



# Cabinet

**Wednesday, 30 November 2022 at 5.30 p.m.**

**C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent,  
London, E14 2BG**

## Agenda

### Mayor Lutfur Rahman

### Cabinet Members

Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Ohid Ahmed	(Cabinet Member for Safer Communities)
Councillor Saied Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Abu Chowdhury	(Cabinet Member for Jobs, Skills and Growth)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)

[The quorum for Cabinet is 3 Members]

### Further Information

Reports for consideration, meeting contact details, public participation and more information on Cabinet decision-making is available on the following pages.



## Public Information

### Viewing or Participating in Cabinet Meetings

The public are welcome to attend meetings of the Cabinet. Procedures relating to Public Engagement are set out in the 'Guide to Cabinet' attached to this agenda. Except where any exempt/restricted documents are being discussed, the public are welcome to view this meeting through the Council's webcast system.

Physical Attendance at the Town Hall is also welcome, however, seating is limited and offered on a first come, first served basis. **Please note** that you may be filmed in the background as part of the Council's filming of the meeting.

### Meeting Webcast

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<http://towerhamlets.public-i.tv/core/portal/home>

### Contact for further enquiries:

Matthew Mannion, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG  
Tel: 020 7364 4651  
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Web:<http://www.towerhamlets.gov.uk>

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## A Guide to CABINET

### Decision Making at Tower Hamlets

As Tower Hamlets operates the Directly Elected Mayor system, **Mayor Lutfur Rahman** holds Executive powers and takes decisions at Cabinet or through Individual Mayoral Decisions. The Mayor has appointed nine Councillors to advise and support him and they, with him, form the Cabinet. Their details are set out on the front of the agenda.

### Which decisions are taken by Cabinet?

Executive decisions are all decisions that aren't specifically reserved for other bodies (such as Development or Licensing Committees). In particular, Executive Key Decisions are taken by the Mayor either at Cabinet or as Individual Mayoral Decisions.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, above £1million; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee)

### Published Decisions and Call-Ins

Once the meeting decisions have been published, any 5 Councillors may submit a Call-In to the Service Head, Democratic Services requesting that a decision be reviewed. This halts the decision until it has been reconsidered.

- The decisions will be published on: **Friday, 2 December 2022**
- The deadline for call-ins is: **Friday, 9 December 2022**

Any Call-Ins will be considered at the next meeting of the Overview and Scrutiny Committee. The Committee can reject the call-in or they can agree it and refer the decision back to the Mayor, with their recommendations, for his final consideration.

### Public Engagement at Cabinet

The main focus of Cabinet is as a decision-making body. However there is an opportunity for the public to contribute through making submissions that specifically relate to the reports set out on the agenda.

Members of the public may make written submissions in any form (for example; Petitions, letters, written questions) to the Clerk to Cabinet (details on the previous page) by 5 pm the day before the meeting.

# London Borough of Tower Hamlets

## Cabinet

**Wednesday, 30 November 2022**

**5.30 p.m.**

**Pages**

### **PUBLIC QUESTION AND ANSWER SESSION**

There will be an opportunity (up to 15 minutes) for members of the public to put questions to the Mayor and Cabinet Members before the Cabinet commences its consideration of the substantive business set out in the agenda.

### **1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**11 - 12**

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine; whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interests form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services.

### **3. UNRESTRICTED MINUTES**

**13 - 18**

The unrestricted minutes of the Cabinet meeting held on Wednesday 26 October 2022 are presented for approval.

### **4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR**

### **5. OVERVIEW & SCRUTINY COMMITTEE**

#### **5.1 Chair's Advice of Key Issues or Questions**

Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to unrestricted business to be considered.

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## **5 .2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee**

(Under provisions of Section 30, Rule 59 of the Constitution).

## **6. UNRESTRICTED REPORTS FOR CONSIDERATION**

<b>6 .1 Reintroduction of four main parent Controlled Parking Zones</b>	<b>19 - 34</b>
<b>Report Summary:</b> To return to the position where resident parking permit holders can park all day anywhere in the main zone in which they live.	
<b>Wards:</b> All Wards <b>Lead Member:</b> Cabinet Member for Environment and the Climate Emergency <b>Corporate Priority:</b> A council that works for you and listens to you	
<b>6 .2 1 Hour Free Parking for Markets</b>	<b>35 - 52</b>
<b>Report Summary:</b> To provide a facility for visitors to the various Markets around the borough to be able to obtain a one hour free parking session on market days.	
<b>Wards:</b> Bethnal Green East; Bethnal Green West; Lansbury; Shadwell; Spitalfields & Banglatown; Weavers <b>Lead Member:</b> Cabinet Member for Environment and the Climate Emergency <b>Corporate Priority:</b> Boost culture, business, jobs and leisure	



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**6 .3 Recommendation for Direct Award of Learning Disability Supported Accommodation Contracts AHS5141, AHS5144 and AHS5142****53 - 66****Report Summary:**

The Mayor and Cabinet will be asked to approve the direct award of two contracts for Learning Disability Supported Accommodation that will provide 24-hour care and support to people with high and complex needs. These contracts will replace 3 existing contracts AHS5141 and AHS5144 due to expire in March 2023 and AHS5142 due to expire in May 2023.

The Cabinet report will outline the basis for this recommendation which is made in recognition that the care and support is provided as an integral part of service delivery from specialist accommodation that is required to meet HMO and CQC standards. Accommodation of this type is scarce in Tower Hamlets and as the accommodation and support are provided together the options for moving the support to another location is limited due to the lack of alternative provision and will also not be preferable in terms of continuity of care.

**Wards:** All Wards**Lead Member:** Cabinet Member for Health, Wellbeing and Social Care**Corporate Priority:** A council that works for you and listens to you**6 .4 Housing Revenue Account (HRA) 2022 - 25 Capital Programme:  
Latest position****67 - 78****Report Summary:**

The three-year Housing Revenue Account Capital Programme for 2021/22 and future years from 2022-25 of £411.927m, of which £323,129m is allocated to the new council homes programme, was approved by Full Council on 16th March 2022. Following a review and refresh of the approved programme, to reflect the ambitions of the new administration, a revised HRA Capital Programme has been proposed.

This report seeks approval by Cabinet for a revised HRA Capital Programme for the three-year period from 2022-25, for which funding has been identified and allocated.

Subject to budget approval, new schemes that have been added to the Capital Programme will be progressed through the governance process to ensure that the pace of delivery is maintained.

**Wards:** All Wards**Lead Member:** Cabinet Member for Regeneration, Inclusive Development and Housebuilding**Corporate Priority:** Homes for the future

**6 .5 Approval of the action plan arising from the Housing and Regeneration Scrutiny Sub-committee's Fire Safety Review Report (September 2021)**

79 - 136

**Report Summary:**

The Mayor and Cabinet are asked to approve the actions which follow the report of the Housing & Regeneration Scrutiny Sub-Committee's review on fire safety in the borough. This review was requested by the sub-committee's Chair in the wake of the fire at New Providence Wharf on 7 May 2021.

**Wards:** All Wards**Lead Member:** Cabinet Member for Regeneration, Inclusive Development and Housebuilding**Corporate Priority:** Homes for the future**6 .6 Seahorse Homes Limited and Mulberry Housing Society Limited**

137 - 142

**Report Summary:**

This report discussed the future of Seahorse Homes Limited, the Council's wholly owned housing company. It also sets out the future of Mulberry Housing Society Limited, a community benefit society in which the Council held a minority share.

**Wards:** All Wards**Lead Member:** Cabinet Member for Regeneration, Inclusive Development and Housebuilding**Corporate Priority:** Homes for the future**6 .7 Youth Justice Board Annual Report**

143 - 172

**Report Summary:**

It is a constitutional requirement for Cabinet to review the Youth Justice Board annual plan. The plan sets out the priorities and strategic goals of the Youth Justice Board and operational frontline service delivery.

This report highlights the current priority areas raised by the recent HMIP Inspection of Tower Hamlets and City of London Youth Justice Service including the 7 recommendations for improvement.

**Wards:** All Wards**Lead Member:** Deputy Mayor and Cabinet Member for Education and Lifelong Learning (Statutory Deputy Mayor)**Corporate Priority:** Accelerate Education

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**6 .8 George Green Change of Designation from Complex Needs to Autistic Spectrum Condition - Formal Decision following statutory notice.**

173 - 232

**Report Summary:**

The report informs cabinet of the outcome of the four week period of public representation in response to the statutory notice on the prescribed alterations to George Green's School to change of designation of the current resource based provision to ASC and increase the number of places within the provision from 15 to 20 from 1 January 2023.

The report also includes a summary of representations received during the Statutory Notice period and any responses made; updated information on risk and opportunities; officer's recommendations; decisions available to the Mayor in Cabinet.

**Wards:** All Wards**Lead Member:** Deputy Mayor and Cabinet Member for Education and Lifelong Learning (Statutory Deputy Mayor)**Corporate Priority:** Accelerate Education**6 .9 Report on outcome of the preliminary stakeholder consultation (pre-statutory) on the proposal for the amalgamation of The Bishop Challoner RC Federation Girls' and Boys' Schools**

233 - 278

**Report Summary:**

This report presents the outcome of the preliminary stakeholder consultation (pre-statutory) on the proposal to establish a single 11-19 mixed gender secondary school, through the amalgamation (merger) of The Bishop Challoner RC Federation Girls and Boys Schools.

The report explains the background and reasons for this first stage of consultation; the responses received with the views of parents, pupils, staff and the general public. Its purpose is to enable the Mayor in cabinet to decide whether or not the council should proceed to the next stage of the process, which would be to issue a statutory notice informing of the intention for the two schools to amalgamate.

The report includes a summary of representations received and any responses made; risk and opportunities; officer's recommendations; decisions available to the Mayor in Cabinet

**Wards:** All Wards**Lead Member:** Deputy Mayor and Cabinet Member for Education and Lifelong Learning (Statutory Deputy Mayor)**Corporate Priority:** A council that works for you and listens to you

**Report Summary:**

This report sets out, for noting by Cabinet, the Corporate Director's Actions taken under Rule 10 (section 50 Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures) in Part C – Codes and Protocols of the Council's constitution.

The section states that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting and this report fulfils this requirement.

**Wards:** All Wards

**Lead Member:** Cabinet Member for Resources and the Cost of Living

**Corporate Priority:** All Priorities

## 7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

## 8. EXCLUSION OF THE PRESS AND PUBLIC

Should the Mayor in Cabinet consider it necessary, it is recommended that the following motion be adopted to allow consideration of any exempt/restricted documents.

"That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the Press and Public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government, Act 1972".

### **EXEMPT/CONFIDENTIAL SECTION (PINK)**

The Exempt / Confidential (Pink) Committee papers in the Agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

## 9. EXEMPT / CONFIDENTIAL MINUTES

285 - 288

The exempt / confidential minutes of the Cabinet meeting held on Wednesday 26 October 2022 are presented for approval.

## 10. OVERVIEW & SCRUTINY COMMITTEE

### 10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business

Chair of Overview and Scrutiny Committee (OSC) to report on any issues raised by the OSC in relation to exempt/confidential business to be considered.

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**10 .2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee**

(Under provisions of Section 30, Rule 59 of the Constitution).

**11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION**

Nil items.

**12. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT**

**Next Meeting of the Committee:**

Wednesday, 14 December 2022 at 5.30 p.m. in C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



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# Agenda Item 2

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it unless:

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Director of Legal and Interim Monitoring Officer, Tel: 020 7364 4348.

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

# Agenda Item 3

## SECTION ONE (UNRESTRICTED)

CABINET, 26/10/2022

### LONDON BOROUGH OF TOWER HAMLETS

#### MINUTES OF THE CABINET

HELD AT 5.33 P.M. ON WEDNESDAY, 26 OCTOBER 2022

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

#### Members Present in Person:

Mayor Lutfur Rahman	
Councillor Maium Talukdar	(Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor))
Councillor Kabir Ahmed	(Cabinet Member for Regeneration, Inclusive Development and Housebuilding)
Councillor Ohid Ahmed	(Cabinet Member for Safer Communities)
Councillor Saeed Ahmed	(Cabinet Member for Resources and the Cost of Living)
Councillor Suluk Ahmed	(Cabinet Member for Equalities and Social Inclusion)
Councillor Gulam Kibria Choudhury	(Cabinet Member for Health, Wellbeing and Social Care)
Councillor Iqbal Hossain	(Cabinet Member for Culture and Recreation)
Councillor Kabir Hussain	(Cabinet Member for Environment and the Climate Emergency)

#### Other Councillors In Attendance Virtually:

Councillor Nathalie Bienfait  
Councillor Sirajul Islam

#### Officers Present in Person:

Jill Bayley	(Head of Legal Safeguarding)
Sharon Godman	(Director, Strategy, Improvement and Transformation)
Sam Harney	(Mayor's Political Advisor)
Niall McGowan	(Housing Regeneration Manager, Place)
Denise Radley	(Corporate Director, Health, Adults & Community)
Ann Sutcliffe	(Corporate Director, Place)
David Tolley	(Head of Environmental Health and Trading Standards)
Will Tuckley	(Chief Executive)
Kieran Andrieu	(Head of External Relations, Mayor's Office)
Jenny Fisher	(Policy Analyst)
Shuhel Malique	(Mayor's Sports and Wellbeing Advisor)
Shafiqur Rahman	(Mayor's Social Inclusion Advisor)
Elizabeth Asante-Twumasi	(Political Advisor to the Aspire Group)
Kevin Bartle	(Interim Corporate Director, Resources & Section 151 Officer)
Matthew Mannion	(Head of Democratic Services)

**Officers In Attendance Virtually:**

Steve Nyakatawa (Director of Education)  
Peter Maskell (Interim Head of Procurement)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of:

- Councillor Abu Chowdhury (Cabinet Member for Jobs, Skills and Growth)
- Janet Fasan (Director of Legal and Monitoring Officer) for whom Jill Bayley (Head of Lead Safeguarding and Deputy Monitoring Officer) was deputising.
- James Thomas (Corporate Director, Children and Culture)

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

There were no Declarations of Disclosable Pecuniary Interests.

For clarity Councillor Ohid Ahmed confirmed he did not have an Interest in Agenda Item 11.1 (Blackwall Reach Regeneration: Update and GLA Proposal Phase 4).

**3. UNRESTRICTED MINUTES****RESOLVED**

1. That the unrestricted minutes of the Cabinet meeting held on Wednesday 28 September 2022 be approved and signed by the Chair as a correct record of proceedings.

**4. ANNOUNCEMENTS (IF ANY) FROM THE MAYOR**

The Mayor highlighted to Cabinet the importance of Education and the opportunities it gave to young people to pursue their aspirations. He was therefore really pleased that reports presented on today's agenda signalled the realisation of key mayoral priorities in reintroducing Education Maintenance Allowances and University Bursaries.

He was immensely proud that the Council was again investing in the education and ambition of local young people.

**5. OVERVIEW & SCRUTINY COMMITTEE****5.1 Chair's Advice of Key Issues or Questions**

Pre-Decision Scrutiny Questions and officer responses were tabled in respect of Agenda Item 6.4 (Contracts Forward Plan 2022/23 – Quarter 2). They were considered during discussion of the relevant Agenda Item.

In addition it was noted that Councillor Musthak Ahmed, the Chair of the Overview and Scrutiny Committee, would be providing the Mayor with a written update on the Committee's recent meeting and activities.

**5.2 Any Unrestricted Decisions "Called in" by the Overview & Scrutiny Committee**

Nil items.

**6. UNRESTRICTED REPORTS FOR CONSIDERATION**

**6.1 Accelerate Education – cost of living**

Councillor Maium Talukdar, Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning, introduced the report on the introduction of Education Maintenance Allowances and University Bursaries. He thanked officers for their hard work in bringing this paper to Cabinet so quickly after the election to meet key Mayoral Priorities. He explained that this support was extremely important to help young people achieve their aspirations.

During discussion, Cabinet noted that:

- The Council had prepared a communications strategy to make sure residents were aware of the new funds.
- There will be an audit trail of decisions and the scheme has been designed to be fair and to support those most in need.

The Mayor welcomed the report and the huge difference it will make to residents. He also thanked officers for their work on this issue. Finally, he asked that the deadline to submit applications be extended to 2 January and with this amendment he agreed the recommendations.

**RESOLVED**

1. To agree to make discretionary awards in respect of students who are over compulsory school age particularly for students who are most in need of support based on household incomes for the financial year 2022/23.
2. To recommend that further discretionary awards for future financial years will be a priority in the setting of the 2023-2026 MTFS but can only proceed beyond 31 March 2023 once that budgetary approval has been secured.
3. To approve the proposed outline delivery plan for the Mayor's Education Maintenance Allowance and University Bursaries.
4. That the application deadline of 30 November 2022 (set out in Paragraph 8.1 of the report) be extended to 2 January 2023.

## 6.2 Gambling Policy 2022-2025

Councillor Kabir Hussain, Cabinet Member for Environment and the Climate Emergency, introduced the report setting out the proposed Gambling Policy for 2022-25 which set out how the Council would be managing its responsibilities under the Gambling Act. It was noted that as it was part of the Council's Budget and Policy Framework it would need to be presented to Council for final agreement.

He noted that there had been a 38% reduction in physical gambling sites in the borough since 2019 and also that the policy only covered physical gambling as online gambling was dealt with nationally.

The Mayor welcomed the report. He noted that even though the Council didn't support gambling, it was important that it currently undertook its duties. He also noted the consultation which had taken place. He agreed the recommendation that the report should proceed to Council for adoption.

### RESOLVED

1. To agree to forward the Gambling Policy to Council for adoption.

## 6.3 Air Quality Action Plan 2022-2027

Councillor Kabir Hussain, Cabinet Member for Environment and the Climate Emergency, introduced the report on the proposed Air Quality Action Plan. He drew Cabinet's attention to the consultation that had taken place.

The plan would cover the Council's activities for the next 5 years covering a number of broad themes such as on development and public awareness.

The Mayor welcomed the report and highlighted the importance of working to improve the borough's air quality. Following discussion which focussed on a number of different methods of improving air quality through transport management, he agreed the recommendations as set out in the report.

### RESOLVED

1. To approve the Air Quality Action Plan 2022-2027 for publication.
2. To note the Equalities Impact Assessment / specific equalities considerations as set out in Paragraph 4 of the report.

## 6.4 Contracts Forward Plan 2022/23 - Quarter 2

Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living, introduced the report setting out planned contract procurement coming up.

The Mayor welcomed the report and in particular highlighted how useful the Victoria Park income generation was. He noted the Pre-Decision Scrutiny Questions and officer responses and agreed that all contracts listed in Appendix 1 could proceed to contract award. He also noted the schedule set out in Appendix 2.

**RESOLVED**

1. To note the contract summary at Appendix 1 to the report and confirm that all contracts set out can proceed to contract award after tender.
2. To authorise the Director of Legal and Monitoring Officer to execute all necessary contract documents in respect of the awards of contracts referred to at Recommendation 1.
3. To note the procurement forward plan 2022-2027 schedule detailed in Appendix 2.

**7. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT**

Nil items.

**8. EXCLUSION OF THE PRESS AND PUBLIC****RESOLVED**

1. "That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972."

**9. EXEMPT / CONFIDENTIAL MINUTES**

Nil items.

**10. OVERVIEW & SCRUTINY COMMITTEE****10.1 Chair's Advice of Key Issues or Questions in Relation to Exempt / Confidential Business**

Nil items.

**10.2 Any Exempt / Confidential Decisions "Called in" by the Overview & Scrutiny Committee**

Nil items.

**11. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION**

**11.1 Blackwall Reach Regeneration: Update and GLA Proposal Phase 4**

The Mayor and Cabinet considered the report on Blackwall Reach Regeneration: Update and GLA Proposal Phase 4. Following discussion, the Mayor agreed the recommendations set out in the report.

**12. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS CONSIDERED TO BE URGENT**

Nil items.

The meeting ended at 6.30 p.m.

Chair, Mayor Lutfur Rahman  
Cabinet

# Agenda Item 6.1

<b>Cabinet</b>	 <b>TOWER HAMLETS</b>
30/11/2022	<b>Classification:</b> Unrestricted
<b>Report of:</b> Ann Sutcliffe, Corporate Director of Place	<b>Reintroduction of four main parent Controlled Parking Zones.</b>

<b>Lead Member</b>	<b>Councillor Kabir Hussain, Cabinet Member for Environment and the Climate Emergency</b>
<b>Originating Officer(s)</b>	Michael Darby, Head of Parking, Mobility and Market Services
<b>Wards affected</b>	All
<b>Key Decision?</b>	Key
<b>Reason for Key Decision</b>	(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.
<b>Forward Plan Notice Published</b>	26 October 2022
<b>Strategic Plan Priority / Outcome</b>	1. Homes for the future 2. Boost culture, business, jobs and leisure 3. A council that works for you and listens to you

## Executive Summary

Amend the Terms and Conditions for Resident Permits to reintroduce the four Parent Zones and for resident parking permit holders to be able to park all day anywhere in the Parent Zone in which they live.

## Recommendations:

The Mayor in Cabinet is recommended to:

1. Amend the Terms and Conditions for Resident Permits so as to reintroduce the four Parent Zones (A,B,C,D) and allow permit holders to be able to park all day within their respective Parent Zone.
2. To note the Equalities Impact Assessment / specific equalities considerations as set out in Paragraph 5.

## 1 REASONS FOR THE DECISIONS

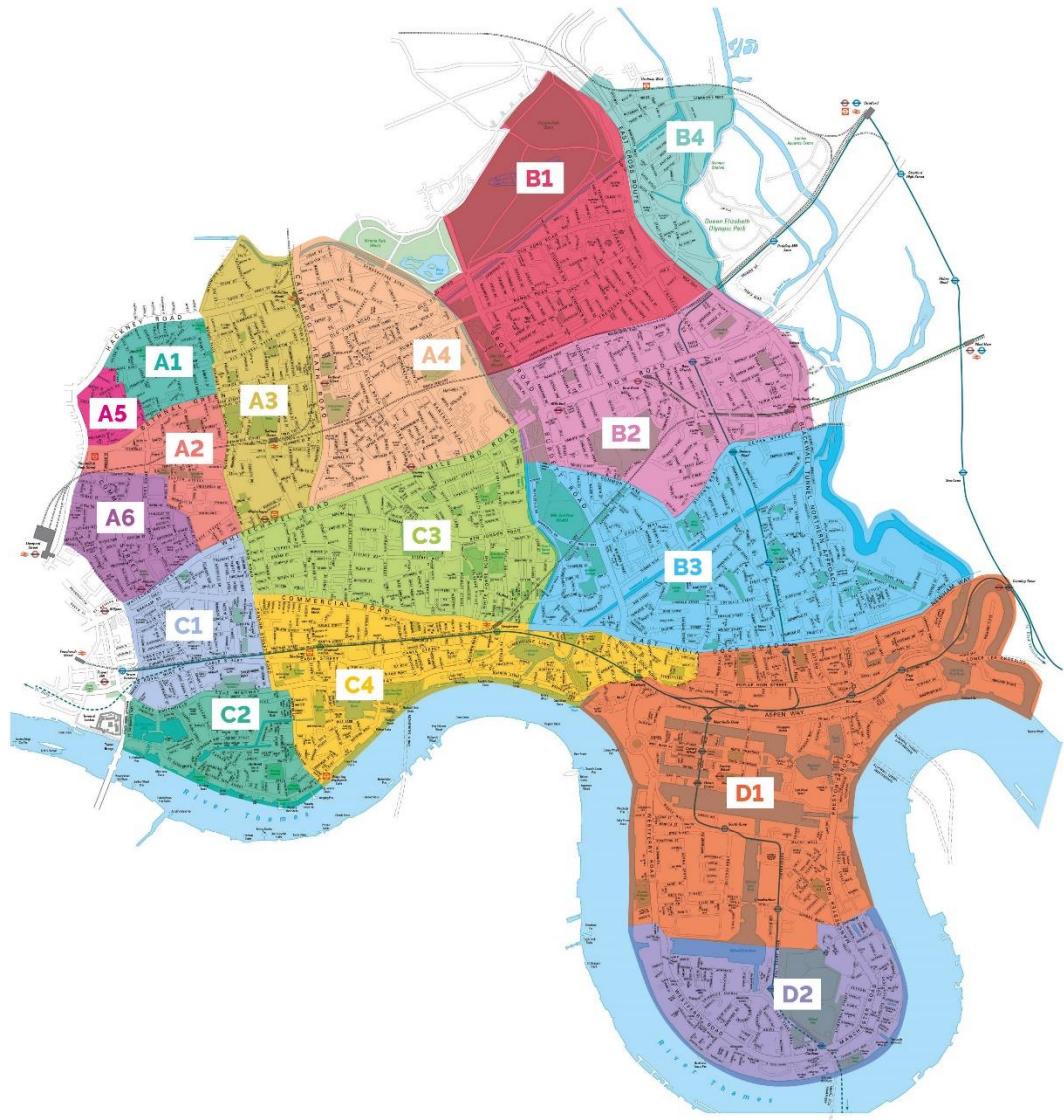
- 1.1 Included as part of the Mayoral Pledges, to restore the right of those who hold one-zone borough parking permits to park all day in the Parent Zone where they live, free of charge.

## **2 ALTERNATIVE OPTIONS**

- 2.1 Alternative option is not to amend the Terms and Conditions for resident permits and keep them as they currently are.

## **3 BACKGROUND**

- 3.1 There are 16 Controlled Parking Zones (CPZ) across the borough which consist of zones A1 to A6, B1 to B4, C1 to C4 and D1 to D2



- 3.2 Prior to October 2020, there were 4 Parent Zones – A, B, C & D. A permit holder in any of the six A zones could park all day in any of the A zones.

The same applied to the B, C and D zones. On top of this permit holders could also park for up to 3 hours in any other zone.

- 3.3 In October 2020 Council Cabinet considered a report and decided to limit a permit holder to their own zone for all day parking. For example, a B2 permit holder can only park all day in the B2 zone. Same applies to all other permit holders in all the other zones. The concession to be able to park for up to 3 hours in any other zone was not changed.
- 3.4 The October 2020 Cabinet report highlighted that whilst a significant proportion of car journeys are made through the borough by commuter traffic, there are still many short car journeys (less than 2km) made by residents where an alternative mode of transport could be used. These short trips often in local, residential streets were made possible by Resident Permit holders being entitled to park unrestricted in relatively large parent zones, and for up to three hours, in any other parent zone. This had allowed a significant level of unrestricted travel around the borough. The report concluded that as the number of car users had increased over the years, the use of the car for shorter, in-borough travel is contributing to poor air quality and congestion, making the environment less safe and Tower Hamlets a less attractive place. The objective of the change was to assist with relieving traffic congestion and to make roads safer for residents and visitors, in line with the Council's Transport Strategy and Air Quality Action Plan.

#### **4 DETAILS AND IMPLICATIONS**

- 4.1 To allow permit holders to park all day in parent zones will require a variation to the Council's Terms and Conditions for permit holders.
- 4.2 Following authority to proceed, the necessary changes to the Resident Permit Terms and Conditions will be drafted along with a letter to be sent to all Resident Permit Holders. This will give a minimum of 28 days' notice to all permit holders, it will detail the changes to be made and inform them of the date the changes will take effect and become operational.
- 4.2 Tower Hamlets is a densely populated area with a rapidly increasing population with more cars and ever busier roads. The existing 3 Hour concession, where resident permit holders can park in any other zone, allows residents to attend appointments and to carry out shopping and leisure trips across the borough. Allowing resident permit holders to park all day in their parent zone could lead to more drivers using their cars more to travel within their parent zone. This could lead to more congestion within the borough and make our roads less safe for all road users and pedestrians. As well as this it could contribute to increased air pollution and make finding a parking space close to one's home more difficult for those residents living close to health, shopping, and leisure centres.
- 4.3 Allowing Resident permit holders to park anywhere in their parent zone could also impact residents living close to stations and large employment hubs, as

other residents from their parent zone will be able to drive to the station or their place of work.

- 4.4 The costs of making the necessary changes to resident permit Terms and Conditions are estimated at £30,000 and this can be funded from the Parking account.

## 5 **EQUALITIES IMPLICATIONS**

- 5.1 A full equality analysis, which includes the proposal's likely impact on the nine protected characteristics, has been carried out and is attached as Appendix A.
- 5.2 It is anticipated that this proposal may encourage more residents to use their cars when moving around the borough instead of more sustainable transport modes. This would have a negative impact both on the environment and people's health.
- 5.3 The Council's Transport Strategy outlines that physical activity decreases risks of disease and ill health, including, high blood pressure, type 2 diabetes, coronary heart disease, anxiety and depression. Promoting car driving may contribute to drivers' and passengers physical inactivity including children's obesity too. Research from 2019 estimates the mean fraction of mortality attributable to air pollution was higher in Tower Hamlets, than the London average, and was the 6th highest in London. As well as heart disease and cancer poor air quality is also linked to: Asthma, Dementia, Allergies and reduced life expectancy.
- 5.4 The evidence pack, of the Council's Transport Strategy states:
- Traffic flows are a significant determinant of air pollution in the borough
  - In the borough, a disproportionately higher rate of South Asian population who are over 70 years old have been diagnosed with asthma.
- 5.5 Key groups vulnerable to poor air quality include:
- Infants and young children,
  - Pregnant women,
  - People over 65,
  - People with existing cardiovascular disease or respiratory disease,
  - Low income communities (research has found that communities in London that have higher levels of deprivation, or a higher proportion of people from a non-white ethnic background are more likely to be exposed to higher levels of air pollution than communities in areas of lower deprivation).
- 5.6 In some areas residents already find it difficult to park near their homes and it could become more difficult due to other residents from their parent zone being able to park all day and thereby making it even more difficult to find available parking.
- 5.7 Existing concessions to support disabled people will remain unchanged. These include free Visitor Vouchers for Carers and Resident Permits for

Disabled Badge holders. Disabled Badge holders also have the right to park for three hours on a single or double yellow line and all day in a Pay by Phone bays. People who have carers are entitled to an additional free 480 visitor parking vouchers. This is an addition to 240 residents parking vouchers which are free to those over 60 years old.

## **6    OTHER STATUTORY IMPLICATIONS**

- 6.1 Being able to park all day in the parent zone may attract drivers to use their cars to get to a station or workplace as they are able to park for the whole of the working day. All these additional short journeys may have a negative impact on Air Quality across the borough.
- 6.2 The contractual terms and conditions that govern resident parking permits clearly specify that the Council retains the right to amend them upon the provision of 28 days' notice. These terms and conditions are issued with each permit and published on the Council website. If the changes to the terms and conditions are approved, Officers will inform all resident permit holders of a new implementation date which gives 28 days' notice. A consultation on the changes is not a requirement.

## **7    COMMENTS OF THE CHIEF FINANCE OFFICER**

- 7.1 There are no financial implications emanating from this report which seeks approval to amend the Terms and Conditions for Resident Permits to allow all permit holders in a zone to be able to park all day with their permit.
- 7.2 Any costs associated with amending the Terms and Conditions and writing to permit holders to inform them of these amendments will be contained within the Parking account

## **8    COMMENTS OF LEGAL SERVICES**

The Recommendation of the report seeks approval for the reintroduction of the four main parent parking zones.

- 8.1 The proposal is to be implemented by way of a change to the terms & conditions of the residential parking permits. This would serve to change the ability of residents to park, without charge or restriction, from just the parking zone in which they reside to the whole of the parent zone in which they reside.
- 8.2 Paragraph 6.3 of the report advises that changes to the terms and conditions of resident permits can be made following the grant of 28 days' notice. In the event the changes are approved a period of 28 days' notice will be provided to all resident permit holders.
- 8.3 The proposal does not attract any statutory consultation process. This is because changes to the terms and conditions of the parking permit in this instance are solely a contractual matter. They do not involve the creation of an Order in accordance with

Road Traffic Regulation Act 1984 and associated regulations. Therefore, there is no requirement for consultation to be undertaken in respect of the proposed amendments to traffic/parking arrangements as governed under the respective regulations.

- 8.4 Furthermore, it is not considered that a legitimate expectation of consultation, albeit, non-statutory arises. The Council has not made any equivocal statements regarding the way in which it undertakes public consultation on this particular type of change to parking permits and there is not any established custom and practice of undertaking consultation for changes to parking permit terms and conditions.
  - 8.5 An Equalities Impact Assessment (EQIA) has been undertaken (and updated) in respect of the proposed changes. This is addressed in paragraph 5 of the report. Members must consider the EQIA when reaching a decision.
- 

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Equalities Impact Assessment

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- Changes to Resident Permit Terms and Conditions (item 6.1 Cabinet 28/10/2020).

#### **Officer contact details for documents:**

**Head of Parking – Michael Darby. [Michael.darby@towerhamlets.gov.uk](mailto:Michael.darby@towerhamlets.gov.uk)**

## Equality Impact Analysis Template

### Section 1: Introduction

<b>Name of proposal</b>
For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
<b>Reintroduction of four main parent zones.</b>
<b>Service area and Directorate responsible</b>
Parking, Mobility and Market Services / Place
<b>Name of completing officer</b>
Eamonn Cullinan – Parking Development Investigation Manager
<b>Approved by</b> (Corporate Director / Divisional Director/ Head of Service)
<b>Date of approval</b>
Click or tap to enter a date.

**Where a proposal is being taken to a committee, please append the completed EIA(s) to the cover report.**

### Conclusion – To be completed at the end of the Equality Impact Analysis process

This summary will provide an update on the findings of the EIA and what the outcome is. *For example, based on the findings of the EIA, the proposal was rejected as the negative impact on a particular group was disproportionate and the appropriate actions cannot be undertaken to mitigate risk. Or, based on the EIA, the proposal was amended, and alternative steps taken.*

*The focus of this is to analyse the impacts of the proposal on residents, service users and the wider community that are likely to be affected by the proposal. If the proposed change also has an impact on staff, the committee covering report should provide an overview of the likely equality impact for staff, residents and service users and the range of mitigating measures proposed.*

Conclusion	Current decision rating (see Appendix A)
<p>This proposal will have a positive impact on resident permit holders, particularly those who engage with family and community support networks. The introduction of the proposal is very likely to increase the number of local car journeys made which will have a negative impact on Traffic Congestion, Air Quality and Road Safety and the disbenefits that brings to all groups, particularly the young, elderly, disabled and those with health conditions.</p>	Amber

**The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to the need to:**

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with ‘protected characteristics’ and those without them
- Foster good relations between those with ‘protected characteristics’ and those without them

This Equality Impact Analysis provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above. For more information about the Council’s commitment to equality, please visit the Council’s [website](#).

## Section 2: General information about the proposal

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010

To return to the position where resident parking permit holders can park all day anywhere in the main zone in which they live This proposal will give all resident parking permit holders greater flexibility to drive anywhere in the parent zone they live in and this will need to be balanced with the negative impacts these additional journeys will have on road safety and air quality.

## Section 3: Evidence (consideration of data and information)

What evidence do we have which may help us think about the impacts or likely impacts on residents, service users and wider community?

Changes to Resident Parking Permit Terms & Conditions – Cabinet Report  
28/10/2020

The Council's Transport Strategy (Tower Hamlets Transport Strategy 2019-2041)

Air quality monitoring data has shown that there has been a downward trend over the last seven years in air pollution, greatly helped by improvements in vehicle technology, Euro emissions standards and the recent introduction of the inner London Ultra Low Emissions Zone. Currently most sites in the borough comply with the UK legal limits (World Health Organisation has much lower limits which we do not comply with) however any increase in the number of local journeys made by car are likely to lead to higher levels of local air pollution.



## Section 4: Assessing the impacts on different groups and service delivery

Groups	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
<b>Protected</b>				
<b>Age</b> (All age groups)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Finding parking space close to their homes may become more difficult for older residents who whilst not being classed as disabled may suffer reduced mobility.
<b>Disability</b> (Physical, learning difficulties, mental health and medical conditions)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	It is anticipated that this proposal will have a negative impact on residents with disabilities, who as a consequence of the proposals will not be able to find parking spaces within close proximity to their homes. This is also extended to residents with reduced mobility but who are not registered as disabled. A negative impact on road safety and air quality will also adversely affect those with a disability.
<b>Sex</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<b>Gender reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Marriage and civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Religion or philosophical belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Race</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Some communities have larger family structures and networks of support outside of their own household, the ability to park all day in the parent will help to promote wider family and community support networks.</p> <p>The more drivers who use the facility may make finding available parking more difficult and increased traffic and congestion will have a detrimental effect on road safety and air quality.</p>
<b>Sexual orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Pregnancy and maternity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Residents with reduced mobility due to pregnancy/maternity may find it more difficult to park closer to their own home.
<b>Other</b>				

Socio-economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposals could lead to more car journeys within the borough being made. This may also attract those who currently use sustainable modes of transport to use cars instead. Along with the negative impact this would have on road safety and air quality there is the loss of health benefits that come from walking and cycling.</p> <p>Results of a residents phone survey held in 2019 as part of the Transport Strategy consultation show that the majority (73%-98%) of the respondents agreed with the outcomes of the Strategy, including:</p> <ul style="list-style-type: none"> <li>• Priority 2: Reduce dependency on cars in favour of walking, cycling and public transport (73%)</li> <li>• Priority 4: Create an environment where people are safe and feel confident to travel in Tower Hamlets (98%)</li> <li>• Priority 5: Improve air quality and make our surroundings quieter, more inviting and more appealing (96%).</li> </ul>
Parents/Carers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
People with different Gender Identities e.g.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



Gender fluid, Non-Binary etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Any other groups</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## Section 5: Impact analysis and action plan

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Update on progress
Monitor the impact of the proposal	Monitor complaints to identify any adverse impact	Monthly	EC	
Collect air quality data	Record monthly	Review every 6 months	EC	

## Section 6: Monitoring

What monitoring processes have been put in place to check the delivery of the above action plan and impact on equality groups?
<p>Data from air quality monitoring sites and the Tower Hamlets Nitrogen Dioxide Tube results.</p> <p>Monthly monitoring of complaints received regarding any impacts of the change to resident permit terms and conditions.</p>

## Appendix A

### EIA decision rating

Decision	Action	Risk
<p>As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act and appropriate mitigations cannot be put in place to mitigate against negative impact. It is recommended that this proposal be suspended until further work is undertaken.</p>	<b>Suspend – Further Work Required</b>	Red 
<p>As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.</p>	<b>Further (specialist) advice should be taken</b>	Red Amber 
<p>As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the <i>Impact analysis and action plan</i> section of this document.</p>	<b>Proceed pending agreement of mitigating action</b>	Amber 

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# Agenda Item 6.2

<b>Cabinet</b>	 <b>TOWER HAMLETS</b>
30/11/2022	
<b>Report of:</b> Ann Sutcliffe, Corporate Director of Place	<b>Classification:</b> Unrestricted
<b>One-Hour free parking for Markets</b>	

<b>Lead Member</b>	<b>Councillor Kabir Hussain, Cabinet Member for Environment and the Climate Emergency</b>
<b>Originating Officer(s)</b>	Michael Darby, Head of Parking, Mobility and Market Services
<b>Wards affected</b>	Bethnal Green East, Bethnal Green West, Bow East, Lansbury, Shadwell, Spitalfields and Banglatown, Weavers
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	26 October 2010
<b>Strategic Plan Priority / Outcome</b>	Boost culture, business, jobs and leisure

## Executive Summary

The Mayor's election manifesto included a commitment to provide 'one-hour free parking for customers stopping to shop at our markets' as part of a package of pledges to support our local economy.

This commitment is also reflected in the council's new Strategic Plan, which includes an action to introduce one-hour free parking at markets.

The Council has nine main markets across the borough with varying opening times ranging from just Sundays to 6 days a week. The council is looking to protect and support these markets in a difficult financial climate and introducing free parking for one hour is seen as one way to attract more customers.

A total of 248 existing parking bays, within approximately 100 metres of a market, have been identified as suitable for this purpose.

This report looks at the process and implications for providing a one-hour free parking session for visitors to all the Council's Markets.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Introduce a one-hour free parking facility close to markets on market days in the 248 parking bays identified.
2. Approve the amendments and introduction of parking bays for the Whitechapel Road Market, as detailed in Paragraph 3.3, and for the necessary Traffic Management Order making process to be carried out, if the decision is to proceed with the introduction of one-hour free parking.
3. To note the specific equalities considerations as set out in Paragraph 4.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The Mayor's 2022 manifesto included a clear commitment to 'protect and support our markets across the borough' as part of pledges to support local business.
- 1.2 The Mayor's manifesto included a specific pledge to introduce '**one-hour free parking for customers stopping to shop at our markets.**'
- 1.3 These commitments to support our local economy are also set out in the council's Strategic Plan, specifically Priority 4 which seeks to 'boost culture, business, jobs and leisure'.
- 1.4 The Strategic Plan also includes the commitment to introduce one-hour free parking for customers stopping to shop at our markets.
- 1.5 These commitments follow on from the recent Covid pandemic and the current Ukrainian conflict, energy price increases and inflation rises resulting in a cost-of-living crisis, there is an argument that reduced parking charges will help to promote visitors to markets. It will also help to retain existing customers who drive and might have considered not coming because of the cost.
- 1.6 Furthermore, providing a one-hour free parking facility at markets may support residents who are facing a cost-of-living crisis and rapidly rising household bills.
- 1.7 Mary Portas, an expert on retail, argues that parking charges are taking away trade from High Streets to retail parks and thereby undermining the vitality of town centres. One of her 28 recommendations from a review of the High Street<sup>i</sup> is that local areas should implement free controlled parking schemes that work for their town centres, and we should have a new parking league table.
- 1.8 Alternatively, a 10-year-old review carried out for London Councils in 2012 on the relevance of parking in the success of urban centres<sup>ii</sup> found that; more parking does not necessarily mean greater commercial success. There is no such thing as 'free' parking as there are costs for developing,

maintaining, and controlling parking spaces. Shopkeepers consistently overestimate the share of their customers coming by car and whilst car drivers spend more on a single trip, shoppers who walk or use public transport spend more over a week or a month. When shoppers were asked about what attracts them the answers were a good mix of shops and services and a quality environment.

## **2 ALTERNATIVE OPTIONS**

- 2.1 Alternative options are not to provide the one-hour free parking facility OR to make it available borough wide.

## **3 DETAILS OF THE REPORT**

- 3.1 The Council has nine main Markets across the borough with varying opening times ranging from just Sundays to 6 days a week. The council is looking to protect and support these markets and introducing free parking for one hour is seen as one way to attract more customers.
- 3.2 One-hour free parking was set out as a clear commitment in the Mayor's manifesto, and is also set out as an action we will undertake in the council's new Strategic Plan.
- 3.3 The LBTH Markets Improvement Plan 2022-27 details the results of a public consultation on the Council's markets which was held on the Council's website in April and May 2021. Headline results of the consultation carried out with shoppers did not mention parking whereas traders consider parking to be a problem for themselves and customers. Despite this, 81% of shoppers surveyed said they walked to the market with only 19% driving.
- 3.3 All the Council's short-term parking is controlled by means of a 'pay by phone' parking system. The proposal is to re-configure the existing parking charges on market days, in the parking bays close to markets, with a one-hour free option. When drivers park, they use their phone to make a booking for their vehicle, in the same way as they do now, and can obtain a one-hour parking session for free. Drivers will only be able to book one free session per day and if they wish to stay for longer than an hour then they can choose to pay to extend their stay.
- 3.4 A total of 248 existing parking bays, within approximately 100 metres of a market, which can currently be used by visitors to Markets have been identified and the table below lists the number of spaces at each location. Currently there are no existing spaces close to the Whitechapel Road Market, however there are 8 Business Bays on Brady Street and 4 Business Bays on Vallance Road which can be changed to dual use so that visitors to the Market can also use them. Along with this a section of double yellow lining on Fulbourne Street has also been identified as being able to be removed and 4 new dual use parking bays introduced close to Whitechapel Road market.

<b>Market</b>	<b>Market operating days/hours</b>	<b>Spaces</b>
Watney Street	Monday to Saturday 8.30am to 6pm	19
Petticoat Lane	Sunday 9am to 3pm	32
Brick Lane	Sunday 10am to 3pm	56
Columbia Road	Sunday 8am to 2pm	33
Bethnal Green Road	Monday to Saturday 8am to 6pm	43
Roman Road Square	Monday to Saturday 8am to 6pm	16
Roman Road	Tues, Thursday & Saturday 8am to 6pm	22
Chrissp Street	Monday to Saturday 8am to 6pm	11
Whitechapel Road	Monday to Saturday 8am to 6pm	16
<b>TOTAL</b>		<b>248</b>

### **Procedure**

- 3.5 To change the parking charges to allow for a one-hour free option for the markets, when they operate, will require a Variation Notice to be published in the local press. The new charges can then become operational a minimum of 21 days after the publication date of the Variation Notice. Information on the new free parking session will be communicated on the council website and other communication channels, including the pay by phone contractor. Permanent information signage will also be put up in those parking bays around the markets where drivers will be able to obtain the one-hour free parking facility.
- 3.6 Alteration of existing parking bays and introduction of new parking bays will require a Traffic Management Order to be made. The making of a Traffic Order necessitates a legal procedure which takes approximately 12 to 16 weeks to complete, subject to any objections or representations which may be received. Once the Traffic Order is made it can become operational within one week.

### **Costs**

- 3.7 The total costs of advertising Public Notices for Traffic Orders and the Variation Notice, along with signs and road markings, for the introduction of a one-hour free parking facility and the provision of spaces for the Whitechapel Road Market is estimated at £10,000 and this will be funded from the Parking account. The provision of a one-hour free parking facility for Markets will have an impact on the Council's Cashless Parking income and it is estimated that in total there will be a reduction of approximately £150,000 per annum. This has been derived from the current level of income generated by the identified parking bays on market days. It considers all parking sessions that were booked and allows for the first hour to be free, as users will be able to get one-hour free parking and then pay for any extra time they need.

Please see example below, typical month at one location.

### Roman Road Car Park

INCOME WITHOUT CONCESSION					
Hours	0.50	1.00	1.50	2.00	TOTAL INCOME
Income by session	49.50	1,577.20	72.85	1,563.65	3,263.20
INCOME LOSS WITH CONCESSION					
Hours	0.50	1.00	1.50	2.00	INCOME LOSS
Income loss by session	-49.50	-1577.20	-48.57	-781.83	-2457.09

Below is a table of proposed spaces by location

Market	Spaces	£/hour
Watney Street	19	4.70
Petticoat Lane	32	5.30
Brick Lane	56	5.30
Columbia Road	33	5.30
Bethnal Green Road	43	4.70
Roman Road Square	16	4.70
Roman Road (car park)	22	4.30
Chrissp Street	11	4.30
Whitechapel Road	16	N/A
<b>TOTAL</b>	<b>248</b>	

## 4 EQUALITIES IMPLICATIONS

- 4.1 An equalities assessment has been carried out and it has identified that the one-hour free parking facility could encourage more car drivers to use their cars to visit the markets. This would then have a negative impact on air quality.
- 4.2 Key groups vulnerable to poor air quality include:
- Infants and young children
  - Pregnant women
  - Older people (people over 65)
  - People with existing cardiovascular disease or respiratory disease
  - Low-income communities (research has found that communities in London that have higher levels of deprivation, or a higher proportion of people from a non-white ethnic background are more likely to be exposed to higher levels of air pollution than communities in areas of lower deprivation)

- In the borough, a disproportionately higher rate of South Asian population who are over 70 years old have been diagnosed with asthma

- 4.3 Modelling data from the London Atmospheric emissions inventory (LAEI), produced by the GLA (Greater London Authority), shows that in Tower Hamlets 37% of Nitrogen dioxide NO<sub>2</sub> emissions (a major air pollutant of serious concern) come from road transport. The Council has data from air quality monitoring sites in or near to seven of the markets. Over the last seven years the data shows there has been a progressive downward trend in air pollution in these areas, an improving picture due in part to improvements in vehicle technology and Euro emissions and most recently the introduction of the Ultra Low Emission Zone (ULEZ). Except for Whitechapel market, the other markets comply with the UK legal limit for Nitrogen dioxide. The current levels are typical for these type of sites in Tower Hamlets and if more vehicles are introduced locally, it is likely to result in higher local pollution. It should also be noted that whilst air quality levels in the markets comply with the UK legal limit for nitrogen dioxide, this level is well above the World Health Organisation level and none of the markets meet their guidance on safe air.
- 4.4 Research from 2019 estimates the mean fraction of mortality attributable to air pollution was higher in Tower Hamlets than the London average and was the 6th highest in London. As well as heart disease and cancer poor air quality is also linked to: Asthma, Dementia, Allergies and reduced life expectancy.
- 4.5 There will be a benefit to drivers who want to visit the markets, particularly if they are purchasing heavy or bulky items.

## **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 Air quality is likely to also be negatively impacted by attracting drivers to use the one-hour free facility to do other things than visit the market, visiting friends and family for instance or going to other nearby venues. The one-hour free parking facility could also attract existing customers who walk, cycle or use public transport to drive to the market instead.
- 5.2 The Council's Transport Strategy outlines that physical activity decreases risks of disease and ill health, including high blood pressure, type 2 diabetes, coronary heart disease, anxiety and depression. Promoting car driving may contribute to drivers' and passengers physical inactivity including children's obesity too.
- 5.3 The evidence pack of the Council's Transport Strategy states:
- Traffic flows are a significant determinant of air pollution in the borough
  - It is known that air pollution causes a range of health conditions and diseases, including asthma.
  - People who walk to the high street visit more regularly and spend up to 40% more than people who drive to the high street.
  - Cycle parking delivers 5x the retail spend per square metre than the same area if car parking.

- Overall in London 58% of households own at least one vehicle, in Tower Hamlets it is only 37%.
- 5.4 The provision of a one-hour free parking facility for all the Markets across the borough may generate requests from other business areas who would feel that they too would benefit from this facility.
- 5.5 The council's parking charges are reviewed and set each year as part of the annual budget process. Any new agreed charges are then introduced by advertising a Variation Order which gives 21 days' notice of the new charges, and this does not require any consultation to be carried out.
- 5.6 The introduction of new parking bays for Whitechapel market requires an amendment Traffic Order to be made and this includes a statutory consultation which must be carried out.
- 5.7 The Council's Transport Strategy (Tower Hamlets Transport Strategy 2019-2041) identifies 6 key outcomes to transform the way people travel in the borough. Whilst 80% of residents currently use sustainable travel modes the London Mayor has set the borough an ambitious target of 90%, at the same time as the number of cars owned by residents is rising sharply. Tower Hamlets also has the highest daily traffic flows in the UK due to the number of strategic routes which pass through the borough.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report is seeking approval to introduce a one-hour free parking facility close to markets on market days and complete the necessary Traffic Management Orders required. This represents a Mayoral pledge to boost culture, business, jobs and leisure within the Borough
- 6.2 The Parking Account is a ringfenced account and any surpluses made by the service must be re-invested in highways and transport related activity or held in a reserve for future use in such activity. Any losses must be managed within the account and reserve, rather than utilising other general fund resources.
- 6.3 The cost of issuing the Traffic Management Orders is estimated at £10,000. Loss of income from introducing the one-hour free parking in 248 bays on market days is estimated at £150,000. The financial impact of introducing the scheme will need to be met from within the Parking account. Any financial benefit from the scheme will lie with the market trader and will be difficult to measure. However, the benefit is deemed to be small as most visitors to the markets do arrive by car.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 The statutory process to be followed when seeking to vary parking charges is set out in the Road Traffic Regulation Act 1984 and the 1996 Local and allows us to vary by notice and regulations set out how we give notice and make our

intentions public. One of the reasons behind the introduction of s35C was to take away the need for any variation to be by order and the lengthy processes that involves.

- 7.2 The Regulations are the 1996 Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations –
    - At least 21 days' notice in the local press
    - Site notices
  - 7.3 The Network Management Duty does not apply to variations of parking charges.
  - 7.4 Any new parking places to be created will be done in line with existing statutory requirements.
- 

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1 - Equalities Impact Assessment

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

#### **Officer contact details for documents:**

N/A

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<sup>i</sup> The Portas Review - An independent review into the future of our high streets - 2021

<sup>ii</sup> Review of the relevance of parking to the success of urban centres – London Councils 2012

## Equality Impact Analysis Template

### Section 1: Introduction

<b>Name of proposal</b>
For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
One-Hour free parking for Markets
<b>Service area and Directorate responsible</b>
Parking, Mobility and Market Services. Public Realm/Place
<b>Name of completing officer</b>
Eamonn Cullinan, Parking Development Investigation Manager
<b>Approved by</b> (Corporate Director / Divisional Director/ Head of Service)
<b>Date of approval</b>
Click or tap to enter a date.

**Where a proposal is being taken to a committee, please append the completed EIA(s) to the cover report.**

### Conclusion – To be completed at the end of the Equality Impact Analysis process

This summary will provide an update on the findings of the EIA and what the outcome is. *For example, based on the findings of the EIA, the proposal was rejected as the negative impact on a particular group was disproportionate and the appropriate actions cannot be undertaken to mitigate risk. Or, based on the EIA, the proposal was amended, and alternative steps taken.*

*The focus of this is to analyse the impacts of the proposal on residents, service users and the wider community that are likely to be affected by the proposal. If the proposed change also has an impact on staff, the committee covering report should provide an overview of the likely equality impact for staff, residents and service users and the range of mitigating measures proposed.*

Conclusion	Current decision rating (see Appendix A)
<p>This proposal will have a positive impact on drivers generally as it will give them access to the markets with reduced costs. Holders of blue badges can already park for free. If successful the proposal is very likely to attract more vehicles to the area which will have a negative impact on Traffic Congestion, Air Quality and Road Safety and the disbenefits that brings to all groups, particularly the young, elderly, disabled and those with health conditions.</p>	Amber

**The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to the need to:**

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with ‘protected characteristics’ and those without them
- Foster good relations between those with ‘protected characteristics’ and those without them

This Equality Impact Analysis provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above. For more information about the Council’s commitment to equality, please visit the Council’s [website](#).

## Section 2: General information about the proposal

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010

The Council has nine main Markets across the borough with varying opening times ranging from just Sundays to 6 days a week. The council is looking to protect and support these markets and introducing free parking for one hour is seen as one way to attract more customers. As well as supporting markets this proposal will also benefit those businesses in the same area as the market. The proposal seeks to boost culture, business, jobs and leisure and it is argued that reduced parking charges will help to promote visitors to markets and retain existing customers who drive and might have considered not coming because of the cost. However, the report also states that it is difficult to demonstrate a correlation between free parking and retail growth.

The report also suggests that more car journeys have negative implications for air quality, congestion, carbon emissions, road danger, inactive lifestyles and noise. Evidence shows air pollution affects everyone, but there are inequalities in exposure and the greatest impact on the most vulnerable, including older people, children, pregnant women, and those with cardiovascular disease and/or respiratory disease.

## Section 3: Evidence (consideration of data and information)

What evidence do we have which may help us think about the impacts or likely impacts on residents, service users and wider community?

A review carried out for London Councils in 2012

- shoppers who walk or use public transport spend more over a week or a month than car users.

Countryside Charity London

- evidence shows removing parking increases income of local businesses

LBTH Markets Improvement Plan 2022-27

- 81% of shoppers surveyed said they walked to the market with 19% driving

Public Health England

- Key groups who are vulnerable to poor air quality include: infants and young children; pregnant women; older people (over 65); people with existing cardiovascular disease or respiratory disease; low income communities.
- Short-term effects of air pollution include exacerbation of asthma and cough, wheezing and shortness of breath as short-term effects; long-term

effects stroke, lung cancer, respiratory conditions and cardiovascular disease.

#### Tower Hamlets JSNA Asthma Factsheet 2015

- Asthma is often associated with air pollution.
- 12.9% of the Tower Hamlets South Asian population who are over 70 years old have been diagnosed with asthma, compared with 8.3% of the white and 5.2% of the black population over 70 years old.

#### Modelling data from LAEI (London Atmospheric emissions inventory)

- Whilst air quality levels in the markets comply with the UK legal limit for nitrogen dioxide, this level is well above the World Health Organisation level and none of the markets meet their guidance on safe air.

Also, data included in the Transport Strategy Evidence pack includes;

#### LBTH Local Implementation 3

- The age at which residents are most likely to be injured as pedestrians in Tower Hamlets is 10-15 years and 80-84 years as measured in five-year age bands based on 2017 population against the number of average annual casualties per 1,000 population.

#### Health Impacts of cars, Mayor of London, 2015

- Car use is associated with an increased risk of obesity while walking and public transport use are associated with not being overweight or obese

#### Tower Hamlets Child Healthy Weight Action Plan 2022-24

- Rates of Year 6 children with excess weight in Tower Hamlets have increased from 41.8% in 2019/20 to 50.4% in 2020/21, significantly higher than the England average.

The 2011 Census shows that only 37% of households in Tower Hamlets have at least one vehicle. 'Walking and Cycling: the economic benefits' by TfL states that people who walk to the high street visit more regularly and spend up to 40% more than people who drive to the high street. It also states that cycle parking delivers 5x the retail spend per square metre than the same area of car parking and that people who are physically active have fewer sick days and feel more productive.



## Section 4: Assessing the impacts on different groups and service delivery

Groups	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
<b>Protected</b>				
<b>Age (All age groups)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Infants, young children and older people (over 65) are more likely to be vulnerable to poorer air quality.</p> <p>The age at which residents are most likely to be injured as pedestrians in Tower Hamlets is 10-15 years and 80-84 years as measured in five-year age bands based on 2017 population against the number of average annual casualties per 1,000 population. The increase of car use may contribute to road injuries of pedestrians of these age groups.</p>
<b>Disability (Physical, learning difficulties, mental health and medical conditions)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Disabled people, particularly those with respiratory conditions, will be negatively impacted by a reduction in air quality. This also includes all residents who have</p>



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breathing difficulties and respiratory conditions.

<b>Sex</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pregnant women are more likely to adversely affected by poorer air quality.
<b>Gender reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of gender reassignment.
<b>Marriage and civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents who are married or in a civil partnership.
<b>Religion or philosophical belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of religion or philosophical belief.
<b>Race</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	People of south Asian origin over 70 in the borough are more likely to suffer from asthma compared with the white and black population of this age group. They,



therefore, will be negatively impacted by a reduction in air quality.

<b>Sexual orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of sexual orientation.
<b>Pregnancy and maternity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Exposure to air pollution during pregnancy can increase the risk of stillbirth and may affect the child's health (especially breathing) and learning skills later in life.
<b>Other</b>				
<b>Socio-economic</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	One hour free parking may give those on lower incomes, particularly those with children, and those suffering in the cost of living crisis better access to the markets where goods are competitively priced. It will also assist those who need to drive when they are collecting heavy or bulky items. Unfortunately, the one hour free parking may also encourage those who currently use sustainable modes of transport (walking, cycling & public transport) to drive instead. It is known that low income communities, communities with poorer air quality, including those situated closer to



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main roads are disproportionately more exposed to poorer air quality.

<b>Parents/Carers</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals for parents/carers.
People with different <b>Gender Identities</b> e.g. Gender fluid, Non-Binary etc	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities.
<b>Any other groups</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## Section 5: Impact analysis and action plan

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Update on progress
Collect usage and air quality data.	Record monthly before and after implementation	Review every 6 months	EC	

## Section 6: Monitoring

What monitoring processes have been put in place to check the delivery of the above action plan and impact on equality groups?

Monthly monitoring of the usage of the parking bays with the one hour free parking facility.

Monthly data from the Tower Hamlets Nitrogen Dioxide Diffusion Tube Results.

## Appendix A

### EIA decision rating

Decision	Action	Risk
As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act and appropriate mitigations cannot be put in place to mitigate against negative impact. It is recommended that this proposal be suspended until further work is undertaken.	<b>Suspend – Further Work Required</b>	<b>Red</b> 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.	<b>Further (specialist) advice should be taken</b>	<b>Red Amber</b> 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the <i>Impact analysis and action plan</i> section of this document.	<b>Proceed pending agreement of mitigating action</b>	<b>Amber</b> 

# Agenda Item 6.3

<b>Cabinet</b>	 <b>TOWER HAMLETS</b>
30 November 2022	
<b>Report of:</b> Denise Radley, Corporate Director Health, Adults and Community	<b>Classification:</b> Unrestricted
<b>Direct Awards for Learning Disability Supported Accommodation: Direct Award of Contracts to Outward Housing and Look Ahead Care Support and Housing</b>	

<b>Lead Member</b>	<b>Cllr Gulam Kibria Choudhury: Cabinet Member for Adults, Health and Wellbeing</b>
<b>Originating Officer(s)</b>	Andria Gosling: Learning Disability Commissioning Manager
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Financial threshold
<b>Forward Plan Notice Published</b>	21 October 2022
<b>Strategic Plan Priority / Outcome</b>	All

## 1. Executive Summary

- 1.1. This report provides a summary of the context and rationale for the recommendation to grant Direct Awards for two contracts. The first is to Outward Housing who will act as the contract provider for three Accommodation and Support schemes in Tower Hamlets namely Albert Cottages, Buxton Street and Fenton Street.
- 1.2. The second Direct Award is to Look Ahead Care Support and Housing who will act as the contract provider to Mary Jones Court an Accommodation and Support scheme in Tower Hamlets.

## **Recommendations:**

The Mayor in Cabinet is recommended to agree to the direct award of two contracts as set out below:

- 1) Authorise the Corporate Director Health Adults and Community to award a contract without competition to Outward Housing for the provision of a supported accommodation building and support service. The service will be delivered from 3 schemes Albert Cottages, Fenton Street and Buxton Street in which adults with Learning Disability will live as well as receive support.

The contract will run for a period of 3 years plus 2 years extension with a maximum annual value of £441,941 for year 1 of the contract. For 3 years the contract value is in the region of £1,402,227 plus any London Living Wage and inflationary increases that are yet to be agreed.

These values may be amended in future years of the contract period to incorporate further inflationary changes. Any changes will be made in line with Corporate agreements and budget availability. The Mayor will be consulted on any changes.

- 2) Authorise the Corporate Director Health Adults and Community to award a contract without competition to Look Ahead Care and Support (LACS), for provision of a supported accommodation building and support service. The service will be delivered from Mary Jones Court from where adults with Learning Disability will live as well as receive support.

The contract will run for a period of 3 years plus 2 years extension with an annual value of £336,987 for year 1 of the contract. For 3 years the contract value is in the region of £1,069,258 plus any London Living Wage and inflationary increases yet to be agreed.

These values may be amended in future years of the contract period to incorporate further inflationary changes. Any changes will be made in line with Corporate agreements and budget availability. The Mayor will be consulted on any changes.

## **1    REASONS FOR THE DECISIONS**

- 1.1 There are many types of care and support models operating in the market and within the Borough, some have separate housing and support managed through a partnership arrangement. The schemes covered in this paper all offer a model of support and accommodation that is integrated. This is similar to the model commonly utilised in other areas of the market, e.g. residential care.

- 1.2 In acting as landlord and support provider at Mary Jones Court, LACS have confirmed to the Council that their model of support for these schemes requires an integration of support and accommodation. They operate a single approach to these buildings and will not enter into a partnership arrangement.
- 1.3 This is also the case at Albert Cottages, Fenton Street and Buxton Street where Outward Housing have also confirmed it is not possible for the housing and support services to be separated and have advised that they are not willing to enter into a Service Level Agreement or Management Agreement with another provider for the housing management functions within their supported accommodation schemes.
- 1.4 This means that it is not possible to tender these buildings and so the only option would be to tender for new buildings to deliver these 40 units of accommodation care and support. This is not the case with the other Learning Disability supported accommodation contract the Borough holds. This contract has separate accommodation and support providers and will therefore be tendered through a procurement process and is not included in this proposal.

## Market Testing

- 1.5 In preparation for the procurement of **Mary Jones Court, Albert Cottages, Fenton Street and Buxton Street** in order to identify suitable settings for the delivery of the services and to facilitate wider competition, the Council undertook a market testing exercise in August 2021 where multiple landlord and estate agents were engaged in the searching of available buildings. No alternative suitable locations were found.
- 1.6 During May 2022 the Borough's Housing Options Team were approached in respect of sourcing suitable Learning Disability accommodation that meets HMO and CQC standards. Their search of local landlords and estate agents was unsuccessful. This was due to the lack of suitable in borough accommodation coupled with the buoyant rental market in Tower Hamlets. The scarcity of accommodation in Tower Hamlets is also impacting across Council services who require accommodation.
- 1.7 In September 2022 the Council sought to call off accommodation in borough for complex needs through the Learning Disability Framework. Providers were invited to offer shared or self contained in-borough accommodation. However, Providers were unable to supply any suitable housing stock that would meet the criteria for specialist accommodation.
- 1.8 During the last procurement exercise carried out for these services in 2017/2018 there was no competition and LACS and Outward Housing were the only providers who bid in both tenders. Therefore, to enter into negotiations with LACS and Outward Housing for the direct award of a contract with a term of 3 years plus 2 years extension covering the four integrated schemes, is considered the optimal way to procure these two expiring contracts.

There are many benefits identified to a direct contract award approach:

- It will ensure that the integrated model of support continues.
- The new contract will allow for a sharing of resources across the Outward schemes, Albert Cottages, Fenton Street and Buxton Street. This will support more local flexibility in services and offer greater cost efficiencies in terms of economies of scale and cross scheme working.
- The lack of suitable purpose-built supported accommodation in Tower Hamlets makes moving the service to an alternative location unfeasible and impractical in terms of service users' continuity of care. A direct award minimises disruption to service users and the potential impact moving the services to a new location will have on their health and wellbeing.
- An opportunity to refresh the service model to improve operability and deliver better value for money incorporating all 1 to 1 support hours and offer service users the choice of provider for additional "spot" hours via an Individual Service Fund.
- The development of a new specification will ensure that the provision meets current and future need and allows for contract outcomes to be aligned to key areas of challenge in the Borough.

## **2 ALTERNATIVE OPTIONS**

- 2.1 **Competitive procurement:** This option has been explored however was not deemed suitable due to the lack of competition. Previous procurements have generated only one bid from the incumbent providers and market testing generated no viable alternatives. This option would be resource intensive, and result in the same outcome as a direct contract award, giving the Local Authority less opportunity to inform the model of care and coproduce an enhanced support provision. Details of market testing undertaken is set out in Sections 1.5-1.8.
- 2.2 **Reduce our local number of supported accommodation contracts to exclude these schemes:** This option is not viable. With a total of 58 units of Supported Living accommodation for people with Learning Disabilities across four contracts, the lowest across the North East sub region, the London Borough of Tower Hamlets has an undersupply of supported living accommodation. As a result of the shortage of suitable in borough accommodation options, individuals are moved into out of borough placements, often disconnecting them from their lives, community and family.
- 2.3 The Adults Learning Disability Strategic Priorities set out a number of outcomes and improvements people with Learning Disability said were important to them. Increasing the number of people "Living Locally" is one of

the six key themes and recommendations. This includes developing a greater range of local supported living accommodation options that allow people to live in their own accommodation, closer to their families, friendship networks and local community.

- 2.4 In response to this the borough has developed and opened a 7-unit Learning Disability service for people with high and complex needs and are in the process of refurbishing two sites in the borough for an additional 12 units of supported living accommodation, due to come online in Summer 2023 and Winter 2024 . The Council will need to take a longer-term view on the requirements for learning disability accommodation going forward as in developing its own supported living accommodation, the borough is reducing its future reliance on support providers to identify/offer suitable accommodation options for supported living. This allows for more competition in tendering for contracts and widening the market for new support providers to enter the Borough. It also gives the Borough more control of its accommodation/buildings and who delivers the support within them.

### **Demographics and Occupancy**

- 2.5 Albert Cottages, Buxton Street, Fenton Street and Mary Jones Court are located in Aldgate, Shadwell and Westferry. Approximately 58% of the current occupants are under 50 years of age with 21% in the 26-34 age range whilst 42% are over 50 years of age with 23% of these in the 53-59 age range. Population projections relating to the age structure of the borough expects the population of younger adults to grow slower than that of older adults over the coming years.
- 2.6 62% of the current occupants are white British, 21% are Asian, 13% are African or Caribbean. 72% of occupants identify as male and 28% as female. The average length of stay is 10 to 15 years and 46% of the current occupants have resided within the scheme for this period whilst 33% of occupants have resided within the schemes for up to 2 years. The average utilisation rate across all 4 schemes during 2021/22 was 94%. Vacancies occur within all schemes as people move onto to live independently in the community or where older individuals health needs are such that specialist extra care or nursing care is required.

## **3 DETAILS OF THE REPORT**

- 3.1 The commissioned Learning Disability sector is designed to support service users with Learning Disability for whom the Local Authority have a duty of care, many of whom will have complex care needs; with an emphasis on supporting the transition for service users who may have had a significant admission to institutional care and supporting service users with their journey towards enablement and independence.

3.2 Comprised of 4 contracts delivered across 7 buildings, the accommodation-based sector delivers two distinct functions; medium/high support complex care and lower level step down provision.

- *Medium/High support function*, delivering intensive one to one or two to one support enabling service users to transition from institutional care, manage their wellbeing including use of medication, enhance their daily living skills, travel training, build resilience and attain their individual care plan goals and outcomes, developing their knowledge, life skills and ability to sustain a tenancy.
- *Step-down function*; enabling service users to take positive risks around tenancy management including independent management of finances, sustaining a habitable environment, self- medicating and engaging in vocational activities albeit with minimal continued support preparing them to live independently in the community.

### **Context**

- 3.3 The supported accommodation pathway provides accommodation and support to adults with a diagnosis of Learning Disability. Support is tailored to service user's individual needs, with a focus on developing life skills that enable people to move on from supported living to live independently in the community or lower-level accommodation with some support when and if they are ready to do so. This creates a throughput into supported living and assists in achieving moves for people returning to borough from high-cost care or those at risk of placement breakdown. This pathway is considered to be a local, viable alternative to out of borough residential care.
- 3.4 The London Borough of Tower Hamlets has 65 units of supported living within the borough that provide accommodation and support to adults with learning disabilities at an overall annual cost of £2,032,934.
- 3.5 The contracts for which we are recommending a direct contract award; **Mary Jones Court; and Albert Cottages, Fenton Street and Buxton Street** currently deliver an integrated housing and support offer through the providers Look Ahead Care and Support (LACS) and Outward Housing.
- 3.6 At Mary Jones Court the integrated offer comprises LACS being the property owner of the site and therefore responsible for the statutory requirements and general upkeep of the property, alongside providing the in-house care and support to all 20 residents. At Albert Cottages, Fenton Street and Buxton Street the integrated offer comprises Outward Housing delivering all the care and support to the 20 residents in addition to delivering the housing management functions.
- 3.7 Through these three existing contracts, adults with Learning Disabilities are offered supported housing that is safe, effective and which promotes enablement and personalisation. Flexible person-centred support is delivered to service users with a broad range of complex support needs..

- 3.8 Individuals residing within these schemes are offered an assured shorthold tenancy or licence agreement for the accommodation which is integrated with an onsite support offer from the support provider/ landlord. Each individual is required to pay their own rental costs. This is met through Housing Benefit for those who are eligible. The support offered within these schemes includes help to claim Housing and other welfare Benefits. It also promotes flexible and innovative approaches to service delivery, which are driven by efficiency and effectiveness in the use of resources, and which provide a safe alternative for adults with Learning Disability where residential care may otherwise have been considered.
- 3.9 Across these three contracts 40 integrated units of accommodation are offered, 32 of these offering medium to high support and 8 offering low step-down support. These contacts and the services provided within them support the London Borough of Tower Hamlets to improve the quality of life for vulnerable people.

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 Supported Accommodation is an important element of the Learning Disability pathway and Strategic priorities. By providing local Learning Disability focused supported accommodation, local residents are better integrated into local communities. These services support the most vulnerable to access personalised support with the aim to achieving enablement, independence and wellbeing.
- 4.2 The monitoring of these services will include a focus on uptake and experience against the nine protected characteristics, this monitoring will be enhanced through the move to a unified contract enabling better performance management and equity of access.

#### **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 The increasing Learning Disability need within the borough has led to increased spending, at the same time sector costs have increased due to increases in London Living Wage and cost of living crisis.
- 5.2 The increasing complexity of presentation and need over a prolonged period of time and the scarcity of supported living accommodation, particularly for people with high and complex needs, has led to the continued use of out of area placements.
- 5.3 The greatest opportunity for savings in the Learning Disability accommodation budget is to reduce the spend on expensive out of area placements by developing in borough accommodation, particularly where this will improve outcomes for those individuals who have complex needs whose families want them to return to Tower Hamlets to live.

- 5.4 Whilst a Direct Award is proposed there will still be opportunities to seek best value through negotiation and identify areas of efficiency.
- 5.6 The recent announcement of 2023-24 increases to the London Living Wage (LLW) from £11.05 to £11.95 per hour will mean the Borough will need to allow for a review of the contract envelope during the lifetime of the contract. The Mayor in Cabinet is asked to agree the direct award on the basis that a review and uplift of the contract in line with London living wage and inflationary increases envelope is conducted on an annual basis through negotiation with LACS and Outward Housing.
- 5.7 The weekly costs to the Local Authority of placement in these schemes is significantly lower than a placement in residential care, leading to a significant cost avoidance.

### **Risk Management Implications**

- 5.8 To have insufficient provision of accommodation suitable for the needs of people with Learning Disabilities within LBTH would leave the council exposed to risk, particularly for the people currently being supported in these schemes. Buildings used for supported accommodation are required to meet House in Multiple Occupation (HMO) standards and Care Quality Commission requirements. Sourcing buildings that meet these thresholds in Tower Hamlets is challenging due to the shortage of building stock supply.
- 5.9 Holding a contract with LAHC and Outward Housing will enable appropriate contractual arrangements to be put in place which will reduce risk, achieve service user outcomes and improve performance.

### **Crime and disorder reduction implications**

- 5.10 Providing supported accommodation services to vulnerable adults who are at risk of exploitation will reduce crime and disorder by providing specialist care and support to those with complex needs.

### **Safeguarding implications**

- 5.11 Within all Supported Accommodation settings there are clear requirements and responsibilities to ensure all staff are trained in Safeguarding at a level commensurate with their role and that this training is regularly reviewed.
- 5.12 All services have the required policies in place which align with the London ADASS Safeguarding Guidelines and comply with GDPR and Data processing requirements. This is subject to monitoring and inspection by Commissioning and CQC, regarding confidentiality of information about service users and the protection of service users, which is known, understood and adhered to by the staff employed or engaged by the Service (including without limitation: volunteers).

## **Rationale for Longer Term Contracts**

5.19 The benefits, advantages and risks associated with longer term contracts include:

- Longer term contracts allow for longer term stability and continuity across these contracts as we know that good quality supported accommodation in Tower Hamlets is scarce.
- The supported accommodation market within Tower Hamlets will take time to develop and it may take some time before we see new providers entering the market, if at all. We therefore need to preserve and secure the accommodation that we have for as long as possible. Should the market change this could potentially adversely impact the ongoing availability and viability of the existing accommodation and services.
- The rental market and house prices in London and Tower Hamlets make the development of supported accommodation a less attractive option. Longer term contracts would allow the Council to retain the existing accommodation for longer.
- The ongoing cost of living and energy crisis is likely to impact the adult social care staffing sector if salaries are not increased in line with inflation, providers are already finding it difficult to secure experienced and competent staff and this is likely to continue. Longer term contracts offer providers greater stability and ability to offer staff long term benefits and training opportunities.
- The Authority gets greater provider commitment and buy in as longer-term contracts allows the Authority to work with providers to deliver our longer term vision whilst secure best value.
- Tendering contracts is a resource and labour-intensive exercise for all departments involved. The use of longer-term contracts means less procurement and use of resources which can be better utilised elsewhere in the system.

## **Rationale for Best Value**

5.20 This new contract will support the Local Authority to address the challenges associated with delivering a cost effective and person- centred Learning Disability Service with the opportunity to improve outcomes for people receiving services and ensure the service can deal with future cost pressures.

5.21 The two contracts will sustain the 40 units of accommodation within the Learning Disability portfolio and accommodation pathway as a better value alternative to residential care/accommodation.

## **Benchmarking**

5.22 Benchmarking on the cost of the services has been undertaken to ensure the Council continues to achieve best value for money in the current market.

5.23 The average weekly unit cost for an out of area placement is approximately £1,700, compared to the existing average weekly unit cost in borough of £504 for these contracts. The difference in price can, in the main, be attributed to the fact that out of borough costs are for residential care provision, including the rent and food costs which are not included in the costs of the in borough supported living schemes. Benchmarking the hourly rates against the Learning Disability Framework Lots (where the average hourly rate £19.66) as well as our neighbouring boroughs; Newham, Hackney and Waltham Forest (where the average hourly rates are in the region of £20) have established that the average hourly rates proposed for these schemes of £20.63 is comparable.

### **Social Value**

5.24 LACS and Outward Housing already deliver considerable social value impact as part of the current contractual arrangements through the employment and training of local residents and providing good standard accommodation for our service-users. The direct contract award negotiation will be an opportunity to further strengthen the social value impact as we look to drive ambition in employment and upskilling of our local residents and develop joint working support arrangements with our local small and medium enterprises (SMEs).

### **How Quality is Measured**

5.25 Learning Disability supported accommodation services have been commissioned to deliver high quality, recovery focused support to improve the quality of life for vulnerable, socially excluded people through the delivery of supported housing that is safe, effective and which promotes independence through personalisation and enablement.

5.26 The support provision delivered by LACS and Outward Housing provide accommodation within services that are registered locations with the Care Quality Commission (CQC) and that meet CQC requirements in key areas such as the 13 Fundamental Standards of Care (Click [Here](#) to access) and Right Care Right Support Right Culture (click [Here](#) to access).

5.27 Both providers have received an overall rating of “good” in their last CQC inspections. The reports can be accessed [Here](#) for LACS and [Here](#) for Outward Housing.

5.28 Contract management includes site visits and contract meetings to review performance. Collation, analysis and reporting of key performance data is undertaken quarterly together with regular incident and complaint monitoring. The data and information captured is used to measure the quality and effectiveness of each contract and ensure that services are meeting the required performance targets and outcomes. Performance data captured to date highlight the services exceeding performance targets around staffing (at

100%) and utilisation levels (at 94%). Good outcomes are being achieved for service users in areas of health where 100% of service users have a health action plan and medication review and community activities where 95% of service are engaging in education training and employment activities.

- 5.29 The contract specifications for all services within the sector define targeted outcomes/outputs related to recovery and resettlement. Providers achievement of these help us to measure the effectiveness of services in areas such as;
- Facilitating hospital discharges and registered care discharges
  - Reducing the use of registered care and hospital admission
  - Maximising positives moves to lower-level supported housing or independent accommodation
  - Supporting service users to manage their health and wellbeing
  - Supporting service users to be free from physical and emotion abuse, harassment or neglect
  - Effectively contributing to the management of risk
  - Working in partnership to provide rapid response to individual support needs.
- 5.30 The sector aims are achieved by delivering personalised and co-designed packages of support which promote long-term independence and provides a holistic approach enabling service users to realise personal, psychological, social, vocational and clinical outcomes.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The report seeks approval for a direct award for 2 contracts for Learning disability Supported Accommodation for a period of 3 years plus 2 years extension, through 2 providers.
- 6.2 The 2022/23 block contract value for Outward Housing: Albert Cottages, Fenton Street and Buxton Street, is £405k, and no inflationary uplift was awarded on these contracts for 2022/23. The provider has requested an inflationary uplift of 9% for 2023/24 (inclusive of London Living Wage uplift which accounts for 8.14%), accounting for a £36k increase, taking the block contract value for 2023/24 to £442k.
- 6.3 The 2022/23 block contract value for Look Ahead Care and Support: Mary Jones Court, is £309k, including an inflationary uplift of 7% which was awarded on these contracts for 2022/23. The provider has requested a further inflationary uplift of 9% for 2023/24 (inclusive of London Living Wage uplift which accounts for 8.14%), accounting for a £28k increase, taking the block contract value for 2023/24 to £337k.

- 6.4 Funding for inflationary uplifts will need to be met from within any inflationary allocations to the HAC budgets for each financial year built into the Medium Term Financial Strategy

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Council has a legal duty to provide this care. Also, the individuals to whom the care is provided have a right to continue to live in their existing home. The owners of the properties have mandated that the level of care can only be provided by them as the care to which the residents have become accustomed and need is integrated with the housing provision services. This means that the Council cannot run a competitive exercise for provision of the care as the Council and the residents would lose access to the properties in the event that someone other than the property owners won a tender for the care part of the services.
- 7.2 In other circumstances the Council is legally required to subject the services it purchases to competition. However, the circumstances outlined above show that if the Council attempted to run a competitive exercise no competition could be achieved due to the nature of this purchase. Therefore, the Council does not intend to act anti-competitively. It is performing an award without competition due to the nature of the market and the subject matter of the purchase which restricts competition.
- 7.3 The Council will benchmark the costs (and any future uplifts during the contract period) against other similar competitively procured services to ensure that the economy part of the Best Value Duty is achieved. There will be a contract in place with a clear specification which will be monitored to ensure service quality which will ensure compliance with the efficiency and effectiveness limbs of the Best Value Duty.
- 7.4 The people who currently reside at the properties are likely to have protected characteristics for the purposes of the Equality Act 2010. A decision to competitively procure the service would have a disproportionate effect on these people when compared to people without a protected characteristic. It is not clear how such disproportionate effect could be rebalance in another way to maintain compliance with the Equality Act

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- None

**Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

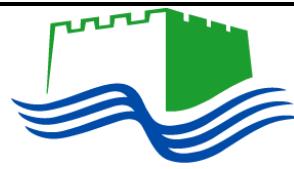
- None

**Officer contact details for documents:**

N/A

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# Agenda Item 6.4

<b>Cabinet</b>  30 November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Ann Sutcliffe – Corporate Director of Place Kevin Bartle – Interim Corporate Director of Resources	<b>Classification:</b> Unrestricted
<b>Housing Revenue Account (HRA) Capital Programme 2022-23 to 2024-25: Latest position</b>	

<b>Lead Member</b>	<b>Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development and Housebuilding</b>
<b>Originating Officer(s)</b>	Jane Abraham, Interim Capital Programme Manager (Housing)
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	September 2022
<b>Reason for Key Decision</b>	To revise the budget for the housing capital programme incurring expenditure in excess of £1,000,000.
<b>Strategic Plan Priority / Outcome</b>	2. Providing homes for the future

## **Executive Summary**

The Housing Revenue Account (HRA) Capital Programme budget of **£411.927m** for 2022-23 to 2024-25 was approved by Full Council in March 2022, as part of the Council's Medium Term Financial Strategy (MTFS) 2022-23 to 2024-25. The budget is made up of **£323.219m** for the delivery of the new homes programme and **£88.709m** to Tower Hamlets Homes (THH) for capital works.

The budget was revised and approved by Cabinet in July 2022, based on the provisional out-turn figures for 2021/22 including net slippage, to **£425.700m**, with **£335.500m** for the new homes programme and **£90.200m** for THH capital works.

A review of the Approved HRA Capital Programme has taken place under the new administration to ensure that the manifesto pledges and priorities set out in the 2022-26 Strategic Plan are reflected, in particular the Mayor's commitment to tackling overcrowding by increasing the number of family sized homes being delivered.

In June 2021 and March 2022, scheme-specific budgets were approved for the proposed developments which make up the existing capital programme for new homes. To make funding available for new schemes which are ready to progress and will provide more family-sized homes, some schemes in the approved programme will be substituted. This aligns with the programme-wide approach that enables individual schemes to be brought forward and moved back if issues that impact delivery arise to ensure the pace of delivery is maintained.

In parallel with the programme review, an update of the 30-year HRA Business Plan is being carried out to establish the budget envelope for next year's programme.

Where the ambition of the proposed capital programme exceeds the funding available at this time, alternative delivery options are being explored to maximise the delivery of new council homes in the borough.

The report sets out the detail of the revised 2022/25 HRA Capital Programme and how this will be funded, for approval.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Approve the budget allocations for new schemes being added to the programme as substitutes for previously approved schemes which are being removed, subject to sign off through the capital governance process and agreement to proceed given by the Corporate Director of Place in consultation with the Mayor and the Corporate Director of Resources.
2. Approve the addition of Buckhurst Street, Smithy Street, Candy Street, housing on the St Georges Leisure Centre site, the purchase of 9 completed homes at Royal Mint Street, the conversion of Albert Jacob House to be

funded by the removal of the Ashington House scheme and unallocated grant and s106, subject to sign off through the capital governance process and agreement to proceed given by the Corporate Director of Place in consultation with the Mayor and Corporate Director of Resources.

3. Approve the removal of the housing companies from the capital programme.
4. Approve the virement of £2.098m from the THH capital works budget of £90.200m for essential works at Watney Market car park
5. Approve delegated authority to the Corporate Director of Place, in consultation with the Mayor and the Corporate Director of Resources, to substitute schemes within the Approved HRA Capital Programme.
6. Note that schemes funded by future capital receipts (RTB receipts) and/or s106 contributions will not go ahead until such funds have been received by the Council.
7. Approve delegated authority to the Corporate Director of Place in consultation with the Mayor and the Corporate Director of Resources for all activities required to deliver the approved capital programme, for example but not exclusively, go out to tender, appoint consultants and contractors in accordance with the Procurement Procedures, acquire land interests, appropriate land from the General Fund to the Housing Revenue Account (HRA) for the delivery of new council homes and other rights of appropriation, subject to approved budget.
8. Note the Equalities Impact Assessment and specific equalities considerations as set out in Section 4.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The 2022-25 HRA Capital Programme approved in March 2022 requires a review and refresh to reflect the priorities set out by the new administration in the 2022-26 Strategic Plan. The 30-year HRA Business Plan is being updated and the revised programme will need to be set within the affordability constraints of the refreshed HRA Business Plan.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The council is required to approve a capital programme that it can demonstrate it can fund. Funding sources are identified for all schemes listed in the latest position of the 2022-25 HRA Capital Programme as set out in this report.
- 2.2 The alternative route would be to update on a scheme by scheme basis through the Quarterly Monitoring report prepared by Corporate Finance rather than reviewing the programme as a whole that can ensure the priorities in the Strategic Plan are addressed.

### **3. DETAILS OF THE REPORT**

#### **3.1 BACKGROUND**

- 3.1.1 In March 2022, Full Council approved an HRA capital programme totalling **£411.927m** for 2022-23 to 2024-25, of which **£323.219m** for the delivery of the new homes programme and **£88.709m** to THH for capital works. The budget was revised and approved by Cabinet in July 2022, based on the provisional out-turn figures for 2021/22 including net slippage, to **£425.700m**, with **£335.500m** for the new homes programme and **£90.200m** for THH capital works. This includes the approved budget allocation for the first three years of the HAP Estate Regeneration scheme.
- 3.1.2 Last year's 30-year HRA Business Plan, carried out by Savills, demonstrated that the existing programme totalling **£425.700m** was affordable at that time. The HRA Business Plan is currently being updated to establish the budget available for next year's housing capital programme for the period 2023 – 2026.
- 3.1.3 The HRA capital programme is funded by a mixture of grant funding, capital receipts (including RTB receipts), s106 contributions and borrowing. The programme maximises the availability of external funding and RTB receipts, but the regulations associated with the use of these sources means that there is a need for borrowing to be used alongside. The revised HRA capital programme, within the approved total of **£425.700m**, will require **£222.130m** of borrowing, as previously approved and which last year's 30-year HRA Business Plan, demonstrates can be afforded.
- 3.1.4 The principles on which this capital report is based are that approved projects will not proceed until the identified funding source is received, or in the case of external grant, confirmed in writing; the council will not borrow more than it can afford to repay; and the total approved HRA capital programme will not exceed the total funding available and if new schemes are prioritised above those already in the programme, they will need to replace existing approved schemes. The programme-wide approach will enable individual projects to be brought forward and moved back as issues that impact on delivery arise, to maintain delivery outcomes.
- 3.1.5 In order to successfully deliver a substantial capital programme, it is essential to have effective governance, project monitoring, financial management and staff resources in place to ensure that quality outcomes are delivered on time and value for money is demonstrated.
- 3.1.6 The substitutions within the revised 2022-25 HRA capital programme proposed in this report are shown in paragraph 3.4.15 Table 2.

#### **3.2 CONTEXT**

- 3.2.1 The newly approved 2022-26 Strategic Plan sets a clear direction for the council and is the main business planning document. It sets out the strategic priorities

and objectives, the high level activities which will be undertaken to deliver the outcomes and the measures that will help determine whether the outcomes have been achieved.

- 3.2.2 Priority 2 is “Homes for the future” and sets out the actions required to meet the ambition of the new administration that “everyone in Tower Hamlets lives in a good quality home that they can afford”. Recognising that the housing crisis being one of the greatest challenges facing London today, with a fast growing population, an acute shortage of social homes and many residents living in overcrowded conditions, the council will work alongside residents, housing providers and landlords in finding solutions to achieve change.
- 3.2.3 The new homes programme will contribute towards addressing these priorities by:
- Prioritising schemes which provide the opportunity to deliver the greatest number of new homes
  - Maximising the number of larger family-sized homes within every scheme
  - Making best use of land in the council’s ownership to increase the supply of new homes for social rent
  - Exploring opportunities for alternative delivery options to increase delivery through partnership approaches
- 3.2.4 There are a number of other ways in which the council will be seeking to tackle overcrowding, which will form part of a future housing strategy, including:
- Reviewing potential for an extensions/knock-through programme, initially allocating £0.500m for 10 properties
  - Identifying new ways to help reduce under-occupation
  - Considering the purchase of completed homes delivered through s106 agreements with developers, such as Royal Mint Street
  - Reviewing the buy-back programme, for which there is currently an approved budget of £11.917m in the General Fund for the three year period from 2022-25
  - Reducing the number of long-term void properties
- 3.2.5 In addition to the direct delivery of new council homes, housing associations operating the borough also deliver much-needed affordable homes.

### **3.3 FUNDING**

- 3.3.1 The HRA capital programme is funded by a mixture of grant funding, capital receipts (including RTB receipts), s106 contributions and prudent borrowing. The programme maximises the availability of external funding and RTB receipts, but the regulations associated with the use of these sources means that there is a need for borrowing to be used alongside.
- 3.3.2 The council was allocated grant funding as part of the 2021/26 GLA grant programme. Since the grant was offered there have been a number of adjustments made within the programme to reflect the change in funding

approach to the HAP Estate Regeneration (to be funded by RTB receipts, as approved by Cabinet in December 2021). A total of **£23.970m** remains available for re-allocation. To maximise the use of external GLA grant for the new homes programme, this grant of £170,000 per unit has been allocated when it can be to the new additions to the programme ahead of RTB receipts.

- 3.3.3 Right-to-buy (RTB) receipts are either directly held by the council or held by the GLA. Where directly held RTB receipts are used, these can contribute 40% of the total scheme budget alongside s106 contributions and/or borrowing. For GLA ring-fenced RTB receipts, only 30% of a total scheme budget can come from this source, with the remainder from s106 contributions and/or borrowing. The removal of the approved budget allocation for the community benefit society (Mulberry Housing Society) has released **£9.000m** of directly held RTB receipts for allocation to the HRA capital programme.
- 3.3.4 The council currently holds **£21.043m** of s106 for the provision of affordable housing, of which **£13.938m** is allocated to the HAP Estate Regeneration and **£0.352m** to recently completed schemes. There remains **£6.753m** of s106 which is allocated to the HRA capital programme in this report.
- 3.3.5 The prudent borrowing capacity is established by the 30-year HRA Business Plan. The business plan takes into account the projected income from the housing stock, meaning that annual rent increases will impact directly on the capacity available for the delivery of new homes. The 2022-25 HRA capital programme requires **£222.130m** of borrowing.

### **3.4 REVISED 2022-25 HRA HOUSING CAPITAL PROGRAMME**

- 3.4.1 The currently approved 2022-25 HRA capital programme totals **£425.700m**, of which **£335.200m** is for the new homes programme and **£90.200m** is for THH capital works, based on the 30-year HRA Business Plan produced in 2021.

#### **Capital works to existing council homes**

- 3.4.2 The priorities for THH housing capital expenditure for the next three years are to maintain and improve the existing council stock, continue retrospective works to address fire safety and building safety and, subject to the availability of funding, carry out energy efficiency works.
- 3.4.3 Essential works, expected to cost **£2.098m**, required to Watney Market car park to ensure the safety of the residents living in the flats above are being funded as part of the **£90.200m** THH capital works programme for the next three years, approval for which is sought in this report.

#### **New council homes programme**

- 3.4.4 In the reports to Cabinet in June 2021 and Full Council in March 2022, scheme-specific budgets were approved for the proposed developments which make up

the existing 2022-25 HRA capital programme for new homes totalling **£335.500m** for the next three years.

- 3.4.5 To make funding available within the currently approved budget envelope for other schemes, this report proposes the removal of **£9.000m** (funded by RTB receipts) budget allocation for the community benefit society and the Ashington House scheme with a total approved budget allocation of **£31.603m** (£12.604m RTB receipts; £18.999m borrowing). The Ashington House scheme has progressed more slowly than anticipated and no longer requires a capital allocation. In addition, there is **£6.753m** from s106 contributions available for allocation.
- 3.4.6 All new build schemes that are on site or where contractors have been appointed remain in the revised programme. As a result of inflation and other market conditions, there are expected to be some increases to project budgets to cover total scheme costs and ensure schemes can be delivered as planned. Approval for these will be sought on a scheme by scheme basis once exact costs are known, subject to funding availability.
- 3.4.7 The new additions to the programme require funding of **£44.200m**, which is being made available, within the existing budget envelope, by the removal of the Ashington House scheme. The new additions include two schemes with planning consent for a total of 4 bedroom homes at Buckhurst Street and Smithy Street, the purchase of 9 completed family-sized homes at Royal Mint Street, the delivery of as many modular homes at Candy Street as possible subject to planning, funding for in the region of 27 new homes on the St George's Leisure Centre site and for the refurbishment and conversion of Albert Jacob House.
- 3.4.8 Schemes that have yet to achieve planning consent or are in the early design stages are being reviewed, to ensure that best use is made of land in the council's ownership and the number of larger family-sized homes is increased. Budget allocations for these schemes remain in the programme but are likely to need amending when the final designs have been approved.
- 3.4.9 Future additions will be made to the programme to increase the supply of new council homes, including the development of John Onslow House, subject to funding availability, following the HRA Business Plan Review.
- 3.4.10 Alternative delivery options are being explored to enable the delivery of mixed tenure schemes through partnership approaches at Commercial Road (car pound) and other schemes in the pipeline programme. The ambition for the HRA Capital Programme currently exceeds the funding available. The HRA Business Plan review will establish the revised budget envelope for 2023-26.
- 3.4.11 All schemes in the revised 2022-25 HRA capital programme set out in this report have funding identified and allocated, confirming that the programme can be afforded, based on last year's business plan. Beyond the approved schemes, initial feasibility works continues to be carried out on potential schemes, funded by HRA revenue, to create a future pipeline to be brought forward when funding becomes available.

3.4.12 A programme-wide approach will continue to be taken, to enable individual schemes to be brought forward from the pipeline programme or moved back from the approved programme if issues that impact delivery arise, ensuring the provision of new homes is maintained. This report seeks delegated authority for the substitution of schemes to be approved by the Corporate Director of Place in consultation with the Corporate Director of Resources and the Mayor, to ensure delivery can continue at pace.

3.4.13 If the update of the 30-year HRA Business Plan reduces funding capacity, other schemes may need to be removed from next year's programme.

3.4.14 The funding available for allocation to new schemes, as a result of scheme removals and unallocated grant and s106, is shown in Table 1 below:

Table 1

	<b>GLA £m</b>	<b>RTB receipts £m</b>	<b>s106 £m</b>	<b>Borrowing £m</b>	<b>Total £m</b>
Ashington	-	12.604	-	18.999	<b>31.603</b>
CBS	-	9.000	-		<b>9.000</b>
Unallocated grant	23.970	-	-	-	<b>23.970</b>
Available s106	-	-	6.753	-	<b>6.753</b>
<b>Total</b>	<b>23.970</b>	<b>21.604</b>	<b>6.753</b>	<b>18.999</b>	<b>71.326</b>

3.4.15 The proposed budget allocations are shown in Table 2 below. To add any further schemes to the programme, additional borrowing capacity, which is not available, would be required.

Table 2

	<b>GLA £m</b>	<b>RTB receipts £m</b>	<b>s106 £m</b>	<b>Borrowing £m</b>	<b>Total £m</b>
Buckhurst Street	1.020	-	-	1.480	<b>2.500</b>
Smithy Street	0.680	-	-	1.320	<b>2.000</b>
88 Royal Mint Street	-	1.800	-	2.700	<b>4.500</b>
Candy Street	4.080	-	-	4.920	<b>9.000</b>
St George's Leisure Centre site – housing	-	6.400	6.753	2.847	<b>16.000</b>
Albert Jacob House	4.760	-	-	5.440	<b>10.200</b>
<b>Total</b>	<b>10.540</b>	<b>8.200</b>	<b>6.753</b>	<b>18.707</b>	<b>44.200</b>

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 The Equality Act 2010 requires the Council, in the exercise of its functions to have due regard to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
- 4.2 With the diversity and rapid growth of the borough, ensuring equality is embedded throughout Council plans, services and activities is a key priority and at the heart of all decision making. To help meet its duty under the Equality Act the Council undertakes equality impact assessments to analyse a proposed change to assess whether it has a disproportionate impact on persons who share a protected characteristic.
- 4.3 As part of the process of establishing a housing capital programme, an equality impact assessment checklist is carried out on all new proposals and schemes to determine if a full equality impact assessment needs to be carried out. Full equality impact assessments are carried out for each new build scheme as part of the governance process. This process prevents any proposal which amounts to discrimination from being implemented and any project which is likely to lead to a differential impact is varied to mitigate the differential impact.
- 4.4 It is intended that the housing capital programme, as a whole, reduces inequality, fosters cohesion and has a positive impact for residents and organisations in the borough.

#### **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 Under Section 17 of the Crime and Disorder Act 1998, the council is under a legal duty when exercising its various duties to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area, including anti-social behaviour adversely affecting the local environment and quality of life of residents; the misuse of drugs, alcohol and other substances and re-offending. It is anticipated that a number of the capital schemes proposed will have beneficial consequences for crime and disorder in the borough through providing new and improved homes, enhancing the public realm and improving life chances for children and young people.
- 5.2 Any safeguarding implications of individual proposals in the budget are set out in the papers relating to those proposals.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report recommends that MAB approve the budget allocations for new schemes being added to the programme as substitutes for previously approved schemes which are being removed.

- 6.2 To make funding available within the currently approved budget envelope for other schemes, this report proposes the removal of £9.000m (funded by RTB receipts) budget allocation for the community benefit society and the Ashington House scheme with a total approved budget allocation of £31.603m (£12.604m RTB receipts; £18.999m borrowing). In addition, there is £6.753m from s106 contributions and £23.970 of GLA grant available for allocation. This would result in total funding of £71.326m being made available, detailed further in Table 1, for re-allocation whilst maintaining the overall budget envelope from last year's 30-year HRA Business Plan, carried out by Savills, which demonstrated that the existing programme was affordable at the time.
- 6.3 The proposed new additions to the programme would utilise £44.200m, which is detailed further in Table 2 including a breakdown of funding sources, of the total funding of £71.326m proposed to be made available. This would leave £27.126m of funding available (£13.430m of GLA grants, £13.404m of RTB receipts and £0.292m of borrowing) which will be reviewed in light of the update of the 30-year HRA Business Plan being carried out to establish the budget envelope for the 2023-26 HRA capital budget.
- 6.4 As part of the proposals, it is recommended to remove the Ashington House scheme from the HRA capital programme. If the scheme is approved for removal, the spend to date of £627k relating to the scheme will need to be expensed to Housing Revenue Account (HRA) revenue and contained within revenue budgets as no tangible asset has materialised. Further, the report also proposes the allocation of £10.540m of Greater London Authority (GLA) grant monies to individual housing schemes, this is subject to approval from the GLA.
- 6.5 The report also looks approval for the Essential works, expected to cost £2.098m, required to Watney Market car park to ensure the safety of the residents living in the flats above. This will be funded by reducing the existing £90.200m THH capital works programme for the next three years by an equivalent amount, releasing £2.098m of HRA revenue funding to finance the expected costs, resulting in a net nil impact on the overall existing HRA capital programme.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council's chief finance officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control and the expenditure of different funding streams. It is consistent with these arrangements for Cabinet to receive information and requests relating to the allocation of funding.
- 7.2 The allocations of the various funding streams referred to in this report are in line with the various legal frameworks which relate to each funding stream.
- 7.3 Where reference is made to the allocation of S.106 funds in the Appendix, such allocation will occur (or has occurred as the case may be) in line with the

Council's application procedure and in any event the money will be applied to schemes which conform to the conditions imposed by the relevant S.106 agreement.

- 7.4 Recommendation 3 refers to a delegation to the Corporate Director to commit the Council to expenditure of the various sources of funds. Any such commitment will be subject to the Council running an appropriate level of procurement exercise having regard to the Council's constitution and the relevant legislation such as the Public Contracts Regulations 2015.
- 7.5 The winning bidder for each exercise will be chosen against pre-published evaluation criteria which will represent an appropriate blend of price and quality with respect to the subject matter of each procurement. The award to the best scoring bidder on this basis will not only comply with the relevant procurement law and the Council's constitution but will also assist the demonstration of the Council's compliance with its Best Value Duty.

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### **Linked Reports, Appendices and Background Documents**

#### **Appendices**

- None

#### **Linked Report**

- None

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

#### **Officer contact details for documents:**

Rupert Brandon, Head of Housing Supply  
Roselyn Unegbu, Interim Head of Capital Delivery

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# Agenda Item 6.5

<b>Cabinet</b>  30 November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Ann Sutcliffe, Corporate Director of Place	<b>Classification:</b> Unrestricted
<b>Approval of the action plan arising from the Housing, Regeneration and Scrutiny Sub-committee's Fire Safety Review Report (September 2021)</b>	

<b>Lead Member</b>	<b>Councillor Kabir Ahmed (Cabinet Member for Regeneration, Inclusive Development and Housebuilding)</b>
<b>Originating Officer(s)</b>	Karen Swift, Divisional Director of Housing & Gemma Ganadin, Fire Safety Team Leader
<b>Wards affected</b>	All
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	23 May 2022
<b>Strategic Plan Priority / Outcome</b>	All

## Executive Summary

The Chair of the H&RSSC requested a review of fire safety across the borough, following the fire at New Providence Wharf (NPW) in May 2021 and invited residents to scope out the key areas of concern at the sub-committee meeting in June 2021. This report sets out the outcome of the review and proposes a number of actions in response to the residents' concerns. The sub-committee at their meeting on 9 September approved the submission of the outcome document (scoping review) and agreed that the proposals be submitted to the Mayor and Cabinet's for approval.

## Recommendations:

The Mayor in Cabinet is recommended to:

1. Consider the report arising from the H&RSSC's review of fire safety in the borough; and
2. Approve the actions arising from the recommendations made in the HRSSC's review of fire safety in the borough.

## **1    REASONS FOR THE DECISIONS**

- 1.1 The Housing and Regenerations Scrutiny Sub-Committee (H&RSSC) has previously explored a range of issues concerning fire and building safety. A Fire Safety Scrutiny review was undertaken in 2018, following the Grenfell fire, which led to a Fire Safety Action Plan that was recommended by the sub-committee for closure at HRSSC's meeting of the 15 April 2021, as all the actions had been completed.
- 1.2 Following the fire at NPW, the HRSSC decided to undertake a second 'deep dive' review of fire safety which commenced with a scoping exercise at their meeting held on 22 June 2021. The sub-committee heard evidence from leaseholders to ensure that the 'deep dive' covered the areas of concern from residents' perspective which was used to inform the review that took place over the summer of 2021.
- 1.3 At the committee's next meeting on 9 September 2021, the former Chair of the HRSSC introduced the report which set out the outcomes of the 'deep dive' review and proposed a number of recommendations in response to residents' concerns.
- 1.4 The council's Fire Safety Group then reviewed and formulated an action plan in response to the HRSSC's recommendations. Due to the council elections earlier this year and the resumption of the council's usual decision-making processes, it is now at this point where there has been space in the Cabinet's Forward Plan to take the resulting action plan to Cabinet for approval.
- 1.5 The action plan and its associated proposals will guide the council's ongoing fire and building safety work in collaboration with its Private Registered Providers partners and builders/developers operating in the borough.
- 1.6 Operationally, officers will continue to focus on managing private sector ACM remediation, collecting EWS data on behalf of the DLUHC, responding to residents' concerns on building and fire safety issues and preparing for the implementation of the Building Safety Act.

## **2    ALTERNATIVE OPTIONS**

The alternative option is not to recommend that the Mayor and Cabinet adopts the actions arising from the recommendations - or that only some of them are adopted. This is not recommended as the review that led to these proposed actions was predicated on clearly stated concerns that residents expressed at the fire safety scoping session at the June sub-committee meeting. Nevertheless while the majority of the actions can be met from within existing budgets and are in many cases part of business as usual, it is not possible to action every one of the 17 recommendations, as the council is constrained by legal and financial practicalities in some areas.

### **3 DETAILS OF THE REPORT**

- 3.1 The report sets out the national picture in terms of fire safety following the tragedy at Grenfell Tower and sets out the government's response and the policy and legislation framework which has consequently emerged.
- 3.2 The report also provides the narrative at both borough level and the experience of residents in the build up to the incident at NPW.
- 3.3 A scoping exercise in advance of the Fire Safety Review was undertaken by the H&RSSC at the sub-committee's meeting on 22 June where residents from two key groups were invited to express their views and concerns to inform the review and this is detailed within the report.
- 3.4 Following this scoping exercise, officers produced a scoping document that set out the 17 key questions that were put forward by residents on fire and building safety. The review was undertaken, by officers from the Strategy and Policy (Place) Housing team who focus on housing and regeneration issues. They worked with the council's core operational team who are involved in dealing with operational fire safety issues.
- 3.5 The review process examined the 17 key areas that residents had said concerned them most and involved meetings with relevant officers from across the council to formulate the council's response.
- 3.6 Further discussions were held with the two residents invited to give evidence at the scoping session to obtain supplementary feedback on the issues raised and meetings were held with external agencies including the LFB and RP partners, developers and builders operating in the borough.
- 3.7 Progress on the review work was reported to the weekly Fire Safety Meeting, chaired by the Divisional Director for Housing and Regeneration, and attended by key officers working on fire and building safety from across the council.
- 3.8 The aim of the review was to ensure the outcomes focussed on practical improvements that would resonate with residents and would inform the council's fire and building safety agenda going forward. The 17 questions were categorised into 5 core areas:
  - 1) What powers can we use?
  - 2) What can be communicated better?
  - 3) What can we fund?
  - 4) Where to focus our lobbying?
  - 5) Which ways of working can be improved?
- 3.9 **Appendix 2 – Fire Safety Review Scoping Document** contains the outcomes of the review and **Appendix 3 – Fire Safety Proposals** is a distillation of these outcomes into proposals across the 5 core areas. For ease of reference, the proposals are given below:

1. Ensure Fire Statements submitted to the council by developers/builders as part of the Planning process are robust and address all known fire safety issues.
  2. Investigate the promotion of “Commonhold” with our PRP partners, builders, and developers.
  3. Explore regular Quarterly meetings between the Mayor/officers and Leaseholders.
  4. Further publicise the council’s building safety pledge to residents, building owners and PRPs
  5. Set up a fire safety portal that contains clear information for homeowners, tenants, leaseholders and clarifies the role of Housing Associations, builders, and developers.
  6. Ensure the council’s revamped website explains how the BSF application process works to leaseholders and builders/developers submitting bids.
  7. Explore with the LFB and other London boroughs using CIL money to purchase firefighting equipment.
  8. Continue to lobby the Government with our RP partners for increased funding for independent advisory services at every opportunity.
  9. Raise gathering of economic data/cost implications of building safety issues at the LHD FSG meeting to enlist the support and collaboration of other councils and RPs.
  10. Review the findings of the final LFB report into the fire at NPW with our RP partners, building owners and developers.
  11. Work with our RP partners and building owners and developers to implement the Building Safety database.
  12. Explore the feasibility of contributing to the Building Safety Map with our RP partners and building owners.
  13. Continue to meet with LFB and PRP partners to develop a joint Fire Safety Engagement Plan.
  14. Work with RP partners and LFB to develop a fire safety video and other engagement/communication material to promote fire safety.
  15. Establish a Tower Hamlets Fire Safety Forum with LFB and THHF partners to examine evacuation procedures and to promote appropriate fire alarms and signage.
  16. Establish a Resident and Landlord Fire Safety Forum to ensure effective resident involvement and collaboration in all relevant fire safety issues
- 3.10 It has not been possible to action every one of the 17 key questions posed as the council is constrained by legal and financial practicalities in some areas.
- 3.11 Further detail on the work associated with the scrutiny review includes Appendix 4 - the template for the council’s revamped web pages which has formed the Fire Safety Portal.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 The Public Sector Equality Duty (as set out in the Equality Act 2010) aims to embed equality considerations into the day-to-day work of public bodies, so that they tackle discrimination and inequality and contribute to making society fairer.

The actions proposed in the ‘The Fire Safety Action Plan 2021’ to be taken by the council in respect of ensuring fire safety in the borough reflect this duty.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 There are no other statutory implications identified at this stage. The council’s work to date and going forward is considered to be commensurate with all its best value, environmental and safeguarding responsibilities.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The Council received £257k grant funding from DLUHC for External Wall Surveys. At 31<sup>st</sup> March 2022, £137k has not been spent and is held in an earmarked reserve to fund the team and their work. No more grant funding is available for this work.
- 6.2 As part of budget setting for 2022/23 a growth bid was approved for two years for £671k to enable the team to expand and provide suitable ICT for recording the results of surveys. This growth will allow the work outlined in this report to be completed.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The report asks the Mayor and Cabinet to approve the recommendations made in the review of fire safety in the borough which are set out in the appendices to this report.
- 7.2 Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise as set out in s38(6) of the Planning and Compulsory Purchase Act 2004.
- 7.3 The London Plan (2021) includes a policy on fire safety. The London Plan is now part of the development plan and the council is applying this policy to relevant developments in the borough. Applicants are now required to submit a fire statement which is then assessed by the HSE as part of the statutory consultation process.
- 7.4 The Council intends to encourage developers in the use of commonhold, introduced by the Commonhold and Leasehold Reform Act 2002, which aims to overcome the disadvantages of leasehold ownership.
- 7.5 Under the Regulatory Reform (Fire Safety) Order (2005) (FSO), (as amended by the Fire Safety Act 2021 (FSA)) building owners in purpose-built flats, including Homes of Multiple Occupancy are required to determine the fire protection measures in the building. Following the introduction of the FSA in October 2021, the ‘Responsible Person’ will be held liable for contraventions of the FSO where they have failed to comply with fire risk assessments.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendix 1 - Non-executive Report of the Housing and Regeneration Scrutiny Sub-committee 'Fire Safety Review' – September 2021
- Appendix 2 – Fire Safety Review Scoping Review Document.
- Appendix 3 – Fire Safety Proposals.
- Appendix 4 – Fire Safety Portal – Web Template.
- Appendix 5 – Membership of the HRSSC March 2021-April 2022.
- Appendix 6 – HRSSC Recommendations Action Plan April 2022

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

**Officer contact details for documents:** [una.bedford@towerhamlets.gov.uk](mailto:una.bedford@towerhamlets.gov.uk)

<p>Non-Executive Report of the:</p> <p><b>Housing &amp; Regeneration Scrutiny Sub-Committee</b></p> <p>9<sup>th</sup> September 2021</p>	 <b>TOWER HAMLETS</b>
<p><b>Report of Councillor Ehtasham Haque</b></p> <p>Chair, Housing &amp; Regeneration Scrutiny Sub Committee</p>	<p><b>Classification:</b> Unrestricted</p>
<b>Fire Safety Review</b>	

<b>Originating Officer(s)</b>	Mark Slowikowski, Strategy and Policy Manager (Place)
<b>Wards affected</b>	All Wards

## Executive Summary

The chair of the H&RSSC requested a review of fire safety across the borough, following the fire at New Providence Wharf (NPW) in May 2021 and invited residents to scope out the key areas of concern at the sub-committee meeting in June 2021.

This report sets out the outcome of the review and proposes a number of actions in response to the residents' concerns. The sub-committee is requested to approve the submission of the outcome document (scoping review) and the proposals to the Mayor for approval.

## Recommendations:

The H&RSSC is recommended to:

1. Approve the outcome of the fire safety review and recommend to the Mayor the proposals set out in appendix 2 to this report.

### 1. REASONS FOR THE DECISIONS

- 1.1 The Housing and Regenerations Scrutiny Sub-Committee (H&RSSC) has previously explored a range of issues concerning fire and building safety. A scrutiny review undertaken in 2017, following the Grenfell fire, led to a Fire safety Action Plan that was recommended to Cabinet for closure in April this year as all the actions had been completed.
- 1.2 The review of fire safety following the fire at NPW and the associated proposals will guide the council's ongoing fire and building safety work in collaboration with its PRP partners and builders/developers operating in the borough.

- 1.3 Operationally, officers will continue to focus on managing private sector ACM remediation, collecting EWS data on behalf of the MHCLG and responding to residents' concerns on building and fire safety issues.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The alternative option is not to recommend that the Mayor adopts the proposals or that only some of them are adopted. This is not recommended as the review that led to these proposals was predicated on clearly stated concerns that residents expressed at the fire safety scoping session at the June sub-committee meeting.

## **3. DETAILS OF THE REPORT**

### **The National Picture**

- 3.1 Four years on since 72 people died in the fire at Grenfell Tower, the National picture on building safety remains centred around removal of ACM cladding from all blocks of flats, comprehensive data collection on external wall systems in blocks over 18 metres and legislative reform/changes in the form of the Fire Safety Act 2021 and the Building Safety Act.
- 3.2 At the same time, a range of fire or building safety issues have been uncovered in tower blocks across the country that have left thousands of residents living in unsafe, unsellable homes. These include flammable non-ACM cladding such as PVC and issues with fire breaks, fire doors, insulation, balconies, and compartmentation breaches.
- 3.3 According to MPs on the House of Commons housing, communities and local government select committee, the government needs to:
- establish a comprehensive building safety fund that means no leaseholders are required to pay for the removal of dangerous cladding
  - give social landlords more access to government funding for cladding removal and other fire safety measures
  - require industry, including possibly manufacturers and suppliers, to pay towards fire safety
  - scrap a proposed loan scheme for leaseholders in buildings less than 18 metres high
  - pay more attention to the physical and mental toll fire safety is having on residents
  - assess the impact the cladding scandal is having on the housing market
- 3.4 The HofC committee held its latest inquiry into fire safety earlier this year. In conclusion, it says that extra government funding for cladding removal is being 'swamped' by the scale of fire safety issues that have emerged in multi-occupancy buildings since the fire at Grenfell in 2017.

- 3.5 In 2020, the government announced a building safety fund, worth £1bn, for the removal of non-ACM cladding. This was in addition to £400m offered to councils and housing associations in 2018 for removing ACM cladding.
- 3.6 During the past year, most attention has been focused on leaseholders, some of whom are being asked to pay substantial bills by building owners. The select committee's view is that leaseholders should bear no cost whatsoever for the remediation of building safety defects that were not of their making.
- 3.7 The Government has so far resisted pressure to ensure no leaseholders face bills for fire safety measures but is promising further money for cladding remediation on high-rise residential buildings that are above 18 metres or six storeys high.
- 3.8 Despite an estimated 11 million people living in homes that require cladding to be removed or suffering from other fire safety issues, many are not eligible for Government funds. During the past 12 months, the UK Cladding Action Group has lobbied MPs and media organisations as part of the *End Our Cladding Scandal* campaign.
- 3.9 In response, in February 2021, the Government committed to:
- An extra £3.5bn towards cladding remediation for high-rise residential buildings above 18 metres (six storeys), on top of £1.6bn already committed.
  - A long-term loan scheme towards the costs of cladding remediation for buildings between 11 metres (four storeys) and 18 metres, with a maximum monthly payment of £50 per leaseholder.
  - A developer levy payable when seeking to build certain high-rise buildings in England.
  - A new tax for the UK residential property development sector predicted to raise £2bn over ten years towards cladding remediation.
- 3.10 More recently, in April 2021, the Fire Safety Bill received royal assent, but without a clause to protect leaseholders against large bills for removal of cladding and other safety defects.
- 3.11 The HofC Committee also highlighted the toll that the cladding crisis is having on residents after a year when people have been required to spend more time than ever at home. Last year, the UK Cladding Action Group published a report showing the effect this is having on people's mental health.
- 3.12 In its 2020 report, the HofC committee asked the government to offer NHS support for the physical and mental health needs of residents in affected buildings and to provide signposting to services for residents worried about their safety or financial situation.
- 3.13 Last year, the government launched a £30m fund for 24-hour waking watch patrols. The money can be used towards alarm systems in buildings more than 17.7 metres high that have unsafe cladding and where the costs of

waking watches are being passed on to leaseholders.

- 3.14 Buildings owned by social landlords are only eligible where it can be shown that the cost of a waking watch have been passed to leaseholders and that the costs of installing an alarm would also fall on leaseholders.
- 3.15 The fund will support between 300 and 460 buildings, but in London alone, there are 590 buildings with a waking watch. MPs want the fund to be expanded to include all interim fire safety costs, including buildings less than 17.7 metres high.
- 3.16 Uncertainty over building safety is having a significant effect on the wider housing market. This is partly due to a need to complete an EWS1 form on selling or re-mortgaging. The form was introduced in 2019 for valuation purposes and is not a statutory requirement, even though many lenders demand them.
- 3.17 New guidance on EWS1 forms in the Government's announcement on the 21<sup>st</sup> July 2021, stated that EWS1' forms should no longer be requested by lenders when leaseholders are trying to sell flats in blocks below 18 metres.
- 3.18 A group of major high street lenders has committed to review their practices following the new advice; HSBC UK, Barclays, Lloyds Banking Group and others have said that the expert report and Government statement paves the way for EWS1 forms to no longer be required for buildings below 18 metres and will help further unlock the housing market.
- 3.19 In summary, as chair of this sub-committee, the National picture in terms of improvements to fire safety in tower blocks is that they are taking far too long and the government has become embroiled in an argument with residents, building owners and even its own MPs over what is fair. Leaseholders are deemed worthy of help if they live in a tall tower block but must take out a loan if they live in a low-rise building.

### **The Policy Framework**

- 3.20 There are three new government policy/legislative changes which have led to the need for the council and THH to develop a Shadow Building Safety Framework, to ensure the preparedness of delivering necessary building safety requirements responsibilities:
  - Building Safety Bill/Act
  - Fire Safety Act 2021
  - Building Safety Regulator
- 3.21 **The Building Safety Bill** - which sits alongside the recent Fire Safety Act was introduced on 5 July 2021. The Bill will improve the fire and structural safety of new and existing residential buildings and focuses on accountability and responsibility at each stage of a building's lifecycle. This includes duty holders during the planning, design, and construction stage of a building. The Bill

establishes two new roles for buildings in occupation; the Accountable Person and Building Safety Manager.

- 3.22 As of 21<sup>st</sup> July 2021, the Bill had passed the second reading stage in the house of commons. The Bill is anticipated to receive Royal Assent between April to July 2022 and be fully implemented 12 months later in 2023.
- 3.23 **The Fire Safety Act 2021** - received Royal Assent on 29 April 2021 and includes a requirement to consider the spread of fire across external surfaces of buildings. For the council, this means that we will have to prioritise our existing programme of external wall system (EWS) surveys. It is proposed that THH's new Fire Safety Manager will take a leading role in this respect and manage the programme of inspections
- 3.24 the act also contains a requirement to ensure that front entrance doors and balconies are included within the scope of fire risk assessments and that they are in good condition and fit for purpose. This applies equally to tenanted and leasehold properties and it is envisaged that the "Building Safety Officers" will play a key role in enforcing this.
- 3.25 **Building Safety Regulator** - as announced in the Queen's speech of 11 May 2021, a new Building Safety Regulator will be established, which will sit under the Health and Safety Executive (HSE). The new regulator will provide oversight of building safety in the housing industry and will have the power to prosecute property developers and landlords that do not meet safety standards as set out in the Building Safety Bill. The Government anticipates the Regulator to be fully established between July 2022 to January 2023.
- 3.26 The council working collaboratively with THH, has begun planning for the introduction of Bill. An internal Building Safety Bill Group has been established and meets monthly to progress matters.

### **The Local Context – Fire at NPW**

- 3.27 The borough is home to the largest number of tower blocks in the country, with many blocks needing work to remove combustible cladding as a direct result of the Grenfell tragedy four years ago. A total of 293 bids from building owners in Tower Hamlets have been made to the Government's building safety fund to help finance the works, followed by Manchester (144), Newham (138) and Westminster (125).
- 3.28 Landor Residential - a subsidiary of Ireland-based international property developer Ballymore - owns the freehold at NPW, the 19 storey, 559-apartment complex that houses over 1,000 residents. The block that caught fire has some ACM cladding and the issue of who pays for the removal of this cladding has been a long-running issue with leaseholders living in the block.
- 3.29 In 2019, NPW residents were given two weeks to accept an offer where Ballymore would pay for 20% of the works and provide a no-interest bridging loan to leaseholders, or risk having to foot the entire bill themselves. This was

issued before the government set up its £200m ACM removal fund for private developments.

- 3.30 Speaking in parliament earlier this year Apsana Begum, MP for Poplar and Limehouse, commented on the remedial works, saying that residents had been told work would start in the spring. She also said that the full costs of remediation of fire safety issues at the development could be between £12.5m and £25m.
- 3.31 This estimate has been revised and recently now stands at below £12.5m. Ballymore has committed to paying £1.5m towards the costs of remediating all facade remediation projects at the development and has submitted applications to the ACM Cladding Fund and the Building Safety Fund and has had £8m of grant funding approved by the government to go towards the work. It is understood that this is the full amount of money applied for.
- 3.32 Ballymore have said that “The safety of our residents is paramount. We see our developments as communities and neighbourhoods of people, not just physical buildings. We are committed to delivering a safe and comfortable environment for all our residents, which is why we maintain management of our estates even after all the homes are sold.”
- 3.33 They have further said that the work needed to replace the ACM cladding on this building is extremely complicated, much more so than the installation of a new build façade, because the building is horseshoe-shaped and opens directly onto the River Thames. Ballymore have said that to replace elements of a building facade, under this set of circumstances, is an extensive process.

### **Scrutiny Review (deep dive)**

- 3.34 Following the fire at NPW last May, when 20 fire engines were called to the 8<sup>th</sup> floor blaze, I invited two residents to attend the sub-committee meeting held on the 22<sup>nd</sup> June 2021. My specific request was that the residents help scope out a review of fire safety focussing on what lessons could be learned from the fire and what could be done to mitigate fire risks.
- 3.35 Residents from two key action groups attended the meeting and provided information that led to the fire safety review scoping document being prepared.
- 3.36 Ruth Bravery, lead volunteer of the Friends in High Places leaseholder group – a self-help group for resident leaseholders from 40 sites around the Isle of Dogs and local neighbourhoods in LBTH – representing approx. 9,000 flats, and Yasmin Naquashbandi, chair of the New Providence Wharf Leaseholder & Resident Association.
- 3.37 Following the scoping session at the 22<sup>nd</sup> June sub-committee meeting, I requested that officers produce a scoping document that set out the 17 key questions that were put forward by residents on fire and building safety.

- 3.38 The review was undertaken, on my behalf by officers from the Strategy and Policy (Place) Housing team who focus on housing and regeneration issues. They worked with the council's core operational team who are involved in dealing with operational fire safety issues. This team manages ACM remediation in the private sector and obtains external wall system (EWS) data as part of the MHCLG's data collection requirement.
- 3.39 The review process examined the 17 key areas that residents had said concerned them most and involved meetings with relevant officers from across the council to formulate the council's response.
- 3.40 Further discussions were held with the two residents invited to give evidence at the scoping session to obtain supplementary feedback on the issues raised and meetings were held with external agencies including the LFB and PRP partners, developers and builders operating in the borough.
- 3.41 Progress on the review work was reported to the weekly Fire Safety Meeting, chaired by the Divisional Director for Housing and Regeneration, and attended by key officers working on fire and building safety from across the council
- 3.42 The aim of the review was to ensure the outcomes focussed on practical improvements that would resonate with residents and would inform the council's fire and building safety agenda going forward. The 17 questions were categorised into 5 core areas:
1. What powers can we use?
  2. What can be communicated better?
  3. What can we fund?
  4. Where to focus our lobbying?
  5. Which ways of working can be improved?
- 3.43 Appendix 1 – Fire Safety Review Scoping Document - contains the outcomes of the review and Appendix 2 – Fire Safety Proposals - is a distillation of these outcomes into proposals across the 5 core areas. For ease of reference, the proposals are given below:
1. Ensure Fire Statements submitted to the council by developers/builders as part of the Planning process are robust and address all known fire safety issues.
  2. Investigate the promotion of “Commonhold” with our PRP partners, builders, and developers.
  3. Explore regular Quarterly meetings between the Mayor/officers and Leaseholders.
  4. Further publicise the council's building safety pledge to residents, building owners and PRPs
  5. Set up a fire safety portal that contains clear information for homeowners, tenants, leaseholders and clarifies the role of Housing Associations, builders, and developers.

6. Ensure the council's revamped website explains how the BSF application process works to leaseholders and builders/developers submitting bids.
  7. Explore with the LFB and other London boroughs using CIL money to purchase firefighting equipment.
  8. Continue to lobby the Government with our PRP partners for increased funding for independent advisory services at every opportunity.
  9. Raise gathering of economic data/cost implications of building safety issues at the LHD FSG meeting to enlist the support and collaboration of other councils and PRPs.
  10. Review the findings of the final LFB report into the fire at NPW with our PRP partners, building owners and developers.
  11. Work with our PRP partners and building owners and developers to implement the Building Safety database.
  12. Explore the feasibility of contributing to the Building Safety Map with our PRP partners and building owners.
  13. Continue to meet with LFB and PRP partners to develop a joint Fire Safety Engagement Plan.
  14. Work with PRP partners and LFB to develop a fire safety video and other engagement/communication material to promote fire safety.
  15. Establish a *Tower Hamlets Fire Safety Forum* with LFB and THHF partners to examine evacuation procedures and to promote appropriate fire alarms and signage.
  16. Establish a Resident and Landlord Fire Safety Forum to ensure effective resident involvement and collaboration in all relevant fire safety issues.
- 3.44 I acknowledge that It has not been possible to action every one of the 17 key questions posed as the council is constrained by legal and financial practicalities in some areas.
- 3.45 Further detail on the work associated with the scrutiny review includes Appendix 3; the template for the council's revamped web pages that will form the Fire Safety Portal.
- 4. EQUALITIES IMPLICATIONS**
- 4.1 The Public Sector Equality Duty (as set out in the Equality Act 2010) aims to embed equality considerations into the day-to-day work of public bodies, so that they tackle discrimination and inequality and contribute to making society fairer. The actions proposed in the 'The Fire Safety Action Plan 2021 to be taken by the council in respect of ensuring fire safety in the borough reflect this duty.
- 5. OTHER STATUTORY IMPLICATIONS**
- 5.1 There are no other statutory implications identified at this stage. The council's work going forward on fire safety is considered to be commensurate with all its best value, environmental and safeguarding responsibilities.
- 6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report provides an update on the outcomes of a fire safety review across the Borough following the Grenfell Tower fire four years ago and the more recent fire at New Providence Wharf. The report and appendices detail a number of proposals and requests their approval and recommendation to the Mayor for formal approval.
- 6.2 As a result there are no financial implications directly emanating from this report. However, should the proposals be formally adopted then there are likely to be additional revenue costs in the form of staff resources as this work would fall outside of the scope of the work being undertaken by the existing Fire Safety team. Further work will be undertaken in scoping this resource should the proposals be approved. Any additional resources will need to be contained within approved budgets and as part of the Council's MTFS process for 2022/23.
- 6.3 The adoption of these proposals will have no impact on the capital programme.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The council is required by Section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements which ensure the committee has specified powers. Consistent with that obligation Article 6 of the council's constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full council or the Executive, as appropriate, in connection with the discharge of any functions. It is consistent with the constitution and the statutory framework for the committee to be asked to comment on the matters set out in the report. Other scrutiny panels may be established by the Overview and Scrutiny panel which include the Housing and Regeneration Scrutiny Sub Committee. The report seeks the approval of the fire safety review proposals set out in Appendix 2 of the report.
- 7.2 The proposals of the review appear to be capable of being carried out within the council's powers. With regards to the recommendations and proposed actions, details of much of the relevant legislation (including further legislation such as the Building Safety Bill likely to be enacted in the next 12 months) is included in the body of the report.
- 7.3 S.3 of the Housing Act 2004 (the Act) places a duty on local housing authorities to keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them. This includes undertaking inspections to identify hazards and taking appropriate enforcement action where serious hazards are identified .Hazards that can be addressed using these powers include the risk of harm associated with exposure to uncontrolled fire and associated smoke.

- 7.4 S.10 of the Act imposes a duty on local authorities to consult with the fire and rescue authority where enforcement action is to be taken in relation to a prescribed fire hazard.
- 7.5 As detailed in paragraph 4.1 the council is required when exercising its functions to comply with the duty set out in section 149 of the Equality Act 2010, namely, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between those who share a protected characteristic and those who do not and foster good relations between those who share a protected characteristic and those who do not.

## **Linked Reports, Appendices and Background Documents**

### **Linked Reports**

- None.

### **Appendices**

- Appendix 1 – Fire Safety Review Scoping Review Document.
- Appendix 2 – Fire Safety Proposals.
- Appendix 3 – Fire Safety Portal – Web Template.

### **Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report**

- None

### **Officer contact details for documents:**

Mark Slowikowski, Strategy and Policy Manager (Place) - 020 7364 3158

No.	Ask of LBTH	Response	Proposed Action
1. Powers	Stop approving developments where developers have not yet remediated existing buildings.	<p>The council has obtained legal advice on this matter as in addition to the ask by residents, the H&amp;RSSC requested that the final report focuses on how the council can apply pressure to encourage action by developers and building managers in areas of fire safety over which the council has no direct authority.</p> <p>Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise as set out in s38(6) of the Planning and Compulsory Purchase Act 2004. The conduct of a developer or applicant on another development is not a material consideration.</p> <p>Therefore, this is not possible because an application has to be decided on its merits. The identity of the applicant for planning permission is irrelevant when considering the merits of an application for planning permission. It would not be a material planning consideration.</p> <p>In reviewing this area, the council considered a proposal put forward at LB Newham that officers ask developers if they have blocks elsewhere that haven't had remediation works and that this is flagged in committee meetings. The legal advice received confirmed that this approach carries a risk of a Judicial Review claim by the applicant alleging that an error of law has been made and as a result, this approach will not be adopted by the council</p>	No further action is possible - Report outcome to H&RSSC.
2. Powers 99 e 95	Stop approving HMO licences when they are in breach of the lease	<p>The process of issuing HMO licences is governed by legislation and there is little action we can take outside this process.</p> <p>There have been previous matters brought before the First Tier Tribunal in relation to HMO's and breach of leases, unfortunately the Tribunals have stated that these are civil matters and should not be considered when issuing licences. If the freeholder is minded to, they will need to take relevant action under the lease conditions.</p> <p>On issuing licences, the freeholder/managing agent etc. will get a copy of the intention to grant a licence and the final grant of a licence enabling them to review the fire loading/ people in the building that will need to be reflected in their risk assessment.</p> <p>The risk of not licencing these premises, is that there will be no control and properties will still be multi-let. Therefore, the council cannot stop approving HMO licences if legalities are complied with.</p>	No further action is possible - Report outcome to H&RSSC.
3. Powers	The council to set criteria for planning applications which give strength to the residents' voices. Consider a system where residents of buildings already built by a developer are asked to give a reference as part of the planning application	<p>Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise as set out in s38(6) of the Planning and Compulsory Purchase Act 2004. The conduct of a developer/applicant on another development is not a material consideration.</p> <p>The London Plan (2021) includes a policy on fire safety. The London Plan is now part of the development plan and the council is applying this policy to relevant developments in the borough. In addition, 'gateway 1' came into force from 1<sup>st</sup> August 2021 and requires applicants to submit a fire statement which is then assessed by the HSE as part of the statutory consultation process.</p>	Ensure Fire Statements submitted to the council by developers/builders as part of the Planning process are robust and address all known fire safety issues.

	process, focusing on safety - . This would concentrate the minds of the developers on safety as priority in the building they have built or manage.	Planning gateway one, the first gateway in the new building safety regime, has been introduced via amendments to secondary planning legislation rather than the Building Safety Bill. It helps ensure that applicants and decision-makers consider fire safety issues relevant to planning such as site layout, water supplies for firefighting purposes and access for fire appliances. This gateway point brings forward thinking on fire safety matters as they relate to land use planning to the earliest possible stage in the development process by requiring a fire statement with relevant applications for planning permission for development which involves one or more relevant buildings. The Health and Safety Executive will be a statutory consultee to provide local planning authorities with fire safety input on proposals.	
4. Powers  <b>Page 96</b>	Push for commonhold or Resident Management Company to be part of new developments so leaseholders can better manage such problems in future.	<p>A new form of tenure, commonhold, was introduced by the Commonhold and Leasehold Reform Act 2002. One of the aims was to overcome the disadvantages of leasehold ownership. It was assumed that, once in place, commonhold would become the standard form of tenure for new-build blocks of flats. The Government published a Ministerial Statement on Commonhold in January 2021.</p> <p><a href="#">Leasehold, Commonhold and Ground Rents - Monday 11 January 2021 - Hansard - UK Parliament</a></p> <p>On the 2<sup>nd</sup> August 2021 the Government published a House of Commons Paper on Leasehold and Commonhold reform advocating commonhold as the default tenure in place of leasehold. As this is a very recent publication, Legal advice on the matter is being sought.</p> <p><a href="#">Leasehold and commonhold reform - House of Commons Library (parliament.uk)</a></p> <p>Council officers should hold a discussion with developers about commonhold ownership at a future meeting of the Developers' Forum.</p> <p><a href="https://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&amp;MID=10253#AI104552">https://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&amp;MID=10253#AI104552</a></p>	<b>Investigate the promotion of “Commonhold” with our PRP partners, builders, and developers.</b>
5. Comms	Regularly meet with affected leaseholders	<p>We already meet with a number of different groups of leaseholders. Officers attend resident led meetings at present on an “as and when requested” basis and where availability allows. However, with a large number of buildings with ACM applying to the Government’s Building Safety Fund (293 in Tower Hamlets) and more buildings being identified with cladding issues arising from EWS survey (to date 23 additional buildings have been identified with ACM from the EWS survey and 34 blocks with HPL – High Pressure Laminate cladding) the number of leaseholders and buildings involved continues to increase.</p> <p>The council runs regular <i>Ask the Mayor</i> sessions and will explore regular leaseholder focussed meetings with the Mayor and relevant officers. The last meeting was held on the 22<sup>nd</sup> July and residents put questions directly to John Biggs, the Mayor of Tower Hamlets, Richard Tapp, Borough Commander, London Fire Brigade, and Will Manning, Director of Asset Management, Tower Hamlets Homes.</p>	<b>Explore regular quarterly meetings between the Mayor/officers and Leaseholders.</b>

6. Comms	Communicate regularly with leaseholders – tell us what the council is doing  The council launched its building safety pledge on the 22 <sup>nd</sup> July 2021: <a href="https://www.towerhamlets.gov.uk/lgnl/business/health_and_safety/fire_safety/Building-safety-pledge.aspx">https://www.towerhamlets.gov.uk/lgnl/business/health_and_safety/fire_safety/Building-safety-pledge.aspx</a>  The pledge sets out what the council is able to do using its powers and what it needs partners to do to ensure residents are safe. The council is also reviewing its existing web site pages and has had further engagement with residents on the review.	Further publicise the council's building safety pledge to residents, building owners and PRPs  Set up a fire safety portal that contains clear information for homeowners, tenants, leaseholders and clarifies the role of Housing Associations, builders, and developers.
7. Comms	Signpost leaseholders to sources of help and how to tackle the Building Safety Fund steps.  The council has no involvement in the BSF and is not in a position to advise residents on what is or isn't required for an application to the fund. However, the council has informed a number of applicants on whether a full permission is needed or a certificate of lawfulness.  The council has dealt with such requests fairly quickly, recognising the importance of timely applications to the fund. Council officers have approached both the MHCLG and GLA on behalf of residents but have been advised that any communication with leaseholders on BSF applications should be with the applicant to the fund, usually the building owner or the managing agent.	Ensure the council's revamped website explains how the BSF application process works to leaseholders and builders/developers submitting bids.
8. Funding	Spend some S106/CIL on things that might help – e.g., taller ladder?  For Planning Obligations ( <b>S106</b> ), money is secured in legal agreements with the developer on each development. These legal agreements are very prescriptive regarding how the Council may spend this funding, e.g., "for the delivery of primary school provision" or "for the delivery of improvements to parks and open spaces". As a result, there are not S106 funds held by the Council, that could legally be used to fund the fire safety work in question.  CIL is governed by regulations that say it must be spent to support infrastructure. The regulations define infrastructure with examples such as schools, roads, etc. The essence of this is that it must be public infrastructure that is accessible to and supports the strategic development of the area. Spend on staffing is permissible where those staff are delivering infrastructure.  Council Officers are currently looking into whether it is permissible to spend CIL money on such an appliance, but the view is that we could use <b>CIL</b> for this request. There are other considerations that make it more complicated, for example, would it just be for use in LB Tower Hamlets or for East London Boroughs, presently we do not know how much these ladders cost and for the appliance itself does the LFB have local storage to accommodate it, and will additional training be required for their firefighters etc. This is a conversation we will have with LFB.  In addition to this there is currently a piece of work being undertaken with the LFB on resident's engagement about fire safety, these events will be for all residents in the Borough especially those who are hard to reach.	Explore with the LFB and other London boroughs using CIL money to purchase firefighting equipment.

		<p>In September 2021, the LFB will be reaching out to London Boroughs to consult with them on risks and local requirements, the council will fully participate in this consultation and will set out what it considers to be the needs of the borough in relation to fire-fighting, based on conversations with relevant experts, including whether such a vehicle would be a useful asset for them to have.</p> <p>Unfortunately, CIL cannot be used for other areas, such as to employ staff for the fire safety work or to provide guidance or advice, as this would not meet the CIL Regulations.</p>	
9. Lobbying	Work with other London boroughs and the GLA to have more clout – why can we hear Manchester louder than our own councils?	The council is an active participant at the London Housing Directors Fire Safety Sub-Group and will continue to work with other London boroughs, the GLA and LFB on building and fire safety.	<b>No further action to be taken-Report outcome/ongoing work to H&amp;RSSC</b>
10. Lobbying  <b>Pag e 98</b>	Fund advice service (East End CAB or similar) where leaseholders who are affected, can get knowledgeable help, particularly when facing bankruptcy.	The council will support leaseholders and other residents in lobbying government for more funding for CAB and other advisory services. We currently sign post residents to LEASE the Government funded Leasehold Advisory Service. The council is not providing funding to East End CAB or similar advice service directly.	<b>Continue to lobby the Government with our PRP partners for increased funding for independent advisory services at every opportunity.</b>
11. Lobbying	Gather the economic evidence of this crisis - to help push the govt into action. We need you to be our champions.	Officers will raise this matter with London Councils at a meeting of the London Housing Directors Fire Safety Sub-Group. The aim will be to agree a joint project to collect evidence on the economic impact (financial cost) upon residents of building safety issues.	<b>Raise gathering of economic data/cost implications of building safety issues at the LHD FSG meeting to enlist the support and collaboration of other council's and PRPs.</b>
12. Ways of Working	The council to lead an independent investigation to review what happened on the 7th May 2021 – fire at NPW and what can be learnt so that the community can move forward.	The London Fire Brigade is working on a fire safety report following the fire at NPW And the council will participate fully in providing any evidence if requested to do so. In view of this there is limited value in the council undertaking/leading its own review as this would be unnecessary duplication of work.	<b>Review the findings of the final LFB report into the fire at NPW with our PRP partners, building owners and developers</b>
13.	Gather the evidence of the serious issues of building safety - LBTH should be the	In collaboration with the MHCLG, the council is collating evidence of the position on all residential blocks over 18M in respect of external wall systems (EWS) and identifying other factors affecting building safety. The council is	<b>Work with our PRP partners and building owners and developers to</b>

Ways of Working	lead council in UK contributing thinking to building tall residential buildings more safely (update Local Govt Group guidance from 2011)	<p>implementing a dedicated database that will record information on building and fire safety on tall residential buildings across the borough and will enable it to contribute to wider thinking on such issues.</p> <p>The MHCLG EWS data collection exercise will inform a national database that the Government is compiling, however, the council will investigate making use of the citizen led <a href="#">Building Safety Map</a> and whether it can use the data it holds in its database to inform the map to inform residents about the blocks containing ACM cladding.</p>	<b>implement the Building Safety database.</b>  <b>Explore the feasibility of contributing to the Building Safety Map with our PRP partners and building owners.</b>
14. Ways of working	Create a multi-agency task force – include fire brigade, managing agents, leaseholder reps	<p>The council alongside its THHF partners is working with LFB on how best to engage with residents on fire safety issues. It is recognised that a collaborative approach will result in better fire safety outcomes for residents, particularly to ensure that fire safety messages are “heard and seen” by all residents. The council recognises the need to make sure that it identifies hard to reach communities – Bangladeshi, Somali etc. There is a transient population in the borough with a number of residents living in HMO’s. Some residents do not know how to contact the emergency services by dialling 999.</p> <p>The LFB has an engagement plan in place and is reviewing this in light of the fire at NPW. Initial engagement with residents has been undertaken to shape a local Community Safety Plan—but vulnerable residents in the borough are seldom heard, particularly from BME communities. In September 2020, the LFB consulted on a London-wide Safety Plan.</p> <p>Findings included that communities were unaware of what the LFB do outside of an emergency response. It was recognised that there was potential for outreach work in the communities – possibly creating a forum led by LFB with membership from various communities and including home fire safety visits to empower communities to help themselves.</p> <p>Currently, the council and THHF partners are working with LFB on producing a fire safety video and creating a Tower Hamlets Fire Safety Forum. This forum may include managing agents and leaseholder representatives as part of the engagement process.</p> <p>The recently held “Ask the Mayor” event on the 22nd July focussed on leaseholder building and fire safety concerns.</p>	<b>Continue to meet with LFB and PRP partners to develop a joint Fire Safety Engagement Plan.</b>  <b>Establish a Tower Hamlets Fire Safety Forum with LFB and THHF PRP partners.</b>  <b>.Work with PRP partners and LFB to develop a fire safety video and other engagement/communication material to promote fire safety.</b>
15. Ways of Working	Evacuation procedures must be reviewed, and this review must involve residents, because they will tell you how residents behave in an evacuation.	Controlled evacuation of a building is a matter for the LFB. Involving residents in any review of the stay put/evacuation process is important and the council will work with the LFB to ensure this is considered by the Tower Hamlets Fire Safety Forum.	<b>Establish a Tower Hamlets Fire Safety Forum with LFB and THHF PRP partners to examine evacuation procedures.</b>
16. Ways of Working	All residential buildings which have a Simultaneous Evacuation Policy must have fire alarms put in as a matter of urgency and	The LFB are carrying out a Building Risk Review on all high-risk buildings to be completed by end of December 2022. The aim is to ensure that appropriate fire protection measures for each block are in place. There are over 800,000 private sector residential buildings in London. The LFB are checking to see that simultaneous evacuation strategies are in place with the LFB inspecting properties every six months.	<b>Establish a Tower Hamlets Fire Safety Forum with LFB and THHF partners to examine the</b>

	waking watches must not be used to give a false sense of security. Fire alarm systems to be installed in all buildings. Waking watch initiative does not work in tall buildings and is not understood by all residents.	The council will explore this issue with its THHF partners and the LFB as part of Tower Hamlets Fire Safety Forum.	appropriateness of fire alarms.
17. Ways of Working  <b>Page 100</b>	All residential buildings should have fire safety instructions in all common areas  Simple procedures must be put in all buildings in a form that all residents can understand, including those for whom English is not their first language.	<p>The LFB have written to (private sector) building owners who have implemented a Waking Watch system reminding them about responsibilities in respect of cladding remediation and providing information on external wall systems. This notification included a reminder on the need to check the internal fire safety of buildings.</p> <p>Checks on the procedures in place and signage should form part of the existing fire risk assessment process undertaking by building owners. The LFB '<i>operate a risk-based inspection programme based on protecting the most vulnerable and those that are more likely to have a fire</i>'. Source <a href="#">Enforce fire safety legislation   London Fire Brigade (london-fire.gov.uk)</a></p> <p>Under the current Regulatory Reform (Fire Safety) Order (2005), as part of the FRA, building owners in purpose-built flats are required to determine the fire protection measures in the building. This includes and is not limited to emergency escape lighting and fire escape route signs (which are not normally necessary in simple blocks of flats)</p> <p><a href="#">Fire safety in purpose-built blocks of flats (publishing.service.gov.uk)</a> Updated July 2021 - Page 46 ,Paragraph 34.3:</p> <p>The fire risk assessment must consider the 'general fire precautions' defined in the FSO. Of these, the principal ones for a purpose-built block of flats are:</p> <ul style="list-style-type: none"> <li>• measures to reduce the risk of fire and the risk of the spread of fire</li> <li>• means of escape from fire</li> <li>• measures to ensure that escape routes can be safely and effectively used</li> <li>• an emergency plan, (stay put or SME) including procedures for residents in the event of fire</li> <li>• measures to mitigate the effects of fire</li> </ul> <p>When the Fire Safety Act (2021) comes into force it will amend the Regulatory Reform (Fire Safety) Order 2005 (with the intention of improving fire safety in multi-occupancy domestic premises). Crucially, the external walls of a building and the fire doors to individual flats will be assessed as part of the requirement for a fire risk assessment. Current FRA's under the Regulatory Reform (Fire Safety) Order 2005 do not require this.</p>	<b>Establish a Tower Hamlets Fire Safety Forum with LFB and THHF partners to promote that appropriate signage is in place.</b>

## DRAFT - Fire Safety Proposals

Area	Proposal
1. Powers	1. Ensure Fire Statements submitted to the council by developers/builders as part of the Planning process are robust and address all known fire safety issues. 2. Investigate the promotion of “Commonhold” with our PRP partners, builders, and developers.
2. Communications	3 Explore regular Quarterly meetings between the Mayor/officers and Leaseholders. 4. Further publicise the council’s building safety pledge to residents, building owners and PRPs 5. Set up a fire safety portal that contains clear information for homeowners, tenants, leaseholders and clarifies the role of Housing Associations, builders, and developers. 6. Ensure the council’s revamped website explains how the BSF application process works to leaseholders and builders/developers submitting bids.
3. Funding	7. Explore with the LFB and other London boroughs using CIL money to purchase firefighting equipment.
4. Lobbying	8. Continue to lobby the Government with our PRP partners for increased funding for independent advisory services at every opportunity. 9. Raise gathering of economic data/cost implications of building safety issues at the LHD FSG meeting to enlist the support and collaboration of other councils and PRPs.
5. Ways of Working	10. Review the findings of the final LFB report into the fire at NPW with our PRP partners, building owners and developers. 11. Work with our PRP partners and building owners and developers to implement the Building Safety database. 12. Explore the feasibility of contributing to the Building Safety Map with our PRP partners and building owners. 13. Continue to meet with LFB and PRP partners to develop a joint Fire Safety Engagement Plan. 14. Work with PRP partners and LFB to develop a fire safety video and other engagement/communication material to promote fire safety. 15. Establish a <i>Tower Hamlets Fire Safety Forum</i> with LFB and THHF partners to examine evacuation procedures and to promote appropriate fire alarms and signage. 16. Establish a <i>Resident and Landlord Fire Safety Forum</i> to ensure effective resident involvement and collaboration in all relevant fire safety issues.

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Page 1	Page 2	Page 3
<p><b>Main webpage:</b></p> <p><b>Fire Safety</b></p> <ul style="list-style-type: none"> <li>• Introduction</li> <li>• Our commitment (incl. pledge, lobbying and campaigning)</li> <li>• Improving standards across the borough</li> <li>• Tower Hamlets Homes Approach to Fire Safety</li> <li>• <a href="https://www.towerhamletshomes.org.uk/uploads/assets/THH_Approach_to_Fire_Safety_Feb_2019.pdf">https://www.towerhamletshomes.org.uk/uploads/assets/THH_Approach_to_Fire_Safety_Feb_2019.pdf</a></li> </ul> <p>What are the government's proposals for building and fire Safety ?      Improving fire safety standards      Fire kills – lets prevent it, Government <a href="#">website</a></p> <p><b>Advice and guidance</b> (Same page, but opening half a new page i.e. <u>B&amp;D</u> example, with hyperlinks)</p> <ul style="list-style-type: none"> <li>• London Fire <a href="#">Brigade</a> Home Fire Safety: Keep your loved ones safe from fire                     <ul style="list-style-type: none"> <li>◦ Fire safety easy <a href="#">read</a></li> <li>◦ Home fire safety <a href="#">essentials</a></li> <li>◦ Fire safety in the home <a href="#">booklet</a></li> <li>◦ Home safety <a href="#">guidance</a> for purpose-built flats and maisonettes</li> <li>◦ Fire safety <a href="#">law</a></li> </ul> </li> </ul>	<p><b>Fire safety, prevention, and protection – a summary of your responsibilities</b></p> <ul style="list-style-type: none"> <li>• Top tips to protect your home from fire</li> <li>• Book your free home fire safety <a href="#">visit</a></li> <li>• Know the fire <a href="#">plan</a></li> <li>• Keep the Communal area clear</li> <li>• Electrics and Domestic Appliances</li> <li>• Cooking</li> <li>• Stay safe when you go to bed</li> <li>• What to do if a fire starts</li> <li>• If there is a fire in your building and you are not at risk / Fire in your flat? <a href="#">Get out</a> (LFB video)</li> <li>• Fire in your building, not in your flat? <a href="#">Stay put</a> (LFB video)</li> <li>• Fire safety education at <a href="#">home</a> (with children)</li> </ul>	<p><b>Keeping Council homes safe</b></p> <ul style="list-style-type: none"> <li>• Introduction - if you are council tenant or council leaseholder this is what you need to know (including statutory duties on council and THH (ALMO), Regulatory Reform (Fire Safety) Order 2005, Fire Safety Act (2021))</li> <li>• Fire risk assessments</li> <li>• Evacuation procedure</li> <li>• Link to THH website                     <ul style="list-style-type: none"> <li>◦ Building and the fire safety strategy, policies, and procedures (including electric and gas)</li> <li>◦ Preventing fire in your home – general advice</li> <li>◦ What to do if there is a fire</li> <li>◦ THH approach to fire safety</li> <li>◦ Email: <a href="mailto:contact@thh.org.uk">contact@thh.org.uk</a></li> <li>◦ Phone: 020 7364 5015</li> </ul> </li> </ul>

<b>Supporting webpages:</b>		
<ul style="list-style-type: none"> <li>• Page 2: Fire safety prevention and protection - a summary of your responsibilities</li> <li>• Page 3: Keeping council homes safe</li> <li>• Page 4: Keeping private and housing association homes safe</li> <li>• Page 5: Fire Safety for leaseholders</li> </ul>		
<b>Page 4</b>	<b>Page 5</b>	<b>Page 5 (continued)</b>
<b>Keeping private and housing association homes safe (or consider splitting the two)</b> <p style="text-align: right;">Page 4</p> <ul style="list-style-type: none"> <li>• <a href="#">Responsibilities</a> of landlords and managing agents (LFB)</li> <li>• <a href="#">Tenants'</a> rights and fire safety (LFB)</li> <li>• Fire safety for private sector <a href="#">landlords</a> (LFB)</li> <li>• Fire safety in shared or rented <a href="#">accommodation</a></li> <li>• Tower Hamlets Private renters <a href="#">charter</a> - standards the law demands from all private landlords and agents</li> <li>• Fire Safety in <a href="#">HMO's</a> (TH website)</li> <li>• If you have concerns about your safety or any fire risks in your home or building, the Council's Environmental Health team can investigate and act where appropriate. Tel: 020 7364 5008. email: <a href="mailto:environmental.protection@towerhamlets.gov.uk">environmental.protection@towerhamlets.gov.uk</a></li> </ul>	<b>Fire Safety for leaseholders</b> Advice and support for leaseholders FAQ's for Leaseholders <ul style="list-style-type: none"> <li>• Who is responsible for carrying out Fire Risk Assessments?</li> <li>• Who can carry out a Fire Risk Assessment?</li> <li>• How often are Fire Risk Assessments done</li> <li>• What is an External Wall system?</li> <li>• Who carries out the EWS1, what is their expertise and how many experts are there?</li> <li>• Does each flat/apartment have to get an individual EWS1 form for selling, buying or remortgaging?</li> <li>• Our building was given an EWS1 certificate with a B1 or A1 rating, but this has been downgraded- what can we do?</li> <li>• Our building has been told we have to have a Waking Watch. What should we do?</li> </ul>	<ul style="list-style-type: none"> <li>• Our Building Insurance is going up, what can we do?</li> <li>• Our freeholder/managing agent won't let us have a copy of the fire risk assessment and/or the intrusive survey report. Can we ask the developer of our building to fix the issues with the building, or claim on the warranty?</li> <li>• Our building does not qualify for the Building Safety Fund, what can we do?</li> <li>• What is the Building Safety Fund?</li> </ul>

## **Page 1: Main Webpage**

### **Fire Safety at home**

- In the event of a fire, **you should telephone 999 and ask for the fire service.** Calls are free.
- The advice as to whether you evacuate will depend on your building. The advice for council tenants or for those who have own a council leasehold block of flats is currently to stay put in the event of a fire, however, some buildings which do not belong to the council may have different advice. Please make sure that you know what the advice is.
- Fire safety is a shared responsibility between you and your landlord.

### **Our commitment**

- Fire safety has always been a high priority for the council. To see the council's pledge on Fire Safety click here: **INSERT HYPERLINK**
- Following the tragedy at Grenfell Tower, we have been reviewing our fire safety systems and procedures. All council housing blocks have an up-to-date fire risk assessment (FRA) in place. Further information of FRAs is available in. [Fire Risk Assessments \(FRAs\) - Tower Hamlets Homes](#)
- Our supply of council homes is managed on behalf of the council by Tower Hamlets Homes. You can read about Tower Hamlets Homes approach to Fire Safety here: <https://www.towerhamletshomes.org.uk/uploads/assets/THH Approach to Fire Safety Feb 2019.pdf>

### **Improving fire safety standards across the borough**

- We are working with our housing partners and developers to ensure fire safety across the residential sector. This includes working with the Ministry of Housing Communities and Local Government to contact owners of buildings over 18 metres in height to find out what their buildings are cladded in and encourage speedy remediation works where the cladding is of fire safety concern. We have encouraged building owners to apply to access the £1billion non-Aluminium Composite Material (ACM) fund.
- In December 2020, the government announced the Waking Watch Relief Fund to pay for the installation of common fire alarm systems in high-rise buildings with unsafe cladding, removing, or reducing the need for waking watch. The initial tranche of the Waking Watch Relief Fund was administered by the GLA in London. The fund re-opened again on 26th May 2021. for four more weeks and the MHCLG are now administering this across England.
- We are working hard to deliver fire safety improvements to our own housing stock investing circa £'s **xxxxxx** on works. We are also working with regional partners to lobby government for sufficient resources to support fire safety improvements across all dwellings and preparing for the Building Safety Bill which was introduced in the House of Commons on 5<sup>th</sup> July 2021. <https://www.gov.uk/government/collections/building-safety-bill>
- Private landlords are responsible for ensuring their properties are safe and free from health hazards. The [Residential Landlords Association \(RLA\)](#) and [National Landlords Association \(NLA\)](#) offer information on ensuring you are renting a safe and secure home.

## **What are the Government's proposals for Fire and Building Safety?**

The Fire Safety Act (2021) received Royal Assent on 29 April 2021, though it is still to come into force. You can read about the [Fire Safety Act on the government website](#). The [Building Safety Bill](#), in its current form, was introduced to the House of Commons on 5 July 2021.

Both the Fire Safety Act and the Building Safety Bill intend to make sure that residents of high-rise buildings feel safer in their homes by significantly reducing fire risks. They are a response to the Grenfell Tower tragedy – to stop such an event from ever happening again and minimising fire risks to make sure that high-rise buildings are managed properly.

### **General advice and guidance**

Most fires in the home can be prevented by taking a few simple precautions, such as ensuring cigarettes are properly stubbed out, never leaving candles unattended, and having at least one working smoke alarm installed in your home.

### **Safety tips and advice**

#### **Government**

Fire kills – let's prevent it. Safety tips and advice from Government on how to keep your home safe is available [here](#). This includes potential hazards like cooking, smoking, candles, celebrations, and electrical safety.

#### **London Fire Brigade**

The London Fire Brigade provides simple, practical information and advice that can help minimise the risk of a fire occurring, including creating and practising an escape plan and requirements by law.

- London Fire [Brigade](#) Home Fire Safety: Keep your loved ones safe from fire
- Fire safety easy [read](#)
- Home fire safety [essentials](#)
- Fire safety in the home [booklet](#)
- Home safety [guidance](#) for purpose-built flats and maisonettes
- Fire safety [law](#) - responsibilities and ensuring compliance with the "the Fire Safety Order"

#### **Supporting webpages:**

- Page 2: Fire safety prevention and protection - a summary of your responsibilities
- Page 3: Keeping council homes safe
- Page 4: Keeping private and housing association homes safe
- Page 5: Fire safety FAQ's

## **Page 2: Fire safety prevention and protection - a summary of your responsibilities**

### **1. Fire prevention**

The London Fire Brigade is the busiest fire rescue service in the country. To see how many fire related incidents they have dealt with in the last and previous years in Tower Hamlets click here: <https://data.london.gov.uk/dataset/london-fire-brigade-incident-records>

You can help us to reduce the risk of fires by taking some simple measures:

- Keep rubbish away from public areas by placing rubbish out on the morning of collection.
- Store rubbish in a secure area until collection time. This will make it difficult for intruders to set light to it
- Do not leave rubbish, bikes, buggies, wheelchairs, or prams in communal areas or obstruct escape routes.
- Keep balconies free from clutter.
- If you have a skip fill it up as soon as possible and have it collected promptly
- Report any abandoned cars to the council.
- Don't leave candles unattended
- Shut doors - a door can give you 20 minutes protection in a fire.
- Make sure that you close internal doors at night to prevent fire from spreading
- Ensure cigarettes are stubbed out and disposed of carefully
- Never smoke in bed
- Keep matches and lighters away from children
- Keep clothing away from heating appliances
- Fit a smoke alarm - they save lives. Test your alarm weekly and please do not remove the battery
- Make sure you know where your nearest fire **exit is**.

### **2. Top tips to protect your home from fire**

#### **Install a smoke alarm**

A smoke alarm is the easiest way to alert you of a fire, giving you time to escape.

- **Have at least one working smoke alarm in your home, ideally situated on the ceiling in the hallway but not in a kitchen or a bathroom. If your home has more than one floor, put a smoke alarm on each landing.**
- **Test your alarm every week to check that it works**

You can buy battery operated smoke alarms from supermarkets and DIY stores, and the London Fire Brigade carry out free home safety fire visits and fit smoke alarms for free if you need them.

<https://www.london-fire.gov.uk/safety/the-home/book-a-home-fire-safety-visit/>

If you have difficulty hearing, you can buy a smoke alarm that has a vibrating pad or a flashing light. To find out more, visit: <https://rnid.org.uk/information-and-support/technology-and-products/smoke-alarm-systems/>

### **3. Know your fire plan**

Think about how you could escape quickly and safely from your home if there was a fire.

If a fire starts in your flat, you need to get everyone safely out. The London Fire Brigade have a video to help you plan your best escape route: [https://www.youtube.com/watch?v=bTBwVw\\_1EjY](https://www.youtube.com/watch?v=bTBwVw_1EjY)

**The procedure to escape safely from a fire in your home depends on what kind of building you live in, so it's vital you know where the doors out of your building are and about the fire evacuation plan for your building.**

**If you are a council tenant or leaseholder, contact your housing officer for more information about this.**

**If you are a private tenant in Tower Hamlets , contact your landlord for this information.**

**If you are a leaseholder in a privately owned building, contact the owner ( the freeholder), your residents' management company or a managing agent.**

**In the event of a fire in your home, an escape plan can mean the difference between life and death:**

- talk through your escape plan with everyone who lives in your home, especially children and teenagers, older people and lodgers
- choose the best escape route, which is normally your usual way in and out of your home
- also choose a second escape route in case the first one is blocked. Always aim to keep them both clear
- tell everyone where the keys to doors and windows are kept
- go through what to do in a fire
- if there's a fire it is vital that you act quickly and calmly once you become aware of a fire
- alert everyone – shout and get everyone together
- don't delay – you can't afford to waste any time
- get everyone out, using your escape route
- once you've escaped, call 999 (999 calls are free)
- don't go back in for anything - if there is still someone inside wait for the fire brigade to arrive
- find somewhere safe to wait. When the fire brigade arrives, give as much information as possible about the fire and the building, and if anyone is still inside

#### **4. Keep communal areas clear**

It is important to keep communal areas like corridors, walkways and exit doors clear, so that if there is a fire, residents can evacuate the building quickly and safely and the fire brigade will be able to reach your property without obstacles in the way.

#### **5. Electrics and domestic appliances**

Do not leave electrical appliances on standby. Always switch them off and unplug them when not in use.

Don't overload electrical sockets. Only use one plug per socket. To see if you're overloading your sockets check: <https://www.twothirtyvolts.org.uk/socket-overload/?hdpi=1>

Faulty electrical goods can cause fires. Take care with second-hand appliances and ensure they have been safely checked. A list of recalled products is available at:

<https://productrecall.campaign.gov.uk/#G5KBACmljFlc58dG.97>

You can register all of your domestic appliances to ensure that the manufacturers know who to contact if a safety repair is needed. The website provides quick access to the registration pages of over 60 leading brands of domestic appliances. [www.registermyappliance.org.uk](http://www.registermyappliance.org.uk)

Always use the charger that came with your phone, tablet, e-cigarette or mobile 5 device or a genuine replacement. Counterfeit electrical chargers can be deadly and many fail to meet UK safety regulations leading to fires and injury. [www.london-fire.gov.uk/overloading-electrical-sockets.asp](http://www.london-fire.gov.uk/overloading-electrical-sockets.asp)

## **6. Cooking**

- Never leave pans unattended when cooking.
- Ensure you always check that you have switched the cooker off after cooking. Take extra care when cooking with hot oil. Consider buying a deep-fat fryer which is controlled by a thermostat.
- Don't cook if you are tired, have been drinking alcohol or taking medication that might make you drowsy.
- Keep the oven, hob, cooker hood and grill clean, and in good working order.
- Never put anything metal in the microwave.
- Never use a barbecue (BBQ) including disposable, indoors or on a balcony. If a cooking pan catches fire do not try to move the pan. Do not throw water onto the fire as it can create a fireball. If you can do so safely turn off the heat.
- Leave the room and close the door. Shout to warn others to get out, stay out and call 999.

## **7. Stay safe when you go to bed**

- Close all doors as this helps to prevent fire spreading.
- Switch off and unplug electrical items such as TVs and avoid charging devices like mobile phones when you are asleep.
- Only leave essential appliances switched on such as fridge or freezer. Turn all others off.
- Make sure candles are out before you go to bed.
- Check that your cooker and heaters are turned off.
- Turn off and unplug electric blankets before going to sleep.
- Make sure cigarettes are stubbed out properly and are disposed of carefully. Never smoke in bed.
- Do not leave electrical appliances on standby. Always switch them off and unplug them when not in use.

## **8. What to do if a fire starts in your home**

**Never try and tackle a fire yourself – you could put your own life and others in danger.**

### **If the fire is in your flat**

If a fire starts in your flat, you need to get everyone safely out. This London Fire Brigade video gives you advice on planning your best escape route. [https://youtu.be/bTBwVw\\_lEjY](https://youtu.be/bTBwVw_lEjY)

- Call 999.
- Some homes offer multiple escape routes. Where the front door is usually the main or preferred route of escape, your secondary escape route may be the balcony at the back of your home.
- If possible, close the door of the room where the fire is and all doors behind you as you leave. This will help delay the spread of fire and smoke.
- Don't try to pick up any personal belongings.

- Fire produces smoke and poisonous gases that can cause light-headedness or loss of consciousness if you breathe it in which can cause issues if you're trying to get out of a burning building. To escape a fire and its fumes, crawl to the closest exit, remembering that it may be a window. Staying low to the ground will help protect you from inhaling smoke and toxic gases
- If you must go through a door to get to an exit, check if the door is hot. If the door (or doorknob) is warm to the touch, there could be fire raging on the other side, so do not go through it. If you open a door and see fire or smoke, shut the door and go to a second exit.
- Use the emergency exit and do not use a lift. Only use a balcony if it is part of an official escape route.
- If you live in a purpose-built flat or maisonette, London Fire Brigade has different advice that you should follow <https://www.london-fire.gov.uk/about-us/our-campaigns/know-the-plan/>

#### If the fire is not in your flat

If the fire is not in your flat, **make sure you know your fire plan.**

Often the best option is to stay indoors and call the London Fire Brigade.

If you live in a house or a flat that is part of a converted house, and there is a fire in your property, get out, stay out, and call 999.

#### 9. If you are cut off by fire

- Try to remain calm and alert people in the home.
- Close the door and use towels or similar to block any gaps to help stop smoke spreading into the room. If you can wet the fabric down, do so. Cover vents with wet blankets as well, to keep smoke from seeping into the room
- Call 999 if you have access to a phone and give as much detail as possible about the fire, including the property number and floor of the property.
- If you get stuck on an upper floor of a building, hang sheets or anything large enough to capture people's attention out the window to let firefighters know where you are. Do not attempt to make your way through the fire.
- Try to make your way to a window.
- If the room becomes smoky, crawl along the floor as the smoke rises.
- Open the window. This will allow smoke to escape and provide you with fresh air.

#### 10. Fire safety education at [home](#) (with children)

The London Fire Brigade has some useful resources for children. [Learning at home | London Fire Brigade \(london-fire.gov.uk\)](https://www.london-fire.gov.uk/about-us/our-campaigns/learning-at-home).

## **Page 3: Keeping Council homes safe**

### **Introduction**

The principal piece of legislation in England and Wales that covers safety in social housing is the **Housing Act (2004)**, which identifies 29 categories of potential hazards, one of which is fire. Additionally, the **Regulatory Reform (Fire Safety) Order 2005** (commonly known as the FSO) applies to the common parts of multi-occupied residential housing and requires landlords or housing owners to carry out a Fire Risk Assessment and implement appropriate precautions.

The recent Fire Safety Act which received Royal Assent on 29<sup>th</sup> April 2021, it has yet to come into force (i.e. have legal effect), the Fire Safety Act 2021 will amend the Regulatory Reform (Fire Safety) Order 2005 by clarifying the applicability of this Order to specific parts of residential buildings, most notably to external walls and anything attached thereon, with far reaching consequences for responsible persons (i.e. the duty holder) who must ensure compliance with the law.

In summary, the Fire Safety Act (2021) will:

- Apply to all multi-occupied residential buildings (i.e. where there are “2 or more sets of domestic premises”)
- Amends the Fire Safety Order( 2005) to require all responsible persons to assess, manage and reduce the fire risks posed by the structure, external walls (including cladding, balconies and windows), and any common parts of buildings. The latter includes all doors between domestic premises
- Allows the Fire Service to take enforcement action against responsible persons who fail to comply with the requirements of this Act
- Enables the government to issue risk based guidance which can be referred to as proof that a responsible person has either complied or failed to comply with the requirements of the Act

### **Tower Hamlets Homes**

The Council has delegated its housing services to Tower Hamlets Homes (THH), a wholly owned Arm's Length Management Organisation (ALMO). The current management agreement runs till 2028, with a break clause in 2024. You can read about Tower Hamlets Homes approach to Fire Safety here:

[https://www.towerhamletshomes.org.uk/uploads/assets/THH\\_Approach\\_to\\_Fire\\_Safety\\_Feb\\_2019.pdf](https://www.towerhamletshomes.org.uk/uploads/assets/THH_Approach_to_Fire_Safety_Feb_2019.pdf)

### **Fire Risk Assessments**

Carrying out a fire risk assessment on a block is a legal requirement and an essential component of good fire safety management. It is the process of identifying potential fire hazards, how they should be managed, and whether additional measures need to be taken to eliminate or reduce risk. Fire risk assessments are carried out every year on high-rise tower blocks, above five-storeys, while low-rise blocks are reviewed every three years.

We want to give our residents as much reassurance as possible about the fire safety of their council home. Tower Hamlets Homes carries out fire risk assessments for all residential blocks it manages and assessments for each block have been published on its [website](#) to demonstrate the steps being taken are taking to keep people safe.

### **Smoke Alarm**

- If you are a **council leaseholder**, fit smoke alarms on each floor and test them once a week. The Fire Brigade provides FREE home fire safety checks and will give you a free smoke alarm. You can book an appointment [online](#) or phone them on 0800 028 44 28.
- If you are a **council tenant**, there should already be a smoke alarm in your flat. If not, please contact the THH Housing Service Centre on 020 7364 5015.
- Fire safety information and advice for tenants and leaseholders of THH managed properties is available: [Fire safety - Tower Hamlets Homes](#)
  - Email: [contact@thh.org.uk](mailto:contact@thh.org.uk)
  - Phone: 020 7364 5015

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## **Page 4: Keeping private and housing association homes safe (or consider splitting the two)**

### **Responsibilities of landlords and managing agents**

If you live in a privately rented or housing association property, your landlord or housing provider is responsible for fire safety in your building.

This includes things like providing smoke alarms and carbon monoxide detectors, providing fire doors, and ensuring communal areas are kept free of belongings.

The London Fire Brigade provides a full guide to:

- The [Responsibilities](#) of landlords and managing agents
- [Tenants'](#) rights and fire safety
- Fire safety in shared or rented [accommodation](#)
- The London Fire Brigade can take action if there are fire safety concerns about communal areas such as shared corridors and stairwells

### **Private renting in Tower Hamlets and fire safety**

Residents in private blocks of flats should adhere to the London Fire Brigade's [information for people who live in purpose-built flats and maisonettes](#) and can book a [free home fire safety visit](#).

The Tower Hamlets Private renters [charter](#) sets out the standards the law demands from all private landlords and agents.

[Alarms](#) - Your home must have a working smoke alarm on every floor of your home. If you have solid fuel heating, your landlord must also fit a carbon monoxide detector.

You are responsible for checking the alarm works after you move in. If an alarm stops working, check if it needs new batteries or contact the landlord to arrange a replacement alarm.

### **Fire Safety in HMO's**

A House in Multiple Occupation (HMO) is a property that is shared by three or more tenants who are not members of the same family. HMO landlords must have a licence from the Local Council Housing Department. This ensures that the property is managed properly and meets certain safety standards including under the Regulatory Reform (Fire Safety) Order 2005 (FSO) RR(FS)O and Housing Act 2004.

If you have concerns about fire risks in your home or building, the Council's Environmental Health team can investigate and act where appropriate. Tel: 020 7364 5008. email: [environmental.protection@towerhamlets.gov.uk](mailto:environmental.protection@towerhamlets.gov.uk)

## **Page 5: Fire Safety for Leaseholders**

### **Advice and support for leaseholders:**

There are a range of places that leaseholders can turn to for advice and support:

1. The managing agent, management company or landlord of your building will be able to provide information on fire safety of the building and provide a copy of your lease if this is not in your possession. Details of the managing agent will be found on your most recent service charge demand. You should also speak to them as early as possible if you will have difficulty in meeting service charge demands and wish to seek time to pay.
2. Other leaseholders or residents' groups in your building/development may be able to provide information on the specifics of the situation and might be helpful in coordinating a response or pressing for action from your building owner.
3. Government information [Building Safety Programme: other fire safety concerns - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/programmes/building-safety-programme/other-fire-safety-concerns)
4. Leaseholders can access free initial specialist advice to understand their rights through the Leasehold Advisory Service (LEASE). Read more [information on LEASE](https://www.lease-advice.org/), including how to contact them for advice. <https://www.lease-advice.org/fire-safety/>
5. [Leasehold Knowledge Partnership](#) (LKP) – an independent registered charity providing help for leaseholders on leasehold issues, including cladding. LKP also acts as secretariat to the All-Party Parliamentary Group on Leasehold and Commonhold Reform. You can sign up for a e-newsletter which will keep you informed of developments in relation to cladding and leasehold. They also offer an advice service [Advice - Leasehold Knowledge Partnership](#)
6. UK Cladding Action Group (UKCAG) – Facebook Group which provides opportunities for leaseholders to support each other. You can also sign up for a e-newsletter for information about campaigning <https://endourcladdingscandal.org/get-involved/meet-campaign-partners/uk-cladding-action-group/>.
7. London Cladding Action Group – local branch of UKCAG [London Cladding Action Group - End Our Cladding Scandal](#)
8. National Leasehold Campaign - provides for leaseholders to support each other with a range of issues relating to leasehold [WHERE LEAESHOLDER'S HAVE A VOICE \(nationalleaseholdcampaign.org\)](http://nationalleaseholdcampaign.org)
9. LBTH – Mayor or Councillors can help you approach your freeholder or managing agent if you do not feel that you are being kept informed of progress.
10. Citizen's Advice – for advice in relation to managing financial challenges of paying for high service charge demands. [Citizens Advice](#) There is also a list of other places to seek financial advice and support listed here [Financial Advice & Support - End Our Cladding Scandal](#)
11. Your Mortgage lender – speak to them early if you feel you may struggle to keep up to date with mortgage payments.
12. Tower Hamlets Justice for Leaseholders – Facebook group you can join to communicate with other affected leaseholders in Tower Hamlets. [\(4\) Tower Hamlets Justice for Leaseholders - THJL | Facebook](#). Additionally, Directors of Right to Manage or leaseholders who own their own freehold (who are therefore responsible for the remediation and fire safety of their building) will be able to connect with other leaseholders in Tower Hamlets in a similar situation via this Facebook group.
13. Contact your MP [Find your MP - MPs and Lords - UK Parliament](#)

## **FAQ's for leaseholders (non-council leaseholders)**

### **Who is responsible for carrying out Fire Safety Risk Assessments?**

Responsibility for carrying out a [fire risk assessment](#) in your building could be with the owner ([freeholder](#)), a residents' management company, a [Right to Manage company](#), or a managing agent. In law, the responsibility for fire safety in the shared parts of a building is that of the '[responsible person](#)'. For blocks of flats or large houses in multiple occupation, this is usually the freeholder or management company.

The freeholder or management company may decide to give some of these responsibilities to a managing agent. This can include arranging for a fire risk assessment to be done or reviewed.

The responsible person (or agent) may carry out the fire risk assessment themselves or may employ someone else to do it.

### **Who can carry out a fire risk assessment?**

The law does not specify who is allowed to carry out a [fire risk assessment](#). The law simply states that the person must be competent enough to complete a 'suitable and sufficient' assessment of that particular building.

### **How often must a fire risk assessment be done?**

There are no specific time periods in law for how often fire risk assessments must be carried out or reviewed. The law simply says that the person responsible for the assessment in your building must review it 'regularly' to make sure it's up to date.

The [responsible person](#) must review the [fire risk assessment](#) if:

- there's reason to think it's no longer valid (for example, if there has been a fire in the shared parts of the building)
- there have been significant changes since the assessment was done (for example, major building works or more people using the building)

The assessment itself might also include a recommendation of how often it should be reviewed or updated. Reviewing an existing fire risk assessment can take less time than carrying out a new assessment, so reviews can be done more frequently.

The Local Government Association (LGA) produced guidance on fire safety in purpose-built blocks of flats. This recommended that for low-rise blocks of up to three storeys above ground, built in the last 20 years, fire risk assessments should be:

- reviewed every 2 years
- redone every 4 years

For blocks with higher risks (for example, because of the age of the building), or those more than 3 storeys high, the LGA recommended that fire risk assessments should be:

- reviewed every year
- redone every 3 years

In extreme cases (for the highest-risk buildings), the LGA recommended doing a new fire risk assessment once a year

## **What is an External Wall System?**

The external wall system is made up of the outside wall of a residential building, including cladding, insulation, fire-break systems, etc. The external wall may be a cavity wall, rainscreen cladding system or an External Wall Insulation (EWI) system.

## **What is an EWS1 Certificates?**

An EWS1 certificate is an External Wall System Fire Review certificate. EWS1 certificates come into play when a leaseholder is buying or selling or re-mortgaging an apartment in a multi-storey multi-occupied residential building. The EWS1 is not a building safety certificate or a legal requirement, it is a mortgage valuation tool. EWS1 certificates are not issued by the Fire Brigade.

The Royal Institute of Chartered Surveyors (RICS) and mortgage lenders jointly created the EWS1 form. It was launched in December 2019 as a way for mortgage lenders to assess the external wall safety of buildings over 18 meters, to help them decide whether to offer a mortgage on any given apartment within multi-storey, multi-occupied residential buildings.

Over time EWS1 forms have begun to be used for buildings under 18 meters, reflecting the Government's Building Safety guidance published in January 2020 which applies to buildings of any height. To find the latest information on which buildings EWS1 forms apply to, and current exemptions for buildings under 18 meters, check out the RICS website [Cladding Q&A \(rics.org\)](https://www.rics.org)

The certificate provides two main options. Option A is for buildings where the external wall system is unlikely to support combustion. Option B is for buildings with combustible materials present in the external wall system, which may or may not need to be remediated.

The outcome of the survey for each block will fall into one of the following five categories, or ratings:

### **Option A**

**A1 rating** There are no attachments whose construction includes significant quantities of combustible materials (i.e. materials that are not of limited combustibility).

**A2** There is an appropriate risk assessment of the attachments confirming that no remedial works are required.

**A3** Where neither of the above two options apply, there may be potential costs of remedial works to attachments.

### **Option B**

**B1** Surveyors conclude that in their view the fire risk (Note 8) is sufficiently low that no remedial works are required.

**B2** Surveyors conclude that an adequate standard of safety is not achieved, and they have identified to the client organisation the remedial and interim measures required (documented separately).

## **Who carries out the EW1S, what is their expertise and how many experts are there?**

The EWS form must be completed by a fully qualified member of a relevant professional body within the construction industry with sufficient expertise to identify the relevant materials within the external wall cladding and attachments, including whether fire resisting cavity barriers and fire stopping have been installed correctly.

The Council cannot approve individual persons who can deliver the EWS1 and cannot advise on who can and cannot complete the EWS1 form/ process. Only qualified chartered members of the relevant professional bodies such as IFE and RICS will have the necessary self-assessed competence AND professional indemnity insurance to carry out this work

As with “intrusive surveys” there are very few people in the UK who have the qualifications and experience to sign an EWS1 certificate, so there can be long delays in being able to appoint an appropriate person to do the survey and sign the certificate, given the very large number of buildings affected across the UK.

**Does each flat/apartment have to get an individual EWS1 form for selling, buying or remortgaging?**

EWS1 forms apply to the whole building and are arranged by the building owner. Individual leaseholders are not able to purchase or arrange EWS1 surveys. EWS1 certificates are valid for 5 years.

RICS website [Cladding Q&A \(rics.org\)](#) provides further information for leaseholders who are concerned about:

- Certificates being re-issued with a changed rating
- NIL valuations
- Height of buildings and where an EWS1 is required
- Who is responsible for obtaining an EWS 1 certificate
- Who can sign an EWS1 certificate

This is what an EWS1 certificate looks like [ews1-form-5.3.21\\_final\\_clean2.pdf \(rics.org\)](#)

It may be possible to sell a leasehold apartment without a current EWS1 certificate, where the buyer does not require a mortgage. However, buyers may seek a substantial reduction compared to any previous market value of the apartment.

**Our building was given an EWS1 certificate with a B1 or A1 rating, but this has been downgraded- what can we do?**

- Ask your managing agent for a copy of the Intrusive Survey Reports for your building which lead to both the previous and downgraded EWS1 rating, so you can understand what new information came to light.
- Ask your managing agent for a copy of the Fire Risk Assessment for your building so you can understand what risks have been identified and what actions have been recommended to address the risks.
- Ask your managing agent if they will be applying to the Building Safety Fund to pay for any remediation work required.

**Our building has been told we have to have a Waking Watch. What should we do?**

- Ask your managing agent for a copy of the Intrusive Survey Report for your building.
- Ask your managing agent for a copy of the Fire Risk Assessment for your building so you can understand what risks have been identified and what actions have been recommended to address the risks. Ask them what has changed that has led to the decision to appoint a Waking Watch.

- Ask your managing agent what other steps to address the fire safety risk they have considered and rejected, such as improvements to fire doors, temporary alarm systems or changing evacuation procedures.
- Ask your managing agent if they have secured three independent quotations for the Waking Watch provider.
- Ask to see the service specification for the Waking Watch provider so you can see what service they should be providing to you.
- Ask your managing agent if they will be applying to the [Waking Watch Relief Fund – GOV.UK \(www.gov.uk\)](#) to pay for any Waking Watch required.
- Ask your managing agent what steps they are taking to address the fire risk more permanently so that Waking Watch can be removed as soon as possible.

#### **Our Building Insurance is going up, what can we do?**

- Ask what information the Insurance provider has seen that has led them to increase the premium – has the insurance provider been provided with an accurate picture of your building and the risks?
- Ask your managing agent if they shopped around and got independent quotes for insurance.
- Ask your managing agent what, if any, additional premium has been added which is paid to either the managing agent or the freeholder and ask if this can be removed.
- Ask what the insurance provider said could be done to reduce risk and reduce the premium – for example, would a temporary alarm system reduce the premium?; will the premiums reduce if the remediation work is completed?; would the premium reduce if unsafe cladding is removed pending any replacement?
- Check the FCA website for latest information provided to insurers [Leaseholder buildings insurance | FCA](#)

#### **Our freeholder/managing agent won't let us have a copy of the fire risk assessment and/or the intrusive survey report.**

See this advice from Leasehold Advisory Service [Fire safety in flats - Top 10 Tips - The Leasehold Advisory Service \(lease-advice.org\)](#)

If you continue to have problems obtaining information from your freeholder or managing agent, contact LBTH [email address], your local councillor or MP, and ask if they can help intervene on your behalf.

#### **Can we ask the developer of our building to fix the issues with the building, or claim on the warranty?**

This article on the Leasehold Knowledge Partnership website covers points around warranties, surveyors and developers. [Should the buyer beware? Leaseholders and fire safety remediation costs - Leasehold Knowledge Partnership](#)

#### **Our building does not qualify for the Building Safety Fund, what can we do?**

This is a major challenge for many leaseholders, and even buildings that are eligible to apply to the Building Safety Fund may find that not all of the remediation work required is covered by Government funding. The Government has said it will make further announcements about how work on buildings will be financed :[Government to bring an end to unsafe cladding with multi-billion pound intervention - GOV.UK \(www.gov.uk\)](#).

Ultimately any costs not covered by Government funding or paid for by the freeholder/developer or by a warranty, will fall to be paid by leaseholders.

### **What is the Building Safety Fund?**

The government has set up a Fund to support the remediation of buildings that have ACM and other types of cladding. The Fund has strict criteria. More information about the Fund is here: [Remediation of non-ACM buildings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/remediation-of-non-acm-buildings) and [Private sector ACM cladding remediation fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/private-sector-acm-cladding-remediation-fund-prospectus)

Making an application to the Building Safety Fund is a complex process. Applications to the Building Safety Fund are made by the Freeholder/Managing Agent/Right to Manage Company rather than individual leaseholders.

The Association of Residential Managing Agents (ARMA) have published a set of useful information that explains what a Managing Agent/Freeholder has to do to complete an application to the Building Safety Fund [Leaseholder Advice \(arma.org.uk\)](https://www.arma.org.uk/leaseholder-advice)

This is a flow chart setting out the steps to be taken [Building Safety Fund - Fund Application Process Infographic June 2021.pdf \(arma.org.uk\)](https://www.arma.org.uk/leaseholder-advice) Your Managing Agent should be able to explain what stage of this process that are at, and what steps are required to progress the application.

This is an overview for leaseholders [Microsoft Word - Building Safety Fund - Briefing Document for Leaseholders June 2021.docx \(arma.org.uk\)](https://www.arma.org.uk/leaseholder-advice)

This describes what parts of a building are covered by the Fund [Building Safety Fund - What is covered Infographic June 2021.pdf \(arma.org.uk\)](https://www.arma.org.uk/leaseholder-advice)

The Building Safety Fund does not cover all types of remedial work that may be required, for example, the Fund does not cover buildings under 18 meters in height and does not cover the cost of replacing wooden balconies.

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## **Appendix 5 – HRSSC Membership**

### **Membership of the Housing & Regeneration Scrutiny Sub Committee**

**April 2021 – March 2022**

Councillor Ehtasham Haque	Chair
Councillor Marc Francis	Vice-Chair
Councillor Andrew Wood	Member
Councillor Amina Ali	Member
Anne Ambrose	Co-Optee
Councillor Victoria Obaze	Member
Councillor Helal Uddin	Member
Moshin Hamim	Co-Optee

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## Action Plan

Fire Safety Proposals – Service Action Plan		
<p><b>Recommendation 1:</b> <b>Ensure Fire Statements submitted to the council by developers/builders as part of the Planning process are robust and address all known fire safety issues.</b></p>		
<p><b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.</p>		
Action	Owner(s)	Deadline
This is an ongoing 'business as usual' activity.	Planning and Building Control	Ongoing

## Action Plan

<p><b>Recommendation 2:</b> <b>Investigate the promotion of “Commonhold” with our PRP partners, builders, and developers.</b></p>		
<p><b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.</p>		
<p><b>Comments from Service:</b> <i>The government has committed to comprehensive reform of the leasehold system, with ‘The Leasehold Reform (Ground Rent)’ Act (2022) being the first of two new pieces of legislation which will deliver improvements to commonhold. The Act restricts ground rents on newly created long residential leases (with some exceptions) to a token one peppercorn per year. This effectively restricts ground rents to zero financial value. The intention is to make leasehold ownership fairer and more affordable for leaseholders. A Bill on broader leasehold reform is expected in the third session of this Parliament which will include: the abolition of marriage value and lifting restrictions on lease extensions. In addition, the Commonhold Council has been established to advise the government on the implementation of a reformed commonhold regime.</i></p>		
Action	Owner(s)	Deadline
Using THHF’s Development sub-group, the implications of ‘commonhold’ and how it affects affordability can be highlighted and reviewed by this forum with RPs encouraged to ensure that they publicise the implications and advise and promote the reforms to their residents.	THHF/ Partnership Officer	Ongoing

## Action Plan

<b>Recommendation 3:</b>  Explore regular quarterly meetings between the Mayor/officers and leaseholders.	<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.	
<b>Comments from Service:</b> <i>The Mayor's Office already facilitate quarterly 'Ask the Mayor' Q&amp;A sessions for residents. The session held on 22 July 2022, focussed on building safety, including cladding, followed the fire at New Providence Wharf last summer. Residents who face issues with building safety had an opportunity to ask questions and get answers to these issues. This session was well-attended and received. These sessions already provide a mechanism for residents of all tenures to voice concerns. It is suggested that a further session on Fire and Building Safety is incorporated into the planned sessions for the new municipal year.</i>		
Action	Owner(s)	Deadline
Mayor's Office to consider if future 'Ask the Mayor' sessions can include a session or sessions on Fire and Building Safety within the timetable for the forthcoming municipal year.	Mayor's Office	By 31 March 2023
<b>Recommendation 4:</b>  <b>Further publicise the council's building safety pledge to residents, building owners and PRPs</b>		
<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.		
<b>Comments from Service:</b> <i>The building safety pledge is regularly tweeted and promoted via the council's social media presence, when appropriate and newsworthy. The pledge remains an ongoing priority within the council's communications programme.</i>		
Action	Owner(s)	Deadline
This is an ongoing communications activity which involves:  1. horizon-scanning; and 2. ensuring the council's website and communications are updated in accordance with the latest information and government policy/legislation.	Senior Communications Officer	Ongoing

## Action Plan

<p><b>Recommendation 5:</b></p> <p><i>Set up a fire safety portal that contains clear information for homeowners, tenants, leaseholders and clarifies the role of Housing Associations, builders, and developers</i></p>		
<p><b>Comments from Service:</b> <i>Already completed.</i></p>		
Action	Owner(s)	Deadline
Already Completed with web-site revamp.	Fire Safety Team	N/A
<p><b>Recommendation 6:</b></p> <p><i>Ensure the council's revamped website explains how the BSF application process works to leaseholders and builders/developers submitting bids.</i></p>		
<p><b>Comments from Service:</b> <i>Already completed.</i></p>		
Action	Owner(s)	Deadline
This remains a 'business as usual' activity. The relevant content on the council's website will be updated as and when any new information or material is provided by the government.	Fire Safety Team	N/A

## Action Plan

<b>Recommendation 7:</b>  Explore with the LFB and other London boroughs using CIL money to purchase firefighting equipment		
<b>Financial Implication:</b> Currently unclear		
<p><b>Comments from Service:</b> CIL is governed by regulations that say it must be spent to support infrastructure. The regulations define infrastructure with examples such as schools, roads, etc. The essence of this is that it must be public infrastructure that supports the strategic development of the area. Certain firefighting equipment could potentially be considered to meet these criteria. The potential purchase off a 64m aerial appliance to be located in Tower Hamlets following the fire at New Providence Wharf was raised at a full council meeting. The LFB have set out that it plans their resource on a London-wide basis, moving operational vehicles around to provide cover in areas that have high demand at any given time. Consideration of the location of aerial appliances is therefore based on which location would enable the LFB to have the best pan-London response possible so that all areas receive adequate coverage in the event of a fire. They have also stated that there are practical limitations that impact on efforts to purchase a 64m aerial appliance to specifically serve Tower Hamlets. However, the LFB have suggested they would welcome a conversation on other potential interventions.</p> <p>Spending of CIL is approved through the council's Capital Programme governance, ultimately requiring a decision by the Mayor in Cabinet.</p>		
Action	Owner(s)	Deadline
Further conversations needed with LFB to understand potential for any CIL compliant uses.	Planning and Building Control	Ongoing

## Action Plan

<b>Recommendation 8:</b>  Continue to lobby the government with our PRP partners for increased funding for independent advisory services at every opportunity.	<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.	
<b>Comments from Service:</b> <i>This activity is embedded in the council's communications programme as a regular activity. The recently updated and revised council webpages on fire safety contain links to independent advisory and support services for leaseholders.</i>		
Action	Owner(s)	Deadline
This remains an ongoing communications activity with:  1. continued horizon scanning to identify government consultations; and 2. to use opportunities to work/liaise with the DLUHC.		Senior Communications Officer & Fire Safety Team  Ongoing
<b>Recommendation 9:</b>  Raise gathering of economic data/cost implications of building safety issues at the London Housing Directors Fire Safety Group meeting to enlist the support and collaboration of other councils and PRPs.		
<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.		
<b>Comments from Service:</b> <i>This is an ongoing activity as we continue to raise these costs with the London Housing Directors Fire Safety Group at every opportunity.</i>		
Action	Owner(s)	Deadline
Continue to raise this as an issue at every possibly opportunity at London Housing Directors Fire Safety Group.		Divisional Director Housing & Regeneration  Ongoing

## Action Plan

### **Recommendation 10:**

Review the findings of the final LFB report into the fire at NPW with our PRP partners, building owners and developers and consider commissioning our own independent research.

### **Financial Implication: Budget/funding required for commissioning any research (Karen Swift)**

**Comments from Service:** *The final LFB report into the fire incident at NPW will provide a considered and thorough investigation into the causes and learning from the incident. Once the final LFB report is published, this will be accessible to RP partners, and will no doubt provide learning and insight which will be incorporated by the council and RPs into good practice and tenancy management. The service does not have the additional financial resources to commission further independent research.*

Action	Owner(s)	Deadline
The learning and any recommendations arising from the LFB's final report will be discussed as part of ongoing and continued discussions with THHF and with building owners and developers to ensure that they become embedded.	Fire Safety Team /Partnership Officers	Pending potential proceedings by LFB

## Action Plan

<b>Recommendation 11:</b>  Work with our PRP partners and building owners and developers to implement the Building Safety database.	<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.	<b>Comments from Service:</b> <i>The council is investing resources in a robust database to hold information about buildings that the government has asked boroughs to collect data on and to identify materials of concern. This database will not be shared. A database would be of minimal assistance because it relies on the council holding information about all buildings. There are over 1000 buildings over 18M in Tower Hamlets. Data collection is an iterative process.</i>  <i>Building owners are responsible for the safety of their buildings and should be making residents aware of all building safety concerns pertaining to their buildings. The GLA/Mayor of London recently launched a good practice guide for building owners in relation to the timely sharing of information with residents. <a href="#">EWS1 Best Practice Guidance   GLA (london.gov.uk)</a> - urging building owners to proactively disclose building safety information to both current and prospective residents. This information should include fire risk assessments (FRAs) and any other life safety documentation</i>
Action	Owner(s)	Deadline
As stated, the data we collect is for a government database and cannot be shared. Improvement are being made internally to how this data is being held with a new database management system underway.	Fire Safety Team	Procurement of new database: May 2022 - Sept 2022 (depending on procurement/legal capacity to process contracts)

## Action Plan

<b>Recommendation 12:</b>	Explore the feasibility of contributing to the Building Safety Map with our PRP partners and building owners.			
<b>Financial Implication:</b>	None – can be accommodated within existing establishment and budgets.			
<b>Comments from Service:</b> <i>The LA cannot put information out into the public domain in the form of a map or any other format. Affected residents should already know from their building's owner if their building is affected or has fire safety issues.</i>				
<i>This information is exempt from disclosure under Section 38(1) of the Freedom of Information Act (FoIA) (2000). Disclosure of this information may be likely to endanger the physical or mental health of any individual - (this could be the applicant, the supplier of the information or anyone else). Releasing this information could cause unnecessary fear or panic and/or risk health and safety of those living in tower blocks. In addition, this information on the safety of buildings has been provided to the council in confidence. Section 41 of the FoIA (2000) sets out an exemption from the right to know where the information requested was provided to the public authority in confidence by another person, company, local authority or any other 'legal entity'. Recent guidance published by the GLA/Mayor of London : <a href="#">EWS1 Best Practice Guidance   GLA (london.gov.uk)</a> (on 28 February 2022) advises building owners that they should talk directly to their residents and inform them of fire safety issues in their buildings. This information is also held by the government and received by them via data returns and any information that the council receives should be held confidentially although we may share with the LFB.</i>				
Action	Owner(s)	Deadline		
RPs meet within the Asset Management Sub-group to discuss estates and management of the physical estate. Building Safety is becoming an increasing topic of discussion of this group and building owners prepare for the implementation of the Building Safety Act.	Building Safety Owners/THHF	Ongoing		
<b>Recommendation 13:</b>				

## Action Plan

Continue to meet with LFB and PRP partners to develop a joint Fire Safety Engagement Plan.		
<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.		
<b>Comments from Service:</b> <i>The LFB have a Fire Safety Engagement Plan in place. Since the NPW fire, the level of engagement by the LFB with residents has increased rapidly, achieving good positive engagement. The council, THHF partners and the LFB have been working together since June 2021 to develop a joined-up approach to ensure Fire Safety messages are heard and seen by all residents.</i>		
Action	Owner(s)	Deadline
<p>Meetings with the LFB, THHF Executive and/or Housing Management sub-group take place periodically where there are specific issues or updates that need to be discussed. One of the actions arising from the meetings around New Providence Wharf, was that the THHF Housing Management sub-group take forward <b>Recommendation 14</b>.</p> <p>A representative from the LFB used to regularly attend the THHF Public Realm sub-group meetings to update staff on fire hotspots, discuss fire incidents on a quarterly basis and provide advice. The sub-groups are currently under review and this work will be slotted into the work-path of one of the revised sub-groups.</p>	THHF, Partnership Team and Senior Communications Officer	Ongoing
<b>Recommendation 14:</b>		

## Action Plan

Work with PRP partners and LFB to develop a fire safety video and other engagement/communication material to promote fire safety.		
<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.		
<b>Comments from Service:</b> See comment on previous recommendation.  <i>The LFB has engaged with residents to shape a local community safety plan and recognises that there are vulnerable residents in the borough who are seldom heard, particularly from BME communities. The council with THHF partners shares their respective outreach activities and informs the LFB of suitable events where they can attend and are working with the LFB to deliver a co-ordinated programme of engagement and activities to promote fire safety, including the development of a fire safety video for residents.</i>		
Action	Owner(s)	Deadline
This activity is ongoing and links in with the continued communications activity of the council and the horizon scanning which is shared with RP partners. The THHF Housing Management sub-group are working together to produce communications material with a video which will place residents as the primary promoters of the need for everyone to be involved in keeping themselves and others safe from fires. We want to involve residents from minority and disadvantaged groups with lived experience in the video.	Senior Communications Officer/Partnership Officer and THHF	Ongoing
<b>Recommendation 15:</b>		

## Action Plan

Establish a <b>Tower Hamlets Fire Safety Forum</b> with LFB and THHF partners to examine evacuation procedures and to promote appropriate fire alarms and signage.	<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets.	<b>Comments from Service:</b> <i>This is an ongoing activity that is discussed within existing meeting arrangements at THHF and it is more appropriate that these structures are used rather than to create a separate structure. Each building will have its own unique evacuation procedure – either 'stay put' or evacuate in the event of a fire safety incident, this will depend on the physical/design features of the building. The owners of each building will work with the LFB to ensure that the correct advice is given to residents in the event of a fire incident. Similarly the LFB will continue to advise owners on the correct fire alarm systems and signage required for an individual building.</i>
<b>Action</b>  This is an ongoing business as usual activity which rather than to create and hold a separate forum, can be facilitated through the THHF sub-group meetings, and can address these issues and include residents at these meetings as and when their engagement and input are required. THHF sub-groups provide an opportunity for discussion and to share good practice	<b>Owner(s)</b>  Partnership Officer and THHF	<b>Deadline</b>  Ongoing
<b>Recommendation 16:</b>		

## Action Plan

Establish a <b>Resident and Landlord Fire Safety Forum</b> to ensure effective resident involvement and collaboration in all relevant fire safety issues.		
<b>Financial Implication:</b> None – can be accommodated within existing establishment and budgets. (See recommendation 15)		
<b>Comments from Service:</b> The ‘Ask the Mayor’ sessions (see Rec 3) provides a forum for all residents irrespective of tenure to engage and raise fire safety concerns and, when held on the matter of fire safety, was well attended. As a borough with over 1,000 tall buildings it would be impractical to engage with all residents and landlords.		
Action	Owner(s)	Deadline
Recent guidance published by the Mayor of London reiterates that building owners should talking to and actively engaging with residents. As a council we are endorsing the Mayor of London guidance and promoting this to all residents as part of our ongoing Comms Work	Senior Communications Officer	Ongoing

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# Agenda Item 6.6

<b>Cabinet</b>  30 November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Will Tuckley, Chief Executive Officer	<b>Classification:</b> Unrestricted
<b>Dissolution of Seahorse Homes Limited and Mulberry Housing Society Limited</b>	

<b>Lead Member</b>	<b>Councillor Kabir Ahmed, Cabinet Member for Inclusive Development and Housebuilding</b>
<b>Originating Officer(s)</b>	Nicola Klinger, Housing Companies and Shared Services Manager
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	21 October 2022
<b>Strategic Plan Priority / Outcome</b>	All priorities

## Executive Summary

This report recommends the dissolution of Seahorse Homes Limited, the Council's wholly owned housing company, due to changes in local and national policy and lack of viable position for the Council. It also recommends that the Council note the decision taken by the Shareholders of Mulberry Housing Society Limited to dissolve the Society. This is also due to changes in local and national policy and lack of a viable delivery option.

## Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the dissolution of Seahorse Homes Limited.
2. Note the dissolution of Mulberry Housing Society Limited.
3. Approve the write off of the unrecovered sum of £26.4K for Seahorse Homes Limited.
4. Approve the write off of the unrecovered sum of £7.4K for Mulberry Housing Society Limited.

## **1 REASONS FOR THE DECISIONS**

- 1.1 National and local policy changes since the inception of Seahorse Homes Limited and Mulberry Housing Society Limited in 2017 have removed the need to use housing companies as delivery vehicles to build new Council homes.
- 1.2 As the sole Shareholder, the London Borough of Tower Hamlets can choose to dissolve Seahorse Homes Limited. This is recommended as an external review conducted by Savills in 2022 found that there is no viable position in respect of Seahorse Homes in short to medium term returns. This is due to recent cost environmental changes in respect of interest rates and repayment mechanisms.
- 1.3 The Shareholders of Mulberry Housing Society Limited have passed a resolution to dissolve the community benefit society. The primary reasons for this include that the Council is delivering its new build programme via the Housing Revenue Account, and the review conducted by Savills in 2022 found no option that would put the Society in a financially viable position due to recent policy and cost environmental changes in respect of available subsidy, interest rates and repayment mechanisms.

## **2 ALTERNATIVE OPTIONS**

- 2.1 Seahorse Homes Limited could continue as a non-trading company. However, there are costs associated with administering a company that the Council would need to fund. There would be no prospect of financial returns as the company would not be trading.
- 2.2 The Council could use Seahorse Homes Limited for other commercial activity not related to housing. However, it is suggested in this case a separate Local Authority Trading Company (LATCO) is set up following a full business case related to such activity.
- 2.3 The Council could choose to fund the activities of Seahorse Homes Limited (via the General Fund). However, any financial benefits would not be seen before a 50-year period, so this option is not recommended.
- 2.4 As a minority Shareholder the Council cannot chose whether Mulberry Housing Society Limited is dissolved or not so there is no alternative option in this regard.

## **3 DETAILS OF THE REPORT**

- 3.1 **Background**
- 3.2 In 2017, the then Cabinet agreed to set up two companies: Mulberry Housing Society Limited and Seahorse Homes Limited to provide an additional

housing delivery option outside of the Housing Revenue Account (HRA).

- 3.3 Seahorse Homes Limited was set up to acquire and develop housing for market rent. The Council would provide Seahorse Homes with equity and loans at commercial rates. Seahorse Homes Limited would then return a dividend to the Council (as its sole Shareholder) and potentially grant funds to Mulberry Housing Society to cross-subsidise affordable housing.
- 3.4 Mulberry Housing Society was set up to acquire and develop housing at social and intermediate tenures. The Council would provide loan funding, as well as Right-to-Buy 1-1 receipts and commuted S106 sums.
- 3.5 At the time the companies were set up, boards for each company were established. However, the companies were not provided with any dedicated officer support which limited their ability to identify and assess acquisition opportunities and pursue business activities.
- 3.6 Neither company has traded to date.
- 3.7 **Changes in national and local contexts**
- 3.8 A key driver for establishing the companies in 2017 was that there was a borrowing cap on the Housing Revenue Account (HRA), which meant it was difficult to build new housing within the HRA. This was removed in 2018 and the Council is now progressing with a new build programme within the Housing Revenue Account.
- 3.9 This has meant that the original purpose for Mulberry Housing Society is no longer necessary. Additionally, both the Council's Housing Revenue Account and General Fund have utilised Right to Buy 1-1 receipts for acquisition and development of affordable properties and have a future pipeline in place. That means the availability of this type of funding for Mulberry Housing Society is significantly reduced.
- 3.10 In November 2020, the Public Works Loan Board (PWLB) reformed its lending terms which meant that should a local authority buy investment asset(s) primarily for yield, or on-loan to a company that does so (for example Seahorse Homes Limited) it will not be able to take out new loans from the Public Works Loan Board in the three years following the acquisition of the asset. Though there is an exemption category in regard to housing that would apply to Seahorse Homes Limited, this would only apply to housing within Tower Hamlets (so the company could not choose to acquire housing in areas with high rental yields).
- 3.11 Following the pandemic, Corporation Tax is higher than originally assumed which would reduce Seahorse Homes Limited's ability to make debt repayments and dividend repayments.
- 3.12 There has also been a national trend of rising interest rates, including the Bank of England base rate and Public Works Loan Board rates. This is a

significant risk for Seahorse Homes Limited.

- 3.13 Furthermore, high levels of inflation will impact directly and indirectly on operating costs for Seahorse Homes Limited. It may also impact on the housing market.

**3.14 Financial viability**

- 3.15 Savills conducted robust financial modelling for several delivery options that could be pursued by Seahorse Homes Limited. These were:
- a) Acquire properties from the Open Market (new and existing)
  - b) Acquire properties from forthcoming Housing Revenue Account developments
  - c) Develop in Joint Venture with Mulberry Housing Society Limited
  - d) Explore other commercial opportunities
- 3.16 No option provided a viable position for the Council in terms of short to medium-term returns.
- 3.17 Savills also conducted financial modelling for several delivery options that could be pursued by Mulberry Housing Society Limited. These were:
- a) Acquire properties for the open market (new and existing)
  - b) Acquire properties from forthcoming Housing Revenue Account Developments
  - c) Develop in Joint Venture with Seahorse Homes Limited
  - d) Acquire properties for the provision of specialist housing
  - e) Leasing of s106 properties acquired
- 3.18 No option provided a viable position.

**4 EQUALITIES IMPLICATIONS**

- 4.1 There are no specific equalities implications arising from this report.

**5 OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 Since 2017 there have been a number of factors both legislative (borrowing rules) and economic (interest rate increases and rising inflation), which mean it is unlikely that Seahorse Homes will deliver the financial returns envisaged at its inception. An independent review has established the companies lack of viability.
- 6.2 Dissolving the company will save on ongoing unrecoverable operating costs as well as relieving the administrative burdens on associated with a dormant company.
- 6.3 The council expects that it will be able to recover up to £3.7K of the £30K paid to Seahorse Homes in working capital when it was set up.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 The Council has the legal power to undertake the recommendations of this report.
  - 7.2 The membership of Seahorse Homes belongs to the executive under the constitution and is not delegated. Therefore it is legally appropriate that the activity and decisions of the member of the company is under taken by the Mayor in cabinet.
- 

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- NONE

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

#### **Officer contact details for documents:**

[Nicola.Klinger@towerhamlets.gov.uk](mailto:Nicola.Klinger@towerhamlets.gov.uk)

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# Agenda Item 6.7

<b>Cabinet</b>  30 November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> James Thomas, Corporate Director Children's and Culture	<b>Classification:</b> Unrestricted
<b>Youth Justice Board Annual Report</b>	

<b>Lead Member</b>	<b>Councillor Maium Talukdar, Statutory Deputy Mayor and Cabinet Member for Education and Lifelong Learning</b>
<b>Originating Officer(s)</b>	Susannah Beasley-Murray, Director of Supporting Families Kelly Duggan, Head of Service of Youth Justice and Young Peoples Services
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	27 September 2022
<b>Strategic Plan Priority / Outcome</b>	Priority 3. Accelerate Education Priority 6. Empower Communities and Fight Crime

## Executive Summary

It is a constitutional requirement for Cabinet to review the Youth Justice Board annual plan. The plan sets out the priorities and strategic goals of the Youth Justice Executive Board and operational frontline service delivery.

This report highlights the current priority areas raised by the recent HMIP Inspection of Tower Hamlets and City of London Youth Justice Service including the 7 recommendations for improvement.

## Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the Youth Justice Annual Plan

### 1 REASONS FOR THE DECISIONS

- 1.1 It's a statutory process to support the grant funding for frontline service delivery.

## **2 ALTERNATIVE OPTIONS**

2.1 N/A

## **3 DETAILS OF THE REPORT**

3.1 Tower Hamlets and the City of London's Youth Justice plan is a one-year plan informed by the findings of the recent HMIP inspection that took place in April 2022. Below are the 7 recommendations for improvement which were raised through the HMIP inspection:

- **The Tower Hamlets and City of London Youth Justice Management Board should:**

**Recommendation 1.** Review its membership to ensure that the right people, at the right level of seniority, are included to engage actively in achieving better outcomes for YJS children

**Recommendation 2.** Ensure that there are comprehensive quality assurance arrangements to understand performance and respond to the profile and needs of all children supervised by the YJS

**Recommendation 3.** Make sure that all data and management information is accurate, reliable, and enables informed decision-making

**Recommendation 4.** Review its out-of-court provision to ensure that the arrangements are effective and support diversion.

- **The Tower Hamlets and City of London Youth Justice Head of Service should:**

**Recommendation 5.** Improve the quality of assessment, planning, and service delivery work to keep children safe and manage the risk of harm they present to others

**Recommendation 6.** Ensure robust contingency plans are in place for all children that address their safety and wellbeing, and risk of harm to others

**Recommendation 7.** Make sure safeguarding and public protection arrangements are comprehensive and understood by all staff.

3.2 The plan aims to set out the approach on how the service and partnership will achieve the necessary improvements at pace to provide good outcomes for children.

## **4 EQUALITIES IMPLICATIONS**

4.1 The Youth Justice Service disproportionality action plan sets out the activities to address inequalities within the Youth Justice setting.

## **5      OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.

- 5.2 None

## **6      COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report include actions that use the current available budget for youth justice which is funded from both the General Fund and the Ministry of Justice grants.

## **7      COMMENTS OF LEGAL SERVICES**

- 7.1 Section 40 of the Crime and Disorder Act 1998 requires every local authority to prepare, publish and implement a Youth Justice Plan every year. This plan must also be submitted to the Youth Justice Board. The plan must set out how youth justice services in their area are to be provided and funded, and how the youth justice teams established by them are to function.
- 7.2 The matters set out in this report comply with the above legislation.
- 

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- HMIP Inspection Report

#### **Appendices**

- NONE

#### **Background Documents – Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2012**

- NONE.

#### **Officer contact details for documents:**

N/A

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# Tower Hamlets Youth Justice Plan

## 2022-2023

<b>Service</b>	Tower Hamlets and the City of London Youth Justice Service
<b>Head of Youth Justice</b>	Kelly Duggan
<b>Chair of YJS Board</b>	James Thomas

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### Version control

Revision History	By who	Date
Version 1.1	Kelly Duggan	15.07.2022
Version 1.2	Dani Lexton	21.07.2022
Version 1.3	Dani Lexton & Luke Norbury	05.08.2022
Version 1.4	James Thomas	08.08.2022
Version 1.5	Board Members	09.08.2022
Version 1.6	James Thomas/Susannah Beasley-Murray	12.08.2022
Version 1.7	Kelly Duggan	01.11.2022

## 1. Introduction, vision and Strategy

### 1.1 Forward

Youth Justice Management Board Vision  
“For each child, the best possible future, the best possible support and challenge”

This document details Tower Hamlets and the City of London's Plan as defined by the Crime and Disorder Act 1998. The objective of this plan is to set out priorities for the Youth Justice Service (YJS) and Statutory partners for the year 2022/23, whilst reflecting and learning from both achievements and areas of improvement throughout 2021/22.

Tower Hamlets and the City of London's Youth Justice plan is a one-year plan informed by the findings of the recent HMIP inspection that took place in April 2022 and should be read in conjunction with our Youth Justice Improvement Plan, see appendix 3. Our plan focuses on the areas for improvement raised from the HMIP inspection and will continue to focus on identifying, challenging, and tackling areas of disproportionality, as set out in our Disproportionality Action Plan.

The Youth Justice Management Board (YJMB) continues to have support from the Mayor, Councillors and Strategic Leaders across the Partnership. The judgment of inspectors has been that our service Requires Improvement and has made 7 specific recommendations, and we accept that judgement and will be relentless in driving improvements for our children. As a partnership we have revisited the statutory and practice guidance from HMIP and YJB and will be taking forward with immediate effect the following priority actions:

1. Appointment of a new chair of the YJMB to provide robust strategic leadership, oversight and governance, and new management of the service.
2. Review of Youth Justice Board Terms of Reference, membership, roles, and responsibilities to ensure appropriate representation of multi-agency partners in the delivery of services.
3. Development, oversight, and delivery of the Youth Justice Improvement Plan.
4. Secure additional data and improvement resource to drive forward the changes.
5. Engagement with the staff and joint planning with the team on the changes required so that all are pulling together.

Over the longer term, the YJMB will maintain commitment to and close scrutiny of the Youth Justice Improvement Plan. We will focus on priority areas around our Covid-19 recovery, stabilising the YJS workforce, tackling criminal exploitation and violence affecting children with improved joint working across Children's Social Care, and ensuring there are effective contributions from all partners. We want to ensure this year is a period for embedding sustainable change that has a strong impact upon the children and communities that we work with.

On behalf of the YJMB for Tower Hamlets and the City of London, I am pleased to endorse our Youth Justice Plan for 2022-2023.

James Thomas  
Chair of the Youth Justice Management Board  
Corporate Director Children and Culture

## 2. Local context

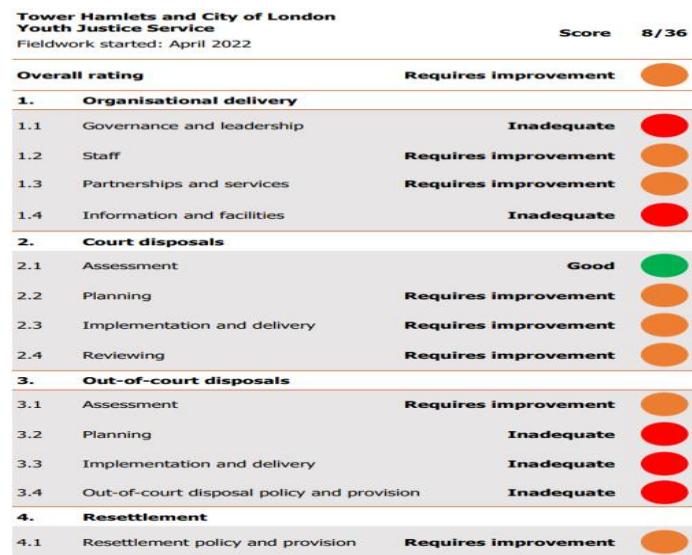
### 2.1 Our Community within Tower Hamlets and the City of London

- 2.1.1. Tower Hamlets and the City of London have worked in partnership for a number of years, an arrangement that has been recently extended for a further two years. Due to the small residential population of the City of London, we have not had a City of London child on our caseload for around three years but continue to work closely together to ensure that the needs of children across both local authorities are met.
- 2.1.2. Tower Hamlets is often described as a borough of contrasts, with Canary Wharf which alongside the City of London means that we serve the two most significant financial centres in the UK while sitting alongside high levels of deprivation and poverty. This is coupled with the economic dynamism associated with being an Inner London Authority. Tower Hamlets has an estimated population of 325,000 and growing. It also has a comparatively young population with around 80,000 children between the ages of 0-19. Tower Hamlets is also a highly diverse place to live, with 69% of the population belonging to a Black or Majority Ethnic community. The two largest groups are Bangladeshi (32%) and White British (31%). The City has an estimated 9,700 residents, although this is supplemented by half a million daily commuters.
- 2.1.3. There is a strong drugs market in the borough although affiliation to gangs is extremely transient. This is reflected in our caseload with over 50% of our children having been involved in drugs or violent crimes. In relation to the Metropolitan Police's data, we have one of the highest numbers of violent crimes with children and young people (aged 11-25) and this is against the background of 39% of Tower Hamlet's families living in poverty.

## 3. Inspection overview and recommendations

- 3.1. In 2019, Ofsted carried out a full inspection of Children's Social Care and graded us as "Good". This was the culmination of an intensive improvement journey following an "Inadequate" judgement in 2017. The improvement journey continues with the aim of getting to "Outstanding" ensuring we provide the best possible support to our children and their families. In July 2022 Ofsted undertook a focused visit on Children Looked After (CLA) service, this is not a judged inspection however, the feedback was extremely positive and recognised the effective work between the YJS and CLA in the small number of cases that were reviewed. 96% of our schools are judged Good or Outstanding demonstrating high rates of progress and attainment.
- 3.2. The YJS had an HMIP Inspection in April 2022, with the final report published in July 2022. The HMIP inspect the service delivered highlighting good and poor practice across Organisational Delivery, Court Disposals, Out of Court Disposals and Resettlement. The Inspectorate rated the service overall as 'Requires Improvement' with the score achieve 8 out of 36.

- 3.3. The below sets out the overall rating which has been determined by inspecting the organisational delivery and the three practice domains of youth justice.



- 3.4. The inspection raised seven recommendations that need to be implemented to impact positively on the quality of the youth offending service of Tower Hamlets and the City of London.

- 3.5. **The Tower Hamlets and City of London Youth Justice Management Board should:**

**Recommendation 1.** Review its membership to ensure that the right people, at the right level of seniority, are included to engage actively in achieving better outcomes for YJS children

**Recommendation 2.** Ensure that there are comprehensive quality assurance arrangements to understand performance and respond to the profile and needs of all children supervised by the YJS

**Recommendation 3.** Make sure that all data and management information is accurate, reliable, and enables informed decision-making

**Recommendation 4.** Review its out-of-court provision to ensure that the arrangements are effective and support diversion.

- 3.6. **The Tower Hamlets and City of London Youth Justice Head of Service should:**

**Recommendation 5.** Improve the quality of assessment, planning, and service delivery work to keep children safe and manage the risk of harm they present to others

**Recommendation 6.** Ensure robust contingency plans are in place for all children that address their safety and wellbeing, and risk of harm to others

**Recommendation 7.** Make sure safeguarding and public protection arrangements are comprehensive and understood by all staff.

- 3.7. The recommendations and wider findings from the inspection report have informed the development of our Youth Justice Improvement Plan, appendix 3.

## 4. Child First

- 4.1. We are dedicated to the principles of Child First, using our new practice model of C-Change as a way of providing support for children and families.
- 4.2. We commission and work with providers who deliver specialist intervention and support for the diverse children and families we work with. We have commissioned a range of culturally appropriate interventions which is tailored to the diverse children allocated in the Youth Justice Service. Examples of this include the Ether Programme which is delivered by Wipers who are a Youth Justice Social Enterprise that specialise working with black and minority males in the youth justice system and Youth provision from the Somali community as part of our prevention offer.
- 4.3. We are conscious and aware of the unacceptable treatment that was detailed in the Child Q Report. Although Child Q is a Hackney child, Tower Hamlets and Hackney are policed by the same Borough Command Unit. We have used our YJMB to scrutinise and question the Police Leadership team as well as offering support to improve their provision. We are clear that the adultification of all children, but specifically Black and Mixed Heritage children, is unacceptable. By treating children as if they are older than their physical age, we minimise their vulnerabilities and therefore they do not receive the same support.
- 4.4. We are dedicated to the best interests of the Child and in the past year have started the development of our wider adolescent offer as a children's partnership, incorporating the extra familial harm provision which is due to be launched in October 2022. We understand that we work 'better together' and our YJMB includes the key strategic leaders of the core agencies working with children and families.



## 5. Voice of the child

- 5.1. We believe that every child has the right to have their voice heard. At Tower Hamlets and the City of London YJS, we have developed our own self-assessment for children and their families, which allows us to amend our service delivery to their needs. We are actively developing our participation practices which will enable the service to co-produce the service offer and improve delivery. Reflecting a more meaningful way of empowering children and their families.

- 5.2. A combination of the regular feedback we receive from our self-assessment as well as the feedback gained from inspection shows that the children and their families appreciate and value the work that we complete with them. Parents feel listened to, and this is even further supported with the introduction of C-Change practice framework. Children and their families have the opportunity to have their opinions and voices heard at the YJMB.

## 6. Governance, leadership and partnership arrangements

### 6.1. Youth Justice Management Board Inspection Recommendations and Progress

- 6.1.1. In relation to the recommendations set out for the Youth Justice Management Board the below provides an overview of the recommendations and the progress made to date.

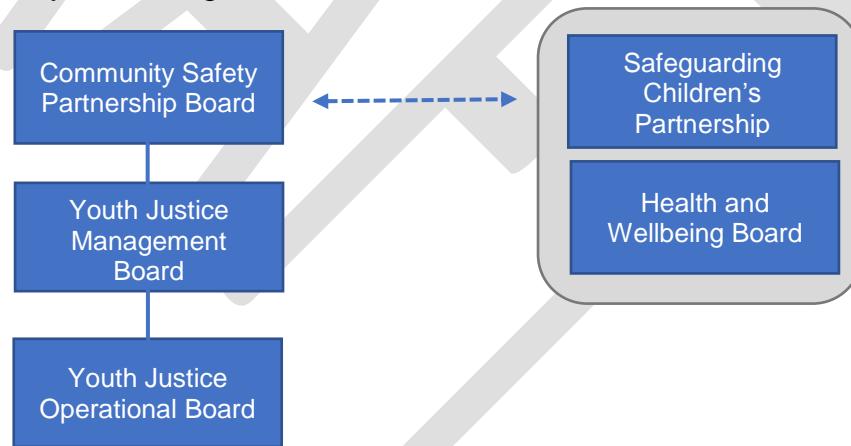
HMIP Recommendations	Progress
Review its membership to ensure that the right people, at the right level of seniority, are included to engage actively in achieving better outcomes for YJS children	<p>Appointment of the Corporate Director of Children and Culture as chair of the board. The new chair will ensure the Board is effectively led providing robust strategic oversight and decision making.</p> <p>The Board membership has been reviewed along with the Terms of Reference. The revised membership ensures appropriate representation across the partnership at the right level as well as providing greater clarity on their respective role and responsibilities in delivering better outcomes for children.</p>
Ensure that there are comprehensive quality assurance arrangements to understand performance and respond to the profile and needs of all children supervised by the YJS	<p>A new Deputy Head of Partnerships and Performance role has been created and will develop and operationalise a new quality assurance framework. This will provide a comprehensive range of quality assurance activities as well as learning reviews from serious incidents that will deliver improved standards and outcomes for children allocated in the YJS. This post will also ensure the relevant policies and procedures are in place to support safety and quality of practice.</p>
Make sure that all data and management information is accurate, reliable, and enables informed decision-making	<p>An interim Senior Data Analyst is in post who has significant experience of Youth Justice data and performance, permanent recruitment is underway. This role will ensure the data is accurate to better inform decision making and provides a clearer understanding of the services cohort.</p>
Review its out-of-court provision to ensure that the arrangements are effective and support diversion.	<p>The out of court disposal decision making panel is now chaired by the Deputy Head of Service to provide continuity. A growth bid has been developed that includes a new Team Manager post that will specifically oversee</p>

	out of court work and contribute towards improving practice.
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- 6.1.2. Responding to the HMIP recommendations is the priority for the YJMB over the next 12 months to ensure that the improvements required are delivered at pace and embedded.

## 6.2. Governance

- 6.2.1. The YJS and Young Peoples Services is located in the Children's and Culture Directorate, within the Supporting Families division. As part of the divisional management team, the YJS works in partnership with services including Early Help, Safeguarding, CLA & Through Care, Exploitation, Quality Assurance and the Learning Academy. In addition, the YJS service has strong links with Education, Community Safety and Health.
- 6.2.2. The governance of the YJS is provided by the YJMB that meets bi-monthly with direct accountability to the Community Safety Partnership Board, as well as strong links to the Safeguarding Children Partnership and the Health and Wellbeing Board. Below the YJMB a new bi-monthly Youth Justice Operational Board has been set up chaired by the Director of Supporting Families to oversee the delivery of the Youth Justice Improvement plan and operational practice.
- 6.2.3. Tower Hamlet and City of London governance arrangements and membership of the Youth Justice Management Board can be found in appendix 1.
- 6.2.4. The below diagram sets out the governance arrangements to ensure there is clear accountability, line of sight and information flow.



- 6.2.5. The below diagram sets out the strategic and operational governance, descriptive arrangements and the information flow:

### Youth Justice Management Executive Board

- Executive board has oversight and scrutiny of the actions given to the Operational Board

### Youth Justice Management Operational Board

- Focuses on the key priorities in the Improvement Plan and delegates tasks amongst the partners, management team and frontline practitioners

### Frontline Practice

- Staff are aware of the Management Board's actions and Operational Board via attendance, leading on actions, Chair attend Service Meeting bi-annually, being a part of task and finish groups and newsletters

- 6.2.6. Tower Hamlets and the City of London YJS was amalgamated with the Youth Service under one Head of Service (HOS) in 2021, with a permanent HOS in post for over 6 months. This supports the leadership and management of services to young people from both a youth justice and youth service perspective. A key benefit of this closer alignment is to ensure we identify and intervene early with children who are at risk of entering the youth justice system. Also, ensuing the youth service offer is complementing the support for young people allocated in the YJS as well as access to universal provision beyond their involvement.
- 6.2.7. The YJS Senior Management Team meets regularly with key delivery partners i.e., Social Care, Health providers, Education, Probation, Police and Housing to discuss strategic and operational matters to ensure that practice is to a high quality and that common objectives are achieved.
- 6.2.8. The inspection report identified a number of strengths across the partnership particularly around health and education which supports the needs of children. It also highlighted areas for improvement so that children allocated to the YJS are provided with a comprehensive range of high-quality services from the partnership. For example, there is a need to improve meaningful victim and restorative justice work, multi-agency risk management and to strengthen public protection arrangements. These aspects of partnership arrangements are featured in the Youth Justice Improvement Plan.
- 6.2.9. As a Partnership Board, we will be prioritising the introduction of the new Serious Violence Duty. The duty requires specified authorities to work together to prevent and reduce serious violence, including identifying the kinds of serious violence that occur in the area and the causes of that violence. Given the offence profile of the young people and the overall crime context in Tower Hamlets it will be an

important new duty for the Council, the service, and the wider youth justice partnership.

## 7. Resources and services

- 7.1. Our Youth Justice Grant has been confirmed as £584,156. In addition to this, Tower Hamlets has confirmed additional funding of 875,614.
- 7.2. As in previous years, the Youth Justice Grant will be used to fund a number of substantive and partnership posts within the service structure. It will continue to fund evidenced based groupwork interventions, projects to address disproportionality and prevention, reparation and for those subject to 7-day intensive surveillance and supervision to improve service performance and outcomes for children we are working with.
- 7.3. The Youth Justice Grant will contribute to the implementation and delivery of the YJ Improvement Plan, in key areas such as additional service improvement and data capacity, strengthening data and performance and training and development for the workforce. By investing in these areas, we will ensure practice is to a consistently high standard and that the service will achieve a good/outstanding judgement in future inspections.
- 7.4. In addition to the Youth Justice Service finances, we are also committed to providing a targeted Prevention Service via Break the Cycle which is funded from Young People's Service budget.
- 7.5. The below table sets out the current budget and future projections:

	Budget 2021-22	Outturn 2021-22	Variance to budget 2021-22	Budget 2022-23	Forecast 2022-23	Variance to budget 2022-23
Premises	£16,000	£16,000	£0.00	£18,000	£18,000	£0.00
Transport	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Supplies and Services	£18,966	£18,966	£0.00	£20,614	£20,614	£0.00
Commissioning	£1,323,553	£1,323,553	£0.00	£1,373,459	£1,373,459	£0.00
Overheads	£46,000	£46,000	£0.00	£47,697	£47,697	£0.00
<b>Total</b>	<b>£1,404,519</b>	<b>£1,404,519</b>	<b>£0.00</b>	<b>£1,459,770</b>	<b>£1,459,770</b>	<b>£0.00</b>

Note the above figures are a combination of YJB Grant and Local Authority contributions.

- 7.6. The full budget from Youth Custody Service is £187,444. We spent £151,224 in 2021/22 with the forecast for 2022/23 estimated at £187,444

## 8. Progress on previous plan

- 8.1. The previous Youth Justice Plan identified following three key areas:

Area	Action	Progress

YJMB	Develop a partnership two-year strategy that links to other relevant strategies.	The two-year Safety, Hope and Opportunity strategy was launched on 1 July 2021.
	Create a Board workplan, as part of the strategy.	The work plan has been devised and is in delivery phase.
YJS	Disproportionality	Continue to use the disproportionality toolkit. Groups have been put in place for black and mixed heritage ethnicity. External case file review with a focus on disproportionality. Trauma informed PSR's
	Education	Building up relationships with post 16 provision.
	Custody	London accommodation programme and the pan London resettlement consultum. Introduced remand rescue panel.
Covid-19	Development of YJS Covid-19 recovery plan.	The recovery plan was launched in July 2020 and continues to be implemented.

8.2. Following the HMIP inspection in April 2022 a new improvement plan has been written which encompasses the above outstanding actions to ensure there is only one plan being delivered and previous actions taken forward, see appendix 3.

## 9. Performance and Priorities

### 9.1. Disproportionality

- 9.1.1. Addressing the disproportionate representation of children from Black, Asian and Minority Ethnic groups is a priority for the borough as part of the disproportionality action plan. As well as being one of the most diverse boroughs in England and Wales, the borough has the largest Bengali community in the UK. Tower Hamlets has the highest poverty rates in the UK. The Service understands the context in which we work in and has been writing trauma informed Pre-Sentence reports for over 12 months which have been positively received by the Courts.
- 9.1.2. We have a small black population that is predominantly from the Somali community. The Local Authority are focused on improving the services for this community, and the Youth Justice and Young People's service is no different. Both the Head and the Deputy Head of Service are involved in working groups with charities and third sector providers focusing on ensuring that we are able to support organisations to work with these children. We have also commissioned Wipers CIC to run Ether Groupwork programmes for us which are for Black and Mixed Heritage boys.
- 9.1.3. Also concerning is our First Time Entrants data which shows that despite nearly a 20% reduction in the FTE numbers between 20-21 and 21-22, the number of Asian children being FTEs increased by one child. More in-depth analysis will be given

to this cohort to identify patterns and scope how we can tackle this trend as a matter of urgency, working with our partners in Police, Early Help, Children Social Care and the Exploitation Team to ensure that we are offering the correct intervention at the most appropriate time.

First Time Entrants (FTE)	Q1	Q2	Q3	Q4	Year Total
2020 – 2021	27	27	22	22	98
2021 – 2022	26	19	12	24	81

FTE by Ethnicity	Asian	Black	Mixed	Other	White
2020-2021	52	15	11	2	18
2021-2022	53	4	7	3	14

## 9.2. Preventing children from entering the formal Criminal Justice System

- 9.2.1. Our Break the Cycle prevention team is funded via the YJS budget as well as additional financial resources being provided from Early Help and Exploitation services. Although this service has only been live for 12 months, our initial findings are extremely positive in preventing children from entering the Youth Justice System. Currently, we have three Break the Cycle teams – one in house, and two that are commissioned via community organisations within the borough. This contract is due to end in March 2023 and we plan to insource this provision to ensure that we have a greater oversight of all cases and thus ensuring the best outcomes for children. This will allow the YJMS to oversee the work being completed and track a child's journey throughout all parts of our service as well as supporting identifying trends and needs of children.
- 9.2.2. We are also working closely with our neighbouring YJS who share our youth court to try and establish a Deferred Prosecution scheme. There have been numerous discussions regarding this and all 4 boroughs have highlighted it as a priority, recognising the importance of it being available to all children that we work with to ensure there is equitability for all children.
- 9.2.3. We have changed our Out of Court Disposal Process in collaboration with key partners, recognising that there are areas for improvement as part of preventing FTE into the youth justice system. The assessment process has changed and put a greater focus on assessing the children in advance of the Out of Court Disposal Panel, using this space to reflect upon the most appropriate outcomes as part of a joint decision-making process. We will continue to develop and improve this offer whilst reporting to the Executive and Operational Board with the figures of children that we have processed – including their outcomes and ethnicity. We are also working closely with a local Youth Justice Service in order to provide an outside view on the Scrutiny process. Training for case prevention officers has been identified and will be completed by Quarter 3 and will be fully reviewed in 2023-2024 with a Peer Review.

## 9.3. Serious violence and exploitation

- 9.3.1. We are working to develop more effective relationships with the Exploitation Service as well as developing the wider partnership's understanding in regard to

understanding the impact of contextual safeguarding and treating children as victims. We have already developed our Harm Outside the Home offer with the Exploitation Service and redesigned our multi-agency panels which is due to go live in September 2022. Moving forward, we plan to have a greater understanding of the NRM referrals and will be tracking and reporting on these to the YJB Management Board on a bi-monthly basis.

#### 9.4. Constructive resettlement and the use of custody

##### Custodial Sentences

Custodial Sentences	Asian	Black	Mixed	Other	White
2020-2021	3	2	0	0	0
2021-2022	1	0	2	0	1

##### Remand

Remand Decisions	Asian	Black	Mixed	Other	White
2020-2021	5	4	0	0	2
2021-2022	5	2	0	0	0

9.4.1. Our use of custody has been low over the last few years, however, we understand that in a borough with the levels of Serious Youth Violence such as ours, a number of serious incidents could result in this number being increased. We believe that our continued commitment to having a dedicated ISS Worker has impacted these figures as we are able to offer Courts a viable programme that supports children to remain in the community. This is supported by the use of Trauma-Informed Pre-Sentence Reports that we provide the Court, placing the child's lived experiences at the forefront and the offence second. We continue working closely with Stratford Youth Court by continuing the Court Users Group and maintaining that open communication channel.

9.4.2. We are committed to maintaining our low use of custody. This includes a financial commitment that we have made to the London Accommodation Resettlement Pathway. This placement is due to go live in October 2022 and will provide us with an appropriate, specialist placement for boys who are at risk of custody and also to provide a placement that offers resettlement support for a period of 6 months. However, our HMIP report stated that our Resettlement processes were not strong enough.

### 10. Performance Data 2021/22

#### 10.1 Triage

Triage	Q1	Q2	Q3	Q4	Year Total
2020-2021	22	12	12	15	61
2021-2022	11	11	2	5	29

Triage by Ethnicity	Asian	Black	Mixed	Other	White
2020-2021	37	3	6	0	15

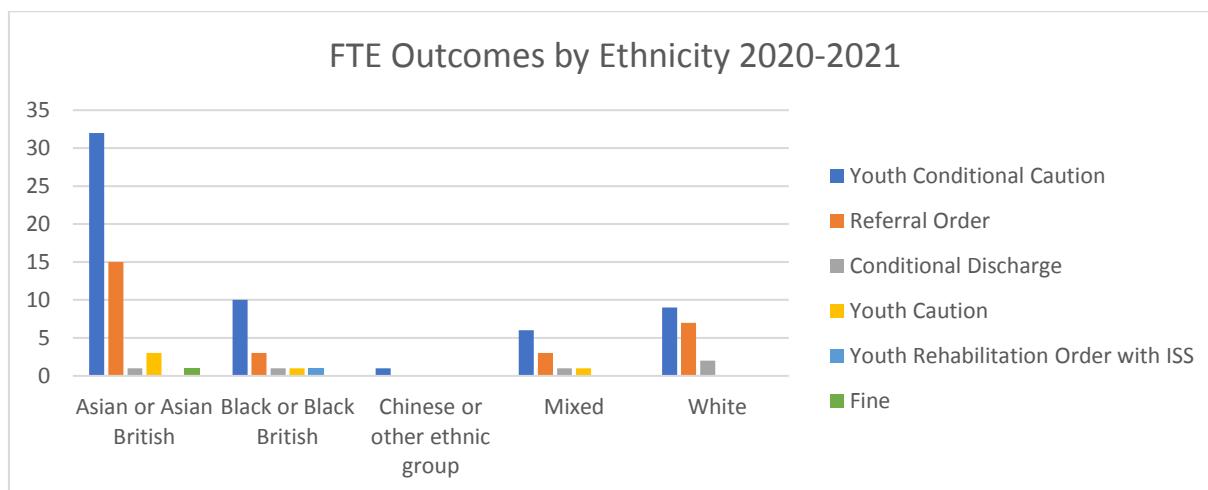
<b>2021-2022</b>	18	2	4	0	5
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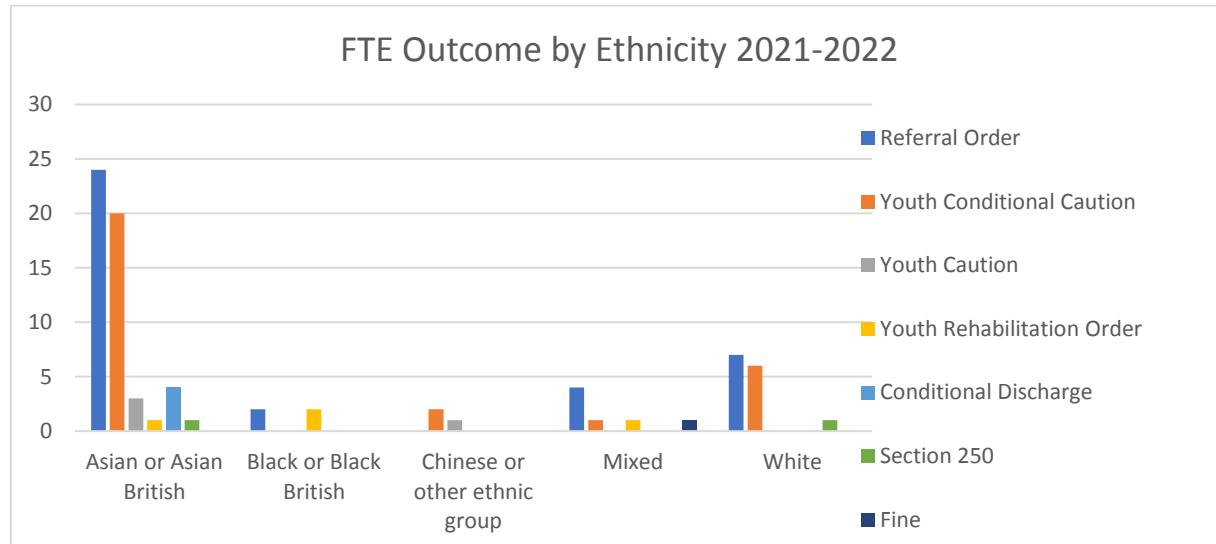
- 10.1.2. The number of Triages issued halved from 2020-2021 to 2021-2022 which is of concern. However, we have identified this and refreshed the Out of Court Disposal (OOCD) process as well as re-training our staff. The Head of Service now sits on the weekly Out of Court Disposal panel in order to ensure that these changes are being implemented and embedded.
- 10.1.3. Since refreshing the OOCD, we have had 9 Triages in Q1 2022-2023 – this will continue to be explored as a data point of interest for the YJMB. Our aim for 2022-2023 is to increase the number of Triages by 25%. This is the first opportunity to provide appropriate intervention and therefore divert children away from the formal Criminal Justice Service. Triages will remain with the Case Prevention Officers, and we will use regular data to track these children who receive a Triage in order to identify any concerns with regards to their reoffending rate.

## 10.2. First Time Entrants

<b>First Time Entrants (FTE)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Year Total</b>
2020 – 2021	27	27	22	22	98
2021 - 2022	26	19	12	24	81

<b>FTE by Ethnicity</b>	<b>Asian</b>	<b>Black</b>	<b>Mixed</b>	<b>Other</b>	<b>White</b>
2020-2021	52	15	11	2	18
2021-2022	53	4	7	3	14



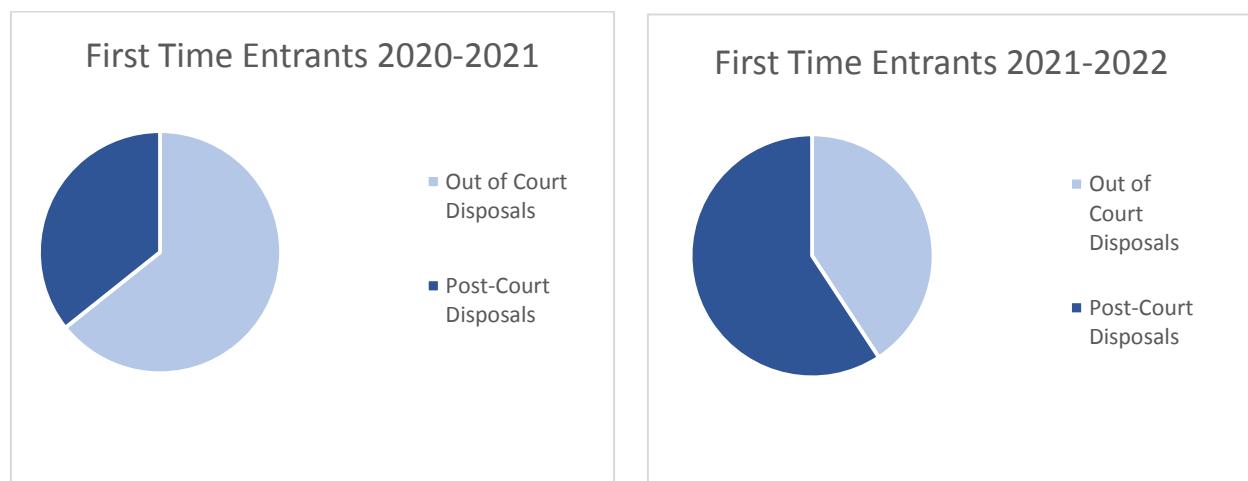


10.2.1 A greater focus needs to be made on the outcomes for children that identify as Black or Mixed ethnicity. For both of these sets of data, the outcomes for these children have declined with no Black children in 2021-2022 receiving an Out of Court Disposal. We have introduced training with the support of Bhatt Murphy Solicitors which is available for all internal Council staff as well as our community providers. This training is regarding a child's rights when dealing with the Police. We hope that by empowering other partners to support children in understanding what is appropriate treatment, the communities trust in the Police and the process will improve.

10.2.2 In the next 12 months, we aim to introduce a Liaison and Diversion officer to support children in Police Custody as well as working with the Police to introduce a Deferred Prosecution scheme.

FTE by Age	11	12	13	14	15	16	17
2020-2021	1	4	8	15	15	26	23
2021-2022	0	3	4	9	26	24	15

FTE by Outcome	Out of Court Disposals	Post-Court Disposals
2020-2021	63	35
2021-2022	33	48



### 10.3. Use of Custody Custodial Sentences and Remand

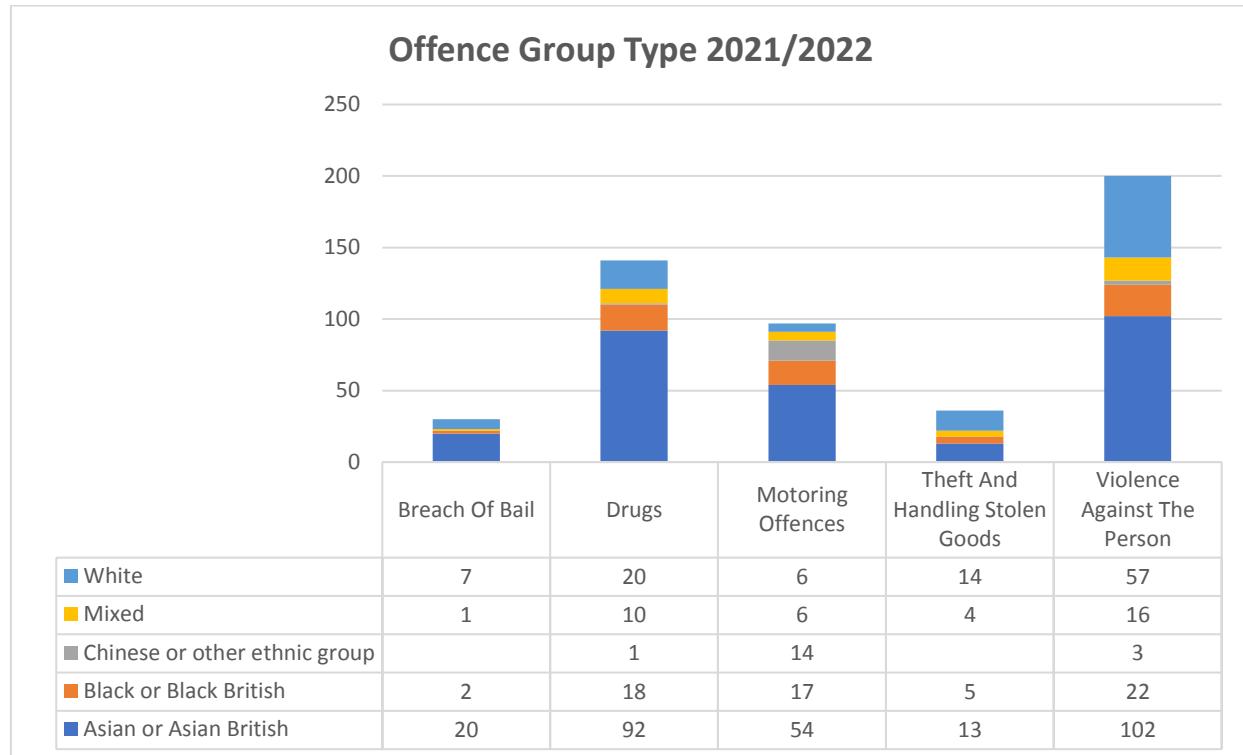
Custodial Sentences	Asian	Black	Mixed	Other	White
2020-2021	3	2	0	0	0
2021-2022	1	0	2	0	1

Remand Decisions	Asian	Black	Mixed	Other	White
2020-2021	5	4	0	0	2
2021-2022	5	2	0	0	0

10.3.1 Custodial sentences were mostly received by Black and Global Majority ethnicity children, although 1 (one) White ethnicity child received custody during 2021/22. This is being addressed via the disproportionately plan.

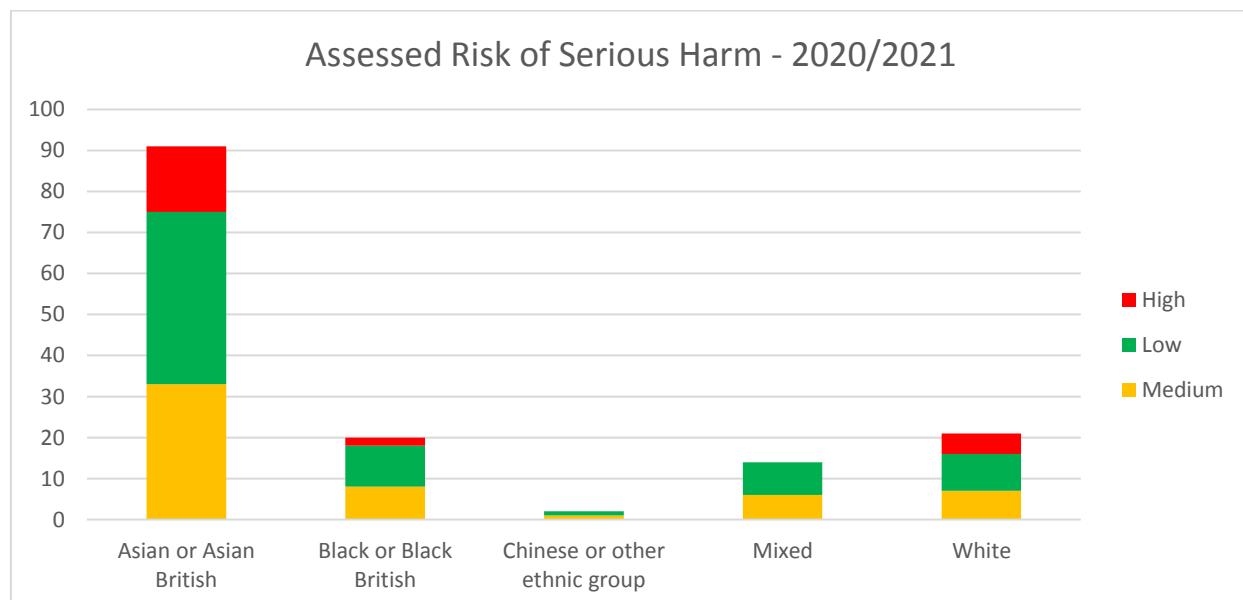
### 10.4. Main Offence Types

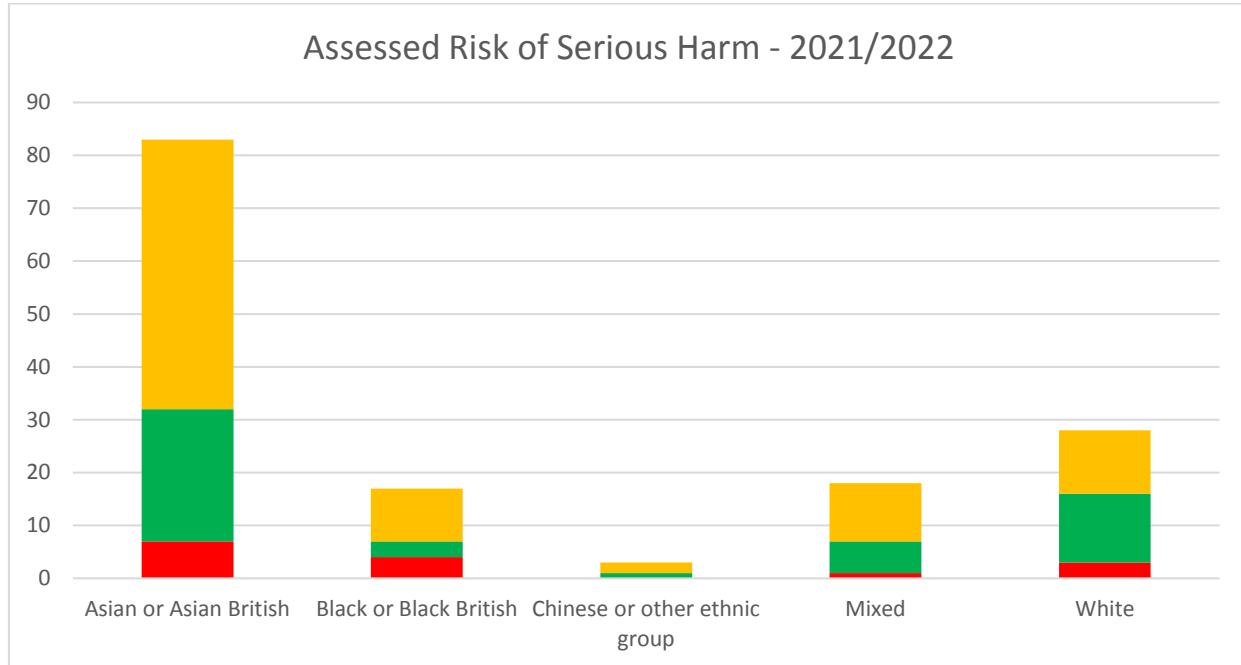




10.4.1 2021/22 saw an increase in the total number of sentenced offences, with Violence Against the Person, and Drug related offences being the most common. Black children had the highest number of offences in each of the main 5 categories.

## 10.5. Assessed Risk of Serious Harm





10.5.1 From 2020/2021 – 2021/2022 the cohort has increased by 15% overall. There has been a 35% reduction in the number of children assessed as high risk and a 31% reduction of children assessed as low risk. The most significant difference being that there has been an increase of 146% of children assessed as medium risk, which is the case across all ethnic groups.

## 11 National standards

11.1. The YJS HMIP inspection took place in April 2022, which resulted in an overall judgement of ‘Requires Improvement’. The inspection identified a range of strengths and the following three key areas of focus:



Improve the quality of assessment, planning, and service delivery work to keep children safe and manage the risk of harm they present to others



Ensure robust contingency plans are in place for all children that address their safety and wellbeing, and risk of harm to others



Make sure safeguarding and public protection arrangements are comprehensive and understood by all staff.

- 11.2. A new YJS Improvement Plan has been developed with the involvement of the YJS staff (see appendix 3). The plan sets out planned activity over the next 12 months, a new Youth Justice Operational Board has been implemented to oversee delivery of the plan and additional capacity secured to support the service on improvement activity in order to improve standards and outcomes.
- 11.3. Over the next 12 months, there will be a clear focus on workforce development and communications, strengthening Out of Court work and understanding,

learning, and improving outcomes through data, audits and feedback.

- 11.4. We plan to have a peer review in 2023 to ensure the improvements that we put in place are of a high quality and are making an impact on those children and families that we work with.
- 11.5. We are confident we have the ingredients in place to make sustainable improvements within two years and our success in other areas of the Supporting Families directorate demonstrates our commitment to children ensuring they have every opportunity to succeed.

## 12. Challenges, risks and issues

- 12.1. The programme of activity set out within the improvement plan over the next 12-24 months is ambitious and risks may arise that threaten objectives, progress and achievements. Mitigations have been put in place to prevent such risks arising.

Key risks are as follows:

Area	Risk	Mitigations
Governance	Disconnect between Board & Operations	Revised board members and terms of reference. Full induction for new board members inc role and responsibilities Implementation of Youth Justice Operational Board. Implementation of activity within improvement plan and joint training sessions which brings together board members and frontline practitioners.
	Unreliable data and management information	Recruitment of experienced data analyst to ensure the data is accurate and reliable. Further development of the data and understanding of the information to support decision making. External quality assurance.
Leadership & staffing	Embedding the YJS and Children's Services	Full communications plan to be developed and launched setting out roles and responsibilities and new ways of working.
	Recruitment and retention of workforce	Workforce development to be overseen at board level and the new operational board. Integrate with the wider directorate's recruitment and retention approach.
Partnership working	Lack of understanding of their role in youth justice	Development of joint protocols setting out partnership's role in youth justice. Joint service/team meetings with partnership to cross pollinate each other's service areas to increase knowledge.
Operations	Management of risk	Risk Management Board to be set up. Children understand and are involved in their contingency plans.

		Contingency plans have the 'buy in' from parents and are used as a practical tool.
	Safeguarding and public protection	Review and development of practice standards and policy guidance and the interface with wider partnership offer.

### 13. Service improvement plan

- 13.1. A new Youth Justice Improvement plan has been devised in conjunction with YJMB and YJS staff with the aim for final sign off by the YJMB in September 2022. The Youth Justice Plan is set out in appendix 3 and highlights the areas for development, improvement activity and evidence of success/benefits.
- 13.2. A member from the Youth Justice Board has been invited to attend YJMB to provide an external support and challenge role at a strategic level and additional improvement resource secured to drive forward the improvement work. A new Deputy Head of Service role has been created to provide additional capacity and a specific emphasis upon quality assurance, learning and partnerships. In addition, we have created a new Senior Data Analyst role to support the validation of our data to ensure its accuracy and inform decision making.
- 13.3. The service has undertaken a skills analysis and are in the process of developing a new training and development programme with the aim to start rolling out in the autumn. The training will cover the following:



- 13.4. The monitoring of the improvement plan will be overseen by the YJMB bi-monthly with the monthly Operational Board implementing the day-to-day improvements.

### 14. Evidence-based practice and innovation

- 14.1. There has been a redesign of a new integrated offer spanning universal youth work, targeted youth support and youth justice. The ambition is that the youth offer in the borough from both a youth justice and youth service delivery perspective further complements and improves outcomes for children in the borough. An example of this is the breaking the cycle of youth violence through the Evolve Prevention programme which provides targeted support for children and their families at a preventative level.

## 15. Looking forward

- 15.1. As outlined throughout the document, the focus for the next 12 months is to implement the Youth Justice Improvement Plan to strengthen the YJMB and improve operational service delivery. The improvement plan sets out the priority areas for improvement, timescales and what success looks like, the improvement plan is set out in appendix 3.

## 16. Sign off, submission and approval

Chair of the YJMB Name: James Thomas – Corporate Director for Children and Culture

Date: 12 August 2022



## 17. Appendix

1: YJMB Attendees List

Youth Justice Service Management Board Membership

Name	Representative	Job Title
James Thomas	Children's Service	Chair of the Youth Justice Management Board and Corporate Director of Children and Culture
Cllr Talukdar	Tower Hamlets Cabinet Member for Children's Services	Lead Member
Dan Rutland	Metropolitan Police	Deputy Superintendent
Helen Isaacs	City of London Police	Superintendent, Head of Communities
Susannah Beasley-Murray	Supporting Families	Director of Supporting Families
Kelly Duggan	Supporting Families	Head of Youth Justice Service
Luke Norbury	Supporting Families	Deputy Head of Youth Justice Service
David Cregan	Education	Executive Headteacher of the Corporate School for Children Vulnerable
Anne Corbett	Adults, Health and Community	Director of Community Safety
Lucy Satchell-Day	National Probation Service	Head of Service, Tower Hamlets
Rachel Talmage	City of London	Head of Service, Children's Social Care and Early Help
Liz Westlund	Youth Justice Board	Head of Innovation and Engagement: London

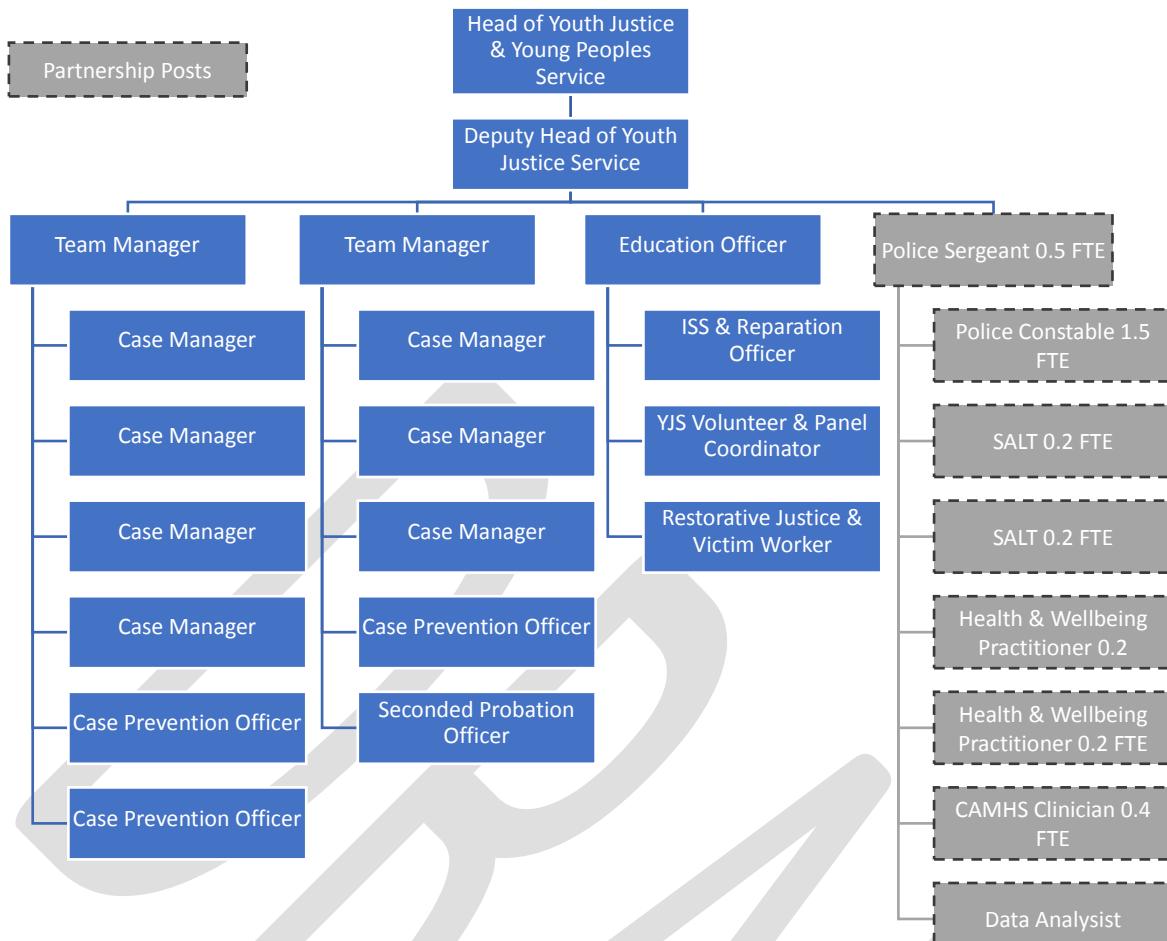
Dates of YJMB throughout 2022-2023

Executive Board Dates	Operational Board Dates
29.09.22	08.09.22
23.11.22	13.10.22
05.01.23	08.12.22
9.3.2022	09.02.23

## Appendix 2: YJS Structure Chart

Key:

Substantive Posts



The below tables set out the demographic of the YJS

Ethnicity	Managers Strategic		Managers Operational		Practitioners		Administrative		Sessional		Student		Referral Order Panel Volunteer		Other Volunteer		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Asian					2	2	2								3		4	5
Black					1	1	3		1								1	5
Mixed							1	1									1	1
White	1				1	6	5								3		7	9
Any other ethnic group																	0	0
Not known																	0	0
<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>13</b>	<b>20</b>
* Welsh Speakers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* Welsh YOTs only

The YJS does not currently have any members of the team with a known disability.

Appendix 3: YJS Improvement Plan – see attached.

## Common youth justice terms, please add any locally used terminology

<b>ACE</b>	Adverse childhood experience. Events in the child's life that can have negative, long lasting impact on the child's health, and life choices
<b>AIM 2 and 3</b>	Assessment, intervention and moving on, an assessment tool and framework for children who have instigated harmful sexual behaviour
<b>ASB</b>	Antisocial behaviour
<b>AssetPlus</b>	Assessment tool to be used for children who have been involved in offending behaviour
<b>CAMHS</b>	Child and adolescent mental health services
<b>CCE</b>	Child Criminal exploitation, where a child is forced, through threats of violence, or manipulated to take part in criminal activity
<b>Children</b>	We define a child as anyone who has not yet reached their 18th birthday. This is in line with the United Nations Convention on the Rights of the Child and civil legislation in England and Wales. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.
<b>Child First</b>	A system wide approach to working with children in the youth justice system. There are four tenants to this approach, it should be: developmentally informed, strength based, promote participation, and encourage diversion
<b>Child looked-after</b>	Child looked-after, where a child is looked after by the local authority
<b>CME</b>	Child Missing Education
<b>Constructive resettlement</b>	The principle of encouraging and supporting a child's positive identity development from pro-offending to pro-social
<b>Contextual safeguarding</b>	An approach to safeguarding children which considers the wider community and peer influences on a child's safety

<b>Community resolution</b>	Community resolution, an informal disposal, administered by the police, for low level offending where there has been an admission of guilt
<b>EHCP</b>	Education and health care plan, a plan outlining the education, health and social care needs of a child with additional needs
<b>ETE</b>	Education, training or employment
<b>EHE</b>	Electively home educated, children who are formally recorded as being educated at home and do not attend school
<b>EOTAS</b>	Education other than at school, children who receive their education away from a mainstream school setting
<b>FTE</b>	First Time Entrant. A child who receives a statutory criminal justice outcome for the first time (youth caution, youth conditional caution, or court disposal)
<b>HMIP</b>	Her Majesty Inspectorate of Probation. An independent arms-length body who inspect Youth Justice services and probation services
<b>HSB</b>	Harmful sexual behaviour, developmentally inappropriate sexual behaviour by children, which is harmful to another child or adult, or themselves
<b>JAC</b>	Junior Attendance Centre
<b>MAPPA</b>	Multi agency public protection arrangements
<b>MFH</b>	Missing from Home
<b>NRM</b>	National Referral Mechanism. The national framework for identifying and referring potential victims of modern slavery in order to gain help to support and protect them
<b>OOCD</b>	Out-of-court disposal. All recorded disposals where a crime is recorded, an outcome delivered but the matter is not sent to court
<b>Outcome 22/21</b>	An informal disposal, available where the child does not admit the offence, but they undertake intervention to build strengths to minimise the possibility of further offending
<b>Over-represented children</b>	Appearing in higher numbers than the local or national average

<b>RHI</b>	Return home Interviews. These are interviews completed after a child has been reported missing
<b>SLCN</b>	Speech, Language and communication needs
<b>STC</b>	Secure training centre
<b>SCH</b>	Secure children's home
<b>Young adult</b>	We define a young adult as someone who is 18 or over. For example, when a young adult is transferring to the adult probation service.
<b>YJS</b>	Youth justice service. This is now the preferred title for services working with children in the youth justice system. This reflects the move to a Child First approach
<b>YOI</b>	Young offender institution

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# Agenda Item 6.8

<b>Cabinet</b>  30 November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> James Thomas, Corporate Director, Children and Culture	<b>Classification:</b> Unrestricted
<b>George Green's School change of Designation from Complex Needs to Autistic Spectrum Condition – formal decision following statutory notice.</b>	

<b>Lead Member</b>	<b>Councillor Maium Talukdar, Cabinet Member for Education and Lifelong Learning</b>
<b>Originating Officer(s)</b>	John O'Shea, Head of Special Educational Needs
<b>Wards affected</b>	All wards. George Green School is in Wapping
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Outcome will be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority
<b>Forward Plan Notice Published</b>	12/08/2022
<b>Strategic Plan Priority / Outcome</b>	Priority 3 Accelerate Education Every child achieves their best in education

## Executive Summary

This report informs cabinet of the outcome of the four week period of public representation in response to the statutory notice on the prescribed alterations to George Green's School to redesignate the resource provision within the school from Physical Disabilities to Autistic Spectrum Condition. (ASC)

The proposal is to make a prescribed alteration to George Green's School to redesignate the resource provision and increase the number of places within the provision from 15 to 20, from January 2023. The report includes background information, the representations received, officer's recommendations and the decisions available to the Mayor in Cabinet.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Approve the proposal to agree the prescribed alterations to George Green's School, namely the redesignation of the Resource Base Provision from complex needs/physical disabilities to Autistic Spectrum Condition (ASC), as set out in the Statutory Notice at Appendix 2.
2. Note the Equalities Impact Assessment set out in Section 4 of the report and attached as Appendix 3 to the report.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The recommendation is made in order to determine the Council's response to representations received during the period of statutory notice proposing the prescribed alterations to meet the requirements of the SEN Strategy to address the needs of local children.
- 1.2 The provision will supplement existing provision for children with autistic spectrum conditions, and will particularly address the shortage of local provision for children with ASC needs but who are "high functioning" or able to meet achieve academically at, or around, age-appropriate levels in the secondary school cohort.

## **2 ALTERNATIVE OPTIONS**

- 2.1 The Mayor could decide not to agree to the prescribed alterations in which case the new provision would not be available to local children and the Local Authority would not be able to deliver its SEN Strategy. If the decision was not to progress children would need to access high-cost independent special school provision, or to travel out of Borough for their needs to be addressed.
- 2.2 The Mayor could decide to delay the decision on the prescribed alterations until later. This uncertainty would adversely impact on the provision of education for the current pupils with ASC needs and would therefore not be in their best interests.

### **3 DETAILS OF THE REPORT**

- 3.1 The report informs Cabinet of the representation made in response to the Statutory Notice.
- 3.2 The Mayor in Cabinet is asked to consider this response alongside the Equalities Impact Assessment (Appendix 3), and responses to the Stage One consultation (Appendix 1) before taking a decision on whether the council should proceed with the prescribed alterations at George Green's School to enable the redesignation of the resource provision at the George Green's site.

#### **INTRODUCTION**

- 3.4 George Green's School currently has a resource base designation for pupils with Physical Disabilities. This designation pre-dates both the 2010 Equalities Act and the 2014 SEND Code of Practice. Under the 2010 Equalities Act a pupil with a physical disability should have reasonable adjustments made to ensure that they could attend the school of their choice.
- 3.5 The redesignation of George Green's Resource Base will not preclude any pupil with physical disabilities from joining the school and school leaders are clear that as part of their rebuild and in line with the 2010 Equalities Act, George Green's School would still be able to provide support for young people with Physical Disabilities. The redesignation of the school's resource base develops expertise in a key area of special educational needs, supporting the Tower Hamlet's SEND Strategy by providing specialist support for young people with ASC, particularly those who struggle with regulating their social, emotional and communication needs.
- 3.6 The school, with Local Authority support have completed a Stage One consultation (Appendix 1) and, following Cabinet agreement, Statutory Notices have also been published, the deadline for representations was 30<sup>th</sup> September 2022.

#### **BACKGROUND**

- 3.7 The Tower Hamlets SEN Strategy identified a gap in specialist provision for Tower Hamlets children with autism spectrum conditions who are academically able to access mainstream education provision, but struggle because of their ASC needs. Too many Tower Hamlets children are needing to travel outside of the Borough for these particular needs to be met.
- 3.8 In response to the Tower Hamlet's SEN Strategy, and their own internal review of their SEND Provision, the Governors and Senior Leadership team at George Green's School approached the Local Authority with a proposal to redesignate their resource provision from Physical Disabilities to Autistic Spectrum Condition.
- 3.9 George Green's School and the Local Authority are currently planning for the provisions to be in place from as early as January 2023. It will be a specialist ASC Resource Base within George Green's School. This new facility will provide more inclusive provision and also extend the range of options to meet

the diverse needs of vulnerable children who are able to access a mainstream curriculum, albeit with significant modification, support and intervention. This approach is in line with the key objectives of the LA's SEN strategy.

### **REASON FOR THE RECOMMENDATION TO MAKE PRESCRIBED ALTERATIONS TO GEORGE GREEN'S SCHOOL**

- 3.10 There are a number of children In Tower Hamlets whose ASC needs are not currently being fully supported, and some who have been placed outside of the Borough because there are no suitable local placements.
- 3.11 Tower Hamlets has seen an increase in children with ASC needs, this is in keeping with increases nationally. Research from Newcastle University indicates this is linked with earlier identification and improved diagnosis.<sup>1</sup> Previously many children with ASC needs were often considered to have SEMH or SCLN needs
- 3.12 The proportion of children with ASC as their primary need continues to rise in Tower Hamlets, from 11% in 2019 to 14.7% in 2022. It was only as recently as 2020 that the Tower Hamlet's figure was higher than the national average (11.9%) and the gap with national data has increased since then. The proportion with Speech, Language and communication needs (SLCN) has always been higher than elsewhere and is currently at 40.3%. Many children with SLCN needs often have undiagnosed ASC or are yet to receive a diagnosis of ASC.

% ASC as primary need	2019	2020	2021	2022
Tower Hamlets	11%	12.8%	14.1%	14.7%
England	11%	11.9%	12.5%	13.3%

*Figures from the SEN2 return to the DFE (2022)*

- 3.13 Careful consideration has been given to the George Green's School community. Responses to consultation were positive. The school has a strong reputation for inclusive practice. The provision will introduce an excellent resource for the whole of Tower Hamlets.
- 3.14 An Equalities Assessment (EA) has been undertaken and is presented in the supporting documentation (Appendix 3).

### **CONSULTATION**

- 3.15 The first stage of the public consultation process was Borough wide and informed the Revised SEN Strategy. This led to agreement on the need for a Tower Hamlets based mainstream provision with specialist support so that children with

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<sup>1</sup> Roman-Urestarazu, R et al. Association of Race/Ethnicity and Social Disadvantage With Autism Prevalence in 7 Million School Children in England. JAMA Pediatrics; 29 March 2021; DOI: 10.1001/jamapediatrics.2021.0054

a high level of ASC needs could be better supported in integrated mainstream provision. Although a significant number of Tower Hamlets Schools do include children with ASC needs, there is currently no specialist in-Borough provision of this kind for secondary age pupils.

- 3.16 Hermitage Primary School was selected to provide such a provision for primary age pupils in Tower Hamlets and this was ratified by Cabinet in July 2021. A Stage One consultation by George Green's School, involving parents, staff and other stakeholders was held in the Summer term of 2022. A summary report (Appendix 1) was published after the consultation. This was considered by the Council Cabinet who took the decision to publish statutory notices for prescribed alterations to George Green's School. Statutory Notices were published on September 2<sup>nd</sup>, 2022.
- 3.17 Copies of the Statutory Notices were posted at the school entrances, circulated to all schools and governing bodies, to the Trades Unions and to other stakeholders (faith groups etc.) as well as the DFE. Representations were invited before the deadline of 30<sup>th</sup> September 2022.
- 3.18 A meeting for stakeholders to ask questions and raise any issues was scheduled for the 14<sup>th</sup> September 2022. There was no take up of this opportunity.
- 3.19 The Local Authority and the school are working to finalise a Service Level Agreement. George Green's School staff and governors have made good progress in developing plans so that the provision can open. They have identified a number of young people with ASC who may be appropriate for the new provision and they have also been completing action plans to ensure that those pupils currently in the resource provision continue to have their needs met once the redesignation has taken place. The Local Authority will work with the school to ensure that appropriate placements are made to the redesignated provision and that placements are managed to ensure the success of the provision.
- 3.20 George Green's School Governing Body met on the 5<sup>th</sup> October 2022 to consider this report, all consultation responses, including any received during the statutory notice period.

#### **RESPONSES TO THE STATUTORY NOTICE (Second Stage Consultation)**

- 3.21 The statutory notice period provided a further opportunity to engage with stakeholders and to obtain their views.
- 3.22 No representations were received in response to the statutory notice and at the 5<sup>th</sup> October meeting the George Green's School Governing Body voted unanimously to move forward with the plans for the redesignation of the resource provision and the increase from 15 to 20 pupils.
- 3.23 The further period of public consultation did not result in any representation that would give cause for the Local Authority to reconsider its recommendation to make prescribed alterations to George Green's School to change the designation of its resource provision to Autistic Spectrum Condition and to increase the number of places in the provision from 15 to 20.

## **TIMETABLE FOR IMPLEMENTATION OF PRESCRIBED ALTERATIONS**

3.24 If the decision is made to approve the prescribed alterations, the timetable for implementation will be as follows:

December 2022	Formal sign off of Service Level Agreement (Appendix 5) for new provision  Transition Plan completed for those pupils with EHCPs in the current resource provision as per the Equalities Assessment
January 2023	Development of new provision, recruitment and transition planning  The redesignated, 20 place, Specialist Resource Provision - will be established at the George Green's School site.

## **4 EQUALITIES IMPLICATIONS**

4.1 An Equalities Assessment has been conducted by the LA and is attached at Appendix 3. This must be considered in detail before the Mayor in Cabinet considers the matters above, as part of his decision on whether to make prescribed alterations to the school.

4.2 The Equality Act 2010 requires the LA, when exercising its functions, to have due regard to eliminate discrimination, harassment, victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not ("the Public Sector Equality Duty").

4.3 The Equalities impact assessment concludes that there are no negative implications for any group if the proposal is implemented, and that there will be positive advantages for children with disabilities. In particular, there will be increased opportunities for disabled children to access mainstream provision and there will be specialist support for "high functioning" children with Autism Spectrum Conditions. This does not currently exist within Tower Hamlets, which has led to children having to travel outside the Borough.

## **5 OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,

- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 (i) Managing the Impact of the Prescribed Alterations on School Staff

There will be no change to the existing provision for the school so there will be no significant impact on their existing roles, other than additional responsibility for Senior Leaders.

As new roles are being created there will be a recruitment process.

5.3 (ii) Best Value Implications

The Local Authority has a duty to ensure that schools are fulfilling their duties and that value for public money is achieved, whilst standards are maintained. The funding envelope for the new integrated provision is expected to improve value for money from the High Needs Budget.

5.4 (iii) Environmental (including air quality)

The school is situated close to the River Thames and air pollution levels are lower than most other schools in Tower Hamlets.

5.5 (iv) Risk Management

If this recommendation is agreed, risks of not providing sufficient suitable provision to meet SEND needs in Tower Hamlets will be reduced. Careful planning, management and evaluation in line with statutory guidance, mindful of the needs of the children, families and staff, and thoroughly addressing the considerations of the Equalities Assessment will ensure appropriate, effective and safe provision is in place.

As part of the George Green's School building programme, there will be spaces within the school allocated for use with pupils in the ASC resource provision.

5.7 (v) Safeguarding

The report deals with the Council's approach to managing the supply of school places for the local population. The efficient supply of school places contributes to the safeguarding of children by ensuring their access to good quality, sustainable education provision.

The SLA for the new provision includes safeguarding considerations, and the commissioning of social care support, if required, by the Local Authority.

5.8 (vi) Data Protection / Privacy Impact Assessment

The proposals presented in this report have followed an initial and formal public consultation using a variety of mechanisms. All responses received through these

mechanisms or made directly to Council officers or members have been included in the analysis of the feedback received. These responses have only been used to assess the community's view of the proposals and not for any other purpose.

The Council handles information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 The additional places for the revised provision will be funded from the high needs block of the Dedicated Schools Grant (DSG) Whilst there would be an initial additional cost to the high needs block it is expected that over time these additional places will prevent Children going to higher cost out of borough places and the new provision would provide a savings opportunity, whilst providing more appropriate provision for Tower Hamlets Children. For those Children that are at the school in the current resource base individual funding would be agreed through a revised EHCP to ensure their needs are funded appropriately, also through the high needs block. There would be no general fund implications.

## **7 COMMENTS OF LEGAL SERVICES**

7.1 The procedure for altering the provision for Special Educational Needs and Disability ('SEND') in a mainstream school is set out in the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools (October 2018) and in Part 2 of the Education and Inspections Act 2006.

7.2 The statute and guidance set out the process of consultation which must take place before any decision is made to alter the provision for SEND in a mainstream school, and state that the decision maker is the local authority.

7.3 The Public Sector Equality Duty is set out in section 149 of the Equality Act 2010. This duty requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.4 The proposals set out in this report comply with the above legislation and guidance.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Tower Hamlets SEND Strategy 2020-2024  
[SEND Strategy 2020-24 V10 Final.pdf \(rackcdn.com\)](#)
- 01 August 2022 Cabinet Agenda and Decisions  
[Tower Hamlets Council - Agenda for Cabinet on Monday, 1st August, 2022, 5.30 p.m.](#)

## **Appendices**

Appendix 1	Stage One Consultation Report
Appendix 2	Statutory Notices
Appendix 3	Equalities Impact Assessment
Appendix 4	George Green's Governing Body response following Statutory Notice
Appendix 5	Draft Service Level Agreement

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

The following document(s) has been used in the preparation of this report:

- The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

### **Officer contact details for documents:**

N/A

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**Q1 Do you agree with the proposal to change the designation of the George Green's School resource base from Complex Needs to Autism Spectrum Condition?**

	Respondent		
	1 of 9	Yes	
	2 of 9	Yes	
	3 of 9	Yes	
	4 of 9	Yes	
	5 of 9	Yes	
	6 of 9	No	
	7 of 9	Yes	
	8 of 9	Yes	
	9 of 9	Yes	

**Q2 If you agree with the proposal, please say why you think it is a good idea**

	1 of 9	anonymous	There are definitely more diagnosed cases of children with if the autistic spectrum in the last 5-10 years.
	2 of 9	anonymous	There is an ever growing need for ASC support.
	3 of 9	anonymous	I believe it's a good idea because it will enable local children to be enrolled to GGS
	4 of 9	anonymous	I believe having more space is more beneficial to children as more children are supported

	5 of 9	anonymous	<p>There is currently a gap within the mainstream educational provision offered to children in Tower Hamlets with a diagnosis of autism who are high-functioning. HF autistic students do not meet the criteria for a place at the Phoenix, the borough's specialist school for ASC children. The only option is to attend mainstream provision and hope that the school will be adaptable. This is often unsuccessful and as a result many HF autistic students end up being placed at out of borough schools, at huge expense to the borough, and to the detriment of the students who have to make long journeys everyday. I visited almost every school in the borough to find the most appropriate setting for my son and chose George Green's because inclusion seemed to be embedded within the school's ethos and it offered an adaptable approach to learning that would build on my sons strengths whilst supporting him to engage with the curriculum. I feel strongly that a new Resource Base for high-functioning autistic students would bring great value to George Green's school and the Tower Hamlets community. My child's journey through Hermitage Primary School and now in his third year at George Green's has taught us how essential it is to open up opportunities, to engage with personal interests and build on strengths whilst providing the tools to help High Functioning ASC children like him to overcome social and communication barriers, to regulate their emotions and enable those children who are 'different' an equality of access to the curriculum so that they can achieve their potential. Having neurodiverse children in a mainstream school is hugely beneficial for neurotypical children and their families. It builds an awareness of sensitivities and helps the whole community to develop an understanding and acceptance of difference.</p>
	7 of 9	anonymous	Cases of ASD have dramatically increased in tower hamlets in recent years, there is a lack of resource places within tower hamlets secondary schools.
	8 of 9	anonymous	There are a lot more children who are on the Autistic Spectrum. There is very little provision in Tower Hamlets Borough to assist these children in their learning.
	9 of 9	anonymous	GG is our local secondary school and year on year our highest area of need is Autism. There is a real shortage of autism provision schools in the borough.
<p><b>Q3 If you disagree with the proposal, please tell us why you are concerned?</b></p>			
	1 of 9  (See also Q2)	anonymous	<p>My only concern is if a child within the autism spectrum has a sensory overload for example. They can be very vocal and physical. This can be very disturbing to the other students around and therefore be extremely distracting, taking affect on their learning. I mean I hope that the support that is needed for the child with autism, and the way the child expresses within the classroom, does not distract the whole of the lesson for everyone or out more pressure on the teacher.</p>

	6 of 9	anonymous	Why should it only be students with autism? This is not fair cos this is not being a rights respecting school. Basically you don't want any other children cos you can't be bothered to facilitate for them. You're getting rid of all wheelchair users from now on and only autistic children can come. What the point?
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**Q4 N/A - accidental repeat of Q3 above.**

**Q5 Do you agree with the proposal to NOT include a hydropool in George Green's School's new school building?**

	1 of 4	anonymous	No response to this question
	2 of 4	anonymous	No response to this question
	3 of 4	anonymous	No response to this question
	4 of 4	anonymous	No response to this question
	5 of 9	anonymous	No response to this question
	6 of 9	anonymous	No
	7 of 9	anonymous	Yes
	8 of 9	anonymous	Yes
	9 of 9	anonymous	No

**Q6 If you agree with the proposal, please say why you agree**

	1 of 4	anonymous	No response to this question
	2 of 4	anonymous	No response to this question
	3 of 4	anonymous	No response to this question

	4 of 4	anonymous	No response to this question
	5 of 9	anonymous	No response to this question
	6 of 9	anonymous	See response to Q6 following
	7 of 9	anonymous	It's not financial viable. Not enough students use it.
	8 of 9	anonymous	With the cut backs schools are facing from the government each year, the school has got to make sure their budget is being used resourcefully. 10,000 is a lot of money the school has to use from their budget because the hydro-pool is running at a loss. This money could be used more on resources, staff and equipment.
	9 of 9	anonymous	See response to Q6 following
<b>Q6 If you disagree with the proposal, please say why you disagree</b>			
	1 of 4	anonymous	No response to this question
	2 of 4	anonymous	No response to this question
	3 of 4	anonymous	No response to this question
	4 of 4	anonymous	No response to this question
	5 of 9	anonymous	No response to this question
	6 of 9	anonymous	My child uses the hydro pool not for leisure but cos she can't do PE. Again you're not thinking this through properly,
	7 of 9	anonymous	See response to Q5 above

	8 of 9	anonymous	See response to Q5 above
	9 of 9	anonymous	Mainly because we have been using the pool for as long as I can remember. Our children with EHCPs really benefit. In addition, we are a small school with very limited resources on site and rely heavily on this pool to meet the needs of our pupils. In addition, I disagree that GG pupils will not need the Hydro pool if it becomes an autism specialist school. Water therapy is very useful and a great way to regulate children's emotions. It also provides a god sensory input for children with autism. I think it can be used.

**Q7 Please tell us your relationship to George Green's School.**

	1 of 4	anonymous	Parent of a child at George Green's School
	2 of 4	anonymous	Member of staff at George Green's School
	3 of 4	anonymous	Parent of a child at George Green's School
	4 of 4	anonymous	Local Resident
	5 of 9	anonymous	Governor of George Green's School
	6 of 9	anonymous	Parent of a child at George Green's School
	7 of 9	anonymous	Parent of a child at George Green's School
	8 of 9	anonymous	Parent of a child at George Green's School
	9 of 9	anonymous	SENDCO at local primary school

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# **George Greens School Statutory Notice**

## **Introduction**

On Wednesday 22<sup>nd</sup> June 2022, George Green's Governing Body, with Tower Hamlets Local Authority support, approved the recommendation to publish a **Statutory Notice** on the proposal to make a prescribed alteration to George Greens School. This recommendation was agreed by Tower Hamlets Council at a Cabinet Meeting on 1<sup>st</sup> August 2022.

**Proposal for a prescribed alteration to George Green's School as follows ;**

- **To change the designation of the existing George Green's specialist resource from Complex Needs to Autistic Spectrum Condition (ASC)**
- **To increase the total number of places from 15 to 20**

Notice is given in accordance with Section 15 of the Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Tower Hamlets local authority will decide whether to:

- **Change the designation of the existing George Green's specialist resource from Complex Needs to Autistic spectrum Condition (ASC)**
- **Increase the total number of places from 15 to 20**

This will be established following the implementation of the Tower Hamlets SEND Strategy.

## **Contact details**

**Name and address of school publishing the proposal, with Local Authority support:**

George Green's School, 100 Manchester Road, Isle of Dogs, London, E14 3DW

**Name, address and category of school making prescribed alteration:**

George Greens School is an 11-19 Secondary School. Address above

## **Implementation**

**Date on which it is proposed to establish the SRP - ASC provision and increase the number of pupils within the provision:**

January 1<sup>st</sup> 2023.

# **Reason for Establishing SRP - ASC**

The governing body of George Greens School, in partnership with Tower Hamlets Local Authority, has expressed an interest and been accepted, to develop proposals to address the Tower Hamlets Special Educational Needs and Disabilities (SEND) Strategy. To achieve this a prescribed alteration is necessary for George Green's School to change the current designation of its existing specialist provision from Physical Disabilities/Complex Needs to Autistic Spectrum Condition (ASC).

The council's education policy is to move towards integrated specialist provision, where appropriate and matched to pupils needs. The Local Authority SEND review made clear that the following aspects of current provision needed alteration:

- There is currently no specialist ASC "high functioning" secondary provision in Tower Hamlets
- Research suggests that some children may have been mis-diagnosed and mis-placed in Social, Emotional and Mental Health (SEMH) provision because there was no suitable ASC provision.
- It is essential that children with ASC needs are able to access mainstream provision alongside specialist support to ensure their academic achievement is in line with their potential.

George Greens School have worked with the Local Authority to develop a proposal that will assist in further addressing these issues by providing improved, inclusive support for children of secondary school age with autistic spectrum condition in Tower Hamlets.

## **Pupil Numbers and Admissions**

The numbers for whom provision is currently made at the school:

George Green's is a co-educational mainstream Secondary School for pupils aged eleven to eighteen. The main school has a Published Admission Number (PAN) of 210 for each of Years 7-11. It is additionally funded for a specialist provision of up to 15 pupils aged 11-18.

There is currently no proposal to amend the PAN for the main school. However, it is proposed to increase the number of places assigned to the specialist provision from 15 to 20. The number of pupils within the resourced provision will not increase the overall PAN of the school.

## **Displaced Pupils**

No pupils currently enrolled with the George Green's specialist provision will be displaced as a result of these proposals. The changeover from Complex Needs to ASC provision will be phased in so as to ensure pupils already enrolled at the school

can continue to receive support appropriate to their specific needs through to the end of their schooling.

## **Impact on the Community**

The proposal would improve provision for the Tower Hamlets community in line with the Tower Hamlets SEND Strategy. Therefore, it is not anticipated that there will be any adverse impact on the community, rather that the Tower Hamlets community will benefit from enhanced provision.

## **Rural Primary Schools**

Not applicable

## **Balance of Denominational Provision**

Not applicable

## **Nursery Provision**

Not applicable

## **Sixth Form Provision**

Not applicable

## **Special Educational Needs Provision**

As at the January 2022 census there were 79 pupils on roll at George Green's School who have an Educational Health and Care Plan. Of these, 15 were enrolled specifically into the school's specialist provision. Redesignating the specialist provision for ASC – whilst at the same time increasing the total number of places within the specialist provision funded by the local authority from 15 to 20 - will significantly assist in addressing the Tower Hamlets SEND Strategy.

From January 2023, the school will be in a position to begin receiving into its specialist provision pupils with EHCP plans identifying ASC needs – initially mainly into Key stage 3 but steadily increasing over time to provide places for up to 20 pupils across the whole secondary age range.

## **Travel**

Any child living more than 3 miles from the school would have access to Local Authority Travel support and EHCPs naming the provision would give due consideration to travel needs.

## Finances

If the changes are made, the Local Authority would commission provision through a Service Level Agreement. Funding would be to George Greens School.

## Procedure for Making Representations (objections and comments)

Within four weeks from the date of publication of this statutory notice, any person may object to or make comments on the proposal by:

Email: [jripton@georgegreens.com](mailto:jripton@georgegreens.com)  
cc [school.organisation@towerhamlets.gov.uk](mailto:school.organisation@towerhamlets.gov.uk)

Post: **George Greens School**, 100 Manchester Road, Isle of Dogs, London, E14 3DW

Or      School Organisation and Place Planning Manager  
Pupil Services and School Sufficiency  
Tower Hamlets Children's Services  
Town Hall, Mulberry Place, 5 Clove Crescent, E14 5BG

George Greens parents and school staff will also be given the opportunity to attend virtual meetings during the Statutory Notice period.

**Closing date for responses is 5pm, Friday 30<sup>th</sup> September 2022.**

We will not be able to consider any responses received after this date. A report considering all responses received during the representation period will be published on the Council's website in December 2022, as part of papers to Cabinet. The report will also be available on the school's website.

The website addresses are

<https://www.georgegreens.com/>

<https://www.towerhamlets.gov.uk/>

**Statutory Notice: Publication date 5<sup>th</sup> September 2022**

**Proposal for a prescribed alteration to George Greens School to redesignate current resource provision to an up to 20 place Specialist Resourced Provision - Autism Spectrum Condition (SRP-ASC) from 1<sup>st</sup> January 2023.**

Notice is given in accordance with Section 15 of the Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Tower Hamlets Local Authority will decide whether to redesignate current resource provision at George Greens Secondary School to a 20 place Autism Spectrum Conditions provision.

This will be established following the implementation of the Tower Hamlets SEND Strategy.

**This Notice is an extract from the complete proposal which can be viewed on the school website below:**

<https://www.georgegreens.com>

**Procedure for making representations (objections and comments)**

Within four weeks from the date of publication of this statutory notice, any person may object to or make comments on the proposal by email or by post.

**Closing date for responses is 5pm, 30<sup>th</sup> September 2022**

By email: [jripton@georgegreens.com](mailto:jripton@georgegreens.com)  
cc. school.organisation@towerhamlets.gov.uk

By post: George Greens School, 100 Manchester Road, Isle of Dogs, London,  
E14 3DW

Or School Organisation and Place Planning Manager  
Pupil Services and School Sufficiency  
Tower Hamlets Children and Culture  
Town Hall  
Mulberry Place  
5 Clove Crescent  
E14 5BG

We will not be able to consider any responses received after 5pm on the 30<sup>th</sup> September, 2022. A report considering all responses received during the representation period will be published on the George Greens School Website and Tower Hamlets' Council website in December 2022.

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## Equality Impact Analysis: (EIA)

### Section 1: Introduction

Name of Proposal: Report on outcome of the stage one consultation on the proposal to change the designation of George Greens School Specialist Provision and increase Pupil Numbers.

For the purpose of this document, 'proposal' refers to a policy, function, strategy or project

Service area & Directorate responsible: Special Educational Needs, Children and Culture

Name of completing officer: John O'Shea

Approved by Director/Head of Service: Steve Nyakatawa

Date of approval

Conclusion - To be completed at the end of the Equality Impact Assessment process

*This summary will provide an update on the findings of the EIA and what the outcome is. For example, based on the findings of the EIA, the proposal was rejected as the impact on a particular group was disproportionate and the appropriate mitigations in place. Or, based on the EIA, the proposal was amended and alternative steps taken)*

Based on the findings of this EIA, moving to agree the prescribed alterations would reduce inequalities in Tower Hamlets by ensuring secondary age children, have access to specialist ASC provision. The proposal is therefore given a GREEN rating.

The new provision is expected to improve opportunities for all children ensuring improved access to a full inclusive curriculum, in a culturally mixed school.

It should also be noted that pupils currently enrolled in the specialist provision – albeit under its previous designation of physical disabilities/complex needs – will not be detrimentally impacted upon. The school will put in place a clear process for transitioning from the current provision to the proposed new provision, which will prioritise continuing support for young people already enrolled with the school.

Because the overall number of places is being increased from 15 to 20 – and because the school's revised specialist focus on ASC will also likely attract additional students with the condition – the school will need to recruit additional specialist staff. The proposal will therefore assist in potentially reducing the risk of redundancy for staff from other schools in Tower Hamlets where staffing is being reduced, through re-organisation and closure.

*The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:*

- *Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act*
- *Advancing equality of opportunity between those with 'protected characteristics' and those without them*
- *Fostering good relations between those with 'protected characteristics' and those without them*



*Where a proposal is being taken to a Committee, please append the completed equality analysis to the cover report.*

*This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above. For more information about the Council's commitment to equality; please visit the Council's website.*

## Section 2 – General information about the proposal

*Provide a description of the proposal including the relevance of proposal to the general equality duties and protected characteristic pursuant to Equality Act 2010.*

This Equality Impact Assessment concerns the proposal to make prescribed alterations to George Greens School in order to change the designation of the school's Specialist Provision and increase Pupil Numbers in the provision from 15 to 20 places.

The proposed prescribed alteration for George Greens School is that it should:

- Change the designation of George Green's School Specialist Provision from Physical Disabilities/Complex Needs to a specialism in Autistic Spectrum Condition (ASC)
- Increase the number of places in the resource provision from 15 to 20.

Tower Hamlets has a great tradition of excellent education; it values the important role that schools have in increasing the life chances of its children. George Greens School is a fully inclusive successful school with demonstrable expertise and experience in supporting pupils with Special Educational Needs.

Tower Hamlets has reviewed its SEND Strategy to improve the quality and range of provision, in order to optimise life chances for children with special educational needs and/or disabilities.

As part of this work George Green's School have made an application to redesignate their current resource provision from one for children with physical disabilities to a specialist provision for ASC. The designation of George Greens provision is outdated and under the Equalities Act children with physical disabilities can be accommodated with reasonable adjustments in all main stream schools. The George Green's proposal addresses the lack of a specialist resourced provision for children working at age-appropriate levels with an ASC diagnosis and provides a clear secondary school pathway for pupils who have been in the primary age resource provision at Hermitage Primary School. The model is based on Autism Friendly inclusive approaches, rather than driven by isolation and difference.

The work is being planned and supported through the LA's SEND Teams who play a key role in enabling schools to meet the challenge of ensuring that all children and young people in Tower Hamlets achieve the best possible outcomes and can flourish if schools are working in effective partnerships. Ultimately, the guiding principle for this work is that whatever is done should be in children's interests, looking at a range of achievable options that will enable proper opportunity to decide how best to deliver a high quality and sustainable provision. Access to good quality school places is essential to raising achievement and addressing poverty and inequality in the long term. George Greens School has an excellent record of maintaining these principles.



## Section 3 – Evidence (Consideration of Data and Information)

*What evidence do we have which may help us think about the impacts or likely impacts on service users or staff?*

### Level of Need (Data from SEND Strategy 2020 + SEN2 2022 Updates)

#### Children in Tower Hamlets

Tower Hamlets has a young population. There are 112,900 0-25 year olds in Tower Hamlets. There are also high levels of deprivation in the borough, with 32% of children growing up in poverty. Around 8% of the population was born outside the UK and 75% of primary school children speak a first language which is not English (compared to 54% in Inner London and 21% nationally).

#### **Children with special educational need and disabilities**

There are approximately 9,000 children and young people between 0 and 25 years with SEND resident in Tower Hamlets. The majority of these are supported by schools using their own budgets.

Approximately 3,500 children are given additional support (and resource) via an Education, Health and Care Plan (EHC plan).

There are more children with a special need in Tower Hamlets than in other areas, approximately 17% of pupils in our schools have a special need or disability, compared to a national average of 16%.

Within schools the percentage of children and young people receiving SEN Support is 11.6%. This is lower than the average for England (12.2%) and comparable with London averages. For children and young people with EHC plans the figure is 5.2%. This is significantly higher than both London (3.9%) and England (3.7%) and continues to increase both locally and nationally.

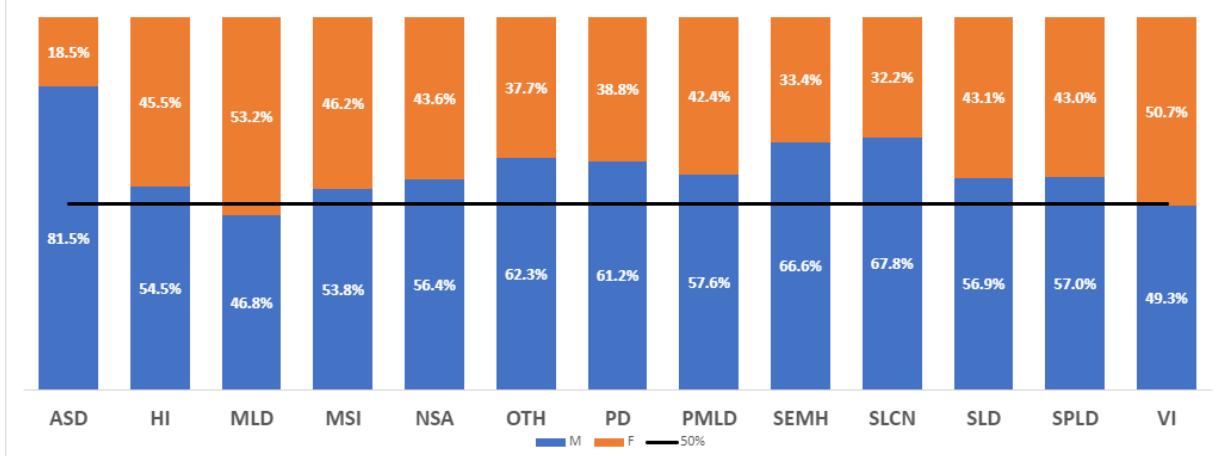
#### **Children with ASC as their primary need**

The proportion of children with ASC as their primary need continues to rise in Tower Hamlets, from 10% in 2017 to 14.1% in 2021. Since 2020 the percentage of children and young people with ASC has been above national averages. The proportion with Speech, language and communication needs (SLCN) is significantly higher than elsewhere at 39.5%. Many children with SLCN needs have undiagnosed ASC or are yet to receive a diagnosis of ASC.

% ASC as primary need	2019	2020	2021	2022
Tower Hamlets	11%	12.8%	14.1%	14.7%
England	11%	11.9%	12.5%	13.3%



Pupils with SEN support & EHCP in LBTH by Primary need and Gender (Spring 22 pupil census)



## Ensuring Access to the full Curriculum for all children

Most children with ASC Needs should access a full curriculum in a mainstream school, with support.

Tower Hamlets currently has a specialist ASD School (Phoenix), which will have 480 places for children aged 2 – 19, in the 2022-23 academic year. Children placed at Phoenix are not able to access the Mainstream Curriculum. The Phoenix Outreach team provides support and advice to Mainstream Schools to help them meet the needs of children with Autistic Spectrum Conditions within their settings.

Since January 2021 Hermitage Primary School have provided support to primary age pupils with ASC needs. There is currently no identified Secondary School which specializes in integrated mainstream support for children with ASC needs. The change of designation for George Green's School will address this deficiency without detrimentally impacting upon any other identified group.

A range of consultations fed into the pre-publication consultations for the redesignation of the resource provision at George Greens School.

Following a full review of the school's SEN provision, including the current resource provision, undertaken by an external consultant in February 2019, George Green's School moved to a determinedly inclusive model of SEN Support, enabling students with SEN to have greater access to the mainstream classrooms, supported by a belief that Every Teacher is a teacher of SEND.

Prompted by the Tower Hamlets SEN Strategy and recognising the increasing need for young people with ASC - whose needs present as both social and emotional, rather than learning, the Governing Body at George Green's School expressed an interest in delivering the new proposed provision.

A Steering Group consisting of representatives from the Governing Body, supported by the Independent Consultant and senior school staff has led the work on developing the new SRP-ASC.



It was not possible to hold face to face meetings in person for larger groups at the school or elsewhere during the Stage One consultation period. However, a virtual consultation meeting via Teams was held on 18.5.22. In order to ensure that pupils, parents, staff and the wider community are able to further engage with and respond during the Stage 2 consultation, a range of further opportunities will be organised as follows:

- The Notices will include information on how to make representations, including schools and Local Authority email and postal addresses
- Email address will be provided for representations to the school and Local Authority.
- Further opportunities for parents and staff to meet to raise any issues.

Following closure of the Stage 1 consultation, responses from the different forms of consultation were summarised in a report to Governors and considered at a quorate meeting of the Full GB on 22<sup>nd</sup> June 2022.

Having reviewed the feedback, governors made their decision to recommend to council to proceed with the prescribed alterations.

A report summarizing the feedback on the consultation will be available for staff and parents after Cabinet reach their decision in July 2021.

#### Other available evidence

Equality Act 2010

SEND Strategy

Minutes of meetings where the future provision has been discussed

Consultation Document

Consultation Feedback Report

School Policies (Equalities, SEND and Inclusion)

Name of officer completing the EIA: John O'Shea and Terry Bryan

Service area: C&C SPP

EIA signed off by:

Date signed off:



## Section 4 – Assessing the impacts on residents and service delivery

	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
Age (All age groups)	X			<p>The prescribed alteration will improve specialist ASC provision and specialist support for secondary children in Tower Hamlets</p> <p>There may be opportunities to employ new staff for the provision.</p> <p>Further work needs to be done in order to assess what job roles will be available, and the age range of applicants and successful candidates.</p>
Disability (Physical, learning difficulties, mental health and medical conditions)	X			<p>Pupils</p> <p>Currently the specialist support for secondary pupils with ASC needs is considered inadequate, with weaknesses in access to the whole secondary curriculum, for children with age-appropriate skills. The new provision would enable access to a significant specialist resource within Tower Hamlets.</p> <p>Pupils with a physical disability at the school will not be disadvantaged as the school will continue to support them, working with the LA SEN service to ensure that needs are met.</p> <p>Staff</p> <p>Any recruitment processes will be mindful of the needs of applicants with SEND and take into account the Equality Act 2010 in order to ensure they are not discriminating against those with disabilities.</p>
Sex			X	<p>Pupils</p> <p>The provision will be co-educational</p> <p>Staff</p> <p>No impact – the prescribed alterations will not impact on existing staff positions.</p> <p>Recruitment processes will ensure gender equality.</p>



			X	
Gender reassignment			X	No impact - We do not have any data available on this protected characteristic for pupils or staff.
Marriage and civil partnership			X	No impact - We do not have any data available on this protected characteristic for pupils or staff.
Religion or philosophical belief			X	No impact - we do not have any data available on this protected characteristic for pupils or staff. However, the school is not a faith school, and as such there is not expected to be any disproportionate impact.
Race	X		X	<p>Pupils 83% of students at George Green's School come from an ethnic minority background.</p> <p>The Local Authority does advise that multi-cultural schools are likely to be beneficial to fostering good relations between individuals in different ethnic and/or racial groups, as children will have the opportunity to make friends with children from different races to themselves at a formative stage of their personal development. George Greens School is a diverse, inclusive school.</p> <p>Staff No impact – staff recruitment processes should ensure attention is paid to recruiting to reflect the local community.</p>
Sexual orientation			X	No impact - we do not have any data available on this protected characteristic for pupils or staff.
Pregnancy and maternity			X	No impact - we do not have any data available on this protected characteristic for pupils or staff.



Other				
Socio-economic			X	<p>In Tower Hamlets disadvantage is not seen as a barrier to achievement, and gaps in attainment are low. The provision is expected to further enhance outcomes for disadvantaged children.</p> <p>Indeed, the speed and agility at which schools in LBTH moved to support parents with food vouchers and food parcels during the closure of schools owing to COVID 19 suggests that any children with FSM eligibility will be well supported at school in LBTH.</p> <p>62% of George Green's students with an EHCP receive free school meals; 75% receive Pupil Premium Grant.</p>
Parents/Carers			X	<p>Parents and carers responded positively to the Stage One Consultation. Any issues raised were responded to in meetings and through the Consultation Report.</p> <p>Parents and carers should continue to be heavily involved in the consultation process and beyond, as the new provision develops.</p>
People with different Gender Identities e.g. Gender fluid, Non-Binary etc			X	No impact - we do not have any data available on gender identity for pupils or staff.



## Section 5 – Impact Analysis and Action Plan

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Provide support for parents/carers	Ensure work with parents and carers embedded in new provision	December 2022	JO'S	
Ensure children supported to access friendship groups	Ensure this element included in Annual Review	Include in SLA and Ongoing throughout academic year	JO'S	
Ensure continued diversity and inclusion at George Greens School	Governors review and benchmarking of Annual Census data	% of EHC Plans above Borough Levels Ethnic Diversity in governor's, staff and pupils reflects the Local Community	Governors	
Development of transition plan for pupils in the current resource provision to ensure that their needs will continue to be met within their mainstream school.	School and LA develop a transition plan to ensure that there is no impact upon children with disabilities when the designation of the resource base changes	Clear Action Plan in place to support all individual pupils who will not be transitioning into the new resource provision to ensure that their needs are met and appropriately resourced	School Leadership JO'S	



## Section 6 – Monitoring

Have monitoring processes been put in place to check the delivery of the above action plan and impact on equality groups?

Yes?

No?

Describe how this will be undertaken:

The SEN Team will monitor and review the action plan as part of SLA Reviews  
The Pupil Planning Team will review the action plan as part of the Annual Admissions Review.



## Appendix A

### Equality Impact Assessment Decision Rating

Decision	Action	Risk
As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act. It is recommended that this proposal be suspended until further work is undertaken.	Suspend – Further Work Required	Red 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the Action Planning section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the EIA, the proposal does not appear to have any disproportionate impact on people who share a protected characteristic and no further actions are recommended at this stage.	Proceed with implementation	Green: 

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## **Appendix 3 - George Green's School – Governing Body Response to Proposed Re-designation of George Green's Specialist Resource Provision following Statutory Notice.**

October 2022

- 1.1 During the academic year 2021-2022, the Principal and Governors of George Green's School, in discussion with the LA, began exploring the possibility of requesting a redesignation of the school's specialist resource from Complex Needs/Physical Disabilities to Autistic Spectrum Condition (ASC) – and also increasing the number of places from 15 to 20.
- 1.2 Having reached unanimous agreement to proceed with the proposed requests, the school then carried out a 6-week Stage One consultation process, seeking feedback from all relevant stakeholders on both key proposals, as follows:
  - To change the designation of the existing George Green's specialist resource from Complex Needs to Autistic Spectrum Condition (ASC).
  - To increase the total number of places from 15 to 20.
- 1.3 At the same time, the school went out to formal consultation on a separate proposal not to include a hydro pool in the design for the new George Green's building.
- 1.4 At the Stage One phase, both matters – redesignation and hydro pool - were consulted on simultaneously. However, the redesignation of the resource provision requires prescribed alterations which must be agreed by the Mayor and having sought advice it was clear that the decision on whether or not the hydro pool was retained within the school building plans was a matter for the George Green's School Trust. Going forward it was decided that these proposals would be addressed separately.
- 1.5 Full details of all responses received in connection with all parts of the Stage 1 consultation process can be found in appendix C.
- 1.6 However, in summary, only 9 responses were received, of which only one expressed any reservations about the proposal to redesignate. The other 8 responses received were all supportive of the proposal to redesignate.
- 1.7 At the conclusion of the Stage One consultation process, a quorate meeting of the Full GB met to discuss outcomes and agree next steps.
- 1.8 Following discussion, those present unanimously agreed to proceed with the proposals to (a) redesignate from Complex Needs/Physical Disabilities to Autistic Spectrum Condition and (b) increase the total number of places from 15 to 20.
- 1.9 The proposals then went to 4 weeks of Stage 2 formal consultation – statutory notice - commencing 2<sup>nd</sup> September and concluding 30<sup>th</sup> September. In line with best practice, details were widely publicised and arrangements put in place whereby any interested party might express an opinion.
- 1.10 However, by the end of the consultation period, no responses of any kind had been received.
- 1.11 A quorate meeting of the Full GB nevertheless met on 5<sup>th</sup> October to consider the Stage 2 consultation outcomes. Having done so, they unanimously agreed to continue with the proposed redesignation of the resource from Complex Needs/Physical Disabilities and the increase of places from 15 to 20.
- 1.12 The agenda and minutes for the meeting of the Full Governing Body on 5<sup>th</sup> October can be found at Appendix B.
- 1.13 The report presented to the Full Governing Body on 5<sup>th</sup> October can be found at Appendix A.

## **Appendix A**

George Green's School

# **Governing Body Meeting**

Wednesday 5<sup>th</sup> October 2022

## **Proposed Redesignation of the George Green's Specialist Resource Provision**

### **1 Action Required**

Governors are asked to consider the outcomes of the Stage 2 Consultation Process and agree whether or not to proceed with the following :

- (a) To change the designation of the existing George Green's specialist resource from Complex Needs to Autistic Spectrum Condition (ASC).
- (b) To increase the total number of places from 15 to 20.

### **2 Principal's Recommendation**

The Principal's recommendation is that both elements of the proposal should be agreed, for the following reasons :

- The Stage 2 consultation process having run for the necessary four-week period – 2<sup>nd</sup>-30<sup>th</sup> September – no responses of any kind have been received.
- Nor did anyone express an interest in attending the online Teams consultation meeting on 14<sup>th</sup> September, that was to have been led by the Principal.
- The school therefore has nothing new to report on the matter beyond what previously emerged from the six-week Stage 1 consultation carried out during the summer term.

### **3 Outcomes of the Stage 1 Consultation**

- It should be noted that a quorate meeting of the Full GB has already agreed both the proposals set out in Paragraph 1 above, taking account of the returns to the Stage 1 consultation.
- It should also be noted that, as advised by the LA, the Stage 1 consultation additionally included proposals in relation to the proposed discontinuation of the hydro-pool – proposals which, it has now been agreed with the LA, should be dealt with separately.
- With reference to the outcomes of the Stage 1 Consultation, at the conclusion of the required 6 weeks, it was reported to governors that only 9 responses had been received – of which 8 were in favour of changing the designated specialism, with only one against.
- The one respondent indicating disapproval of the proposal to change the designation of the resource, responded as follows :  
*'Why should it only be students with autism? This is not fair cos this is not being a rights respecting school. Basically you don't want any other children cos you can't be bothered to facilitate for them. You're getting rid of all wheelchair users from now on and only autistic children can come. What the point?'*
- As explained at the time, the view of the school was and remains that this respondent has wholly misunderstood the school's intentions. Amending the designation from Complex Needs/Physical Disabilities will not in itself prevent any student who is a wheelchair user from enrolling at the school. The school is already exceptionally well-equipped to take

wheelchair users and already caters for a number of students who are wheelchair users and are enrolled in mainstream classes.

## Appendix B

### MINUTES George Greens School

#### Extraordinary Full Governing Body Meeting Wednesday 5 October 2022, 17:00-17.30 Held virtually

The quorum for this meeting was **9**.

##### **MEMBERSHIP**

Name	Role	Re-election/ appointment due date	Attendance
Mr. Tim Aldrich (TA)	Chair, Co-opted Governor	04/02/2026	yes
Ms. Christine Kershaw (CK)	Vice Chair, Co-opted Governor	24/05/2023	yes
Mr. Jon Ryder (JR)	Principal	Ex Officio	yes
Mr. Tonye Altraide (TAL)	Co-opted Governor	15/05/2026	yes
Mr. Hugh Fraser (HF)	Co-opted Governor	15/04/2023	apologies
Mr. Ranjith Kanipayur (RKA)	Co-opted Governor	06/07/2025	yes
Mr. Jon Waghorne (JW)	Co-opted Governor	24-02-2024	apologies
<i>vacancy</i>	Co-opted Governor		
Ms. Laura Bugden (LB)	Foundation Governor	06/07/2025	apologies
Mr. Les Chapman (LC)	Foundation Governor	24/05/2024	yes
Mr. William Everard CBE (WE)	Foundation Governor	01/09/2025	yes
Mr. Robert Kyriakides (RK)	Foundation Governor	26/11/2024	
Mr. William Roberts (WR)	Foundation Governor	09/01/2023	yes (arrived after vote had taken place)
Mr. James Kilmartin (JK)	LA Governor	09/10/2023	
Ms. Polly Jones (PJ)	Parent Governor	02/12/2024	yes
Ms. Julie Lechley (JL)	Parent Governor	02/12/2024	yes
Ms. Alif Nahrin (AN)	Parent Governor	02/12/2024	yes
<i>vacancy</i>	Parent Governor		
<i>vacancy</i>	Parent Governor		
Ms. Shahina Aktar	Staff Governor	05/10/2025	apologies

##### **ASSOCIATE/OBSERVING**

Name	Role	Attendance
Jan Woodhead	Observer	yes
Mr. Aidan McQuaid (AM)	Deputy Headteacher	yes
Kate Garcia	Assistant Head teacher	yes
Mr. Simon Bravery	Clerk	yes

No.	Time	Agenda Item	Presenter	Item Purpose
<b>Part 1: Non-confidential business</b>				
1.	17:00	<b>Welcomes and introductions</b> The chair welcomed those present and declared the meeting quorate	Chair	
2.		<b>Receive and consider apologies from governors not in attendance</b> Apologies were received from Ms Aktar, Ms Budgen, Mr Waghorne and Mr Fraser and were accepted.	Chair	To Receive/For Consent To Agree
3.		<b>Members are invited to make verbal declarations of interest on the items listed in this evening's agenda.</b> There were no declarations of interest	Chair	For declarations
4	17:02	<b>Minutes of the previous meeting</b> To agree previous minutes (06/7/22)/02/22) Minutes from the previous meeting were agreed.	All	To Amend/To Agree
5	17:03	<b>Matters arising from the minutes not included in the agenda</b> Chair's Action (if any) There were no matters arising.	Chair	To Note
6	17:05	<b>Redesignation of George Green School</b> 1)To change the designation to Autism Spectrum Condition (ASC) 2) to increase the number of places 3) to close the hydropool  TA stated that Jan Woodhead had written a report. This had been circulated and the Governors confirmed that they had read it.  The Governors voted unanimously:- 1. to redesignate the integrated specialist provision (ISP) of the School to autistic spectrum condition. 2. to increase numbers from 15 to 20.	Chair	For vote
7	17:20	<b>AOB/Urgent business (if any)</b>  There was no further business	JR	To Note/Discuss
<b>Part 2: Confidential business</b>				
To decide whether any earlier business should be recorded as confidential				
To decide whether any staff or non-governors present should remain for confidential business				
8.	17.25	<b>Any other confidential business</b> There was no confidential business.		

Close of meeting: 17:07

## **Appendix C**

George Green's School

# **Governing Body Meeting**

Wednesday 22<sup>nd</sup> June 2022

## **Proposed Redesignation of the George Green's Specialist Resource Provision**

### **1 Action Required**

Governors are asked to consider the attached summary of responses to the Stage 1 Consultation Process and agree whether or not to proceed with the following :

- (c) To change the designation of the existing George Green's specialist resource from Complex Needs to Autistic Spectrum Condition (ASC).
- (d) To increase the total number of places from 15 to 20.
- (e) To close the existing hydro pool facility as part of the rebuilding of George Green's School.

It is suggested that (a) and (b) might reasonably be considered together, however with (c) being considered separately.

### **2 Principal's Recommendation**

The Principal's recommendation is that all elements of the proposal should be agreed, for the following reasons :

- Following a period of 6 weeks formal consultation, only 9 responses have been received.
- 8 of these are in favour of changing the designated specialism, with only one against.
- Only 4 respondents offer any comment either way in response to the proposal to not include a hydro pool in the design of the new building – and only 2 of these are specifically opposed to the non-inclusion of a hydro pool.
- The LA remains very firmly in favour of the school changing its designation and increasing the number of places from 15 to 20.
- The LA fully supports the school's view that it will make significantly better educational and financial sense to exclude replacement of the hydro pool from the final design for the new building.

### **3 Commentary on specific objections raised through consultation**

**Q1 Do you agree with the proposal to change the designation of the George Green's resource base from Complex Needs to Autism Spectrum Condition?**

**Respondent 6 of 9:** *Why should it only be students with autism? This is not fair cos this is not being a rights respecting school. Basically you don't want any other children cos you can't be bothered to facilitate for them. You're getting rid of all wheelchair users from now on and only autistic children can come. What the point?*

This response misunderstands the school's intentions. Amending the designation will not in itself prevent any student who is a wheelchair user from enrolling at the school. The school already has students who are wheelchair students enrolled in mainstream classes.

**Respondent 1 of 9:** *My only concern is if a child within the autism spectrum has a sensory overload for example. They can be very vocal and physical. This can be very disturbing to the other students around and therefore be extremely distracting, taking affect on their learning. I mean I hope that the support that is needed for the child with autism, and the way the child expresses within the classroom, does not distract the whole of the lesson for everyone or out more pressure on the teacher.*

It should be noted that this respondent answered yes to Q1 but has added this comment as a side concern. The school will continue its existing practice of looking to integrate students enrolled within the specialist resource provision as much as possible into mainstream lessons, supported as appropriate by eg TAs – however, at the same time, retaining the option of resource students sometimes being taught in smaller groups, where clearly in the best interests of both themselves and the peers.

**Q5 Do you agree with the proposal to NOT include a hydro pool in George Green's new school building?**

**Against:**

**Respondent 6 of 9:** *My child uses the hydro pool not for leisure but cos she can't do PE. Again you're not thinking this through properly.*

On an individual basis, the school completely sympathises with this parent's position. However, it continues to think that it has to spend its money carefully and, wherever possible, to the benefit of the majority of its students.

**Respondent 9 of 9:** *Mainly because we have been using the pool for as long as I can remember. Our children with EHCPs really benefit. In addition, we are a small school with very limited resources on site and rely heavily on this pool to meet the needs of our pupils. In addition, I disagree that GG pupils will not need the Hydro pool if it becomes an autism specialist school.*

*Water therapy is very useful and a great way to regulate children's emotions. It also provides a good sensory input for children with autism. I think it can be used.*

Similarly, the comments of this respondent on behalf of students currently attending a nearby primary school. It is entirely understandable that the staff, students and parents of that school would prefer the hydro pool facility to continue. However, it remains the case that its continuance would directly benefit only a tiny handful of actual George Green's students.

**In favour:**

**Respondent 7 of 9:** *It's not financial viable. Not enough students use it.*

**Respondent 8 of 9:** *With the cut backs schools are facing from the government each year, the school has got to make sure their budget is being used resourcefully. 10,000 is a lot of money the school has to use from their budget because the hydro-pool is running at a loss. This money could be used more on resources, staff and equipment.*

The school strongly agrees with both the above comments. A hydro pool would be very nice to have if unlimited funds available. However, given that is not the situation, the school continues to feel that the expenditure currently incurred by the running of a hydro pool could be deployed far more effectively elsewhere – as could the space that will otherwise be occupied by the pool within the finite boundaries of the new building.

**London Borough of Tower Hamlets**

**and**

**George Green's George Green's School**

**Integrated Resource Provision for children with Autistic  
Spectrum Condition (RP-ASC)**

**SERVICE LEVEL AGREEMENT FOR SCHOOL'S RESOURCE  
PROVISION**

**V2 September 2022**

## **BACKGROUND**

This Service Level Agreement (SLA) has been drawn up between London Borough of Tower Hamlets and George Green's School to formalise the arrangements between the two parties in respect of a Special Resource Provision to be set up and funded by London Borough of Tower Hamlets at George Green's School. This Resource Provision is specifically for the purpose of making provision for secondary pupils with Autistic Spectrum Conditions. The Provision will be known as:

George Green's Specialist Provision for Autism Spectrum Condition (RP-ASC)

The exciting new provision, which involved prescribed alterations to redesignate George Green's Schools current resource provision has been established to build on the Local Authority SEND Strategy so that access to specialist ASC support, particularly for high functioning children, included within a mainstream school, is available in Tower Hamlets. This will complement existing mainstream school provision, the primary resource provision at Hermitage School and the provision at Phoenix School and its satellite classes.

### **1. SCOPE OF AGREEMENT**

This SLA relates solely and exclusively to the operation and function of the Resource Provision- Autism Spectrum Conditions (RP-ASC) at George Green's School.

### **2. PURPOSE**

- 2.1 The purpose of the RP-ASC is to make additional, resourced provision for up to 20 secondary age children. This number will form part of the school's overall Published Admissions Number (PAN). It forms part of the London Borough of Tower Hamlets Strategy to make a continuum of provision available for all pupils with additional needs in mainstream school provision
- 2.2 Pupils attending the RP-ASC will have their needs identified and set out in an Education Health and Care Plan. In exceptional cases children may be placed in the Resource Base whilst undergoing a SEND statutory assessment of needs.

### **3. SERVICE DELIVERY**

- 3.1 The ASC Provision will be set up as:

- a) An integrated specialist provision,

comprising an RP-ASC wholly managed by George Green's School  
The Local Authority will commission the RP-ASC from George Green's School.

The Governing Body will manage strategic matters through the establishment of a Steering Group.

The Steering Group will be attended by a Local Authority SEND officer, and other LA officers, if appropriate. (eg Financial review)

The George Green's Headteacher and RP-ASC teacher in charge will manage operational matters.

The George Green's Governing Body will receive a termly update on the provision, as part of the Headteacher's Report.

- 3.2 George Green's School Governing Body and LA SEND team will agree a set of KPIs for the provision.

The Headteacher and Specialist Resourced Provision lead will be expected to produce a clear, specific document that describes the provision (operational guidelines) and expected outcomes against which it will be monitored and evaluated using the agreed KPIs.

The operational guidelines and KPIs will be agreed by the Governing Body and Local Authority and monitored by the Steering Group.

The operational guidelines will be made available to parents, governors and the LA in advance of the provision opening.

- 3.3 George Green's School Governing Body will be responsible in all respects for the effective running of the RP-ASC Provision. They will publish an annual report, following self-evaluation and any other agreed monitoring and evaluation arrangements, to the Local Authority. They will also report to parents/carers.

- 3.4 George Green's School Headteacher and RP-ASC lead will ensure pupils' needs are met through their inclusive practice, making full use of the additional resources delegated to them for this purpose.

**Commented [JO1]:** IS there any governance requirements for the Board of Trustees within this?

#### 4. REGISTRATION

- 4.1 The Local Authority take responsibility for the decision to establish SEN provision at George Green's School, following a prescribed alteration statutory consultation process. The decision is registered with the DFE.

#### 5. DESCRIPTION AND AGREED OPERATIONAL PROCEDURES

**Commented [JO2]:** Need to clarify the GG model – including staffing and leadership of the resource base

- 5.1 The Specialist Resourced Provision is a specialist resource, established at the mainstream site, designed to meet the needs of up to 20 pupils whose needs can be met as part of George Green's School.

It will provide a provision for pupils whose needs can only be served through a flexible approach, tailored and adapted to the needs of each individual pupil.

It will have a specific aim of maximising access to mainstream classes.

The Headteacher and provision lead will develop the operational guidelines that will be confirmed and agreed by the George Green's School Governing Body and the Local Authority SEND Department before the provision opens for its first full academic year.

- 5.2 The operational guidelines should include:

Transitional arrangements for Young People in the current resource provision

Structure and organisation

Staffing Structure

Safeguarding Policies

Governance

Curriculum and Pedagogy (including individual assessment and progress)

School Development Planning

Pastoral Care

Health and Safety

Financial Management

Parental/carer engagement and support

Links with other schools

Annual SLA Review Process

Annual EQIA Review

**Commented [JO3]:** Need to clarify the timescale for getting this done – could be possible to get it completed prior to January 2023.

## 6. NUMBERS

- 6.1 The Agreed Place Number (APN) for the Specialist Resourced Provision is 20. This will be reviewed annually.

- 6.2 To deliver full inclusion in Mainstream classes at George Green's element of the provision it is recognised that numbers may need to be capped at 2 per year group.

- 6.3 Class sizes will not exceed 30 and should take into account the size of the classrooms and any other restrictions that may be in place for reasons of health and safety.

## 7. FUNDING

- 7.1 The provision will be funded in accordance with a Place Led Funding approach that complies with the Government's SEN Funding Reforms which came into effect in April 2013. The detail for this is included in the Funding document attached. Place funding is set at £10,000 per pupil (which includes AWPU).

- 7.2 The George Green's Headteacher is responsible for ensuring that all children attending the RP-ASC are included on the school's census returns and input as attending the provision.

The Local Authority will ensure that the school receives at least the minimum per pupil funding in accordance with the National Funding Formula and London Borough of Tower Hamlets place led funding approach, as agreed through this SLA.

- 7.3 Needs based funding will be paid over and above the place funding, agreed on an annual basis. This is expected to be at Tower Hamlets Band B.

Where pupils' EHCP recognises a higher level of need the additional amount above Band B will be paid to the school.

- 7.4 Each year a moderation exercise is conducted by LA staff in conjunction with all the schools who host an ISP. The moderation process, normally undertaken with the lead teacher for the provision, checks which resource base pupils are currently attending, or projected to join, the ISP provision and confirm any changes for the next year. Following this the Local Authority will confirm the number and level of planned places for the following financial year.

- 7.5 This process will normally be conducted in November so that the outcome informs the budget setting process prior to the next financial year. An annual funding statement for the resource base will be produced by the LA for the school which summarises the number of planned places, the level of pupil needs and level of funding.

Commented [JO4]: ESFA process

- 7.6 If, in exceptional circumstances, and in consultation with the school, a pupil is placed in the provision above the agreed number for the year an additional payment will be made, reflecting the level of need identified in the child's EHCP.

- 7.7 The funding provided will be sufficient for George Green's RP-ASC to operate a staffing model agreed by the Governing Body and the Local Authority.

Commented [JO5]: Need details of the GG staffing model

- 7.8 The funding for the RP-ASC is additional to other SEN funding allocated to individual children attending George Green's School, who are not on the RP-ASC roll. The RP-ASC is allocated funding within a place led approach, so that it can exercise reasonable flexibility to meet the needs of these pupils.
- 7.9 The Local Authority does not expect that George Green's Primary School should subsidise the cost of the RP-ASC, nor that the provision should subsidise the running of George Green's School. The strategic management of expenditure is the responsibility of the Governing Body. The Local Authority hold responsibility for monitoring commissioned provisions and the effective use of the High Needs Block.
- 7.10 If the RP-ASC is consistently operating with fewer pupils than it is funded for, a plan will be drawn up between the LA and George Green's Steering Group about how to best use this capacity funded from Dedicated Schools Grant for the benefit of pupils with learning needs who attend other London Borough of Tower Hamlets schools. Whenever such an arrangement is put in place it will be formalised in a separate written agreement and promptly reviewed if circumstances change during the year.
- 7.11 If there is pressure for more children to attend George Green's RP-ASC, the potential to expand will be considered in the Year 2 review.

## **8. REFERRAL PROCEDURES**

- 8.1 All referrals to the RP-ASC will be through the LA as the admissions authority. These will include relevant reports, based on recent assessment in the education Health and Care Plan, Annual Reviews and any additional reports from:

The most recent school settings, any additional available reports from Educational Psychologists, Paediatricians, Speech and Language Therapists, Occupational Therapists, Medical or other professionals.

- 8.2 Children will meet the following criterion for entry to the provision:

Children will have an Educational Health and Care Plan with a primary need of ASC that significantly impacts on their access to mainstream education and require a high level of support in order to progress their learning and social, emotional and mental health development.

The George Green's RP-ASC caters for children with social communication and or emotional regulation difficulties whose needs lie within the autistic spectrum. The severity of these needs is such that they require support in addition to that which a mainstream school can provide for their needs, even with additional support.

Their academic level will be within national expectations for their age (or usually no more than a year behind that of their peers).

These criteria should be reviewed during Year 2 when there is a clearer picture of demand and need.

## **9. ADMISSIONS PROCESSES**

- 9.1 Admissions to the RP-ASC will be made following Tower Hamlets SEND processes. Requests for individual placements are made by parents, via SEN caseworkers at the point of issuing a plan or following an annual review meeting. Each request is then considered at the Local Authority SEND Panel meeting and the Local Authority makes the decision on placement in a setting that best meets the needs of the child.
- 9.2 Following approval at the SEND Panel meeting (or in exceptional cases consideration by senior LA staff outside this meeting), the Local Authority will consult with the George Green's School Headteacher to admit pupils, as described in the SEND Code of Practice 2014
- 9.3 In addition to this process the Local Authority, in exceptional circumstances, may approach the George Green's School Headteacher for an admission to the resource for a child, with an ASC diagnosis undergoing a SEND statutory assessment. Placement would be funded at Band B, pending assessment.
- 9.4 The numbers of pupils in each year group is not a criteria for not admitting above number but the impact on the delivery of effective education for children will always be taken into account in admission decisions.

## **10. ARRANGEMENTS FOR THE REVIEW OF PUPILS PROGRESS (ANNUAL REVIEW)**

- 10.1 The Lead Teacher, in conjunction with the LA, will be responsible for organising regular reviews of the pupil's progress including annual reviews as set out in the SEND Code of Practice 2014.
- 10.2 The Lead Teacher will arrange transition reviews to ensure appropriate planning for any moves to another school. The review will always consider any EQIA issues that may arise from school transfers.
- 10.3 The balance of provision for all 20 pupils will be reviewed annually by the Strategic Group. This will also include a review of any equalities issues.
- 10.4 The effectiveness and appropriateness of the provision will be reviewed annually by the Strategic Group, with the link LA SEND officer in attendance. An in-depth review will take place in Year 2 to ensure the viability and long-term future of the provision, including the potential for outreach work.

## **11. SAFEGUARDING**

- 11.1 All resource provision staff have up to date training in safeguarding. They will also be aware of, and adhere to, the safeguarding policy of the school and LA. This includes robust risk assessments of pupils who access the resource

provision and the schools' premises or activities. Any untoward activity or incident will be immediately reported and acted upon.

- 11.2 The Lead Teacher for the RP-ASC will have training in recognising the increased safeguarding vulnerabilities for children with additional needs.
- 11.3 Parent/carer liaison will be led by RP-ASC staff who will meet with parents/carers at least termly. Liaison processes will be reviewed as part of the Annual Review process. Where appropriate and/or necessary, other professionals will also be involved.

## 12 RP-ASC STRATEGIC GROUP

- 12.1 The RP-ASC will have a Strategic Group comprising the Head teacher/ Senior Manager, Governors, and SEND and/or Finance officers from the LA. It will also help prepare the annual report for the Local Governing Body and the LA.
- 12.2 The RP-ASC Lead Teacher will ensure financial and operation records provide information to allow the Strategic Group to review effectiveness, costs and ongoing funding requirements.

## 13. ROLES AND RESPONSIBILITIES

- 13.1 The LA will provide the funding and support required to ensure that the RP-ASC is appropriately resourced and runs smoothly. It will also assist with the operational functions, specifically through its representation on the Strategic Group. In addition, it will make and/or facilitate arrangements for the monitoring and review of the RP-ASC.
- 13.2 The RP-ASC Lead Teacher will ensure that the needs of its pupils are met, that staff are supported and that parents/carers and other agencies are appropriately involved.
- 13.3 George Green's Headteacher has responsibility for organisational matters affecting the RP-ASC.
- 13.4 George Green's Governing Body has responsibility for strategic matters (supported by the RP-ASC Strategic Group).
- 13.5 Tower Hamlets Local Authority has responsibility for commissioning provision and ensuring value for money from the High Needs Block.

## 14. SERVICE SPECIFICATION

- 14.1 George Green's School Headteacher, with the RP-ASC Lead Teacher will establish appropriate levels of staffing and support for pupils. They will meet

**Commented [JO6]:** Need clarification of the GG model

the identified needs of pupils placed at the RP-ASC, as detailed in their EHCPs or in other professional reports as agreed by the London Borough of Tower Hamlets Council.

- 14.2 There will be a Lead Teacher in charge of the provision, appointed by the Headteacher, directly reporting to the Headteacher. The Lead Teacher will be expected to provide reports for the ISP Strategic Group and George Green's Governing Body, and LA SEND officers.
- 14.3 The RP-ASC Lead Teacher will have relevant specialist training, qualifications and experience/expertise. They will be a senior member of staff working full time on RP-ASC duties, liaising with key staff such as the SENCO, the school's senior management and relevant professionals.
- 14.4 The RP-ASC may also have other teachers and/or learning support staff, who will also be trained and experienced in ASC specialism and will continue to attend learning and development opportunities as required. In particular, they will receive training to enable them to provide in-house therapy for children enrolled at the RP-ASC.
- 14.5 George Green's School will be supported by the LA to provide permanent, world class suitable rooms, sufficiently spacious, to provide for the needs of the agreed place number of pupils, with LA financial support for capital works. Children and staff from the RP-ASC will also be making full use of the school's wider facilities and resources.

The RP-ASC building provision will comprise:

- 2 RP-ASC bases; one catering for EYFS/KS1, the other for KS2.
- The EY/KS1 base would have sufficient space for up to 6 children; the KS2 base would need to have space for up to 8 children. This should enable them to work together when planned but also to access individual or group learning spaces when needed. This should be similar in design specification to Phoenix School classrooms. A room already exists in the school and would need alterations to make it fit for purpose.
- A therapy/small group room will also be needed to deliver therapeutic services or where children are able to relate 1 to 1 with an adult without distraction.
- Both bases to have access to sensory calming spaces.
- An alternative lunchtime provision.
- A designated meeting space for parents and professionals
- A small secure outdoor space for those children who find the main play areas too large.

**Commented [J07]:** Need a description of the GG building for the resource provision – as it is now, as it will be when completed (if possible) and as it will be in transition (during the works).

**Commented [J08]:** This example is from Hermitage – needs the GG detail

Timescales to move towards a permanent provision will be agreed, clear and practical.

Any temporary arrangements must be agreed with the school and must meet the needs of the children in the provision. The numbers of children accessing the provision will be affected by the delivery times for the permanent building, and the suitability of temporary arrangements.

**Commented [JO9]:** Can keep this in for now – depending upon 14.5

- 14.6 The RP-ASC Lead Teacher, with the Headteacher, will provide an operational procedures document, based on the LA guidelines, detailing how the allocated funding will be used. This will be approved by the Governing Body and the Local Authority. This will detail the RP-ASC provision aims and objectives, its staffing, its facilities and resources, its admissions and exit criteria and its methods of working with parents and other partners.
- 14.7 The RP-ASC staff, led by the Lead Teacher, will also complete a research project, which will lead to a report and recommended KPIs.
- 14.8 The Local Authority SEND Department and George Green's Governing Body will agree the KPIs.
- 14.9 The KPIs should be reported on the George Green's School website and included in an Annual Report to the Strategic Group, the School's Governing Body and the Local Authority. The annual report should also be published on the website.

## **15. MONITORING AND REVIEW OF PROVISION AND LEARNING OUTCOMES**

- 15.1 The RP-ASC Lead Teacher will be responsible for the quality of day-to-day operation of the RP-ASC provision.

George Green's School Headteacher is responsible for ensuring the maintenance of high-quality educational provision across the school, of which the ISP is an integral part of inclusive practice.

Together the Headteacher and RP-ASC Lead Teacher will provide information for the RP-ASC Strategic Group and Governing Body, so that the George Green's governors and Local Authority officers are assured of the effectiveness of the RP-ASC.
- 15.2 The LA will attend termly meetings of the Strategic Group to consider future admissions / leavers, report on the general progress of pupils, monitor the budget and discuss any points of concern.
- 15.3 The Governing Body have responsibility for the publishing an annual report for the RP-ASC, which must include progress in addressing agreed KPIs.
- 15.4 Recommended Focus for meetings of the Strategic Group

Autumn Term	Baseline and outturn Data of Previous Year.
Spring Term	Finance
Summer Term	Service Review to inform Annual Report

## **16. SERVICE REVIEW/MILESTONES**

- 16.1 The George Green's Governing Body will provide a Service Level Statement, Operational Protocols and Prospectus for Parents and other agencies. These will be public documents which detail the range of its work, its referral criteria, performance indicators and the provision it makes for pupils.
- 16.2 A Service Evaluation review will be conducted each year, leading to a Service Development Plan that will then be subject to external reviews annually. The RP-ASC Lead Teacher will produce for inspection by OFSTED or for discussion with its Schools Improvement Partner (SIP), any material that may be required from time to time for the purpose of quality assurance.
- 16.3 In Year 2 a more in-depth review will be completed so that any changes needed to further establish the provision can be addressed, including the potential to change the size of the provision and to introduce outreach work.

## **17. DURATION OF THIS AGREEMENT**

- 17.1 This agreement is binding on the LA and George Green's School for a period of 3 years, with effect from the date on which it is signed by the parties shown below. It may be renewed for further periods of 3 years subsequently, depending on continuing agreement of all parties. Either party may also ask for a review at any time, giving at least one term's notice, but not until this agreement has been in force for a period of at least two years. Any proposal to cease this agreement will not take effect until both parties have had reasonable notice to make alternative arrangements, which for the terms of this agreement, will mean no less than 18 months.

AGREED BY:

SENIOR OFFICER: LONDON BOROUGH OF TOWER HAMLETS COUNCIL

Date:

HEADTEACHER/MANAGER: George Green's School

Date:

CHAIR OF GOVERNORS George Green's School

Date

## Appendix 1 KEY PERFORMANCE INDICATORS (To be discussed)

This generic list should inform the Specific List which follows (on Page 14) and which will need to be refined for the provision, following the research work in the Autumn Term 2021 (p16)

### Generic ISP KPIs

Information required/criteria	KPI
The number of pupils in The Resource Provision at the end of each term and their year groups	Monitored through the School's SEN Schedule.
The number of new entrants to The Resource at the commencement of each term, and the total number of entrants at the date that the information is provided	Monitored through the School's SEN Schedule and school returns.
The number of pupils who have a minimum of three Individual Education Plan targets in place agreed under the specific, measurable, attainable, relevant, time framed (SMART) principles which are reviewed at the SAR annual review	100% of pupils will have above targets in place within 2 months of being placed in the resource base.
The progress of individual children within the ISP in relation to the outcomes in their Education Health and Care Plans.	Monitored for individual children through the review of outcomes at Annual Review.
The number of pupils who have clear plans in place for transition to mainstream schooling with clearly identified the SMART actions agreed.	100% of pupils will have clear plans in place within 3 months of their transition to the resource base.
The improvement in pupils' learning and social communication evidenced through baseline assessments completed by the service at the start and finish of interventions	75% to have made evidenced progress in their identified targets for learning and social communication.
The improvement in children's ability to access the curriculum, evidenced through baseline assessments completed by the service at the start and finish of interventions.	Baseline assessments show progress. Appropriate provision for phase transfer is identified for each child.
RP-ASC Specific Indicator	
Parent and learner satisfaction with the provision.	70% of feedback from parents/carers and children and staff in school is good or better.
The Schools will provide a report (the RP-ASC Performance Report) to the	

Council at the end of each academic year detailing the activities, problems, successes and outcomes achieved by The Resource during the year.	
The progress of children in relation to English and Maths. The schools will provide an annual report on measured pupil outcomes in relation to the individual pupil goals set for all pupils.	At least 80% of pupils are able to demonstrate progress in English and Maths in line with expectations for the individual child.
The Schools will undertake a survey ("Pupil / Parent / Carer Satisfaction Survey") of pupils , parents / carers at the commencement of the pupils attendance at The Resource, at the end of the academic year and when the pupil leaves The Resource to set the base line and direction of travel for each of the pupils	the Schools will have undertaken a survey of 80 % of the pupils
The School will advise at the end of each academic year the following outcomes The number and percentage of parents / carers who are of the opinion that their child has made appropriate progress in learning since attending The Resource	the Schools will have achieved 80% satisfaction regarding progress from the surveys
The number and percentage of children whose attendance at The Resource is at 95% attendance. For any pupils whose attendance is under 90% a detailed SMART attendance plan will be in place setting out the actions being taken to address this and the outcomes of this plan.	the Schools will have a SMART attendance plan for 100% of pupils at the Resource within one month of their attendance falling below 90%
ANY OTHER SPECIFIC KPIs AGREED BETWEEN THE LA AND THE TRUST	

**Draft Specific KPIs and expectations (to be discussed)**

**George Green's Integrated Specialist Provision for Autism Spectrum Condition (RP-ASC)**

Key Performance Indicators (Drafted in January 2021 – to be refined following Autumn Term Research)

**Commented [JO10]:** Example below is from Hermitage school; The GG model will be dependent upon the staffing model, initial numbers in the provision, the projected demand and the accommodation during the rebuild.

	Spring 2023 – Summer 2023	23-24	24-25	25-26
<a href="#"><u>Transition arrangements for Children in current provision</u></a>				
Children attending	0	At least 4	At least 8,	Up to 20
Linked children	tbc	tbc	tbc	To be confirmed in Year 2
Establishing provision – Staffing	Redeployees from Tower Hamlets considered. Staff for September recruited	Staff for 4 in place, with capacity to increase if needed	Staff for 8 in place with capacity to increase if needed	Staff for up to 20  Consideration of Outreach potential
Establishing provision - Expectations	Review of current provision and expectations across at least 20 schools supporting children with ASC EHCPs to establish ambitious targets (SMART).  KPIs agreed for: <ul style="list-style-type: none"><li>• Attendance</li><li>• Attainment</li><li>• Academic Progress</li><li>• ASC Progress</li><li>• Access to Mainstream</li></ul>	Systems for monitoring agreed KPIs in place for Sept.  Clear KPI evidence by July 22.	KPIs show impact for individuals and Cohort	KPIs showing demonstrable impact on LA provision

	<ul style="list-style-type: none"> <li>• Transition Support</li> <li>• Progress against EHCP</li> <li>Needs and Individual Targets</li> </ul>			
Finances	Budgets established with clear accountability	Balanced budget expected	Balanced budget expected. Financial planning full review with LA	Balanced budget expected
Buildings (Target for LA)	Essential changes made –Longer term ambition agreed	Longer term permanent changes planned with clear timelines	Longer Term permanent changes implemented by Sep 22	
Management Time	Include awareness of this in research report	Log of time required for meetings, Child Protection, social work etc., and line management activity	Log of time required for meetings, Child Protection, social work etc., and line management activity	
Quality Assurance	Work towards Autism friendly accreditation. Aspiring and Advance Level	Accredited achieved	Accredited maintained	? Support other schools with NAS accreditation
EQIA considerations	Develop KPIs, as expected for all schools,  From consultation- For staff: Ethnicity, gender  For children: Friendships Gender balance	Through census reporting  Annual EQ review	Through census reporting  Annual EQ review	

	For parents: Engagement and involvement			
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# Agenda Item 6.9

<b>Cabinet</b>  30 <sup>th</sup> November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> James Thomas, Corporate Director, Children and Culture	<b>Classification:</b> Unrestricted
<b>Report on outcome of the public consultation (Stage 1) on the proposal for the amalgamation of The Bishop Challoner RC Federation Boys' and Girls' Schools</b>	

<b>Lead Member</b>	<b>Councillor Maium Talukdar, Cabinet Member for Education and Lifelong Learning</b>
<b>Originating Officer(s)</b>	Terry Bryan, Service Head Pupil Access and School Sufficiency
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Significant impact on wards
<b>Forward Plan Notice Published</b>	26 October 2022
<b>Exempt information</b>	N/A
<b>Strategic Plan Priority / Outcome</b>	Accelerating Education

## Executive Summary

A first stage public consultation has been carried out on the proposal to amalgamate Bishop Challoner Catholic Girls' and Boys' Schools to create a Bishop Challoner Co-educational Catholic School for 11-18 year olds.

This Cabinet report references the report's findings with the recommendation that the council should now publish statutory notices for the amalgamation proposal. During the statutory notice period, legal objections can be set by any consultee, which would need to be considered before any final determination is made by the Mayor in cabinet.

## Recommendations:

Cabinet is recommended to:

1. To agree for the publication of a statutory notice for 28 days, in respect of the proposal to amalgamate Bishop Challoner Catholic Girls' and Boys' Schools to form a Co-educational Catholic School for 11-18 year olds. This would take effect from 1<sup>st</sup> September 2023.
2. To note the findings from the Equalities Assessment.

## **1    REASONS FOR THE DECISIONS**

- 1.1 The recommendation is made in order to determine the council's response to the proposal for the amalgamation (merger) of Bishop Challoner Catholic Girls' and Boys' Schools.
- 1.2 The proposal is being put forward as part of the strategy for the Bishop Challoner Federation to provide an integrated 11 to 18 secondary school provision, rather than maintain separate boys and girls schools. This merger will provide additional opportunities to maximise expertise and resources across the staff group, build on the existing co-educational practices and raise expectations and success for pupils. A copy of the Consultation Proposal is attached as Appendix 1.
- 1.3 The merger would be achieved through the 'technical closure of Bishop Challoner Catholic Boys' School on August 31st 2023 and the expansion, and renaming, of Bishop Challoner Catholic Girls' School to become Bishop Challoner Catholic School from 1st September 2023. The existing buildings for Bishop Challoner Boys School would become part of the merged school.
- 1.4 In line with the DfE guidance (October 2018), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools', a first stage public consultation has been undertaken, and a report on the outcome of the consultation has been published on both the council and schools' websites.
- 1.5 The consultation report includes feedback on the representations received following the first publication of the proposals on the 21<sup>st</sup> September 2022.

## **2    ALTERNATIVE OPTIONS**

- 2.1 **Option 1:** to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further opportunity for consultees to have their say and or set legal objections against the proposal.
- 2.2 **Option 2:** not to move to the publication of a statutory notice, but to cease the proposal after the formal consultation period. This would mean not concluding the full statutory consultation process in order to take the decision to establish the newly amalgamated school.
- 2.3 Option 1 is preferred as it takes the proposal to the next stage in the full statutory consultation process. It allows consultees further opportunity to fully consider the proposal during an additional 28 day period and before the Mayor (in cabinet) is required to make a final determination.

### **3 DETAILS OF THE REPORT**

- 3.1 The Bishop Challoner Federation has been acutely aware of the impact of the borough's changing demographics on its schools' population over several years. Brexit, house prices and COVID have all contributed to the fall in the number of Catholic families attending Catholic Schools in Tower Hamlets. The high quality of education in neighbouring non-faith schools has increased choice for parents and this is a further contributory factor to the reduced number of pupils, leading to reduced levels of funding at the Bishop Challoner schools.
- 3.2 The Bishop Challoner Federation recruited a new headteacher in 2021 and has since established a strong school improvement programme, whilst ensuring high Catholic moral values and educational expectations are firmly re-established at the centre of its school culture. Despite this positive forward trajectory the financial position of the two schools remains precarious. This is mainly due to funding two administrative and leadership structures, one for each school, when pupil numbers across the schools would normally only require one such structure. This limits the funding available for front line educational provision for Bishop Challoner pupils.
- 3.3 The school's governors believe that the merger of the boys' and girls' schools will help to maximise resources that will better support pupil learning and improve educational outcomes. With careful planning the merger should help to address the current funding challenges and enable Bishop Challoner to move forward smoothly on its improvement journey, with no loss to its values or Catholic schools purpose.
- 3.4 In consideration of the above the school's governors determined that it was now necessary to consult on the proposed merger of both the boys' and girls' schools.
- 3.5 Following a formal consultation period from the 21<sup>st</sup> September<sup>1</sup> - 21<sup>st</sup> October, it was appropriate to publish a Consultation Report on the findings, which enables a decision to be reached on whether to move to the next stage of the school organisation process by publishing statutory notices.
- 3.6 During the consultation period the following opportunities were provided for staff, pupils, parents/carers and the wider community to share their views. Due to the continuing covid risks these were a mixture of face to face and virtual meetings to ensure that all stakeholders and the general public had a full opportunity to feed into the consultation.
- **A response form** (or any other written format) for respondents to email or send to the school. A special email address was set up at the school for comments: [amalgamation@bishop.towerhamlets.sch.uk](mailto:amalgamation@bishop.towerhamlets.sch.uk).
  - **5<sup>th</sup> October 2022:** an open meeting for all parents of pupils at both schools. Parents were sent a further reminder of the need to comment on the proposal on Tuesday 18<sup>th</sup> October.
  - **11th October 2022:** an online "zoom" meeting that was open to all stakeholders.

<sup>1</sup> The consultation start date was delayed by two weeks due to the 'National Period of Mourning' following the Queen's death.

- **13<sup>th</sup> October 2022:** Along with regular staff briefings, a full staff meeting to discuss the proposal and address questions with school leaders.
  - **Pupil Engagement Sessions:** As part of the school curriculum, staff created a number of age appropriate activities to seek the views of pupils.
  - **Other Key Stakeholders:** A copy of the consultation report was sent to Unions, DFE, and local Faith groups. It was circulated to headteachers and governors by the Local Authority.
- 3.7 There was a favourable response to the proposals for merger. Parents have commented on how positive this change would be for the school(s), where the atmosphere has become more purposeful following the change of leadership. There were some parental concerns about the impact of the changes. Parents were clear that the schools had already been through a lot of change and expect this latest change to be well managed and carefully monitored through the merger process. They would like regular feedback and welcomed the opportunity for further face-to-face meetings with the school leaders. The headteacher and governing body have committed to regular monitoring and ongoing dialogue with parents, pupils and staff to ensure that any potential negative impacts of the merger are addressed at the earliest opportunity.
- 3.8 The proposed merger did not raise any concerns from staff or the trade unions, nor have any concerns been raised by the other stakeholders. The Westminster Diocese have discussed, and are supportive of, the merger proposal.
- 3.9 The full Consultation Report is attached as Appendix 2. Overall, from the responses and feedback from meetings with families and staff, there is understanding about the reasons for the merger and positivity about the opportunities it brings.
- 3.10 The first stage consultation did not raise any issues that could be viewed as reasons not to proceed. With the support of the School Governing Body and Westminster Diocese this report therefore recommends for the council to issue statutory notices for the merger of the two Bishop Challoner Boys' and Girl's schools to form a single 11-18 year old mixed school, from the start of the new school year in September 2023. .

#### **4 EQUALITIES IMPLICATIONS**

- 4.1 When making decisions the council must act reasonably and rationally. It must only consider relevant information and consult those affected, taking into account their views, before final decisions are made. It must also comply with its legal duties, including relating to equalities.
- 4.2 The Equality Act 2010 requires the council, when exercising its functions, to have due regard to eliminate discrimination, harassment, victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not (“the Public Sector Equality Duty”).
- 4.3 An initial Equalities Assessment has been conducted by the council and is attached as Appendix 3. To date, it has not found any obvious equalities issues arising from this proposal, either for staff, parents or children, that could not be mitigated through the merger process.

- 4.4 The Governing Body has considered the equalities issues and concluded that there would be no significant impact for any particular vulnerable group. They are mindful that some children with additional needs or disabilities may need additional support to understand the merger proposal and its implications. As children in the school already mix there is unlikely to be difficulties for individuals or vulnerable groups. Some sports and PSHE sessions will remain single sex as will changing facilities. Bishop Challoner has recently introduced headscarves as part of its school uniform, this has been a popular change that will enable more children from other world faiths to attend the school.
- 4.5 Governors and LA officers will continue to work with Trade Unions to ensure that planning for any staff changes are fair and equitable and in line with agreed policies, including the council's School Organisational Change Procedure attached as Appendix 4.
- 4.6 The Equalities Assessment will be updated in view of the responses to the statutory notice and its representations. This assessment must be considered in detail when the cabinet considers the matters above, as part of its final decision on whether the two schools should merge.

## **5 OTHER STATUTORY IMPLICATIONS**

- 5.1 The LA and School Governing Bodies are working together to support the schools' staff through this change. A formal staff consultation will only take place once the final decision has been made on the schools' merger. However, given the financial position of both schools, any necessary staff changes for September 2023 will be managed through natural wastage.
  - (ii) Best Value Implications
- 5.2 The Local Authority has a duty to ensure that governors are fulfilling their duties and that value for public money is achieved, whilst standards are maintained. They must ensure that they do not fall into financial deficit so that they are unable to sustain an offer of quality education for children. This proposal supports the sustainability of high quality education for pupils as it will maximise the available resource and space as well as ensure the pooling of the significant experience and expertise that exists in both schools.
- 5.3 The proposal does not have any significant mainstream revenue or capital implications for the council. When a school closes its finances (and any surplus or deficit) is returned to the LA. In the case of this merger the Statutory Notice will make clear that any remaining balances from the closing school (Bishop Challoner Boys') would be transferred to newly merged Bishop Challoner School on the last business day of its operation.
  - (iii) Environmental (including air quality)
- 5.4 There are no environmental issues arising from this proposal.

(iv) Risk Management

5.5 School Organisational Change Proposal

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to move to statutory notice	L	L	This risk has been mitigated by carrying out a full and public statutory consultation process, which includes a 30 day first stage consultation before moving to publication of a statutory notice for 28 days	Director of Children and Culture (Service Head for Pupil Access and School Sufficiency)

(v) Revenue Implications

- 5.6 In the event of amalgamation of the schools, savings should be generated with regard to employee-related costs as a result of leadership and administration and as a result, a lump sum payment will be lost to the school, as both prior schools will have received a lump sum payment.
- 5.7 Based on the current formula an amalgamated school will generate the same amount of Age Weighted Pupil Unit funding. There will however be a reduction relating to the formula lump sum paid. Under the authority's formula distribution, a lump sum payment is made available to all new and amalgamating schools in the first financial year of opening. Any costs of redundancies as a result of the process would initially be met from the closing school reserves before transfer to the expanded school.
- 5.8 This amalgamation process is being taken forward by closing the boys' school and converting the girls' school to a co-educational, whilst increasing its size from 5FE to 9FE. Therefore the following actions will take place; On amalgamation, the adjusted balance of the boys' school will be transferred to the newly created co-educational school (the expanded girls School). The budget of the newly created school will have financial adjustments to fall in line with typical budgets for that size school.
- 5.9 If this recommendation is agreed, continuation of the statutory consultation process will be carefully managed and evaluated in line with statutory guidance, taking account the views of stakeholders and the further findings from the council's Equalities Assessment.
- 5.10 It is proposed to amalgamate the two schools from 1 September 2023. This gives further opportunity to ensure that children, parents and staff are engaged in the process and fully prepared for the change.

(vi) Safeguarding

- 5.11 The report deals with the council's approach to managing the organisation and supply of school places for the local population. The efficient organisation and supply of school places contributes to the safeguarding of children by ensuring their early access to 'good quality' and sustainable education provision.

(vii) Data Protection / Privacy Impact Assessment

- 5.12 The proposals presented in this report have followed a full public consultation. All responses received through these mechanisms or made directly to council officers or members have been included in the analysis of the feedback received. These responses have only been used to assess the community's view of the proposals and not for any other purpose.
- 5.13 The council handles information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018. For more information the privacy notice for Pupil Services can be accessed [here](#).

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 Financial implications are contained within the body of the report. The Schools budget would be met from the Schools block of the dedicated schools grant (DSG) and as such there would be no impact on the general fund of the Council. As the revenue savings for the amalgamated school would be realised by the school rather than the Council reorganisation costs should be met from school reserves which at the end of the 2021/22 financial year for each school exceeded £1m rather than a call on Council funding.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 In order to amalgamate two maintained schools, one must close and the other must expand. Parts 2 and 3, and Schedules 2 and 3 of the Education and Inspections Act 2006 set out the procedure for closing and expanding schools. The School Organisation (Establishment and Discontinuance of Schools) Regulations and the statutory guidance Opening and Closing Maintained Schools (2019) give further details for the closure of a school. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the statutory guidance Making Significant Changes ('Prescribed Alterations') to Maintained Schools (2018) set out further details of the process for the expansion of a school.
- 7.2 Section 149 of the Equality Act 2010 requires a local authority to have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.3 The proposals set out in this report comply with the above legislation and guidance.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 Public Consultation Document on the proposal for the merger of the Bishop Challoner Federation Boys' and Girls' schools
- Appendix 2 Report on the responses to the public consultation on the proposed merger of Bishop Challoner Federation Boys' and Girls' schools
- Appendix 3 Equalities Assessment
- Appendix 4 Council's HR Organisational Change Procedure

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

### **Officer contact details for documents:**

Or state N/A

## **Informal Consultation on the proposal to amalgamate**

### **Bishop Challoner Catholic Girls and Boys Schools and Sixth Form to create a Bishop Challoner Co-educational Catholic School**

20<sup>th</sup> September 2022

#### **The Proposal**

The London Borough of Tower Hamlets, in partnership with the Diocese of Westminster and governors of Bishop Challoner, are proposing to merge the two schools to form (initially) a nine-form entry 11-16 school with sixth form. This will create a single secondary school from the start of the September Term in 2023.

#### **Why are we proposing the change?**

Governors believe that an amalgamation will offer additional opportunities to maximise expertise and resources across our staff group and for us to work together for all our children.

We believe that by building on our existing co-educational practices we will be able to raise expectations and success for our young people, further enhancing their existing strong school experience.

#### **Will this affect our school leadership?**

The existing Executive Headteacher will become the Headteacher for the amalgamated school. There would be a single strong leadership team and all leadership expertise would be available to both schools. We will continue to have a single headteacher and a single governing body who collectively oversee the running of the amalgamated school.

#### **What are the benefits of becoming a single co-educational school?**

Further opportunities to enhance the educational offer for our children.

Continued access for pupils and their families to extended services and facilities.

Greater financial stability to make certain we continue to improve and offer a first class education.

More development opportunities for the staff, such as shared leadership and training and the chance to work more closely across the curriculum and gain experience and understanding from each other.

The strengthening and continued developing of Catholic community links which already exist.

### **What will it mean for our young people?**

The whole purpose of the merger is to create an environment that will have a positive impact on the quality of education that children receive.

We already share the same policies and procedures, and the same dates for staff training days and school holidays, this amalgamation will help us ensure that we can maximise staff expertise across the school for the benefit of all pupils.

### **What will it mean for my child being part of a larger school?**

On a day-to-day basis very little will change. The differing needs of each child will continue to be met. Our young people already meet co-educationally and are familiar with all school buildings.

The care and importance given to each individual child, which is a strength of both schools, will always remain paramount.

### **What will it mean for the staff?**

Very little will change on a day-to-day basis. Staff conditions of service will not be affected. All staff employed at the Girls' and Boys' Schools (at the time of the proposed amalgamation) would automatically continue their employment in the new co-educational school and their rights would be preserved.

Each year, our schools review their staffing. The amalgamation will probably create some new opportunities and minor changes for staff. If any significant staffing changes are proposed they are always followed through in line with Tower Hamlets agreed processes and HR consultations.

### **Would there be any changes to the school building?**

In the event of merger, the school would remain largely the same with all the existing premises being used in the most appropriate and effective way.

As we settle in as one school there may be other changes which need to be made to ensure we use all the school space effectively.

### **Procedure to achieve the merger**

It is proposed that Bishop Challoner Catholic School (the exact name will need to be agreed with Westminster Diocese) will open on 1 September 2023 catering for pupils from age 11 to 18.

The process to achieve this involves the 'technical closure of Bishop Challoner Catholic Boys' School on August 31st 2023 and the expansion, and renaming, of Bishop Challoner Catholic Girls School to become Bishop Challoner Catholic School from 1st September 2023. However, it

should be noted there will be no actual closure of school buildings.

## Admissions

If the proposal is agreed the Co-educational School would be created on 1 September 2023 and the following would apply:

- All children currently attending Bishop Challoner Girls or Boys School will automatically join Bishop Challoner Catholic School.
- First admissions: Children who have applied for places at Bishop Challoner Girls or Boys School for September 2023 would be offered places through the standard admissions process, using the schools current agreed Admission's Policy.

## Why are we consulting you?

We want to consult you to gather your views because you are part of the school community. The governing body of the school, Diocese of Westminster and the London Borough of Tower Hamlets cannot simply decide to make changes to schools without first seeking the views of parents, staff and other stakeholders. There is a legal process which must be followed before changes can be made, and it is important that the governing body, the diocese and the council hear your views before deciding whether to proceed.

We have organised the following opportunities for parents and carers to share views, because of continuing coronavirus risks these be a mixture of face to face and virtual meetings to ensure that everyone has a full opportunity to feed into the consultation.

1. You can use the response form (or any other written format) at the end of this document to record your views. It can be posted to the schools, or emailed to

[amalgamation@bishop.towerhamlets.sch.uk](mailto:amalgamation@bishop.towerhamlets.sch.uk)

2. There is a box in the reception of each school where you can leave your comments, response forms and any questions.

3. There will be a staff meeting specifically to discuss the proposal on 26<sup>th</sup> September

4. There will be an open meeting for parents at school on the evening of **Wednesday October 5<sup>th</sup> at 5.30pm for one hour.**

5. A further “zoom” virtual feedback meeting with our Independent Consultant, Helen Jenner is open to all stakeholders on **11<sup>th</sup> October at 5 pm.**

<https://us02web.zoom.us/j/85625470205>

6. School staff will create age appropriate ways of consulting with our children on their views as part of the school curriculum.

## **What happens next?**

The informal consultation period starts on **Wednesday 21st September 2022** and ends on **Friday October 21<sup>st</sup> 2022** – the last page of this document can be used for you to feedback your view to governors. It should be returned to the school office. Following the consultation process, the governors will review your feedback and use it to make a response to the council, and Westminster Diocese on whether or not to recommend proceeding with the school amalgamation proposal.

The decision to amalgamate schools has to be taken by the Local Authority, but they will always take consultation responses, the diocese and school governors' recommendations into account.

Early in the second half of the Autumn Term the governors will feedback to you on the consultation. In November the Council Cabinet (or the Mayor's Decision Panel) will decide whether to post statutory notices proposing the amalgamation.

Once these notices are posted everyone has 4 weeks where they can make representations to the Council if they wish, regarding the proposal. The notices will be posted early in December and will explain how to make representations.

The final decision to amalgamate the schools will be taken by the Local Authority at its Council Cabinet meeting in March 2023.

## **How can I get more information on the proposal?**

The schools will publish the feedback from the consultation on the schools' websites during the Autumn Term.

If permission is granted to publish a public notice, further details of this proposal will also be available in the Consultation sections of the Council's website

This document is also available on our federation website, along with papers that governors have considered before consulting with you.

<https://www.bishopchallonerfederation.towerhamlets.sch.uk>

Thank you for taking the time to consider our proposal, we look forward to hearing your views.



**Fr David Evans**  
Chair of Governors



**JP Morrison**  
Executive Headteacher

**Proposal to Amalgamate Bishop Challoner Catholic Girls' and Boys' Schools –**

**Response Form**

Our proposal is to bring together our two single sex schools to create a co- educational comprehensive Catholic secondary school.

This would create Bishop Challoner Catholic School from 1 September 2023. We welcome your views on this proposal. Please fill in this response form and return it to the School Reception no later than **21<sup>st</sup> October 2022 at 3.30pm**.

- 1) Do you agree with the proposal to amalgamate our two schools to become one school?  
Please tick as applicable

Yes		No	
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- 2) If you like the proposal, please say why you think it is a good idea?

- 3) If you dislike the proposal, please tell us why you are concerned?

- 4) Any other comments?

	<b>Bishop Challoner Boys' School</b>	<b>Bishop Challoner Girls' School</b>
I have child/ren attending	<input type="checkbox"/> <small>The child/ren attending Bishop Challoner Boys' School</small>	<input type="checkbox"/> <small>The child/ren attending Bishop Challoner Girls' School</small>
I am a staff member at	<input type="checkbox"/> <small>Bishop Challoner Boys' School</small>	<input type="checkbox"/> <small>Bishop Challoner Girls' School</small>
I am a governor at	<input type="checkbox"/> <small>Bishop Challoner Boys' School</small>	<input type="checkbox"/> <small>Bishop Challoner Girls' School</small>
Other (please describe)		

Your Name (Optional) \_\_\_\_\_

Please return this form to school by 21<sup>st</sup> October 2022. Feedback from question one will be summarised numerically. Comments will be collated and anonymised. This information will be made available to the public (via the school website), but all respondents 'comments and information will be anonymised.

## **Consultation Report**

### **Bishop Challoner Boys' and Girls' Catholic Schools Amalgamation Proposal**

November 3rd 2022

Report compiled by Dr Helen Jenner, Independent Consultant, appointed by Bishop Challoner Federation Governors, to support the consultation process.

#### **Introduction**

This report summarises the planning undertaken to lead to a public consultation, and the responses to that consultation, which considered a proposal that Bishop Challoner Boys and Girls Catholic Secondary Schools should amalgamate to become a single mixed school. The proposal to move to consult on this possibility was agreed by governors in July 2022 following extensive discussions during the Summer Term 2022.

The two schools are currently part of a Hard Federation with a single governing body and a single Headteacher, Mr J.P. Morrison.

#### **Background**

Bishop Challoner governors have been aware of the impact of changing demographics on the school's population over several years. Brexit, house prices and COVID have all contributed to a fall in the number of Catholic families attending Catholic Schools. In addition, improvements in the quality of education in neighbouring non-faith schools have increased choices for parents seeking the best school for their child. Bishop Challoner governors were fortunate in recruiting Mr Morrison as Headteacher for the school and he, with governors support, has established a strong school improvement programme ensuring high Catholic moral values and educational expectations are firmly re-established at the centre of the Bishop Challoner culture.

Despite this forward trajectory the financial position of the two schools remains precarious largely due to funding two administrative and leadership structures, one for each school, when numbers across the school would only require one such structure. This distracts funding from front line educational provision for children.

In addition, because the school has run its curriculum as two schools there are occasions when individual boys' and girls' groups, for examination options would be too small to run. The school has increasingly combined boys' and girls' groups in some of these subjects with positive results.

Unusually, for separate schools, the boys and girls are used to mixing as they move around the school and at lunchtime, and teachers work across both schools.

Governors believe that transition to an amalgamated school will help maximise resources that support children's learning, will increase the schools popularity and that, with careful planning the transition should address concerns but move forward smoothly, with no loss to

the schools values or Catholic purpose and that the amalgamation will support the school improvement journey, leading to higher outcomes for both boys and girls. A mixed school would also better prepare our young people to lead their adult lives in the mixed world they will be joining, encouraging respect, modesty and understanding between the genders.

The Governing Body have considered equalities issues and concluded that there would be no significant impact for any particular group. They are mindful that some children with additional needs or disabilities may need additional support to understand the proposal and the implications. As children in the school already mix there is unlikely to be any difficulty for individual children or vulnerable groups. Some sports and PSHE sessions will remain single sex as will changing facilities. The school has recently introduced headscarves as part of school uniform, this has been a popular change.

The Governing Body for both schools reached the conclusion that to amalgamate the two schools is the best solution to optimise provision and stabilise financial planning.

### **Governors Planning**

Governors began discussions of the possibility of moving towards a single amalgamated school at meetings during the academic year 2021/2. The Headteacher also raised the matter with the Local Authority, Tower Hamlets, and Westminster Diocese both of whom were supportive of the school considering consultation about the possibility.

Parents were informed during the Summer Term<sup>1</sup> of the possibility of a consultation during the Autumn Term. The Local Authority Secondary Transition Booklet was updated so that prospective parents were informed of the possibility.

A consultation document<sup>2</sup> was prepared. This was given to all parents, circulated to Tower Hamlets Headteachers, through the Headteacher's Bulletin; emailed to staff unions and governors, circulated to other stakeholders and the Secretary of State has been notified of potential changes.

Information about the consultation was also placed on the school website. Parents and staff have been sent regular updates about the proposal and meetings they can attend to express their views.

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<sup>1</sup> Website link for letter:

<https://www.bishopchallonerfederation.towerhamlets.sch.uk/attachments/download.asp?file=38&type=pdf>

<sup>2</sup> Website link for consultation document:

<https://www.bishopchallonerfederation.towerhamlets.sch.uk/attachments/download.asp?file=57&type=pdf>

The consultation document explains a variety of ways for parents, staff and other stakeholders to contribute their views on the proposal:

1. A response form (or any other written format) at the end of the consultation document to record views to be emailed, posted, or handed to the school.
2. A special email address was set up at the school for comments [amalgamation@bishop.towerhamlets.sch.uk](mailto:amalgamation@bishop.towerhamlets.sch.uk)
3. A meeting was held for parents on Weds October 5<sup>th</sup>, 2022
4. Regular staff briefings were held, and a proposal specific meeting on 13<sup>th</sup> October
5. A “zoom” link meeting was set up, incase anyone wanted to talk with the Independent Consultant on 11<sup>th</sup> October.<sup>3</sup>
6. Governors agreed responses from the different forms of consultation should be summarised in a report for Governors, a draft was sent to the Chair of Governors, on 19<sup>th</sup> October. A final draft version was circulated to governors for discussion on 2<sup>nd</sup> November 2022.
7. Parents were sent a further reminder of the need to comment on the proposal on Tuesday 18<sup>th</sup> October.
8. A copy of the consultation report was sent to Unions, DFE, and local Faith groups. It was circulated to Headteachers and Governors by the Local Authority.

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<sup>3</sup> Bishop Challoner Amalgamation Consultation

Time: Oct 11, 2022, 05:00 PM London

<https://us02web.zoom.us/j/85625470205>

Meeting ID: 856 2547 0205

## **Consultation Responses**

### **Parents meeting**

The meeting was attended by 48 parents, 5 secondary age young people and 5 primary age children. The Headteacher, Chair of Governors, 3 school staff members and the Independent Consultant attended. Notes were taken by the independent consultant.

Mr Morrison, speaking to a presentation outlined the governors' rationale in proposing an amalgamation of the two schools. He made three key points

1. The values, morals and outcomes of strong Catholic Education would not be compromised.
2. Bringing the two schools together as one would maximise the amount of funding focused on learning and increase the future financial resilience of the school.
3. Many other schools have changed to become mixed schools because this gives greater opportunity to prepare our young people to develop into men and women who respect and value each other as they share an understanding of how Catholic values and education can positively shape their adult lives.

He stressed the importance of feedback from parents to help the school with its improvement journey and to manage change positively. He invited parents to make comments and responded to them fully. Where further discussion was needed he recommended parents either speak to him after the meeting or contact him separately.

A number of issues raised were not to do with the amalgamation, these have been noted and addressed but are not included in this report.

The key comments made during the meeting were as followed:

Parents welcomed the opportunity to be part of the planning and discussion on this. They recognised that positive new leadership was encouraging more parental involvement.

Parents understood the need for change but asked that time could be put into planning carefully for transition. Mr Morrison thanked them for this and explained that meetings such as this are a good opportunity to hear from parents to help the school with this planning.

Parents were concerned to know how the impact of changes would be monitored. Mr Morrison outlined the role of senior leaders, governors and OFSTED. He reminded parents that the school welcomes feedback from them.

Some parents were concerned that there could be an impact on behaviour and/or modesty. Mr Morrison said standards of behaviour in the schools is already good and improving. There would be no lowering of expectations and, in his experience, co-educational schools can help improve boys' attitudes to learning.

Some parents recognised that mixed classes were working well for their children, others were particularly concerned that quieter children may become even more quiet in mixed classes. Mr Morrison highlighted the fact that much of the school is already mixed and the school caters carefully for all children. Any parent with concerns for their child was encouraged to let the school know so that those concerns can be addressed.

Parents were concerned that class sizes might change, they prefer lower numbers. Mr Morrison outlined class size expectations and finances. Class sizes overall are not expected to increase, the size varies depending on the needs of individual children and the curriculum.

Parents felt that staff wellbeing and support should be considered because keeping good staff is essential for a thriving school. Mr Morrison told parents that staff appeared to be overall in favour of the amalgamation, many had experience of working in mixed schools and support would be offered for those who needed it through the established professional development systems.

Parents asked that children should be involved in discussions and recognised that different age groups might have different views. Mr Morrison said that age appropriate discussions were taking place.

One parent (Year 8) raised that they had accepted a place in a single sex school and felt the changes should not happen whilst their child was at the school. Other parents felt that since the change was beneficial for children this was not a problem. Parents of older children have already experienced mixed classes allowing their children to take A level options that would otherwise not be available. A parent of a Year 7 child pointed out that all their children had been progressing well in mixed classes throughout primary school.

An FAQ feedback form has been created, based on questions raised at the meeting, and/or in writing, so that the school community are all able to see responses to these questions whether or not they were able to attend. This will be added to the school's website with this report.

### **Staff Briefings**

As well as being briefed in staff meetings before the Summer Holidays and in advance of the public consultation staff were invited to a "question and answer" session with the Headteacher. 19 staff attended the session.

Staff appear to be in favour of the change, which they consider makes educational economic sense.

Due to the falling rolls they are concerned about future roles and the number of staff needed at the school. Both they, and local unions, understand that amalgamation will not cause job losses, and will bring future financial sustainability.

They understand that the current re-structures (which are also being consulted on) are not part of the amalgamation proposal.

### **Emails received to amalgamation email address**

Only one email has been received at the amalgamation email address. This was from the parent of a girl who is not in favour of the amalgamation.

The Westminster Diocese also responded to the consultation stating “the Diocese and Trustees have considered this proposal at both their Education Commission Meeting and the September meeting of the Trustees, with bot approving the proposal for the establishment of one mixed secondary school from the current federation from September 2023.”

### **Response Forms**

Two consultation response forms have been received. Both from parents of boys. One in favour of the amalgamation, the other not in favour.

### **Feedback to stakeholders**

It is recommended that this Consultation Summary, the FAQs and the “Amalgamation Feedback Summary” power point presentation be posted on the school website and the link be emailed to parents, staff and other stakeholders, including the Local Authority.

### **Governing Body View following consultation.**

Bishop Challoner Governing Board discussed the feedback from consultation meetings when they met on 2nd Nov 2022 and confirmed that amalgamation remain the right direction of travel. They agreed they would ask the Local Authority to move to statutory notices for the schools to amalgamate from September 2023. This would be achieved through the formal closure of Bishop Challoner Catholic Boys Secondary School and the expansion and renaming of Bishop Challoner Girls Catholic Secondary School to become Bishop Challoner Mixed Catholic Secondary School. The Governing Board and Headteacher will not change as they are already operational across the two schools and will remain as the Governing Board and Headteacher for the newly amalgamated school.

### **Overview of the independent consultant**

The schools’ governing board has taken their role in ensuring fair and thorough consultation seriously and considered all views are heard, and queries answered.

There is a positive response to the proposals. For example, after the parents meeting parents approached me individually to comment on how positive they felt this change was for the school and that they felt the atmosphere in school was more purposeful under new leadership. 2 were parents of boys, and two of girls. They were held the view that as children mix before after and during school anyway there should not be much distraction.

Parents are clear that the school has been through a lot of change and expect this change to be well managed and carefully monitored. They would like feedback to parents and welcomed face-to-face meetings.

The parents meeting, and two written response show there are some parental concerns about the impact of the changes, senior staff and governors have responded to these and committed to monitoring and responding if there are negative impacts, these are not expected. Parents appear confident to raise their concerns and committed to continuing to do so.

Staff and unions have not raised concerns, nor have linked stakeholders. The Diocese of Westminster have discussed, and are supportive of, the proposal.

Governors have taken careful consideration of key concerns from parents, and equalities impact considerations, and established a clear process for monitoring the effectiveness of the transition to ensure there is no negative impact from the change and to monitor that values, vision and outcomes improve further to guarantee the best possible Catholic Education for the community.

I can see no reason why this proposal would not progress to Statutory Notice.

**Dr Helen Jenner**  
**Independent Consultant**  
**Supporting Bishop Challoner Catholic Federation Governing Body**

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## Appendix 3 - Equality Impact Analysis Initial Screening Tool Proposed Amalgamation of Bishop Challoner Boy's and Girls' Schools

### Section 1.0: Background Information

Name of Completing Officer:	Terry Bryan
Date of Initial Screening:	21.10.2022
Service Area & Directorate:	Pupil Access and School Sufficiency
Head of Service:	Terry Bryan

### Section 2.0: Summary of policy, proposal or activity being screened

#### Name of policy, proposal or activity:

The Council, in partnership with the governors of the Bishop Challoner Catholic Schools Federation and Westminster Diocese, is proposing to merge the Bishop Challoner Catholic Boys' and Girl's Schools to create a Bishop Challoner Co-educational Catholic School with Sixth Form, for the start of the 2023/24 school year.

The amalgamated school would therefore open on 1 September 2023, catering for boys and girls from ages 11 to 18. The process to achieve this involves the 'technical closure' of Bishop Challoner Boy's School on 31st August 2023 and the expansion of Bishop Challoner Girls' School. It should be noted there will be no actual closure of school buildings.

#### What are the aims / objectives of the policy, proposal or activity?

The proposal is being put forward as part of the strategy for the Bishop Challoner Federation to provide an integrated 11 to 18 secondary school provision, rather than maintain separate boys' and girls' schools. The amalgamation will provide additional opportunities to maximise expertise and resources across the staff group, build on the existing co-educational practices and raise expectations and success for pupils.

Tower Hamlets has a great tradition of excellent education and values the important role that schools have in increasing the life chances of our children. This proposal forms part of the Council's wider School Organisation Strategy, intended to enhance the sustainability of schools and their ability to maintain high standards in the face of significant demographic changes.

From 21 September – 21<sup>st</sup> October 2022, the Bishop Challoner Federation, consulted their pupils, parents, staff and local communities, on the proposal to amalgamate the boys' and girls' schools. Feedback from the consultation confirms that consultees are in favour of the amalgamation. If, following this and further consultation, a merger is decided, the running of the newly amalgamated school will be overseen by a single headteacher.



### Section 3.0: Equality Impact Analysis Test:

Is there a risk that the policy, proposal or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below? This should include people of different:	Yes	No <input checked="" type="checkbox"/>	<b>Comments:</b>  The initial screening has not identified any major adverse impact, as set out in the relevant sections below.																																				
<b>Age</b>  <b>Page 256</b>		<input checked="" type="checkbox"/>	<b>Pupils:</b>  Under the proposed amalgamation pupils will continue to attend school in the current location as both schools share one site. There will be minimal / no disruption to all children aged 11- 18 years. No one year group will be more adversely affected than others.  The table below shows that pupil numbers will be slightly larger in KS4, which is the same in both the existing schools. However this is to be expected, given that both schools have had fewer numbers of Year 7 admissions in recent years. The current girls school has larger year groups than the boys school, given that its maximum intake is set at 5FE (150) compared to the boys schools, which is 4FE (120).  <table border="1"><thead><tr><th>Year Group</th><th>7</th><th>8</th><th>9</th><th>10</th><th>11</th><th>12</th><th>13</th><th>Total</th></tr></thead><tbody><tr><td>Bishop Challoner Boys</td><td>90</td><td>102</td><td>103</td><td>112</td><td>120</td><td>36</td><td>50</td><td>613</td></tr><tr><td>Bishop Challoner Girls</td><td>106</td><td>115</td><td>111</td><td>142</td><td>132</td><td>73</td><td>76</td><td>755</td></tr><tr><td>Total</td><td>196</td><td>217</td><td>214</td><td>254</td><td>252</td><td>109</td><td>126</td><td>1368</td></tr></tbody></table> The proposed amalgamated school will have a combined Year 7 intake of 9FE (270) pupils, with all pupils able to continue at Bishop Challoner for their 6 <sup>th</sup> form education.  Recent Ofsted inspections in the autumn of 2021 rated the Girl's School as 'Good' and the Boys' School as 'Requires Improvement'. There has been significant improvement in the Boys' School since the last inspection and the amalgamation will provide better opportunity to ensure that this journey of improvement continues. There is no evidence to show that a mixed school setting would be of disadvantage to the attainment of either girls or boys. There is evidence to suggest that amalgamation will benefit all pupils by maximising the available resources and thereby providing better educational opportunities.	Year Group	7	8	9	10	11	12	13	Total	Bishop Challoner Boys	90	102	103	112	120	36	50	613	Bishop Challoner Girls	106	115	111	142	132	73	76	755	Total	196	217	214	254	252	109	126	1368
Year Group	7	8	9	10	11	12	13	Total																															
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Bishop Challoner Girls	106	115	111	142	132	73	76	755																															
Total	196	217	214	254	252	109	126	1368																															

**Staff:**

All staff at Bishop Challoner are employed under contract at the Girls' School, so the amalgamation will not result in change to their employment status. These staff would therefore automatically continue their employment in the mixed school. No redundancies are expected to occur under the proposal and where there are duplicates of posts, creative solutions will be sought to retain staff.

The age breakdown of Bishop Challoner staff:

Bishop Challoner	15 - 24	10
	25 - 34	53
	35 - 44	37
	45 - 54	37
	55 - 64	26
	65 - 74	3
	75 - 84	

Given that the amalgamation is not expected to lead to redundancies. No particular age group will be disadvantaged over another. The school will not be doing a full HR consultation unless there becomes a need to. In which case the consultation will follow the processes agreed with the trade unions, to maximise staff strengths and build on their expertise and good will. In addition, staff will continue to benefit from continuity of staff policies and procedures, and the same dates for staff training days and school holidays.



Sex

**Pupils:**

The proportionate breakdown of boys versus girls is in favour of the girls, mainly because the girls school is larger. The amalgamated school will therefore have a higher percentage of girls to boys (55:45), which means it will compare favourably to the other mixed schools in the area where girls are often in the minority. Following the amalgamation some sports and PSHE sessions will remain single sex as will changing facilities.

Irrespective of gender, all pupils will benefit from the increased long-term educational and financial sustainability that the proposed amalgamation would bring; therefore, no adverse impact is identified regarding this protected characteristic.

Pupil Roll	Total
Bishop Challoner Boys	613
Bishop Challoner Girls	755

It is acknowledged that the proposed amalgamation will remove the option for catholic families to send their children to a single-sex catholic schools in the Tower Hamlets area. However, this is considered a minor impact when balanced against the need for these two single- sex catholic schools to amalgamate in order to ensure the sustainability of catholic secondary school provision for all children in Tower Hamlets. In contrast, the failure to consider this amalgamation could result in the loss of catholic secondary education for boys and girls in Tower Hamlets, which would have a greater (major) impact on the equality of opportunity for Tower Hamlets children. We have also considered that there are alternative opportunities for families to access single-sex catholic education in the neighbouring boroughs of Newham, Hackney Greenwich and Southwark.

**Staff:**

The current staff gender breakdown is weighted heavily towards women (see table below), as is the case across most school provision in the borough and elsewhere. However, as no redundancies are proposed no disproportionate impact on either gender is anticipated.

Staff Employed	Female	Male	Total
Bishop Challoner Boys	N/A	N/A	N/A
Bishop Challoner Girls	117	49	166

**Race**

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**Pupils:**

Both the Bishop Challoner Boys' and Girls' schools have a similar pupil demographic profile in terms of ethnicity, see table below:

Ethnicity	Bishop Challoner Boys	Bishop Challoner Girls	Total
Any Other Asian Background	12	13	25
Any Other Black Background	23	33	56
Any Other Ethnic Group	12	29	41
Any Other Mixed Background	19	26	45
Any Other White Background	44	61	105
Bangladeshi	86	46	132
Black - Any Other Black African Background	147	193	340
Black - Somali	4	2	6
Black Caribbean	41	56	97
Indian	5	12	17
Chinese	6	12	18
Pakistani	6	10	16
White - British	108	111	219
White and Asian	8	14	22
White and Black African	14	31	45
White and Black Caribbean	29	43	72
Vietnamese	13	11	24
Information Not Yet Obtained	36	52	88
Grand Total	613	755	1368

**Pupils with English as an Additional Language:**

	EAL	Not EAL	Total
Bishop Challoner Boys	245	368	613
Bishop Challoner Girls	307	448	755

Merging the two schools will not cause any significant changes to the pupil demographic. Both schools have pupils with English as an additional language (EAL) so there will be sufficient expertise to continue to properly support pupils who are bi/multi-lingual. All pupils, irrespective of ethnicity, will also benefit from the long-term stability that will be achieved through the merger.



		<p><b>Staff:</b></p> <p>All 166 staff are currently employed under contract to the girls school. The proposed amalgamation will result in very little change to staff on a day-to-day basis and staff conditions of service will not be affected. Because of this, no particular ethnic group will be disadvantaged over another and children of all ethnicities will therefore benefit from the continuity of having the same known staff at the school.</p> <table border="1"><thead><tr><th>Ethnicity</th><th>Bishop Challoner Boys</th><th>Bishop Challoner Girls</th></tr></thead><tbody><tr><td>Any Other Asian Background</td><td>N/A</td><td>3</td></tr><tr><td>Any Other Ethnic Group</td><td>N/A</td><td>3</td></tr><tr><td>Any Other White Background</td><td>N/A</td><td>17</td></tr><tr><td>Bangladeshi</td><td>N/A</td><td>20</td></tr><tr><td>Black - Any Other Black African Background</td><td>N/A</td><td>21</td></tr><tr><td>Black - Somali</td><td>N/A</td><td></td></tr><tr><td>Black Caribbean</td><td>N/A</td><td>13</td></tr><tr><td>Indian</td><td>N/A</td><td>2</td></tr><tr><td>Chinese</td><td>N/A</td><td>2</td></tr><tr><td>Pakistani</td><td>N/A</td><td>3</td></tr><tr><td>White - British</td><td>N/A</td><td>77</td></tr><tr><td>White and Asian</td><td>N/A</td><td>1</td></tr><tr><td>White and Black Caribbean</td><td>N/A</td><td>2</td></tr><tr><td>Information Not Yet Obtained</td><td>N/A</td><td>2</td></tr><tr><td><b>Total</b></td><td><b>N/A</b></td><td><b>166</b></td></tr></tbody></table>	Ethnicity	Bishop Challoner Boys	Bishop Challoner Girls	Any Other Asian Background	N/A	3	Any Other Ethnic Group	N/A	3	Any Other White Background	N/A	17	Bangladeshi	N/A	20	Black - Any Other Black African Background	N/A	21	Black - Somali	N/A		Black Caribbean	N/A	13	Indian	N/A	2	Chinese	N/A	2	Pakistani	N/A	3	White - British	N/A	77	White and Asian	N/A	1	White and Black Caribbean	N/A	2	Information Not Yet Obtained	N/A	2	<b>Total</b>	<b>N/A</b>	<b>166</b>
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<b>Total</b>	<b>N/A</b>	<b>166</b>																																																
<b>Religion or Philosophical belief</b>	<input checked="" type="checkbox"/>	<p>The proposal is for these two single- sex catholic schools to amalgamate in order to ensure the sustainability of catholic secondary school provision for Tower Hamlets children. This is therefore a significant and positive equalities impact as it will ensure a degree of choice in the borough for those families who would prefer for their children to attend a catholic secondary school, due to their religious or philosophical beliefs.</p> <p>The admissions criteria for the amalgamated school will remain largely the same, continuing to prioritise places for catholic children as well as providing places for children who are not of the catholic faith.</p> <p>Bishop Challoner has recently introduced headscarves as part of its school uniform, this has been a popular change that will enable more children from other world faiths to attend the school.</p>																																																
<b>Sexual Orientation</b>	<input checked="" type="checkbox"/>	No impact identified – no data collected																																																



<b>Gender re-assignment</b>	<input checked="" type="checkbox"/>	No impact identified – no data collected															
People who have a <b>Disability</b> (Physical, learning difficulties, mental health and medical conditions)	<input checked="" type="checkbox"/>	<p>The table below shows that the proportion of pupils requiring SEN Support and those with Education, Health &amp; Care (EHC) Plans are significantly larger in the boys school. However the percentages are in line with schools across the borough. The girls school has a smaller proportion of pupils with SEN. Following the amalgamation the overall percentage of pupils with SEN will be much lower, enabling the School to make more efficient and effective use of its specialist resources for the benefit of all pupils with additional needs. This is a positive equalities impact to be gained from the amalgamation.</p> <p><b>Pupils Special Educational Needs (SEN)</b></p> <table border="1"><thead><tr><th></th><th><b>SEN Support</b></th><th><b>EHC Plan</b></th><th><b>None</b></th><th><b>Total</b></th></tr></thead><tbody><tr><td>Bishop Challoner Boys</td><td>54</td><td>25</td><td>534</td><td>613</td></tr><tr><td>Bishop Challoner Girls</td><td>57</td><td>8</td><td>690</td><td>755</td></tr></tbody></table> <p>The Governing Body has considered the equalities issues and concluded that, as children in the school already mix, there is unlikely to be difficulties for individuals or vulnerable groups. They are mindful that some children with additional needs or disabilities may need additional support to understand the amalgamation proposal and its implications.</p>		<b>SEN Support</b>	<b>EHC Plan</b>	<b>None</b>	<b>Total</b>	Bishop Challoner Boys	54	25	534	613	Bishop Challoner Girls	57	8	690	755
	<b>SEN Support</b>	<b>EHC Plan</b>	<b>None</b>	<b>Total</b>													
Bishop Challoner Boys	54	25	534	613													
Bishop Challoner Girls	57	8	690	755													
<b>Marriage and Civil Partnerships status</b>	<input checked="" type="checkbox"/>	No impact identified – no data collected															
People who are <b>Pregnant and Maternity</b>	<input checked="" type="checkbox"/>	No impact identified – no data collected															
<b>Parents and Carers</b>	<input checked="" type="checkbox"/>	<p><u>Parents:</u></p> <p>Formal and informal responses to the first stage consultation were largely favourable, with carers and parents seeing the amalgamation as a natural next step in the efforts to continue to improve the education and continued sustainability of both schools. Parents welcomed the consultation on amalgamation as the first opportunity to establish improved levels of engagement with school leaders. The school has responded by giving its commitment to ensure the involvement of parents in decision-making about school development planning, provision and shaping future services, not just in consultation.</p>															
<b>Socio and Economic</b>	<input checked="" type="checkbox"/>	<p><u>Pupils:</u></p>															



		<p>Both the Bishop Challoner Boys and Girls Schools have pupils with very similar socio-economic profiles, based on the proportion of pupils eligible for Free School Meals (FSM).</p> <p><b>Pupils Eligible for Free School Meals</b></p> <tbl_header> <tbl_info cols="5"></tbl_info> <tbl_r cells="5" ix="1" maxcspan="1" maxrspan="1" usedcols="5"></tbl_r> <tbl_r cells="5" ix="2" maxcspan="1" maxrspan="1" usedcols="5"></tbl_r> <tbl_r cells="5" ix="3" maxcspan="1" maxrspan="1" usedcols="5"></tbl_r> <table border="1"><thead><tr><th></th><th><b>FSM Eligible</b></th><th><b>No FSM</b></th><th><b>%</b></th><th><b>Total</b></th></tr></thead><tbody><tr><td>Bishop Challoner Boys</td><td>216</td><td>397</td><td>35.2</td><td>613</td></tr><tr><td>Bishop Challoner Girls</td><td>258</td><td>497</td><td>34.2</td><td>755</td></tr></tbody></table><p>Merging both schools should benefit pupils of all backgrounds through the maximisation of resources to create better opportunities for staff professional development, targeted academic support for disadvantaged pupils and a more efficient use of resources for wider strategies to address non-academic barriers to such as attendance, behaviour and social and emotional support. This will lead to an improved environment that will have a positive impact on the quality of education that all pupils receive.</p></tbl_header>		<b>FSM Eligible</b>	<b>No FSM</b>	<b>%</b>	<b>Total</b>	Bishop Challoner Boys	216	397	35.2	613	Bishop Challoner Girls	258	497	34.2	755
	<b>FSM Eligible</b>	<b>No FSM</b>	<b>%</b>	<b>Total</b>													
Bishop Challoner Boys	216	397	35.2	613													
Bishop Challoner Girls	258	497	34.2	755													
People with different Gender Identities	✓	No impact identified – no data collected															

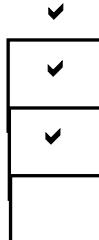
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If you have answered **Yes** to one or more of the groups of people listed above, a full Equality Impact Assessment is required. The only exceptions to this are listed in sections 5.1 and 5.2 of this document.

#### Section 4.0: Justifying Discrimination:

Are all risks of inequalities identified capable of being justified because there is a:

- (i) *Genuine Reason* for implementation
- (ii) The activity represents a *Proportionate Means* of achieving a *Legitimate Council Aim*
- (iii) There is a *Genuine Occupational Requirement* for the council to implement this activity



#### Section 5.0: Conclusion

Before answering the next question, please note that there are generally only two reasons a full Equality Impact Analysis is not required. These are:



5.1 The policy, activity or proposal is likely to have **no or minimal impact** on the groups listed in section three of this document.

5.2 Any discrimination or disadvantage identified is **capable of being justified** for one or more of the reasons detailed in the previous section of this document.

### 5.3 Conclusion Details:

5.4 Do you recommend a fully Equality Impact Analysis is performed ?

Yes

No

5.5 Reasons a full Equality Impact Analysis is not required:

If you have answered **YES** to this question, please proceed to section 6.0 Sign Off.

If you have answered **NO** to this question, please detail your reasons in section 5.5 (across) before proceeding to section 6.0 Sign Off.

On a day-to-day basis very, little will change for pupils as there will be no need for any to move to another school under this proposal. The care and importance given to each individual child, which is a strength of both schools, will always remain paramount. As a result, the impact on pupils with protected characteristics will not be significant, with no one group more adversely affected than others.

Very little change is anticipated for staff on a day-to-day basis under the proposal. All staff employed at the Federation (at the time of the proposed amalgamation) would automatically continue their employment in the amalgamated school, and their rights would be preserved under TUPE.

If the amalgamation progresses, there will be a full HR consultation following processes agreed with the unions, to maximise staff strengths and build on their expertise and good will. Where there are duplicates of posts, creative solutions will be sought to retain staff. As a result, the impact on staff with protected characteristics will not be significant, with no one group more adversely affected than others.

Based on the initial findings of this equalities assessment, the proposal is robust. It ensures increased equality of opportunity for the sustainability of catholic school provision in the borough and improved educational outcomes for all Bishop Challoner pupils. This includes ensuring that pupils will have the opportunity to participate in enriching extra-curricular activities. It is anticipated that the amalgamation will further strengthen and develop the School's catholic and other community links, with shared resources and outreach strategies that build upon the existing successful programme of activities.

### Section 6.0: Sign Off:

Signed Terry Bryan      Date: 21/10/2022.

Position: Service Head (Pupil Access and School Sufficiency)

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# **Human Resources and Organisational Development**

## **Organisational Change Policy**

Version 1.0

Implemented: October 2020

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# **1. INTRODUCTION**

- 1.1** Tower Hamlets aims to provide best value services to our community and regards its staff as its most important asset to do this. Changes to service delivery within the organisation are inevitable, and the council wants to accommodate these changes in a positive way, wherever possible.
- 1.2** Restructuring and reorganisation is constant within local government, often arising from changing service needs and budgetary pressures. Recognising that change often causes instability for the individual, team and organisation, this procedure sets out a clear and rapid method of dealing with organisational change whilst continuing to deliver services and avoid compulsory redundancy wherever possible.
- 1.3** This policy applies to all staff directly employed by the Council. It does not apply to employees in schools under local management, to Chief Officers, or to workers employed through an agency.
- 1.4** Supplementary guidance for managers should be referred to in applying the procedure.

# **2. LEVELS OF CHANGE**

- 2.1** There are various levels of change that require different approaches and involve different processes both for consultation on the change and for moving forward with the change itself.
- 2.2** All levels of change require differing levels of engagement with Trade Unions (TU) and affected staff depending on the nature of the change. This policy sets out three levels of change and it is essential that managers, with advice from their HR Business Partner, consider which of the three levels applies. The levels are set out below:
  - Minor or Business as Usual change
  - Contractual changes (no redundancies)
  - Contractual changes (with risk of redundancies)

## **2.3 MINOR CHANGES (Business as Usual or temporary)**

- 2.3.1** This can include changes to the allocation of duties, changes to line management, or location within the borough, or to provide cover (e.g. for sickness absence cover or surges in workloads, changes to IT, and piloting new ways of working.)
- 2.3.2** By their nature, such changes often occur at short notice and can be reasonably expected to improve systems and processes. They do not impact an employee's role substantively or result in potential redundancies and these minor changes are not covered by this policy.
- 2.3.3** Deletion of vacant posts which have not been filled for more than 12 months or have been covered by an agency worker during that timeframe, may also be

deleted without the requirement for a formal consultation of the change in the establishment. Managers should communicate with the TU's and with affected teams where the vacancy is located to advise of them of the removal of the vacancy.

- 2.3.4** The principle of being reasonable and considering business requirements, applies. Guidance on this is covered in the Managers Guidance document.

#### **2.4 CONTRACTUAL CHANGES WHERE THERE ARE NO POTENTIAL OR ACTUAL REDUNDANCIES**

- 2.4.1** This can include permanent changes to working practices or times e.g. introducing 'shift' working or a change in working hours and substantial changes or additions to duties and JD's

- 2.4.2** There is a requirement to consult with the TU and affected employees. The consultation does not need to follow the format and timeframes described in Section 2.5 below as there is no minimum period of consultation; however, we will ensure, that there is a consultation period of 2-4 weeks depending on the nature and scale of the changes.

- 2.4.3** Management will inform staff of the proposed change and the reasons why the change is required and will seek to reach agreement with each employee on new contract terms.

- 2.4.4** Where individual agreement is not forthcoming, the required statutory notice to amend the contractual element will be given.

- 2.4.5** Employees may be accompanied by a trade union representative or work colleague at meetings with management.

#### **2.5 CONTRACTUAL CHANGES WHERE THERE ARE POTENTIAL REDUNDANCIES**

- 2.5.1** This can include reductions in numbers not covered by natural wastage, the closure or reduction of work in services or locations, significant permanent changes to location or changes to jobs that require substantially different skills.

- 2.5.2** These changes require formal consultation using the stages set out below. In addition to moving employees into new roles, structures and locations, managers will need to consider a range redundancy avoidance measures. This includes the placement/redeployment of employees who have no role in the newly restructured business area.

- 2.5.3** Where it is intended to make changes that may result in a potential or actual redundancy, this will be shared with the relevant recognised trade unions.

- 2.5.4** Managers should ensure that they work to at least required statutory timeframes for consultation. These are:

Formal consultation on changes which might result in redundancies:

- 30 days for 20 – 99 redundancies
- 45 days for 100 or more redundancies.

- 2.5.5** Where there is a risk of redundancy or actual redundancy there is a statutory requirement, where more than 20 redundancies are proposed, that consultation must start at least 30 days before any dismissals take effect, and 45 days before any dismissals take effect where more than 100 redundancies are made.
- 2.5.6** A consultation period commences **only** when full documentation on the proposed changes is issued to the employees affected and to the relevant union(s). Documentation will include details of the changes, such as proposed job descriptions, staffing structures, new rotas, etc. Where the change is major, such as a reorganisation of a large section or department, it may take longer to complete, and the consultation period may be extended.
- 2.5.7** The method of selecting staff into the new structures will be part of the formal consultation process. The method will be influenced by whether the total number of jobs is the same or reduced and whether the purpose and function of the jobs remain substantially the same (albeit sufficiently different from existing jobs to constitute potential redundancy). Consultation should consider direct matching into the new posts, 'pooling' for assessment interviews where employees may be suited to more than one of the new posts, ringfencing, placement to alternative roles outside the new structure but within the existing directorate and redeployment to other posts outside the new structure across the wider organisation.
- 2.5.8** A redundancy occurs when the employer dismisses an employee because there is a reduced need for employees to perform a particular kind of work. As soon as management is seriously considering a change which involves the dismissal on the grounds of redundancy of any employee, they will undertake formal consultation.

### 3. FORMAL CONSULTATION

- 3.1** The purpose of formal consultation is to get feedback from the trade unions and employees on means of avoiding the dismissals, discussing alternative ideas for change, reducing the numbers of employees to be dismissed, and mitigating the consequences of the dismissals. Management will:
- 3.2 Complete Formal Statutory Processes**
- 3.2.1** In situations where proposals may result in 20 or more redundancies in a 90 day period, formal statutory notification must be sent to the Redundancy Payments Service (HR1 form) as well as formal notification to the trade unions setting out its duty to consult under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 3.3 Consult the relevant TU for the groups of employees affected**
- 3.3.1** Consultation will start when management provide the TU with a written statement containing the following information:
  - i. reason for the proposals

- ii. number and description of employees at risk
- iii. total numbers at the establishment
- iv. proposed selection method
- v. proposed method of carrying out any dismissals
- vi. proposed method of calculating any redundancy payments
- vii. proposed date in which notice letters will be issued to impacted staff (this will also include issuing notice of early termination to any staff on fixed term contracts).

- 3.3.1** Wherever possible, management should inform the TU ahead of formal consultation to avoid surprise and should consider involving the TU informally at an earlier stage (pre consultation).
- 3.3.2** Invite the TU and employees to a meeting, which commences the formal consultation, shortly after the written statement has been given to explain the proposals and answer any immediate questions.
- 3.3.3** Subsequently meet the TU and individual employees to hear and respond to their views. If the TU make any counter proposals, respond in writing saying what action is to be taken as a result, and explaining the reasons for that decision. Ideally all this should be done before the end of the formal consultation period
- 3.4** **Consult employees impacted by the proposed changes**
- 3.4.1** Particularly where there is risk of redundancy. You can do this via briefings, letters, email etc. Keep staff informed of progress and offer individual meetings.
- 3.4.2** Staff may be accompanied by a TU representative or work colleague at consultation meetings with management.
- 3.4.3** At the end of consultation employees who are directly matched to a new role will receive written confirmation of their new role and all remaining staff will be issued with formal notice of redundancy. Implementation to the remaining new posts in the restructured service will take place concurrently with the notice periods.

## 4. HOW POSTS WILL BE FILLED

- 4.1** A suggested method for filling posts during restructuring is detailed below. This applies to selective change and redundancy situations. In some situations, the ordering may be varied where it serves to mitigate the risk of redundancy or to retain required skills and experience. The method for filling posts should be discussed with the unions at the outset of the process and explained in the consultation documentation.
- 4.2** **Stage 1: Direct Matching**
- 4.3.1** Where a post in the new structure is the same or substantially the same as the existing post. A direct match can be considered for roles within 2 grades up or down of the new post and where there is just one employee for the job, then the employee should be slotted into the job automatically, i.e., matched to the new

post without the need for an interview. As a guide, there must be at least a 70% match between the current and proposed job description and matching should be based on the main functions and activities of the roles.

#### **4.3 Stage 2: Pooling and competitive appointments**

**4.3.1** Where there is a post in the new structure which is the same or substantially the same as the existing post (as above), and is within 2 grades up or down of the new post and meet the 70% threshold for a direct match, but there are more employees who are eligible for the job than there are posts, employees will be subject to a competitive appointment process, i.e., they will each compete for the posts available. Selection will be based on specific criteria set out in the person specification and may comprise scoring of skills, knowledge, and abilities via interviews, tests or assessment centres appropriate to the grade and type of post being filled.

#### **4.4 Stage 3: Ring Fencing**

**4.4.1** Ring-fencing will apply to “at risk” employees whose posts are being deleted or where the role has substantially changed and where new roles have some similarity to their current post and are of the same grade or no more than two grades higher or lower.

**4.4.2** Ring fences will be constructed on the basis of unmatched staff having a potential claim on a new post because of their “at risk” status and the similarity with their current post and grade. Staff who are ring fenced will need to take part in any internal appointment process to assess their suitability for the proposed role. Again, ringfences will normally be within 2 grades up or down of the new post.

**4.4.3** In some cases, the ringfence stage may be opened out to all staff in scope of the restructure regardless of grade, where the intention is that this will mitigate the risks of compulsory redundancy and avoid staff having to go through multiple selection processes. This will be discussed with the TUs in advance of the restructure where the ringfence is applied in this way.

#### **4.5 Stage 4: Remaining unfilled posts**

**4.5.1** Any posts in the proposed new structure which are unfilled through direct matching, pooling and competitive appointment or through ring-fencing will only be advertised to the current service areas affected in the first instance.

### **5. REDEPLOYMENT**

- 5.1** Employees who have not been appointed to posts via Stages 2 – 4 above have the right to be considered for redeployment opportunities across the wider organisation.
- 5.2** Staff vulnerable to redundancy should normally have priority over others for vacant positions, with equal priority with those being considered for redeployment for ill health and disability reasons.
- 5.3** A suitable alternative post is one that the employee has the qualifications (where essential/relevant) and aptitude to do immediately or will have in the near future with reasonable training.

- 5.4** Redeployees will be able to be considered for jobs within two grades for their current grade but will only be directly matched to roles which are of the same grade and which are a 70% match. Where staff are redeployed to a lower graded post the employee's pay will be protected for two years, in accordance with the Pay Protection policy. Salary protection will not exceed two grades below current grade of employee. Redeployees may be considered for higher graded posts, but must satisfy the essential criteria for the roles in order to be selected.
- 5.5** The Recruitment and Resourcing team will
- match employees to any suitable vacancies based on the information contained in the employee profile forms and JDs, with a trial period;
  - resolve issues in respect of redeployment,
  - Oversee the administration of the redeployment process.
- 5.6** The Senior HR Business Partner (with responsibility for Resourcing and Recruitment) will ensure consistency of application of the Council's procedures for redeployment.
- 5.7** HR Business Partners, in conjunction with Finance, will ensure that information on suitable funded vacancies across the Council is made available to those eligible for redeployment.
- 5.8** HRBP in conjunction with the Lead Manager will identify all potential suitable alternative roles within the Directorate which could be considered redeployment opportunities for staff at risk from the restructure at the outset of the restructure and seek DLT agreement to hold the vacancies for staff potentially displaced from the restructure. The search will include roles currently filled on an interim basis by agency staff.

## **6. TRIAL PERIODS**

- 6.1** A trial period of 4 weeks (or such longer period up to a maximum of 8 weeks as is agreed beforehand for the purposes of retraining) should be given for all redundancy redeployments.

## **7. SELECTION FOR REDUNDANCY**

- 7.1** Selection must be on the basis of factors which select the most capable employees to perform the jobs that remain. It must be done free of any bias that contravenes the Council's equalities policies. It will normally be done on the basis of selection assessment and/or interviewing those in the vulnerable group as though a recruitment process were operating, with judgements made by the interview panel on the basis of the essential requirements of the job, as illustrated by the written person specification.
- 7.2** We may need to choose individuals from within the selection pool if there are not enough volunteers for redundancy. These choices will be based on objective criteria such as:

- length of service (only as one of a number of criteria)
- attendance records
- disciplinary records
- skills, competencies and qualifications
- work experience
- performance records

- 7.3** Volunteers for redundancy will normally be invited from amongst the group at risk of redundancy and from others whose jobs would provide suitable alternative work for those at risk of redundancy.
- 7.4** Volunteers must be told that the final selection is at the discretion of the Council, and they will not be selected if this means that the Council does not keep the best people for the jobs remaining.
- 7.5** This is a private and confidential matter between the manager and the employee. Where voluntary redundancy is refused, a written justification by the manager will be provided explaining why the role is critical to service delivery.
- 7.6** The Council's decision is final and there is no further right of appeal against a decision not to grant voluntary redundancy.

## 8. FIXED TERM/TEMPORARY EMPLOYEES

- 8.2** In accordance with the The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, employees on a fixed term contract should be treated no less favourably than a permanent member of staff.
- 8.3** In genuine redundancy situations, fixed term/temporary employees with more than 2 years' service receive the same entitlement to redundancy pay as comparable permanent employees.
- 8.4** The specific nature of the contract should be considered when making decisions about whether fixed term/temporary employees are included in any selection processes related to organisational change. In cases where individuals have been engaged for specific purposes, i.e. covering absence/maternity cover, pending a restructure, specific projects or where they have less than one year's service at the point the structure is planned to go live, they will not be included.
- 8.5** Managers should seek advice from HR when planning organisational change.

## 9. APPEALS

- 9.1** The appeals procedure is attached at Appendix 1. An employee can appeal against a manager's decision **not** to grant a direct match by outlining why they believe they are a 70% direct match to the role(s).
- 9.2** An employee cannot appeal where they disagree with a match, since it mitigates a risk of redundancy.

- 9.3** The grounds for appeal will be only be considered where the employee considers the threshold for a direct match has been incorrectly assessed.
- 9.4** Appeals must be submitted in writing to the relevant Head of Service/Divisional Director, whichever is applicable, within 5 working days of receiving confirmation of the finalised direct match list and state why the decision was unfair or unreasonable.
- 9.5** If appealing against selection for redundancy, the employee must state why their selection for redundancy on the grounds that the procedure was not correctly followed or that the selection decision was unfair or unreasonable in all the circumstances. The employee must submit written notification of their appeal to the relevant Head of Service/Divisional Director within 5 working days of being notified of the selection decision.
- 9.6** Appeals not to grant direct match rights will be heard by an independent manager within the wider business area of change, that is not impacted by and/or involved with the change process, together with a representative from HR & Organisational Development. It is the responsibility of the relevant Head of Service/Divisional Director of the business area for change to nominate an independent manager to hear the appeal. Appeals will be heard within 10 working days of receiving the notice of appeal. The relevant Head of Service/Divisional Director will confirm the outcome of the appeal in writing 5 working days after the hearing.
- 9.7** Appeals against selection for redundancy will be heard by the relevant Head of Service/Divisional Director of the business area for change, whichever is applicable, together with a representative from HR & Organisational Development. Appeals should be heard within 10 working days of receiving the notice of appeal. The relevant Head of Service/Divisional Director will confirm the outcome of the appeal in writing 5 working days after the hearing.
- 9.8** The employee is entitled to be accompanied to an appeal hearing by a workplace colleague or an accredited trade union representative.
- 9.9** Where an employee's appeal is successful, the panel will liaise with the relevant Corporate Director to determine whether it is necessary (dependant on the circumstances of the case) to rerun the selection process or re-examine the specific selection criteria.

## **10. ROLES AND RESPONSIBILITIES**

### **10.1 Managers**

**10.1.1** Managers play a key role in the organisational change process. Once a need for change has been identified and agreed, managers will be responsible to implement the required change effectively.

**10.1.2** Key responsibilities are to:

- Ensure a business case is completed, signed off and approved by the senior leadership team of your business area (i.e. Directorate) before any commencement of changes begin.
- Ensure relevant budgets to fund the new changes and any potential redundancy costs are approved by finance. (see template for business case) – Annex 1)
- Access change toolkit materials and guidance on preparing for and managing change well.
- Consider measures to mitigate any adverse impacts of the change, including undertaking skills gaps analyses and commissioning training to build capability and capacity for working in the new services.
- Ensure early engagement with staff and trade unions in advance of formal consultation setting out the drivers for change, process to be followed and timescales for change.
- Follow the guidance and provisions in this procedure and supporting documents.
- Engage in a full and meaningful consultation process with staff and the TU's.
- Use the following criteria for consultation:
- business rationale including costings
- people impact
- agreed schedule for engagement and implementation including timeline
- Equality Impact Assessments (EIAs)
- prepare the options for taking forward the change, outlining the benefits and implications of each. The level of detail will be dependent on the scale of the change to be made
- seek approval for the change processes to be taken forward through your relevant senior leadership team meeting
- determine and obtain project management support and expertise if required
- establish a project team to include PMO, HROD, Finance, communication and other subject matter experts as necessary
- ensure that, where appropriate, the following methods are used to engage with all employees involved and in scope of the change:
  - information sharing
  - consulting
  - negotiating
- work in collaboration with the Corporate Equality Team to complete an EIA for the planned change.

## **9.10 Project Manager**

**9.10.1** Due to the size and complexities some organisational changes will require and benefit from project management expertise. The role of the project manager is to oversee the whole change exercise provide tools to ensure resources are appropriately allocated; risks managed and that the project is delivered within agreed timescales.

## **9.11 HR Business Partner (HRBP)**

**9.11.1** The HRBP is the liaison point between the business and HR. The HRBP role is a strategic one and they will be able to help senior managers make decisions on the range of staffing issues that might be raised as part of the organisational

change process. It is therefore important that managers and HRBPs begin working together before decisions that might affect employees are considered.

**9.11.2** The HRBP will be responsible for:

- working with managers, enabling them to identify the appropriate change processes that match the circumstances and helping develop the business case for change, providing data on establishment, and redundancy costs etc.
- ensuring that workforce plans and timelines for the review are in place to cover the period of the change.
- bringing an awareness of 'best practice' from other parts of the organisation to enable managers to take a consistent and fair approach to change.
- bringing in other experts to assist with the change processes e.g. Employee Relations, Learning and Development, Payroll.

**10.4 Employees in scope of the change process**

**10.4.1** Employees have an important role to play, to make sure they have the information necessary to make informed choices and to promote the positive impact of change. They can do this by:

- making themselves aware of and taking ownership of options open to them
- engaging actively in the change processes, including selection for roles redeployment. This may involve completing forms, participating in assessments, meetings and responding to consultation.
- making themselves aware of the options open to them and giving them careful consideration
- being open to re-training and developing into new roles where required.

**9.12 Trade Union (TU)**

**10.4.1** The TU's have an important role as follows:

- representing the unions' memberships through consultation with managers throughout the process of change.
- working constructively with managers to minimise the impact of change on employees.
- providing their members with representation in cases of complaint or grievance that might arise as a result of organisational change.

For further information or advice on any aspect of this procedure, please contact your HR Business Partner or email [Hr.corporate@towerhamlets.gov.uk](mailto:Hr.corporate@towerhamlets.gov.uk)

## **Appendix 1**

### **Job Matching Appeals Procedure**

- 1.** Employee submits an appeal within 5 days of receiving the formal notification of the job matching proposals (after the indicative grades have been confirmed).
- 2.** The DD/Service Manager will be responsible for organising the appeal meeting and sending invites to the parties involved. Where the post is a generic post, the employees will be invited to nominate a maximum of two staff to represent their case to the panel.
- 3.** The appellants have the right to representation at the hearing and it is their responsibility to arrange this.
- 4.** The panel will comprise of a Senior Management Representative supported by a HR BP, neither will have been involved in the review.
- 5.** The management representative must produce a pack of information for the panel including the current and proposed JDs, the job matching proforma, the appellants grounds of appeal and a written response to the grounds of appeal. The pack should be available at least 3 days in advance of the hearing.

#### **6. Order of the Hearing**

- 6.1** The employees will present their case first (maximum of 30 minutes) to set out why they feel they should have been matched to the new job.
- 6.2** The panel and management representatives can ask questions
- 6.3** The management representative then presents their case (maximum of 30 minutes) and again take questions from the employee(s), their representatives and the panel.
- 6.4** The panel will ask each party to make their final submissions (5 minutes max each) and ask the parties to withdraw
- 6.5** If a decision cannot be made on the day, the panel should agree to provide the response in writing within 2 days.
- 6.6** There is no further right of appeal.

# Agenda Item 6.10

<b>Cabinet</b>  30 November 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Kevin Bartle, Interim Corporate Director - Resources (Section 151 Officer)	<b>Classification:</b> Unrestricted
<b>Q2 2022/2023 Record of Corporate Director's Actions</b>	

<b>Lead Member</b>	<b>Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living</b>
<b>Originating Officer(s)</b>	Peter Maskell – Interim Head of Procurement
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	21 October 2022
<b>Reason for Key Decision</b>	This report has been evaluated as not meeting the Key Decision criteria.
<b>Strategic Plan Priority / Outcome</b>	1. People are aspirational, independent and have equal access to opportunities;  2. A borough that our residents are proud of and love to live in;  3. A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough.

## Executive Summary

This report sets out, for noting by Cabinet, the Corporate Director's Actions taken under Rule 10 (section 50 Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures) in Part C – Codes and Protocols of the Council's constitution.

The section states that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting and this report fulfils this requirement.

**Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note the Record of Corporate Directors' Actions set out in Appendix 1.

**1. REASONS FOR THE DECISIONS**

- 1.1 The Council's constitution requires that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting.
- 1.2 The regular reporting of Corporate Director's Actions should assist in ensuring that Members are able to scrutinise officer decisions.

**2. ALTERNATIVE OPTIONS**

- 2.1 The Council is bound by its constitution to report to Cabinet financial decisions taken under Corporate Director's Actions.
- 2.2 If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these decisions are in accordance with Financial Regulations.

### **3. DETAILS OF REPORT**

- 3.1 Section 50 of the Council's constitution "Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures" states that:
- 3.2 Procurement Procedures may be waived by a Corporate Director in liaison with the Head of Procurement and the Director of Legal, where the total value of the contract does not exceed the value of £189,330 (this is cumulative where there are a series of RCDA in a period of 12 months), after considering a written report (RCDA) by the appropriate officer, that the waiver is justified because:
  - a) The nature of the market for the works to be carried out or the supplies or
    - a. services to be provided has been investigated and has demonstrated that only a single source of supply is available, or
    - b. On balancing the risk and circumstances, it is clearly in the Council's interest to do so; or
    - c. The contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen – e.g. to protect life or property when no existing contractual arrangement is in place, or if the purchase is needed to urgently comply with an order of Civil or Criminal Court; or
    - d. The purchase is from a supplier where there is an existing obligation to the Council (e.g. under a warranty to contribute to the cost).
    - e. Variations of contracts that do not fall within the exceptions listed in section 24.3
- 3.3 A detailed record of the Corporate Director's Actions are shown in Appendix 1.

### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The comments of the Chief Financial Officer have been included on each individual decision. There are no further financial implications arising from this report.

### **5. LEGAL COMMENTS**

- 5.1 The report sets out individual Corporate Directors' Decisions for noting by Cabinet, as required by the Constitution. Therefore, this report demonstrates compliance with the Constitution.
- 5.2 Internal guidelines have been published setting out the process by which Records of Corporate Directors' Decisions are completed. These specify that the proposed decision must be in accordance with the Council's Financial Regulations and its Procurement Procedures.

- 5.3 The specific legal implications of each of these decisions has been considered and commented upon by legal services at the time each decision was made.
- 

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendices**

- Appendix 1 – Record of Corporate Director's Actions (RCDA)

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

#### **Officer contact details for documents:**

- Nisar Visram, Director of Finance, Procurement & Audit
- Peter Maskell, Interim Head of Procurement
- Ragy Mendalawon, Procurement Analyst

Appendix 1: Q2 Record of Corporate Director's Actions (RCDAs)

Corporate Director	Procurement Reference	Title	Amount	Contractors Name and Address	Date approved by HOP	Service Contact and Post Title	Justification for Decision
James Thomas Corporate Director of Children and Culture	CS(R)318	Speech and Language Therapy	£180,000	Barts Health Trust The Royal London Hospital, 80 Newark Street, London, E1 2ES	05/08/2021	Steve Nyakatawa Director of Education	The RCDA concerns the extension of contract number CS5275 Speech and Language Therapy that was procured for a 4 years period and comes to an end on 31st August 2021. The extension would be considered a direct award as it is beyond the term of the contract that has now used all the available extensions. The Council's intention is to review the model of all the therapies and procure an integrated service with the CCG. The CCG is to lead on the future re-procurement. The integrated approach will bring a number of benefits and efficiencies to users. A re-procurement for such a short period of time it would not be attractive to the market as the service is likely to attach TUPE liabilities. This is a retrospective RCDA as it has not previously been identified within a Noting Report
Ann Sutcliffe Corporate Director of Place	THH(R)106	Installation of fire alarm system at Latham House	£185,340	NKM Fire Protection Ltd Wireless House, Fawkham Road, West Kingsdown, Kent, TN15 6JS	25/07/2022	Karen Swift Divisional Director, Housing and Regeneration	The RCDA concerns a requirement to source fire safety improvements at short notice following the discovery of potential issues during a site survey. A type 4 fire risk assessment and external wall survey has identified serious fire risks at Latham House. The appointed fire engineers, BB7, recommended changes to the fire safety arrangements for the building which included the recommendation for the installation of an alarm. Whilst awaiting the installation of the fire alarm there was a requirement for the engagement of a walking watch to provide an additional level of fire safety protection to the building residents and an immediate change to the evacuation policy for the building. (Note the walking watch is subject to a separate RCDA process). Once the new fire safety alarm had been installed and was operational there would be no need for the temporary waking watch to continue. . This is in line with National Fire Chief Council guidance.
Ann Sutcliffe Corporate Director of Place	THH (R) 105	Continued appointment of waking watch for Latham House	£184,100	Ad-Sec Ltd Stanley House, 14 Falcon Business Centre, Ashton Rd, Romford, RM3 8UR	25/07/2022	Karen Swift Divisional Director, Housing and Regeneration	The RCDA concerns a request to extend an existing contract secured under a previous RCDA referenced THH(R)104 which expired on 22 July 2022. These temporary facilities were required at short notice following the discovery of potential issues during a site survey. A type 4 fire risk assessment and external wall survey has identified serious fire risks at Latham House. The appointed fire engineers, BB7, recommended changes to the fire safety arrangements for the building which included the recommendation for the installation of an alarm. (Note the fire alarm is subject to a separate RCDA process). Whilst awaiting the installation of the fire alarm there was a requirement for the engagement of a walking watch to provide an additional level of fire safety protection to the building residents and an immediate change to the evacuation policy for the building. The initial period of the walking watch was extended to 16 October 2022 under this RCDA.

Ann Sutcliffe Corporate Director of Place	P(R)332	Post Office - Household Support Grant	£145,347	Post Office Finsbury Dials, 20 Finsbury Street, London EC2Y 9AQ	10/08/2022	Ellie Kershaw Acting Director, Growth and Economic Development	<p>This RCDA concerns the establishment of a mechanism for the distribution of the household support grant from the Department for Work and Pensions funding stream, to support vulnerable households with rising living costs. It is intended to meet immediate needs and be spent on energy, food and water bills, and other related essentials. Any funds not distributed by the 30 September 2022 were to be returned.</p> <p>It was determined that one of the most efficient and cost-effective method of distributing funding would be via Post Office codes. However, there was insufficient time to undertake a procurement process in time and allow for the grant funding to be distributed. By this RCDA, the decision was made to appoint the Post Office under a direct award process to safeguard the significant grant funding as this was clearly in the best interests of the vulnerable residents of the Borough.</p>
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# Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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