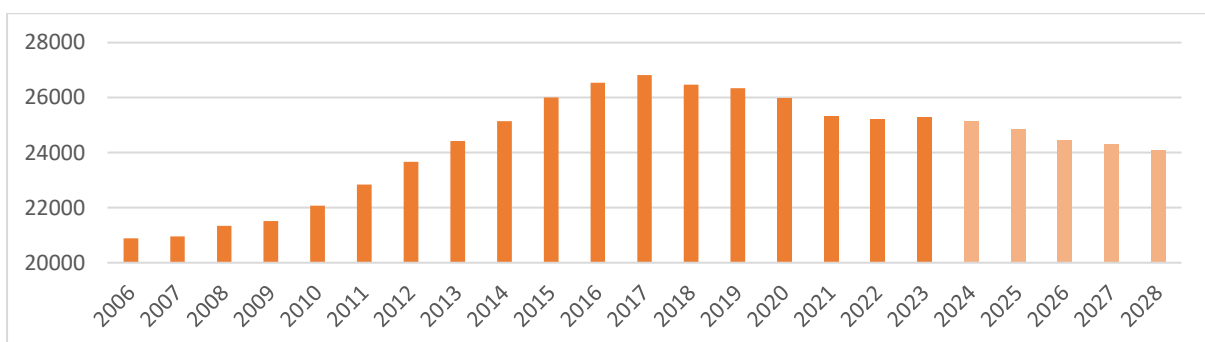
### **3.2 Background**

- 3.2.1 Between 2012-2021 there was a 17% decrease in the birth rate in London, which is a reduction of 23,225 live births across the capital. As a result there is a predicted 7.6% decrease in Reception aged pupil numbers across London from 2022-23 to 2026-27 (from 96,424 pupils to 89,121 pupils over this period). This roughly equates to a decrease of 243 classes of children.



3.2.2 The new School Place Planning Strategy 2024-2028 sets out demand for primary school places in Brent. Demand for primary places peaked in 2017 and has been reducing since. The latest forecasts indicate that demand in Brent will mirror the position for London, with reducing intakes up to 2028 (Graph 1). Place planning projections are based on a number of factors including historical migration patterns, school census data, cross border movement, and population projections. Population projections are informed by housing development trajectories and take into account future building projects within each planning area. The most recent forecasts are underpinned by 2021 census data at ward level populations.

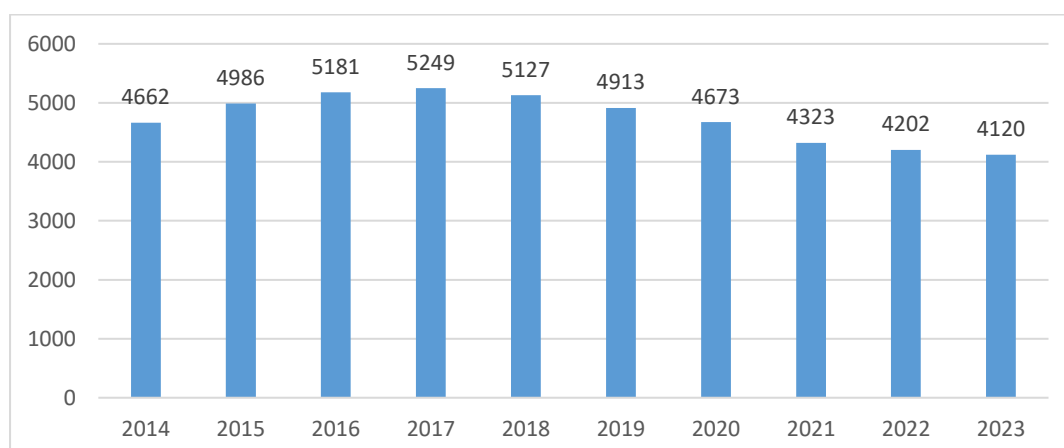
**Graph 1: Primary numbers on roll and projections as of January each year up to 2028**



3.2.3 The local authority has been working closely with schools across the borough over the past five years to manage the impacts of falling demand. A range of different strategies have been deployed including reducing PANs, schools coming together in federation arrangements and considering alternative use for spare capacity, for example establishing Additionally Resourced Provisions (ARPs) for children with SEND.

3.2.4 Spare capacity is not evenly distributed across the local authority’s six primary planning areas. Some planning areas are currently operating near to capacity, while others have a high number of spare places, as is the case in Primary Planning Area 4. The area benefited from substantial expansion of school capacity between 2005 and 2017 in response to increasing demand for school places which at the time was forecast to continue. However, demand for places in Primary Planning Area 4 peaked in 2017 and has reduced since. The area has seen numbers on roll reduce from 5249 in 2017 to 4120 in 2023 (Graph 2).

**Graph 2: Number on roll in Planning Area 4 (January Census Data)**



3.2.5 The falling primary population in Planning Area 4 has resulted in spare capacity of between 26% and 40% of capacity in each year group (Table 1). This position is not forecast to change over the next five years with an anticipated surplus of places equivalent to between 7 and 12 forms of entry in each year group. Longer-term forecasts (which are less reliable, but still useful for context) suggest a rise in demand to the current level in this area only after 15 years.

**Table 1: Planning Area 4 2023 projections and capacity**

PA 4	Dataset	Rec	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
2023/2024	Capacity	855	855	855	855	855	855	855
	Projection	519	515	577	573	621	580	629
	Surplus	336	340	278	282	234	275	226
	Percentage	39%	40%	33%	33%	27%	32%	26%
2024/2025	Capacity	855	855	855	855	855	855	855
	Projection	498	502	504	582	581	617	603
	Surplus	357	353	351	273	274	238	252
	Percentage	42%	41%	41%	32%	32%	28%	29%
2025/2026	Capacity	855	855	855	855	855	855	855
	Projection	477	482	492	507	590	575	638
	Surplus	378	373	363	348	265	280	217
	Percentage	44%	44%	42%	41%	31%	33%	25%
2026/2027	Capacity	855	855	855	855	855	855	855
	Projection	485	462	472	494	514	585	592
	Surplus	370	393	383	361	341	270	263
	Percentage	43%	46%	45%	42%	40%	32%	31%
2027/2028	Capacity	855	855	855	855	855	855	855
	Projection	479	473	455	479	504	513	607
	Surplus	376	382	400	376	351	342	248
	Percentage	44%	45%	47%	44%	41%	40%	29%

3.2.6 There are 11 maintained primary schools and one academy in Primary Planning Area Four. The maintained schools include seven community and four voluntary aided schools. 10 out of 12 schools consistently have intakes in all year groups that are lower than the school's PAN (Table 2). Parental preference for schools can be neighbourhood specific and influenced by a number of factors, including proximity to schools, outcomes, faith-based education and school facilities.

**Table 2: Starting Primary School (Reception) Offers on National Offer Day for September 2023**

National Offer Day 2023	PAN	Number of offers	Number of vacancies	Over/Under subscribed
Brentfield Primary School	90	25	65	Undersubscribed
Donnington Primary School	30	30	0	Oversubscribed
Furness Primary School	60	33	27	Undersubscribed
Harlesden Primary School	60	37	23	Undersubscribed
John Keble CofE Primary School	60	25	35	Undersubscribed
Leopold Gwenneth Rickus Primary School	60	24	36	Undersubscribed
Leopold Primary School	60	36	24	Undersubscribed
Mitchell Brook Primary School	90	68	22	Undersubscribed
Newfield Primary School	60	15	45	Undersubscribed
Our Lady of Lourdes RC Primary School	30	26	4	Undersubscribed
St Joseph's RC Primary School	60	60	0	Oversubscribed
St Mary's CofE Primary School	45	21	24	Undersubscribed
The Stonebridge School	90	15	75	Undersubscribed
<b>Totals</b>	<b>795</b>	<b>415</b>	<b>380</b>	

3.2.7 The reduction in demand for primary school places in PA4 is creating a number of issues for schools in the area, including strains on school budgets and workforce planning. A number of schools in the area have had to take action to respond to the impact of reducing pupil demand on school budgets, for example in how they organise classes or undertaking staff restructures.

3.2.8 Table 3 shows the current level of unused spaces in Planning Area 4 schools (based on January 2023 census data). The number and proportion of school places means that some form of school organisation action is required to ensure the sustainability of local schools in the medium to long term. After consideration of a range of potential options, officers are of the view that to support the long-term viability and sustainability of schools in Planning Area 4, a reduction in the primary school estate is required.

**Table 3: Spare places by school 2022/23**

School	Published Admission Number	Built Capacity	Number on roll	Building Vacancies	Percentage of spare capacity
Brentfield Primary School	90	630	382	248	39%
Donnington Primary School	30	210	210	0	0%
Furness Primary School	60	420	319	101	24%
Harlesden Primary School	60	630	288	342	54%
John Keble CE Primary School	60	420	380	40	10%
Leopold Primary School	60	420	346	74	18%
Leopold Primary School - GR Site	60	420	282	138	33%
Mitchell Brook Primary School	90	630	605	25	4%
Newfield Primary School	60	420	225	195	46%
Our Lady of Lourdes RC Primary School	30	210	192	18	9%
St Joseph's RC Primary School	60	630	432	198	31%
St Mary's CE Primary School	45	315	193	122	39%
The Stonebridge School	90	630	266	364	58%
<b>Total</b>	795	5985	4120	1865	31%

### 3.3. Proposal

3.3.1. A range of options have been considered to address surplus places in PA4 in line with the principles set out in the School Place Planning Strategy 2024-28. These take into account a number of factors including the number of pupils on roll at each school and where they live, school locations and proximity to other schools, the community served by each school, spare building capacity, school buildings condition and previous/needed investment, school effectiveness and internal school organisation. The options considered include reducing capacity in the school estate, reducing published admission numbers, informally capping admission numbers and utilising spare capacity for alternative use, such as SEND provision. Further information on how these options can support schools can be found in the School Place Planning Strategy 2024-28.

3.3.2 Following analysis of a range of data as noted in paragraph 3.3.1, the following proposals are made:

- Informal consultation on the phased closure of Leopold Primary School, Gwenneth Rickus site. This would involve a variation of the PAN for Leopold Primary School from 120 to 60 places for admissions in 2025 and no further admissions to the Leopold Gwenneth Rickus site from September 2025. There would be a phased closure of the Gwenneth Rickus site. The timing of closure of the site would depend on the number of pupils receiving education on the site and available accommodation on the main school site.

- Formal consultation on Mitchell Brook Primary School has requested that its PAN is reduced from 90 to 60 from September 2025.

3.3.3 There will continue to be ongoing consideration and analysis of the remaining primary school estate in Planning Area 4 as the two proposals are unlikely to resolve the impacts of falling rolls without further measures being taken. Support for other schools in the area will continue, including considering where school capacity could be repurposed to support children with SEND, for example through Additionally Resourced Provisions or special school satellite provision.

### 3.4 **Gwenneth Rickus Site of Leopold Primary School**

3.4.1 Leopold Primary School currently has capacity for 120 places in each year group with 60 on the school's main site on Hawkshead Road and 60 on the Gwenneth Rickus site. Leopold Primary School achieves good outcomes for pupils across both sites and was rated by Ofsted as 'Good' in June 2022. Leopold operates as a split-site school with one leadership team and staff who work across both the main school site on Hawkshead Road and the Gwenneth Rickus site.

3.4.2 On national offer day in 2023 for Reception places in 2023, 60 places were offered and there remained 60 spare places across the two school sites. As with other schools across the borough, the actual Reception cohort now on roll is higher due to late applications, which would have been diverted to other schools had Leopold's capacity only been 60. Demand for Leopold Primary School has been falling since 2018 and the Gwenneth Rickus site operates as one form of entry in some year groups, including Reception and Year 1.

3.4.3 The Leopold Gwenneth Rickus site was opened in September 2013 as annexed provision in response to increasing demand for primary school places. The site was previously used by the borough as a school improvement centre, running courses for education professionals. Now that demand has reduced, there is no longer a need for this additional site to be retained as there are sufficient spare places on both the Leopold Primary School main site and in other local schools to accommodate future demand for primary provision in the area.

3.4.4 In January 2023, there were 628 pupils at Leopold Primary School compared to 767 in January 2019, with 282 pupils educated on the Gwenneth Rickus site. The proposal is for the status of Leopold Primary School to return to that of prior to 2015 when the school operated with two forms of entry from one site only (Hawkshead Road). A phased closure of the Gwenneth Rickus site is recommended to avoid disruption to as many pupils and their families as possible. As the Hawkshead Road site has a central location within the planning area, it is anticipated that over time pupils from the Gwenneth Rickus site would move to the main Leopold Primary School site. Other local schools will be able to accommodate any pupils who wished to move school.

3.4.5 Parents of future Reception children would continue to have a range of schools to choose from. Only two schools in the area (Donnington Primary and St

Joseph's RC Primary School) were oversubscribed on national offer day for the September 2023 intake. There are several schools with spare capacity close to the Gwenneth Rickus site (Tables 2 and 3).

### **3.5. Consultation on ceasing provision on the Leopold Gwenneth Rickus site**

- 3.5.1 Formal consultation to change the provision offered by Leopold Primary School would be required under the statutory process for making 'prescribed alterations' to maintained schools ('Making significant changes ('prescribed alterations') to maintained schools: Statutory Guidance for Proposers and Decision-makers, Department for Education, January 2023). As the admission authority for the school, the local authority would lead this process.
- 3.5.2 The statutory consultation process for significant changes to school provision has four stages - Stage 1 Publication of a Statutory Notice, Stage 2 Representation (formal consultation), Stage 3 Decision and Stage 4 Implementation. In addition, the DfE expects local authorities to carry out informal consultation prior to the formal publication of a statutory proposal. Cabinet approval is not required for this additional informal consultation, which is seen as good practice by the DfE.
- 3.5.3 The intention is to undertake initial informal consultation on proposals that would, if eventually implemented, change the legal nature of Leopold Primary School, with the school reverting to its previous size and structure. This would be achieved by:
- a) reducing the school's admission number from 120 to 60 from September 2025 and decreasing the total number of permanent pupil places for children in Reception or above at the school from 840 to 420:
  - b) Provision on the Hawkshead Road site would continue as is currently delivered
  - c) Provision on the Gwenneth Rickus site (HA9 8QL) would cease to admit pupils from 2025. Implementing a phased closure for pupils currently attending the site would be informed by the consultation process.
- 3.5.4. As Cabinet will have determined admissions arrangements for 2025 (in January 2024 in line with statutory requirements), and prior to the outcome of any formal consultation to make a prescribed alteration, it would be necessary to seek a variation to the admission arrangements for 2025, in view of the major change in circumstances, from the Schools Adjudicator to implement the proposed changes.
- 3.5.5. Informal consultation will involve distributing a consultation document that outlines the proposals and relevant background information to stakeholders. This includes all parents and carers with children at Leopold Primary School, the Governing Board and staff, nearby schools and the local community. The document will also be posted on Brent's website. The consultation document will include a consultation reply slip and details about consultation meetings with stakeholders, including a public meeting, that would provide the opportunity for comments and questions about the proposal. Informal

consultation provides an opportunity for discussion with staff, parents, and local residents about the issues that need to be considered before any decision is taken to proceed to formal consultation and publish a statutory proposal.

- 3.5.6. If, following informal consultation, officers remain of the view that the proposals should proceed, a report will be presented to Cabinet seeking approval to undertake formal consultation through publishing a statutory notice. The statutory notice must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed changes. The period for formal representations would be four weeks from the date of the publication. Responses to the formal consultation would then be reported back to Cabinet, who as the statutory decision-maker would decide whether to determine the statutory notice and close the provision.

### **3.6. Reduction in Published Admission Number of Mitchell Brook Primary School**

- 3.6.1 The proposed reduction of the PAN at Mitchell Brook Primary School from 90 to 60 would help to reduce spare places in other schools in the planning area. Mitchell Brook Primary Schools is rated as 'Outstanding' by Ofsted (September 2021). It is anticipated that Mitchell Brook Primary School will remain a popular school. However, any children who are unable to secure a place at the school would be able to access places at other local schools in the immediate area.

- 3.6.2 The school is in support of a reduction of the school's PAN and has raised concerns about the constraints of continuing to operate as three forms of entry due to the school's confined site. Although forecasts indicate low demand in Planning Area 4 in the short and medium term, the spare building capacity created by reducing the school's PAN could be brought back into use in the future at a time when demand rises again.

### **3.7. Consultation to reduce the PAN of Mitchell Brook Primary School**

- 3.7.1 The process for consulting to reduce a school's PAN is set out in the School Admissions Code 2021. The proposal will be included in consultation on the Brent Council Admission Arrangements for 2025/2026 for community schools. Cabinet will receive a separate report setting out the proposed formal consultation on these arrangements at the November 2023 Cabinet meeting which will be followed by 6 weeks consultation on any proposed changes, with Cabinet determination of the arrangements before the deadline of the end of February 2024.

### **3.8 Timeline**

- 3.8.1 The impacts of school organisation proposals will be carefully managed to mitigate the impact on children, families and staff throughout the process. An indicative timeline to take forward consultation on the recommendations in this report is set out in Table 4. This represents a likely timeline should decisions be taken to proceed with the proposals after the consolidation and reporting to Cabinet of responses to both informal and formal consultation stages.

**Table 4 Indicative Timeline for Reorganisation Proposals**

Date	Leopold Primary School	Mitchell Brook Primary School
<b>October 2023</b>	Report to Cabinet regarding Primary Planning Area 4	
<b>November 2023</b>	Informal Consultation (6 weeks) Including public meetings with affected stakeholders	Report to Cabinet seeking permission to consult on Community School Admissions Arrangements for 2025/26 including a reduce in the school's PAN to 60 for 2025
<b>December 2023</b>	Consolidation of responses	Formal Consultation (6 weeks)
<b>January 2024</b>	Report to Cabinet on informal consultation which could seek permission to undertake formal consultation	
<b>February 2024</b>	Formal Consultation (4 weeks)	Report to Cabinet detailing responses to consultation and to determine new Community School Admission Arrangements for 2025/26
<b>March 2024</b>	Consolidation of responses	
<b>April 2024</b>	Report to Cabinet on formal consultation which could seek a decision to close the Leopold Primary School Gwenneth Rickus site	
<b>July 2024</b>	Submission of variation request to reduce the school's PAN to 60 in September 2025 to the School's Adjudicator	
<b>July 2025 onwards</b>	Phased closure of the Gwenneth Rickus site	

#### **4.0 Stakeholder and ward member consultation and engagement**

- 4.1 School representatives (Headteachers and Chairs of Governors) have been involved in discussions about school place planning through the School Place Planning Working Group, and the first meeting of the group held in November 2022 focused on planning area 4. On 18 April 2023 discussions were initiated with headteachers and chairs of governors from schools in Planning Area 4 about the need for school re-organisation in the area to reduce the size of the Primary estate. Leaders were invited to propose options to reduce pressures.
- 4.2. Discussions with local ward members about the issues facing schools in the planning area, and the range of actions which could be undertaken were held on 24 August 2023. A second meeting with ward councillors was held in advance of this report being presented to Cabinet. The Lead Member has been and will continue to be briefed about school place planning issues in all planning areas including Planning Area 4.
- 4.3. Any proposed changes to provision would be subject to public consultation with parents and stakeholders in accordance with statutory guidance and legal frameworks.



## **5.0 Financial Considerations**

- 5.1. School funding received via the Dedicated Schools Grant (DSG) is driven by pupil numbers and vacant school places cause a financial pressure for schools as they will need to manage with reduced budgets. A small number of schools have applied for a licensed deficit and several schools in the primary phase remain at risk due to the knock-on effect of falling rolls not only in Brent but across London. A licenced deficit enables a school to hold a deficit balance for a period of three years while implementing an agreed plan on how to return to a balanced position at the end of the three-year period. This becomes increasingly difficult and will not be sustainable as pupil numbers continue to fall leading schools to undergo staff restructures which also have a financial cost arising from redundancies.
- 5.2 Leopold Primary school's main source of income is from the Dedicated Schools' Grant (DSG). The school reported a surplus reserves balance of £0.926m as at end of March 2023 and estimates to use half of its reserves by the end of the current financial year 2023/24, with almost all of the balance spent by March 2025/26 on goods and services including some planned capital works. The school undertook a restructure in 2022/23, to match staff numbers to pupil numbers, due to continued falling rolls across the two sites and to ensure financial viability. The restructure cost absorbed by the school was £0.250m.
- 5.3 The school receives a per pupil funding rate of £6,205 and with approximately 634 pupils, this equates to £3.9m DSG funding, inclusive of £0.224m split site funding allocation. The average per primary pupil funding rate across the borough is £6,000. It is anticipated that the majority of pupils will remain on roll at Leopold Primary School when the site closes. However, the closure of the site will lead to a more efficient use of the DSG as spare places in other schools are utilised for new cohorts of children. There may be support required towards redundancy payments.
- 5.4 There would be general fund cost implications to maintain the Gwenneth Rickus site if it remained vacant, including utilities and any security provisions officers felt were required. The costs and the budget required are yet to be confirmed but could be in the region of £20,000 per site per annum, depending on the level of resources involved to look after the site.

## **6.0 Legal Considerations**

- 6.1 The Local Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Schedule 3 paragraph 3 of The School Organisation Regulations 2013.
- 6.2. Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a Local Education Authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. The Local Authority must promote high

educational standards, ensure fair access to educational opportunity, and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty, the Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

- 6.3. If the proposals which form the basis of the proposed formal consultation for school closure were to be implemented, it would have the potential effect of the need to consider redundancies for staff.
- 6.4. Although not part of the considerations for the sites proposed to be closed, any change of use from Education use and/or disposal requires the permission from the Secretary of State for Education under Section 77 of the School Standards and Framework Act 1998 and Schedule 1 of the Academies Act.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision. Brent Council also has a policy of considering Human Rights and socio-economic impact.
- 7.2. If the proposals are to be taken forward, an Equality Impact Assessment will be carried out. Based on previous proposals of a similar nature, it is not anticipated that there will be any negative impact from these proposals on the basis of disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. However, the majority of staff at both schools are female.
- 7.3. Pupil-level data suggest that the intake at the Leopold Gwenneth Rickus site is similar to other schools in terms of ethnic diversity, children on free school meals and the number of children with special needs and disabilities (SEND). If as a result of this proposal children move school, this could have a negative impact on individual children. However, based on current information other local schools would provide a suitable alternative and access to a good quality of education and would support children to settle.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 The sustainability approach of all school place planning requires the retention of the school estate as part of any decision to reduce capacity in a school. This ensures capacity is available to restore in the future without the requirement to build any new provision. This will reduce use of construction materials and waste produced.

## **9.0 Human Resources/Property Considerations (if appropriate)**

- 9.1 Implementation of the proposal to close the Leopold Primary School Gwenneth Rickus site would be likely to impact on the required staffing for Leopold Primary School, as it would lead to a reduction in overall staffing levels. This could therefore result in the possibility for the need to consider redundancies and/or relocation of staff to the main Leopold Primary School – Hawkshead Road site. The number of staff affected would depend on the nature of a phased closure. The school, supported by the Local Authority and the school's HR provider, would need to follow the Managing Change in Schools policy and Procedure including consultation with affected staff and trade unions to effect the changes in due course. The Local Authority would work with the governing boards of local schools to see if affected staff could find local re-employment.
- 9.2 A reduction of the PAN at Mitchell Brook Primary School could impact on the school's staffing structure. However, the change will be gradual and staffing levels will continue to be managed based on ongoing need.
- 9.3 Should a decision be made to close the Gwenneth Rickus site of Leopold Primary School, then the building and site would become surplus to requirements for mainstream primary school use. At that time the Council will review its priorities and potential future uses for the site, but this could include educational use given the need for other forms of local educational provision, for example for children and young people with SEND or for children accessing alternative provision.

## **10.0 Communication Considerations**

- 10.1 Consultation will be carried out to include all affected stakeholders and members of the public as set out in 3.5 and 3.7. Consultation on the closure of the Gwenneth Rickus site of Leopold Primary School will involve public meetings to discuss the proposals and an invitation for written responses. Any proposals that are subject to the statutory process for making prescribed changes to maintained schools (including opening and closing schools) will involve informal and formal consultation, subject to decision-making.


### **Related document(s) for reference:**

School Place Planning Strategy 2024-28

**Report sign off:**

***Nigel Chapman***

Corporate Director of Children and Young People

 <b>Brent</b>	<b>Cabinet</b> 16 October 2023
	<b>Report from the Corporate Director of Governance</b>
	<b>Lead Member – Deputy Leader &amp; Cabinet Member for Finance, Resources &amp; Reform (Councillor Tatler)</b>
<b>Complaints Annual Report 2022 – 2023</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>List of Appendices:</b>	Five Appendix A: Adult Social Care Complaints Appendix B: Children’s Social Care Complaints Appendix C: Assessment against the Housing Ombudsman Complaint Handling Code Appendix D: Assessment against the Housing Ombudsman Damp and Mould Spotlight Report Appendix E: Local Government and Social Care Ombudsman Performance comparison with other London Boroughs
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Mariza Barros Complaints and Casework Manager 020 8937 1381 mariza.barros@brent.gov.uk

## 1.0 Executive Summary

- 1.1 This annual report sets out complaints performance in Brent Council for the period 1 April 2022 to 31 March 2023 and focuses on the nature of complaints and the learning they provide to inform Brent’s future approach to service improvement.

- 1.2 Complaints concerning Adult Social Care (ASC) and Children's Social Care are governed by separate statutory complaint procedures and individual summary reports have been provided for these services in **Appendices A and B** respectively.
- 1.3 The report also contains the Council's self-assessment against the Housing Ombudsman's Complaint Handling Code and Damp and Mould Spotlight Report in Appendix C and D respectively.
- 1.4 A comparison of the Council's performance with other London boroughs provided by the Local Government and Social Care Ombudsman has been provided in Appendix E.

## **2.0 Recommendation(s)**

- 2.1 Cabinet is asked to note Brent's performance in managing and resolving complaints.
- 2.2 Cabinet is asked to note, and review Brent's self-assessment against the Housing Ombudsman's Complaint Handling Code and Damp and Mould Spotlight Report.
- 2.3 Cabinet is asked to approve to progress the report to the relevant Scrutiny Committees.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword**

- 3.1.1 Complaints provide important learning points for the Council and allow us to inform the Council's priorities in many different ways. Through these learning points, we can make changes to achieve and further our priorities and move forward together. Complaints provide an opportunity for the Council to understand issues and put things right, also ensuring that they do not reoccur.
- 3.1.2 Complaints are wide ranging and dealt with across the Council. Owing to this, they touch upon all the priorities within the Borough Plan as detailed below:
- *The Best Start in Life* - Being able to deal with concerns at crucial stages of people's lives allows them to get the best start in life. Assisting our looked after children and children with special educational needs with issues that they may have, and providing advocacy to bring these issues forward to the Council will ensure that they are provided with the necessary support in life.
  - *Thriving Communities* - Providing our residents with a route to complain and provide feedback not only encourages resident engagement but allows us to make improvements and inform change. In turn, by addressing their concerns and developing solutions that will benefit them, communities are given the opportunity to thrive.
  - *A Cleaner, Greener Future* - The Council receive a number of complaints regarding environmental issues, which are reviewed and help us target specific areas. This also allows the Council to evaluate services that are

being provided to ensure they meet our aspirations for a cleaner, greener future.

- *Healthier Brent* – Complaints regarding leisure services and our parks allow the Council to investigate and develop more initiatives to improve the health and wellbeing of our residents and those that visit Brent. During our complaints process we also signpost to relevant services that can assist our complainants, such as Mental Health services.
- *Prosperity and Stability in Brent* – Analysis of complaints received about housing needs is fundamental in terms of providing the tools and initiatives to support, empower and equip residents, and ensure long term stability.

3.1.3 Complaints feed into some of the current strategies, priorities and plans set out for Brent, such as the Equality Strategy 2019 – 2023 to ensure residents and service users are provided with access to the complaints procedure and that we use equalities data to concentrate on providing support to individual needs and in line with the Public Sector Equalities Duty (PSED). The Digital Strategy 2022-2026 also play a pivotal role when looking at how users are accessing our services and how they are logging complaints. We are making it easier for users to log complaint casework, view the history of what they have logged, and access everything in one place.

3.1.4 During discussion at the PCG meeting held on 25 September 2023, one councillor asked for more information on what constitutes a service failure when looking at root cause classifications. Service failure sub-categories include delay in service, service not provided, service provided but not as agreed and third party failure. Overall, the service issues that fall within this category and what these comprise are wide and far reaching, and for this reason deeper analysis may mean that numbers are so few as to be of any meaningful use. However, councillors are encouraged to discuss this with their service leads to gain a clearer understanding of the types of service issues that tend to arise within their portfolio areas.

## **3.2 Background**

3.2.1 The Council has three different processes for managing complaints:

- a two stage corporate complaints process;
- a two part Adult statutory complaints process; and
- a three stage Children's statutory complaints process.

3.2.2 The complaints data and information provided in this report is based on information recorded on the Resident Feedback and Complaints (RFC) system.

3.2.3 Brent Council has a clear, corporate commitment to customer experience. The organisation is committed to a new 'Brent promise' which sets out what Brent residents should expect from staff, including service standards in relation to complaints. The aim is for the organisation to be sensitive to customer needs, prioritise communication and provide clear and current information.

3.2.4 In this context, the Council prioritises customer complaints to ensure that these are dealt with appropriately and efficiently. The central Complaints Team

monitors the numbers of complaints received and the quality and timeliness of responses. The Team works closely with Service Areas to ensure that corrective actions are put in place and learning from complaints is built into service design. There is a strong commitment to improve responses and reduce the number of complaints.

3.2.5 The key headlines from complaints performance in 2022/23 are as follows:

- Housing repairs, Council Tax and homeless applications are the top three concerns for customers.
- The number of Brent Stage 1 complaints (corporate & statutory) have increased by 22% (up by 339 complaints) (↑ red).
- The number of Brent Stage 2 complaints (corporate & statutory) have increased by 9% (up by 22 cases) (↑ red).
- There were 22 Local Government & Social Care Ombudsman (LGSCO) cases upheld against Brent in 2022/23, which is the same as last year (-- amber).
- There were 8 Housing Ombudsman cases determined in 2022/23. There were 11 findings of which 8 were maladministration findings. This provides a 73% maladministration rate. However, there were no severe maladministration findings or Complaint Handling Failure Orders issued.
- The total number of cases where compensation was offered or awarded has decreased by 16% (down by 51 cases) compared to last year, the total amount of compensation paid by Brent has also decreased, with this year the compensation dropping by 1% compared with the previous year – a decrease of £1,673. (↓ green).
- Statutory and corporate performance across stage 1 complaints has improved compared to 2021/22, with an 8% point increase in corporate complaints and a 14 percentage point rise in statutory complaints responded to on time. Stage 2 complaint timeliness has increased significantly with corporate stage 2 complaints rising to 98% completed on time and statutory stage 2 complaints with 72% responded to on time. (↑ green).

### **Volume of Complaints received**

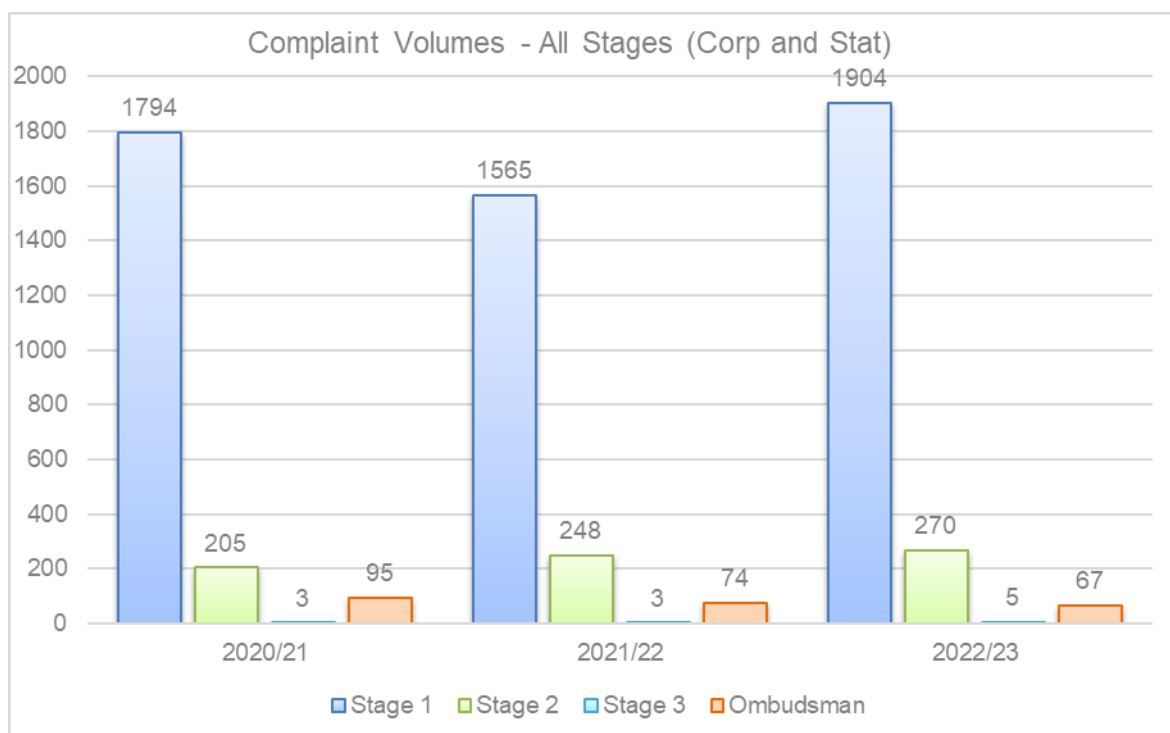
3.2.6 The chart below shows the volume of corporate and statutory complaints received at Stage 1, Stage 2 and Stage 3 over the past 3 years. The key points to note are that:

- In 2022/23 Brent received 1,904 Stage 1 complaints (corporate and statutory). This is an increase of 339 complaints compared to the previous year.
- Stage 2 complaints (corporate & statutory) have increased from 248 cases in 2021/22 to 270 cases during 2022/23. An increase of 22 compared with the last year.
- There were five Stage 3 Review Panels convened during 2022/23, which is an increase of two compared to the number of panels convened in 2021/22.

3.2.7 The majority of complaints for 2022/23 relate to the housing service, which is expected given the nature of the service and the number of properties managed



by Brent Council. Of the 1,904 stage 1 complaints received in 2022/23, 997 related to the Housing department. This is 239 more complaints compared to the previous year 2021/22.



### Timeliness of Complaints

3.2.8 The table below shows the percentage of complaints closed on time. The overall timeliness of complaint responses has increased across the board, with improvement in both stage 1 and stage 2 corporate and statutory complaints. The dip in performance in 2021/22 related to a restructure that took place and an increase in long-term staff sickness. At the time, there was also a shortage of independent investigators available to investigate children’s statutory complaints meaning that the majority of statutory complaints were not responded to on time. The restructure has now been embedded and is working well. In addition the Council has also commissioned an external company on a spot purchase basis to assist with CYP statutory investigations. The result of this has been a significant improvement as illustrated by the performance figures below.

Year	Brent - % of Cases Closed on Time			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2020-21	89%	67%	75%	50%
2021-22	88%	71%	68%	25%
2022-23	96%	85%	98%	72%

## Complaint Outcomes

- 3.2.9 The percentage of cases upheld or partly upheld during the corporate complaints process has decreased by 7 and 8 percentage points at stage 1 and stage 2 respectively. The percentage of complaints that the Council upheld or partly upheld during the statutory complaints process has increased at stage 1 (4 percentage points) and at stage 2 from 64% to 75% in 2022/23. This shows that the Council is willing to accept when things have gone wrong, and there has been more ownership and acceptance in statutory cases. CYP complaints data is being analysed so that systemic themes can be addressed.

Year	Brent - % of Cases Upheld or Partly Upheld			
	Stage 1 - Corporate	Stage 1 - Statutory	Stage 2 - Corporate	Stage 2 - Statutory
2020-21	48%	59%	62%	58%
2021-22	47%	57%	51%	64%
2022-23	39%	61%	58%	75%

## Compensation

- 3.2.10 The table below shows the total amount of compensation paid in Brent at all stages of the corporate and statutory process, including Ombudsmen cases. Compensation can be offered at any stage of the complaints process, however during the Ombudsman stage the Ombudsman can make recommendations and award compensation. The total number of cases where compensation was awarded/offered has decreased by 16% (49 cases) compared to last year, however the amount of compensation awarded/offered for each case has increased by £156 (29%). This is mainly due to the increased cost of living and cost of services and products to be reimbursed. The Council needs to balance the effect the failures have had on the complainants in the current climate. There are always some cases for which a high level of compensation has been paid out and these inflate the amount of compensation awarded/offered overall.
- 3.2.11 Compensation can be awarded/offered for time and trouble, distress, as goodwill, or in the form of a refund, reimbursement, or the offset/waiving of arrears. The increase in compensation awarded/offered shows that the Council is proactively offering remedies including compensation where it is warranted. Offering remedies earlier on in the process can prevent the need to offer higher levels of compensation at a later stage. There is no direct correlation between the amount of compensation awarded/offered one year compared to compensation awarded/offered in another as each complaint is unique and compensation is awarded/offered under different circumstances.
- 3.2.12 The majority of compensation in 2022/23 was offered at stage 2 of the Council's complaints process with £107,889 offered in total. At stage 1, £35,493 was offered, £3,000 at stage 3 which only relates to children's statutory procedures and £19,445 awarded at the Ombudsman stage. The highest amount of compensation paid out for a case was £7,087 which related to a Housing Benefit

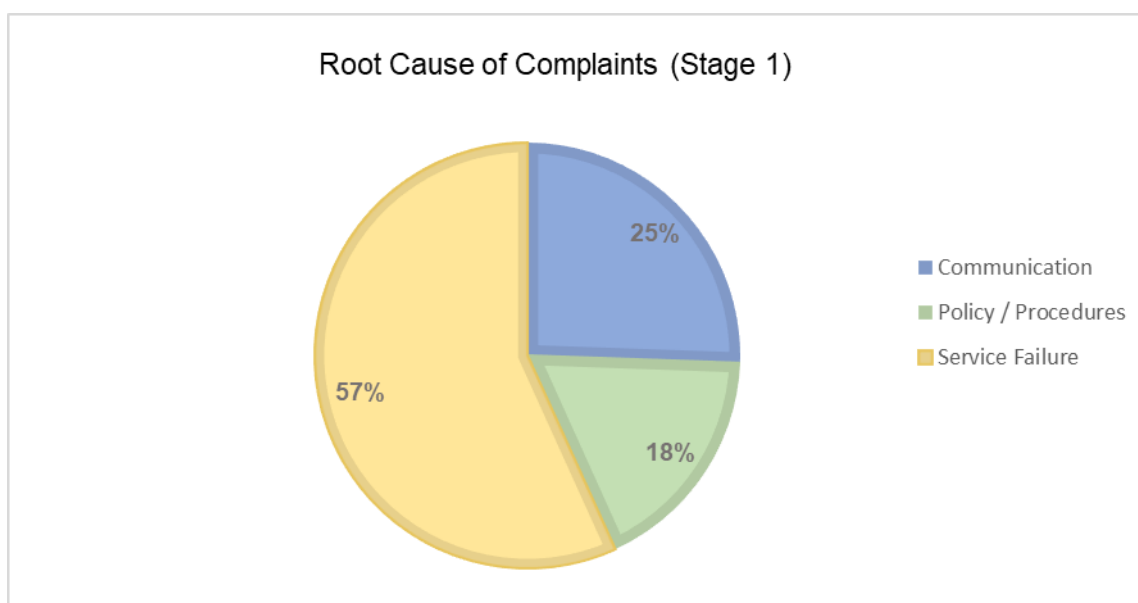
landlord payment. Compensation was awarded in 263 cases, a reduction of 51 cases compared to the previous year, however the amount awarded was higher on average per case.

3.2.13 The Housing department accounted for 66% of all the compensation awarded/offered (£109,724), which was paid out in 184 cases.

Year	All Brent		
	Cases	Total Comp.	Avg / Case
2020-21	167	£101,030	£605
2021-22	314	£167,500	£533
2022-23	263	£165,827	£631

### Root Cause of complaints

3.2.14 The Council categorises root causes of complaints as follows: Service failure; Communication; and Policy/procedures. In 2022/23, 57% of complaints closed were categorised as service failure. Communication issues accounted for 25% of complaints and dissatisfaction with policy/ procedure accounted for 18% of all complaints closed.



3.2.15 Housing repairs, Council Tax and Homelessness applications were the top three concerns for customers. The Housing Management service carry out on average 36,000 repairs per annum, therefore there will always be a correlation between the number of repairs carried out and the number of complaints received.

3.2.16 This year a number of complaints received related to Council Tax, mainly as a result of the increasing pressures of the cost of living and residents unable to keep up with payments. The Council also received a higher number of

complaints relating to Homeless applications, which also relates to the cost of living and the pressure on social housing.

### **Service Improvements implemented**

3.2.17 As a result of complaints received by Brent Council, many service improvements have been implemented. These improvements include:

- The Highways Management Service making changes to the Vehicle Crossover Policy to make it clearer in relation to the hardstanding and 'soft' landscaping required for approval.
- The Housing and Neighbourhoods service introducing monthly meetings to review learning from complaints and ensure these are implemented.
- The Housing Needs Service refining their policies and procedures to make clear when an incentive landlord payment is being made and when a deposit contribution is being made.
- The Housing Needs service also changing the wording on some of its letters to make it clear when the service will close a case or make a decision on the limited information they had received.
- The Children and Young People department implementing protocols such as case restriction on Mosaic records to prevent decisions on high profile cases being made without senior management approval.
- All future inspections undertaken by the Revenues team for benefits claims being carried out in-person (as opposed to virtually) to help ensure that the property being inspected is indeed the property to which a claim refers. Further, when the official classification of a property is in question or is likely to be amended (and they have legal recourse to do so), Revenues will also consider contacting the landlord (if appropriate) to further verify information submitted by a Housing Benefit claimant.
- With regards to Housing Applications submitted to panel, if the panel rejects a referral based on a lack of sufficient information, the relevant Housing Officer is now tasked with bringing the case back to panel, with more comprehensive documentation, for further consideration within a month.
- The ASC service agreeing a memorandum of understanding with the Central North West London NHS Trust which makes a commitment to work together on complaints to provide an integrated response. This means in future they will provide joint responses where possible in s.117 aftercare cases.
- Improvements made with regards to the way in which the Safeguarding Board communicates and updates families during its investigations.

### **Local Government & Social Care Ombudsman (LGSCO) Decisions and Learning Points**

3.2.18 The Local Government and Social Care Ombudsman provides an Annual Review report every year which focusses on the Council's performance in relation to complaints that have been referred to it.

3.2.19 In summary:

- The number of referrals made to the Ombudsman for Brent has remained the consistent at 99 referrals compared with 95 last year. The borough with

the highest number of referrals in 2022/23 was Lambeth at 204, and the lowest was City of London with 7.

- The LGSCO decided to do a detailed investigation into a lower number of referred complaints at Brent compared to last year where 33 detailed investigations were carried out. In 2022/23, 29 cases were investigated out of the 99 referred.
- Brent's upheld rate at 76% has increased from last year, when the upheld rate was 67%. However, this is likely due to a change in process by the Ombudsman this year, which has led them to be selective on investigations that they take on, meaning that they are finding more fault. Brent was joint 14<sup>th</sup> lowest with Sutton and Bromley out of all London boroughs on this performance indicator. Richmond Upon Thames and Barking and Dagenham had the highest uphold rates with 91% of cases requiring a detailed investigation upheld.
- Of the 29 investigations completed for Brent:
  - seven complaints were not upheld;
  - twelve were upheld with further recommendations; and
  - the remaining ten were upheld, but the Council had already implemented its own recommendations which had been accepted by the LGSCO as a suitable remedy, or there were no further recommendations made by the Ombudsman.
- Compliance with the Ombudsman's recommendations remains at 100%.

#### LGSCO Volumes and Outcomes

- 3.2.20 There were 99 enquiries and complaints referred to the Ombudsman in 2022/23 which is consistent with the 95 enquiries made the previous year. In the same period the LGSCO made decisions on 94 cases which is 24 less, and a decrease of 20% compared to the previous year. Of the 94 cases decided in 2022/23 only 29 cases required a detailed investigation, 22 cases of which were upheld and 7 cases not upheld.
- 3.2.21 Categories of cases not taken forward for investigation include: 'advice given'; 'referred back for local resolution'; 'incomplete or invalid'; and 'closed after initial enquiries'.
- 3.2.22 The pandemic had an impact on the LGSCO's activity over the last two years which makes it difficult to assess trends. The Ombudsman have also explained that this year they have become more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. It has meant that changes in uphold rates this year are not solely down to the nature of the cases referred to them. They are less likely to carry out investigations on 'borderline' issues, so they are naturally finding a higher proportion of fault overall. The table below shows a 3-year comparison of LGSCO outcomes of Brent Council cases:

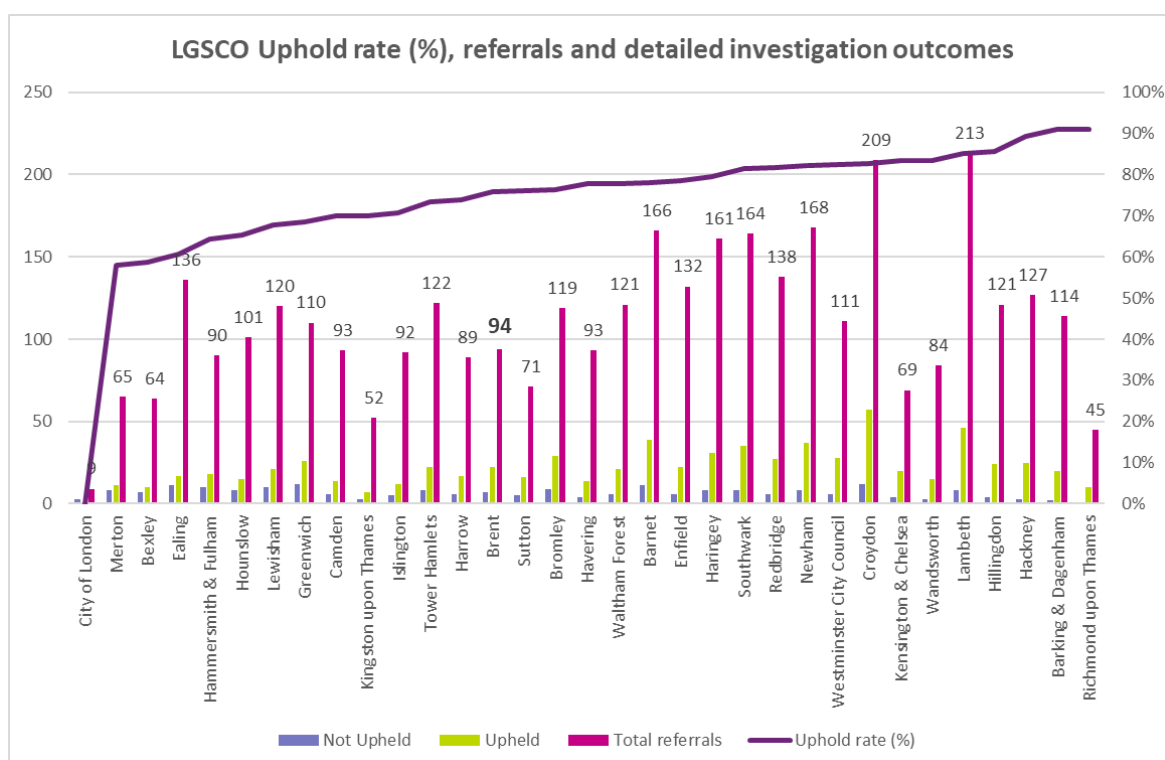
Year	LGSCO Outcomes						Total
	Not upheld	Upheld	Advice given	Referred back for local resolution	Invalid or incomplete	Closed after initial enquiries	
2020 - 21	1	12	3	35	1	25	77
2021 - 22	11	22	8	39	7	31	118
2022 - 23	7	22	6	25	5	29	94

3.2.23 In comparison with other London boroughs in 2022/23, Brent fares as follows:

- Top at providing a satisfactory remedy before the complaint reached the Ombudsman in 41% of cases which is more than any other London borough
- 13<sup>th</sup> joint highest in number of detailed investigations undertaken
- 13<sup>th</sup> joint highest in number of LGSCO upheld cases
- 15<sup>th</sup> joint lowest in number of referrals to the LGSCO
- 14<sup>th</sup> joint lowest LGSCO uphold rate (76%) in 2022/23.

3.2.24 The table below shows the Ombudsman uphold rate, cases referred to the Ombudsman and number of cases upheld and not upheld in 2022/23 compared with all London boroughs. Of the 29 detailed investigations undertaken by the LGSCO, 22 cases were upheld for Brent. This provides a uphold rate of 76% which compares favourably with other London boroughs and puts Brent in joint 14<sup>th</sup> place.

3.2.25 A performance comparison of all the LGSCO categories with other London boroughs has been provided in Appendix E.



### LGSCO Upheld Cases

3.2.26 There were 22 cases upheld against Brent in 2022/23 in the following services:

- Housing - 9
- Adult Care Services – 6
- Education & Children Services – 2
- Benefits and Tax – 2
- Planning and Development - 1
- Environmental Services & Public Protection & Regulation – 1
- Corporate and Other Services - 1

3.2.27 Brent came joint top out of all London councils for upheld cases where a satisfactory remedy had already been provided before the complaint reached the Ombudsman. Of the 22 cases which were upheld during 2022/23, the Council had already offered a satisfactory resolution to the complaint before it reached the Ombudsman on nine occasions. This equates to 41% of our total upheld cases and is above the London average of 15%. This suggests that when issues are identified through the complaints process, corrective actions are effectively carried out to rectify issues or compensate where necessary. For these nine cases, the Ombudsman confirmed no further action was required and just upheld the complaint because the Council had identified some fault and also upheld the complaint.

3.2.28 The Ombudsman recommended a specific remedy in relation to 12 upheld cases. The Ombudsman was satisfied that the Council had successfully implemented its recommendations to remedy these complaints, achieving a 100% compliance rate.

3.2.29 This is an encouraging outcome and shows that the Council is complying with remedies set by the Ombudsman.

3.2.30 A brief summary of the cases upheld by the LGSCO for each area has been provided below.

#### Adult Care Services

3.2.31 Six complaints were upheld within this category for 2022/23. Three of which were corporate complaints, and the other three statutory. Topics covered: meeting care needs; Disabled Facilities Grant (DFG); appointed Deputyship and withdrawal of funds; delays in finding a nursing home placement; OT attitude and assessment and a Safeguarding Adults Review (SAR). The Ombudsman offered additional compensation and remedies in two cases.

#### Housing

3.2.32 Complaints concerning Housing Management are referred to the Housing Ombudsman. Nine complaints relating to other housing services were upheld after being passed to the LGSCO, which is an increase of 5 cases compared to last year.

- 3.2.33 In three out of the nine cases upheld, a remedy had already been provided during the Council's complaints process and therefore the Ombudsman did not take any action and upheld the case. In the other 6 cases, the Ombudsman asked the Council to offer an apology for the failures in the case, provide financial remedy and/or provide training or guidance. The majority of cases upheld related to housing needs.
- 3.2.34 Case one - referred to a homeless applicant being referred to another borough because of his local connection there. The Ombudsman found fault because, although they told him informally, the Housing Needs Service did not formally notify the homeless applicant of their decision to refer his case to another borough (and therefore did not notify him of his right to request a review of this decision).
- 3.2.35 Case two - related to a homeless family whose Locata priority was not assessed independently of their homeless application. In this case the family was entitled to priority on Locata due to overcrowding even though the homeless duty was discharged and they were therefore not entitled to any priority due to homelessness. There was also delay in processing the application.
- 3.2.36 Case three - The complainant was a homeless applicant with a six bedroom need. The Housing Needs Service awarded her band A priority for permanent accommodation, which she successfully secured in June 2021. The Ombudsman found, above and beyond awarding band A, the Housing Needs Service should also have made efforts to secure suitable temporary accommodation after the homelessness decision review process found her accommodation to be unsuitable. The Ombudsman therefore awarded compensation for this.
- 3.2.37 Case four - The complainant was a homeless applicant whose request for interim accommodation due to her having nowhere to stay was overlooked for a period of time. The issue was complicated insofar as when the complaint was eventually offered interim accommodation, she declined it. The Ombudsman highlighted that the issue of interim accommodation should have been considered from the outset of the complainant's homeless application, and it was likely that it should have been offered from the outset, and therefore increased the compensation award.
- 3.2.38 Case five - The Housing Needs Service was at fault for twice closing this complainant's homeless application too quickly and without informing her that they would be doing so. There were also delays in progressing the application when it was being assessed. The Ombudsman broadly agreed with the conclusions reached under the Council's complaints procedure but decided a higher level of compensation was appropriate.
- 3.2.39 Case six - The Ombudsman took on this case without it going through the Council's complaints procedure. This complaint is about the Council not properly considering whether the complainant needs a two-bedroom property and stating that the complainant may be removed from the Housing Register if he does not accept a property within six months. There were some issues with how the Council considered the request for a two-bedroom property but that did not affect



the outcome. The Council delayed notifying the complainant of decisions and did not properly explain the process.

#### Planning and Development

- 3.2.40 One case was upheld under this category. The complainant said the Council failed to properly handle his requests for advice relating to the development of his property. The Ombudsman did not investigate the complaint because there was not enough evidence of fault in the pre-application advice the Council provided, and they were satisfied with the actions the Council had already taken in respect of the refund of the £120 fee.

#### Education and Children's

- 3.2.41 Two cases were upheld. Of the cases upheld, one concerned the Council's Education Welfare Officer. The complainant's daughter was absent from school for long periods of time due to her illness. The complainant states the EWO failed to consider medical evidence submitted and wrongly took actions against the parents. The Ombudsman partly agreed with the outcome of the stage 2 response and made further recommendations including compensation for the loss of education provisions.
- 3.2.42 The other upheld complaint related to the Council's delay in making payment arrangements for a British Sign Language interpreter which led to the interpreter withdrawing services provided to the complainant's daughter. The Ombudsman found fault because this led to the daughter not receiving all the educational provision specified in her Education, Health and Care plan.

#### Environmental Services & Public Protection & Regulation

- 3.2.43 One complaint was upheld under this category. The complainant was unhappy that the refuse crew were not adhering to the complainant's request of where she would like her bins placed. The complainant was not registered for assisted bin collection. Veolia were agreeing to the complainant's suggestions but not adhering to them. Some refuse collections were also missed. Veolia were asked to comply with policy and not the complainant's request as they were raising her expectations on what could be achieved. The complainant was advised she would also have to adhere to the policy on waste collection. £300 was offered for missed collections and time and trouble. The Ombudsman endorsed this decision.

#### Benefits and Tax

- 3.2.44 Two Benefits and Council Tax complaints were upheld. The first complaint related to Council Tax. The Council sent incorrect information to a different Council and did not tell the complainant she shouldn't pay Council Tax. She was wrongly charged Council Tax by the other Council. The Ombudsman was satisfied with the compensation offered and suggested service improvements.
- 3.2.45 The other complaint also related to Council Tax, this time on an empty property however the landlord disputed this and stated that the tenants were liable for the

Council Tax. The complainant was unhappy with the amount of compensation offered at stage 2. The Ombudsman did not investigate this complaint as they deemed the Council had provided a fair remedy.

### Corporate and Other Services

3.2.46 The Ombudsman did not investigate this complaint about incorrect use of pronouns as they were satisfied with the Council's response.

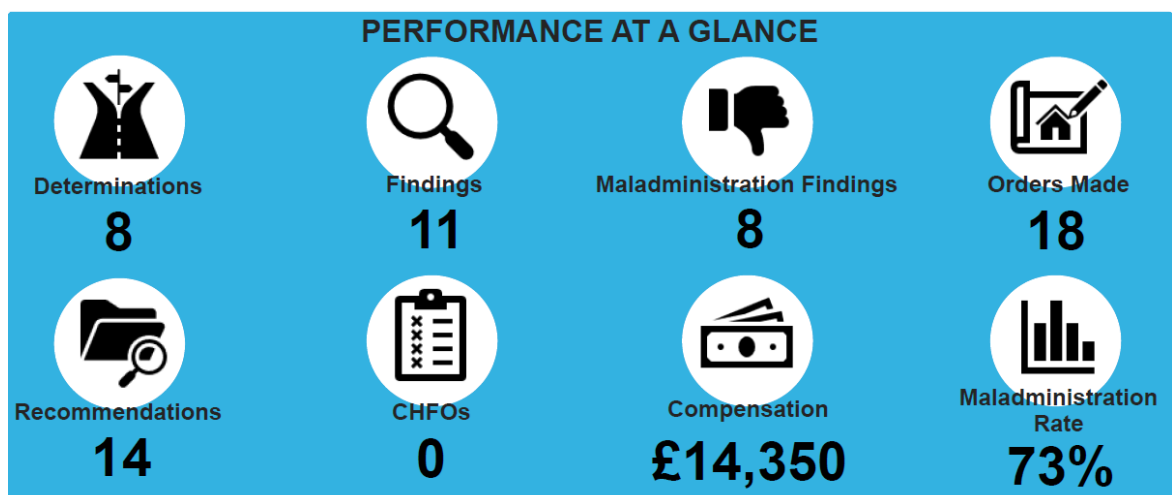
### LGSCO Compensation

3.2.47 In 2022/23, the LGSCO asked the Council to pay an additional £14,200 in compensation across ten cases. This is £21,578 more than the previous year 2021/22 where £35,778 was paid in compensation over fifteen cases.

3.2.48 A total of £7,500 compensation was awarded in one of the Education and Children's cases for the loss of education provision. In another case £2,250 was awarded. In this case the Housing Needs Service awarded the complainant band A priority for permanent accommodation, which she successfully secured in June 2021. The Ombudsman found, above and beyond awarding band A, the Housing Needs Service should also have made efforts to secure suitable temporary accommodation after the homelessness decision review process found her accommodation to be unsuitable and therefore awarded the compensation. In the other cases that were awarded compensation, five related to Housing, two related to Adult Care Services and one related to Education and Children's. Compensation awarded in these cases was under £1,000.

### **Housing Ombudsman (HO) Decision & Learning Points**

3.2.49 The Housing Ombudsman provided its annual report on 1 August 2023. The information provided below has therefore been taken from this report.



3.2.50 The maladministration rate is 30% higher than the previous year. This is mainly due to the increased awareness of the Housing Ombudsman, publication of their spotlight reports and the government's 'Make Things Right' advertising campaign. The introduction of Awaab's Law, in memory of Awaab Ishak who tragically lost his life due to conditions in his social home has also encouraged

tenants to raise issues with landlords and then escalate to the Housing Ombudsman if they are not satisfied with the action taken.

3.2.51 Recent changes in legislation around consumer standards for social housing has also improved access to complaints for tenants and leaseholders. The focus is on creating a culture of accountability; where tenants voices are heard and listened to. The Social Housing Regulator and Ombudsman expect Local Governments to actively campaign to provide access and encouragement to tenants to complain when they are dissatisfied. This should be noted as it is expected to drive up complaints, which should be welcomed as a sign of tenant engagement and participation, and an opportunity to learn what is important to residents and how to put things right.

3.2.52 Brent Council performed similarly when compared to landlords of similar size and type. And although the maladministration rate is high, there were no cases of severe maladministration or Complaint Handling Failure Orders issued.

3.2.53 In terms of the recommendations and orders, many of these had already been agreed during the Council's own complaints process and the Ombudsman had asked the Council to complete these if we hadn't done so already. The same can be said for the compensation where the Council had already agreed to pay compensation but the Ombudsman increased the compensation amount and included the total figure awarded during the complaint process rather than the additional amount ordered or recommended. The Housing Ombudsman asked the Council to pay an additional £3,800 on top of what had already been offered by the Council.

3.2.54 The table below provides a breakdown of the areas of complaints which were received by the Housing Ombudsman in 2022/23.

<b>Complaint Decision</b>	<b>Severe Maladministration</b>	<b>Maladministration</b>	<b>Service failure</b>	<b>Mediation</b>	<b>Redress</b>	<b>No Maladministration</b>	<b>Outside Jurisdiction</b>	<b>Withdrawn</b>	<b>Total</b>
<b>Property Condition</b>	0	4	0	0	1	1	0	0	6
<b>Anti-social behaviour</b>	0	0	2	0	1	0	0	0	3
<b>Complaints Handling</b>	0	2	0	0	0	0	0	0	2
<b>TOTAL</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>11</b>

3.2.55 The cases related to the following sub-categories:

- Responsive repairs – leaks / damp / mould
- Responsive repairs - general

- Noise

- 3.2.56 The Council complied with all of the Housing Ombudsman's orders, achieving a 100% compliance rate.
- 3.2.57 The Council use the learning from complaints to inform decisions on areas of improvement within the Housing Management Service. The Council also carry out an annual self-assessment against the Housing Ombudsman's Complaint Handling Code to ensure compliance with the Code. A copy of the self-assessment has been provided in Appendix C.
- 3.2.58 The Housing Ombudsman has released a series of reports in which they have put the spotlight on issues identified through the complaints they have investigated and resolved. The Damp and Mould spotlight report contained a number of recommendations for landlords. The Council have therefore self-assessed against these recommendations and provide a copy of the results in Appendix D. The Council are also undertaking a self-assessment against the latest Housing Ombudsman spotlight report on Knowledge and Information Management.

### **Compliments**

- 3.2.59 In 2022/23 there were 72 compliments logged on the system for the Council. This is 3 more than last year. Customers can send feedback to the Complaints team or to service areas directly. Some of the compliments have been provided below:

#### Housing Needs

*"Although, my case is now closed, and my family has been rehoused in a 2-bed property. I wanted to take the time to thank you for your support and help during the process, especially the occasions you took the time to telephone call me - it may seem small but greatly appreciated your consideration to be treated with respect and dignity at such a distressing time for my family. Sometimes, it can feel inhumane, and degrading when accessing council services, systems in place not being properly designed to support families and vulnerable children."*

#### Libraries

*"Hi! I had the pleasure of dropping into the Ealing Road Library last weekend. Really enjoyed the experience! Very clean, well organized and attended very well by two extremely talented and helpful professionals, had the pleasure of conversing with xxxxx and xxxxxxx. Both were very kind, a tremendous asset."*

#### Out of Hours Emergency Contact Centre

*"I'd like to provide some positive feedback and I'd love for this to be passed on to the call handler who dealt with my query ... my house got burgled and I was advised to get my locks changed. The call handler who answered the call dealt with my query quickly, professionally and with so much empathy. Being burgled feels violating and calling asking for help was difficult but she was very supportive and understanding and I'm so glad that she answered the call when I needed it."*

*I'm hoping that you're able to find this call handler and thank her on my behalf. Please tell her that she was a bright light during one of my darkest hours this year. Please also tell her I said thank you."*

#### CYP - Localities

*"I would like to express my gratitude to xxxxxxxx the social worker, for his excellent work commitment to me, my family and the school. xxxxxxxx went above and beyond the call of duty to ensure my son and the family felt safe and secure. I wish all social workers could work with xxxxxx level of respect and compassion while maintaining their professionalism."*

#### Complaints Team

*"Many thanks for your e-mail and helping us get to the resolution. Both my mum and I would like to thank you for your compassion in dealing with this and showing care towards my elderly mum. Brent Council is lucky to have someone like you who genuinely care for its citizens."*

#### ASC Urgent Care

*"I just wanted to email you to let you know that in all my time working in care I have never come across a social worker so caring and invested like xxxxx. She goes above and beyond to support us with challenging clients, she's responsive and efficient and checks in to ensure all is well with managing her client... xxxxxxx is a gem! And xxxxxxx really appreciate all her efforts she's made to support us. We cannot thank her enough for everything she has done."*

## **4.0 Stakeholder and ward member consultation and engagement**

4.1 This report will be discussed at Cabinet and the relevant scrutiny committees.

## **5.0 Financial Considerations**

5.1 The details provided on compensation payments in sections 3.2.10 - 3.2.13 and throughout this report reflect the monetary impact of not getting things right the first time as an organisation and the need to improve the customer experience thus minimising the financial penalties incurred by the Council.

5.2 The total number of cases where compensation was awarded/offered has decreased by 16% when compared to 2021/22. However the amount of compensation awarded/offered for each case has increased by £156.

5.3 The total compensation awarded/offered and paid in 2022/23 was £165,827 (263 cases), which is similar to the previous year. The costs implications and budgetary impacts to the Council are being continuously monitored.

## **6.0 Legal Considerations**

6.1 Complaints concerning Adult Social Care and Children's Social Care fall under separate statutory complaint procedures. It is a legal requirement to produce annual reports for these areas and these are included in appendices A and B

with reference to the statutory frameworks for the management of these statutory complaints.

- 6.2 The LGSCO is the final stage in the complaints process, where an individual has complained to the council and remains dissatisfied with the outcome. The LGSCO can investigate allegations of maladministration in connection with the exercise of a local authorities' administrative function, allegations regarding a failure in a service which it is the local authorities function to provide, an allegation or an apparent failure to provide such a service pursuant to the Local Government Act 1974 as amended.

## **7.0 Equality, Diversity & Inclusion (EDI) Considerations**

- 7.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- (a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- (b) advance equality of opportunity; and
- (c) foster good relations between those who share a "protected characteristic" and those who do not.

- 7.2 This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

- 7.3 Although there have been no equality implications identified as a result of this report, the Council is improving the complaints system so that equalities data is captured and data analysis can be used to identify issues that may disproportionately affect different equality groups.

## **8.0 Climate Change and Environmental Considerations**

- 8.1 Not applicable

## **9.0 Human Resources/Property Considerations (if appropriate)**

- 9.1 Not applicable

## **10.0 Communication Considerations**

- 10.1 The government have introduced a 'Make Things Right' advertising campaign in relation to social housing complaints. The Housing Ombudsman as well as the Local Government and Social Care Ombudsman issue spotlight reports to address thematic issues.

- 10.2 The Council continues to advertise it's complaints policy on the Council's website and in correspondence with residents.

**Report sign off:**

**Debra Norman**  
Corporate Director of Governance

## Complaints Annual Report 2022 – 2023

### Appendix A – Adult Social Care Statutory Complaints

#### 1. Summary

- 1.1 This report provides an overview of complaints made about Brent Adult Social Care (ASC) services during 2022–2023, as required under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, the Health and Social Care Community Health & Standards Act 2003 and the Local Authority Social Services Complaints (England) Regulations 2006.

#### 2. Statutory Complaints Process

- 2.1 The Department of Health defines a complaint as, *“an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a Council’s adult social care provision which requires a response”*.
- 2.2 Anyone who has received a service, is currently receiving a service or is seeking a service from the Council can make a complaint. This includes anyone affected by decisions the Council makes about social care, including a service provided by an external provider acting on behalf of the Council. In such a case, they can complain directly to the provider or to the Council. External providers are required to have their own complaints procedures and must comply with them. They are also required to share information on complaints and outcomes with the Council.
- 2.3 There is only one stage in the statutory process, which the Council has interpreted as a provisional response (stage 1) and a final decision (stage 2). All complaints made to the Council are logged and acknowledged on our internal complaints database. The Council will try to resolve the provisional complaint as soon as possible, and within 25 working days. If delays are anticipated, the complainant is consulted and informed appropriately. All responses, regardless of whether a timescale has been agreed with the complainant or not, must be completed within six months of receiving the complaint.
- 2.4 The Head of Service should sign all provisional complaint responses and if complainants are still unhappy, they will be given the opportunity to have their complaint reviewed by the Director, Adult Social Care or the Corporate Director, Adult Social Care and Health. In some cases, complaints may need to be passed to the Safeguarding leads as appropriate and the complaints process suspended in order to allow the safeguarding process to be completed. In cases where the complaint relates to several organisations, a single organisation will act as the lead and co-ordinate a joint response to the complainant. The final complaint response must set out the Council’s standard paragraph advising of the complainant’s right to approach the Local Government & Social Care Ombudsman (LGSCO) should they remain dissatisfied.

### **3. Headlines**

**3.1** The Adult Social Care department underwent a restructure in March 2022, which resulted in a change to the names of some of the service areas. For the purpose of this report that data has been amalgamated and represents the new service area names; Access, Information and Long Term Support, Commissioning Contracting and Market Management, Intermediate Care and Principal Occupational Therapist, Learning Disability and Mental Health, and Safeguarding and Principal Social Worker. More details about the services the individual areas provide is included in section 5.2 of this report.

**3.2** The main performance headlines from ASC complaints are as follows:

- 113 complaints were received at the initial stage of the complaints process in 2022/23, an increase of 53% on 2021/22.
- The highest volume service areas for first stage complaints are as follows – Access, Information and Long Term Support (35%), Intermediate Care and Principal Occupational Therapist (28%), Learning Disability and Mental Health (22%), Commissioning, Contracting and Market Management (13%).
- 62% of provisional responses were upheld or partly upheld.
- 61% of stage 2 cases were upheld or partially upheld.
- 84% of stage 1 complaints were responded to on time and all stage 2 cases were responded to within the stipulated timescales.

### **4. ASC Service Users**

**4.1** In order to provide some context in relation to complaints submitted, ASC received 5689 contacts from individuals during this time. 2605 contacts were made through Brent Customer Services (BCS) and the Duty Team in 2022/23. Of those, ASC assessed 937 service users for homecare services and 220 service users were assessed for residential / nursing services. 381 contacts were made through the Mental Health Team, 23 through the EDT Team and 2680 individuals received section 5 hospital discharge assessments.

### **5. Complaints Received**

**5.1** In 2022/2023, ASC received 113 stage 1 statutory complaints compared to 74 the previous year, showing a rise of 53% and a year on year increase.

**5.2** Statutory complaints largely related to a service users' care needs assessment or the provision of social care needs through either homecare services or residential care. Anyone can approach the Council and is entitled to receive a care needs assessment. The three main areas where ASC received complaints were Access, Information and Long Term Support, Intermediate Care and Principal Occupational Therapist and Learning Disability and Mental Health. The figures across these areas and details of the services they provide are as follows:



- **Access, Information and Long Term Support:**

- 5.3 This service is the 'front door' to Adult Social Care services. They are the first point of contact for all residents and health professionals who require ASC input.
- 5.4 The service provides information and advice, guidance and signposting to universal service and assessment (as required) to establish whether a person meets the Care Act eligibility for statutory ASC support. The service works with individuals, families and carers to identify need and provide support as required.
- 5.5 The adult social care service will monitor and review services to ensure the right level of support is provided. Long-term support also comprises Direct services, and includes building-based day opportunities, virtual support and outreach. The service also delivers supported living accommodation and residents using these services are encouraged and supported to maintain their independence, and to live a full and active life.
- 5.6 The service received 35% of all statutory complaints made to ASC, an increase on last year (31% in 2021/2022). This Team handles the more complex support cases and have to manage service users' and families' expectations about the package of care they are entitled to. The complaints that are received by the Team relate to disagreements with the decisions around care packages / assessments, delays in receiving an assessment and complaints concerning communication from social workers. The service users and their families will often have a higher expectation of the services they should receive than the Council can provide. The Council has to consider value for money, as well as the needs of the service user when providing services. These are complex and often sensitive matters and can lead to understandable disputes between the parties involved. There has been a concerted effort to improve complaint handling throughout the service and develop a more robust working relationship with the Complaints Service in order to help reduce the number of complaints.

- **Commissioning Contracting and Market Management:**

- 5.7 Commissioning with ASC is divided in to three thematic areas:
  - community and prevention
  - supported living/extra care and other accommodation
  - residential and nursing.
- 5.8 Each team leads on shaping the market to ensure the Council can meet the needs of the Adult Social Care population. They ensure we are able to prevent dependency by working with the voluntary sector who can offer preventative services that delay the need for ASC intervention.
- 5.9 Commissioning will broker home care services, supported living, extra care and residential and nursing services and ensure appropriate services are available to ASC to meet the assessed needs of individuals who do require an ASC intervention.

- 5.10 They will oversee and manage all aspects of contract management and quality assurance, working alongside other stakeholders such as CQC/Health watch to ensure the highest levels of care and support are delivered.
- 5.11 This service is also forward facing for all care and support providers in Brent. Ensuring they have responsible officers who can provide ongoing support and help with managing the strategic relationship between the Council and provider market.
- 5.12 Complaints relating to these services accounted for 13% of all complaints received by ASC, which is a decrease on last year (22% in 2021/2022). Overall, 15 complaints were received for this service area in 2022/23. There is an erroneous perception that the Council receives a high level of complaints about its home care providers. During Covid, complaints relating to the service were particularly high given the pressures on Care Homes during this period. The reduction in complaints reflects the ease on pressure nonetheless, the Complaints Service continue to work with the service on practice improvements as seen through the stage 2 responses. The Council works closely with its home care providers to resolve problems at this early stage. Concerns can be raised directly with the Commissioning Team who will resolve such matters directly with the provider, but service users are also made aware of the Council's complaints process if they wish for their concerns to be investigated by the Council.
- ***Intermediate Care and Principal Occupational Therapist:***
- 5.13 This service includes our Hospital Social Work, Home First, Reablement, Sensory and Occupational Therapist Teams. The Hospital Social Work Team will work with the hospitals to ensure vulnerable Brent residents have a safe discharge home or to the most appropriate interim setting and for those who have non-complex needs, they may be supported by the short-term Home first service. Following discharge from hospital, the individuals will receive an assessment to establish the eligibility of their social care needs or review of existing care plan.
- 5.14 The Reablement Service offers intervention to those in need of support in regaining confidence or/and skills to enable them to live as independent as possible.
- 5.15 Occupational Therapists will assess individuals and, in some cases, will provide equipment that allows the person to be safe in their environment as well as promoting their independence.
- 5.16 The Sensory Team holds the visually impaired register so will register the person and work with them to permit them to live as independent as possible.
- 5.17 Occupational Therapists are a valued profession to the service, therefore, through the Principal Occupational Therapist Office we make sure our staff have the right skills and competences to fulfil their role.
- 5.18 Of the 113 cases received at Stage 1 for ASC, this service received 32 complaints (28% of all complaints received by ASC). This service has been changed from Urgent Care as it now includes cases related to Occupational Therapy which previously fell within Complex Care (now Access, Information and Long Term Support).

- ***Learning Disability and Mental Health:***

- 5.19 This service comprises of the Learning Disability Team (LDT), The Mental Health Team (MHT), the SMART Team and the Emergency Duty Team. The LDT and MHT Teams are co-located with Health Teams (CNWL) and they work in partnership to meet the social care needs of residents and to review and support their carers to enable residents to continue to reside in the community. There is a Mental Health Hospital Discharge Team who focus on those people who are inpatients and need care and support in order to return safely to reside in the community.
- 5.20 The Teams' work with individuals who are diagnosed with a mental health condition or a learning disability and whom have eligible social care needs in accordance with the Care Act 2014, to enable them to gain skills, employment, independent, supportive living accommodation, or residential care (as appropriate). Individuals are supported to live as independently as possible, and the Teams ensure they are safe and cared for with dignity and respect.
- 5.21 The Approved Mental Health Practitioner's (AMPH'S) service is managed as part of the Adult Social Care Mental Health Team for those people who are in crisis and require an assessment under the Mental Health Act due to the risk that they pose to themselves or others as a consequence of a breakdown of their mental health.
- 5.22 The Emergency Duty Team Out of Hours is staffed by qualified AMHP's to cover the hours that Brent Council is closed (Evenings, Weekends, nights and bank holidays). The service provides emergency response to crisis situations and safeguards children, young people and adults.
- 5.23 A multi-disciplinary SMART Team also sits in this service. The Team work with individuals who are vulnerable to exploitation, risk, have mental health and substance misuse issues but who struggle to engage with statutory services and require an assertive outreach approach in order to achieve positive outcomes.
- 5.24 This service accounts for 22% of all complaints received by ASC. In previous years, cases relating to the Learning Disability and Mental Health Service were split between ASC CNWL and ASC Partnerships and Integration, which is why there is a noticeable increase this year.

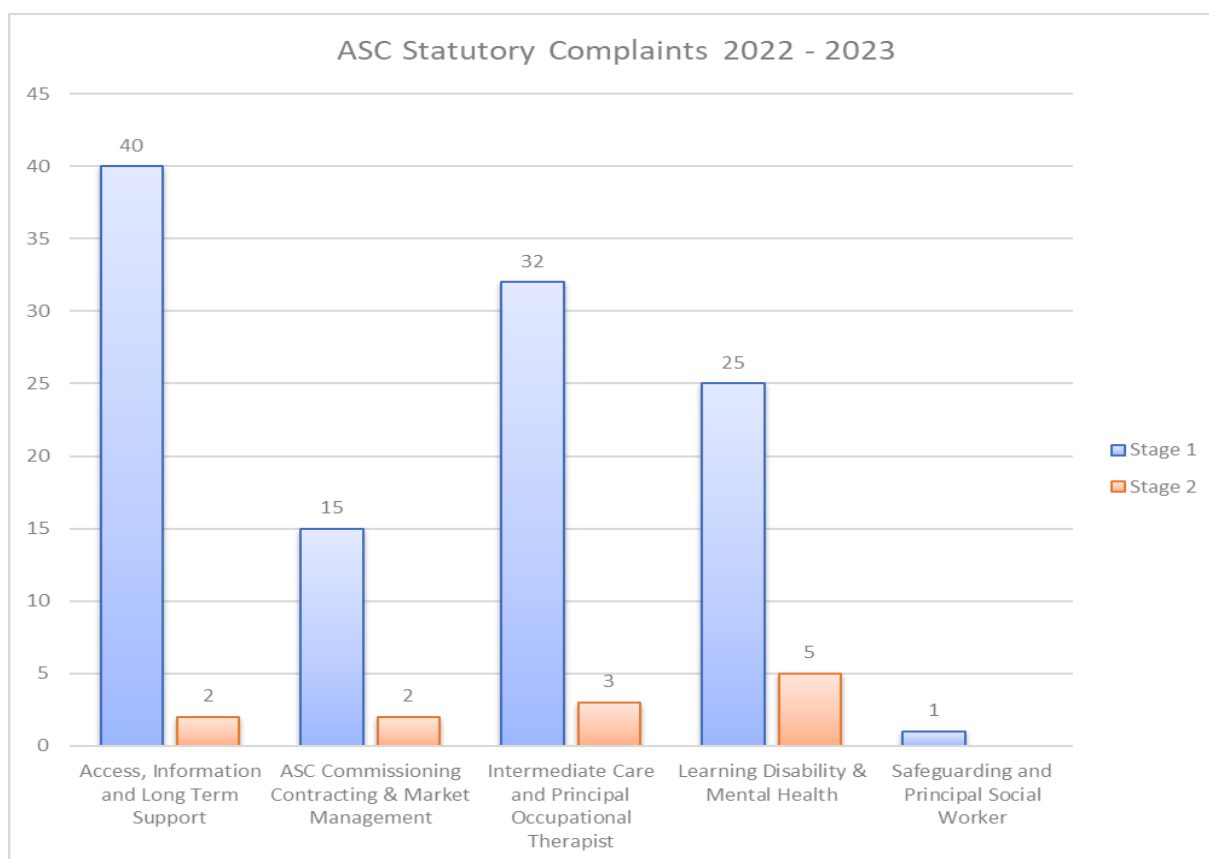
- ***Safeguarding and Principal Social Worker:***

- 5.25 This service includes the Safeguarding Team, the Deprivation of Liberty Team and the Principal Social Worker. They safeguard and promote the wellbeing of adults at risk from abuse and neglect and unlawful deprivation of liberty. The safeguarding of adults is everyone's business; therefore, we ensure all ASC staff and partners have the right skills and competences to fulfil their safeguarding responsibilities.
- 5.26 Social workers are integral to the delivery of adult social care therefore, through the Principal Social Worker office we ensure they have the right skills and competences to fulfil their role by providing ongoing support and training to staff.

5.27 This service rarely receives complaints because issues of safeguarding are usually reviewed within the service areas in which customers are provided support. The one case received related to a Doctor from a GP practice who made a safeguarding referral regarding one of their patients. The Safeguarding Team closed their enquiries however the complainant was not happy about this so requested a complaint investigation.

5.28 When complaints are received, they are directed to the Complaints Service for triaging. The Team will receive complaints by email, online through the web form or My Account, telephone and by letter. Brent Customer Services will also refer complainants to the Complaints Service. The ASC complaint legislation is explicit that the Council must receive complaints by any means. The ASC complaints process should be easy for all to access, and therefore the Team have provided a telephone number on the website especially for ASC clients. Staff within the Complaints Service will assist complainants as necessary, and if required will assist them in obtaining an advocate.

5.29 The chart below shows the number of ASC statutory complaints received in 2022/23. Of the 113 statutory complaints received, 12 were escalated to the final review stage, which is two more than the previous year 2021/22.



5.30 The escalation rate for statutory complaints is 11% compared to 13.5% in 2021/22. This is an improvement and reflects the work being carried out to resolve concerns at the provisional stage. Outcomes from these cases are discussed later in the report. ASC actively tries to resolve concerns however despite this, the more complex cases do escalate. The Learning Disability and Mental Health service received the highest

number of escalations to stage 2, with 5 out of 25 complaints being escalated (20%).

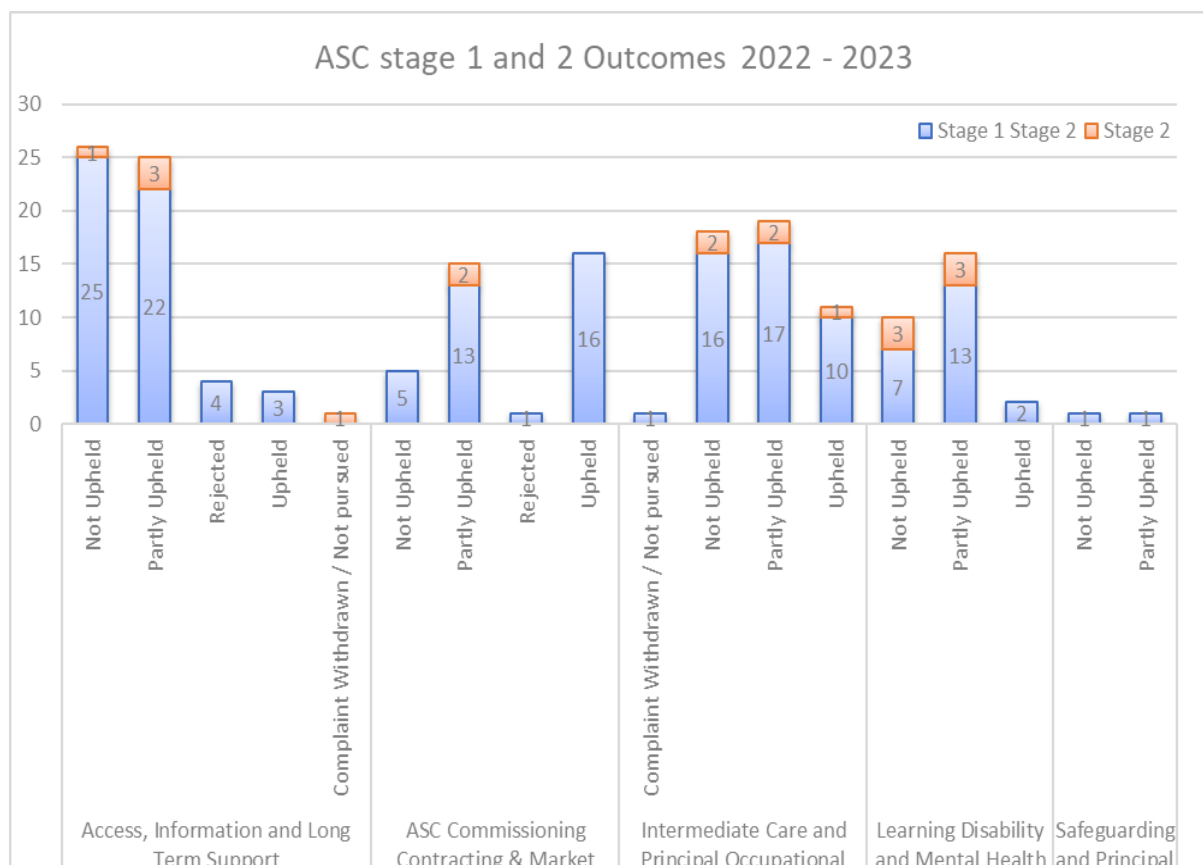
5.31 The Complaints Service continues to work with the ASC Director and their Management Team to ensure complaints are proactively dealt with. The Complaints Service held quarterly complaint training sessions for ASC managers and staff throughout the year and also attended DMT meetings to explain the complaint process and present complaint data and feedback. This has strengthened the working relationship between the service areas and led to an increase in officers requesting advice from the Complaints Service on the quality of their responses. Due to staff turnover, we have run these sessions more frequently to ensure responses remain of a good standard and are circulated in a timely manner.

## 6. Nature / Reasons for Complaints

6.1 We record root causes of complaints at stage 1. In 2022/23, root cause of complaints about communication accounted for 50% of all complaints received. This was mainly due to the complainant not being kept informed or updated. The other main area was service failure accounting for 44% which mainly related the service not being up to standard, whilst the remaining 6% of cases related to policy or procedure.

## 7. Complaint Outcomes

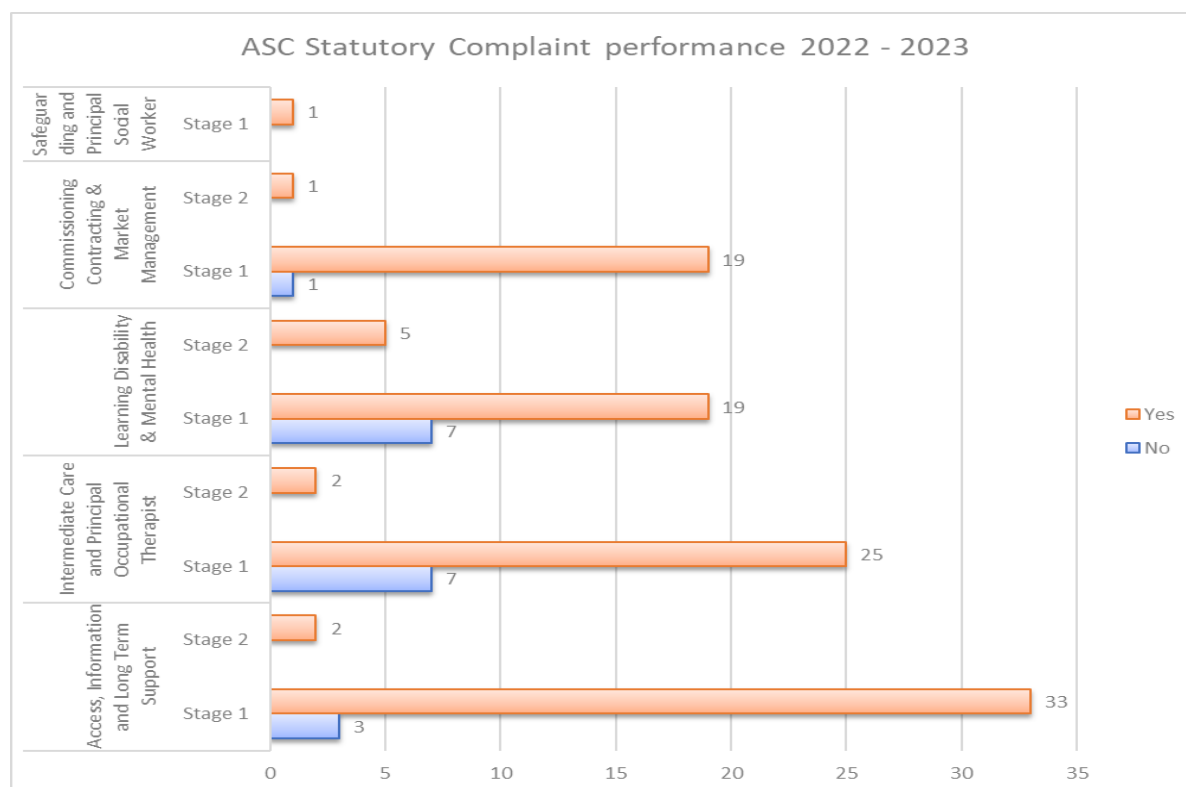
7.1 The chart below shows the outcome of statutory complaints at stage 1 and final review stage:



- 7.2 Complaints received at the provisional stage shows that some fault (upheld or partly upheld) by the Council was found in 62% of cases - this compares to 53% in 2021/22. The Council welcomes feedback from service users, and outcomes from complaints feed into service improvements.
- 7.3 At the final review stage, some fault was found in 61% of cases, this is slightly more than 2021/22 where 55% of complaints were either upheld or partly upheld.
- 7.4 Complaints of a complex nature and which involve a number of teams more often than not are typically escalated to the final review stage. The Complaints Service continues to work with ASC to review the accuracy and quality of stage 1 responses (where they have moved up to the final stage), and report the findings to the ASC Management Team in order to implement strategies to reduce the number of escalations.
- 7.5 The Complaints Service continues to work with managers in ASC to ensure the quality of complaint investigations and responses provided to the complainant address all issues raised. The Complaints Service are also working to ensure that the different departments within ASC are better coordinated when dealing with complaints about services that crossover the various teams by providing advice and regular complaints training.
- 7.6 Some service improvements identified at the final review stage have been included in point 14 - Learning from Complaints.

## 8. Timeliness of Responses

- 8.1 The chart below shows complaint response times across the various ASC service areas in 2022/23:



- 8.2 In 2022/23, 115 stage 1 statutory complaints were due, which is an increase of 49 complaints compared to 2021/22. Nevertheless, ASC responded to 84% of all stage 1 complaints within timescales, an increase of 7 percentage points on the same period for the preceding year. Stage 2 response times have also improved with all cases responded to on time providing a 100% performance rate on the ten cases that were investigated compared to 4 out of 9 cases responded to on time the previous year.

## 9. Compensation

ASC	Amount
Stage 1 / Provisional	£900
Stage 2 / Final	£1,350
Ombudsman	£1,200
<b>Total</b>	<b>£3,450</b>

- 9.1 ASC paid a total of £3,450 in compensation for the year 2022/23, comprising seven cases, £1,700 - two cases less than the preceding year. Compensation at stage 1 was paid out in one case. At stage 2, four complainants were awarded compensation and in one of those cases, the Ombudsman also offered additional compensation of £500. There were a further two cases which escalated to Ombudsman stage where the Ombudsman recommended the Council pay £200 and £500 compensation respectively. The compensation at stage 1 was awarded in recognition of the period in which the complainant's brother was not made subject to a Deprivation of Liberty Safeguard. At stage two, the highest amount paid was £750 for the time and trouble in pursuing the complaint and delay in responding to it.
- 9.2 All compensation awarded by the Council is in accordance with the Local Government and Social Care Ombudsman, Remedies Guidance.

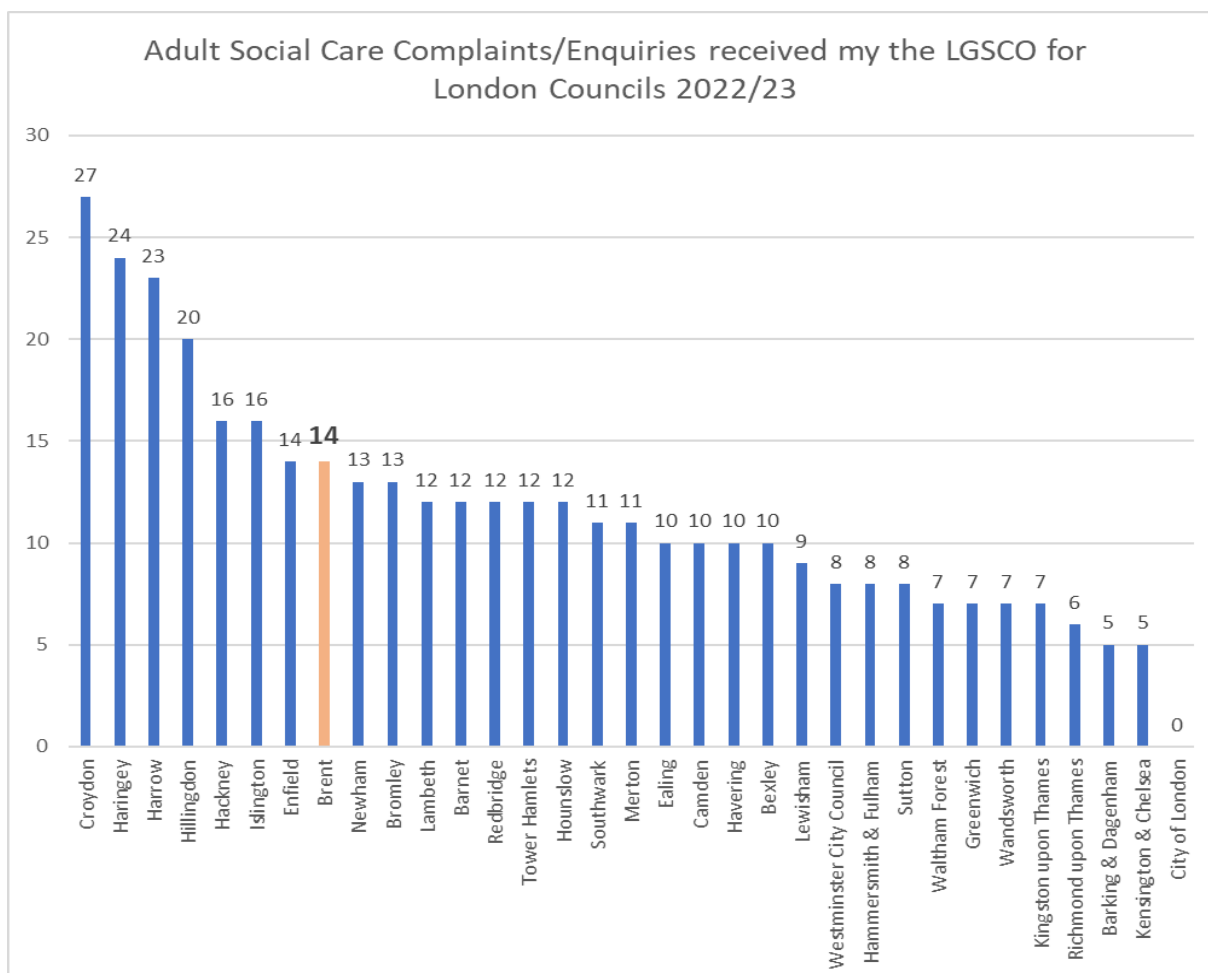
## 10. Local Government and Social Care Ombudsman Decisions in 2021/22

- 10.1 The Local Government and Social Care Ombudsman (LGSCO) Received 14 complaints (corporate and statutory) and enquiries regarding Adult Social Care, which is three more than the previous year. In total, 94 decisions were made by the LGSCO in 2022/23 of which 13 related to ASC, comparable to the previous year where 12 decisions related to ASC. The LGSCO's decisions included referring three cases back to the Council for local resolution as the Council's complaints process had not been completed. One case was closed by the Ombudsman as there was insufficient information to proceed and another case was closed after initial enquiries as there was no worthwhile outcome achievable by investigation. Detailed investigations were carried out in 8 cases. Of those, 6 were upheld (one more than in 2021/22) and 2 were not upheld. Three of the cases upheld were statutory cases and a summary for them has been provided in section 10.3. The other three cases were corporate cases and a summary has been provided in the Annual Complaints cover report.
- 10.2 The uphold rate to the LGSCO for ASC cases is 75%, which is slightly more than the previous year at 71%.
- 10.3 A summary of the complaints upheld by the LGSCO is provided below:

- A complaint related to the Council's failure to meet care needs. The Ombudsman found that the Council did not fail to meet the complainant's father's care needs however it caused avoidable distress by failing to respond to the complainants request for a new social worker.
- Another complaint related to the delays in finding an appropriate nursing home placement. The Ombudsman found that the Council's response to the complaint was unclear and cause unnecessary frustrations to the complainant.
- The Ombudsman received a complaint relating to adaptations to the complainant's father's home. The complainant raised concerns about the OT and their attitude. They also complained that the equipment provided following an OT assessment was not suitable. The complainant raised issues with the Ombudsman that were not raised at stage 2 such as delays in 24-hour support and issues of DFG referral which were investigated by the Ombudsman. The Ombudsman upheld this and recommended several remedies.

## 11. Benchmarking Data

11.1 Brent Council belongs to the North West London Social Care Complaint Managers Group. Unfortunately, many Councils have not yet completed their Complaints Annual Report or are reluctant to share their data. The graph below shows data provided by the LGSCO with regards to the number of Adult Social Care complaints/enquiries received for each London borough.





11.2 The graph includes corporate as well as statutory complaints. In terms of complaints/enquiries received by the Ombudsman in relation to ASC, Brent has a higher number of complaint/enquiries referred compared with other Councils. However, this is almost half of the number of complaints/enquiries Croydon had and only three higher than last year. The figures provided do not necessarily mean that the complaint/enquiries were warranted.

## 12. Customer Feedback and Engagement

12.1 The majority of customer contact with the Complaints Service is reactive in that the Team responds to direct contact from customers and their representatives when they report a problem. Through this initial contact, the Team, in conjunction with ASC managers, has been able to resolve a number of complaints at an early stage of contact e.g. delayed OT assessments / care assessments, identifying resolutions to invoicing / billing queries that could have progressed to formal complaints.

## 13. Compliments

13.1 Customers and their representatives are encouraged to tell the Council if they are satisfied with their care or to highlight good service. People are able to send feedback to the Complaints Service or ASC directly. In 2022/23, ASC and the Complaints Service received 40 compliments about ASC compared to 16 the previous year. The Complaints Service Team is working with ASC to ensure they capture all compliments directly received by the service. Below are examples of compliments that staff in ASC have received:

- *Commissioning Team*

*“Good morning xxxxxx, I write on behalf of my siblings to say a big, big thank you for all you did for our mom xxxxxxx, to be able to move to xxxx nursing home. xxxxx, your professionalism, empathy, care, love, encouragement, help and support is unique. It shows you really and truly love your job. We cannot thank you enough. It is only God who will repay you for all you did for xxxx. Remain blessed.”*

- *Learning Disabilities and Mental Health Services*

*“Couldn't help appreciating how much of a help I've got from you today. I've had to deal with many public civil servants but never in my 22 years in this country have I experienced the devotion, dedication, untiring, resolute and attention to details in the service you provided before. I salute your indefatigable service-oriented willing to help is. I stand humbled. Have a nice weekend and see you again on Tuesday.”*

- *Access, Information and Long Term Support*

*“I would just like to say write a big THANK YOU to xxxxx for her support in the final that Mrs xxxx has now signed her Tenancy for xxxxxxxx , In my darkest of this procedure she lifted me up with positive words If there is a employer of the month year please consider her*

*I know i will be in touch again with Adult social care , but thank you again for your support and information ,I see light at the end of the tunnel.”*

- *Intermediate Care and Principal Occupational Therapist*

*“I am emailing you today to let you know how pleased my family and I are at the care and support received from your social worker xxxx xxxx.*

*Following my dads accident in July when he broke his shoulder and after discharge from hospital he needed home care. This was obviously an upsetting time for us as a family and my father who was losing part of his independence. xxxx was in touch with us throughout and on his first visit to my dads home I was touched by his empathy and compassion, he had patience with my dad and answered all of his questions. He liaised with me right up til this week.*

*An effective care package was put in place through a good agency and dad got first class care, when this needed to be extended xxxx dealt with it seamlessly and towards the end he supported me to set up a further two weeks paid for by ourselves. Please pass on our thanks and gratitude to xxxx.”*

- *Safeguarding and Principal Social Worker*

*“I wanted to say thank you for your analysis of the case you presented yesterday and your attention to detail. I appreciated that you gave us clear professional judgements in this sad and concerning case.*

*I believe the vast majority of Safeguarding professionals come to work wanting to do a good job and it's up to the safeguarding board and our reviews to establish what prevents that happening.”*

## **14. Learning from Complaints**

14.1 Feedback from adults who experience social care services offers important insights into what we do well and what we can improve on. Brent ASC considers the learning from complaints and compliments as an integral part of our Quality Assurance process. Dependant on the learning points identified, we operate several different methods for developing and sharing improvement to our practice across the services. These may include, but are not limited to, the following:

- Development of new guidance and practice updates
- Practice updated disseminated in supervision, team meetings or learning forums
- Provision of training
- Integration within the case file audit process from 2021/22 the key areas of learning included the following: A need to improve aspects of communication between officers and people with social care experience
- A need to review and refresh the safeguarding adults’ processes, guidance, forms and letters.
- Direct discussion with those professionals involved with the individual complaints Interactive learning sessions via Brent’s internal Continuous Professional Development forums as part of the Skills Academy.

14.1 Teams across Adult Social Care regularly receive comments and feedback from residents and / or carers and generally these issues tend to be resolved directly by frontline operational staff.

- 14.2 Learning from the lived-experiences of residents using services can help identify where services, policies and procedures can be improved; helps to ensure that senior managers are informed of issues that are important to residents and, improves communications and strengthens relationships.
- 14.3 Part of Adult Social Care's commitment through the Skills Academy, is to support staff to receive training to develop skills in ensuring that information provided to residents is clear and feedback is timely. This compliments the Council's Customer Promise regarding expectations that customer care should continue to be communicated in a timely, polite and respectful manner. We have planned learning events that will be held six monthly, in which themes and outcomes from complaints are shared with teams and reflections of the learning is discussed at a team level. This learning will also contribute to training plans and development of best practice and quality in Adult Social Care.
- 14.4 Professional standards, such as the quality of the processes and procedures around social work activity, and delays in service are also the subject of complaints. When raised, managers have taken the opportunity to look for ways to improve services, which has been reinforced by the department's refresh of its Operational Guidance. The Operational Guidance sets a clear commitment to always aim to assess residents in a timely manner including the need to review care & support plans and clarify whether the current service can continue to meet those needs on an annual basis.
- 14.5 Adult Social Care have developed processes for learning from complaints, and these continue to develop within the department to support best practice and improve resident experiences. The information and themes captured from these processes are used in a number of ways, such as dissemination of themes to managers, to improve systems and procedures and to inform measurement of performance, quality control and quality improvements.
- 14.6 Some of the service improvements that have been implemented by ASC as a result of complaint outcomes include:
- All teams are undertaking random monthly audit of files to ensure better record keeping. The Monthly Case File Audit report is shared with the Principal Social Worker so that identified strengths and learning are incorporated into training.
  - Through the New Ways of Working project, the service has identified the need to strengthen communications sent via emails. Generic email addresses are created for teams. This will facilitate swift communication and prompt responses.
  - A schedule of training has been provided to all ASC staff via monthly newsletters which included complaints handling, report writing and MCA and DoLs training.
  - Quarterly commissioning meetings have been set up with all service managers and their teams to provide more robust site monitoring by the commissioning team.
  - The Statutory Complaints Manager attends regular DMTs to ensure themes and emerging issues are addressed.

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## Complaints Annual Report 2022 – 2023

### Appendix B – Children’s Social Care Statutory Complaints

#### 1. Purpose of report

- 1.1 This report provides an overview of statutory complaints made about Brent Council Children’s Social Care Services during 2022-2023 as required under The Children Act 1989 Representation Procedure (England) Regulations 2006.
- 1.2 This report provides information about all statutory complaints made during the twelve months between 1 April 2022 and 31 March 2023 under the complaints and representations procedures.

#### 2. Statutory Complaints Process

- 2.1 The purpose of the Children’s Act 1989 and Representation Procedure (England) Regulations 2006 is to ensure local authorities have a formal complaint handling procedure in place for children and young people who wish to make a representation or complaint about social care.
- 2.2 It is helpful to be clear on what constitutes a complaint. The guidance “Getting the best from Complaints” produced by the Department for Education and Skills (DfES) provides advice for local authorities on implementing the Children Act 1989 complaints procedure for children and young people. It defines a complaint as: **‘A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.’**
- 2.3 **Who Can Make a Complaint?**

Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002 require Councils to consider complaints made by:

- any child or young person (or their parent or someone who has parental responsibility for them) who is being looked after by the local authority, or is not looked after by them but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- special guardians
- a child or young person (or parent of his) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F (3) or (4)
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person to whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents, and former guardians

- such other person as the local authority considers has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

2.4 The Council will accept complaints received through any medium, through contact with the Complaints Service, phone, email, online complaint form, by post or in person.

2.5 The regulations set out three stages:

- **Stage 1: Local Resolution** – this is the most important stage of the complaint procedure. The department and external contractors provide services on behalf of the Council and are expected to resolve as many complaints as possible at this initial stage. The statutory social care complaints procedure requires complaints to be responded to within 10 working days. However, Heads of Service can request an extension of a further 10 working days where a complaint is considered complex or there is a need for a number of external organisations to be consulted. They will need to consult with the Complaints Service before an extension can be applied and also inform the complainant of the new timescale.
- **Stage 2: Independent Investigation** – this stage is triggered when the complainant is dissatisfied with the response at Stage 1. As a first step, the Complaints Service will consider mediation to resolve ongoing concerns at the end of the Stage 1 process, and before commencing the Stage 2 process. If a complaint does progress to Stage 2, this requires an investigation by an "Independent Officer", a person external to the service and usually independent of the Council. In addition, the Council is also required to appoint an "Independent Person" who is independent of the Council and not related to any members or officers of the Council. The purpose of the 'Independent Person' is to represent the complainant in the process. The Stage 2 investigation report is then considered by the Director, and an adjudication letter is provided to the complainant to confirm whether they agree with the report and the steps to be taken to address any recommendations. Stage 2 complaints which fall within the statutory process must be dealt with in 25 working days. Where it is not possible to complete the investigation within this timeframe, an extension can be applied up to a maximum of 65 working days.
- **Stage 3: Review Panel** – where complainants are dissatisfied with the result of a Stage 2 investigation and wish to continue with their complaint about statutory social service functions, the Council is required to establish a Complaint Review Panel. The Panel consists of three independent panellists who have no connection to the Council; a Chair who is appointed by the Complaints Service and is also separate from the Council. The Chair consults with the Complaints Service on the selection of the other two panel members. The Panel undertakes an investigation and makes recommendations via a panel report. This will then be adjudicated by the Corporate Director for Children and Young People (CYP) who makes the final decision on the complaint.

2.6 If the Complainant remains unhappy with the outcome of their complaint, they have the right to refer their concerns to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO will carry out their own investigation requesting information from both parties and provide an outcome with any recommendations if appropriate.

### 3. Headlines

3.1 The main performance headlines from Children’s Social Care are as follows:

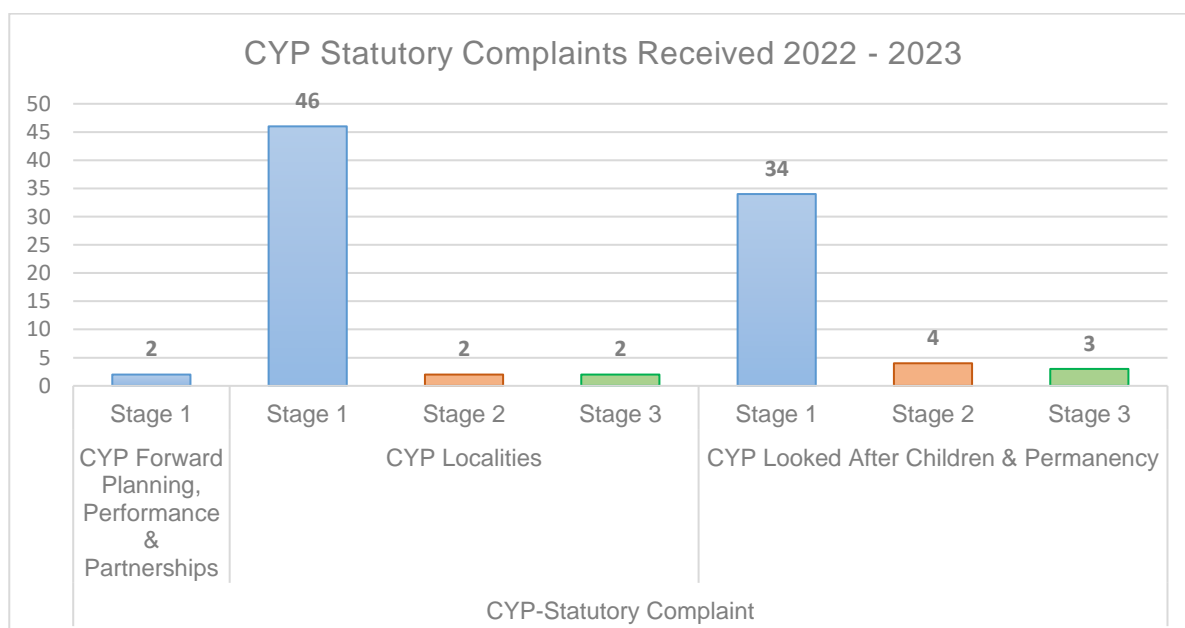
- Stage 1 statutory complaint numbers increased by 9% in 2022/23
- The department received 82 statutory stage 1 complaints in 2022/23
- There was a 7% escalation rate to stage 2 for statutory complaints - 10% less than the previous year
- 85% of stage 1 statutory complaints were responded to within target in 2022/23, against a target of 100% (compared with 63% in 2021/22)
- £13,800 was paid in compensation for the period 2022/23 on fifteen cases, an increase from £900 paid in the previous year.

### 4. Children’s Social Care Service Users

To put some context to the volume of complaints received in 2022/2023, Children’s Social Care received a total of 4,712 referrals and completed 3,680 Child & Family Assessments. As of 31 March 2023, the Council had 3,001 open Children in Need cases and 362 children were the subject of a Child Protection Plan. There were 319 Looked After Children and the Council had 498 care leavers aged 18-25 in receipt of services.

### 5. Complaints Received

5.1 Brent Council CYP received a total of 82 stage 1 statutory complaints in 2022/23, an increase of 9% from last year (7 complaints). There were six stage 2 requests received and five stage 3 panels convened.



- 5.2 The number of complaints received at stage 1 for Looked After Children and Permanency increased by 42% (10 complaints) from 2021/22. The number of stage 1 complaints received for Localities remained the same with 46 complaints received in 2022/23. Forward Planning, Performance and Partnerships received 2 complaints whereas last year they received 4. This is a decrease of 50%.
- 5.3 The Localities Service accounted for 46 complaints, 56% of the total number of stage 1 complaints received. These are split between East Localities, West Localities, Children with Disabilities and Multi-agency Safeguarding Hub (MASH)/Family Front door/ Families with no recourse to public funds (NRPF). These complaints concerned the communication and attitude of social workers, reports and records, and information contained within assessments.
- 5.4 The number of complaints received for East Localities was 6 and West Localities 3. These teams are involved with public law child protection cases as well as dealing with families going through private law proceedings where there is often parental conflict, and one parent can be unhappy with decisions made by social workers.
- 5.5 The Children with Disabilities team received 16 complaints in 2022/23. These cases commonly related to communication and information contained within records and reports. The Family Front Door/MASH/NRPF team received 21 stage 1 complaints, these generally concerned unhappiness with social worker assigned and process following a referral to Brent Family Front Door (BFFD).
- 5.6 Looked after Children accounted for 34 complaints, 41% of the total number of stage 1 complaints received. This is a notable increase compared to 2021/22 where 24 stage 1 complaints were recorded. The complaints received are split between Care Planning, Young People in Care, Fostering and Adoption and Kinship. Cases within Looked After Children are typically raised by the young person themselves so the Complaints Service will give the option of an advocate to help them navigate the complaints process, should this be required. Awareness of the complaint process amongst service users has got better so this does need to be taken into consideration when looking at the increased levels of complaints.
- 5.7 The Council received 6 Stage 2 requests in 2022/23, compared to 13 in 2021/22. This is a decrease of 54% and shows that improvements have been made to address concerns at the first stage resulting in less escalations.
- 5.8 Under the children's statutory procedure, a complainant has a right for their complaint to be heard by an Independent Review Panel at Stage 3. In 2022/23 the Council received 4 requests for Stage 3 panels, and 5 panels were held during the year. A summary of the complaints that resulted in a Stage 3 Panel has been provided at point 10.3.

## **6. Profile of complainants and method of contact**

- 6.1 When complaints are received, they are directed to the Complaints Service for triaging. Of all the statutory children's stage 1 complaints received, the team received 76% by email, 22% by self-service online, and 2% by telephone. The number of complaints received via email remain the same compared to last year. There also hasn't been much change in the percentage of complaints received by telephone and



the online portal. The complaint legislation explicitly states that the Council must receive children's statutory complaints by any means.

- 6.2 The varied method of contact demonstrates that this is happening. Whilst the team has provided a telephone number on the web site, especially for children's social care complaints, email appears to be the preferred mode of delivery for complainants. There are three options to log complaints online through the customer portal: anonymously, unregistered or registered. The portal allows complainants to log and monitor the progress of their complaints all in one place.
- 6.3 The Council has limited information about the ages of complainants. The majority of complaints received in relation to Localities are raised by parents regarding their children, however the majority of complaints received by the Looked after Children service are raised by the young person themselves. Although the new system currently does not record equalities information, work is being done to ensure it can capture this data going forward. The Complaints Service will continue to record equalities information where available.

## **7. Nature / Reasons for Complaints**

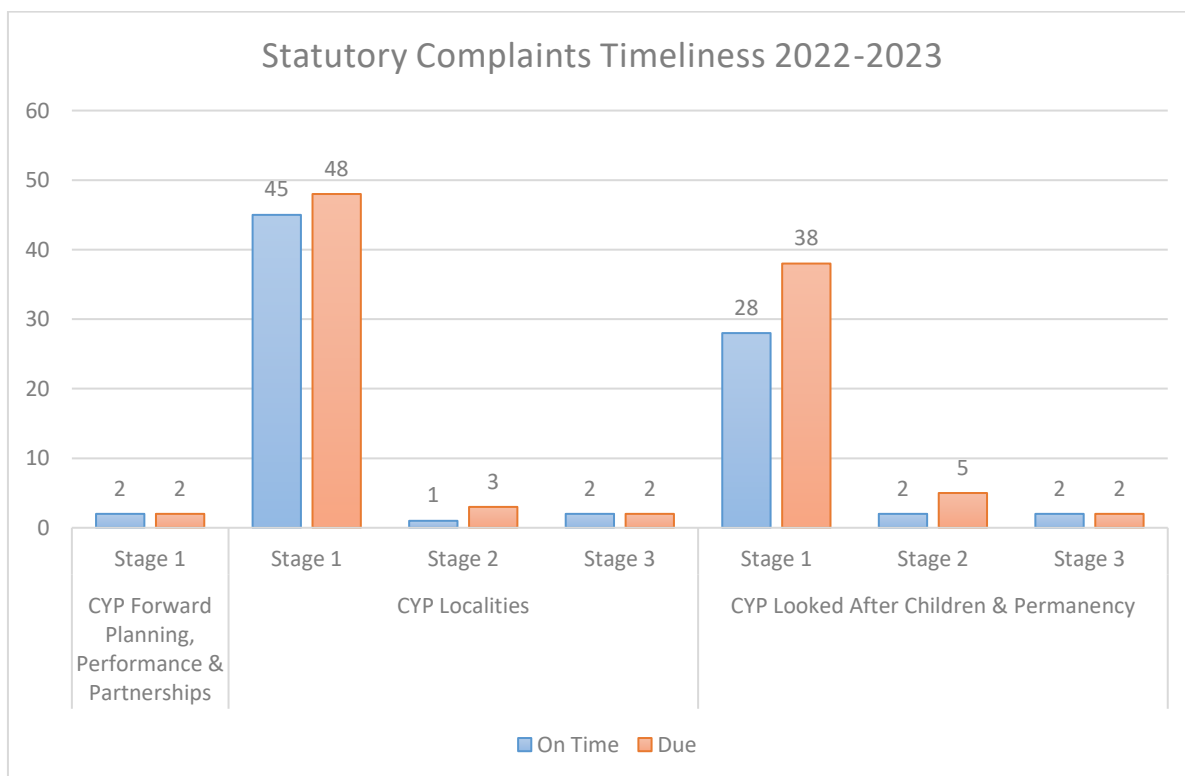
- 7.1 The main reason for complaints received in 2022/23 related to communication which remains a familiar theme from last year. Complaint root causes are categorised in three main categories: Communication, Service Failure and Policy and Procedure. In 2022/23 just over half (53%) of the stage 1 complaints closed were categorised under the category communication. Service failure accounted for 42% of cases and policy and procedure for 4%. Complaints concerning communication generally related to complainants not feeling they were kept informed or updated on key issues, with 54% of cases being upheld or partly upheld as a result. The Service continue to make improvements on how they communicate with service users to manage expectations.
- 7.2 Numerous complaints also concerned social workers' conduct or attitudes. Families may not always agree with the Council's decision, but Children's Social Care has a legal obligation to assist and act in the child's best interests. As a result, complaints are usually directed at specific social workers who frequently have to walk a difficult line between parents who are at odds. Complaints against social workers are most frequently made when one parent disagrees with a decision and accuses the social worker of siding with the other parent. In the majority of cases where staff conduct was identified as a root cause, the complaint was not upheld.
- 7.3 Complaints concerning parents who are in a conflict situation, with regards to access and care of their children, are on the rise. Usually this has been where the partners disagree about the care the child or children are receiving from the other parent. Some feel that the Child and Family Assessment or court reports are not completed in an impartial way and that the social worker has failed to communicate with them at an early enough stage in proceedings. This has been a problem for social workers trying to find a balanced approach through these relationships.
- 7.4 The Complaints Service provide complaints handling training to relevant staff members within CYP and attend team and management meetings to discuss key themes and learning from complaints.

7.5 Examples of the types of root causes of complaints that arise are listed below: -

- **Alleged poor staff attitude** - much of the work of Localities staff involves them taking actions in connection with highly sensitive child protection or child in need issues, which parents or carers may often disagree with. There have been a number of comments about social workers where the family member perceives a bias, leading to complaints about the alleged impartiality of assessments.
- **Service failure** - on completion of a Child and Family Assessment, or reports to the ICPC, social workers had not kept all the interested parties updated with the completed assessment and reports. In addition to this, not all parties agree to the information within reports which has been recorded as 'not up to standard.'
- **Looked After Children** - the main area of complaints related to leaving care. Most of the root causes are recorded as customers not being kept informed. This suggests the need for more awareness around time scales and procedures which need to be made clearer to customers.

8. Timeliness of Responses

8.1 The Council responded to 82% of all children’s statutory complaints within the appropriate timescales. This is an increase of 26 percentage points compared to the previous year. Although an improvement on the previous year, there is still work to be done to get to the Council’s target of 100%.

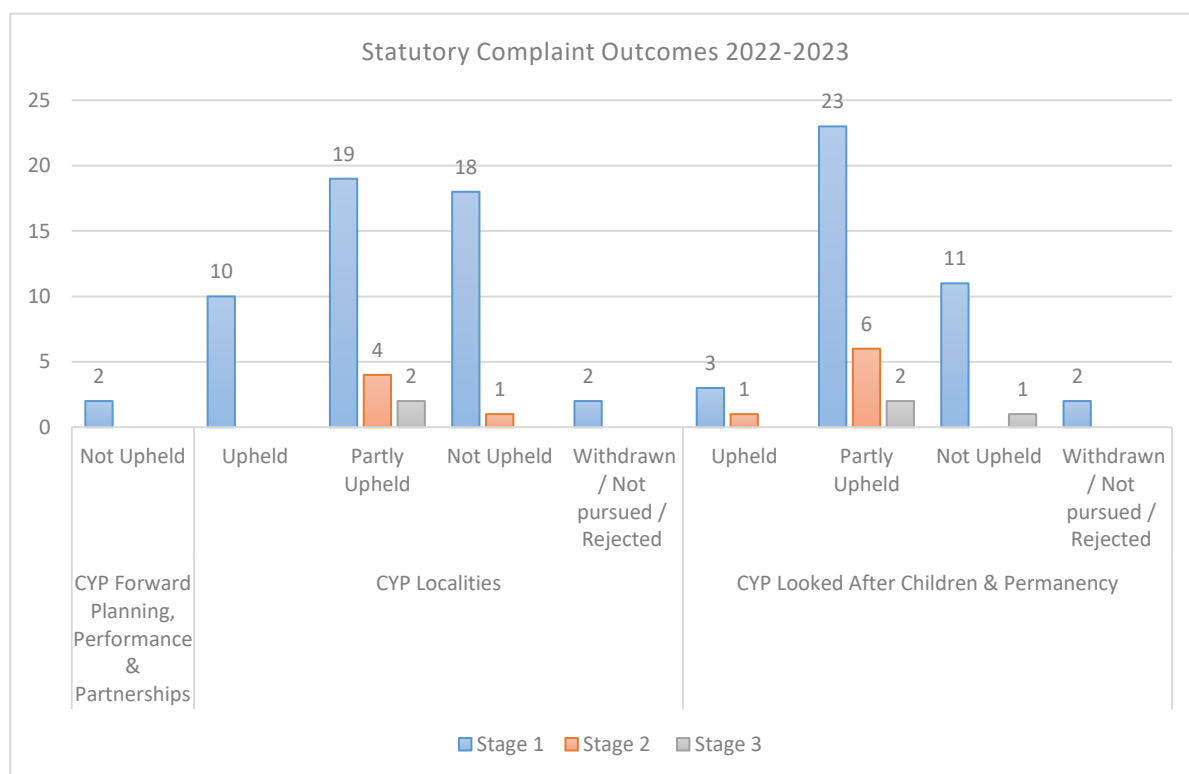


8.2 It is important to note that the statutory children’s complaint legislation allows the Complaints Service to extend the target deadline by 10 working days in complex cases.

8.3 The performance rate at stage 1 was 85%, with 75 out of 88 complaints responded to on time, whereas the performance rate for stage 2 complaints increased on last year with 3 out of 8 cases responded to on time, which is still below the required standard. This was due to the difficulties in finding independent investigators to carry out stage 2 investigations. The Council has now commissioned a company to carry out complaint investigations to prevent similar occurrences in addition to using the North West London pool of investigators.

## 9. Complaint Outcomes

9.1 There are four possible outcomes for complaints: withdrawn/not pursued/rejected, not upheld, partly upheld and upheld. The chart below shows the outcomes of statutory complaints at stage 1, stage 2 and stage 3 in 2022/23 as recorded on the Council’s case management system.



9.2 The key findings are:

- Of the 90 cases closed at stage 1 during 2022/23, the Council found some merit in 61% of complaints, with 55 complaints either upheld or partly upheld. A ‘Not Upheld’ outcome was decided in 31 cases at stage 1 and 4 cases were either withdrawn, not pursued or rejected. Service areas continue to show a willingness to admit errors or mistakes and to remedy concerns raised.

- The Council closed 12 stage 2 statutory complaints during 2022/23. One complaint was not upheld (9% of complaints). The majority of complaints at stage 2 were upheld or partly upheld which accounted for 91% of complaints closed in 2022/23. This is slightly higher than the amount of complaints upheld or partly upheld at stage 2 last year.
- In 2022/23 five stage 3 panels were completed, one was not upheld and the other 4 were partly upheld. The upheld cases at all stages account for 65% of all cases closed during this period which is comparable to last year.

## 10. Analysis and Learning from Complaints

10.1 Lessons learnt from complaints can help shape and improve services and the customer experience. There is a commitment within CYP for managers and staff to use this learning to improve outcomes for service users.

10.2 Detailed below is a summary of the cases escalated to stage 2 and where a detailed investigation was undertaken. It also includes any learning points and service improvements identified as a result of the complaint. The Council wishes to learn from its complaints and improve the service it provides.

- Localities had 5 stage 2 investigations in 2022/23. The general theme around these complaints concerned interactions with social workers including poor communication and delays. One complaint concerned recording of meetings. The recommendations that resulted from these complaints included:
  - Sharing of learning points from complaints
  - Review literature for families undergoing assessment and review child protection processes
  - Introduce a revised policy on digital recording
- Looked after Children and Permanency had seven stage 2 investigations – These cases concerned children who were in foster care or placement. Recommendations included:
  - The Council to come to a view as to how they address the issue of asylum seeking children and ensuring age assessments are completed in a timely manner to ensure children/young people are put into accommodation and education promptly.
  - Social workers to ensure that they make thorough and detailed recordings of significant events within the case records and escalate such matters, as required.

10.3 There were five stage 3 review panel adjudications during the year:

- Case 1: The complainant raised various concerns relating to the involvement of Early Help and his children, and not being told he was subject to a section 47 child protection investigation. In total, there were 26 complaints considered as part of the investigation. The Panel did not change any of the outcomes and were happy with the stage 2 investigation. However they did make some recommendations which have since been implemented and an offer of compensation.

- Case 2: This concerned two Looked After Children who felt they were not supported during their time in care and had raised concerns about a foster carer but felt the matter was not properly investigated. As part of this investigation, 5 complaints were considered. The Panel amended 3 of the outcomes to upheld. Further recommendations were made and an offer of compensation to both children.
- Case 3: This case was made by a father of a child under a Special Guardianship Order. The complainant was concerned about the welfare of the child and lack of confidence in the social work team. As part of the investigation, 3 complaints were considered. The Panel amended 2 of the outcomes; one from partly upheld to upheld and the other from not upheld to partly upheld. An apology was sent to the complainant. Further recommendations were made and an offer of compensation.
- Case 4: This case related to a number of asylum-seeking children. The complainant raised concerns about the timeliness of the age assessment, suitable accommodation and appropriate educational provisions. The stage 2 investigation reviewed 17 complaints of which 16 were upheld and one no finding. The Panel agreed to these outcomes however made further recommendations which included constructing a Practice Guidance document and ensuring appropriate staff training around asylum-seeking (putative) children.
- Case 5: This case related to a Child Protection Plan put in place following concerns raised by the school and was investigated by the Police. The complainant raised issues regarding a breach in timescales for the ICPC and the conduct of social workers, including misinformation in the reports. The stage 2 investigation reviewed 20 complaints. 18 of the complaints were not upheld and there were no findings for the remaining two complaints. The Panel changed the outcome of one of the complaints to upheld as the complaint point related to delays in logging a complaint for which compensation was offered in the stage 2 adjudication. Additional recommendations were made by the Panel.

10.4 The Children and Young People's department has recently relaunched a Practice Framework which sets out the way in which social work professionals are expected to work collaboratively and constructively with families. A new set of 'Practice Promises' were also launched in February 2022, setting out standards and expectations of what families can expect to receive. A round of case audit activity took place from April-July 2022 which measured current practice against these 'Practice Promises' to ensure that standards were being consistently met or exceeded.

## **11. Local Government and Social Care Ombudsman (LGSCO) Decisions in 2022/23**

11.1 There were nine corporate and statutory Education & Children's Services complaints escalated in 2022/23 which is five less than the previous year 2021/22. The LGSCO made decisions on eleven cases during 2022/23 of which seven were closed after initial enquiries were made, one was referred back to the Council for local resolution, two were upheld and one was not upheld. In summary, from the 11 cases decided, fault was found in two of the cases, which provides a 18% uphold rate. This an

improvement on last year where the uphold rate was 23% (eight cases upheld out of 18 decided).

11.2 Both of the cases upheld fall under the corporate complaints process so are summarised in the covering Annual Complaints Report.

## 12. Compensation

12.1 Children's Social Care awarded a total of £13,800 in compensation in 2022/23 across fifteen cases. This is a significant increase of £12,900 from 2021/22, where six cases were awarded compensation. This breaks down as follows:

- £3,050 was offered in three cases at stage 1 of the statutory complaint procedure. The compensation was paid for lack of provision, and time and trouble. In one case £2,500 was awarded at mediation stage for various errors that had occurred.
- A total of £7,750 was paid out at stage 2 across nine cases. In seven of these cases, compensation was paid due to a failure or delay in providing a service. In two cases compensation was paid due to time and trouble or distress caused.
- Compensation of £3,000 was awarded at stage 3 of the statutory complaints process in three cases. Compensation was offered in two cases for delay or failure to provide a service and in one case compensation was offered for time and trouble.
- The Ombudsman did not instruct the Council to pay any compensation in 2022/23.

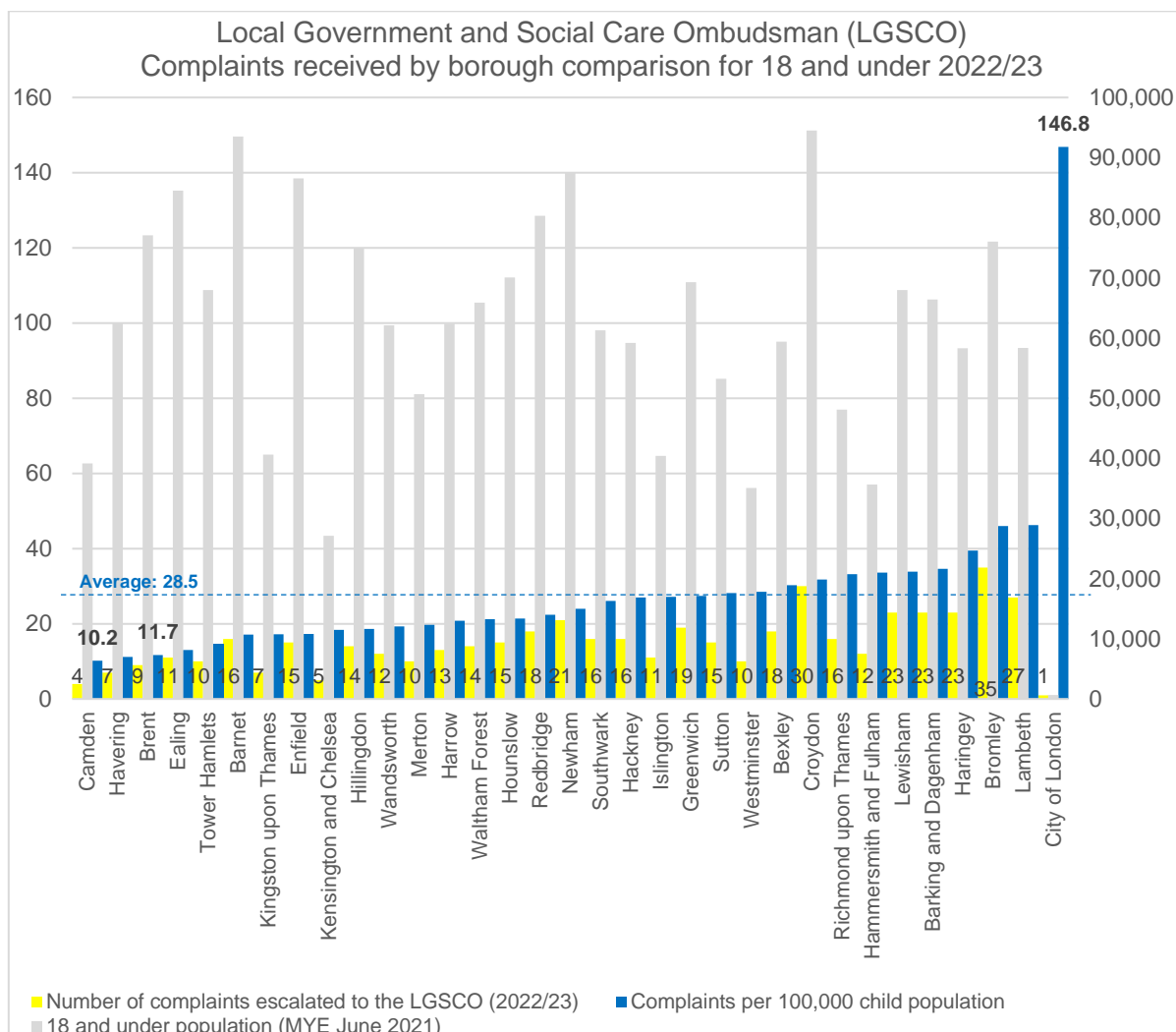
Children's Social Care	Amount
Stage 1	£3,050
Stage 2	£7,750
Stage 3	£3,000
Ombudsman	£0
<b>Total</b>	<b>£13,800</b>

## 13. Benchmarking

13.1 Brent Council belongs to the North West London Social Care Complaint Managers Group. The majority of Councils have not yet done completed their Annual Complaints report or have chosen not to share data. Comparative data has therefore been provided below on Education and Children's services cases that were received by the LGSCO during 2022/23. Data from the Office of National Statistics was also used to illustrate the number of complaints received relative to size of population of children within each borough. The average for all London Councils is 28.5 per 100,000 population whereas Brent is 11.7.

13.2 This means that Brent Council is performing better than average for complaints received by the LGSCO when compared to its projected population in 2021 of children 18 and under. There were 9 complaints escalated to the LGSCO in relation to Education and Children's Services in 2022/23 which is five less than the number of complaints referred in 2021/22, even though the Ombudsman have confirmed that

complaints about Children’s services are on the increase. The estimated population for children 18 and under within Brent for mid-year 2021 was 77,113. When factoring complaints received per 100,000 children population this is a good rate and third lowest out of all London boroughs.



## 14. Compliments

14.1 The Service doesn’t just learn from complaints. Positive feedback can also provide useful insights. In the period covered by this report, the Children and Young People department logged 16 compliments on the Council’s complaints and compliments database, which is 15 less compliments logged than the previous year. Managers are encouraged to log all compliments they receive. Below are examples of some of the compliments received in 2022/23.

- **NRPF Team**

*“This is to formally express our profound gratitude for your inestimable support and help Sir. My self, xxxx, xxxx and xxxxx want to use this opportunity to say a big thank you to you, the management and the entire NRPF team of the Brent Council. It has been a great privilege knowing you and working with you. We really appreciate everyday, every week, every month and years of our journey with you. More importantly, we have benefited without measure from your wealth of*

*experience, high level of professionalism and very high sense of duty of care. May the good Lord bless your team and families.  
Thank you so much and God bless you.”*

- **Localities – Referral and assessment team**

*“I would like to thank you and your team for all your support to my family. Specially (xxxxx xxxxxx ) he was excellently supportive throughout our difficult time he is a good person and honest . I would like to request you to recognise him for his professional support towards a family that really needed. We are really thankful for the support we got.”*

- **Localities - East Locality Long Term Team**

*“I would like to take this opportunity to commend a member of your team. xxxxxx xxxxxx was my allocated social worker, she stepped into my life and as far as I was concerned turned it upside down as she put me straight onto child protection. My first thought was “who does this woman think she is???... I hate her! Today I cannot even find the words to explain how grateful I am. xxxx is a force to be reckoned with. She knows her job and she does it well, she cares and this is genuine, my children adore her, anytime I engaged with her I always had her undivided attention and her insight was second to none. xxxxx had a way of lifting my spirits and reassuring me at the hardest of times and definitely made me feel like she went above and beyond for my family. I could toot her horn all day but really I just wanted to let you know you have a brilliant member of staff on your team, and I am grateful to her.”*

- **Inclusion – SEND team**

*“I just wanted to say thank you for your support with the situation at xxxxxx xxxxxx. With your help, we were able to raise key points which meant the xxxxx had to investigate. The investigation is pending but we have received an email from his teacher stating they will revert back to last years timetable. Your help behind the scenes was much appreciated. The situation has caused our family an additional stress and we were struggling with the situation. We had approached many professionals who did not act, but you listened and supported us and helped resolve the situation in a short space of time. I know my mum was extremely grateful that you were able to give her the time and listen to her over the phone. She said you were very calming and gave her strength to continue addressing the situation. We cannot thank you enough and are grateful that people like you still exists in the world to make lives better.”*

- **Localities – East Locality Long Term Team**

*“I would like to express my gratitude to xxxx xxxx the social worker, for his excellent work commitment to me, my family and the school. xxxx xxxxx went above and beyond the call of duty to ensure my son and the family felt safe and secure.  
I wish all social workers could work with xxxxx xxxxxxxx level of respect and compassion while maintaining their professionalism.”*



- **LAC and permanency – Fostering Support and assessment team**

*“I thought you might want to know. Your SW xxxxx is an absolute STAR!!! She called xxxxx at 7pm (UK time) to check-in and make sure that we’re all alright. And all is going well by the way, better than expected.”*

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# Appendix C – Self-Assessment Form against the Housing Ombudsman Complaint Handling Code

This self-assessment form should be completed by the complaints officer and discussed at the landlord’s governing body annually. Evidence should be included to support all statements with additional commentary as necessary. Explanations must also be provided where a mandatory ‘must’ requirement is not met to set out the rationale for the alternative approach adopted and why this delivers a better outcome.

## Section 1 - Definition of a complaint

### Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.2	A complaint must be defined as: <i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.’</i>	Yes	The definition in the Complaints Policy reads: “A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or several individuals.” The reference to residents has been removed as anyone can make a complaint, not just residents.
1.3	The resident does not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord’s complaints policy.	Yes	Residents do not have to use the word complaint for it to be treated as one. As per the policy and definition above, a complaint could be made about the following: <ul style="list-style-type: none"> <li>• Delay in taking action without good reason</li> <li>• Failure to provide a service</li> <li>• Mistakes in the way a decision was taken</li> <li>• Not following the law or the Council’s own rules</li> <li>• Broken promises</li> <li>• Giving incorrect or misleading information</li> <li>• Bias or discrimination</li> <li>• Rude, unhelpful or inappropriate behaviour by staff</li> <li>• Poor communication</li> </ul> Complaint training provided to staff also reiterates that residents do not have to use the word ‘complaint’ for it to be treated as such.

1.6	... if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.	Yes	If the Council cannot immediately resolve the complaint or the resident requests for a complaint to be logged within valid reason, the issue is logged as a complaint.
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.	Yes	The Council accepts all complaints unless there is a valid reason not to including where it falls within Appendix 1 of the Complaints Policy.
1.8	A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents.	Yes	The Complaints Policy clearly outlines what can and cannot be considered under the Council's complaints process. The circumstances are fair and reasonable and in line with the Housing Ombudsman guidance.
1.9	If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.	Yes	If a complaint is not to be considered, the resident will still receive a response containing the detailed reasons why the complaint cannot be considered and the response will include escalation rights.

### Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.4	Landlords should recognise the difference between a <b>service request</b> , where a resident may be unhappy with a <b>situation</b> that they wish to have rectified, and a <b>complaint</b> about the <b>service</b> they have/have not received.	Yes	The Council recognises the difference between a complaint and a service request. It mentions in its Complaints Policy, "Some issues do not fall within the category of a complaint and are more appropriately dealt with as a service request. This can include instances where a customer is 'complaining' about a problem that the Council has not created, such as neighbour noise nuisance. The same can be true for a 'complaint' received to report a repair request. These are requests to the Council for appropriate action to be taken."
1.5	Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.	Yes	We will include this in our Tenant Satisfaction Measures (TSM) surveys, currently they are being undertaken by phone or in person so we can confirm that residents know how to complain. We will ask the teams undertaking transactional surveys to also confirm the process for making complaints.

## Section 2 - Accessibility and awareness

### Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.	Yes	Complaints can be raised via email, in person, by telephone or using the online form or portal. They can also be submitted via a Councillor or directly to officers if the resident asks for an issue to be processed through the complaints process. We accept all forms including verbal, written or online.
2.3	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.	Yes	The Complaints Policy is available in a clear and accessible format for all residents. The policy contains stages, what will happen, and timeframes.
2.4	Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.	Yes	The Council's website has a dedicated complaints page which is easy to find on the Council's website and through its search function.
2.5	Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.	Yes	The Council is committed to ensure that all residents can access its services and are not disadvantaged in any way. Below are some of the adjustments that can be offered: <ul style="list-style-type: none"> <li>• use of email or telephone in preference to hard copy letters</li> <li>• use of plain English or Easy Read service on our website</li> <li>• communication through a representative or intermediary</li> <li>• rest or comfort breaks in meetings.</li> <li>• provision of information in appropriate alternative formats (eg. large print, Braille, coloured paper etc.)</li> <li>• provision of auxiliary aids</li> </ul>

			<p>The Equality Act 2010 introduced the Public Sector Equality Duty (PSED) which the Council considers when carrying out day-to-day functions, crafting policies and delivering services. All staff undertake equality and diversity training, which is part of the Council's essential training programme. The Council's Equalities Strategy Lead officer is currently undertaking an overarching piece of work which is reviewing accessibility to the Council – not just in terms of physical access but also looking at how residents and customers are able to interact with us and access services/support based on, for example, our use of language in corporate materials. Our Equalities Strategy, due for circulation next year alongside our Borough Plan, will set out a detailed approach on how we aim to remove inequalities and build a better, stronger, more inclusive Brent.</p>
2.6	<p>Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.</p>	Yes	<p>The Complaints Policy, the Housing Ombudsman scheme, a copy of the Council's self-assessment of the code and the Code itself are all publicised on the Council's complaints page. Our final review complaints also signpost residents to the Housing Ombudsman should they remain dissatisfied. The Housing Management Service will include in regular correspondence (leaflets, posters, newsletters) details of the Housing Ombudsman and Complaints Handling Code as well as the Complaints Policy. The Housing Management Service will also be providing information on notice boards, at Resident Associations and will do a run on email signatures for short periods across the year promoting the complaints process.</p>
2.7	<p>Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.</p>	Yes	<p>The Council provides residents with contact information for the Ombudsman in complaint responses, online and in correspondence where appropriate.</p>
2.8	<p>Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted.</p>	Yes	<p>Details for the Housing Ombudsman and LGSCO are available on the Council's webpages and a direct link to the Ombudsmen pages is also provided. The Complaints Policy details a complainant's right to access the Housing Ombudsman Service throughout their complaint.</p>

### Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.2	Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.	Yes	Where a complaint is received through social media, the complainant will be contacted through direct message to supply details so that the complaint can be logged on the Council's CRM system and be investigated. Details of the process is included in the Complaints Policy.

### Section 3 - Complaint handling personnel

#### Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.1	Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the "complaints officer".	Yes	The Housing Management service have a dedicated support team and a Complaints Officer managing complaints. In addition, our principal repairs contractor has a dedicated complaints officer and we have weekly complaints meetings to address lessons learnt from complaints and work on next steps. The Council also have a corporate complaints team that monitor and track all complaints received by the Council. The corporate complaints team compile complaint reports to Cabinet on a yearly basis.
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.	Yes	The Corporate Complaints Team have relevant training in handling complaints and are independent of the service area.

### Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.3	<p>Complaint handlers should:</p> <ul style="list-style-type: none"> <li>• be able to act sensitively and fairly</li> <li>• be trained to handle complaints and deal with distressed and upset residents</li> <li>• have access to staff at all levels to facilitate quick resolution of complaints</li> <li>• have the authority and autonomy to act to resolve disputes quickly and fairly.</li> </ul>	Yes	All complaint handlers receive training on dealing with complaints and complainants. They have autonomy to resolve complaints and approve compensations payments at low level. There is also direct access to senior staff to facilitate quick resolution.

### Section 4 - Complaint handling principles

#### Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.1	<p>Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord's audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre-complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure <b>within five days of receipt.</b></p>	Yes	If the Council feels that a complaint can be resolved at first point of contact, the resident will be asked whether they are in agreement for the service to take action. They will be told in writing that after the action is taken, if they are still dissatisfied they can progress their complaint through the Council's complaint procedure. All complaints at stage 1 and 2 are logged and acknowledged within five working days providing timescales and named officer contact details.



4.2	Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.	Yes	Complaint acknowledgements include a brief summary of the area of complaint and officers dealing with the complaint will promptly contact the complainant to request clarification if any aspect of their complaint is unclear or should the outcome the resident is seeking also not be clear.
4.6	A complaint investigation must be conducted in an impartial manner.	Yes	All complaints are investigated in an impartial manner. Accordingly, any complaints relating to a particular officer will be investigated and responded to by their line manager or a more senior manager. At stage 2 the corporate complaints team investigate complaints to ensure impartiality. These requirements are also stated in the policy and in complaints training to staff.
4.7	<p>The complaint handler must:</p> <ul style="list-style-type: none"> <li>• deal with complaints on their merits</li> <li>• act independently and have an open mind</li> <li>• take measures to address any actual or perceived conflict of interest</li> <li>• consider all information and evidence carefully</li> <li>• keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.</li> </ul>	Yes	All complaint handlers receive relevant training on complaints handling to conform to the points listed. There is also guidance on the Council's intranet pages to reinforce these points to officers. Annual Data Protection training is also a mandatory training requirement for all officers.
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication	Yes	The Council considers any reasonable arrangements agreed by the resident relating to frequency and method of communication and adheres to those methods.
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> <li>• set out their position</li> <li>• comment on any adverse findings before a final decision is made.</li> </ul>	Yes	Where a complaint is made and a staff member or resident is subject of the complaint, they will be given the opportunity to provide their account of events and provide any comments before a decision is made and a final response is issued. Of course this will be in accordance with any GDPR limitations.
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint	Yes	Escalation timescales are contained within the Council's Complaints Policy.

4.14	A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.	Yes	The Council does not refuse to escalate a complaint through its complaints procedure unless there is a valid reason. Reasons why a complaint may not be escalated is stipulated in the Council's Complaints Policy.
4.15	A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.	Yes	All records of the complaint are logged on the Council's case management system. This includes dates, complaints and responses, relevant correspondence and documentation, any compensation and corrective actions/service improvements and outcomes. Corrective actions and service improvements are separately monitored by the service to ensure actions are carried out. We also record issue types and root causes of complaints.
4.18	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.	Yes	The Council's Vexatious Complaints Policy provides procedures on how to manage unacceptable behaviour from residents and/or their representatives when pursuing a complaint.

### Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.3	Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic	Yes	The Council always tries to be explicitly clear at the start of the complaint process as to what outcomes are within scope and what may not be achievable.
4.4	A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.	Yes	We do our best to resolve a complaint at the first point of contact. We consider the issues and after full consideration will propose a reasonable solution. Any immediate actions will be taken as soon as possible.
4.5	Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.	Yes	The Council accept complaints from advocates, a representative or family member as long as consent from the complainant has been provided. Where reasonable they are also able to attend any meetings.
4.8	Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties.	Yes	The Council will clearly set out its understanding of the obligation of both parties and refer to any relevant legislation where available and incorporate legal advice if appropriate.

4.9	Communication with the resident should not generally identify individual members of staff or contractors.	Yes	When communicating with customers, we provide names of officers or contractors only when necessary so that the complainant has a named officer and contact details should they wish to discuss their case. Complaint responses will only mention individual officer names when necessary and where they have had direct involvement with the complainant.
4.10	Landlords should keep residents regularly updated about the progress of the investigation.	Yes	Where reasonable, officers will keep residents updated with the progress of their investigation. Complainants are informed in advance on the rare occasions when there will be a delay in responding.
4.16	Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and learning culture.	Yes	We have Tenant Satisfaction Measures (TSM) surveys in place. We carry out post inspections in relation to some repairs so that feedback can be provided. We also ask at the end of every response for complainants to let us know if they have any remaining concerns.
4.17	Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained	Yes	Stage 2 complaint responses and Ombudsman decisions are circulated across the service so that learning can be gained. Staff are also supported and provided with complaints training and assistance on completing corrective actions or service improvements.
4.19	Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.	Yes	Restrictions placed following unacceptable behaviour and managed through the Vexatious Complaints Policy consider the Equality Act 2010 and impact on individual complainants. Only necessary restrictions are applied relating to specific issues. We always allow residents in these circumstances to access Council services more generally. We also have review periods for restrictions.

## Section 5 - Complaint stages

### Mandatory 'must' requirements

#### Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.1	Landlords must respond to the complaint <b><u>within 10 working days</u></b> of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	The Council aims to respond to all Housing Management complaints within 10 working days, where possible. There will be circumstances in which this is not possible, in which case the 20 working day timescale will be applied. Complainants will be advised of the likely response timescale in acknowledgements.
5.5	A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.	Yes	A complaint response is provided once an investigation has been completed and no later than the maximum timescale outlined in the Complaints Policy. Any actions required following the investigation will be logged with a timescale and tracked until completion.
5.6	Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	The Council addresses all points raised in the complaint, clearly providing reasons for decisions and referencing any relevant law/good practice.
5.8	Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language: <ul style="list-style-type: none"> <li>• the complaint stage</li> <li>• the decision on the complaint</li> <li>• the reasons for any decisions made</li> <li>• the details of any remedy offered to put things right</li> <li>• details of any outstanding actions</li> <li>• details of how to escalate the matter to stage two if the resident is not satisfied with the answer</li> </ul>	Yes	The Council follows the points provided in all Stage 1 complaint responses. The Council has a template available for officers to use so that all the points are addressed.

## Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.9	If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.	Yes	All stage 1 complaints inform complainants that if they remain dissatisfied, they can escalate their complaint and details are provided of how they can do this. Where an exclusion ground applies, the complainant will still receive a formal response explaining the reasons as to why we will not escalate and be provided with the Ombudsman details should they wish to escalate.
5.10	On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.	Yes	As part of the investigation the officer will ask for clarification or further details to establish any outstanding issues and desired outcomes if required.
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.	Yes	Complaints are only escalated to stage 2 once a stage 1 response has been issued and at the request of the complainant. But we reserve the right to take it straight to the final stage if we think that is the best way forward in a particular case.
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.	Yes	All stage 2 responses are investigated by the Corporate Complaints team who are independent of the service area and officer who has responded at stage 1. Corporate directors or the Chief Executive review and sign off stage 2 complaints. If they are unavailable due to leave, this is delegated to a director to approve and sign off.
5.13	Landlords must respond to the stage two complaint <b>within 20 working days</b> of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	The Council aims to respond to all stage 2 Housing Management complaints within 20 working days, where possible. There will be circumstances in which this is not possible, in which case the 30 working day timescale will be applied. Complainants will be advised of the likely response timescale in acknowledgements.

5.16	<p>Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:</p> <ul style="list-style-type: none"> <li>• the complaint stage</li> <li>• the complaint definition</li> <li>• the decision on the complaint</li> <li>• the reasons for any decisions made</li> <li>• the details of any remedy offered to put things right</li> <li>• details of any outstanding actions</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• if the landlord has a third stage, details of how to escalate the matter to stage three</li> <li>• if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.</li> </ul>	Yes	At the completion of a stage 2 investigation, a response is issued which includes the points stated. The response includes a summary of the complaint, a chronology of any relevant events, the decision and reasons for it. It also includes any actions and learning with timescales for implementation and a reasonable remedy which may include compensation.
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### Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.17	Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.	Yes	The Council operates a two stage complaint process.
5.20	<p>Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:</p> <ul style="list-style-type: none"> <li>• the complaint stage</li> <li>• the complaint definition</li> <li>• the decision on the complaint</li> <li>• the reasons for any decisions made</li> <li>• the details of any remedy offered to put things right</li> <li>• details of any outstanding actions</li> <li>• details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied</li> </ul>	N/A	The Council operates a two stage process.

## Best practice 'should' requirements

### Stage

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.2	If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.	Yes	Where the Council requires more time to investigate the issues and provide a response, this is agreed with the resident.
5.3	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.	Yes	If the resident is unhappy with the extension period and we are unable to agree a timescale, Ombudsman details will be provided and the Council will continue with its investigation and provide a response as soon as possible.
5.4	Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.	Yes	Where there is a recurring issue, the Council will review the relevant history and provide a remedy on all available evidence.
5.7	Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.	Yes	Where additional complaints are raised during the investigation, these will be incorporated if relevant and if the response has not yet been issued. If the issues require significant time to be looked into and would delay the response, a new complaint will be logged or new timescale will be agreed with both parties.

### Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.14	If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.	Yes	If any extension is required to respond to the complaint fully, this is agreed by both parties.
5.15	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response	Yes	Where an agreement cannot be reached, Ombudsman details will be provided and the Council will continue with its investigation and provide a response as soon as possible.

### Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.18	Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint <b>within 20 working days</b> of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.	N/A	The Council operates a two stage process.
5.19	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.	N/A	The Council operates a two stage process.



## Section 6 - Putting things right

### Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.	Yes	The Council will always try to resolve the issues as soon as possible. If the Council is at fault, it will accept fault, offer an apology and provide a plan of action to put things right if the issues have not yet been resolved.
6.2	Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.	Yes	The Council follows the remedy guidance provided by the Housing Ombudsman. All remedies are considered on their own merit and in line with published guidelines. The Council will try its best to manage expectations of what can and cannot be delivered.
6.5	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	Any actions to be taken to remedy fault will be explained and clear timescales will be provided. Corrective actions will be monitored and tracked to completion.
6.6	In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.	Yes	The Council follows the Housing Ombudsman guidance on compensation and considers payments that are required by law, any refunds/losses, time/trouble, distress and inconvenience.

### Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.3	Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.	Yes	The Council will always try to learn lessons from complaints and implement any service improvements to benefit residents.
6.7	In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.	Yes	The Council does liaise with its legal department where there may be a legal entitlement to redress so that a reasonable offer of redress is provided.

## Section 7 - Continuous learning and improvement

### Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.2	Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.	Yes	<p>Learning from complaints is included in the Council's Annual Complaints Report which goes to Cabinet and is considered at scrutiny committees. If some of the recommendations include training needs or reminders to staff, senior managers will communicate this. Residents are informed in complaints responses of any service improvements that will be implemented as a result of their complaint.</p> <p>Under the new tenant engagement strategy and model there is a clear commitment to respect for resident feedback and how this is not only implemented in the service but positive change is communicated back to the resident. Examples include: A tenant and leasehold led review of complaint responses min once per year, include learning from trends in our complaints in tenant targeted comms and when reviewing policies use complaints as a form of insight.</p> <p>To effectively embed a culture of respect for resident feedback, the service responsible for engagement will carry out training and briefings with individual teams and a quality management system will be linked to the new strategy to measure impact and identify gaps in practice.</p>

**Best practice 'should' requirements**

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.3	A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.	Yes	The Deputy Leader has complaints within their portfolio. Complaints are reported quarterly to the Council's Management Team (CMT) and annually to Cabinet, Policy Co-ordination Group (PCG) and Scrutiny.
7.4	<p>As a minimum, governing bodies should receive:</p> <ul style="list-style-type: none"> <li>• Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders</li> <li>• Regular reviews of issues and trends arising from complaint handling,</li> <li>• The annual performance report produced by the Ombudsman, where applicable</li> <li>• Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.</li> </ul>	Yes	<p>Information relating to complaints is provided quarterly to CMT which includes: Volumes, Performance, Outcomes, Compensation, Root Causes, and Ombudsman Cases.</p> <p>All Ombudsman decisions are circulated to Corporate Directors, Directors, Heads of Service and officers involved with the complaint when the decision is received. The upheld Final Decisions are also circulated to the Chief Executive, the Leader, and Deputy Leader as portfolio holder. A summary of the upheld cases are also included in the Council's annual report. The self-assessment the Council undertakes in relation to the Housing Ombudsman Code will be included in the Council's annual complaints report if there have been any significant changes.</p>

7.5	Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.	Yes	Themes and trends are highlighted to senior management and corrective actions are issued to service areas to complete. Any learning is passed to officers and contractors and service improvements are implemented such as change in policy, etc.
7.6	Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to: <ul style="list-style-type: none"> <li>• have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments</li> <li>• take collective responsibility for any shortfalls identified through complaints rather than blaming others</li> <li>• act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.</li> </ul>	Yes	The Council works collaboratively with teams across departments to achieve a joined up approach to complaints. Council services collectively take responsibility and identify solutions to make things right.

## Section 8 - Self-assessment and compliance

### Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
8.1	Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.	Yes	The Council carries out a self-assessment of the code on a yearly basis.
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.	Yes	The Council will carry out a self-assessment if there have been significant changes.
8.3	Following each self-assessment, a landlord must: <ul style="list-style-type: none"> <li>• report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members</li> <li>• publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents</li> <li>• include the self-assessment in their annual report section on complaints handling performance</li> </ul>	Yes	The outcome of the self-assessment is reported to elected members. It is also published on the Council's website and included in the Annual Report.

## Appendix D - Damp and Mould Self-Assessment

### Spotlight on: Damp and Mould

#### Chapter 1: From reactive to proactive

**1. Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.**

*A revised damp and mould procedure has been developed and confirms our zero-tolerance approach to damp and mould and sets out our current strategy for achieving this. Our aim is to ensure every tenant feels confident in how they can take steps to prevent damp and mould and they have trust in us as a landlord to resolve damp and mould issues as a priority.*

*Our procedure is underpinned by a comprehensive approach to identifying and tackling damp and mould and outlines all relevant channels and interventions we have in place, this includes;*

- *Investing in training for both technical and non-technical staff to raise the competence of our workforce and their ability to identify damp and mould*
- *Home visits, specifically tenancy audits which include a full inspection of a home and use of our contractors who carry out responsive repairs to report any issues they identify*
- *Utilising the expertise of the local authorities private housing team to carry out independent inspections of 10% of homes each year*
- *Using data to identify homes that could be more susceptible to damp and mould including energy efficiency, stock condition surveys and the life-cycle of major works required*
- *Maintaining contact with all tenants who have experienced damp and mould to ensure they feel supported to report any re-occurrence.*
- *Collaborating with NHS practitioners to revise the advice on how to better manage moisture within homes and the publication of a new look damp and mould leaflet*
- *Attending a live radio show called 'Brent Health Matters' on The Beat 103.6FM and sharing the things we are doing to help residents tackle issues around damp and mould in their homes, providing advice on how residents can positively influence and improve the spread of mould and what to do if they are suffering with mould.*

**2. Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.**

*The response in question 1 sets out our position for taking a proactive approach to intervening for damp and mould.*

*If a concern is identified, a qualified surveyor from the Housing Property Service will inspect the property. We can prioritise and carry out an inspection within 48 hours if we are provided with photographic evidence and the issue is deemed as severe and within 28 days if it is deemed to be minor issue such as a small patch of mould, this is in line with NHS advice.*

*The policy also sets out the support and care provided for tenants during this time. The Housing Officer will be responsible for carrying out an assessment of the tenant and household members and any lifestyle factors they may need support with. An example of this is if the home is cold or the tenant is struggling to pay utility bills then a referral to the Brent Hub will be carried out and our outreach service Green Doctors who provide independent advice on staying warm and saving money will assist. The Council also operates the resident support fund which officers in housing can fast track applications for tenants for if they are experiencing financial hardship.*

*(see D8 9259 Damp and mould Leaflet - Karen Luke D8). We carry out post inspection of all damp and mould remedial works to confirm works have been carried out as specified. We also provide literature in the form of an advice sheet that provides useful information on how to manage moisture within our residents' homes. All work orders related to D&M carry a tagged code to enable us to have 100% visibility of all D&M jobs completed.*

*Leaks in homes, particularly leaks that occur over a long period and are unreported contribute to damp and mould within a home. We have strengthened our forced entry procedure to ensure we are able to resolve leaks as quickly as possible even if there is no engagement from the tenant. This is proved an effective intervention and there have been over 200 forced entry warnings issues and five forced entries carried out in the past 12 months. All successfully led to entry being gained.*

### **3. Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'.**

*We have a wide range of channels to report damp and mould, in order to make the service as accessible as possible. These include;*

- *Telephone to the in-house call centre*
- *Online portal My Account*
- *Dedicated email address for damp and mould [dampandmould@brent.gov.uk](mailto:dampandmould@brent.gov.uk)*
- *Five hubs across the borough for those who need face to face support to report issues*
- *Elected members who can advocate on behalf of tenants and report issues where required*
- *Translation services*

*The Council's website and portal My Account, which allows tenants to report all types of repairs including damp and mould has been assessed for accessibility. This has been carried out by companies such as The Shaw Trust, THco and All Able. All recommendations to improve accessibility have been implemented and key features of these platforms includes options for audio, larger font and translation services where required.*

*The Council has also produced standard accessibility guidance to help officers produce information that is accessible to all, this includes guidance on written communication, face to face and telephone.*

*Officers carrying out visits and inspections know how to contact interpreting services, this can include video interpretation for a British Sign Language Interpreter.*

**4. Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.**

*We have reviewed the need to upgrade existing trickle and timer operated mechanical extraction and decided that a humidistat fan will be the best way to automatically manage excess levels of moisture within homes, this is regardless of the condition of the existing fan because we acknowledge that fans are an integral part of managing moisture and a 'smart' fan will be more effective.*

*We also review and consider inherent building defects in similar archetypes and neighbouring properties. We arrange inspections where there are multiple issues within a block, this approach is to confirm that there are no residents 'suffering in silence' and unaware that we are here to assist with any defects that they are living with.*

*We carried out a review of the data held on our systems relating to historical reports of damp and mould. The information gathered created a list of 880 properties that had reported suffering from damp and mould over the last seven years. We contacted all residents by various media such as letters, emails and text messages and requested the opportunity to visit and carry out a follow up inspection to those still suffering from damp and mould in their homes. We prioritised inspections based on photographic evidence and have implemented a programme of remedial works to eradicate the presence of damp and mould in our residents' homes.*

**5. Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.**

*We are committed to using the information we hold to proactively identify re-occurring cases of damp, mould or condensation or properties that could be more susceptible to these issues. This could include the energy efficiency of a building, stock condition and when major works are due to be carried out such as windows and roofs.*

*We have recently concluded a pilot utilising smart technology to better enable us to effectively combat damp and mould in our residents' homes. We worked with Vericon Systems and Bosch to install IOT (Internet of Things) smart sensors that detect high levels of condensation within homes and data on air flow and a sensor linked to the boiler. This information is sent to an online portal and flags and emails an alert when homes exceed safe parameters, and the conditions are likely to cause mould related issues. A surveyor will then contact the resident to discuss and provide advice on how to better manage moisture issues within their home. We have now taken the bold decision to install sensors in to all current and future void properties as part of the void lettable standard.*

*When we identify trends within a block or similar archetypes such as street properties, we will contact residents and will investigate issues that residents may be suffering from – door knocking with Technical and Tenancy colleagues. Low and high users of the repairs service are also highlighted by our data team, and tenancy audits are arranged.*

*We are now installing the sensors as part of our voids refurbishment. We are also considering a potential change in our tenancy agreements, to facilitate the use of sensors in residents' homes.*

**6. Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that they regularly engage and communicate with these residents.**

*We will always look to maximise the income from our housing stock and this may mean reviewing empty homes such as those on regeneration sites for various types of short term relet including temporary decants. If we highlight potential decant property within a regeneration scheme, we will carry out a cost analysis to determine the viability, If it is not viable to return the property to a lettable standard we will not do so.*

*When we have confirmed the viability of a property within a regeneration scheme, we have an enhanced lettable standard for viable properties. This includes full decoration and carpets and the same overall zero-tolerance approach to damp and mould, the specification mentioned above is for all homes owned and let/managed by Brent as a minimum standard.*

*Before a property is considered for Temporary Accommodation, Emergency Accommodation or decant we thoroughly inspect and carry out any repairs required to meet the Housing Health and Safety Rating System (HHSRS) and our own Lettable standard.*

**7. Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.**

*As a landlord it is our responsibility to keep the homes we manage safe and well maintained. We adhere to Housing Ombudsman advice, tackling damp and mould at the earliest opportunity and proactively. When we identify or receive a report of damp and mould, we will have a qualified surveyor attend the property to carry out a thorough inspection.*

*We recruit qualified surveyors and prioritise their ongoing professional development to ensure knowledge and skills are kept up to date and reflective of best practice.*

*If the home is confirmed to be affected by damp and mould following an inspection, we will then:*

- *Upgrade any existing extractor fans to humidity-controlled extractor fans*
- *Carry out a three stage mould treatment in the property and;*
- *Follow up with full redecoration of any affected rooms.*

*These works will take place whilst tenants remain in their home. There may be occasions where tenants are offered a temporary decant e.g. due to vulnerability, this would need to be agreed by the Brent Housing Management Panel.*



*As stated, the Housing Officer will be responsible for carrying out an assessment of the tenant and household members and any lifestyle factors they may need support with and can contribute to damp and mould growth e.g. heating the home.*

*All the surveying team have had further training on the causation and treatment of D&M, as well as contractors. We have also implemented training around Building Regs, HHSRS and the difference between masking D&M or eradicating it, using correct treatments, ventilation and in-depth diagnosis.*

**8. Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.**

*The materials that have been produced to date to support our approach to damp and mould have enabled us to act quickly to contact tenants. The tenant engagement team however have committed to hosting a focus group with tenants who have been impacted by damp and mould to review the materials and their experience of the process so we as a landlord can make improvements and strike the right tone.*

*This review will be completed by October 2023.*

**9. Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.**

*When a resident contacts the council to request a mutual exchange a health and safety visit is arranged by the tenancy officer and a surveyor is invited to carry out a HHSRS inspection. The surveyor will address any repairs required that fall with the council's responsibility and any repairs that are deemed to be residents damage will be listed and the resident will be required to complete these repairs before the mutual exchange is signed off. The HHSRS survey will highlight all repairs that are required to satisfy us that a property is fit for habitation.*

**10. Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.**

*Our standard specification includes eradicating mould issues and improving airflow, where we improve thermal efficiency, we will also educate residents on how best to use and manage energy consumption and moisture management as a direct result of the improvements we deliver.*

*If there is a fundamental building fabric failure within a home such as a failed damp-proof course or damp proof membrane, we have consulted with residents and taken the decision to rehouse, this can be a temporary or permanent move and will consider the disruption and timeframe to complete works.*

*We have identified a mixture of period as built or converted street properties and medium height blocks. These homes will benefit from a programme of works to increase their energy performance to a C rating. This will be achieved by installing external, internal or cavity*

insulation and loft insulation, we will also be upgrading or installing mechanical ventilation and renewing more efficient windows.

## **Chapter 2: From inferring blame to taking responsibility**

### **11. Landlords should review, alongside residents, their initial response to reports of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.**

*As a landlord it is important to us that tenants do not feel blamed for damp and mould in their home. We recognise damp and mould is a complex issue and there are many contributing factors. Our priority, once it is identified, is to act swiftly to treat the problem no matter how it was caused and then work with the tenant to explore and understand contributing factors both structure and non-structural. As mentioned this can include offering support.*

*There will be instances where knowledge and education play a part, but this will be made clear in the advice given when communicating with residents.*

*Officers are trained to ensure they are empathetic and respectful to the tenant when discussing or communicating with them about damp and mould. The tenant experience focus group will give us more in-depth insight in the how successfully this is being implemented and we are committed to continuing to learn from tenants.*

*We have also introduced a 2-stage review of written responses to tenants to ensure that when advice is offered, in a response, it is done very sensitively and appropriate language is used.*

### **12. Landlords should consider their current approach to record keeping and satisfy themselves it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.**

*We record all interactions with residents on our CRM system, this includes all communication, specifications and works orders. We communicate in various forms to make sure residents receive important information relating to damp and mould surveys, this can be by email, text message and hard copy letters.*

*All damp related service requests and/or inspections and follow-on works are recorded by inspection type and a prefix of 'Damp and Mould' is included in job description. All inspections or work orders that include an element of damp and mould are monitored and tracked and require a physical post inspection on completion of works. We run weekly reports that include every single instance of damp and mould and discuss at weekly meetings with our repairs contract provider.*

*We deliver a rolling programme of stock condition surveys that consider the Housing Health and Safety Rating System (HHSRS), all HHSRS failures are recorded and fed back to the repairs team. This will result in a works order being raised to remedy the failure, or an inspection being arranged for a surveyor to visit to investigate further if is a category 1 failure.*

### **13. Landlords should ensure that their responses to reports of damp and mould are timely and reflect the urgency of the issue.**

*We will visit all homes where there has been a report of damp and mould. We aim to visit a home within 28 days, this can be brought forward if it is a severe case, in order to determine the severity we will ask for photographs to be provided so we can carry out a desktop assessment.*

*We have the resource to arrange an inspection at our resident's convenience and can scale up this resource to meet the demand. We are conscious that there are many residents suffering from damp and mould that we may have failed in the past, this is why we have reached out to almost 900 residents and requested clarification if they are still suffering from damp and mould in their homes. We will be piloting a patch-based surveying approach to improve ownership and relationships with key stakeholders, this will also include a buddy system whereby we always have cover for patches where a patch surveyor is absent. This will go live when we have brought all surveyors up to the required level on all aspects of surveying, including void, disrepair, damp diagnosis and structural surveys. This is envisaged to go live on Monday 4th December 2023.*

**14. Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.**

*Residents are awarded £100 compensation if a contractor fails to attend a confirmed appointment. If a resident fails to provide access for a confirmed appointment our contractor will contact the resident and attempt to gain access up to a maximum of 3 attempts. If access is not provided, we will liaise with colleagues in Tenancy Services and will seek an injunction. We work closely with colleagues in review the data we hold to identify vulnerable residents and residents that may have a preferred language other than English.*

*We meet our current service provider on a weekly basis and missed appointments are discussed and measures have been put in place such as prefix to all works order descriptions to advise of works and post inspection requirement on completion of works.*

**15. Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.**

*We have delivered in-house training for Brent Surveyors and Contract Supervisors on a number of key areas such as;*

- *HQN - An introduction to HHSRS inspections for Repairs Surveyors*
- *Mould Growth Solutions training on the causes and remedial works for damp and mould*
- *Tool box talks for our repairs contractor operatives regarding how to diagnose mould within homes and the correct eradication process.*
- *Housing Quality Network (HQN) delivered Understanding the new safety regime — the Building Safety Act and Social Housing Regulation Bill*

*We regularly review best practice and changes to legislation and provide the required training when required.*

**16. Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.**

*We have taken the actions listed above in 14 but are also supporting staff to become qualified in their field. In 2022 the Council commissioned the Housing Quality Network to deliver damp and mould training for non-technical staff which was attended by 74 staff members all of whom come into contact with residents and or carry out home visits. These included; housing officers, contact centre operatives and front line managers. The purpose of this training was to upskill officers to identify damp and mould in residents home and the consequences on residents quality of life if not addressed. This training set out the expectation for all officers in contact with residents to ensure they report concerns if damp and mould is highlighted in any form of communication with residents or physically seen in the property. This training will form part of an annual refresh and be rolled out to all relevant officers each year.*

**17. Landlords should ensure that they clearly and regularly communicate with their residents regarding actions taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.**

*We have provided clear guidance to our repairs team and repairs contractor regarding the requirements and action required if damp and mould is found within a resident's home.*

*We communicate with residents throughout the journey from the initial scheduling of an appointment and during a surveying visit through to the contractor making an appointment to carry our remedial works. This includes sharing knowledge on how to manage moisture within the home to avoid an issue such as condensation-based damp and mould returning on completion of repairs. We share information such as the importance of not blocking ventilation points and making sure fans are not switched off and the reason why.*

**18. Landlords must ensure there is effective internal communication between their teams and departments and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.**

*The Property Services Resolution team deliver this service, the Resolution Team Manager is tasked with ensuring that actions included in a complaint resolution are tracked and that agreed deadlines are met. The information is collated by the Resolution Team and the complaint file is updated This information has been shared with residents, staff and Councillors.*

**19. Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.**

*There is a dedicated resolution team in place who deliver this service and they will always follow the Complaints Handling Code. Brent Council's complaints policy is also inline with the*

*Code and the Council follows the remedies guidance from the Housing Ombudsman when considering compensation and redress.*

*On an annual basis we work closely with the corporate complaints team to complete the self-assessment against the complaints handling code to ensure we are compliant and in keeping with the requirement of the housing ombudsman.*

*Our complaints service also offer regular feedback on stage 2 complaints and or cases that have escalated to the ombudsman to managers in the service in order to learn from complaints.*

### **Chapter 3: From disrepair claims to resolution**

#### **20. Landlords need to ensure they can identify complex cases at an early stage and have a strategy for keeping residents informed and effective resolution.**

*Please refer to point 13 above.*

#### **21. Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the outcomes of all surveys and inspections with residents to help them understand the findings and be clear on next steps. Landlords should then act on accepted survey recommendations in a timely manner.**

*We work closely with several consultancies through the Fusion21 Framework and always deliver works where recommendations have been provided. We explain the outcome of the independent inspection and the recommended course of action, what this entails, and what the expectation is on completion of works.*

*We have shared reports with residents when there has been a challenge relating to the cause of damp or mould and will continue to do so. When we appoint a consultant, the outcome is impartial and independent and if there is a requirement to carry out remedial works we will always act on those recommendations and share the outcome with our resident.*

#### **22. Where extensive works may be required, landlords should consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.**

*Our procedure outlines this position clearly stating...*

*If the home is confirmed to be affected by damp and mould following an inspection, we will then:*

- *Upgrade any existing extractor fans to humidity-controlled extractor fans*
- *Carry out a three stage mould treatment in the property and;*
- *Follow up with full redecoration of any affected rooms.*

*These works will normally take place whilst tenants remain in their home. There may be occasions where tenants are offered a temporary decant e.g. due to vulnerability, this would need to be agreed by the Brent Housing Management Panel. Note a panel meeting can be called at any time if an urgent response is required.*

*Tenants who live in homes where there are repeated or serious cases of damp, mould or condensation and extensive structural works are required will be considered for either a temporary or permanent decant depending on the length of time works are likely to take. This in line with the Housing Allocations Scheme.*

*The dedicated patch housing officer will support any household who is decanted due to damp, mould or condensation.*

**23. Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.**

*There is a dedicated resolution team in place who investigate and resolve complaints and they follow the Complaints Handling Code.*

*When a complaint is identified outside of the 'official system', we ask for it to be logged and inform residents of the need to create an escalation pathway for the complaint to go through the Council's complaints process.*

*As part of the resident engagement strategy, we encourage our surveyors to promote feedback whether it is a compliment or a complaint as there is always opportunity to learn and staff are all aware of our complaints policy and can advise residents how express dissatisfaction.*

*The complaints process is advertised Via the council's website, by word of mouth through officers and via focus groups and residents associations.*

**24. Landlords should continue to use the complaints procedure when the pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. Landlords should ensure their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.**

*This procedure has been shared with colleagues and where possible we will always separate the elements correctly and deal with complaints alongside disrepair complaints.*

*We do not differ in our approach to dealing with damp and mould whether it is because we have received a pre-action protocol, or a resident has contacted us to advise they are suffering from damp and mould.*

*Our complaint team and legal team are kept informed of any action taken and responses sent out and works are tracked through to completion and then post inspected to confirm we have resolved all of our residents concerns.*

#### **Chapter 4: From a complaints to a learning culture**

**25. Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.**

*In conjunction with our damp and mould programme, which has been running since April of this year, we have rolled out a robust leak process which has shown collaboration in place*

*between Brent Surveyors, Contractors, our Housing Officers and an external Security contractor, in order to resolve uncontrollable leaks.*

*Even in situations where multiple dwellings are affected, and access is required to multiple flats in order to trace and remedy.*

*After a tentative start, we are now hitting 100% success rate, which in turn is resolving leaks, heading off potential complaints and disrepair cases at source as well as making important savings on the extraordinary costs and heartache involved in resolving these in a more protracted way. We have attached a Journey Map which describes the protocol in detail.*

*This is now part of the contractor's induction for new staff, as well as members of the property services team.*

*This approach has not changed and has seen circa 200 leaks that could have escalated if not for the robust leak process that has been rolled out to all escape of water instances. This not only improves our residents experience but saves on future litigation costs and enabling us to channel that budget to our residents' homes and not legal costs.*

*Our quarterly service area meetings create the opportunity to share learning with the wider team. In addition, positive good news stories in relation to complaints management/handling are shared. We have a localised system of tracking trends. This is shared with our principal contractors monthly so any flagged areas can be promptly addressed.*

*Our repairs provider has arranged and delivered TPAS customer service training got their trade operatives and back officer support, this was highlighted following a complaint around an operatives behaviour.*

*The Leak/Asbestos Process was introduced following a review of a complaint received from 10 Dickens Court, the complaint centred on the time taken to affect a repair because of delays caused by suspected asbestos in an access panel. The new process has help cut down on the bureaucracy of the standard asbestos process which was having an impact on the timely resolution of repairs and subsequent complaint.*

**26. Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.**

*We have completed a review project on Housing Management complaints and provided criteria to assess complaint responses on, which included tone and empathy. This was shared with officers within Housing management and provided the individual officers with our assessment of their responses so that improvements could be made.*

*Officers working on Complaints drafts are provided with weekly bite size training to ensure that all areas identified as falling short of expectations are addressed. Going forward, it will be linked to performance.*

*Once a damp and mould complaint is reported, an urgent inspection is arranged to assess the situation. If children or elderly are identified in the affected property, a dedicated officer is assigned to the case to help to track the process to completion, ensuring that regular phone calls and visits (if required) are made to the resident to keep them updated.*

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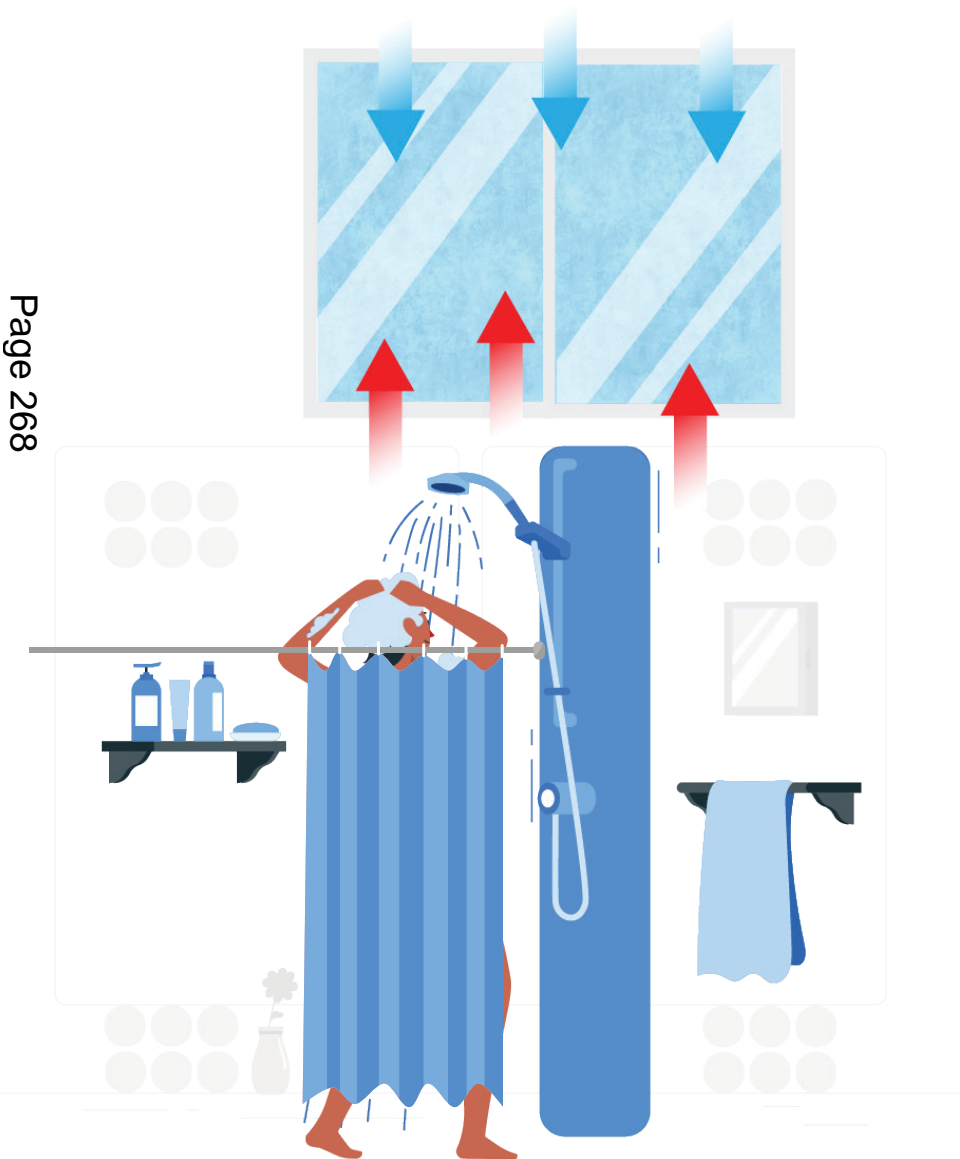
What to do about

# damp, mould and condensation in your home



## What is condensation?

If condensation has nowhere to escape, it will cling to your household surfaces as damp, and could lead to the growth of mould.



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## Is mould dangerous?

If mould gets onto your skin, or if you inhale it into your lungs, it can cause an allergic reaction. This can appear as a runny nose, sore throat or skin rash.

In some cases, it can lead to something even more serious like stopping you being able to breathe properly.

Babies, small children, people with underlying conditions such as asthma, and elderly people are most at risk.



# How to prevent mould

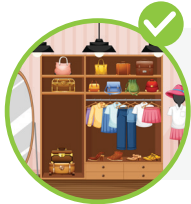
## What to do



Use extractor fans or cooker hoods if you have them



Use a dehumidifier where condensation occurs



Where possible, position wardrobes and move furniture against internal walls



Remove mould growth with a fungicidal wash



Open windows regularly, especially your kitchen and bathroom for half an hour after you've used it



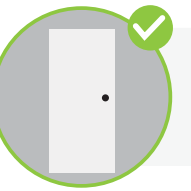
Dry washing outside on a line if possible



Keep your home as warm as possible by keeping the heating on, even if at a low heat



Dry wet clothes in the bathroom with the door closed and the window open or a fan on



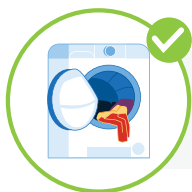
Close the kitchen and bathroom doors when these rooms are in use



Wipe dry condensation from windows and walls



Wash mildewed clothes and shampoo carpets.

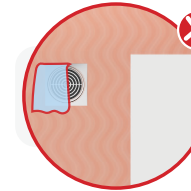


If possible, use a tumble dryer to dry your clothes

## What not to do



Don't use paraffin and flueless bottled gas heaters



Don't block air vents



Don't fill cupboards to bursting point, allow the air to flow



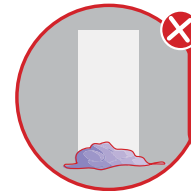
Don't draught-proof a room where there is a cooker or a fuel-burning heater, like a gas fire



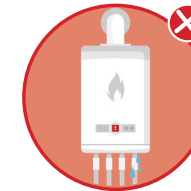
Don't place furniture or heavy curtains in front of radiators



Don't dry washing on radiators



Don't draught-proof rooms where there is condensation or mould



Don't let your boiler go unserviced. Get it checked annually.

## Remember:

1. Open your windows regularly to air out your home
2. Keep your home warm

## Contact us:

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If you are a council tenant or tenant in the private rented sector and are doing all the actions in this leaflet on a regular basis in order to clean and prevent the growth of mould, but you are still having issues with mould in your home, you can contact the council.

Private rental tenants with issues regarding damp and mould should report the matter to the landlord. If the landlord fails to respond within 28 days, you can report it to Brent Council's Private Housing Team who will support with enforcement action:  
**[www.brent.gov.uk/reportarepair](http://www.brent.gov.uk/reportarepair)**

If you are a council tenant and have issues with damp and mould in your home after taking all the actions in this leaflet, you can report it to:  
**[dampandmould@brent.gov.uk](mailto:dampandmould@brent.gov.uk)**

## How we will help you:

- We will act on all reports of damp and mould made to us within 28 days.
- Your health and safety are paramount, and we are here to support you.
- We will look into what is causing mould in your home and work with you on a plan to fix it as quickly as possible.
- For council tenants, our surveyors will upgrade humidity-control appliances, remove mould and redecorate affected areas, as needed.

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If you are a housing association tenant experiencing damp and mould, you must contact your housing association provider.



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## Appendix E – LGSCO Comparison with other London Authorities

Authority Name	Population (estimated)*	Referrals to LGSCO	Detailed Investigations	Upheld	Uphold Rate	Remedy Rate
Barking and Dagenham	218,534	106	22	20	91%	20%
Barnet	388,639	154	50	39	78%	8%
Bexley	246,543	63	17	10	59%	0%
Brent	338,918	99 (Joint 15 <sup>th</sup> lowest)	29 (Joint 13 <sup>th</sup> highest)	22 (Joint 13 <sup>th</sup> highest)	76% (Joint 14 <sup>th</sup> lowest)	41% (Top)
Bromley	329,830	124	38	29	76%	3%
Camden	210,390	95	20	14	70%	0%
City of London	8,618	7	3	0	0%	
Croydon	390,506	198	69	57	83%	16%
Ealing	366,127	127	28	17	61%	12%
Enfield	329,601	129	28	22	79%	14%
Greenwich	289,254	92	38	26	68%	15%
Hackney	259,956	128	28	25	89%	32%
Hammersmith and Fulham	183,295	88	28	18	64%	28%
Haringey	264,130	167	39	31	79%	10%
Harrow	260,987	95	23	17	74%	12%
Havering	262,022	91	18	14	78%	14%
Hillingdon	304,792	122	28	24	86%	8%
Hounslow	287,940	103	23	15	65%	13%
Islington	216,767	98	17	12	71%	17%
Kensington and Chelsea	143,940	69	24	20	83%	10%
Kingston upon Thames	167,845	62	10	7	70%	14%
Lambeth	317,498	204	54	46	85%	13%
Lewisham	299,810	120	31	21	68%	14%
Merton	215,324	60	19	11	58%	27%
Newham	350,626	156	45	37	82%	11%
Redbridge	309,836	134	33	27	82%	22%
Richmond upon Thames	195,232	51	11	10	91%	40%
Southwark	306,374	154	43	35	81%	9%
Sutton	209,517	67	21	16	76%	19%
Tower Hamlets	312,273	118	30	22	73%	5%
Waltham Forest	278,050	121	27	21	78%	19%
Wandsworth	328,367	92	18	15	83%	13%
Westminster	205,087	106	23	12	82%	21%

Key: Outer London  Inner London

\*As per the Office of National Statistics' Mid-Year Estimates June 2021

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