

# Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 30TH JULY, 2019 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

A G E N D A



ASSURANCE GROUP

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Agenda and Timetable  
Tuesday 30th July, 2019

<b>Item</b>	<b>Subject</b>	<b>Timing</b>	<b>Page Nos</b>
	<b>Part 1 - Statutory formalities/Announcements (15 minutes)</b>	<b>7:00 pm – 7:15 pm</b>	
1.	<b>Apologies for absence</b>		
2.	<b>Elect a Member to preside if the Mayor is absent</b>		
3.	<b>Prayer</b>		
4.	<b>Declarations of Interest</b>		
5.	<b>Minutes of the last meeting</b>		5 - 14
6.	<b>Official announcements</b>		
7.	<b>Any business remaining from last meeting</b>		
	<b>Part 2 - Question Time (30 minutes)</b>	<b>7:15 pm – 7:45 pm</b>	
8.	<b>Questions to the Leader (and Committee Chairmen if he/she has delegated)</b>		
	<b>Part 3 - Statutory Council Business (60 minutes)</b>	<b>7:45 pm – 8:45 pm</b>	
9.	<b>Petitions for Debate</b>		
10.	<b>Reports from the Leader</b>		
11.	<b>Reports from Committees</b>		
11.1	Referral from the Constitution & General Purposes Committee - Public Participation		15 - 50
11.2	Referral from the Audit Committee - Annual Report of the Audit Committee 2018/19		51 - 70

11.3	Referral from the Children, Education and Safeguarding Committee - Update report on the Inspection of Local Authority Children's Social Care Services		71 - 98
11.4	Referral from the Children, Education and Safeguarding Committee - Delegation of Functions to LB Islington - Regional Adoption Agency		99 - 170
11.5	Referral from the Assets, Regeneration and Growth Committee - Upper and Lower Fosters		171 - 192
12.	<b>Reports of Officers</b>		
12.1	Report of the Head of Governance		193 - 200
13.	<b>Questions to Council Representatives on Outside Bodies</b>		
	<b>Break (15 minutes)</b>	<b>8:45 pm – 9:00 pm</b>	
	<b>Part 4 – Business for Debate (45 minutes)</b>		
14.	<b>Motions (45 minutes)</b>	<b>9:00 pm – 9:45 pm</b>	
14.1	Opposition Motion from Cllr Alan Schneiderman - Climate Emergency Motion		201 - 202
14.2	Administration Motion in the Name of Cllr Daniel Thomas - Customer Service: Building a Service Fit for the Future, for all Barnet Residents		203 - 204
14.3	Join Motion in the names of Cllr Daniel Thomas and Cllr Barry Rawlings - Defining Islamophobia in Barnet		205 - 206
15.	<b>Motions for Adjournment</b>		
16.	<b>Motion to Exclude the Press and Public</b>		
17.	<b>Exempt Appendix from the Assets, Regeneration and Growth Committee - Upper and Lower Fosters</b>		207 - 340

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Andrew Charlwood, Head of Governance  
Assurance Group, 2 Bristol Avenue, Colindale, London, NW9 4EW

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## Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET  
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 5 March 2019

## AGENDA ITEM 5

PRESENT:-

The Worshipful the Mayor (Councillor Reuben Thompstone)

The Deputy Mayor (Councillor Caroline Stock)

Councillors:

Jess Brayne	Eva Greenspan	Barry Rawlings
Felix Byers	Jennifer Grocock	Danny Rich
Anne Clarke	Lachhya Gurung	Helene Richman
Alison Cornelius	John Hart	Gabriel Rozenberg
Pauline Coakley Webb	Ross Houston	Lisa Rutter
Dean Cohen	Anne Hutton	Shimon Ryde
Melvin Cohen	Laithe Jajeh	Gill Sargeant
Sara Conway	Kathy Levine	Alan Schneiderman
Jo Cooper	David Longstaff	Mark Shooter
Geof Cooke	John Marshall	Elliot Simberg
Richard Cornelius	Kath McGuirk	Thomas Smith
Saira Don	Arjun Mittra	Stephen Sowerby
Val Duschinsky	Alison Moore	Julian Teare
Paul Edwards	Ammar Naqvi	Daniel Thomas
Claire Farrier	Nagus Narenthira	Sarah Wardle
Anthony Finn	Charlie O-Macauley	Roberto Weeden-Sanz
Nizza Fluss	Reema Patel	Laurie Williams
Linda Freedman	Alex Prager	Peter Zinkin
Brian Gordon	Sachin Rajput	Zakia Zubairi

Apologies for Absence

Councillor Golnar Bokaei  
Councillor Rohit Grover

Councillor Wendy Prentice

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wendy Prentice, Councillor Golnar Bokaei and Councillor Rohit Grover.

### 2. ELECT A MEMBER TO PRESIDE IF THE MAYOR IS ABSENT

The Worshipful The Mayor was present.

### 3. PRAYER

Councillor Brian Gordon was called upon by The Worshipful the Mayor to speak to Council and say prayers.

**4. DECLARATIONS OF INTEREST**

There were none.

**5. MINUTES OF THE LAST MEETING**

The Worshipful the Mayor advised that Councillor Fluss' first name, Nizza, would be noted in the attendance list. A Member requested that Councillor Weeden-Sanz's first name, Roberto, also be added. The Worshipful the Mayor noted a correction to the declarations of interests. The declaration made by Councillor Anne Hutton should have read that Councillor Hutton was the Trustee of "a Barnet Charity"

Subject to the inclusion of the amendments referred to above, the minutes of the Council meeting dated 29 January 2019 were agreed as a correct record.

**6. OFFICIAL ANNOUNCEMENTS**

The Worshipful the Mayor was delighted to announce the birth of Councillor Dean Cohen's fourth child, a son, called David.

The Worshipful the Mayor announced that he was very sad to report the passing who David Howard, who led the New Barnet Community Association. He noted that he was a very active figure locally and was well known and loved in the Chipping Barnet community as well as the wider Borough. At the invitation of The Worshipful the Mayor, the Leader of the Council, Councillor Richard Cornelius, and Councillor Laurie Williams paid tribute to Mr. Howard. Council observed a minute's silence in memory of Mr. Howard.

The Worshipful the Mayor was sad to report on the passing of Teresa Goodall, the former Head of Catering at Barnet Council, who had recently retired. He noted that Teresa was an extremely well known member of staff who had worked at Barnet for many years.

**7. REPORT OF THE LEADER**

The Leader reported that the Council had received confirmation from the Chancellor that the Government would provide funding for a new station in Cricklewood. For the Council, this meant that the scheme had been de-risked and extensive borrowing would not be required. It was noted that the funding not been received yet, but was expected shortly.

**8. ANY BUSINESS REMAINING FROM LAST MEETING**

There was none.

**9. RESOLUTION OF APPRECIATION**

The Deputy Mayor moved the following resolution:

"That we the Members of the Council of the London Borough of Barnet, hereby express to The Worshipful the Mayor, Councillor Reuben Thompstone, our appreciation of the excellent service he has rendered to the London Borough of Barnet as its Mayor during the period May 2018 to

May 2019, and for the friendly and conscientious way in which he has performed the duties of that office.

We offer him our sincere gratitude for the concern that he has shown at all times in promoting the welfare of the Borough and its residents, particularly for his willingness to support the many organisations and individuals who called on his time and services during his Mayoralty.

We congratulate him on the success of his appeals for his charities Live Unlimited and Kisharon.”

This was duly agreed, with the foregoing resolution to be engrossed over the common seal of the corporation and presented to The Worshipful Mayor at the Annual Meeting.

## 10. THE MAYORALTY FOR THE MUNICIPAL YEAR 2019-2020

The Worshipful the Mayor called for nominations for election of Mayor of the London Borough of Barnet for 2019/20. He noted that there was only one nomination for Mayor Designate.

### Conservative Group Nomination

Councillor Richard Cornelius, duly seconded by Councillor Alison Cornelius, moved that Councillor Caroline Stock be proposed for the appointment of Mayor of the London Borough of Barnet at the Annual meeting of the Council on 21 May 2019.

Upon the nominations being put to the vote, the Conservative nomination was unanimously agreed.

Councillor Caroline Stock was nominated as Mayor Designate.

**RESOLVED that Councillor Caroline Stock was nominated as Mayor Designate.**

Councillor Caroline Stock thanked those present for her nomination and nominated Councillor Lachhya Gurung to be her Deputy Mayor Designate.

## 11. CORPORATE PLAN, MEDIUM TERM FINANCIAL STRATEGY 2019/24 AND BUDGET FOR 2019/20

Councillor Richard Cornelius, Chairman of the Policy and Resources Committee, moved reception and adoption of the recommendations in the report. Councillor Barry Rawlings moved his amendment. Debate ensued.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and Council Procedure Rule 12.4 requires that voting relating to the budget and Council tax be recorded.

In accordance with this requirement, voting on the budget decisions was as follows:

Upon being put to the vote, the Labour Alternative Budget was declared lost. Voting on the Labour Alternative Budget was as follows:

	<b>For</b>	<b>Against</b>	<b>Not Voting</b>	<b>Absent</b>
Mayor Reuben Thompstone		✓		
Deputy Mayor Caroline Stock		✓		
Golnar Bokaei				✓
Jess Brayne	✓			
Felix Byers		✓		
Anne Clarke	✓			
Pauline Coakley Webb	✓			

	<b>For</b>	<b>Against</b>	<b>Not Voting</b>	<b>Absent</b>
Dean Cohen		✓		
Melvin Cohen		✓		
Geof Cooke	✓			
Jo Cooper	✓			
Sara Conway	✓			
Alison Cornelius		✓		
Richard Cornelius		✓		
Saria Don		✓		
Val Duschinsky		✓		
Paul Edwards	✓			
Claire Farrier	✓			
Anthony Finn		✓		
Nizza Fluss		✓		
Linda Freedman		✓		
Brian Gordon		✓		
Eva Greenspan		✓		
Jennifer Grocock		✓		
Rohit Grover				✓
Lachhya Gurung		✓		
John Hart		✓		
Ross Houston	✓			
Anne Hutton	✓			
Laithe Jajeh		✓		
Kathy Levine	✓			
David Longstaff		✓		
John Marshall		✓		
Kath McGuirk	✓			
Arjun Mittra	✓			
Alison Moore	✓			
Ammar Naqvi	✓			
Nagas Narenthira	✓			
Charlie O'Macauley	✓			
Reema Patel	✓			✓
Alex Prager		✓		
Wendy Prentice				✓
Sachin Rajput		✓		
Barry Rawlings	✓			
Danny Rich	✓			
Helene Richman		✓		
Tim Roberts	✓			
Gabriel Rozenberg		✓		
Lisa Rutter		✓		
Shimon Ryde		✓		
Gill Sargeant	✓			
Alan Schneiderman	✓			
Mark Shooter		✓		
Elliot Simberg				✓
Thomas Smith		✓		
Stephen Sowerby		✓		
Julian Teare		✓		
Daniel Thomas		✓		
Sarah Wardle		✓		
Roberto Weeden-Sanz		✓		
Laurie Williams	✓			

	<b>For</b>	<b>Against</b>	<b>Not Voting</b>	<b>Absent</b>
Peter Zinkin		✓		
Zakia Zubairi	✓			

For: 25  
Against: 34  
Abstain: 0  
Absent: 4  
TOTAL: 63

Upon being put to the vote the recommendations in the report of the Policy and Resources Committee were declared carried, with voting being declared as follows:

	<b>For</b>	<b>Against</b>	<b>Not Voting</b>	<b>Absent</b>
Mayor Reuben Thompstone	✓			
Deputy Mayor Caroline Stock	✓			
Golnar Bokaei				✓
Jess Brayne		✓		
Felix Byers	✓			
Anne Clarke		✓		
Pauline Coakley Webb		✓		
Dean Cohen	✓			
Melvin Cohen	✓			
Geof Cooke		✓		
Jo Cooper		✓		
Sara Conway		✓		
Alison Cornelius	✓			
Richard Cornelius	✓			
Saria Don	✓			
Val Duschinsky	✓			
Paul Edwards		✓		
Claire Farrier		✓		
Anthony Finn	✓			
Nizza Fluss	✓			
Linda Freedman	✓			
Brian Gordon	✓			
Eva Greenspan	✓			
Jennifer Grocock	✓			
Rohit Grover				✓
Lachhya Gurung	✓			
John Hart	✓			
Ross Houston		✓		
Anne Hutton		✓		
Laithe Jajeh	✓			
Kathy Levine		✓		
David Longstaff	✓			
John Marshall	✓			
Kath McGuirk		✓		
Arjun Mitra		✓		
Alison Moore		✓		
Ammar Naqvi		✓		
Nagas Narenthira		✓		
Charlie O'Macauley		✓		
Reema Patel		✓		

	<b>For</b>	<b>Against</b>	<b>Not Voting</b>	<b>Absent</b>
Alex Prager	✓			
Wendy Prentice				✓
Sachin Rajput	✓			
Barry Rawlings		✓		
Danny Rich		✓		
Helene Richman	✓			
Tim Roberts		✓		
Gabriel Rozenberg	✓			
Lisa Rutter	✓			
Shimon Ryde	✓			
Gill Sargeant		✓		
Alan Schneiderman		✓		
Mark Shooter	✓			
Elliot Simberg				✓
Thomas Smith	✓			
Stephen Sowerby	✓			
Julian Teare	✓			
Daniel Thomas	✓			
Sarah Wardle	✓			
Roberto Weeden-Sanz	✓			
Laurie Williams		✓		
Peter Zinkin	✓			
Zakia Zubairi		✓		

For: 34  
Against: 35  
Abstain: 0  
Absent: 4  
TOTAL: 63

**RESOLVED – That Council:**

1. **Approve the Corporate Plan 2019-2024, as attached at Appendix A;**
2. **Consider the issues that have emerged from the consultation when making their decisions. Council make the decisions below also being mindful of the equalities impact assessments including the cumulative equalities impact assessments;**
3. **Approve the MTFS attached as Appendix B and the detailed revenue budgets in Appendices D1 and D2. The MTFS sets out all of the budget changes over the period 2019-24, including assumptions around inflation, changes to levies, pressures, savings and grant funding. It is the model around which the council’s financial strategy is based;**
4. **Approve that the budget for 2019/20 is prepared on the basis of an increase of 2.99% general Council Tax in 2019/20;**
5. **Approve the resolutions relating to Council Tax contained within Appendix C – Council Tax Resolutions;**
6. **Determine that the council’s basic amount of Council Tax for 2019/20 as set out in Council Tax resolution (Appendix C) 2(iv) is not excessive in accordance**

with the principles approved under section 52ZB and 52ZC of the Local Government Finance Act 1992, set out in the Referendums relating to Council Tax increases (Principles)(England) Report 2019/20.

7. Approve that in accordance with Section 38(2) of the Local Government Finance Act 1992 the Chief Executive be instructed to place a notice in the local press of the amounts set under recommendation 5 above within a period of 21 days following the Council's decision;
8. Approve the capital programme as set out in Appendix F1 and F2, and that the Chief Officers be authorised to take all necessary actions for implementation;
9. Approve the changes to the existing Capital Programme in relation to slippage and deletions as set out in paragraph 1.5.98 and Appendix E;
10. Approve the changes to the existing Capital Programme in relation to additions as set out in paragraphs 1.5.99 to 1.5.113;
11. Approve that the Chief Finance Officer be authorised to adjust capital project budgets and financing in 2019/20 throughout the capital programme after the 2018/19 accounts are closed and the amount of slippage and budget carry forward required are known;
12. Approve the Capital Strategy as set out in Appendix K;
13. Approve Treasury Management Strategy for 2019/20 as set out in Appendix L;
14. Approve the following in relation to the Housing Revenue Account:
  - a) The proposed rent decrease by 1% for council dwellings as set out in paragraph 1.7.3 to take effect from 1 April 2019;
  - b) The proposed increase to service charges for council dwellings as set out in paragraph 1.7.7 to take effect from 1 April 2019; and
  - c) The proposed rent increase of 3.1% for council garages as set out in paragraph 1.7.7 to take effect from 1 April 2019
15. Approve the draft Schools Budget of £335.395m for 2019-20 as per paragraph 1.5.56;
16. Approve draft Post 16 Funding of £5.417m;
17. Approve that any changes to the Schools Budget reasonably required as a result of the final 2019/20 DSG and Post-16 settlement are delegated for decisions to the Strategic Director – Children & Young People in consultation with the Director of Finance;
18. Note the fees and charges that were approved at their relevant Theme Committee as detailed in Appendix H;
19. Note the summary equality impact assessment (EIA) and cumulative assessment set out in section 5.6. Appendix J provides the cumulative impact and individual Delivery Unit assessments;
20. Approve the reserves and balances policy as set out in Appendix M and indicative amounts as set out in paragraph 1.5.73 and the Director of Finance's assessment of adequacy of General Fund Balances in section 1.5.81. Approve that the Director of

Finance is authorised to adjust balances in 2019/20 after 2018/19 accounts are closed and the amount of balances required to be carried forward are known;

21. Note the underlying Financial Strategy of the Council as set out in the paragraph 1.5.1, and;

22. Note the corporate risk register set out in Appendix O.

**12. REPORTS OF OFFICERS**

**12.1 REPORT OF THE MONITORING OFFICER - MEMBERS ALLOWANCES SCHEME 2019/20**

The Worshipful the Mayor introduced the report and noted that a corrected version of Schedule 1, Appendix B had been circulated to Members.

Following consideration of the report the recommendations in the report were put to the vote and the votes were declared as follows:

For: 35  
 Against: 25  
 Abstain: 0  
 Absent: 3  
 TOTAL: 63

**RESOLVED that:**

1. Council have regard to the recommendations of the Independent Panel on the Remuneration of Councillors in London as attached as Appendix A.
2. Council approve the Members' Allowances Scheme 2019/20 attached as Appendix B with effect from 1 April 2019.

**12.2 REPORT OF THE HEAD OF GOVERNANCE**

The Head of Governance introduced the report.

**RESOLVED that:**

1. Councillor Golnar Bokai be appointed to the Nicoll and Daniel Homes Charity for a period of four years;
2. Clair Green – Director of Assurance be appointed to The Inglis Consortium LLP until further notice;
3. Council agree the Calendar of Meetings 2019/20 as set out in Appendix Bi and Bii.
4. Council agree the following Labour Group committee changes:

Committee	Current Member	Replacement Member
Adults & Safeguarding Committee	Cllr Jess Brayne	Cllr Anne Hutton
Adults & Safeguarding Committee	Cllr Anne Hutton (substitute)	Cllr Alison Moore (substitute)

Chipping Barnet Area Committee	Cllr Jess Brayne	Cllr Paul Edwards
Chipping Barnet Area Committee	Cllr Paul Edwards (substitute)	Cllr Tim Roberts (substitute)
Financial Performance and Contracts Committee	Cllr Jess Brayne (substitute)	Cllr Ammar Naqvi (substitute)
Welsh Harp Joint Consultative Committee	Cllr Jess Brayne	Cllr Anne Clarke

5. Council note the political balance of the Council is:

- 38 Members of the Conservative Group
- 24 Members of the Labour Group
- 1 Independent Member

6. Council note that the updated political balance calculation has resulted in the Labour seat calculation on the Health Overview & Scrutiny Committee being 3.43 which could result in a revision to the number of seats on that committee, but that the Conservative Group have agreed for the seat allocations to remain unaltered.

7. Council note recommendation 2. above and agree the allocation of seats as set out in the tables above in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.

8. Council agree the change to the Calendar of Meetings as set out in Appendix D.

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	<p><b>Council</b></p> <p><b>30 July 2019</b></p>
<b>Title</b>	<p><b>Report of the Constitution &amp; General Purposes Committee – Public Participation</b></p>
<b>Report of</b>	<p>Monitoring Officer and Chief Legal Advisor Head of Governance</p>
<b>Wards</b>	<p>All</p>
<b>Status</b>	<p>Public</p>
<b>Enclosures</b>	<p>Annex 1 – Report to Constitution and General Purposes Committee – 25 June 2019</p> <p>Appendix 1A – Minutes of the Constitution and General Purposes Committee held on 25 June 2019</p> <p>Appendix A – Article 3 (Clean)</p> <p>Appendix B – Article 3 (Tracked)</p> <p>Appendix C – Public Participation Benchmarking</p>
<b>Officer Contact Details</b>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a></p>

## Summary

The Constitution and General Purposes Committee at a meeting held on 25 June 2019 considered a report on Public Participation. Except for minor administrative matters which are delegated to the Monitoring Officer (following consultation with the Chairman of the Constitution and General Purposes Committee), only Full Council may amend the Constitution. Council are therefore recommended to approve the Constitution amendments proposed by the Committee.

## **Recommendations**

- 1. That Council note the report to and decisions of the Constitution & General Purposes Committee held on 25 June 2019 (as set out in report at Annex 1 and minutes at Annex 1A) and approve the revisions to Article 3 (Residents and Public Participation) as set out in Appendices A and B.**
- 2. That Council authorise the Monitoring Officer and Chief Legal Advisor to implement these revisions and publish a revised Constitution.**
- 3. That Council note the public participation benchmarking information attached at Appendix C.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 As set out in the report attached at Annex 1.
- 1.2 In addition to the report attached at Annex 1, Council are requested to note the public participation benchmarking information set out at Appendix C. The authorities selected provide a representative cross section of councils with an executive/scrutiny or committee system, plus county, district/borough, metropolitan and London borough councils.

### **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in the report attached at Annex 1.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Options were put forward to the Committee and the attached report reflects the options chosen (as amended by the Committee) for recommendation to Council following discussion and debate.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Monitoring Officer will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online.
- 4.2 The Constitution and General Purposes Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the report attached at Annex 1.

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 None.

## **5.3 Legal and Constitutional References**

5.3.1 Council Constitution, Article 4 states that “The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework:....Adopting and changing the Constitution (unless delegated).”

5.3.2 Council Constitution, Article 7 states that the Constitution and General Purposes Committee terms of reference includes to: “Keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.”.

5.3.3 Council Constitution, Article 9 states that “The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public”.

## **5.4 Risk Management**

5.4.1 As set out in the report attached at Annex 1.

## **5.5 Equalities and Diversity**

5.5.1 As set out in the report attached at Annex 1.

## **5.6 Consultation and Engagement**

5.6.1 As set out in the report attached at Annex 1.

## **6. BACKGROUND PAPERS**

6.1 As set out in the report attached at Annex 1.

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## Constituion & General Purposes Committee

25 June 2019

<b>Title</b>	<b>Public Participation</b>
<b>Report of</b>	Monitoring Officer
<b>Wards</b>	All Wards
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Andrew Charlwood, Head of Governance, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a> , 020 8359 2014

### Summary

Members are requested to consider the issues and proposals as detailed in the report in relation to public participation and resident engagement at committees.

### Officers Recommendation

1. That the Committee consider the issues outlined in the report and recommendations set out in section 1.7 and give instructions.
2. That, following the Committee agreeing their preferred options in relation to public participation, that officers be instructed to prepare a revised Article 3 (Residents and Public Participation) for reporting to Full Council for consideration and agreement.

## 1. WHY THIS REPORT IS NEEDED

- 1.1 Residents have several rights as detailed in Article 3 (Residents and Public Participation) including to ask questions at Full Council and to make comments and/or ask questions at committee meetings. The current rules state that “Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.” In most cases, officers draft a response which is reviewed by the relevant committee chairman and then sent to the questioner and published in advance of the meeting alongside the council or committee agenda and reports.
- 1.2 At present there are no limitations on the number of questions submitted by residents and there have, on occasion, been more than 150 questions submitted to a single committee meeting. All questions require a written response and drafting responses and can take up a significant amount of senior officer time. Additionally, the committee chairmen need to review and clear responses.
- 1.3 In a recent 5-month period (1<sup>st</sup> September 2019 to 1<sup>st</sup> March 2019) a total of 598 questions were submitted by residents to theme committees (see list [here](#)), the Audit Committee and the Constitution & General Purposes Committee. From the total, one resident submitted 165 questions (28%) and another 111 (19%), with a further four residents submitting between 19 and 48 each. 79% of the total number of questions are submitted by 10 residents. The right of residents to raise questions and make comments at committees has become used to a degree which is officer resource intensive and requires limitation to achieve savings.
- 1.4 Enabling residents to attend meetings, ask questions, create petitions and raise issues at residents’ forums is an important element of the council’s governance arrangements. Residents should be able to understand how the decisions that affect them are made. However, the current arrangements in relation to public questions has resulted in senior officers spending a significant amount of time responding to (or coordinating responses to) questions from a small cohort of individuals. It is estimated that the time-cost of responding to public questions is around £42K per annum. Members are requested to consider whether this is an appropriate use of council resources and whether another arrangement may reduce the requirements on officers to provide responses to questions whilst maintaining resident’s rights to ask questions.
- 1.5 In addition to the right to ask questions, residents also have the right make comments at committees. Residents can submit a written comment, but are not required to do so. Raising issues before committee by way of comments of which the Council has no prior knowledge is not advisable as either: the comment(s) are relevant to the decision-making and therefore must be in the report before committee; or are not relevant to the decision-making in which case such comments are unnecessary. Any relevant comment made and not within the committee report must result in the Chairman deferring the committee decision so that the report to committee can be suitably amended. If the right to make comments is to continue then it should be amalgamated with questions which must be delivered before the committee meets to discuss the relevant agenda item, thus giving

time for the comment to be given due consideration and the committee report to be amended if necessary.

- 1.6 There is no legal requirement to allow residents to speak at committee and some local authorities do not allow any public participation. Members are the elected representatives of all residents and any local resident may raise relevant matters with officers or their local Councillors at any time. Members can in turn make representations at committees in accordance with their rights enshrined in Article 2 and other sections of the Constitution.
- 1.7 The Committee are requested to consider the proposals of the Monitoring Officer as set out below and comment accordingly:
  1. Questions and comments should be amalgamated; it is perfectly possible to raise a comment as part of a question. The number of words for each question/comment should be limited at 100.
  2. Questions/comments should be raised under the current rules for questions. This means that the council and lead officer would have notice of the question/comment before the meeting and would therefore be in a position to amend the committee report (if necessary) to include a relevant matter raised in the question/comment, if not currently within the committee report.
  3. Residents may raise one question/comment on an agenda item. The question/comment must relate to the substantive matter to be determined by the committee. No more than two questions from residents will be allowed per agenda item taken in the order of receipt by the Governance Service.
  4. Residents may raise one question/comment per committee meeting in order to allow as many residents as possible to raise questions/comments and ask a supplementary question at Committee.
  5. The deadline for submitting a question/comment be extended to 10am two clear working days before the meeting. Questions/comments will be responded to verbally at the meeting only. Residents will be able to ask one supplementary question for each question/comment made. If there is insufficient time to deal with all questions in the 30 minutes of allocated time, a written response will be provided within a reasonable period. The Chairman should also have the discretion to request that a question answered at the meeting also be responded to in writing.
- 1.8 Following the committee's consideration and agreement on their preferred option(s) for the changes proposed above, a revised Article 2 will be drafted in preparation for reporting to Council on 30 July 2019.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The right of residents to raise questions and make comments at committees has become used to a degree which is officer resource intensive and requires limitation to achieve savings.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Committee could retain the current public participation arrangements unaltered.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 Subject to the committee's comments and decision on the proposals detailed above. Constitution amendments need to be agreed by Full Council on the recommendation of this committee.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 Barnet Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Providing written responses to public questions requires substantial input from officers of varying levels across the Council. Members are requested to consider whether this an appropriate use of officer time and council resources.

#### **5.3 Social Value**

- 5.3.1 None in the context of this decision

#### **5.4 Legal and Constitutional References**

- 5.4.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council".

#### **5.5 Risk Management**

- 5.5.1 The process of managing changes to the Constitution through the Constitution and General Purposes Committee ensures that the proposals are developed through Member participation and consideration.

## 5.6 **Equalities and Diversity**

5.6.1 The decision-making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

## 5.7 **Corporate Parenting**

5.7.1 None in the context of this decision.

## 5.8 **Consultation and Engagement**

5.8.1 None in the context of this decision.

## 5.8 **Insight**

5.8.1 None in the context of this decision.

## 6. **BACKGROUND PAPERS**

6.1 The currently adopted Constitution can be accessed here:  
<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>

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# Decisions of the Constitution and General Purposes Committee

25 June 2019

Members Present:-

Councillor Melvin Cohen (Chairman)  
Councillor Alex Prager (Vice-Chairman)

Councillor Geof Cooke                      Councillor Alison Moore  
Councillor Richard Cornelius              Councillor Barry Rawlings

## 1. MINUTES

**RESOLVED** that the minutes of the Committee held on 9 April 2019 be approved as a correct record.

## 2. ABSENCE OF MEMBERS

An apology for absence had been received from Councillor Helene Richman

## 3. DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

## 4. REPORT OF THE MONITORING OFFICER

None.

## 5. PUBLIC QUESTION AND COMMENTS

Written comments had been received from the following:

- David Guttman
- Paul Lakra
- Fiona Brickwood

Written comments had been circulated to committee members and published on the website alongside public questions.

John Dix and Theresa Musgrove addressed the Committee and made public comments.

Details of the questions asked by residents and the answers provided had been published and circulated at the meeting. Verbal responses were given to supplementary questions at the meeting.

**6. MEMBERS ITEM**

None.

**7. PUBLIC PARTICIPATION**

The Committee considered a report of the Monitoring Officer which set out proposed changes to the rules relating public participation and resident engagement at committee meetings.

Councillor Alex Prager, seconded by Councillor Melvin Cohen, moved the following amendment to the proposals set out in paragraph 1.7:

*Delete sub paragraphs number 4 and 5 as set out below*

- 4. Residents may raise one question/comment per committee meeting in order to allow as many residents as possible to raise questions/comments and ask a supplementary question at Committee.
- 5. The deadline for submitting a question/comment be extended to 10am two clear working days before the meeting. Questions/comments will be responded to verbally at the meeting only. Residents will be able to ask one supplementary question for each question/comment made. If there is insufficient time to deal with all questions in the 30 minutes of allocated time, a written response will be provided within a reasonable period. The Chairman should also have the discretion to request that a question answered at the meeting also be responded to in writing.

The proposed amendment was put to the vote and votes were recorded as follows:

For	3
Against	3
Absent	1

The Chairman used his casting vote in favour of the amendment and the amendment was declared carried. The amended proposals became the substantive recommendations.

The substantive recommendations were put to the vote and votes were recorded as follows:

For	3
Against	3
Absent	1

The Chairman used his casting vote in favour of the substantive recommendations and they were declared carried.

**RESOLVED that:**

- 1. The Committee agree that Article 3 (Residents and Public Participation) be amended to give effect to the following changes:**

1. Questions and comments should be amalgamated; it is perfectly possible to raise a comment as part of a question. The number of words for each question/comment should be limited at 100.
2. Questions/comments should be raised under the current rules for questions. This means that the council and lead officer would have notice of the question/comment before the meeting and would therefore be in a position to amend the committee report (if necessary) to include a relevant matter raised in the question/comment, if not currently within the committee report.
3. Residents may raise one question/comment on an agenda item. The question/comment must relate to the substantive matter to be determined by the committee. No more than two questions from residents will be allowed per agenda item taken in the order of receipt by the Governance Service

## **2. Officers be instructed to prepare revisions to Article 3 for reporting to Full Council**

### **8. BARNET COUNCIL'S ANNUAL HEALTH AND SAFETY REPORT**

The Head of Safety, Health and Wellbeing presented the report which provided the committee with information on the Council's health and safety performance for the period 2018/19. The report further set out the priorities for the period 2019/20 to ensure continued improvement in H&S performance.

He explained that the performance information and data is obtained from the council's accident/incident reporting system, together with independent audit results, corporate training records and ill health data. He clarified that the statistics relate to directly employed council employees.

With regards to figures relating the number of staff who have completed the mandatory corporate health and safety training modules he explained due to a number of factors, including staff turnover and long term sickness, attaining the 100% completion target was difficult.

With regards to health and safety performance of the council's partners he confirmed that all partners are required to provide him with this information. The Committee requested if the information could be included as part of this report going forward [**ACTION: Head of Safety, Health & Wellbeing**]

**RESOLVED that the report be noted and the priorities for the period 2019/20, as outlined in section 3 of Appendix 1 (Councils Annual Health and Safety Report), be approved.**

### **9. LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO) UPHELD COMPLAINT CASE ID 18009897**

The Monitoring Officer presented the report which detailed the LGSCO decision concerning the upheld complaint (Case ID 18009897). It is a requirement of law that this is reported to Committee as the LGSCO issued a public report.

**RESOLVED - That Committee note and consider the LGSCO upheld complaint (Case ID 18009897) as detailed within the Ombudsman’s report at Appendix A.**

**10. CODE OF CONDUCT ALLEGATIONS 2018/19**

The Monitoring Officer presented the report which provided the Committee with an update on complaints he has received about Member conduct during 2018/19.

**RESOLVED that the Committee note the update as set out in Appendix A**

**11. COMMITTEE FORWARD WORK PROGRAMME**

The Director of Assurance updated the work programme with the following items;

<b>Meeting</b>	<b>Report title</b>
7 October 2019	Review of the European Parliamentary Review – May 2019
16 January 2020	Compulsory Review of Polling Districts, Polling Places and Polling Stations
	LGBCE - Electoral Review of the London Borough of Barnet Final warding arrangements
1 April 2021	Annual Report on Electoral Registration

**RESOLVED – That the Committee note the updated Work Programme**

**12. ANY ITEM(S) THAT THE CHAIRMAN DECIDES IS URGENT**

None.

The meeting finished at 8.26 pm

## Article 3 – Residents and Public Participation

### 3.1 Residents' Rights

Residents have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Petition scheme.** Residents who are concerned about a Council service or a decision that is about to be made may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined below.
- (b) **Information.** Residents have the right to:
  - (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
  - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees; and
  - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Residents have the right to:
  - (i) Be treated with understanding and respect;
  - (ii) Have equal opportunity with other residents; and
  - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Residents have the right to ask questions and receive answers at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.

Residents can participate in Committee meetings as follows:

- By asking a public question
- By submitting a petition

### 3.2 Questions to a Committee

Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting questions. Questions may include a written comment. Each question is limited to 100 words.

Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.

A resident may ask one question per agenda item. A maximum of two questions from residents may be asked per agenda item. These will be accepted in order of receipt. Any additional questions received will be not be accepted.

Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.

Residents submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.

### **3.3 Procedure for Questions at Committees**

At committee meetings a time period of up to 30 minutes is available for public questions in total. Supplementary questions will be asked in order of receipt.

#### **Public questions are not permitted:**

- If they don't relate to a substantive item on the agenda
- If they are defamatory, abusive or offensive.
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Constitution & General Purposes Committee.
- If they would result in the release of confidential information, or which may prejudice enforcement.
- If they relate to a matter where there is a right of appeal against any decision of the Council.
- If they have been submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy;
- If they are received from people who are not Barnet residents;
- At the Planning Committee and Area Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 3.7). Public questions and comments are permitted at the Planning Committee on planning policy matters;
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance, shall decide whether any particular question, comment or issue will be permitted.

### 3.4 Issues for Residents Forum

Issues must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place. Residents should state their address when submitting a forum issue.

The Forum Chairman has the discretion to accept issues with less than five days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to verbally by officers at the Forum meeting.

Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forum, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman.

The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Six Month Rule means that Residents Forum will not reconsider any issues discussed at a resident's forum or any decision taken by a committee in the six months preceding the date of the forum.

The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.

At Residents Forum issues will be considered in order of receipt. Where a resident has submitted more than one issue, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.

The Chairman will determine issues in the following way:

1. Residents will have the opportunity to address the Forum on for up to 3 minutes on the issue they have previously raised
2. Chairman, Chief Officers or other relevant officers may respond to the issues raised
3. Having considered the issues the Chairman can take the following actions:
  - note the issue and take no action
  - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response
  - instruct that Ward Members are notified of the issue.
  - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

### 3.5 Petitions

Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance

Service who will forthwith present it to the relevant Director and/or the relevant Committee Chairman for information.

Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance  
London Borough of Barnet  
Building 2, North London Business Park  
Oakleigh Road South  
N11 1NP

The authority's e-petition facility can be found here:

<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified.

A petition will not be accepted if:

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;
- it does not contain the address of signatories;
- it relates to a named individual or could reveal the identity of a person;
- it does not relate to the functions of the council;
- it is not clear what it is asking the council to do;
- it deals with an issue that has previously been resolved;
- it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available

The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.

On such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.

Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

Petitions which have been submitted in response to a consultation process initiated by a specific committee should be reported back to that committee.

Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

Petitions will be reported as follows:

Signatures	Forum and Procedure
0-24	No action required.
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action;</li> <li>• Refer the matter to a chief officer to respond to within 20 working days; or</li> <li>• Refer the matter to the relevant Area Committee (if funding is required)</li> </ul>
2,000 – 6,999 Signatures	<p>Where the petition relates to the functions and responsibilities of an Area Committee it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee.</p> <p>Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action</li> <li>• Refer the matter to a chief officer to provide</li> </ul>

	<p>a written respond to Lead Petitioner within 20 working days; or</p> <ul style="list-style-type: none"> <li>• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action</li> </ul>
7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> <li>• Lead Petitioner is given five minutes to present the petition;</li> <li>• Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.</li> <li>• The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take</li> </ul>

Petitions are required to be received seven working days before the Residents Forum, relevant committee meeting or Full Council.

Any hard copy petition received will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.

### 3.6 Requests to speak at Planning Committees

Requests to speak about an application on the planning committee agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor and the Applicant (or their representative) two residents may speak. Such speakers shall be one for and one against the application unless there is no resident wishing to speak for the application in which case two residents may speak against the application, or no resident in objection in which case two residents may speak in support of the application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.

Where an application being considered by an Area Planning Committee is referred to the Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Planning Committee.

Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of planning committee, but only if the speakers have not already addressed the committee on the deferred or adjourned item.

Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations.

### **3.7 Complaints**

Residents have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman (after using the Council's own complaints scheme);
- (iii) the Monitoring Officer about a breach of the Members Code of Conduct.

### **3.8 Disorderly Conduct**

If a member(s) of the public or press (or a Councillor) interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

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## Article 3 – Residents and Public Participation

### 3.1 Residents' Rights

Residents have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Petition scheme.** Residents who are concerned about a Council service or a decision that is about to be made may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined below.
- (b) **Information.** Residents have the right to:
- (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
  - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees; and
  - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Residents have the right to:
- (i) Be treated with understanding and respect;
  - (ii) Have equal opportunity with other residents; and
  - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Residents have the right to ask questions, and receive answers ~~and make comments~~ at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.

Residents can participate in Committee meetings as follows:

- By asking a public question
- ~~By making a public comment~~
- By submitting a petition

### 3.2 Questions to a Committee

Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting questions. Questions may include a written comment. Each question is limited to 100 words.

Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.

A resident may ask one question per agenda item. A maximum of two questions from residents may be asked per agenda item. These will be accepted in order of receipt. Any additional questions received will be not be accepted.

Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.

Residents submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.

### ~~3.3~~ **Comments to Committees**

~~Comments must specify the item of business on the agenda which they relate to. Committee agendas are published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting a request to make a comment.~~

~~Requests to speak should be submitted to the relevant Governance Officer named on the front page of the agenda and be received by 10am on the third working day prior to the meeting. Any requests to make comments after this time will not be considered.~~

~~At the meeting each speaker will have a time period of up to three minutes to address the committee. Committee Members may ask the speaker questions on the representation they have made to the committee.~~

~~Comments may also be made in writing within the same deadlines as above and these will be published as an addendum to a report.~~

~~Residents making public comments are able to send a substitute if they are unable to attend a committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.~~

### **3.43 Procedure for Questions and Comments at Committees**

At committee meetings a time period of up to 30 minutes, is available for public questions and comments in total. Supplementary questions will be asked in order of receipt.

~~Public comments will be received by the Committee before supplementary questions are asked. Where a resident has submitted more than one question, their second item or question will be considered after all other residents have asked their first supplementary question. Supplementary~~

~~questions will continue to be asked in this way until there are no further questions or 30 minutes has elapsed.~~

**Public questions ~~and comments~~ are not permitted:**

- If they don't relate to a substantive item on the agenda
- If they are defamatory, abusive or offensive.
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Constitution & General Purposes Committee.
- If they would result in the release of confidential information, or which may prejudice enforcement.
- If they relate to a matter where there is a right of appeal against any decision of the Council.
- If they have been submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy;
- If they are received from people who are not Barnet residents;
- At the Planning Committee and Area Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 3.7). Public questions and comments are permitted at the Planning Committee on planning policy matters;
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance, shall decide whether any particular question, comment or issue will be permitted.

**3.54 Issues for Residents Forum**

Issues must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place. Residents should state their address when submitting a forum issue.

The Forum Chairman has the discretion to accept issues with less than five days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to verbally by officers at the Forum meeting.

Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forum, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman.

The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Six Month Rule means that Residents Forum will not reconsider any issues discussed at a resident's forum or any decision taken by a committee in the six months preceding the date of the forum.

The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.

At Residents Forum issues will be considered in order of receipt. Where a resident has submitted more than one issue, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.

The Chairman will determine issues in the following way:

1. Residents will have the opportunity to address the Forum on for up to 3 minutes on the issue they have previously raised
2. Chairman, Chief Officers or other relevant officers may respond to the issues raised
3. Having considered the issues the Chairman can take the following actions:
  - note the issue and take no action
  - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response
  - instruct that Ward Members are notified of the issue.
  - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

### **3.65 Petitions**

Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and/or the relevant Committee Chairman for information.

Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance  
London Borough of Barnet  
Building 2, North London Business Park  
Oakleigh Road South  
N11 1NP

The authority's e-petition facility can be found here:

<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified.

A petition will not be accepted if:

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;
- it does not contain the address of signatories;
- it relates to a named individual or could reveal the identity of a person;
- it does not relate to the functions of the council;
- it is not clear what it is asking the council to do;
- it deals with an issue that has previously been resolved;
- it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available

The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.

On such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.

Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

Petitions which have been submitted in response to a consultation process initiated by a specific committee should be reported back to that committee.

Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

Petitions will be reported as follows:

Signatures	Forum and Procedure
0-24	No action required.
25 – 1,999 Signatures	The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.  The Lead Petitioner will be given three minutes to

	<p>present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action;</li> <li>• Refer the matter to a chief officer to respond to within 20 working days; or</li> <li>• Refer the matter to the relevant Area Committee (if funding is required)</li> </ul>
<p>2,000 – 6,999 Signatures</p>	<p>Where the petition relates to the functions and responsibilities of an Area Committee it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee.</p> <p>Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action</li> <li>• Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or</li> <li>• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action</li> </ul>
<p>7,000 plus Signatures</p>	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> <li>• Lead Petitioner is given five minutes to present the petition;</li> <li>• Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.</li> <li>• The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take</li> </ul>

Petitions are required to be received seven working days before the Residents Forum, relevant committee meeting or Full Council.

Any hard copy petition received will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.

### **3.76 Requests to speak at Planning Committees**

Requests to speak about an application on the planning committee agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor and the Applicant (or their representative) two residents may speak. Such speakers shall be one for and one against the application unless there is no resident wishing to speak for the application in which case two residents may speak against the application, or no resident in objection in which case two residents may speak in support of the application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.

Where an application being considered by an Area Planning Committee is referred to the Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Planning Committee.

Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of planning committee, but only if the speakers have not already addressed the committee on the deferred or adjourned item.

Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations.

### **3.87 Complaints**

Residents have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman (after using the Council's own complaints scheme);
- (iii) the Monitoring Officer about a breach of the Members Code of Conduct.

### **3.98 Disorderly Conduct**

If a member(s) of the public or press (or a Councillor) interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the

event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

<b>Authority</b>	<b>Public questions</b>	<b>Public comments</b>	<b>Petitions</b>	<b>Notes / Other Arrangements</b>
<b>Brent – Executive</b>	Council – 15 minutes public question time. 1 question per resident. Cabinet and Committees – at the discretion of the chair and for 2 minutes. If more than one request to speak on the same item, chair determines order and has discretion to limit the number of speakers.	No public comments	More than 50 go to committee. More than 200 go to Full Council.	Deputations are permitted at Council, Cabinet, Scrutiny and other committee meetings.
<b>Hammersmith and Fulham – Executive</b>	Council – up to 20 minutes, oral responses only. Answers can be declined if excessive or require too much time to produce. Cabinet and Committees – no questions.	No public comments	Standard petition rules: 5,000 – Full Council 2,000 – Policy & Accountability Committee 250 – Cabinet 100 – Cabinet Member	Deputations allowed at Cabinet and the Policy Accountability Committee
<b>Westminster – Executive</b>	Council – no questions Cabinet – no questions Scrutiny Committees – may invite residents or others to give evidence Other Committees – no questions	None	Under 500 – relevant head of service decides course of action Over 500 – reported to Cabinet	Residents can request that a deputation on an issue on the agenda for a meeting (Council, Cabinet, Scrutiny and other committees). Whether it is accepted is a matter for the council
<b>Hackney – Mayor and Cabinet</b>	Council – up to 30 minutes for public questions. 1 question per resident. 50-word limit. Cabinet – up to 15 minutes for questions. No question limit indicated.	None	Approach dependent on issue raised.	Deputations are permitted at Full Council if there is an associated item on the agenda. No more than 2 deputations per council meeting. If there is no associated item, the deputation may be referred to the Mayor, Executive or a committee.
<b>Harrow - Executive System</b>	Council – 15 minutes. 1 question per resident. 1 supplementary question. Cabinet and Committees – questions must be relevant to terms of reference. 15 minutes. 1 question per resident. 1 supplementary question.	None	Less than 2,000 – if requested action taken, then closed. If not, may be referred to a committee, or could be dealt with by corporate director or portfolio holder. More than 2,000 – reported to Council.	Committees can receive deputations. Up to 4 people can address committees. Representation must not exceed 10 minutes. Will be heard immediately before the relevant agenda item. No more than 2 per meeting. No repeat issues within 6 months.

<b>LB Islington – Executive</b>	Executive: Yes Council: 1 question per resident Scrutiny Committees: Have discretion to invite public to speak	None.	Less than 1,000 – reported to relevant meeting 1,000-2,000 – meet with leader or executive member to discuss issue. Over 2,000 – debate at Full Council	Have a system for deputations
<b>Lambeth – Executive system</b>	Residents may ask a question. Members and officers will either refer the question to an officer for response or refer to a committee <i>Note: there are no questions to the Executive</i>	No public comments.	Below 1,500– the council has discretion how to respond Over 1,500 – officer called to account at an O&S committee Over 3,000 – Full Council	Deputations allowed. Need 20 people supporters. Restricted to two per meeting. 3 minutes allowed for speaker.
<b>Sutton – Committee System</b>	Council: 30 minutes for public questions at Full Council. Maximum 2 questions per resident. Local Committees: No more than 2 questions per resident. Written responses.	No public comments	Over 50 – reported to relevant committee Over 1,500 – Full Council	Deputations require 10 supporters. Must be regarding a matter already on a committee’s agenda.
<b>Kingston – Committee / O&amp;S hybrid</b>	No public questions.	No comments.	Petitions are presented at Full Council. No signature limits indicated. Over 500 people can submit a motion for debate to Council.	Area based committees can receive deputations
<b>Ealing – Cabinet System</b>	Questions at Council meeting only. One question per resident per meeting. Max 5 questions in total	None	Less than 500 – present to relevant Member at Council, no debate More than 500 – debate at O&S committee More than 1,500 – debate at Council	
<b>Kensington &amp; Chelsea – Executive System</b>	Council – 1 hour for public speaking. Advance notice of speech subject matter required. Response from executive member and opposition lead Cabinet and Committee – no questions	Public speaking allowed at Council. No comments at other meetings.	Less than 750 – officer response More than 750 – reported to scrutiny committee More than 1,500 – debate at Council	

	Scrutiny – may invite witnesses			
<b>Wandsworth – Executive System</b>	No questions	No comments	Less than 10,000 – depends on subject and number of signatories More than 10,000 – Full Council debate.	Have a system of deputations. Submit to the Chief Executive in the first instance. Triggers a meeting with a Cabinet Member. If not satisfied, deputation reported to relevant committee.
<b>Lambeth – Executive System</b>	Council – no questions Cabinet – no questions Other committees – questions submitted will be reviewed by officers and referred to the relevant committee. No limit stipulated.	No comments	Less than 1,500 – depends on subject and number of signatories More than 1,500 – scrutiny committee More than 3,000 – Full Council debate	N/A
<b>Southwark – Executive System</b>	Council: 1 question per resident. 50 word limit. Committees – no questions. Allow deputations Cabinet – 15 minutes. 50 word limit. Verbal responses.	No comments	More than 250 – community councils More than 500 – scrutiny committee or Cabinet More than 1,500 – Full Council	Have a system of deputations. Up to 6 people can sign
<b>Camden – Executive System</b>	Council – no questions Cabinet – no questions Other Committees – no questions	No comments	Less than 500 – reported to Council but not debated More than 500 – for a local issue, will be reported and debated at Council and may be referred to a committee More than 500 for local issue or 4,000 for borough-wide issue – call to hold an officer to account at a scrutiny committee More than 8,000 – debate at Full Council	Deputations allowed at Cabinet, scrutiny and other committees
<b>Enfield – Executive System</b>	Council – no questions Cabinet – no questions Scrutiny – have discretion to invite	No comments	Up to 1,562 – council will direct as appropriate Over 1,562 – officer call to account	Deputations sponsored by a named councillor can be reported to Cabinet

	witnesses Other Committees – no questions		at scrutiny committee Over 3,124 – debate at Full Council	
<b>Corydon – Executive System</b>	Council – 30 minutes public question time Cabinet – no questions Scrutiny – have discretion to invite witnesses Committees – no questions	No comments	Less than 5,000 – procedure is unclear More than 5,000 – call an officer to account More than 10,000 – debate at Full Council	N/A

<b>Worcester City Council – Committee System</b>	At committees the public may: (i) present a petition (ii) ask a question (iii) make a comment	See questions column	See questions column	Total time 15 minutes. Oral responses only.
<b>Nottinghamshire County Council - Committee System</b>	Scrutiny committees have discretion to invite residents to address them. No other provisions exist.	See questions column	Petitions submitted to relevant Ward Member who presents to Council on behalf of residents	N/A
<b>Brighton &amp; Hove Committee System</b>	Questions at Full Council. 1 per resident, submitted in advance. Responded to at the meeting. One supplementary question.	No public comments	Less than 1,250 – noted at Council and reported to next available relevant committee. More than 1,250 – debate at Full Council	Deputations must have between 5 – 12 supporters. Presented to relevant committee or Full Council.
<b>Basildon – Committee System</b>	Questions at Full Council. Maximum 2 per resident	No public comments	Up to 1,000 – referred to relevant committee chair and chief officer who decide action More than 1,000 – reported to service committee Over 5,000 – Full Council	
<b>Lincolnshire – Cabinet Model</b>	None	None	Council has discretion to either: - Refer to service area and the executive member for	Overview and Scrutiny Committees can invite residents, stakeholders, etc. to give evidence at meetings.

			<p>response.</p> <ul style="list-style-type: none"> <li>- Refer to relevant scrutiny committee</li> <li>- Refer to county council.</li> </ul>	
<b>Newcastle – Cabinet model</b>	<p>15 minutes for public questions at Full Council.</p> <p>For committee meetings, the public may speak at the discretion of the Chair.</p>	None	<p>Less than 2,500 signatures – reported to Full Council, no debate</p> <p>More than 2,500 signatures – reported to Full Council, with debate</p>	N/A
<b>South Gloucestershire - Executive System</b>	<p>Council – questions can be asked of political group leaders.</p> <p>Committees – a person can ask a question of committee chair or lead member.</p>	Statements of up to 5 minutes are allowed	<p>Under 2,500 – reported to relevant committee, time to present is at the chairs discretion</p> <p>Over 2,500 signatures petitions are reported to Full Council.</p>	<i>The chair has discretion on the total time allowed for public participation.</i>
<b>Derbyshire Dales District Council – Committee System</b>	<p>Council – the public may make a statement, submit a petition or ask questions of the Leader of Chairmen of Committees.</p> <p>Committees – the public can ask up to 3 questions or make 1 statement.</p>	See narrative on statements.	Petitions with more than 10 signatures reported to Council	Oral responses only

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	<b>Council</b> <b>30 July 2019</b>	AGENDA ITEM 11.2
<b>Title</b>	<b>Annual Report of the Audit Committee 2018 - 19</b>	
<b>Report of</b>	Chairman of the Audit Committee	
<b>Wards</b>	Not Applicable	
<b>Status</b>	Public	
<b>Urgent</b>	No	
<b>Key</b>	No	
<b>Enclosures</b>	Annex 1 – Annual Report of the Audit 2018-19 Cover Report Appendix 1 – Audit Committee Annual Report 2018-19	
<b>Officer Contact Details</b>	Clair Green - Director of Assurance <a href="mailto:clair.green@barnet.gov.uk">clair.green@barnet.gov.uk</a>	

## Summary

The Constitution under Article 7 (Committees, Forums and Working Groups) includes the following within the Audit Committee's terms of reference: "The Audit Committee shall prepare a report to Full Council on an annual basis on its activity and effectiveness."

The attached Annual Report describes how the Audit Committee met its objectives as well as detailing the work of the Committee and the outcomes it achieved for 2018-19. It was approved by the Audit Committee on 16 July 2019.

## Officers Recommendation

**That Council note and approve the Annual Report of the Audit Committee for 2018 - 19**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Annual Report describes the work of the Committee and the outcomes it achieved for 2018/19.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 It is a Constitutional requirement for the Audit Committee to present an Annual Report to full Council each year.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 None.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Not applicable

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Audit Committee provides the Council with independent assurance and effective challenge and, therefore, the Committee is central to the provision of effective governance that supports delivery of all corporate priorities.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 None in the context of this report.

### **5.3 Social Value**

- 5.3.1 None in the context of this report.

### **5.4 Legal and Constitutional References**

- 5.4.1 Article 7 (Committees, Forums and Working Groups) requires that the Audit Committee “shall prepare a report to Full Council on annual basis on its activity and effectiveness”.

### **5.5 Risk Management**

- 5.5.1 None in the context of this report

### **5.6 Equalities and Diversity**

5.6.1 None in the context of this report

## **5.7 Corporate Parenting**

5.7.1 None in the context of this report

## **5.8 Consultation and Engagement**

5.8.1 The Audit Committee on 16 July 2019 considered the Annual Report of the Audit Committee and referred it to Council.

## **5.9 Insight**

5.9.1 None in the context of this report

## **6. BACKGROUND PAPERS**

6.1 None

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	<h2>Audit Committee</h2> <h3>16 July 2019</h3>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Annual Report of the Audit Committee 2018-19</b></p>
<p><b>Report of</b></p>	<p>Chairman of the Audit Committee</p>
<p><b>Wards</b></p>	<p>N/A</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p>Appendix A – Annual Report of the Audit Committee 2018-9</p> <ul style="list-style-type: none"> <li>○ Annex 1 –Schedule of Planned and Unplanned Work 2018-19</li> </ul>
<p><b>Officer Contact Details</b></p>	<p>Clair Green, Director of Assurance  <a href="mailto:clair.green@barnet.gov.uk">clair.green@barnet.gov.uk</a></p>

### Summary

The Constitution under Responsibility for Functions includes the following within the Audit Committee’s terms of reference:

“The Audit Committee shall prepare a report to Full Council on an annual basis on its activity and effectiveness.”

The attached Annual Report describes how the Audit Committee meets its objectives as well as detailing the work of the Committee to date and the outcomes it has achieved for 2018-19

### Recommendations

1. That the Committee recommend Full Council to note and approve the Annual Report of the Audit Committee for 2018-19 as an accurate record of the outcomes and work programme for the year.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Annual Report describes the work of the Committee to date and the outcomes it has achieved for 2018-19.
- 1.2 The Committee is asked whether they wish to make any amendments and note that the report will be presented to Full Council in due course.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 It is a Constitutional requirement for the Audit Committee to present an Annual Report to full Council each year.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 None.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Once agreed by the Committee the report will be sent to the next Full Council meeting.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

The Audit Committee provides the Council with independent assurance and effective challenge and, therefore, the Committee is central to the provision of effective governance that supports delivery of all corporate priorities.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 None in context of this report

### **5.3 Social Value**

- 5.3.1 None in the context of this report

### **5.4 Legal and Constitutional References**

- 5.4.1 There are no legal issues in the context of this report.

- 5.4.2. The Audit Committee's terms of reference are noted in the Council's Constitution under responsibility for functions. Function 16 of the terms of references requires that the Audit Committee "shall prepare a report to Full Council on annual basis on its activity and effectiveness".

## 5.5 Risk Management

5.5.1 None in context of this report

## 5.6 Equalities and Diversity

5.6.1 Effective systems of audit, internal control and corporate governance provide assurance on the effective allocation of resources and quality of service provision for the benefit of the entire community to assist with compliance with the Council's duties under the 2010 Equality Act.

## 5.7 Corporate Parenting

5.7.1 None in the context of this decision

## 5.8 Consultation and Engagement

N/A

## 5.9 Insight

5.9.1 None in the context of this decision

## 6. BACKGROUND PAPER

None

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Appendix 1

# Audit Committee Annual Report 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019

Cllr Rohit Grover  
Chairman of the Audit Committee  
July 2019

## **Contents**

**1. Introduction and overview**

**2. Summary of Audit Committee outcomes during 2018-19**

**3. Conclusions**

**Annex 1 –Schedule of actual work 2018-19**

## 1. Introduction and Overview

1.1 Good corporate governance requires independent, effective assurance about both the adequacy of financial management and reporting, and the management of other processes required to achieve the organisation's corporate and service objectives. Good practice from the wider public sector indicates that these functions are best delivered by an independent audit committee. In this context, "independence" means that an audit committee should be independent from any other executive function. Further, the National Audit Office regards "well-functioning Audit Committees as key to helping organisations achieve good corporate governance".

1.2 It is important that local authorities have independent assurance about the mechanisms underpinning these aspects of governance.

Specifically:

1.2.1 **independent assurance** of the adequacy of the control environment within the authority;

1.2.2 **independent review** of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and

1.2.3 **assurance** that any issues arising from the process of drawing up, auditing and certifying the authority's annual accounts are properly dealt with and that appropriate accounting policies have been applied.

1.3 Effective audit committees can bring many benefits to local authorities and these benefits are described in CIPFA's *Audit Committees - Practical Guidance for Local Authorities* as:

1.3.1 raising greater awareness of the need for internal control and the implementation of audit recommendations;

1.3.2 increasing public confidence in the objectivity and fairness of financial and other reporting;

1.3.3 reinforcing the importance and independence of internal and external audit and any other similar review process (for example, providing a view on the Annual Governance Statement); and

1.3.4 providing additional assurance through a process of independent and objective review.

1.3.5 Effective internal control and the establishment of an audit committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However, an audit committee:

➤ **can give additional assurance through a process of independent and objective review**

➤ **can raise awareness of the need for sound control and the implementation of recommendations by internal and external audit**

## 1.4 **Audit Committee at Barnet Council**

The Council's Constitution includes the terms of reference for the Audit Committee, defining its core functions. The terms of reference describe the purpose of the Audit Committee as being:

***“to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non-financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment, and to oversee the financial reporting process.”***

- 1.4.1 To bring additional expertise from the sector and financial capability the Audit Committee also has two independent members.
- 1.4.2 The Audit Committee has a work programme that has been drawn up to effectively discharge its responsibilities as defined by the terms of reference.
- 1.4.3 The Committee relies upon independent, qualified professionals to provide assurance. Directors and Assistant Directors (or equivalent grade) have attended Committee to support the process and to aid in the Committee’s effectiveness/understanding.
- 1.4.4 During the year 2018-19 the Committee undertook all its meetings in the public domain. There have been three instances whereby items have been considered exempt and have been discussed in Part 2 of the meeting. These were:
  - 19 April 2018, Verbal Update - Confidential Investigation
  - 17 July 2019, Agenda Item 7 - Report of the Chief Executive, Appendix 1: Draft report by Grant Thornton “Review of the financial management of regeneration projects.
  - 22 November, Agenda Item 7 – Report of the Chief Executive, at the request of the Committee, the unredacted version of the following;
    - Appendix 1d: Annex 2 – Review of Financial Management relating to CPO Fraud
- 1.4.5 From the Local Election in May 2018 to the present, the Audit Committee has been chaired by two Councillors, both members of the Administration;
  - Councillor Anthony Finn from May 2018 to May 2019
  - Councillor Rohit Grover from May 2019 to the present

With regards to the rest of the Committee following Local Elections two new Members were appointed in May 2018, Councillor Alex Prager and Councillor Alex Jajeh -they replaced former Councillor Hugh Rayner and former Councillor Sury Khatri.

- 1.4.6 Between May 2018 – May 2019, three Member Briefing Sessions were arranged for Members of the Audit Committee:
  - 4 July 2018, Statement of Accounts
  - 17 July 2018, Role of Audit Committee
  - 23 October 2018, Treasury Management
- 1.4.7 The Chairman during 2018-19 continued to require senior officer attendance where there were high priority Audit recommendations and has continued to encourage public participation at the Audit Committee.

## **2. Summary of Audit Committee Outcomes during 2018-19**

- 2.1 During the financial year (April 2018- – March 2019) the Audit Committee has demonstrated many outcomes with a focus on delivering improvement to the organisation. The way in which these were implemented were as follows: -

2.1.1 **Key controls and assurance mechanisms.** The Committee relies upon information presented from qualified, independent and objective officers and external assurance providers. The key controls and assurance mechanisms are as described within the Annual Governance Statement. The Audit Committee is not a working group, it does not carry out the work itself, but relies on the assurance framework to bring significant issues to the Committee for discussion and make recommendations for the Executive and officers to take forward. The Committee recognises that management are responsible for a sound control environment<sup>1</sup>.

2.1.2 **Cross-Council Assurance Service (CCAS).** The Internal Audit service is delivered through a mixed economy model, which includes an in-house team and external provider, currently PwC. Internal Audit work closely with 5 other London Boroughs (Islington, Camden, Enfield, Lambeth and Harrow) under a framework contract with PwC for the provision of internal audit, risk management, investigation and advisory services. Collectively they are known as the Cross-Council Assurance Service (CCAS).

## **2.2. External Audit financial resilience and value for money.**

2.21 For 2018/19 BDO continue to be the Council's appointed external auditors.

2.2.2 In July 2019, in accordance with International Standard on Auditing (ISA) 260, the council's external auditors (BDO) will provide a report on matters arising from the audit of the Council's Accounts. The ISA 260 report must be considered by "those charged with governance" (The Audit Committee) before the external auditor can sign the accounts, which legally must be done by 31st July 2019.

2.2.3 At the time of publication the ISA 260 was not yet available from the external auditors, however we have been informed that report will be available for the July Audit Committee meeting and as such this annual report will be updated thereafter with the key findings.

## **2.3 Grant Thornton review of Compulsory Purchase Order (CPO) fraud**

2.3.1 The Council was subject to a significant financial fraud in December 2017 and responded immediately with a criminal investigation by the Corporate Anti-Fraud Team and stringent additional emergency financial controls being put in place to safeguard the Council's finances. An independent review of financial control and financial forensic analysis was undertaken by Grant Thornton (GT).

2.3.2 The outcome of the GT review was reported to the Audit Committee in November 2018. The report included 32 actions for the Council, CSG and Re to take forward and during the year the Audit Committee has challenged and monitored progress by receiving update reports against this action plan.

2.3.3 The update reports were presented to the Committee as a Confidential Investigation Update (April 2018), Report of the Chief Executive (July 2018 and November 2018), and Report of the Director of Finance (January 2019).

<sup>1</sup>The control environment comprises the systems of governance, risk management and internal control

- 2.3.4 As at 31 March 2019, four of the 32 actions remained outstanding and these will continue to be monitored during 2019/20 via the Internal Audit quarterly progress updates.
- 2.4 Improvement agenda** – the Audit Committee is committed to improving shortfalls in the control environment, rather than apportioning blame.
- 2.4.1 The Audit Committee has been provided with assurances on internal audit high priority recommendations and the progress against these quarter by quarter. The Audit Committee and its Chairman has asked that leading officers (Directors or Assistant Directors / Strategic Leads) to attend the Audit Committee to explain any deficiencies identified by Internal Audit and how they intend to address and action them. The important aspect that the Audit Committee has been assessing each quarter is whether the direction of travel from one quarter to the next has been improving via recommendations having been implemented. This focus on improving the control environment through follow-up and discussion has made Delivery Units accountable for improvement. We followed up a total of 90 recommendations that had been raised and were due to have been implemented by the end of 2018/19. Of those, we found that 81 had been fully implemented by the year end, with 9 ongoing. The direction of travel for implementing audit recommendations by year end is therefore the same in 2018/19 with 90% of recommendations confirmed as having been implemented within revised agreed timescales (90% in 2017-18). However, on a quarterly basis the target was not met in any of the quarters as follows: Q1 – 51%, Q2 – 67%, Q3 – 49%, Q4 – 82%. A risk has been escalated to the Council’s Strategic Risk Register which recognises that this performance needs to be improved as if audit actions are not implemented this could lead to a deterioration in the Council’s control environment.
- 2.4.2 The Public Sector Internal Audit Standards require the Head of Internal Audit to provide an annual opinion, based upon and limited to the work performed, on the overall adequacy and effectiveness of the organisation’s framework of governance, risk management and control (i.e. the organisation’s system of internal control). The opinion does not imply that Internal Audit has reviewed all risks relating to the organisation and is based on the work performed in 2018-19 but the conclusion should be considered in the context of the financial pressures facing the Council in a period where savings are required to be made but there is a greater demand for local services due to the borough’s growing population. For 2018-19 a ‘Limited Annual Internal Audit Opinion was given, which overall is in line with the previous year, although the Opinion does recognise that improvement has been shown, particularly in the second half of the year.
- 2.4.3 In line with the Scheme of Financing Schools, the Chief Finance Officer is required to deploy internal audit to examine the control frameworks operating within schools under the control of the Local Education Authority (“LEA”). In 2018-19, Internal Audit performed 22 school’s visits and undertook 4 follow-up reviews.
- 2.4.4 The **Internal Audit and the Corporate Anti-Fraud Team (CAFT)** functions, which are organisationally independent from the rest of the Council, have a combined Annual Plan approved annually by Audit Committee which demonstrates their commitment to joint working, making the best use of resources and avoidance of duplication of effort. This also enables them to ensure that any control weaknesses identified through fraudulent

activity are followed up with recommendations to strengthen the control environment and noted on the service risk registers.

**2.5 Issues external and internal assurances** – during the year the Audit Committee has been presented with various reports regarding control weaknesses. Areas that received an Internal Audit ‘No / Limited’ assurance rating, or where a management letter identified areas of weaknesses and high priority recommendations, are listed below. The Committee has also continued to follow up all High priority recommendations within Reasonable Assurance reports where those recommendations are not implemented within the agreed timeframes.

Review Title	Assurance rating	Number of High Priority recommendations
Temporary and interim workforce	No Assurance	5
Schools Payroll	No Assurance	5
Facilities Management	Limited	2
Equalities Data Quality and Analysis	Limited	2
All Saints’ CE Primary School, NW2	Limited	2
Onboarding	Limited	1
Non-Schools Payroll	Limited	1
Tudor School	Limited	1
St Andrew’s CE Primary School	Reasonable	1
Integra Access and Program Change Management	Reasonable	1
Teachers Pensions – Phase 2	Reasonable	1
Housing Benefit	Reasonable	1
Banking & Payment Arrangements – Treasury Management	Reasonable	1
Review of new Depot Arrangements	Reasonable	1
S106 & CILS Follow-Up	Reasonable	1

**2.6 Anti-Fraud** – during the year the CAFT operated to an anti-fraud strategy and annual work plan which was approved by the Audit Committee. The Audit Committee has also received quarterly progress as well as an Annual report from CAFT which provide detailed summary on outcomes including preventative, proactive and reactive anti-fraud work undertaken.

2.6.1 As mentioned in section 2.3 2018-19 saw CAFT officers investigate and prosecute an unprecedented internal financial fraud. In response to this investigation officer resource was diverted from all sections within the team to deal with the investigation. The fraud itself related to two offences of ‘abuse of position’ which were committed by a Capital Investment Manager, employed by Capita and working for Regional Enterprise. The staff member in question created fake instructions for CHAPS payments more than £2million to be processed in relation to fictitious Compulsory Purchase Orders (CPO).

2.6.2 The criminal aspect of the investigation was evidenced and prepared for prosecution within five months which subsequently led to the successful conclusion of the case in July 2018 which saw the offender being sentenced at Harrow Crown Court to 5 years imprisonment.

- 2.6.3 Despite monies being repaid to the council by CAPITA, CAFT has continued with the financial investigation recovering over £1million of the stolen funds and continues to do so in order to ensure all proceeds of crime are identified and recovered accordingly.
- 2.6.4 CAFT has also worked closely with Internal Audit and Finance in relation to recommendation from the external review of financial controls and the ongoing audit testing relating to financial controls.
- 2.6.5 This investigation received wide publicity with praise being given by Specialist Police Units, Senior Management and Members of the council to the CAFT in relation to the response and subsequent criminal and financial investigation conducted by the team
- 2.6.7 **The Concessionary Travel Fraud Team** investigated 412 cases of alleged Blue Badge misuse and Fraud. Of these, 69 cases were successfully prosecuted at Magistrates court with a further 109 cases resulting in a Formal Caution being administered by CAFT (after the offence was admitted during a formal interview under caution). These cases have resulted in more than £40,000 worth of costs being recovered. A further 83 cases also concluded in Warning letters being sent to the Badge Holders and offenders
- 2.6.8 **The Tenancy Fraud team** has also continued to be successful this year, it has investigated 558 cases of alleged Tenancy Fraud in 2018-19. They were responsible for recovering 53 properties, it also prevented 41 Right to Buy applications due to the applicants not being eligible to purchase under the scheme as well as denying 3 new housing applications by persons who were not eligible to be housed.
- 2.6.9 **The Corporate Fraud Team** investigated 123 cases of alleged fraud. These resulted in 3 members of staff being dismissed (1 relating to a member of Your Choice Barnet who removed funds from a deceased service users account which resulted in his arrest and 2 relating to theft by employees working in Refuse). The Corporate Team also successfully prosecuted the family member of a deceased Direct Payments claimant who removed payments from the deceased person's account.
- 2.6.10 In relation to **Proceeds of Crime (POCA) Investigation** CAFT Specialist Financial investigators received 12 new cases in 2018-19. As well as carrying out PoCA investigation for the London Borough of Barnet, these specialist officers also assisted other local authorities with the PoCA element of their criminal cases resulting in the courts confiscating £1,412,537 from offenders with £628,441 being awarded to the prosecuting authorities under compensation as well as the governments incentivisation scheme. Funds confiscated from criminals is shared as follows:
- 50% is allocated to the Treasury
  - 12.5% is allocated to the courts
  - 37.5% is allocated to the investigating and prosecuting authority
- 2.6.11 **Whistleblowing** matters are also reported to the Audit Committee. Four matters were referred under whistleblowing policy in the last year these are summarised below:
- 1 - relates to a two-part referral the first and substantive part of the referral related to the individuals own employment issues and the whistle-blower was informed how to raise the issue in accordance with the relevant HR Policy. The second part of the referral related to various concerns that will be reviewed within planned internal audits.

- 2 – relates to a matter that was passed to the appropriate service to deal with under the Corporate Complaints procedure.
- 3 - relates to a matter that was passed to appropriate service to deal with under the Corporate Complaints procedure
- 4 - relates to an issue that has been dealt with under the Corporate Complaints procedure

2.7 **Planned and unplanned work** – The Committee has completed its work plan in accordance with its planned level of activity as detailed at annex 1.

### **3. Conclusions**

3.1 In conclusion the Audit Committee feels that it has demonstrated that it has added value to the Council's overall Governance Framework.

3.2 Throughout 2019-20 the Audit Committee plans to continue to require senior officers to attend Committee meetings to aid in its understanding of the services and the issues identified through the audit process, but mostly to ensure that internal and external recommendations are given the priority required and implemented on a timely basis.

3.3 The Audit Committee's focus will continue to be ensuring action is taken of internal control deficiencies and reviewing progress on a regular basis as well as commitment to improving shortfalls in the control environment, rather than apportioning blame.

**Annex 1 – Schedule of actual work 2017-8**

**Detail Reports considered:**

<b>Audit Committee Meeting Date</b>	<b>Agenda Items</b>
<b>19 April 2018</b>	<ul style="list-style-type: none"> <li>• Internal Audit Exception Recommendations Report Q4 Progress Report 1st January to 31st March 2018</li> <li>• CAFT Annual Report</li> <li>• Internal Audit &amp; Anti-Fraud Strategy and Annual Plan 2018-19</li> <li>• Accounts Closure Improvement Plan – Progress Report</li> <li>• External Audit Plan – 2017 – 18</li> <li>• External Auditor Progress Report</li> <li>• Audit Committee Forward Work Programme</li> <li>• Confidential Investigation update [EXEMPT] – This was a verbal update</li> </ul>
<b>17 July 2018</b>	<ul style="list-style-type: none"> <li>• Report of the Chief Executive</li> <li>• Internal Audit Annual Opinion 2017 – 2018</li> <li>• Annual Governance Statement and Code of Corporate Governance</li> <li>• Statement of Accounts and External Audit Completion Report for the year 2017/18</li> <li>• Internal Audit Exception Recommendations Report and Q1 Progress Report 1st April to 30 June 2018</li> <li>• Corporate Anti-Fraud Team (CAFT) Q1 Progress Report 2018-19</li> </ul>

Audit Committee Meeting Date	Agenda Items
	<ul style="list-style-type: none"> <li>• Annual Report of the Audit Committee 2017 - 18</li> <li>• Audit Committee Forward Work Programme</li> </ul>
<b>22nd November 2018</b>	<ul style="list-style-type: none"> <li>• Report of the Chief Executive</li> <li>• Internal Audit Exception Recommendations Report and Q2 Progress Report 1st July to 30th September 2018</li> <li>• Corporate Anti-Fraud Team (CAFT) A2 Progress Report 2018-19</li> <li>• Audit Committee Forward Work Programme</li> </ul>
<b>31 January 2019</b>	<ul style="list-style-type: none"> <li>• Improvements to Financial Controls – Progress report on the Grant Thornton Recommendations and Action Plan</li> <li>• Internal Audit Exception Recommendations Report and Q3 Progress Report 1st October to 31st December 2018</li> <li>• Corporate Anti-Fraud Team (CAFT) Q3 Progress Report 2018 – 19</li> <li>• External Audit Plan 2018/19</li> <li>• Annual Audit Letter 2017/18</li> <li>• Audit Committee Work Programme – May 2019</li> </ul>

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	<p><b>Council</b></p> <p><b>30 July 2019</b></p>
<b>Title</b>	<p><b>Referral from the– Update report on the Inspection of Local Authority Children’s Social Care Services</b></p>
<b>Report of</b>	<p>Chairman of Children, Education and Safeguarding Committee</p>
<b>Wards</b>	<p>All</p>
<b>Status</b>	<p>Public</p>
<b>Enclosures</b>	<p>Annex 1: Report to Children, Education and Safeguarding Committee – 1 July 2019</p> <p>Appendix 1: Inspection of Children’s Services summary letter</p> <p>Appendix 2: Inspection of Children’s Social Care Services report</p>
<b>Officer Contact Details</b>	<p>Salar Rida, Governance Team Leader (Acting)  <a href="mailto:salar.rida@barnet.gov.uk">salar.rida@barnet.gov.uk</a> – 020 8359 7113</p>

## Summary

The Children, Education and Safeguarding Committee at its meeting on 1 July 2019 considered the update report on the Inspection of Local Authority Children’s Social Care Services.

Following consideration, the Committee unanimously supported the referral of the Barnet Ofsted Inspection of Children’s Social Care Services report to Full Council. Council is therefore requested to consider the recommendation set out below.

## **Recommendations**

- 1. That Council consider and note the inspection findings as set out within Appendix 1 and Appendix 2.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 As set out in the report attached at Annex 1.

### **2. REASONS FOR REFERRAL**

- 2.1 The Children, Education and Safeguarding Committee on 1 July 2019, requested that the Ofsted Inspection update report be referred to Full Council for consideration.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 As set out in report attached at Annex 1.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 As set out in report attached at Annex 1.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the report attached at Annex 1.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As set out in report attached at Annex 1.

#### **5.3 Legal and Constitutional References**

- 5.3.1 Council Constitution, Article 7, Committees, Forums, Working Groups and Partnerships, sets out the terms of reference of the Children, Education and Safeguarding Committee which includes responsibility for all matters relating to children, education, safeguarding and schools. The Children, Education and Safeguarding Committee has requested that the Ofsted Inspection update report be considered by Full Council.

#### **5.4 Risk Management**

- 5.4.1 As set out in the report attached at Annex 1.

#### **5.5 Equalities and Diversity**

5.5.1 As set out in the report attached at Annex 1.

**5.6 Corporate Parenting**

5.6.1 As set out in the report attached at Annex 1.

**5.7 Consultation and Engagement**

5.7.1 As set out in the report attached at Annex 1.

**6. BACKGROUND PAPERS**

6.1 As set out in the report attached at Annex 1.

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	<p style="text-align: center;"><b>CHILDREN, EDUCATION and SAFEGUARDING COMMITTEE</b></p> <p style="text-align: center;"><b>1 July 2019</b></p>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Update report on the Inspection of Local Authority Children’s Social Care Services – May 2019</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Chairman of the Committee, Councillor David Longstaff</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: center;"><b>Key</b></p>	<p>No</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p><b>Appendix 1: Inspection of children’s services summary letter</b>  <b>Appendix 2: Inspection of children’s social care services report</b></p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Chris Munday  Executive Director for Children and Young People  <a href="mailto:Chris.Munday@barnet.gov.uk">Chris.Munday@barnet.gov.uk</a></p>

### Summary

Children's services in Barnet were judged by OFSTED to be inadequate when OFSTED undertook a Single Inspection Framework (SIF) during April and May 2017. The Council fully accepted the findings of the report and worked collectively with the partnership to drive the improvements needed to transform social care services for children, young people and their families from inadequate to good rapidly.

In response to the recommendations and areas for improvement identified by OFSTED, the Barnet Children Services Improvement Action Plan was developed and a final version presented to Committee in November 2017.

Ofsted undertook an Inspection of Local Authority Children's Social Care Services (ILACS) in Barnet between 13 May and 24 May 2019. OFSTED judged Barnet to be good across all inspection domains. This report provides an update on the inspection findings and recommendations.

### Recommendations

**1. To consider and note the inspection findings as set out within Appendix 1 and Appendix 2.**

**2. To refer the report to Full Council for consideration.**

- 1.1 Children's services in Barnet were judged by OFSTED to be inadequate when OFSTED undertook a Single Inspection Framework (SIF) of these services in April and May 2017.
- 1.2 The Council fully accepted the findings of the report and worked collectively with the partnership to drive the improvements needed to transform social care services for children, young people and their families from inadequate to good rapidly.
- 1.3 Under the Inspection of Local Authority Children's Services (ILACS) Framework, local authorities judged as inadequate are subject to ongoing monitoring activity from OFSTED; in Barnet, this included an action planning visit, quarterly monitoring visits, and a full ILACS inspection.
- 1.4 A standard ILACS took place from 13 May to 24 May 2019. Inspectors found the service to be 'good' across the four inspection domains:

- The impact of leaders on social work practice with children and families
- The experiences and progress of children who need help and protection
- The experience and progress of children in care and care leavers
- Overall effectiveness

1.5 OFSTED informed the local authority of the inspection findings and published their report on 1<sup>st</sup> July 2019. This also means that all Department of Education Directions will also cease from the 1<sup>st</sup> July 2019. The full inspection report can be found in Appendix 1. A young person's summary is published as Appendix 2.

## **2. REASONS FOR RECOMMENDATIONS**

2.1 Members are asked to consider and note the inspection findings to ensure scrutiny by elected members and ensure the effectiveness of the local authority in protecting and caring for children and young people as a corporate parent.

2.2 Members are asked to refer to report to Full Council.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Not applicable.

## **4. POST DECISION IMPLEMENTATION**

4.1 Not applicable.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 The delivery of good services to children and families is a key mechanism through which Barnet Council and its partners will deliver the Family Friendly Barnet vision to be the most family friendly borough in London by 2020.

5.1.2 This supports the following Council's corporate priorities as expressed through the Corporate Plan for 2019-2024 which sets out the vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity, to make sure Barnet;

- Is a pleasant, well maintained borough that we protect and invest in;
- Residents live happy, healthy, independent lives with the most vulnerable protected;
- Has safe and strong communities where people get along well.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Policy and Resources Committee of June 2017 agreed to invest an additional £5.7m in Family Services, some of which was invested to improve practice to ensure improvements are made which result in better outcomes for children, young people and families. The detailed breakdown of this additional £5.7 million is provided in item 7, CELS agenda 18 September 2017.
- 5.2.2 Medium Term Financial Savings (MTFS) for 2018 - 2020 were reviewed in light of the Family Services improvement journey to consider achievability. The original CES Committee target for 2018/19 – 2019/20 was £8.303m was revised to £4.409m in the 2018/19 Policy & Resource Committee Business Planning Report.

### **5.3 Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

### **5.4 Legal and Constitutional References**

- 5.4.1 Local authorities have specific duties in respect of children under various legislation including the Children Act 1989 and Children Act 2004. They have a general duty to safeguard and promote the welfare of children in need in their area and, if this is consistent with the child's safety and welfare, to promote the upbringing of such children by their families by providing services appropriate to the child's needs. They also have a duty to promote the upbringing of such children by their families, by providing services appropriate to the child's needs, provided this is consistent with the child's safety and welfare. They should do this in partnership with parents, in a way that is sensitive to the child's race, religion, culture and language and that, where practicable, takes account of the child's wishes and feelings.
- 5.4.2 Part 8 of the Education and Inspections Act 2006 provides the statutory framework for OFSTED inspections. Section 136 and 137 provide the power for OFSTED to inspect on behalf of the Secretary of State and requires the Chief Inspector to produce a report following such an inspection. OFSTED will have monitoring visits on a regular basis in local authorities found to be inadequate. A new OFSTED framework has been in place from January 2018, however monitoring visits are still undertaken for authorities found to be inadequate. In addition to OFSTED's statutory responsibilities, the Secretary of State has the power to direct local authorities. This power of direction includes the power to impose a commissioner, direct the local authority to work with improvement partners and direct alternative delivery options. Subsequent directions can be given if the services are not found to be adequate.
- 5.4.3 Article 7 of the council's constitution states that the Children, Education and Safeguarding Committee has the responsibility for all matters relating to children, schools and education. In addition to this, the committee has responsibility for overseeing the support for young people in care and enhancing the council's corporate parenting role.

## **5.5 Risk Management**

### **Children's Services Improvement Action Plan**

- 5.5.1 The nature of services provided to children and families by Family Services manage significant levels of risk. An inappropriate response or poor decision-making around a case could lead to a significant children's safeguarding incident resulting in significant harm. Good quality early intervention and social care services reduce the likelihood of children suffering harm and increase the likelihood of children developing into successful adults and achieving and succeeding. The implementation of the Barnet Children's Services Improvement Action Plan based on inspection findings and recommendations reduce this risk and drive forward improvements towards good quality services.

## **5.6 Equalities and Diversity**

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
  - advance equality of opportunity between people from different groups
  - foster good relations between people from different groups
- 5.6.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services
- 5.6.3 Equalities and diversity considerations are a key element of social work practice. It is imperative that help and protection services for children and young are sensitive and responsive to age, disability, race and ethnicity, faith or belief, sex, gender reassignment, language, maternity / parental status and sexual orientation. Barnet has a diverse population of children and young people. Children and young people from minority ethnic groups account for 52%, compared with 30% in the country. The percentages of children and young people from minority ethnic groups who receive statutory social care services account for 61% of Children in Need cases, 56% of child protection cases and 60% of all Children in Care. The proportion of children and young people with English as an additional language across primary schools is 44% (the national average is 18%). The trends in the ethnic, age and gender identity of Barnet's looked after children compared to the published population statistics for England can be seen in the children looked after (CLA) graph below. The snapshot is the CLA population as at February 2019.

## Comparing CLA demographics

CLA figures compared to published population statistics

### Ethnicity

	LA Latest snapshot			LA 2017			Eng 2017		
	CLA	Pop	% difference	CLA	Pop	% difference	CLA	Pop	% difference
White	40	53	lower -25%	42	53	lower -20%	75	75	no dif 0%
Mixed	20	11	higher 87%	17	11	higher 61%	9	6	higher 56%
Asian	6	13	lower -56%	12	13	lower -12%	5	11	lower -58%
Black	18	12	higher 56%	18	12	higher 54%	7	6	higher 25%
Other	16	12	higher 38%	x	12		3	2	higher 44%

### Age

	LA Latest snapshot			LA 2017			Eng 2017		
	CLA	Pop	% difference	CLA	Pop	% difference	CLA	Pop	% difference
Under 1	4	6	lower -26%	4	6	lower -25%	5	6	lower -5%
1 to 4	10	23	lower -57%	7	23	lower -70%	13	23	lower -45%
5 to 9	9	30	lower -69%	11	30	lower -63%	19	29	lower -34%
10 to 15	35	31	higher 13%	37	31	higher 19%	39	32	higher 24%
16-plus	41	9	higher 333%	40	9	higher 324%	23	10	higher 126%

### Gender

	LA Latest snapshot			LA 2017			Eng 2017		
	CLA	Pop	% difference	CLA	Pop	% difference	CLA	Pop	% difference
Male	62	51	higher 20%	61	51	higher 19%	56	51	higher 10%
Female	38	49	lower -22%	39	49	lower -20%	44	49	lower -10%

5.6.4 Barnet also has an above average rate of unaccompanied asylum-seeking children when compared to statistical neighbours, and the statistical neighbour average. In 2018, Barnet had 66 unaccompanied asylum-seeking children, compared to an average of 34 amongst statistical neighbours. The only statistical neighbour which had more was Hillingdon, a London Borough which is within a 10-mile radius of Heathrow airport.

5.6.5 Unaccompanied young people experience separation and loss from their families, and in addition to this they are also likely to have experienced further trauma, such as abuse an exploitation whilst travelling to the UK. There have been several practice and service developments to ensure the needs of this group are met, many of whom arrive in the UK without being able to speak English. In 2018,

- an education programme was commissioned from Whitefields School to induct unaccompanied young people into the UK and education system;
- an initial health assessment pathway was created that included specific processes for unaccompanied young people, to accommodate the range of checks that need to be undertaken for this group;
- a new unaccompanied asylum-seeking children specialist Personal Advisor role was created in Onwards and Upwards. The worker speaks Pashtu and Albanian – the two most common languages spoken by Barnet's unaccompanied young people – and has experience in dealing with the Home Office and dealing with tasks such as Human Rights Assessments, which has been invaluable in supporting this vulnerable group of young people;
- Practice improvements in life story work resulted in a former unaccompanied young person creating a video work as an outcome of his successful life story

work and foster placement;

- All newly arrived unaccompanied young people are now allocated to a worker in Onwards and Upwards upon arrival to reduce the number of workers and times a young person has to repeat their story.

5.6.6 In Barnet, we have a higher percentage of children in need with a recorded disability compared to the London and England rat. As at 31 March 2018, the rate of disability was as follows:

Local authority	Number of Children in need episodes at 31 March	Number of children in need episodes at 31 March with a disability recorded	Percentage of children in need episodes at 31 March with a disability recorded
England	404,710	49,770	12.3
London	72,810	9,460	13.0
Inner London	31,460	3,900	12.4
Outer London	41,350	5,560	13.4
<b>Barnet</b>	<b>2,107</b>	<b>317</b>	<b>15.0</b>

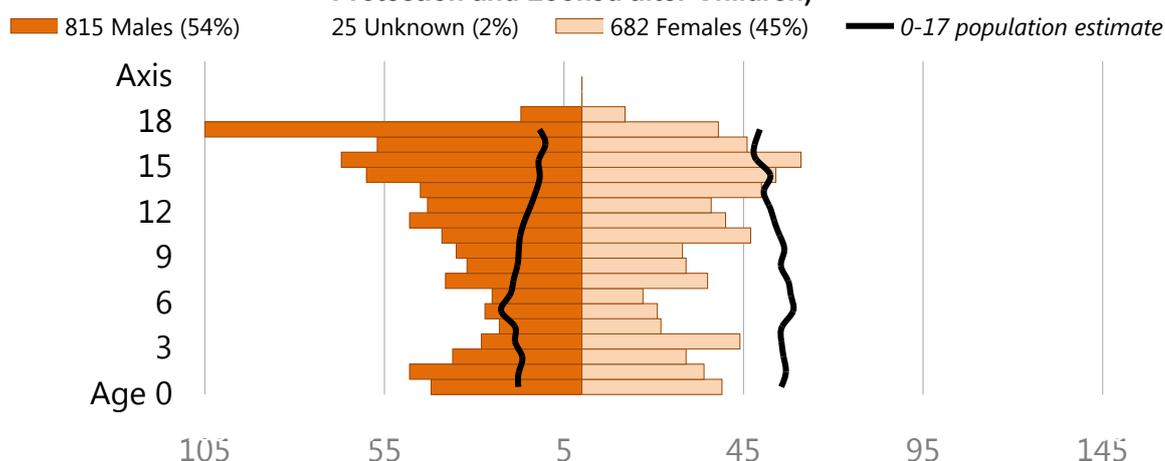
5.6.7 One key service which supports disabled children, young people and families is the 0-25 service. The service was reorganised in September 2017 and consists of a team of social workers, family support workers, direct payment workers and occupational therapists who work with young people as per the Children Act 1989 and Care Act 2014. The service supports a strength based model of practice that aims to build families strengths, resilience and capacity. The service intervenes and supports families earlier and throughout young people's transition to adulthood, building their capacity and resilience.

5.6.8 Since the service's introduction, and the inadequate Ofsted rating, practice has improved across children and adult cases, and there is significantly better partnership working with Adult services, SEND, Health and parents - with the aim to achieve effective co-production. There is a better understanding of safeguarding within the service which means that children with disabilities are better protected.

5.6.9 The focus for 2019 regarding support for disabled children, young people and families pertains to practice development, data and systems and support for families, such as recommissioning the Short Breaks service. These fall under the OFSTED improvement plan themes of 'enhancing practice leadership for children' and 'strengthening planning for children', which will lead to better outcomes for children, young people and families.

5.6.10 As at 20 December 2018, there are more children in need aged 14 to 18 than any other age group, as illustrated in the graph 1 below.

**Graph 1: Age/Gender of all Children in Need (1522) (including Child Protection and Looked after Children)**



5.6.11 The number and needs of adolescents has resulted in several services being invested in to ensure that emerging and existing issues are supported to prevent them becoming more serious problems; data shows that this age group are more likely to be affected by issues such as exploitation, criminality and poor mental health. As at 30 November 2018, of 27 young people identified as known to the Youth Offending Team and vulnerable (gone missing, those with an open Child Sexual Exploitation or gang flag, and those who have been the subject of a Sexual Exploitation And Missing meeting, within a selected time period) 96% (n=26), were aged 15 to 17, one was 12 years old.

5.6.12 One of the services that has been invested in to engage vulnerable young people in this age group is the REACH Team. This team was set up in April 2017 to provide multi-agency wrap-around support to young people at high risk of criminal or sexual exploitation. Further to this the Trusted Relationships Project will be delivered in 2019 following a successful bid to the Home Office in September 2018; more details about this can be found in 2.10 to 2.19.

5.6.13 A further way in which the service is attempting to meet the specific needs of this age group, is through the provision of mental health support at Onwards and Upwards, which includes 1:1 appointments with trainee psychotherapists from Terapia which is available for care leavers in need of emotional support.

5.6.14 Some areas of social work practice in relation to inequalities and disadvantage still remain inconsistent. Learning from audits and practice week has highlighted attention to diversity and the cultural context in assessments is an area of practice in need of immediate support from management, the Practice Development Workers and targeted training. The Ofsted improvement action plan addresses the additional work which needs to be done to ensure that children’s diversity and identity needs are met; “5b(ii) Strengthen consideration of diversity in assessment so that assessments thoroughly explore and consider family history including the influence of cultural, linguistic and religious beliefs, norms and expectations”, and training is ongoing to ensure this work is embedding.

5.6.15 Additional equalities and diversity information and data in relation to service improvements that have, and continue to be made following the 2017 OFSTED

inspection, are outlined within the Self-Evaluation Framework presented at the November 2018 CES Committee. For example, a new programme of diversity training for social workers has been introduced, which has resulted in improvements in this domain of practice, as evidenced by audit grades.

## 5.7 Corporate Parenting

5.7.1 In July 2016, the Government published their Care Leavers' strategy *Keep on Caring* which outlined that the "... [the government] will introduce a set of corporate parenting principles that will require *all departments* within a local authority to recognise their role as corporate parents, encouraging them to look at the services and support that they provide through the lens of what a reasonable parent would do to support their own children.'

5.7.2 The corporate parenting principles set out seven principles that local authorities must have regard to when exercising their functions in relation to looked after children and young people, as follows:

1. to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
2. to encourage those children and young people to express their views, wishes and feelings;
3. to take into account the views, wishes and feelings of those children and young people;
4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and;
7. to prepare those children and young people for adulthood and independent living.

5.7.3 A number of activities have been undertaken as part of the OFSTED improvement journey and to ensure that Barnet has due regard to the Principles and improves on the delivery of corporate parenting to its children in care and care leavers. This includes:

- A Children in Care survey relaunch in December 2018 resulted in a 60.9% increase in responses from children and young people when compared to the previous survey. Corporate Parenting Advisory Panel will use a more in-depth analysis of the results, alongside the results of the other work with young people over the last 12 months to agree what will happen as a result of the messages from the survey.
- Barnet have committed to supporting children and young people to achieve their best in childhood, adolescence and adulthood within the Corporate Parenting Pledge for children in care and care leavers, as approved by full council on 29 January 2016.

- Learning and development for elected members and senior officers has and will continue to be delivered, to ensure that there is a clear understanding of their duties and responsibilities to children and care and care leavers and ways in which the Principles can be embedded and sufficient challenge provided regarding work and decisions of the council. The last training session for members was delivered on 31 May 2018.
- Improved our Mental Health offer for Children in Care and Care Leavers, in partnership with the Barnet Integrated Clinical Service and Terapia.
- To ensure that Barnet has due regard to the Principles and improves on the delivery of corporate parenting to children in care and care leavers in Barnet, the administering of council tax relief was approved at Full Council on 31 July 2018 and backdated to April 2018 when implemented in September 2018. This scheme helps care experienced young people have a more successful transition to independence, through the provision of guaranteed relief in their first two years of independent living.

Young people, key services and senior officers developed the policy, which was amended based on feedback received from the care leavers that responded to the public consultation.

The introduction of the care leavers council tax policy aims to help improve the emotional and physical health of care experienced young people and contribute to the achievement of the best outcomes for this cohort.

- A Care Leaver Participation Coordinator has been recruited to lead on a targeted participation project which seeks to improve the education, employment and training (EET) outcomes of Barnet's Care Leavers. The Coordinator's role includes working with key stakeholders to develop and implement an appropriate and accessible EET Pathway for Barnet Care Leavers, action EET related tasks within the Corporate Parenting Plan and work with staff and care leavers to increase skills and opportunities available to care leavers. This project has been funded by the Council's Chief Executive until March 2021.
- We ensure elected members, senior officers and partners can monitor and challenge the performance of the council and its partner agencies pertaining to consideration of the Principles and outcomes for children in care and care leavers through the appropriate channels. This includes the Children, Education, and Safeguarding Committee (bi-monthly), Corporate Parenting Advisory (quarterly) Panel and Corporate Parenting Officers' Group (monthly).

## **5.8 Consultation and Engagement**

- 5.8.1 Consultation and engagement with children and young people is central to social work practice and service improvement across the Safeguarding Partnership. A service user experience strategy has been developed and was launched on 19th February 2018. The strategy ensures that how we work with children and young people is child centred,

that we know, understand and can capture the lived experience of children and feed lessons learnt into service improvement. We have nominated Voice of the child champions across partner agencies and within Family Services to promote and lead on the Service User Engagement agenda within their respective areas.

- 5.8.2 Our Voice of the Child Strategy Group enables the wider engagement of children and young people in service design and commissioning of provision across the partnership. This includes youth forums such as Barnet Youth Board and Youth Assembly, the SEN forum (to co-design services) and Children in Care Council (to improve the support children in care receive). The team have been working closely with UNICEF UK to deliver the Child Friendly Communities and Cities initiative. This is a global programme that aims to advance children's rights and well-being at the local level. More recently the team have had a change in staff with a newly appointed Voice of the Child Coordinator and Child's Rights Lead. The team are reviewing the current Youth Voice Offer to develop a structured action plan to focus on increasing reach and impact for children and young people in Barnet.

## **5.9 Insight**

- 5.9.1 Insight data will continue to be regularly collected and used in monitoring the progress and impact of Barnet's Children's Services Improvement Action Plan and to shape ongoing improvement activity.

## **6 BACKGROUND PAPERS**

- 6.1 Single Inspection of services for children in need of help and protection, children looked after and care leavers and Review of the effectiveness of the Local Safeguarding Children Board report, OFSTED, 7 July 2017

[https://reports.OFSTED.gov.uk/sites/default/files/documents/local\\_authority\\_reports/barnet/051\\_Single%20inspection%20of%20LA%20children%27s%20services%20as%20pdf.pdf](https://reports.OFSTED.gov.uk/sites/default/files/documents/local_authority_reports/barnet/051_Single%20inspection%20of%20LA%20children%27s%20services%20as%20pdf.pdf)

- 6.2 Barnet's Corporate Parenting Pledge to Children in Care and Care Leavers (2016)

[https://www.barnet.gov.uk/dam/jcr:c33f12a5-86d9-4215-9c89-a8c82675fba4/Pledge%20for%20Children%20in%20Care%202016%20\(digital\).pdf](https://www.barnet.gov.uk/dam/jcr:c33f12a5-86d9-4215-9c89-a8c82675fba4/Pledge%20for%20Children%20in%20Care%202016%20(digital).pdf)

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1 July 2019

Mr Chris Munday  
Executive Director for Children and Young People  
London Borough of Barnet

To the children and young people in the London Borough of Barnet

### **Inspection of children's services**

In May 2019, Ofsted inspectors visited your area. They considered the experiences of children and young people when they need help, protection or care given to them by workers at the local authority. They also looked at what leaders in the local authority do, to make these services better.

We have asked the workers at the local authority to share this letter with you. It tells you the main things that inspectors found. There is a more detailed report on our website that you can read if you want to.

### **What grades did inspectors give the local authority?**

<b>Judgement</b>	<b>Grade</b>
The impact of leaders on social work practice with children and families	<b>Good</b>
The experiences and progress of children who need help and protection	<b>Good</b>
The experiences and progress of children in care and care leavers	<b>Good</b>
Overall effectiveness	<b>Good</b>

## **What did the inspectors find?**

- We found that services for children and young people in Barnet have improved a lot since the last inspection in 2017, and all services are now good. Senior managers are working well with the police, health staff and other agencies to keep improving the way that children and their families get the support and help that they need, when they need it.
- Social workers work hard to make sure that children and young people are safe. They visit children regularly and get to know them well. This helps them to decide what type of support will be most helpful. There are plenty of different services available that give good support to children and their families to help them to overcome their difficulties.
- Good support is provided to help to keep children and young people safe when they have been at risk of sexual exploitation or going missing, or if they have been involved with gangs, although plans about how to make things better for children are not always clear. It is important that everybody understands what has to change and what they are expected to do.
- Social workers and managers make the right decisions about which children need protection, and when children are not able to live at home with their families. They find them a good place to live and make sure that children keep in contact with people who are important to them, as long as this is safe. Most children stay with their carers for a long time and have the help that they need to make sure that they are healthy and benefit from their education.
- Children with a plan for adoption are placed without delay and receive plenty of help to settle with their new family. Brothers and sisters are placed together as much as possible.
- Children's views are very important to workers and managers, who make sure that their opinions are taken into account in their plans or when changes are made to services for them.
- Young people leaving care receive a good service. Staff keep in touch with them and provide support to help them to keep healthy and to be happy with where they live, and in education, training or a job. There is good support for those young people who choose to go to college or university, and they have practical and financial support to help them to succeed.

With best wishes

Andy Whippey  
Lead Inspector

# London Borough of Barnet

## Inspection of children's social care services

**Inspection dates: 13 May to 24 May 2019**

**Lead inspector: Andy Whippey**  
**Her Majesty's Inspector**

<b>Judgement</b>	<b>Grade</b>
The impact of leaders on social work practice with children and families	Good
The experiences and progress of children who need help and protection	Good
The experiences and progress of children in care and care leavers	Good
Overall effectiveness	Good

Services for children in Barnet are good, and much improved from the services that were found to be inadequate in 2017. Leaders and managers have made purposeful progress, at pace, to establish a child-focused service that is delivering good outcomes. The executive director and his team, together with strong corporate support, have ensured a focus on continuous improvement. This is underpinned by a clear oversight of practice and comprehensive knowledge of the service.

Strong partnerships have led to an effective and well-integrated early help service. Children who need help and protection now receive help and support that is timely and of good quality. Assessments and plans show careful consideration of the views of children and their families.

Children in care receive a good service from workers who know them well. Carers provide stable homes and are supportive and ambitious for the children in their care. Care leavers are mostly well supported and have access to a good range of suitable accommodation. Staff are tenacious and determined in working with young people to improve outcomes, which they do with care and sensitivity.

## What needs to improve

- The incorporation of actions from the vulnerable adolescents at risk panel (VARP) and exploitation strategy meetings into child in need and child protection plans.
- The updating of assessments of need when circumstances change for children in care.
- The incorporation of outcomes from multi-agency risk assessment conferences (MARACs) into child in need and child protection plans.
- The promotion of advocacy support for children in care.

## The experiences and progress of children who need help and protection: Good

1. Children and their families benefit from a good early help offer and have access to a broad range of preventive and targeted services. Early help services are integrated into the multi-agency safeguarding hub (MASH), resulting in timely decisions to identify the most appropriate help to meet children's needs. Partnership working across the early help hubs is strong, with a clear focus on considering the needs of children and their families. Parents and carers are very positive about the impact of services on the well-being of them and their children. While the views of children and families are well considered in early help assessments, the analysis of risk is less well articulated in a small number of cases.
2. Partners have a good understanding of thresholds when making referrals. Thresholds are applied consistently for children in need of help and protection. The 'front door' and the MASH provide a timely and effective response to contacts by professionals and members of the public. Contacts in the MASH are responded to quickly, according to the level of need and risk in the presenting information. Consent is routinely sought, or overridden when appropriate, and managers record a clear rationale for their decisions. When concerns for children escalate, multi-agency responses to information requests are managed effectively to ensure that work can be progressed in a timely way. For the majority of cases, partner information is thorough and contributes to the assessment of children's needs.
3. Children receive appropriate support and interventions from the out-of-hours emergency duty team, which is shared with another borough. Communication and handover arrangements with the MASH work well, ensuring an effective response to children and their families.
4. Timely strategy discussions take place when children's needs escalate. Discussions are child-focused, with good consideration of historical factors,

and decision-making is clear and appropriate. Strategy meetings are held routinely when young people are missing or are at risk of exploitation.

5. Staff take effective action to reduce risks to children who are considered to be highly vulnerable and at risk of exploitation, including children missing from home, school or care. Workers are tenacious in trying to engage young people who have been missing, making good use of return home interviews. Social workers understand the complexity of risks to children and this is given good consideration in multi-agency meetings and risk assessments. The monthly VARP enables good consideration of high-risk individual young people, to better understand the risks and protective factors. Disruptive measures to reduce risks of sexual and other forms of exploitation are clearly identified. The use of the sexual exploitation and missing (SEAM) tool helps to identify specific risks and vulnerabilities. However, some young people do not have an integrated plan that sufficiently incorporates all actions from SEAM and VARP in order to provide a comprehensive overview of risk that would enable clear oversight and evaluation of progress.
6. The vast majority of assessments are timely, comprehensive and of good quality. Children's and family's views, often gathered over a number of visits, are well evidenced and inform assessment outcomes. Assessments provide succinct evidence of risks to children and clear analysis. They demonstrate a good balance of understanding and analysis and are focused on parents' capacity to meet the needs of children. Workers make good use of chronologies and family history and show sensitive consideration of culture and ethnicity in their assessments, which results in a good understanding of individual children's needs.
7. Well-established and flexible services provide effective and sustained interventions for children and adults at risk from domestic abuse. Senior managers recognise that there is more to do to ensure that protective actions agreed at MARAC meetings are incorporated into children's plans to ensure a clear and integrated plan to help to protect children.
8. Most child protection and child in need plans are realistic and identify clear desired outcomes, making it easy for parents and children to understand any concerns. Plans are increasingly child focused, although this is not yet consistent across the whole service.
9. Records of core groups and child in need planning meetings are consistently evident on children's files, although not all meetings take place within identified timescales, particularly child in need meetings. Meetings mostly include good-quality and up-to-date information about children and their families and consider progress against plans. Family members are helpfully facilitated to attend, supported by sensitive and proactive use of interpreters when required.

10. Social workers know their children well. They visit children very regularly and see them alone. Increasing use is made of purposeful, individual work to help to understand children's experiences and to inform planning. In a minority of cases, records are not completed in a timely manner, which results in gaps in information on children's records.
11. Disabled children benefit from strong service provision. Workers in the disability service know their children and families well and demonstrate a good understanding of their complex needs. Support and short breaks packages are comprehensive. Transition planning is timely. Plans for children are thorough, progress is monitored, and concerns are escalated appropriately when new or emerging risks are identified.
12. The number of children who are electively home educated has increased over the last two years. Senior managers have taken appropriate steps to identify children not receiving a suitable education, and liaise with partners when additional needs, including safeguarding concerns, are identified. Staff are tenacious in tracking any children missing education and make appropriate checks to establish their whereabouts.
13. Although the number of children and young people known to be at risk of radicalisation is relatively low, a clear process helps to ensure that they are protected.
14. Children living in private fostering arrangements are safeguarded effectively. They are visited regularly and are seen alone. Assessments of need are up to date, and children are given the opportunity to talk about any concerns or worries they may have about living away from their families.
15. Allegations against professionals are dealt with thoroughly and swiftly by the designated officer. Effective and well-established links with partner agencies are in place and allegations are progressed in a sensitive and timely way.
16. Strong partnerships and a clear homelessness protocol between Barnet housing and children's social care help to support 16- and 17-year-old young people in need of help and accommodation. Joint assessments and co-location of housing, early help and MASH workers support family mediation and shared communication about young people's risks and current circumstances that lead to appropriate responses to meet their needs.

## **The experiences and progress of children in care and care leavers: Good**

17. The quality of services for children in care has improved since the inspection in 2017. Social workers and managers are aspirational for the children in their care and demonstrate a determination to improve children's experiences and outcomes.

18. When children come into care, they receive effective and sensitive intervention. This includes unaccompanied asylum-seeking children, who receive a strong, supportive and quick response to meet their needs.
19. When risks increase and children are no longer able to live safely at home, statutory powers are used appropriately to safeguard and protect them. The pre-proceedings phase of the Public Law Outline is used well, and realistic timescales are set for parents to demonstrate progress. Plans are regularly reviewed to avoid drift. Effective support is in place, which reduces risk for children when parents are engaging well, but decisive action is taken when there is a failure to improve within a child's timescales. Thresholds for care proceedings are applied correctly, assessments and statements are mostly of good quality and plans are clear.
20. In most cases, children's needs for permanence are considered at the earliest opportunity. Whenever possible, children are looked after within their extended families. Assessments of connected persons are timely and comprehensive, identifying how the longer-term needs of children will be met. Support packages are creative and effective. Children who return home from care receive a good level of structured support for as long as they need it, and they only return home when it is appropriate and safe for them to do so.
21. Adoption is routinely considered, including 'foster to adopt' for those children unable to live with their birth or extended families. Recruitment processes for adopters are thorough and the assessment, training and support for adopters are sound. Good quality assessments inform considered decisions about whether brothers or sisters should live together. Carefully considered introductions prepare adopters and children well and ensure a smooth transition for children as they move from foster care to live with their adoptive parents. Most adoptions are completed without unnecessary delay.
22. Assessments for children placed with family members under special guardianship arrangements are timely and comprehensively explore the motivation and ability of carers to meet the needs of children until maturity. Support packages are tailored to the individual needs of carers and children.
23. Social workers know their children well and genuinely care about them. Children are seen regularly, routinely alone and the direct work undertaken with them is clearly taken into account in plans. Children are actively encouraged to take part in their reviews, although the number of children accessing advocacy is low and more needs to be done to promote the service.
24. The majority of children's care plans are clear, focused on the key areas of need for children and include realistic actions and timescales. However, updated assessments of need to inform plans for children with complex needs or when their circumstances have significantly changed are not routinely

undertaken, limiting the effectiveness of the plan. Children's needs for contact with family members and others important to them are well considered. In most cases, oversight of children's progress by independent reviewing officers (IROs) is good and is recorded in children's records. Statutory reviews are held regularly, with increasing use of mid-point reviews. IROs are appropriately challenging and escalate concerns when necessary, which has resulted in better planning for children.

25. Social workers recognise and respond well to children in care who are vulnerable to exploitation. This includes identifying interdependencies of risks from sexual exploitation, missing from care, radicalisation and criminal exploitation. Strategy meetings result in appropriate plans that help to reduce risk and protect children.
26. Children's physical and emotional health needs are well understood and met. Health assessments are up to date and timely and address known health histories. They identify all health needs and are actively followed up to ensure that these needs are met. Strengths and difficulties questionnaires inform assessments of children's emotional health, with additional support available from relevant clinicians and in-house specialists to enable carers to care for children with complex needs and histories.
27. The virtual school provides effective support for the progress and attainment of children in care. The virtual school team has a sound understanding of the progress that children are making. As a result of effective support, many make good progress from their starting points. Personal education plans are mostly of good quality; they are reviewed termly and clearly identify the support that children need. Interventions are tailored to children's needs and support their progress well.
28. Children receive good-quality care from their foster carers. Most in-house foster carers are recruited, assessed and approved within appropriate timescales. Assessments are thorough and demonstrate consideration of the impact of fostering on the whole family. Foster carers benefit from a wide range of support and training opportunities, and carers report being well supported.
29. A small number of children have experienced too many placement moves before a long-term match with suitable carers is made. Increasing use is made of early placement stability meetings when there is a danger of disruption, with specific support given to both carers and children. This is beginning to have a positive impact.
30. Children have access to a range of leisure opportunities, through after-school activities, sport and music, and they are able to have sleepovers with their friends where appropriate. Foster carers exercise their delegated authority effectively in the best interests of children.

31. Very few children and young people have support from an independent visitor. The service has been recommissioned recently, with an increased recruitment target, but this is yet to have an impact.
32. Children in care placed outside of the local authority are well supported and have appropriate access to relevant health and education provision. If children are placed out of borough, this is often in response to a safeguarding or complex need, and active consideration is given to children returning to a local placement when this is consistent with their needs. Appropriate notifications are made to host authorities.
33. Most care leavers receive a positive level of support. The quality of pathway plans is variable and not all pathway plans are reviewed when young people's circumstances significantly change. Better pathway plans were seen using the recently launched 'All about me' format, which contains greater clarity about young people's views and aspirations and a more thorough assessment of their circumstances.
34. Care leavers are in suitable accommodation, and there is good use of staying put arrangements, including for young adults in their twenties. The majority of care leavers are in education, employment or training and there is a good focus on engaging young people in such activities by their personal advisers. Senior managers have been proactive in developing opportunities for care leavers through the creation of a number of apprenticeships. Personal advisers are proactive and genuinely interested in the young people, who value the support that they receive.
35. The multi-agency high-risk case forum for care leavers is well supported by partner agencies and explores creative ways to engage vulnerable young people with multi-agency services. Clear actions are agreed for each young person, with a timescale for review; this helps to ensure that the risks are understood and appropriate plans to support young people are put in place.
36. Care leavers receive copies of their health histories. However, senior managers recognise that there is more work to do in conjunction with young people to ensure that these documents contain all the relevant information for the young people to make informed decisions about their health.

## **The impact of leaders on social work practice with children and families: Good**

37. Leaders and managers have made significant progress in improving the quality of children's services since the previous inspection in 2017. Their determination to strive constantly for improvement and their openness to learning have driven change at pace. This has been supported by the positive

input of the improvement board. Strong and effective leadership at a political level and throughout the council has prioritised support and care for children and young people. This has led to significant and tangible improvements in the quality of social work practice and the services that children and young people experience. Time and energy have been invested in ensuring that political leaders and members understand the importance of children's social care. This deeper understanding has enabled more robust scrutiny and challenge.

38. Senior managers know the quality of frontline practice well, including the strengths and areas requiring further improvement. This knowledge is gained through relevant performance information and enhanced by shadowing workers, observing practice, chairing panels and engaging directly with young people. Sound decisions ensure that children receive the right level of support when they first need it. The local authority's stated ethos and belief that children's needs are best met at the earliest opportunity and, whenever possible, within their wider family, are evidenced by its firm commitment to funding early help provision and a raft of edge of care provision.
39. Senior leaders have developed mature relationships with partner agencies, supported by robust oversight by the Barnet Safeguarding Children Board and its sub groups. A wide range of partners, including the police and the Children and Family Court Advisory and Support Service (Cafcass), all commented positively to inspectors on the level of progress made to further safeguard children.
40. Senior managers have a detailed knowledge of their services and the local community. The challenges in placement sufficiency, based on a clear analysis of need, are well known and reflected in the sufficiency strategy. Managers recognise the necessity for a more diverse range of carers to meet the needs of the profile of children and young people in care in Barnet. While inspectors saw a number of young people who were appropriately placed out of authority to address safeguarding concerns, senior managers recognise the need for more local provision to reduce the number of children placed out of borough or at a distance.
41. Since the previous inspection in 2017, leaders and senior managers have embraced their role as corporate parents and have applied vigour in progressing an action plan to improve the lives of children in care and care leavers. A clear line of accountability and an established infrastructure of meetings and panels demonstrate momentum in improving services and practice to children in care and care leavers. Young people's views are sought and their involvement in shaping services is sensitively facilitated.
42. There is a clear and established system of audits underpinning the quality assurance process. Audit findings are collated into quality assurance reports that highlight strengths and areas for development and next steps. Audits

have rightly had a focus on compliance in the local authority's improvement journey. More recent audits have moved to a fuller consideration of the impact of work on outcomes for children, although the approach is at an early stage and needs to be further embedded. Trends and themes from audits are used effectively to inform the training and development programme. Actions arising from audits are identified, with routine follow up to ensure that they are completed. Social workers are appropriately involved in the completion of audits to help their understanding of what constitutes good practice.

43. Performance management systems capture a wide range of relevant data across the organisation. This data not only provides senior managers with aggregated data across the service but also provides team level data, which enables team and service managers to identify any performance shortfalls emerging in their area of responsibility, and to respond accordingly. The use of performance data is increasingly embedded and accessible. Improved accountability by managers at all levels means that there is analysis and challenge and helps to ensure that issues are tackled as they arise.
44. Staff have manageable caseloads and senior managers have worked hard to ensure that social workers maintain a consistent relationship with children. While supervision of frontline practice is not always consistently recorded in children's records, the majority of work with children receives effective frontline management oversight.
45. Staff are both tenacious and thoughtful in their work, showing a strong commitment to the delivery of good services to children. Inspectors saw examples where workers went the extra mile to ensure that vulnerable children are supported well in whatever circumstances they find themselves. Staff feel supported and report that managers and leaders are easily accessible and approachable. Social workers appreciate the opportunity to continually develop and progress in their careers and are supported to do so. Senior managers recognise the importance of an effective workforce strategy to ensure consistency both of management oversight and the opportunity for children to build meaningful relationships with social workers. The workforce strategy is starting to have an impact on increasing the numbers of permanent workers, which helps to ensure that children have fewer changes of social worker. Workers in their assessed and supported year in employment are allocated cases of increasing complexity, which helps to develop their confidence and competence in relationship-based social work.



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# Annual Council

AGENDA ITEM 11.4

21 May 2019



<b>Title</b>	<b>Referral from the Children, Education and Safeguarding Committee - Delegation of Functions to LB Islington - Regional Adoption Agency</b>
<b>Report of</b>	Chairman of Children, Education & Safeguarding Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Annex 1 – Report to Children, Education & Safeguarding Committee, 13 March 2019, Business Case for the Regional Adoption Agency in North London Appendix 1: Adopt London North –Regional Adoption Agency Business Case Appendix 2: Details of the arrangements to be covered in the partnership agreement
<b>Officer Contact Details</b>	Brigitte Jordaan, Operational Director – Family Services <a href="mailto:brigitte.jordaan@barnet.gov.uk">brigitte.jordaan@barnet.gov.uk</a> Andrew Charlwood, Head of Governance, <a href="mailto:Andrew.charlwood@barnet.gov.uk">Andrew.charlwood@barnet.gov.uk</a>

## Summary

The Children, Education & Safeguarding Committee on 13 March 2019 considered and approved a Business Case (Annex 1) for the establishment of a Regional Adoption Agency in North London (Adopt North London) jointly with the London Boroughs of Camden, Enfield, Hackney, Haringey and Islington. Article 4 of the Constitution states that the delegation of functions to another authority requires a decision of Full Council.

## **Recommendations**

- 1. That Council approve the delegation of the functions referred to in section 5.4 of Annex 1 to the London Borough of Islington from the date specified in the partnership agreement to be entered into for the purposes of setting up Adopt London North.**
  
- 2. That Council delegate authority to the Executive Director for Children's Services to negotiate and sign a partnership agreement to effect the establishment of the Adopt London North Regional Adoption Agency.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 Full Council are responsible for the delegation of functions to another authority.
- 1.2 As set out in the report attached at Annex 1.

### **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Full Council are responsible for the delegation of functions to another authority.
- 2.2 As set out in the report attached at Annex 1.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 As set out in the report attached at Annex 1.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 As set out in the report attached at Annex 1.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the report attached at Annex 1.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As set out in the report attached at Annex 1.

#### **5.3 Social Value**

- 5.3.1 As set out in the report attached at Annex 1.

#### **5.4 Legal and Constitutional References**

5.4.1 Council Constitution, Article 4 states that Full Council is responsible for “Delegating/receiving functions to/from other councils or their Executives”

5.4.2 As set out in the report attached at Annex 1.

#### **5.5 Risk Management**

5.5.1 As set out in the report attached at Annex 1.

#### **5.6 Equalities and Diversity**

5.6.1 As set out in the report attached at Annex 1.

#### **5.7 Corporate Parenting**

5.7.1 As set out in the report attached at Annex 1.

#### **5.8 Consultation and Engagement**

5.8.1 As set out in the report attached at Annex 1.

#### **5.8 Insight**

5.8.1 As set out in the report attached at Annex 1.

### **6. BACKGROUND PAPERS**

6.1 As set out in the report attached at Annex 1.

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	<p style="text-align: center;"><b>Children, Education &amp; Safeguarding Committee</b></p> <p style="text-align: center;"><b>13 March 2019</b></p>
<p style="text-align: right;"><b>Title</b></p>	<p><b>Business Case for the Regional Adoption Agency in North London</b></p>
<p style="text-align: right;"><b>Report of</b></p>	<p>Chairman of the Committee, Councillor David Longstaff</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: right;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix 1: Adopt London North –Regional Adoption Agency Business Case Appendix 2: Details of the arrangements to be covered in the partnership agreement</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Brigitte Jordaan, Operational Director – Family Services <a href="mailto:brigitte.jordaan@barnet.gov.uk">brigitte.jordaan@barnet.gov.uk</a></p>

<b>Summary</b>
<p>In June 2015, the Department for Education (DfE) published a paper, ‘Regionalising Adoption,’ setting out the proposals for the establishment of Regional Adoption Agencies (RAAs). The paper confirmed the Government commitment to all local authorities being part of a regional adoption agency and provided details of start up funding for those authorities interested in making early progress.</p> <p>The Education and Adoption Act 2016 amended the Adoption and Children Act 2002, giving the Secretary of State the power to direct one or more local authorities to make arrangements for specified adoption functions to be carried out by one of those authorities or one or more other adoption agencies.</p> <p>This report presents a Business Case for Barnet joining with Camden, Enfield, Hackney, Haringey and Islington to form Adopt London North. Councillors are asked to consider the business case and approve.</p>

## Recommendations

1. That the Committee approves the Business Case for Adopt London North (attached to this report as Appendix 1).
2. That the Committee recommend to Council the following decisions:
  - That the functions referred to in section 5.4 are delegated to the London Borough of Islington from the date specified in the partnership agreement to be entered into for the purposes of setting up Adopt London North;
  - That delegated authority is given to the Director of Children's Services to negotiate and sign a partnership agreement to effect the establishment of the Adopt London North Regional Adoption Agency.

### CONTEXT – REGIONAL ADOPTION AGENCIES

- 1.1 In June 2015, the Department for Education (DfE) published a paper, 'Regionalising Adoption,' setting out the proposals for the establishment of Regional Adoption Agencies (RAAs). The role of RAAs was proposed to focus on the recruitment, vetting and training of potential adopters, and the matching of children with potential adoptive parents. The rationale for the change was that by doing these roles at a regional – rather than Local Authority – level, regional agencies could speed up the matching process between child and potential adopter, improve adopter recruitment and support, reduce costs and to improve the life chances of some of our most vulnerable children.
- 1.2 Following the white paper, the Education and Adoption Act 2016 was passed, amending the Adoption and Children Act 2002. This amendment gives the Secretary of State the power to direct one or more local authorities to make arrangements for specified adoption functions to be carried out by one of those authorities or one or more other adoption agencies.
- 1.3 The predecessor to CES, the Children's, Education, Libraries and Safeguarding Committee, on 17<sup>th</sup> November 2016, agreed:
  - in principle, for the council to join a London Regional Adoption Agency, and
  - gave delegated authority to the Commissioning Director, Children and Young People (Director for Children's Services) to progress arrangements relating to the development of the detailed financial analysis and the implementation of the London Regional Adoption Agency model.

### ADOPT LONDON NORTH AND IMPLICATIONS FOR BARNET

- 1.4 Following the decision by CELS, work has progressed on developing the detailed proposal for a RAA for London, as well as sharing Adoption practice between the London boroughs ahead of a potential formal merger. The programme for the London RAA has been overseen by the RAA London Board, which includes representation from the London Borough of Barnet.
- 1.5 Overall, it is proposed that four agencies are created for London. These are proposed to be:
  - Adopt London South – hosted by Southwark
  - Adopt London East – hosted by Havering

- Adopt London West – hosted by Ealing
- Adopt London North – hosted by Islington

- 1.6 It is proposed that the London Borough of Barnet would be part of Adopt London North, alongside the London Boroughs of Enfield, Camden, Hackney, Islington and Haringey.
- 1.7 A formal Business Case has now been prepared for Adopt London North, this is attached to this report as Appendix 1. It is currently undergoing a ratification and sign off process with each of the London boroughs included in paragraph 1.6.
- 1.8 The Business Case outlines the detail about what functions Adopt London North will potentially takeover from the Local Authority bodies, however, broadly it will lead on/deliver:
- Recruitment and Assessment – to provide the prospective adopters;
  - Permanence Planning – to ensure that Local Authorities are supported to identify children requiring adoption and achieve placement (the Local Authority retains case management responsibility in relation to the child)
  - Matching and Placement – to match prospective adopters with children in need of adoption;
  - Pre and Post Adoption Support – to help all affected by adoption.
- 1.9 The London Borough of Barnet will need to enter into a Partnership Agreement (alongside the other London Boroughs forming Adopt London North). The agreement will cover the aims of the RAA, how the RAA will operate, details of the functions to be covered by the host borough (Islington) and service standards. This will include merging all the six Adoption Panels (one in each borough) into one Regional Adoption Panel. Barnet will continue to retain Agency Decision Maker responsibilities in relation to placement of children with adopters, and will make the final decisions on which children should be placed for adoption. The partnership agreement is still in draft format, however Appendix 2 sets out the broad arrangements to be covered.
- 1.10 To effect the RAA, it is necessary for each Borough to delegate certain statutory functions to the host borough. The functions to be delegated are as follows (full detail is provided in the legal section below):
- (1) functions associated with the linking and matching process, excluding the decision to place a child with specific adopters;
  - (2) completion of adoption placement reports and organising matching panel;
  - (3) recruitment of adopters;
  - (4) central enquiry process;
  - (5) Stage 1 and Stage 2 functions for adopter recruitment;
  - (6) ADM decision making for all approvals of adopters, including managing Adoption panel;
  - (7) assessment of adoption support needs, excluding financial assessment;
  - (8) adoption support assessment and plan;
  - (9) Adoption panel including independent panel chairs.

- 1.11 On a day to day operational basis, Adopt London North will report into the Director of Safeguarding, London Borough of Islington. Islington will report to the Quality Assurance Group, which will include the London Borough of Barnet, on the effective running of the service, and Barnet will have a crucial role in ensuring that relationships with Social Workers in Barnet are continued, and that support and challenge is given to the RAA to enable it to operate successfully. Performance on adoption will continue to be reported to Councillors via the normal performance reporting mechanisms.
- 1.12 The contribution from each borough to the running of Adopt London North has been calculated using the current staffing costs of Adoption services in each borough. The proposed running costs and contributions are laid out below. 2019/20 prices have been calculated using assumptions about national pay awards. More detail on the financial arrangements is found in Section 5 of Appendix 1 and Appendix 2

Borough	2018/19 prices			2019/20 Prices		
	Total pay and non-pay contribution	Existing contribution to North	Total	2019/20 Inflation uplift (pay)	2019/20 Total	Pro-rata from go-live (9/12ths)
		London Adoption Consortium				
	£	£	£	£	£	
Islington	421,805	29,366	451,170	7,306	458,476	343,857
Hackney	391,582	29,366	420,947	6,555	427,502	320,626
Haringey	415,294	29,366	444,659	7,595	452,254	339,190
Enfield	226,963	29,366	256,329	3,834	260,163	195,122
Camden	285,646	29,366	315,012	5,415	320,426	240,320
Barnet	332,361	29,366	361,726	5,438	367,164	275,373
	<b>2,073,650</b>	<b>176,193</b>	<b>2,249,843</b>	<b>36,143</b>	<b>2,285,985</b>	<b>1,714,489</b>

- 1.13 If approved, the move to Adopt London North will also mean that staff currently working for London Borough of Barnet will be subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (otherwise known as TUPE), as their roles will move to London Borough of Islington. This will affect between 6-8 staff (6-8 FTE).
- 1.14 Formal consultation will need to take place with the staff affected and will commence following sign off of the business case by all the participating London Boroughs. It is not anticipated that there will be any need for staff redundancies. If this position changes during the staff consultation, Barnet will avoid any redundancies at all costs through redeployment of staff into other roles. The Adoption Team have been part of the informal consultations and planning process that have contributed to the development of the RAA.

## 2. REASONS FOR RECOMMENDATIONS

- 2.1 Members are asked to review the business case and agree the recommended option of joining the Adopt London North Regional Adoption Agency, and recommend to Full Council that certain statutory functions are delegated to the London Borough of Islington. This is recommended as it is the option that will provide the best value and most effective option for delivering adoption services on a regional basis.

## 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 If the London Borough of Barnet does not make progress towards joining a RAA, then the Secretary of State for Education has to power to direct the London Borough of Barnet to

join a RAA arrangement.

- 3.2 A number of alternative options for delivery have already been reviewed, these are contained in section 2.3 of the business case attached to this report as Appendix 1. This option is recommended as it is forming a more formalised adoption organisation with existing consortium partners that we have had successful working relationship with for 14 years.

#### **4. POST DECISION IMPLEMENTATION**

4.1 Currently, the business case is undergoing a Member approval process in each of the six London Boroughs which will form Adopt London North.

4.2 Once the approval process has finished, Phase 2 of RAA set up will start. This will include:

- Recruitment to the post of Head of Service and locations of operation will be finalised.
- The staffing structure for the new service will be finalised, subject to consultation with affected staff and trade unions. The new staffing structure will be effective from July 2019
- Training and support for new ways of working in a single agency, as well as plans developed for on-going professional development.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

5.1.1 This supports the following Council's corporate priorities as expressed through the Corporate Plan for 2019-2024 which sets out the vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity, to make sure Barnet;

- Is a pleasant, well maintained borough that we protect and invest in;
- Residents live happy, healthy, independent lives with the most vulnerable protected;
- Has safe and strong communities where people get along well.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- A thorough review of each Boroughs financial spend on adoption services has been undertaken, resulting in challenges and peer-to-peer reviews. Boroughs have not been asked to contribute sums over and above their confirmed relevant spend on adoption.
- The £0.275m 2019/20 Pro-rata funding consists of existing adoption revenue budgets and relates to the functions which will be carried out by a new regional adoption agency.
- Further information on the financial arrangements are included in Appendix 1 and 2.

### 5.3 **Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

### 5.4 **Legal and Constitutional References**

- 5.4.1 Article 4 of the Council's Constitution reserves certain decisions to Full Council. This includes any decision to delegate functions to another council. Article 8.3 also confirms that decisions on delegation of functions to another council are reserved to a Full Council meeting.
- 5.4.2 Section 3 of the Adoption and Children Act 2002 requires a local authority to maintain an adoption service designed to meet the adoption needs of children who may be adopted, their parents and guardians, persons wishing to adopt a child and adopted persons, their parents, natural parents and former guardians. In connection with this duty, a local authority must provide facilities including making and participating in arrangements for the adoption of children and the provision of adoption support services. Such facilities may be secured via provision through another local authority or registered adoption society, but must be provided in conjunction with the local authority's other social services functions and with local adoption societies, so that help may be provided in a co-ordinated manner.
- 5.4.3 Section 3ZA of the 2002 Act provides the Secretary of State the power to direct that a local authority enters into arrangements for the delivery of all or some of its adoption services with another local authority or one or more other adoption agencies. This includes functions relating to (1) the recruitment of persons as prospective adopters, (2) the assessment of prospective adopters' suitability to adopt a child, (3) the approval of prospective adopters to adopt a child, (4) decisions as to whether a particular child should be placed for adoption with a particular prospective adopter, (5) the provision of adoption support services.
- 5.4.4 It is proposed that some of the adoption service functions will be delegated to the London Borough of Islington under a regional adoption service arrangement. Section 101 of the Local Government Act 1972 permits a local authority to arrange for the discharge of its functions by another local authority. This section also confirms that such a delegation does not prevent the original local authority from exercising its functions. This will allow the Council's officers to take decisions and undertake statutory functions where appropriate, including where there may be a conflict of interest that prevents the London Borough of Islington from undertaking the function. The functions currently envisaged to be delegated are as follows (any changes following further discussion with other authorities will be included in the report to Full Council):

#### **Provision of information**

- 5.4.4.1 Functions under Section 4B of the 2002 Act and Part 1 of the Adoption Support Services Regulation 2005 (the ASS Regs), including the duty to provide information to prescribed persons on adoption support services, right to request an assessment and availability of personal budgets

#### **Provision of adoption support services**

- 5.4.4.2 Functions under Section 2 of the 2002 Act and Part 2 of the ASS Regs, including prescribed services except as provided below, appointment of adoption support services

advisor

- 5.4.4.3 Excluded functions – assessment for and provision of financial support, including functions under Part 3 of the ASS Regs – decisions on financial support will remain with individuals' local authorities.

#### **Assessments and plans**

- 5.4.4.4 Section 4 of the 2002 Act and Part 4 and 5 of the ASS Regs including requirement to carry out assessment of prescribed person's needs for adoption support, provision of adoption support plan and review of need for support.

#### **Preliminary requirements prior to adoption**

- 5.4.4.5 Section 43 and section 44 – where an application has been made to court for an adoption order, the adoption agency must submit a report to the court on the suitability of the applicants and assist the court as directed and must investigate in cases of adoption not via the adoption agency.

#### **Adoption agency arrangements**

- 5.4.4.6 Requirements under the Adoption Agencies Regulations 2005 (the AA Regs) in relation to Adoption Panels, including maintaining the central list, constituting and arranging meetings of the Adoption Panel, maintaining written policies and procedures, appointment of agency advisor and medical advisor, provision of legal advisor.

#### **Duties where child is to be considered for adoption**

- 5.4.4.7 Functions under Part 3 of the AA Regs including maintaining a child's case record, identifying prospective adopters, provision of counselling and information to a child, parent or guardian, obtaining information about a child, preparing child's permanence report,
- 5.4.4.8 Excluded functions – the individual LAs will retain responsibility for maintained the child adoption file, however information will be shared between the individual LA and the RAA.

#### **Duties towards prospective adopters**

##### **Stage 1 – pre-assessment process**

- 5.4.4.9 Functions under Part 4 of the AA Regs including preparation of a Stage 1 plan, case record, provision of counselling, information and preparation for adoption, undertaking appropriate checks, obtaining pre-assessment information and pre-assessment decision.

##### **Stage 2 – assessment decision**

- 5.4.4.10 Functions under Part 4 of the AA Regs including preparation of assessment plan, prospective adopter's report, agency decision and notification, submission of information to an independent review panel, ongoing review and decision on termination of approval, preparation of prospective adopter matching plan

#### **Duties in respect of proposed placement of child**

- 5.4.4.11 Functions under s.4 of the 2002 Act and Part 5 of the AA Regs including provision of permanence report, information and support to prospective adopters, assessments for adoption support services, preparation of adoption placement report, supporting the

relevant local authority with a recommendation to the Adoption Panel, communication of decision to child and maintenance of child's case record.

- 5.4.4.12 Excluded functions – recommendation on whether to place a child for adoption and ADM decision making on placement.

#### **Placement and review**

- 5.4.4.13 Functions under Part 6 of the AA Regs including provision of adoption placement plan, notifying professionals about adoption, maintenance of child's case record, maintaining statutory visits and undertaking reviews.

- 5.4.4.14 Excluded functions – independent reviewing officer functions.

#### **Case Records**

- 5.4.4.15 Functions under Part 7 of the AA Regs including maintenance and storage of case records, access and disclosure of records in accordance with legal requirements.

#### **Post adoption family contact**

- 5.4.4.16 Section 54 of the 2002 Act and Part 8 of the AA Regs including determining contact arrangements.

### **5.5 Risk Management**

- 5.5.1 The strategic risks relating to the move to a RAA are outlined in section 2.6 of Appendix 1. It is worth noting that all Local Authorities who are moving to a RAA arrangement will experience the same risks. Risk management of the programme is retained at a regional level, and London Borough of Barnet works closely with the Adopt London programme team to ensure that risks are mitigated.

### **5.6 Equalities and Diversity**

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

- 5.6.2 One of the benefits of moving to a RAA will be improved adopter recruitment. Whilst there has been growth in adopter recruitment there are too few adopters willing and able to adopt 'priority' children. This means that currently, some children are waiting too long for a permanent arrangement. These children tend to be older, be in sibling groups, and from some specific ethnic, religious or cultural backgrounds. Recruitment from a wider geographical base than an individual local authority, that takes account of the needs of children across a number of those local authorities in a regional recruitment strategy and uses specialist techniques for recruiting adopters for hard to place children, would potentially lead to fewer children waiting.

### **5.7 Corporate Parenting**

- 5.7.1 Finding a suitable, nurturing, permanent home for children and young people who are

unable to live at home with their birth family is critical to ensure that these children and young people can go on to live happy and positive future lives. Work on adoption placements follow the same core principles as Corporate Parenting work, namely:

1. to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
2. to encourage those children and young people to express their views, wishes and feelings;
3. to take into account the views, wishes and feelings of those children and young people;
4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and;
7. to prepare those children and young people for adulthood and independent living.

## 5.8 Consultation and Engagement

- 5.8.1 The proposed RAA model and future operation was developed using consultation and engagement with staff in the Barnet Adoption Team, as well as current and future adopters.

## 5.9 Insight

- 5.9.1 Insight data will be used to inform the strategy for its future delivery, as well as track the impact of the RAA.

## 6 BACKGROUND PAPERS

- 6.1 CELS, London Regional Adoption Agency, 17<sup>th</sup> November 2016,  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=8687&Ver=4>

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A London North Regional Adoption Agency



# BUSINESS CASE

Draft VERSION 3.0

January 2019



### Project information

<b>Project name</b>	Adopt London North : a North London regionalised adoption service
<b>Project ID</b>	
<b>Project Director</b>	Finola Culbert
<b>Project Manager</b>	Julie Lewis

### Document revision history

Date	Version	Summary of changes	Revised by
29/11/2018	2	As advised at RAA Board – terminology and consequences	Julie Lewis
21/01/2019	3	Following agreement of financial contributions	Julie Lewis/Dean Langsdon
05/02/2019	4	Amendment to financial contribution Enfield	Dean Langsdon

### Document approval

Date	Version	Approved by	Role of approver



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## 1. Executive Summary

It is proposed that a new North London Regional Adoption Agency (RAA) is created through combining the adoption services for the North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey and Islington. These agencies wish to build on the success of their existing services to improve performance in meeting the needs of those children who require permanence through adoption by bringing together the best practice from each authority within the RAA. This proposal forms part of an overarching project to develop four RAA's across London.

This document describes how establishing a single agency will allow the six authorities to provide a more cohesive, efficient and effective use of resources and development of practice to the benefit of children, adopters and others who gain from adoption services. It proposes that the London Borough of Islington will host the RAA, the cost of implementation to be funded by the Department for Education. This document also sets out how the RAA will work with its partners to deliver Adoption Services.

In June 2015, the Department for Education (DfE) published a paper, 'Regionalising Adoption,' setting out the proposals for the establishment of Regional Adoption Agencies (RAAs). The paper gave a very clear directive to local authorities that it was the expectation for all authorities to be part of a Regional Adoption Agency by 2020. Further policy statements since then continue to support the proposed reforms to adoption and outline the provision of funding and support for the creation of RAAs. In March 2018 The DfE commenced the legislation that allows them to direct a local authority into a RAA if there is no progress being made. ***It is important to iterate therefore that the move towards Regionalisation of Adoption services is mandatory and local authorities not progressing sufficiently towards this objective run the risk of government intervention.***

The move towards the creation of Regional Adoption Agencies is led by a national agenda to better target the recruitment of prospective adopters and speed up the matching and placement of children for adoption. Funding has been made available from the Department for Education (DfE) as part of a national Regional Adoption Agency Programme, backed by legislation in the form of the Education and Adoption Act 2016, which requires local authorities to combine their adoption services in Regional Adoption Agencies, or be directed to do so if they do not choose to do so on a voluntary basis

The implementation of the new RAA will follow substantial project work being undertaken. Funding has been provided by the DfE to develop proposals, which include the scope of the operational model and organisational structure of the new RAA. The North London project has the benefit of being able to access previous learning from those RAAs already live and further progressed than this one. Project Managers across London have also worked together to ensure as much consistency pan London as is possible whilst retaining an awareness and consideration of the specific demographics of their region.

The North London RAA will be known as Adopt London North and will build upon the previous positive practice established within the North London Consortium which has acquired over the years a good reputation for delivering effective services.

There are the equivalent of circa 40 full time posts affected within these proposals.

Assumptions made:

All agencies have the resources available to actively lead on and participate in agreed work streams and achieve the deliverables within agreed timescales set out in the plan

Staff affected will retain their existing Terms and Conditions (Ts & Cs), including pension rights, holiday entitlements and sick pay policies. Staff will be transferred to the host authority under the Transfer of Undertakings (Protection of Employment) regulations (TUPE)

Any applicable redundancy costs will be underwritten by the currently employing LAs as this will not be funded by the DfE or the host;

Premises – ALN will be delivered from one office base. Staff have expressed that this is their preferred option and will allow for closer working relationships, the building of an appropriate culture and effective management oversight. Workers will retain the ability to hot desk in offices in other Boroughs in order to retain and build upon relationships with Childrens social workers and other key stakeholders. Potential buildings have been identified and further work is now being undertaken to establish that which best meets the needs of the service.

## 1.1 Finance Summary

A thorough forensic analysis of each Boroughs financial spend on adoption services has been undertaken, with resulting challenges and peer-to-peer reviews. Boroughs have not been asked to contribute sums over and above their confirmed relevant spend on adoption.

Total confirmed contributions will sufficiently fund the proposed new service, including staff and non-pay (excluding items detailed in the Partnership Agreement) and overheads attributed to the hosting of the agency.

## The Principles

**The principles which this business case has followed are:**

- Local authorities involved in Adopt London and each of the four RAAs are committed to collaborating adoption arrangements so that the best interests of children and their adoptive families are secured and kept at the forefront of decision making.
- Adopt London will provide an overarching framework for enabling effective coordination, coherence and partnership working across London.
- Adopt London authorities, and the four RAAs will make sure that there is consistency of approach in relation to key strategic and operational decisions, e.g. about whether staff are transferred under TUPE arrangements or seconded. Project teams in the four RAAs and RAA governance arrangements should reflect the ambition to promote such consistency of approach.
- The remit of some RAAs (provisionally) should include SGOs but further work on the implications for this will need to be undertaken. North London at this time is not seeking to include SGO work in the Regional Agency.

- North London RAA is committed to working effectively together with VAAs, making sure that their unique and important contribution is maximised and that VAAs are involved in the development of the RAAs and Adopt London.
- The focus of work over the next 12 months will be on establishing the four RAAs; in phase two, developmental work on the Adopt London hub will progress. In the interim, Adopt London Executive Board will operate a virtual Pan London Hub, with a view to exploring options for joint commissioning across London, maintaining common design principles for the RAA's and exploring opportunities for further development of the Pan London Hub in phase 2.

## 2. INTRODUCTION

### 2.1 PURPOSE OF THIS DOCUMENT

This document sets out the case for creating a new Regional Adoption Agency (RAA) to be named "Adopt London North" through combining the adoption services for the local authority areas Barnet, Camden, Enfield, Hackney, Haringey and Islington. It describes how establishing a single agency will allow the six authorities to provide a more cohesive, efficient and effective use of resources and promote the development of practice to the benefit of children, adopters and others who gain from adoption services. It proposes that London Borough of Islington will host the new adoption agency, the cost of implementation to be funded by the Department for Education. This document also sets out how Adopt London North will work with other RAAs pan London to develop a Regional Hub for the provision of some services yet to be determined.

### 2.2 SCOPE AND VISION OF THE NEW RAA

The proposed Regional Adoption Agency would encompass all six Local Authority areas in North London. It is estimated that approximately 60 children annually will be placed by the RAA (some in sibling groups) and 50 adopter households recruited. This is based on current activity and demand which could potentially increase over time.

The RAA will operate in partnership with three other RAAs and a developing Hub in London.

Additional adoption functions will be provided by the Hub as regionalisation plans develop, where they can further improve the outcomes for children and achieve better value.

The vision of the RAA is to achieve excellent outcomes for children and adults affected by adoption through:

Working closely with the Local Authorities and partners to ensure that children's best interests are at the heart of placement decisions which will fully meet their needs;

Targeting recruitment and establishing a wider and more diverse pool of prospective adopters;

Embedding early permanence principles and matching so that children are placed without delay in secure, loving families;

Providing creative and outstanding adoption support services;

Investing in the workforce to ensure they have the right skills and capacity to deliver excellent services;

Continually seeking to apply best practice and innovation to our ways of working;

Actively listening to and learning from children, adults and staff to develop and improve the services provided.

## 2.3 DELIVERY MODEL OPTIONS CONSIDERED AND RECOMMENDATION

Whilst a number of options were considered early on including the creation of a new single entity to deliver Adoption services across North London, the preferred option is that which entails the combination of the 6 London Boroughs in the North with one Borough becoming the Host authority.

Creation of new single entities is time consuming and costly and not a preferred option elsewhere with RAAs already live.

All options considered assumed governance of the RAA through a board comprising of senior representatives from all LA's with representation from VAA's, adopters and adoptees.

The RAA will continue to be accountable to Corporate Parenting Boards and other Local Authority bodies.

The RAA will aim to provide a high quality service to our adopted children with improved outcomes; taking the best models of delivery from each of the six services. The RAA will also aim to provide savings through economies of scale. Financial modelling and deployment of resources poses a significant challenge and the detail of the proposed modelling will be subject of further approval.

The delivery model for the RAA will need to address the DfE minimum expectations of a Regional Adoption Agency as outlined below –

### **RAA Operating model**

- **Single line of accountability** – *The new body must be in a position to act as a single entity on behalf of the individual authorities.*
- **Core functions are transferred to the RAA** – *As set out in the policy paper 'Regionalising Adoption', we want RAAs to be responsible for recruitment, matching and support.*
- **Pan regional approach** – *The new body should have a regional reach as far as its key functions are concerned, particularly on family finding and matching.*
- **Recruitment, support and matching** – *It is essential that RAAs drive forward the recruitment of new adopters utilising a wider geographical base audience to increase the scope for more matching and ultimately increasing placement opportunities. We believe this will be particularly helpful in assessing adopters for harder to place children.*
- **Each RAA to appoint a Head of Service** with line management responsibility for staff in the RAA.

- **Pooled funding** – We want LAs to pool their adoption funding into one RAA funding pot that is managed by the RAA.
- **Partnership with the voluntary sector** – VAAs have an important role to play in the provision of adoption services. We want RAAs to involve them in the design and implementation of RAAs and to consider their role in the delivery of services.

The preferred option for North London addresses these requirements and proposes to work collaboratively with 3 other RAAs across London namely –

Adopt London West – Ealing

Adopt London South – Southwark

Adopt London East – Havering

## 2.4 OVERVIEW OF THE OPERATING MODEL

From a local perspective, the six agencies have a long history of working together and North London has a clear identity. The North London Consortium has focussed on developing joint services for Fostering, Adoption and Special Guardianship. Robust working relationships are already established. Adoption services have worked cooperatively in sharing practice and training opportunities. This has enabled constructive working together in developing the target operating model.

Adopt London North will therefore bring together best practice from these LAs while providing the opportunity to create clear practice improvements and enable a viable future market for recruitment. Approximately 40 LA staff, many of whom work part time, are expected to become part of the new organisation to deliver the following main services across North London:

- Recruitment and Assessment – to provide the prospective adopters;
- Permanence Planning – ensuring that children identified as requiring adoption achieve a placement;
- Matching and Placement – to match prospective adopters with children in need of adoption;
- Adoption Support – to help all affected by adoption;

More detail on the Operating Model is found in Section 3 below.

## 2.5 STRATEGIC BENEFITS

The key aim in combining services to create a single Regional Adoption Agency is to achieve better outcomes for all children and young people with adoption plans in the region. Local Authorities and Voluntary Adoption Agencies will come together and combine adoption services into a new regional agency to benefit children

and their adoptive families, with larger operating areas giving a wider pool of adopters and children, more effective matching and better support services.

The Government set out the challenges they are seeking to address nationally through the creation of Regional Adoption Agencies in the paper 'Regionalising Adoption', published in June 2015.

In summary, these are:

### **Inefficiencies**

A highly-fragmented system with around 180 agencies recruiting and matching adopters for only 5,000 children per year (this number has subsequently decreased to 4,350 in 2017). The majority of agencies are operating on a small scale with over half recruiting fewer than 20 adopters in the first three quarters of 2014/15 at the time of the publication of the paper. Subsequently in 2017/18 the 6 boroughs in North London approved 27 adopter households in total for 63 children adopted. This is not an effective and efficient scale to be operating at and is likely to mean that costs are higher because management overheads and fixed costs are shared over a smaller base. Having a system that is fragmented in this way reduces the scope for broader, strategic planning, as well as specialisation, innovation and investment. Large numbers of small agencies render the system unable to make the best use of the national supply of potential adopters, more vulnerable to peaks and troughs in the flow of children, and less cost effective.

### **Matching**

The system needs to match children with families far more quickly. Nationally, the data also shows that, as at 31<sup>st</sup> March 2017, there were 2,470 children with a placement order waiting to be matched. In North London at the end of March 2018 there were 54 children with a placement order not matched to adopters. The average timescale for children between becoming looked after and being placed with an adoptive family nationally in 2017 was 457 days. The average in North London was 564 days. The costs of delay, both to children and to the system, are high. It is vital that children are given the best and earliest possible chance of finding a family, irrespective of authority boundaries and lack of trust of other agencies' adopters. It is unacceptable that children are left waiting in the system when families can be found. Successful matching relies on being able to access a wide range of potential adopters from the beginning and operating at a greater scale would allow social workers to do this, thus reducing delay in the system. It could also reduce the number of children who have their adoption decisions reversed. Furthermore, the opportunity for practice innovation created by moving to a new delivery model also has real potential to improve matching.

### **Recruitment**

Whilst there has been growth in adopter recruitment there are too few adopters willing and able to adopt 'priority' children. Recruitment from a wider geographical base as part of a regional recruitment strategy will go some way to addressing this. Incentives also need to be better aligned so that agencies are encouraged to recruit the right kind of adopters given the characteristics of the children waiting. Recruitment from a wider geographical base than an individual local authority, that takes account of the needs of children across a number of those local authorities in a regional recruitment strategy and uses specialist techniques for recruiting adopters for hard to place children, would potentially lead to fewer children waiting.

### **Adoption Support**

Currently adoption support services are provided by a mix of local authority provision, the NHS and independent providers (voluntary adoption agencies, adoption support agencies and small independent providers). There is a risk that the public and independent sectors are unlikely to be able to grow sufficiently to meet increased demand for adoption support. There are regional gaps in the types of services on offer and little evidence of spare capacity. The sector is currently dominated by spot purchasing and sole providers. This is not an efficient way to deliver these services. For providers to expand and therefore operate at a more efficient scale, services need to be commissioned on bigger and longer term contracts.

RAAs should enable this to be done. It is envisaged that the Hub will act as a conduit to the wider voluntary sector, providing economies of scale and opportunities for innovation

### **The Local Perspective**

The statutory functions required of local authorities in respect of adoption are provided by each of the six local authorities within their own geographic areas. There is already a great deal of joint working between the 6 adoption agencies as part of the North London Consortium to provide parts of the current service.

Joining the six local authority services together within Adopt London North will enable efficiencies to be achieved and improvements to services for all those affected by adoption.

In terms of recruiting adoptive parents all the agencies are currently competing with each other. There is a duplication of effort and associated costs with the risk that people wanting to be considered as adoptive parents are confused about where and how to proceed with their enquiry. Adopt London North will have a single point of contact for prospective adopters, reducing the current fragmentation of services. Similarly, a single point of entry to the adoption service locally will improve access to adoption support services for adoptive families, and also for adopted adults and birth family members, who have a statutory entitlement to receive a service. Recruitment will be targeted for those children waiting in North London in order to ensure the service is delivering for those Boroughs contributing financially.

Combining the services should ensure that management overheads and fixed costs will be reduced over time. The new service will allow for the more efficient use of staff time, for example prospective adoptive parents are provided with training as part of the assessment process. Adopt London North will deliver training courses across the whole area resulting in less duplication and more timely access to the training courses for prospective adopters. There will also be the opportunity for trialling new approaches, including the use of experienced adoptive parents as trainers/mentors.

There are currently six Adoption Panels operating across the six Local Authorities. ALN will have one Adoption Panel which will consider applications from prospective adopters and placements of children with approved adopters. Agency Decisions in relation to prospective adopter approvals will be made by the Agency Decision Maker for the RAA. It will no longer be necessary for the six Local Authorities to retain their individual Adoption Panels, but each will continue to have a designated Agency Decision Maker for considering and agreeing the plan that a child should be placed for adoption and agreeing the match to appropriate adopters. Central list for Adoption panel will continue to encourage and retain the oversight, contributions and expertise provided by elected members across the North London region.

The new combined service provides the opportunity for the provision of a service of excellence for adoption support. This will be a multi-disciplinary service in partnership with colleagues from health and education and providing comprehensive and high level targeted support for adopted children, adoptive parents, adopted adults and birth family members

ALN will aim to reduce the proportion of children whose plans are changed from adoption because an adoption placement cannot be found and the number of adoption placement disruptions. The RAA will bring the existing local expertise among managers and social workers together in respect of what makes a good match, and will be looking at a high proportion of children being referred to the RAA prior to the point of Placement Order. Early identification of children with likely adoption plans by the Permanence Coordinators, and the plans for the RAA worker to liaise with the child's social worker during the court proceedings will enable fuller and more accurate assessments of an individual child's needs to inform matching, and prepare the child. Being more strategic in terms of recruitment will also widen choice of potential adoptive families for children, which again should lead to better and more sustainable matching.

Benefits will be delivered through adopting the “best practice” from the six contributing organisations. This will be of particular value in delivering benefits from the areas of Early Permanence (concurrency and fostering to adopt), improved adoption support, making optimal use of colleagues in health and education as well as those in ALN registered as social workers and those without social work qualifications but with other relevant knowledge, skills and experience.

## **2.6 STRATEGIC RISKS**

There is a risk to all Local Authorities who fail to join a regional agency. This would include central government directing how its services would be delivered.

Major reorganisation of adoption services in the region may have an impact on service delivery to children and adoptive families in the short term. To mitigate these risks, performance measures aligned with the revised operating model and regular monitoring arrangements will be established between the host and non-host authorities.

Separation of functions could cause delay through ineffective communication. The service delivery model promotes co-location and local delivery in all six Local Authority areas. Effective information sharing agreements and close working relationships between children’s and adoption social workers will mitigate against this risk

Any future difference in opinion across the LAs as to the role and scope of ALN and future governance arrangements could delay implementation.

The organisational staffing levels proposed in this business case have been based on actual demand experienced over the past three years, however because of the current difficulties in predicting the levels of activity (e.g., numbers of children with adoption plans) there is a risk that suggested staffing levels might not be consistent with demand.

There is risk, even regionally, of not being able to recruit adopters able to meet the needs of the children waiting, leading to more interagency placements and financial viability issues. More coordinated and targeted recruitment activity is expected to address this, scope for enhanced recruitment and assessment has been built into the delivery model.

Major change will see a potentially worrying time for staff and proposed changes to ways of working could lead to a risk that ALN may find it challenging to retain its existing experienced and qualified adoption team workforce. The engagement of staff directly involved in the delivery of adoption services, and the involvement of current service users will be essential mitigation alongside keeping colleagues in partner organisations informed. The project team have been engaging with staff to ensure they are informed and enthused about the opportunities in a joint agency.

## **2.7 REALISING THE BENEFITS OF THE RAA**

The diagram in Appendix 1 shows how key elements of the planned project work and implementation combine to achieve our desired outcomes and how these align to meet central Governments objectives set out in their paper ‘Adoption: A Vision for Change.’

Benefits expected to be realized through the project include:

- Improved timescales for adopter assessments
- Higher conversion rate from enquiry to approval of prospective adopters
- Early identification of children with potential adoption plans and more children placed on an Early Permanence (Fostering to Adopt or concurrency) basis
- Reduction in the number of children for whom the permanence plan has changed away from adoption
- Increase in the percentage of children adopted for care
- More timely matching of approved adopters
- Improved timescales for placing children with their adoptive families
- Fewer prospective adopter approvals rescinded as approved adopters are not matched with a child
- Fewer adoption placement disruptions pre and post adoption order
- Improved performance measurement and management across the service

## **2.8 STAKEHOLDERS CONSULTED**

Consultation with stakeholders is an integral part of the Regional Adoption Agency project. Task and Finish groups with practitioners across North London has served as a vehicle to acquire the views and experience of staff and the adopters they work with.

Specific Listening and Sharing events have also been instrumental in ensuring the views of staff are being sought to inform the development of the service delivery model.

Views ascertained in the Adopter Voice North London consultation report (early 2018) have been taken into account when developing the service specification and have informed agenda items at task and finish groups. It is also intended that Adopters will be invited to future Listening and Sharing events.

## **3. RAA OPERATING MODEL**

### **3.1 PROCESS**

The target operating model for the new RAA considers its role in the delivery of the following main services across North London:

- Recruitment and Assessment – to provide the prospective adopters;

- Permanence Planning – Identifying children who need adopting;
- Matching and Placement – to match prospective adopters with children in need of adoption;
- Pre and Post Placement Support – to help all affected by adoption

### 3.2 ROLES AND RESPONSIBILITIES

The table below sets out how the RAA and LAs will work together, summarising roles and responsibilities for each:

Function	Regional Adoption Agency	Local Authority
<b>RECRUITMENT AND ASSESSMENT</b>		
Marketing and Recruitment Strategy	✓	
Adopter Recruitment and Enquiries	✓	
Assessment of Prospective Adopters – all Stage One and Stage Two functions	✓	
Completion of Prospective Adopter Report	✓	
Agency Decision Maker for approval of adopters	✓	
Post approval training	✓	
Matching	✓	
Post Placement training for Prospective Adopters	✓	
<b>PERMANENCE PLANNING</b>		
Early identification of a child possibly requiring adoption		✓
Tracking and monitoring the child possibly requiring adoption	✓	✓
Support and advice to child care social worker on the adoption process	✓	✓
Sibling or other specialist assessments if commissioned by LA	✓	✓
Direct work to prepare child prior to placement	✓	✓
Preparation of the Child Permanence Report		✓
Agency Decision Maker for “Should be placed for Adoption” decisions		✓
Agency Decision Maker for Foster to adopt placements under reg 25A Care Planning Regulations (specific child)		✓
Case management prior to the point agreed by the LA ADM		✓
Case management from point agreed by the LA ADM		✓

Function	Regional Adoption Agency	Local Authority
<b>MATCHING AND PLACEMENT</b>		
Family finding	✓	
Looked After Child reviews	✓	✓
Shortlist and visit potential families	✓	✓
Organising child appreciation day	✓	
Ongoing direct work to prepare child prior to placement	✓	✓
Adoption Panel administration and management	✓	
Agency adviser role	✓	
Agency Decision Maker for Matching prospective adopters and child		✓
Placement Planning meeting administration and management of introductions	✓	
Support to family post placement and planning and delivery of adoption support	✓	
Ongoing life story work and preparation of Life story book	✓	✓
Independent Review Officer monitoring of quality of child's care and care plan		✓
Support prospective adopters in preparation and submission of application for Adoption Order – including attending at court	✓	
Preparation of later life letter		✓
<b>ADOPTION SUPPORT</b>		
Assessment for adoption support	✓	
Developing and delivering adoption support plans	✓	✓
Agree and administer financial support to adoptive families pre and post Adoption Order		✓
Adoption support delivery including: <ul style="list-style-type: none"> <li>• Support groups</li> <li>• Social events</li> <li>• Post adoption/special guardianship training</li> <li>• Independent Birth Relative services</li> <li>• Support with ongoing birth relative contact</li> <li>• Adoption counselling and training</li> </ul>	✓	
Financial support to adopters including adoption allowances		✓
Funding applications to the Adoption Support Fund	✓	
<b>NON-AGENCY ADOPTIONS</b>		
Step parent/partner adoption assessments	✓	

Function	Regional Adoption Agency	Local Authority
Inter-country adoption assessments and post approval and post order support	✓	

For more detail please see the full service schedule APPENDIX 2.

As part of implementation project managers across London are exploring potential areas for the VAA to partner with the 4 London RAAs to support service delivery including consideration of the following areas:

- ✓ Targeted recruitment activity focusing on Early Permanence and targeted assessments for priority children
- ✓ Specialist adoption support training
- ✓ Specialist practical or therapeutic support services for children and families post placement and post order
- ✓ Adoption counselling and services to adopted adults
- ✓ Continued provision of VAA families

Practice improvements will be delivered through the implementation of new ways of working. ALNRAA will work jointly with the other RAA's and the Hub (once developed) in London to seek to explore further sources of funding to work jointly with the VAA and ASA sector, for example, in the areas of Early Permanence and adoption support to design and deliver practice improvements.

### 3.3 OVERVIEW OF THE PROPOSED ORGANISATION FOR THE RAA

Approximately 40 FTE Adoption staff would become part of Adopt London North to deliver Adoption services across North London.: The proposed organisation chart for ALNRAA is detailed in Appendix 3.

#### What Research and Best Practice Tells us

Research identifies several factors which contribute to timely, successful family finding and matching outcomes for children with a plan of adoption.

The University of Bristol (June 2010) and Oxford University (Feb 2015) identified within research briefs, key factors seen to enhance the adoption journey for both children and their prospective adopters.

**Quality of information** – all information at all parts of the process must be of high quality, factual and comprehensive. Poor quality information is identified as a direct correlation to disruption.

Local authorities with access to a **wider pool of prospective adopters** experienced less delay in their family finding and matching processes.

Family finding done at the point of **ADM decision** (rather than at the granting of the placement order) resulted in children experiencing less delay.

Delay was reduced when **case responsibility for children transferred to adoption service** at point of placement order.

Delay was also reduced when **early family finding strategies** were agreed for individual children deemed to have complex needs.

**Tracking of children** throughout their journey is critical and adoption workers involved in this can drive and empower the process.

**Timely joint decision making** re whether to pursue ethnic matches or sibling separation also reduced delay for children.

**Post placement support** (in a variety of formats) is particularly valued by adopters, contributes to positive transitions and reduces the risk of disruptions.

Proposals contained within this report have taken account of these key factors alongside the need for quality and efficiency.

### **Agency Roles**

The new roles created in the establishment of the new organisation are:

- 1 FTE Head of Service (also ADM)
- 1 FTE Service Manager

The **Head of Service** is expected to provide leadership and vision for the continuous development of the ALNRAA, leading the strategic planning, development and management of all aspects of the Agency to ensure the delivery of high quality, effective and legally compliant Adoption services. They will manage the operational relationship with Local Authorities through interaction at Senior Management level. An ability to work in a transformation role will be essential as part of this role to drive the practice improvement and cultural change required to deliver these.

The **Service Manager** will be responsible for the operational management of the social work teams and the monitoring and driving of performance. They will deputise for the Head of Service when necessary.

The **Agency Advisers** (1.5FTE) will be centrally located and will work closely with child care social workers throughout the permanence and adoption process. They will provide quality assurance and advice to the Agency Decision Maker (ADM) and act as Agency Adviser to the Adoption Panel.

The **Marketing and Recruitment Officer** will play a key role in developing and delivering the Marketing and Recruitment strategy ensuring that recruitment is targeted for children who are waiting.

Other roles within the RAA related to team management, social workers, family support workers and business support staff will be included in the organisation. In designing the organisational structure, we have designed and shaped the RAA using the combined experience of managing adoption services across the local authority and voluntary sector. The operational staff numbers have been determined to meet the anticipated demands of the service and ensure the ability to deliver and sustain practice improvement to the benefit of children, adopters and others who benefit from adoption services.

Detailed work on mapping existing staff (in scope of TUPE) to the teams in the new staffing structure will form part of the HR Work Stream activities during implementation.

## 4. HR IMPLICATIONS AND ACTIVITIES

It is proposed that some staff for whom the provision of TUPE (Transfer of Undertakings- Protection of Employment) applies, will transfer to London Borough of Islington from the boroughs of Barnet, Camden, Hackney, Haringey and Enfield. Formal consultation will form part of the HR Work Stream and will commence following sign off of the business case. It is not anticipated that there will be any need for staff redundancies as a result of Regionalisation. For those staff currently working in Adoption services who fall out of scope of TUPE, there will be a preference exercise completed as phase 2 of the HR process. Consultation with Unions is being undertaken.

Full detail of the process and timeline is listed below:

The project plan for implementation in order to complete the TUPE transfer will be subject to the following:

- Cabinet sign off approval in mid-March 2019
- Once cabinet approval is secured the formal consultation with staff affected will commence in March/April 2019
- Recruitment to the post of Head of Service will be finalised.
- The staffing structure for the new service will be finalised subject to consultation with affected staff and trade unions to be effective from July 2019
- Staff will transfer to London Borough of Islington on their existing terms and conditions unless through consultation it is agreed they will transfer on London Borough of Islington terms and conditions
- Any remaining vacant posts within the new structure will be subject to recruitment and selection procedures
- HR processes will be put in place to formalise the process and populate the staffing structure with information provided by the boroughs concerned through Employee Liability Information process
- HR/Payroll administration process to be undertaken
- Training and support for new ways of working in a single agency
- Establishing plans for on-going professional development
- Identification of work location for all staff

## 5. FINANCE

### Proposed Financial Contributions

- The table below shows the agreed financial contributions per Borough, arrived at through a series of robust challenge and confirmation meetings.

Borough	2018/19 prices			2019/20 Prices		
	Total pay and non-pay contribution	NLAC £	Total £	2019/20 Inflation uplift (pay) £	2019/20 Total £	Pro-rata from go-live (9/12ths) £
Islington	421,805	29,366	451,170	7,306	<b>458,476</b>	<b>343,857</b>
Hackney	391,582	29,366	420,947	6,555	<b>427,502</b>	<b>320,626</b>
Haringey	415,294	29,366	444,659	7,595	<b>452,254</b>	<b>339,190</b>
Enfield	226,963	29,366	256,329	3,834	<b>260,163</b>	<b>195,122</b>
Camden	285,646	29,366	315,012	5,415	<b>320,426</b>	<b>240,320</b>
Barnet	332,361	29,366	361,726	5,438	<b>367,164</b>	<b>275,373</b>
	<b>2,073,650</b>	<b>176,193</b>	<b>2,249,843</b>	<b>36,143</b>	<b>2,285,985</b>	<b>1,714,489</b>

- Pay Award for 2019/20 has been estimated at 2% of each boroughs pay budget contribution.
- Full year 2019/20 contribution, including pay uplift, is **£2,285,985**.
- Pro-rata from 'go-live' (July 2019) **£1,714,489**
- The table includes agreed 're-routing' of contributions relating to the North London Adoption Consortium (at an agreed percentage of current contribution levels)
- Table does not include the future (post July 19) costs of Inter-Agency placements, funding implications currently being confirmed at Adopt London North Board.
- Future year funding contributions, pending annual Board review, re Partnership Agreement.
- A detailed analysis of the Financial Protocol with regards to the relationship between the Partners can be viewed on schedule 5 of the Partnership Agreement.

### Financial Risks

- The primary risk is that the agency is underfunded and therefore unable to deliver adequately for the children of North London. This will also impact on timescales for children waiting and influence Ofsted judgements about the service provided to Children in Care.
- Failure to provide high quality adoption support services may result in placement disruptions meaning children will return to care. The detrimental impact of this in respect of the child's wellbeing (and adopter) cannot be underestimated.

- It is well evidenced that satisfied adopters are a critical factor in recruiting new applicants. Adopters who are dissatisfied with their experience during any part of their journey may negatively influence recruitment success.
- There is a further risk to the host authority around the hosting overhead costs. The figure of 7.5% has been included in the model, but this is lower than the figures used in the other 3 Regions across London. It is also unclear at present, as to accommodation arrangements, which may lead to additional costs.
- Financial risks can be part-mitigated by an inclusionary note in the Partnership Agreement explaining the treatment of any over (and under) spends. This reduces the risk to the host but would not affect the overall financial pressure.
- There is a risk that spend against non-pay structure costs may exceed current budget allocations, economies of scale may take longer to achieve.'

## 6. PERFORMANCE

Nationally 3,820 children were adopted in 2017/18. This is a decrease of 13% on the previous year and down from a peak of 5,360 in 2015.

The Children Looked After Population continues to rise to 75,420 on the 31st March 2018. This is a rise of 4% from the previous year.

By comparison in North London 63 children were adopted in 2017/18 and 70 the previous year (a decrease of 10%).

Historical activity for the region is listed in the table below

	2014-15	2015-16	2016-17	2017-18
No. of approvals North London	92	41	31	27
No. of adoptions North London	90	82	70	63

Numbers of children requiring adoption in North London have continued to reduce over the past three years, with predictions for this coming year being similar to the previous one. The region however has failed to recruit sufficient numbers of adopters to meet local need.

At the end of Q2 2018/19, returns from all 6 Boroughs suggested that there were 27 adopter households waiting for children and a further 10 households in the process of approval. This compares with 43 children with a court order stating that they require adoption and a further 23 awaiting a court order.

There is good evidence to suggest that those RAAs which have gone live earlier are now starting to reap the benefits of targeted recruitment work. For example One Adoption West Yorkshire increased numbers of approved adopters by 20% in Quarter 1 of this year compared to the same quarter the previous year. Timescales for children have also improved with the average number of days from a child becoming

looked after to being placed with adopters reducing from 439 days to 315 days. Key findings from the research report Evaluation of Regional Adoption Agencies published by the DfE in November 2018 are attached as appendix 5.

It is anticipated that a Performance Framework already in use within live RAAs will be utilised to ensure accurate performance reporting and sufficiency predictions. A quarterly performance report will be provided to the Governance Board for ALN RAA.

## **7. PROPERTY AND IT IMPLICATIONS**

Work is currently underway to identify an appropriate building in Islington to accommodate the staff of the Regional Adoption Agency. Staff will retain the ability to hot desk in Boroughs to facilitate the sustainment and development of positive working relationships with Childrens social workers and local accessibility to adopters.

IT systems are currently being explored that will deliver an effective efficient service to the RAA and its stakeholders. Both operational and technical staff are involved in the identification of this product.

## **8. DATA AND INFORMATION**

Data and Information will be required for the day to day operation and management of the RAA. Management Information will be generated automatically from core systems where possible. Information is required to be presented to the RAA Management team, Ofsted, Local Authorities including senior management teams and elected members, the Adoption Leadership Board, the Department for Education and other partners. The way in which data will be shared and exchanged is detailed in an information sharing agreement.

## **9. PROPOSED GOVERNANCE ARRANGEMENTS AND LEGAL ARRANGEMENTS**

A partnership agreement setting out the agreement of the 6 Boroughs to the establishment of the Adopt London North Regional Adoption Agency is currently drafted and will be signed off by legal leads and RAA Board members in each Borough.

The agreement contains the aims of the RAA, the operational basis and the functions which are delegated to the Host.

The agreement also details the intended service delivery model, requirements for an annual plan, financial contributions, over and underspend arrangements and the premises to be provided for the purposes of the RAA. An information sharing agreement will also be incorporated into this document.

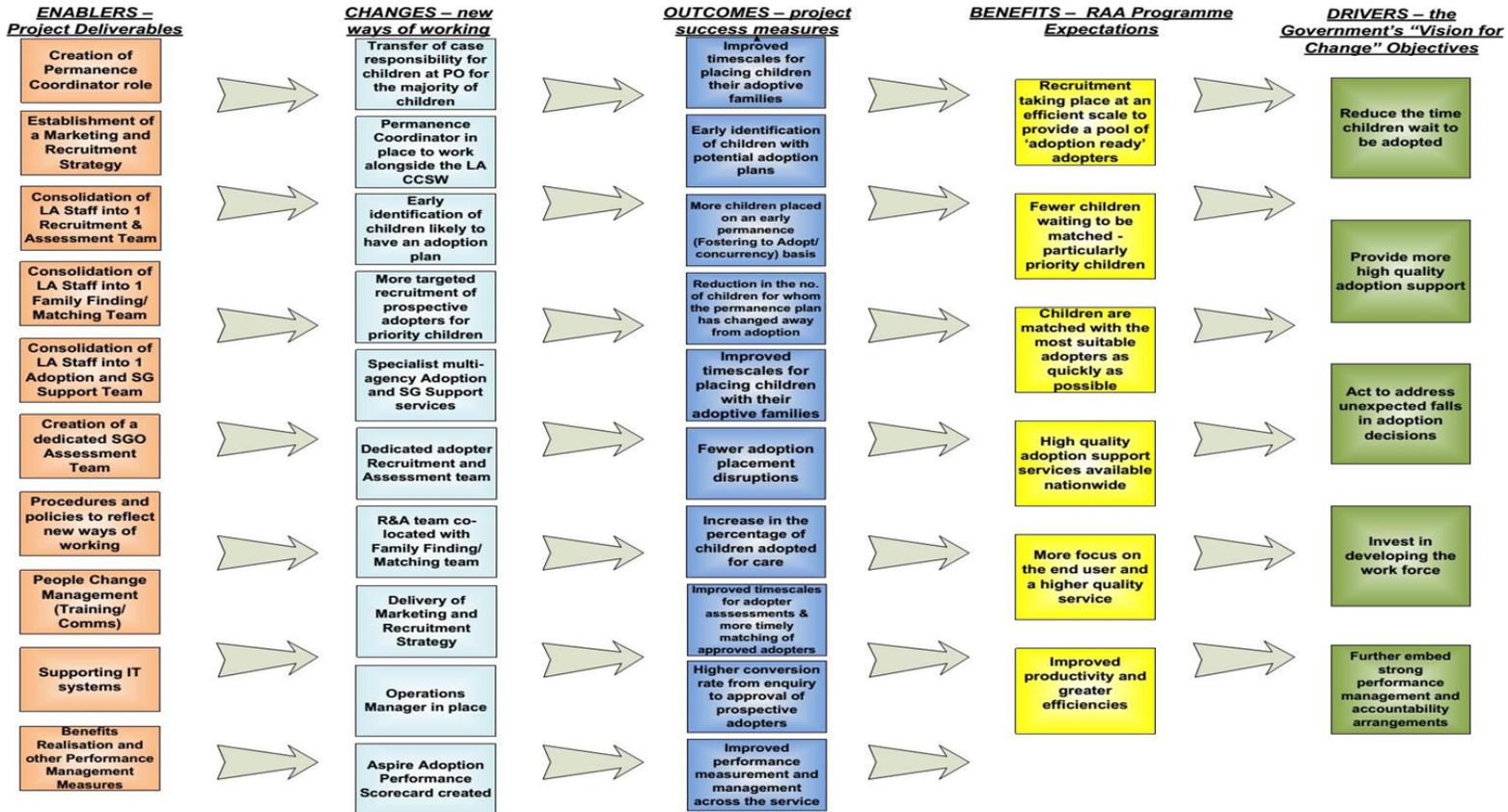
Appendix 4 details the proposed governance structure of the RAA.

## **10. IMPLEMENTATION TIMELINE**

The business case is scheduled for sign off at cabinets in February/March 2019. Once sign off in all Boroughs is obtained, a TUPE process for eligible staff can commence followed by a preference exercise for staff falling out of scope of TUPE. There is an anticipated Go Live date for the new service of July 2019.

# BENEFITS DIAGRAM

# APPENDIX 1

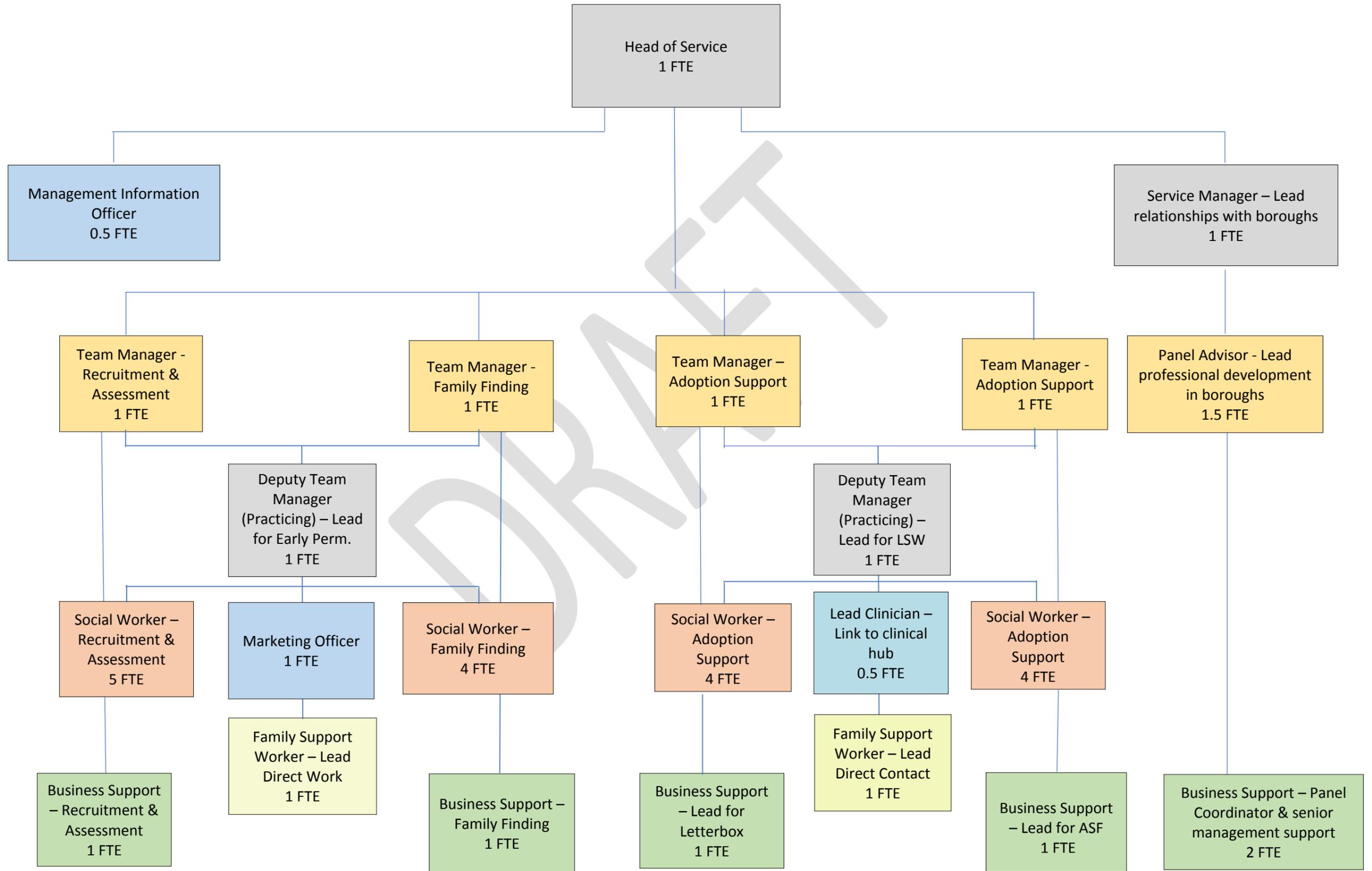


The table below sets out the RAA and LAs will work together, summarising roles and responsibilities for each:

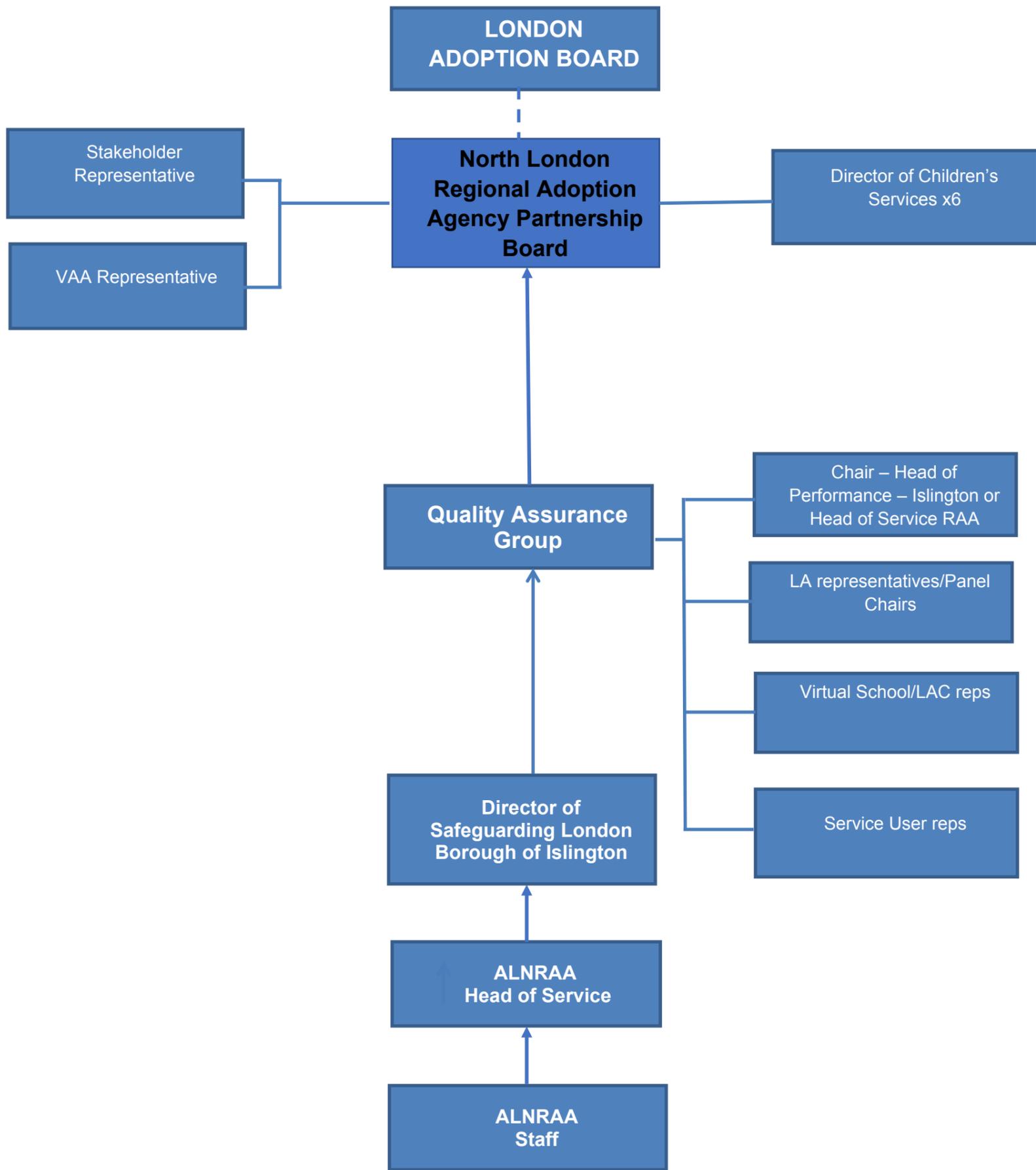
Function	Regional Adoption Agency	Local Authority
<b>RECRUITMENT AND ASSESSMENT</b>		
Marketing and Recruitment Strategy	✓	
Adopter Recruitment and Enquiries	✓	
Assessment of Prospective Adopters – all Stage One and Stage Two functions	✓	
Completion of Prospective Adopter Report	✓	
Agency Decision Maker for approval of adopters	✓	
Post approval training	✓	
Matching	✓	
Post Placement training for Prospective Adopters	✓	
<b>PERMANENCE PLANNING</b>		
Early identification of a child possibly requiring adoption		✓
Tracking and monitoring the child possibly requiring adoption	✓	✓
Support and advice to child care social worker on the adoption process	✓	✓
Sibling or other specialist assessments if commissioned by LA	✓	✓
Direct work to prepare child prior to placement	✓	✓
Preparation of the Child Permanence Report		✓
Agency Decision Maker for “Should be placed for Adoption” decisions		✓
Agency Decision Maker for Foster to adopt placements under reg 25A Care Planning Regulations (specific child)		✓
Case management prior to the point agreed by the LA ADM		✓
Case management from point agreed by the LA ADM		✓
<b>MATCHING AND PLACEMENT</b>		
Family finding	✓	
Looked After Child reviews	✓	✓
Shortlist and visit potential families	✓	✓
Organising child appreciation day	✓	
Ongoing direct work to prepare child prior to placement	✓	✓

Function	Regional Adoption Agency	Local Authority
Adoption Panel administration and management	✓	
Agency adviser role	✓	
Agency Decision Maker for Matching prospective adopters and child		✓
Placement Planning meeting administration and management of introductions	✓	
Support to family post placement and planning and delivery of adoption support	✓	
Ongoing life story work and preparation of Life story book	✓	✓
Independent Review Officer monitoring of quality of child's care and care plan		✓
Support prospective adopters in preparation and submission of application for Adoption Order – including attending at court	✓	
Preparation of later life letter		✓
<b>ADOPTION SUPPORT</b>		
Assessment for adoption support	✓	
Developing and delivering adoption support plans	✓	✓
Agree and administer financial support to adoptive families pre and post Adoption Order		✓
Adoption support delivery including: <ul style="list-style-type: none"> <li>• Support groups</li> <li>• Social events</li> <li>• Post adoption/special guardianship training</li> <li>• Independent Birth Relative services</li> <li>• Support with ongoing birth relative contact</li> <li>• Adoption counselling and training</li> </ul>	✓	
Financial support to adopters including adoption allowances		✓
Funding applications to the Adoption Support Fund	✓	
<b>NON-AGENCY ADOPTIONS</b>		
Step parent/partner adoption assessments	✓	
Inter-country adoption assessments and post approval and post order support	✓	

**Proposed staffing structure Adopt London North Regional Adoption Agency (subject to change)**



\*Family Support Workers will undertake a variety of responsibilities including contact, ASF reviews and post adoption training.



## Evaluation of Regional Adoption Agencies (Department for Education November 2018)

### Key findings

#### Models

LAs were free to decide the size and makeup of the RAAs and choose from one of four broad RAA models<sup>1</sup>:

- Single LA hosting on behalf of the other LAs
- Joint venture between the LAs and VAAs creating a new VAA
- Joint venture between the LAs and VAAs under a local authority trading company (LATC)
- Outsourcing service delivery to an existing VAA

In spring 2018 a small number of RAAs were in the initial stages of development, the RAA models were fluid and RAA projects were subject to change post-launch. However, their apparent differences meant we could place each RAA (involving between three and ten LAs) on a spectrum based on the extent to which services and responsibilities were centralised. At the far end of the spectrum sit the 'LA hosted – centralised' RAAs (3); followed by those setting up joint ventures / local authority trading companies (LATCs (2)); then 'LA hosted – hub and spoke' models (by far the most common approach (14 RAAs)); and at the other end of the spectrum sit decentralised RAAs (2).

The overriding factor that influenced LAs and VAAs choosing to work together was historic relationships. Geography also played a role as did, in a small number of cases performance of each adoption service. One of the main factors that influenced the decision over which model to adopt was the degree to which the LAs were willing to each take on, or give away, control and risk. To a large degree, LAs reported choosing to adopt a model whereby most adoption services remained within LAs because they took their statutory duties in relation to adoption very seriously, and were uncomfortable with responsibility for this moving outside of a LA.

#### Progress to date

There was a mixed picture of whether RAAs and RAA projects were on track with agreed plans. At the time of the fieldwork, some of the live RAAs had met their target launch date or agreed to take a phased approach to 'go live'. The

<sup>1</sup> Department for Education (June 2015) Regionalising Adoption.

interviews show that in these areas they were able to build on the strength of previous relationships from an established position of trust, which meant that individuals and organisations felt better prepared and more willing to help each other to do the best for children as an RAA. This made for speedier and smoother negotiations. The interviews found that 'go live' was generally somewhere between three to six months behind planned launch dates because there were challenges in agreeing key aspects of RAA project models, such as hosting responsibilities. Further delays happened when the challenges centred on even bigger decisions like what form the RAA project should take.

### **Go-live**

Projects often talked about 'go live' in relation to broad changes they were making that involved people, systems and resources and the new 'front door'. The interviews show that RAAs viewed key markers of 'go live' as an established public presence and profile, and a single point of entry often supported by centralised marketing (e.g. branding, strapline), centralised recruitment roles and a functioning RAA website. To 'go live' it was also necessary to have overarching structures and systems in place for governance, legal, Human Resources (HR) and Information Communication Technology (ICT), as well as model-specific aspects such as joint panels and training plans.

The interviews demonstrate the importance of "breathing space and adjustment time". A number of the early implementers said it took around six months for the new service to "bed in".

### **Challenges and success in launching the RAAs**

At the time the research was undertaken, with more than half of RAA projects yet to go live, there was a tendency for interviewees to focus on the challenges associated with establishing live RAAs when asked about what was working well and less well so far. An overarching challenge raised was balancing the structural change the move to RAAs required with the focus on practice to improve the quality of adoption services. In the planning, 'go live' and wider implementation of the RAA, this tension was ongoing as were decisions around what would be in and out of RAAs, for example whether to include SGOs.

RAAs were experiencing ongoing challenges around securing buy in and consensus from participating LAs (including elected members, senior staff and practitioners); particularly where services previously performed well because many LAs involved could not always see the benefits the RAA model would bring. They wondered what they stood to gain in terms of performance, sharing good practice or financial efficiencies. Staffing RAAs proved difficult at times,

for example when recruiting to the Head of Service role. Staff were not always willing or able to travel the distance required to RAA hubs. There were reports of staff anxieties about losing or changing the identity of their local adoption service, and what the new service and culture would look like, and there was an expectation that this would take 12 to 18 months to establish.

Interviewees also reported challenges around agreeing financial models. Some were concerned that RAAs would cost more, although others were confident there were opportunities for cost savings. There was concern about financial risks for LAs that were hosting. There was a view that there were more “financial losers” than had been originally expected and that instead of bringing savings and efficiencies for LAs and VAAs, adoption services would actually cost more. Whilst several RAAs reported working within the “financial envelope” they had been given to set up the RAA, others believed the funding was insufficient. There was a common view that the overall set-up costs were high. Some LAs reported that they were now contributing proportionately more than they were spending on adoption and unpicking the costs to get to this point had been extremely difficult. There were cases where partners have reached agreements, for example to ring-fence their existing budgets for the next two years, but this took a lot of time and energy.

There were ongoing challenges around developing shared systems for IT, HR and legalities, regarding differential pay, secondments, terms and conditions and Transfer of Undertakings Protection of Employment (TUPE). Developing commissioning arrangements also proved difficult for some. In some areas, joint Practice and Improvement Fund (PIF) bids had been developed and funded and were seen as an excellent way to promote joint working between the RAAs and VAAs. However, other interviewees were concerned at what they perceived as a risk to their services, such as reduced sharing of best practice and innovation and threats to business continuity.

In addition to the challenges stakeholders were facing at the time, they were also concerned about potential forthcoming challenges or negative unintended consequences. These included: structural disconnection of adoption services from the rest of children’s services; inconsistent practice around Adopter Voice; and negative impact on the sustainability of VAAs.

Despite these challenges, several aspects were working well, especially where there was strong joint working and staff engagement and they were starting to see some early advantages. The interviews show RAAs have offered an opportunity to share what is working well, develop new ideas and provide an impetus to improve the quality of poorer performing services. The strength of previous partnership working has influenced the ease with which partners have

been able to implement the RAA programme. When asked what was working well, most RAAs referenced partnership working as a facilitating factor and improved partnership working as an early outcome. Building on strong foundations, the process of becoming an RAA has brought some LAs closer in a very positive way, creating a sense of cohesion and perceived mutual benefits for staff, adopters and children.

Several RAAs highlighted examples where their efforts to engage operational staff in the development and implementation of RAAs had proved empowering, yet at the same time, retaining and engaging staff has been a challenge. As a result, middle managers and frontline staff have gained ownership over the process when they perhaps did not have before, remained in post, and bought in to the change process. RAAs have engaged staff in various ways depending upon the model and governance structures; these include mixed project teams comprising strategic and operational staff, separate operational boards, and task and finish/working groups, all of which interviewees said were contributing towards a smoother transition to RAAs. The interviews show that it has been important for staff to understand the rationale for the move, how RAAs should help to address the issues that local areas were facing (e.g. in relation to adopter sufficiency) and their belief that it would ultimately mean better outcomes for the children. In models where staff were TUPE'd across they were positive about the benefits, such as finding more support as part of a bigger specialist team and more regular supervision.

### **Emerging impact**

At this stage, there were anecdotal examples of positive impacts on four areas: speed of matching, recruiting adopters, adopter support, processes and timeliness, which the longitudinal data analysis will explore. Some of the live RAAs in the Leaders Group outlined where they were starting to see early successes and there was a view at a national level that there are "exemplars that others can look up to", which the evaluation will explore further in future.

There were several reported examples of increasing numbers of adoption panels leading to more timely adoption decisions. There were some indications that RAAs had started to have a positive effect on the number of adopters recruited, but the data is not yet available at RAA-level or national level and will be analysed as part of the evaluation in future. There was evidence from the interviews that RAAs were already leading to practices that were more consistent. Examples given included the development of a consistent adoption support offer, consistent approaches in matching panels and disruption meetings, and the development of adoption packs. In several RAAs, interviewees described adopter feedback and engagement as being positive.

Staff coming together was perceived to have enabled the pooling of ideas and expertise, which is central to the programme's future, as is an increased emphasis on performance management.

### **Critical success factors**

Critical success factors for RAAs in spring 2018 included strong, consistent and effective leadership, taking a phased and thoughtful approach together as a partnership and placing sufficient emphasis on changing culture and identity. Live RAAs from the Leaders Group emphasised the importance of working to create an RAA culture that all could identify with.

### **Effectiveness of support with RAA development and outstanding support needs**

The interviewees suggest that support and guidance from the Department has improved over time and new features such as the leadership development programme are welcome. However, RAAs would like a greater steer on some fundamental aspects such as the Ofsted inspection requirements, more opportunities for sharing learning, and more clarity on the coaching role.

### **Conclusions**

In conclusion, this report has provided a snapshot of stakeholders' experiences in the first steps towards regionalising adoption. It paints a picture of frustration and challenge in the early stages of implementation, but also of hope as some RAAs have worked through the difficulties and have seen the first signs of greater collaboration, consistency and improved practice and associated benefits. The picture will evolve as the RAAs develop further and more RAA projects become live RAAs. Our next evaluation report, after we have undertaken in-depth case studies, analysis of the SSDA903 and Adoption & Special Guardianship Leadership Board statistics and analysis of RAA cost data, will provide further information on this evolution and impact.

## Appendix 2 – Proposals to be covered in partnership agreement

### 1. Term

The term is proposed to be 10 years, but subject to a formal review on the fifth anniversary of commencement.

### 2. Delegation of functions

The London Borough of Islington will discharge the following delegated adoption functions of the partners authorities:

- (1) the recruitment of persons as prospective adopters;
- (2) the assessment of prospective adopters' suitability to adopt a child;
- (3) the approval of prospective adopters as suitable to adopt a child;
- (5) the provision of adoption support services.

Each of the partner authorities retain their other statutory responsibilities in respect of the following adoption services:

- a. Authority to place –Best Interests’ decision –Decision made by the Local Authority Agency Decision Maker (LA ADM) (Adoption Agencies Regulations 2005, Regulation 19 of AAR)) (either apply to the court for a Placement Order (s21, Adoption and Children Act 2002 (ACA02)) or Parental Consent (sections 19 and 20 ACA02), consent is independently obtained by a CAFCASS officer (regulation 20 of AAR), and the best interests’ decision is considered by the Adoption Panel (regulation 18 of AAR) and a recommendation made, followed by ratification by the LA ADM (regulation 19 AAR); and
- b. Adoption - Matching proposal considered by the Adoption Panel (regulation 32 AAR), and ratification by the LA ADM (regulation 33 AAR). Placement with the proposed prospective adopter (regulation 3 AAR) subject to authority to place (consent or placement order as above). Application by prospective adopter for an Adoption Order (section 46 ACA02).

### 3. Services

The London Borough of Islington will provide assets, staff and resources to carry out the functions of the ALN and will be accountable to the partner authorities for the following:

- a) To ensure the proper discharge of the statutory functions;
- b) To act in accordance with best practice;
- c) To act in accordance with the aims, principles and objectives of the agreement and any applicable policies agreed by the partner authorities;
- d) To act in accordance with its own constitution including those rules relating to decision making and the procurement procedure rules;
- e) To act in accordance with all applicable law; and
- f) To act in accordance with the ALN Management Board arrangements.

The key objectives of the service are intended to be:

- 3.1 To provide children with the right adopters at the right time, approving those equipped to meet the needs of children waiting.
- 3.2 To reduce delay and improve timescales for matching and placement for all children – working with care planning processes in each LA to improve early identification / twin track planning and to achieve best practice and consistency across the region.
- 3.3 To improve Early Permanency Placements(EPP) using:
  - Concurrent Planning
  - Fostering for Adoption
- 3.4 To take innovative approaches to placing ‘hard to place’ children. e.g.
  - i linking children with adopters from enquiry stage onwards where appropriate through a child specific approach
  - ii thoroughly preparing child and family for placement
- To minimise changes of plan away from adoption
- 3.6 To reduce the likelihood of placement breakdown through timely and improved matching, preparation and adoption support through
  - i working seamlessly with Children’s social work services in each LA
  - ii providing a range of adoption support and intermediary services in conjunction with statutory and voluntary sector providers
  - iii establishing effective working links with key partnership agencies (e.g. education and health and local authority providers) – enhancing services for birth parents)
- To form strong and productive partnerships with:
  - i Adopters
  - ii Adoptees
  - iii Birth parents
  - iv Voluntary Sector providers
  - v Community sector and other groups who may add value and support our activities
- 3.8 To ensure that customer feedback and the views of service users are obtained and considered in the development of the service

#### **4. Annual plan**

The London Borough of Islington shall prepare an annual plan that will be discussed and agreed by the management board. This plan shall set out the activities to be undertaken, describe any changes or developments in the service, provide information on any change in funding or resources and include details of any required financial contributions.

#### **5. Financial arrangements**

Financial contributions from the partners will be paid on a quarterly basis in advance. The financial contributions will be set for the first year and for subsequent years will be determined by reference to these proportions and by reference to any increase or decrease in the cost of providing the service and the support services.

The partner authorities will retain responsibility for the following items of expenditure:

- Adoption allowances
- Adoption support
- Inter-agency fees payable or receivable

Quarterly budget monitoring reports will be submitted to the management board and any deficits will be made good by the partner authorities in the same proportion as the financial contributions. Any surplus will be carried over and returned to the partner authorities in the same proportion as the financial contributions. The proposed budget will be presented to each partner to fit with its budget cycle.

4.9.5 The ALN Management Board shall decide on any money surplus or deficit balance in accordance with paragraphs 4.4 and 4.5 of this Schedule 5.

Capital expenditure – a proposed capital budget and programme will be agreed for consideration by the management board and each partner authority will decide whether to agree this as part of its annual budget setting process. In year variations will either be met from anticipated underspends or will be considered by the management board. The partnership agreement will set out detailed arrangements for dealing with overspends and underspends on capital projects.

The London Borough of Islington can enter into third party contracts for a period of not more than 3 years during the initial 5 year period and after that period for not more than a further period of 3 years unless agreed by the partner authorities.

## **6. Premises**

Partner authorities agree to make available appropriate accommodation, working space and facilities free of charge as shall be appropriate for the delivery of the service during the term in accordance with any licence arrangement.

## **7. Staffing**

The London Borough of Islington will employ staff for provision of the service. Employee information will be provided by partner authorities to the London Borough of Islington and all parties will comply with their obligations under the TUPE Regulations. Detailed provisions about indemnities and pension arrangements will be included in the partnership agreement.

## **8. Management governance**

There will be a management board consisting of the directors of children's services or their representative from each authority. This board will be consulted on specific decisions and will be responsible for monitoring the provision of the service.

## **9. Host support**

The London Borough of Islington will provide support services and the partnership agreement will set out the basis on which the cost of this is to be met.

## **10. Dispute resolution and exit arrangements**

The partner authorities shall act in good faith and use their reasonable endeavours to resolve disputes informally. The partnership agreement will set out a dispute resolution procedure and exit arrangements.

#### **11. Termination and review**

The partnership agreement will contain detailed provisions to permit the service of a notice and termination in the event of prescribed events happening, including persistent failure to perform the services, change in law or government guidance, failure to meet financial contributions. In addition any partner authority may terminate their participation by giving requisite notice during the term. The partnership agreement will set out detailed provisions on the arrangements following termination.

**Schedule 3**

**Information Sharing Protocol**

**To follow**

## **Schedule 4**

### **ALN Management Board Representatives**

#### **Representatives**

##### **Barnet**

Name of representative: Chris Munday

Position: Director of Children's Services

Name of substitute representative Brigitte Jordan Position Operational Director family Services

##### **Camden**

Name of representative: Martin Pratt

Position: Director of Children's Services

Name of substitute representative Anne Turner

Position Director of Children's Safeguarding and Social Work

##### **Enfield**

Name of representative: Tony Theodoulou

Position: Director of Children's Services

Name of substitute representative Anne Stoker

Position

##### **Hackney**

Name of representative: Anne Canning

Position: Director of Children's Services

Name of substitute representative -Sarah Wright

Position Director of Children and Families

##### **Haringey**

Name of representative: Ann Graham

Position: Director of Children's Services

Name of substitute representative Sarah Alexander

Position Assistant Director Children and Young People's Services

##### **Islington**

Name of representative: Carmel Littleton

Position: Director of Children's Services

Name of substitute representative Finola Culbert

Position Director of Safeguarding and Family Support

Initial chair of the ALN Management Board

## Schedule 5

### Financial Protocol with regards to the relationship between the Partners

#### 1. General principles

- 1.1 The Host Authority will provide the financial administration accounting system and appropriate associated support for ALN. This shall be performed in accordance with the Host Authority's Financial Regulations. Subject to the statutory role of each Partner's section 151 Officer in relation to their council, the Host Authority shall provide the services of its Chief Financial Officer/ section 151 officer to ALN.
- 1.2 Each Partner will contribute its Financial Contribution commencing on the Commencement Date or on a pro-rata basis in the event of a delay. The Host Authority shall not inherit any debt or liability incurred by any of the Partners prior to the Commencement Date.

#### 2. Calculating the Financial Contribution

- 2.1 The Partners are committed to the fair and equitable resourcing of ALN while ensuring that the full cost of the Service is recovered. Each Partner will be required to contribute its share of the agreed annual budget of ALN. The Financial Contributions for the year 2019/20 are set out in table 1 below.

**Table 1**

ALN RAA Partner Financial Contributions to 2019/20 ALN budget

Partner	2019/20 Financial Contribution	2019/20 percentage contribution
Barnet		
Camden		
Enfield		
Hackney		
Haringey		
Islington		
<b>Total</b>		<b>100%</b>

- 2.2 The Financial Contributions for every subsequent year of operation of ALN or part thereof shall be calculated in accordance with the following:
- the proportion of the overall ALN budget to be paid by each Partner shall be in line with the 2019/20 Financial Contribution; and
  - the sum of the Financial Contribution shall be in line with the 2019/20 Financial Contribution except to the extent that the costs of providing the Service and / or Host Support change (whether an increase or a decrease) due to the factors listed in paragraph 5.2 of this Schedule 5 in which case the Financial Contributions shall be amended in line with these changes.
- 2.3 Until such time as unanimously agreed by the Partners the following items of income and expenditure will remain the responsibility of each of the Partners

- Adoption allowances – those costs relating to specific new or ongoing allowances paid to adoptive parents by respective Partner’s designated officer
- Adoption support- Those costs relating to adoption support arrangements agreed in respect of a particular child prior to the Commencement Date as authorised by the Partner’s designated officer
- Adoption Support (post Commencement Date) - those costs relating to any match funded element of an application to the Adoption Support Fund will be covered by the relevant Partner, after agreement has been given by the relevant Partner
- Inter-agency fees payable or receivable- those fees relating to the direct costs related with or income generated from the placement of a child prior to the Commencement Date

### **3. Payment Arrangements and VAT**

- 3.1 Following agreement of the annual budget by the ALN Management Board (as described in paragraph 5 of this Schedule 5) each Partner shall be notified of their Financial Contribution by the Host Authority. The Financial Contribution shall be paid in four equal instalments on 15 May, 15 August, 15 November and 15 February in each calendar year of operation of ALN or on the next working day if these dates fall on a weekend or a Bank Holiday. Payment is to be made by BACS to the Host Authority’s bank account.
- 3.2 Unless the following option is taken, the Host Authority will account for VAT. The following text is included as an option that may be exercised at the beginning of any Financial Year by a Partner that, acting reasonably, believes that the ALN arrangements are generating significant sums of VAT: “each Partner is responsible for accounting for any Value Added Tax that becomes payable on any monies that they expend as part of ALN. Where the Host Authority commissions a contract or an element of a contract for Services outside of the Islington London Borough Council administrative boundary any VAT incurred is repatriated to the individual Partners in whose administrative area the Services have been provided. This shall either be through direct invoicing to that Partner or the creation of a retrospective VAT only invoice for their share of a shared contract. This shall apply to all monies paid by the Host Authority in respect of externally incurred VAT bearing expenditure. The amount of externally incurred VAT to be repatriated will be apportioned based on a pro-rata percentage of the Financial Contributions of each Partner towards the annual budget.

Worked example: The external contractor’s fees are £1m exclusive of VAT. This expenditure covers the administrative area of all six Partners. Partner 1 contributes 40% of the annual budget and the other 4 Partners contribute 12% each:

Partner 1 will reclaim VAT on £400,000 of spend = £80,000 (based on VAT at 20%)

The other Partners will each reclaim VAT on £120,000 of spend = £24,000 (based on VAT at 20%)

- 3.3 The Partners agree that, so far as permitted by law, they shall not charge VAT on any amounts payable under this Agreement as a non-business supply.

#### **4. Budgetary Control and Monitoring**

- 4.1 The Head of Service ALN shall prepare a draft annual budget for consideration by the ALN Management Board and approval by each of the Partners as part of its budget setting process. The budget will be used to calculate the Financial Contribution from each Partner as identified in paragraph 2 above. The Host Authority is not authorised to operate or budget for an accumulative or deficit position. In the event that the annual accounts are closed in a deficit position, the deficit will be made good by the Partners contributing in the same proportions as the Financial Contributions to the annual budget. Any surplus shall be carried over and returned to the Partners in the same proportions as the Partners' Financial Contributions determined by the ALN Management Board.
- 4.2 The Host Agency's Section 151 Officer shall ensure there are mechanisms in place to enable budgets to be managed in line with the available resources and any variations to the budget are identified as early as possible. The Host Authority's Section 151 Officer will submit quarterly budget monitoring reports of ALN to the ALN Management Board. These reports will include explanations of any variances against the profiled budget. The ALN Management Board will review the expenditure and forecast to ensure that the allocated budget is being correctly adhered to. Each year, the ALN Management Board shall be presented with a proposed budget for ALN for the following financial year by 30 September prior to the start of the financial year for agreement by 31 December recognising each Partner's budget cycle and subject to financial approval in accordance with the financial procedures and constitutional arrangements for the Host authority. The proposed budget shall be based on the 2019/20 budget subject to adjustments (where an increase or a decrease) to allow for:
- (i) indexation in line with local authority pay awards;
  - (ii) other changes in staff pay;
  - (iii) changes in the type, nature or quantum of the Service to be provided; and
  - (iv) changes in law, government policy and guidance and best practice.
- 4.3 Overspends (Deficit)
- 4.3.1 Whenever an overspend is projected, the Partners shall agree how to manage the overspend and shall keep the position under review. The Partners shall act in good faith and in a reasonable manner in agreeing the management of the overspend.
- 4.3.2 If at the end of any Financial Year, there is an overspend the Partners shall identify the reasons for the overspend and shall deal with such overspend in accordance with the following:
- 4.3.2.1 overspends relating to staffing related overhead costs shall be apportioned between the Partners in equal shares or by mutual consent where exceptional circumstances exist that relate to the creation of the overspend;
  - 4.3.2.2 overspends relating to any other costs not covered in

paragraph 4.3.2.1 shall be apportioned between the Partners in equal shares or by mutual consent where exceptional circumstances exist that relate to the creation of the overspend.

4.3.3 In the event that agreement cannot be reached, the Partners shall follow the Dispute Resolution Procedure

#### 4.4 Underspends (Surplus)

4.4.1 Whenever an underspend is projected, the Partners, the underspend sum shall be returned to the Partners within thirty (30) days of the close of the Financial Year, subject to the following:

4.4.1.1 underspends relating to direct staffing costs or staffing related overheads shall be apportioned between the Partners in equal shares or by mutual consent where exceptional circumstances exist that relate to the creation of the underspend.

4.4.1.2 underspends relating to any other costs not covered in paragraph 4.4.1.1 shall be apportioned between the Partners in equal shares or by mutual consent where exceptional circumstances exist that relate to the creation of the underspend

4.4.2 In the event that agreement cannot be reached, the Partners shall follow the Dispute Resolution Procedure.

#### 4.5 Reconciliation

At the end of each Financial Year, the Host Authority will lead on the reconciliation of expenditure within ALN attributable to the running of the Services within one council,

#### 4.6 Other costs

As Host Authority, Islington may be requested to deliver additional services that incur costs above and beyond what is currently captured within existing resources. These costs will be captured and funded within the ALN budget and subject to the wider approval process.

#### 4.7 Grants

4.7.1 The Host Authority shall ensure that all monies from any grants received in respect of ALN shall be applied in a proper manner and in accordance with any grant criteria.

4.7.2 The Host Authority shall be responsible for verifying and approving any grant returns, audit or other reporting requirements to the appropriate government or other body.

#### 4.8 Accounting and Reporting Requirements

4.8.1 The Host Authority shall ensure that full and proper records for accounting purposes are kept in respect of ALN.

4.8.2 Each Partner shall ensure that where appropriate and practicable as agreed by the Partners, it keeps separate accounting records to record the costs of ALN.

4.8.3 Each Partner shall provide any necessary financial information with respect to ALN to the Host Authority on a quarterly basis.

4.8.4 The Partners shall hold quarterly monitoring meetings as part of the ALN Management Board meetings to discuss the financial performance of ALN.]

#### 4.9 Annual accounts and audit following each year end

4.9.1 The Host Authority shall prepare the annual account for ALN in a manner compliant with the relevant legislation, regulations and guidance within any statutory timescales applicable and shall ensure that the relevant information is available for external inspection and scrutiny.

4.9.2 The Partners shall co-operate with the Host Authority and each other in respect of the preparation of the ALN account.

4.9.3 the draft annual ALN account shall be submitted to the ALN Management Board for approval within the statutory deadlines along with the annual audit letter prepared by the Host Authority's external auditor.

4.9.4 The cost of the external auditors in respect of the ALN account shall be borne by the ALN budget.

4.9.5 The ALN Management Board shall decide on any money surplus or deficit balance in accordance with paragraphs 4.4 and 4.5 of this Schedule 5.

### **5 Capital expenditure**

#### 5.1 Setting of the Shared Service ICT Capital Budget

5.1.1 The designated Chief Finance Officers (or their designated representatives) and the Head of Service ALN shall meet at least 3 (three) months before the end of each financial year to agree a proposed ALN Capital Budget and Programme for the following financial year for consideration by the ALN Management Board.

5.1.2 The ALN Management Board shall consider the proposed ALN Capital Budget and Programme and decide whether to recommend the budget and programme for approval by the Partners as part of their annual budget making process.

5.1.3 If the proposed ALN Capital Budget and Programme is approved by all the Partners, each Partner shall be responsible for meeting one sixth of the total cost of each ALN capital project funded from the agreed budget unless otherwise agreed by the partners.

#### 5.2 Spending on ICT Capital Projects

5.2.1 No expenditure or commitment on an ALN Capital Project shall take place unless

5.2.1.1 the project has been included in the ALN Capital Budget and Programme; or

5.2.1.2 the project has been approved by the Head of Service ALN (following consultation with the Partners' designated Chief Finance Officers), and

- can be met from anticipated underspends in the ALN capital Budget and Programme; or
- 5.2.1.3 the project has been recommended by the ALN Management Board and subsequently approved by the Head of Service ALN where the cost can be met from anticipated underspends in the Shared Digital ICT Capital Budget and Programme.

### 5.3 Changes to the Shared Digital ICT Capital Budget and Programme

5.3.1 The ALN Management Board may recommend changes to the ALN Capital Budget and Programme to reflect;

- 5.3.1.1 alterations in overall resource assumptions;
- 5.3.1.2 unforeseen ALN capital spending requirements

for approval by the Partners.

5.3.2 Subject to any required additional financial resources being available any increase in the ALN Capital Budget and Programme requires the approval of each of the Partners.

### 5.4 Overspends

5.4.1 Where monitoring reports indicate that spend on an ALN capital project will exceed the financial provision for that scheme, the Head of Service ALN shall wherever possible, develop an action plan to eliminate such overspend.

5.4.2 Where such overspend cannot reasonably be eliminated, the Head of Service ALN Officer may authorise such overspend.

5.4.3 Any such authorisations must be reported to the Parties' designated Chief Finance Officers.

5.4.4 Any overspends not authorised under paragraph 5.4.2 must be approved by the Parties' designated Chief Finance Officers.

### 5.5 Underspends

Where there is an Underspend the Head of Service ALN may agree additional investment relating to the Service subject to the respective Partners' constitutions.

### 5.6 Accounting, monitoring and reporting

5.6.1 The Head of Service ALN shall be responsible for monitoring or procuring the monitoring of progress of the ALN capital projects and identifying any potential overspends on those projects and shall submit regular monitoring reports to the ALN Management Board.

5.6.2 The Partners shall ensure that full and proper records for accounting purposes are kept in respect of each ALN capital project.

5.6.3 Where an ALN capital project is being funded wholly or partly from an external capital grant, the Partner receiving the grant shall be responsible for ensuring that the conditions for receipt of the grant are met.

5.7 Authorisation

The Head of Service ALN shall be enabled to expend capital which has been previously authorised as part of the annual ALN capital budget. Other capital expenditure shall require unanimous agreement of the Partners.

**6 Long term contracts**

6.1 Contracts for goods, works and services must not exceed a period of three years during the Initial Period.

6.2 After the Initial Period, the Host Authority shall not enter into contracts exceeding a period of three years unless agreed by the ALN Management Board along with suitable arrangements for meeting all Host Authority obligations under the contract.

6.3 The Host Authority shall not enter into contracts that exceed the Term unless unanimously agreed by the ALN Management Board.

**Schedule 6**  
**Head of Service ALN**

Name

Position

Contact details

Reports to

Accountable to

Job Purpose

Main areas of responsibility

## **Schedule 7**

### **Assets**

#### **Part 1 Facilities for ALN staff**

1. Each member of staff shall be provided with a lap top / desk top and mobile telephone.
2. The intention is that members of staff will continue to use IT and telephone hardware at the location where they are based supplied by the Partner that employed them prior to the TUPE transfer taking place. If any member of staff does not have the required hardware the primary obligation to supply it will rest with the Host Authority noting that Partners will be required to co-operate with the Host Authority and act reasonably to find a solution.
3. The cost of mobile phones will be met by the Host Authority from the Financial Contributions
4. The cost of provision, support, maintenance and replacement of laptops will be met by the Host Authority from the Financial Contributions.

#### **Part 2 Facilities to be provided by each Partner:**

1. Access to the Integrated Children's System of the Partner on a web based read only basis
2. Access to the network of each Partner (ability to send and receive e-mails and connect to the internet)

#### **Part 3 Authority Premises**

The Partners shall provide accommodation as follows:

#### **Islington**

Premises

Accommodation for [ ] staff

#### **Barnet**

Premises

Accommodation for [ ] staff

#### **Camden**

Premises

Accommodation for [ ] staff

**Enfield**

Premises

Accommodation for [ ] staff

**Hackney**

Premises

Accommodation for [ ] staff

**Haringey**

Premises

Accommodation for [ ] staff

Accommodation is to provide appropriate working space and associated facilities and services, including telephones and bookable meeting rooms as shall be appropriate for delivery of the Service for the Term

Staff ratio to be 10 staff to  $\geq$ [ 7 ] desks

Access to the accommodation to be 7am – 7pm on Working Days

## **Schedule 8 Management Board Governance Arrangements**

### **1 Establishment**

1.1 The board shall be called the ALN Management Board

1.2 These terms shall have effect from the first meeting of the ALN Management Board.

### **2 Powers and responsibilities of the ALN Management Board**

2.1 The ALN Management Board shall be responsible for:

- acting as a consultative body and performing a check and challenge function to the Host Authority's performance of and proposals in relation to:
  - (i) the strategic delivery of the Service;
  - (ii) the day to day operation of the Service; and
  - (iii) developments in legislation, guidance and best practice;
- if and when the opportunity arises making proposals for service improvements and innovations to Partners and the Host Authority;
- approving the annual budget and Financial Contributions, noting that the agreed method of establishing the annual budget and annual contribution is set out at Schedule 5 of this Agreement and on the express understanding that such approval shall be subject to each Partner's internal governance processes in relation to budgets and expenditure;
- actions required under clauses 7 (Annual ALN Plan), 16 (Quarterly Review) and 17 (Annual Review) of this Agreement
- providing an opportunity for dialogue between Partners, Third Sector Partners and invitees; and
- dispute resolution and exit arrangements.
- agreeing whether an organisation or representative can become a Third Sector Partner
- monitoring any key performance indicators and other data
- monitoring quality assurance

2.2 The ALN Management Board shall perform the tasks set out at bullet points 1 and 3 above in response to reports submitted by the Head of Service ALN as set out in the main body and other Schedules to this Agreement.

### **3 Third Sector Partner Involvement**

3.1 Third Sector Partners engaged through clause 43 of this Agreement shall be entitled to be present for items in relation to the following:

- the strategic direction of ALN;
- service improvements and best practice; and
- changes in legislation and guidance.

3.2 For the avoidance of doubt, Third Sector Partners will not be entitled to be present for items in relation to the annual budget, Financial Contributions, dispute resolution and detailed (rather than general) discussions on procurement.

- 3.3 Third Sector Partners may be required to leave ALN Management Board meetings for some items on the agenda if in the opinion of the Partners the presence of the Third Sector Partner may prejudice or be perceived by others as prejudicing the proper and impartial conduct of a procurement, a grant award, legal action or litigation, disputes, budget setting or any other activity of ALN.
- 3.4 Third Sector Partners shall declare any interest that they may have in items on the agenda either in advance of the meeting of the ALN management Board or at the start of the meeting.

#### 4. Service User Involvement

The ALN Management Board shall actively consider the extent to which Service Users including birth parents, adopters and adoptees can be invited to attend and contribute to ALN Management Board meetings. Invites may be extended on either an ad-hoc or “standing” basis.

#### 5 Governance arrangements of the ALN Management Board

- The ALN Management Board shall be constituted by the appointment of one representative from each Partner. Each Partner shall also appoint a substitute member to attend and vote at meetings of the ALN Management Board in the absence of the appointed member.
- The initial members of the ALN Management Board and the members’ substitutes shall be those listed in Schedule 4 subject to replacement in accordance with the terms of this Agreement.
- The members of the ALN Management Board shall in the case of Partners be Directors of Children’s Services or persons acting under their delegated authority who shall be suitably qualified and experienced to act as members of a supervisory board for the Service and who shall be of the appropriate standing and seniority.
- It is preferable for decisions of the ALN management Board to be by consensus rather than by vote. However, two Partners may request a vote on an item of business in which case each Partner shall have one vote with decisions being made on a majority vote of those Partners participating and entitled to participate in the vote with the exception of the annual budget and Financial Contributions which shall require the express consent of each Partner.
- The ALN Management Board shall appoint one of the Partner members to act as Chair in all meetings of the ALN Management Board. The Chair shall be an employee of a Partner and shall have regard to the overall interests of the Service not just the interests of the Partner that they represent. The initial member of the ALN Management Board appointed as Chair shall be listed in Schedule 4 and this initial appointment shall be reviewed by the Partners annually.
- The ALN Management Board shall appoint one of the members to act as Vice Chair in all meetings of the ALN Management Board and such Vice Chair shall act as Chair in the event of the absence of the Chair at any meeting of the ALN Management Board. The Vice Chairperson shall be an employee of a Partner.
- A meeting of the ALN Management Board shall be quorate with the attendance of 50% of the members who are entitled to vote at such meeting.
- If a member of the ALN Management Board shall not be present at any meeting of the Management Board, his or her agreement to a decision or a course of action (in relation to

the Service and within the role of the responsibilities of the ALN Management Board) may be given in writing to the Chair or Vice Chair or the member may decide at her or his discretion for her /his substitute to attend and to vote on its behalf in relation to any such decision or course of action.

- The Partners each undertake that they have passed a resolution (or have the appropriate delegated authority) delegating the necessary authority to their representative on the ALN Management Board to enable the ALN Management Board to act in accordance with this Schedule 8 and to commit the Partners within the terms of and as contemplated by this Schedule 8.
- A Partner may remove any person acting from time to time as its representative on the ALN Management Board and another representative (who shall be duly qualified in accordance with the terms of this Schedule 8) for the relevant Partner shall be appointed in accordance with the provisions of this Schedule 8.
- No Partner shall remove a person as its representative on the ALN Management Board without first securing the appointment of another representative and advising the other Partners of the appointment of such representative in writing.
- The ALN Management Board shall meet as regularly as is necessary in order to perform its role in relation to ALN but in any event no less than once per quarter. The Host Authority shall give the Partners at least ten (10) Working Days written notice in advance of any meeting of the ALN Management Board. Such notice shall include an agenda for the issues to be discussed and any decisions or actions to be considered at such meeting. The ten (10) Working Days' notice period may be waived if all Partners agree or the matter is urgent (in the reasonable opinion of the Host Authority).
- Any Partner may request a meeting of the ALN Management Board by giving notice in writing to the Host Authority. Such notice shall detail the reason for the meeting request and shall include a draft agenda for such meeting.
- Meetings shall be held at the venue or venues agreed by the ALN Management Board at their first meeting which shall be held at Islington Town Hall.
- Minutes shall be taken at each meeting in the form of actions and decisions agreed. Minutes shall be presented to the next meeting of the ALN Management Board for its agreement.

## 6 Administrative Duties of the Host Authority

### 6.1 The Host Authority shall provide administrative support to the management board including:

- Arranging ALN Management Board meetings;
- Distributing agendas and papers;
- Minute taking and distribution; and
- Acting as secretariat to the ALN Management Board

## **Schedule 9**

### **Information to be disclosed by Partner Transferors relating to employees**

#### **Personal details**

Full name

Sex

Date of birth

Home address

Job title and Full Job Description (written job descriptions to be provided if in existence)

Work location

National Insurance Number and table letter

Bank account details for payment of salary

#### **Remuneration and personnel issues**

Date continuous employment commenced with the Partner Transferor and (if applicable) the commencement dates in local government

Contractual Notice to be provided by the Partner Transferor and Employee upon termination

Normal retirement date

Annual salary and rates of pay band/grade

Shifts, unsociable hours or other premium rates of pay

Hours of work

Overtime history for preceding 12 month period

Allowances and bonuses for preceding 12 month period

Outstanding loan/advances on salary or debts

Sickness absence and disciplinary records for immediately preceding two year period

Any performance assessment or appraisal details

Car allocation and/or allowance details

Details of any written grievances submitted for the preceding two year period

Details of any material breaches of employment contracts

### **Pensions**

Details of scheme, and individual/employer's contributions

Confirmation that employer contributions have been paid in full.

Details of any current or pending applications for early retirement

### **Leave**

Annual holiday entitlement and accrued holiday entitlement

Those currently on maternity leave or other long term leave of absence with details of the nature of their illness and the duration and dates of their absence due to that condition.

Those who have notified the Partner that they are pregnant

Those on sick leave

### **Other information**

Existing training or sponsorship commitments

Details of any active disciplinary/inefficiency/competence or grievance proceedings or any matters which may give rise to such. Details of any existing or potential claims made by the employee against the employer including any court, employment tribunal or arbitration claims or any matters which may give rise to such.

Details of any enquiry, correspondence or contact between the Partner and the Commission for Racial Equality, the Equal Opportunities Commission, the Health and Safety Inspectorate and the inland revenue concerning Transferring Employees.

Details of any court judgment or current employment tribunal award in respect of any Transferring Employee.

Existence of any secondment arrangements

Existence of any arrangements for deductions from pay e.g. court orders, union subscriptions, student loans, family tax credit or any other similar deductions

Details of any policies relating to equal opportunities, disciplinary and grievance procedures, maternity and paternity provisions, flexible working, redundancy procedures and payments, redeployment, sickness absence and sick pay entitlement and retirement.

Details of enhanced DBS checks for all staff with the exception of business support staff.

A copy of any job evaluation scheme.

### **Dismissals**

Details of all dismissals / resignations within the last 12 months including reasons for the dismissal / resignation

Details of all employees recruited within the last 12 months.

### **Collective bargaining**

Details of the names of the trade union and other employee representatives.

Details of any trade union recognised by the Partner, giving the date and details of the recognition agreement (and a copy if available) and any pending negotiations.

Details of any other agreement, whether local or national with any trade union or other body of employee representatives (and copies if available) including any informal recognition and procedure arrangements and other arrangements honoured by 'custom and practice'.

Details of which, if any, of the terms of any collective agreement form part of individuals' terms and conditions of employment.

### **Working Time Regulations 1998**

Copies of any individual, collective and workforce agreements entered into pursuant to the Working Time Regulations.

### **Health and Safety**

Details of any health and safety committee / representatives.

Details of any health and safety complaints or recommendations over the last 5 years.

### **Trainees/Consultants**

Details of all individuals working on training, work experience or similar schemes

Details of all consultancy agreements and self employed personnel who are or may actually be employees.



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**Schedule 11**

**Assets Register**

## Schedule 12

### Processing, Personal Data and Data Subjects

1. The Provider shall comply with any further written instructions with respect to processing by the Council.
2. Any such further instructions shall be incorporated into this Schedule.

Description	Details
Subject matter of the processing	<i>[This should be a high level, short description of what the processing is about i.e. its subject matter]</i>
Duration of the processing	<i>[Clearly set out the duration of the processing including dates]</i>
Nature and purposes of the processing	<p><i>[Please be as specific as possible, but make sure that you cover all intended purposes.</i></p> <p><i>The nature of the processing means any operation such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data (whether or not by automated means) etc.</i></p> <p><i>The purpose might include: employment processing, statutory obligation, recruitment assessment etc.</i></p>
Type of Personal Data	<i>[Examples here include: name, address, date of birth, NI number, telephone number, pay, images, biometric data etc]</i>
Categories of Data Subject	<i>[Examples include: Staff (including volunteers, agents, and temporary workers), Councils/ clients, suppliers, patients, students / pupils, members of the public, users of a particular website et</i>
Plan for return and destruction of the data once the processing is complete UNLESS requirement under union or member state law to preserve that type of data	<i>[Describe how long the data will be retained for, how it be returned or destroyed]</i>

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# Council

AGENDA ITEM 11.5

## 30<sup>th</sup> July 2019

**Title**  
**Referral from the Assets,  
 Regeneration and Growth Committee  
 – Upper and Lower Fosters**

**Report of** Chairman of the Assets, Regeneration and Growth Committee

**Wards** Hendon

**Status** Public

**Urgent** Yes

**Key** Yes

**Enclosures**  
 Appendix 1 – Upper and Lower Fosters report  
 Appendix 2 – Restricted exempt report  
 Appendix 3 – Restricted appendix to exempt report

**Officer Contact Details**  
 Abigail Lewis – Governance Officer  
[Abigail.lewis@barnet.gov.uk](mailto:Abigail.lewis@barnet.gov.uk)

### Summary

The report attached at Appendix 1 (Upper and Lower Fosters) was considered by the Assets, Regeneration and Growth Committee on the 13<sup>th</sup> June 2019. The Committee resolved to agree the recommendations as set out in the report in Appendix 1 and to refer the approval of the capital budget required to progress Upper and Lower Fosters scheme to RIBA stage 4a to the Policy and Resources Committee for approval.

However, it is urgent that the report is referred to Full Council, rather than wait until P&R in October 2019. The report will allow the Barnet Group to instruct the design and professional team to progress the design through RIBA stage 4, ahead of tendering the

project and preparing the Full Business Case.

The project has been co-designed with the local community with regular engagement activities. If we wait until October to commence this process then we risk losing momentum with the local community. Prolonged project delivery could also add additional costs to the project and may not optimise delivery or return on investment.

Land and property matters including appropriation, statutory requirements and consents, transfers of land, highways, acquisition of pram sheds and other ancillary matters will be addressed during RIBA stages 4-7. These activities are critical to the successful delivery of the project and a delay in starting these activities could be detrimental to the overall project.

## **Officers Recommendations**

- 1. That Council approve the capital budget required to progress the Upper and Lower Fosters scheme to RIBA stage 4a.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 As set out in Appendix 1-3 of the report.
- 1.2 The Assets, Regeneration and Growth Committee resolved to agree the recommendations as set out in the report in Appendix 1 and to refer the approval of the capital budget required to progress Upper and Lower Fosters scheme to RIBA stage 4a to the Policy and Resources Committee for approval. However, the next meeting of the Policy and Resources Committee is not until the 3<sup>rd</sup> October 2019, and approval of the funding is urgently required before this date, therefore approval is sought from Council.

It is urgent that the report is referred to Full Council, rather than wait until P&R in October 2019. The report will allow the Barnet Group to instruct the design and professional team to progress the design through RIBA stage 4, ahead of tendering the project and preparing the Full Business Case. The project has been co-designed with the local community with regular engagement activities. If we wait until October to commence this process then we risk losing momentum with the local community. Prolonged project delivery could also add additional costs to the project and may not optimise delivery or return on investment.

Land and property matters including appropriation, statutory requirements and consents, transfers of land, highways, acquisition of pram sheds and other ancillary matters will be addressed during RIBA stages 4-7. These activities are critical to the successful delivery of the project and a delay in starting these activities could be detrimental to the overall project

### **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in Appendix 1-3 of the report.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 As set out in Appendix 1-3 of the report.

### **4. POST DECISION IMPLEMENTATION**

4.1 As set out in Appendix 1-3 of the report.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

5.1.1 As set out in Appendix 1-3 of the report.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 As set out in Appendix 1-3 of the report.

#### **5.3 Social Value**

5.4 As set out in Appendix 1-3 of the report.

#### **5.5 Legal and Constitutional References**

5.5.1 The Council's Constitution, Article 4 sets out the terms of reference for Council which includes 'making decisions on matters normally reserved to committees (except for planning and licensing matters) where an urgent decision is required. Determination of whether a matter is urgent will be made by Mayor and Chairman of relevant committee in consultation with Leader and relevant chief officer.

#### **5.6 Risk Management**

5.6.1 As set out in Appendix 1-3 of the report.

#### **5.7 Equalities and Diversity**

5.7.1 As set out in Appendix 1-3 of the report.

#### **5.8 Corporate Parenting**

5.8.1 As set out in Appendix 1-3 of the report.

#### **5.9 Consultation and Engagement**

5.9.1 As set out in Appendix 1-3 of the report.

### **6. BACKGROUND PAPERS**

6.1.1 As set out in Appendix 1-3 of the report.

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	<p><b>Assets, Regeneration and Growth Committee</b></p> <p><b>13 June 2019</b></p>
<p style="text-align: center;"><b>Title</b></p>	<p style="text-align: center;"><b>UPPER and LOWER FOSTERS</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Chairman of Assets, Regeneration and Growth Committee</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>Hendon</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public with accompanying exempt report -Exempt from publication in accordance with paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 on account that it contains information relating to the financial or business affairs of any particular person including the authority holding the information and information in respect of which professional legal privilege could be maintained in legal proceedings.</p>
<p style="text-align: center;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: center;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>None</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Abid Arai, Development Programme Director (Re), <a href="mailto:abid.arai@capita.co.uk">abid.arai@capita.co.uk</a></p> <p>Cath Shaw, Deputy Chief Executive (LBB), <a href="mailto:cath.shaw@barnet.gov.uk">cath.shaw@barnet.gov.uk</a></p>

## Summary

The Upper and Lower Fosters (ULF) Site is a typical post-war council estate extending to 3.19ha, and currently comprises a 1960s housing estate formed of 196 existing residential properties, including 28 'Sheltered Housing' units, across 11 residential blocks. The existing residential blocks range between 2 and 11 storeys. In addition to the existing residential accommodation, the site also comprises Cheshire Hall (D1 Use Class) within Cheshir House; green open space; and assorted outbuildings.

The purpose of this masterplan is to fulfil the site's capacity to accommodate additional

housing, integrated with local open space and street improvements to create a better place to live. This report seeks approval of the recommendations set out below which include the Outline Business Case to deliver 217 additional mixed tenure homes of which 50% are affordable creating additional housing supply including much needed Extra Care facilities. Wider benefits will see improved public realm supported by good quality architecture, reinforcing local identity.

## **Officers Recommendations**

- 1. That the committee notes the progress of the Upper and Lower Fosters Scheme to date.**
- 2. That the committee notes the capital budget required to progress the Upper and Lower Fosters scheme to RIBA stage 4a and that this is referred to the Policy and Resources Committee for approval**
- 3. That the committee approves the Outline Business Case appended to this Report and notes that the Full Business Case (FBC) for this development and the preferred delivery option will be brought to Committee at a later date.**
- 4. That the Committee approves the procurement strategy set out in this report and report back the final contract sum in the FBC.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The report sets out the preferred way forward for the development of the ULF Site.
- 1.2 The Assets, Regeneration and Growth Committee (ARG) approved at its meeting on 9 July 2014, the approach to, and the principles underpinning, the creation of a development pipeline on Council owned land.
- 1.3 The Council's draft Housing Strategy 2019-2024 sets out the intent to deliver homes that people can afford by increasing housing supply, regeneration and growth. The strategy sets out how a continuing pipeline of developing on council land will secure a range of tenures, including mixed tenure housing with affordable homes funded by private sales, new affordable homes to rent, extra care and wheelchair accessible homes to reduce demand for care, and private housing for rent. 194 further homes are on site and will be completed over the coming months.
- 1.4 The Assets, Regeneration and Growth Committee (ARG) approved at its meeting on 27 November 2018, the balance of Capital budget to progress the Upper and Lower Fosters scheme to RIBA stage 3, and to discharge the costs associated with the submission of the planning application and the securing of an acceptable permission for the scheme and the preparation of an Outline Business Case (OBC) for subsequent approval by the Committee.
- 1.5 On 5<sup>th</sup> March 2019 Budget the Council approved the Corporate Plan, Medium Term Financial Strategy 2019/24 and Budget for 2019/20. This report included Appendix D1 that within the Deputy Chief Executive's section included a substantial forward

programme of income generating activities for the Estates Service and Housing Service collectively.

- 1.6 This report notes that many assets owned by the Council do not currently maximise the potential of the land upon which they are built. Such assets generally offer the potential for redevelopment of the land to provide a mixture of uses on site. In general, this potential improved mix would be a combination of community-oriented / commercial use, alongside housing.
- 1.7 The Council is committed to deliver its Housing targets set out in the Adopted Local Plan 2012.

## 2. REASONS FOR RECOMMENDATIONS

2.1 The ULF estate in Hendon Ward occupies 3.19 hectares and contains 196 existing homes built in the 1960's to a relatively low density. The estate design is of its time with much open space across the land parcel, making it suitable for new infill development. The site is located approximately 350m north-east of Hendon Central Station, which provides Northern Line access to Euston in 18mins. There are a number of bus stops along Brent Street to the east of the site and Queens Road.

2.2 The key project requirements are to;

- Develop additional housing and an improved public realm;
- Provide new quality development and significant local environmental improvements
- Maximising the provision of good quality housing by releasing value through private-for-sale units to cross subsidise the provision of affordable homes

The project team have been working extensively with community members for over two years, to learn about their priorities and co-design the masterplan with them. Stages 1 and 2 were completed in 2017/18 and the team submitted a planning application on 1<sup>st</sup> May which is due for determination in September 2019.

The process of co-design process and masterplan evolution has responded to a wide range of objectives and priorities. These priorities relate directly to Barnet's corporate priorities relating to **place, enterprise and people**.

- In terms of 'place', the co-design process has put the quality of the Fosters Estate environment as a top priority. The community made clear through the co-design process that the open character of their estate should be a key asset which is fundamental to the masterplan evolution.
- In terms of 'enterprise', whilst this is a housing scheme, the masterplan proposals will improve the relationship between the Fosters Estate and surrounding streets and the local high street of Brent Street which provides the local community with its day-to-day shopping needs. More people will rely on this local centre which will help to underpin the viability of local shops.
- In terms of 'people', the co-design process has helped put local people first, giving greater weight to the views expressed by the local community in the design process.

- 2.3 Barnet has the largest population of any London Borough with 394,400 residents. The figure is expected to grow 452,000 by 2036. With a third of the borough designated green belt, Barnet Council has to be innovative in how new homes can be built in the borough.
- 2.4 The Council's draft Housing Strategy 2019-2024 identifies that delivering more homes that people can afford is a key priority. The recent Strategic Housing Market Assessment showed a need to provide at least 3,060 new homes a year, to accommodate an expected 16% population growth by 2041.
- 2.5 MHCLG published figures show Barnet delivered just under 2,000 homes per annum over the past three years; 82% of its current target. To deliver an increase in housing completions requires the Council and wider public sector to increase its own pipeline of housing delivery. To that end the Council is reviewing its assets to consider all suitable sites for redevelopment potential.
- 2.6 In terms of affordability, strong demand has resulted in average house prices increasing to 15 times the median household income for Barnet. The delivery of new affordable rented homes, funded in a variety of ways, including mixed tenure development, will ensure the Council's estate is used to help meet the Housing Strategy objective - this is to prevent and tackle homelessness by reducing the use of temporary accommodation, to help meet Housing Committee savings.
- 2.7 **The purpose of the Regeneration Strategy, working alongside the Local Plan.** The Local Plan (2021-2036) sets out the vision for growth and development in the borough and the delivery of 32,200 new homes and 20,000 new jobs by 2030. The Regeneration Strategy builds on this, articulating the Council's approach to delivering growth and focusing on the places that need intervention. The strategy creates a framework to inform future decision making, and is accompanied by a Delivery Plan (to follow) which sets out how the council will direct future investment, the approach to securing funding and how we will form strategic partnerships.
- 2.8 All the new homes provided will meet the former Lifetime Homes standard through a standardised approach centred around Building regulations. At least 10% will be fully wheelchair adapted, meeting the objective in the Council's Housing Strategy of providing housing to support vulnerable people. The Council already provides a range of housing options for vulnerable adults with a focus on helping people live as independently as possible.
- 2.9 The Council have been awarded a grant allocation of circa £9.2m from the Greater London Authority (GLA) to support the provision of new homes on the estate development. The grant conditions require the development to have commenced on site by end of March 2021 and that affordable rents will be set for the affordable tenure dwellings. Current the Council are awaiting confirmation if award.
- 2.10 Significant progress has been made to date with the Community Steering Group through the co-design process, further delays could jeopardize the project due to a lack of momentum and interest from the community and supply chain.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 The design options considered and discounted were set out in the Strategic Outline Case and are set out in the RIBA stage 3 report. The current proposed delivery options have been appraised and are set out in the Outline Business Case, further appraisal to confirm the preferred option will be set out in the Full Business Case (FBC).

#### **3.1.1 Do nothing:**

This would limit the Council's ability to deliver the much-needed affordable housing and make use of the available land for infill development. It would also result in no improvement to current issues identified on the estate such as anti-social behaviour and fly-tipping, which require physical changes to be resolved long term.

#### **3.1.2 Do Minimum:**

This option could see the delivery of the replacement of Chesir House with 75 Extra Care units, however the wider benefits of estate regeneration would remain unresolved and not meet the Council's objectives of increasing housing supply.

#### **3.1.3 Do Maximum:**

##### **Option 4a) Open Door Homes (ODH)**

Opendoor Homes is a Registered Provider subsidiary within The Barnet Group. It has an independent board and is regulated by Social Housing Regulator. It is currently building some 350 homes across the Borough with funding provided by the Council. It is also seeking to purchase some 500 homes over the next 5 years with support from the Council to ease homelessness pressures in Barnet.

Under this arrangement ODH would enter into a typical s106 agreement to secure planning obligations. LBB would transfer land for nil value with 100% nominations right across all Affordable units. The Shared Ownership units would be sold with a 25% equity release and will be subject to a 250-year head lease between the Council and ODH.

The financial arrangements for this option are that the working capital for the scheme would be provided by the Council. This would be funded by way of a Public Works Loan Board facility. ODH would pay the Council a £2,000 per home dividend for each affordable rent homes in perpetuity and an additional margin on the loan (subject to MRP requirements). This would produce an additional benefit to the general fund of circa £3.65m over 46 years. This equates to circa £80,000 per annum (roughly equally split between the homelessness dividend and the loan margin charged to Open Door Homes).

The Extra Care scheme is fully funded by the Council and GLA grant so would be owned by the Council and managed by Barnet Homes and Your Choice Barnet.

ODH will undertake the development and management of the proposed development through RIBA stage 4-7 by way of The Barnet Group development team who have strong experience of both infill and Extra Care. The Sales & Marketing of the Private units would be managed by the appointed sales agents, any surpluses generated would be retained by the Council, the market risk however sits with the Council as the developer.

#### **Option 4b) The Council appoints another funder to offset Sales risk**

In broad terms, this structure may involve a joint venture arrangement between the Council and the funder with the creation of a limited liability partnership (“LLP”). It is envisaged that the joint venture arrangements between the Local Authority and the funder pursuant to the terms of an LLP Agreement would involve an equal 50% interest in the LLP.

This option would provide new social housing and contribute to the supply of housing overall within the Borough and would reduce the financial exposure to the Council but not provide the financial benefits of on-lending and the “homelessness dividend”. It may also be possible for the Council to enter into a similar s106 as above with another RP on a more competitive basis. The Council has looked at conversion of the 106 Private dwellings to affordable however this does not currently generate the equivalent in Capital values – an initial calculation suggested that a 100% affordable would result in a circa - £12m viability gap. Further work would need to be undertaken on this variance to confirm the position.

The RIBA stages 4-7 development management arrangements could still be taken forward by The Barnet Group Development Team or the JV. As above, the Sales & Marketing of the Private units would be managed by the appointed sales agents, any surpluses generated would be retained by the JV.

The Extra Care scheme is fully funded by the Council and GLA grant, so would be owned by the Council and managed by Barnet Homes and Your Choice Barnet.

#### **Option 4c) The Council fund the entire development via the HRA**

The financial arrangement for this option would be to have LBB fund total Development cost via a combination of the GF, HRA and Grant from GLA at £100k Affordable Rented units and £28k Shared ownership units. The affordable rent units would remain under LBB ownership, with 25% equity being released on the SO units and the private units sold on either a long lease or freehold basis.

As per the above options, the Development Management could still be procured via The Barnet Group Development Team who will manage the estate.

The appointed sales agents would undertake the Sales & Marketing and sales revenue would be returned to LBB.

This option does require further assessment for ring-fence, tax and legal implications.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Approval of the budget from the Policy and Resources committee to be obtained

- 4.2 The Council will commission The Barnet Group to conclude the design development of stage 4 and report back to committee with a Full Business Case prior to the appointment of a contractor.

Procurement of a contractor to support the project will commence in line with the Barnet Group's Contract Procedure Rules. The section below sets out the procurement strategy for this project.

- 4.3 Land & property matters including appropriation, statutory requirements and consents, transfers of land, highways and other ancillary matters will be addressed during RIBA stages 4-7
- 4.4 A value for money statement will be prepared by an independent cost consultant including a tender report that includes benchmarked costs analysis
- 4.5 The project team will commission private treaty negotiations to commence the acquisition of the pram sheds. The existing stores are in poor condition and are being replaced on a like for like basis following feedback from the community steering group. Currently there are a total of 168 pram sheds; 107 – Tenanted properties & 61 – Leased properties.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Corporate Plan 2019-2024 sets out the aim to ensure Barnet is a pleasant, well maintained borough that is protected and invested in by:

- a) Ensuring decent quality housing that buyers and renters can afford, prioritising Barnet residents that will be delivered by increasing supply to ensure greater housing choice for residents and delivering new affordable housing, including new homes, on Council-owned land.
- b) Investing in community facilities to support a growing population, such as schools and leisure centres that will be delivered by investing in community facilities such as enhancing our indoor and outdoor sporting facilities and maintaining our 21st century libraries;
- c) Responsible delivery of our major regeneration schemes to create better places to live and work, whilst protecting and enhancing the borough - delivered by working with The Barnet Group to deliver housing on smaller sites across the borough.

- 5.1.2 The Corporate Plan further sets out how the Council will deliver these ambitions within financial constraints by ensuring that taxpayers money goes as far as it can through adhering to the following key principles:

- a) A fair deal - by delivering the services that matter most and making decisions to prioritise our limited resources alongside providing value for money for the taxpayer by ensuring we are transparent in how we operate.
- b) Maximising opportunity - by taking a commercial approach to generating income, and looking for new opportunities to generate revenue from our estate, alongside

capitalising on opportunities from responsible growth and development to boost the local economy

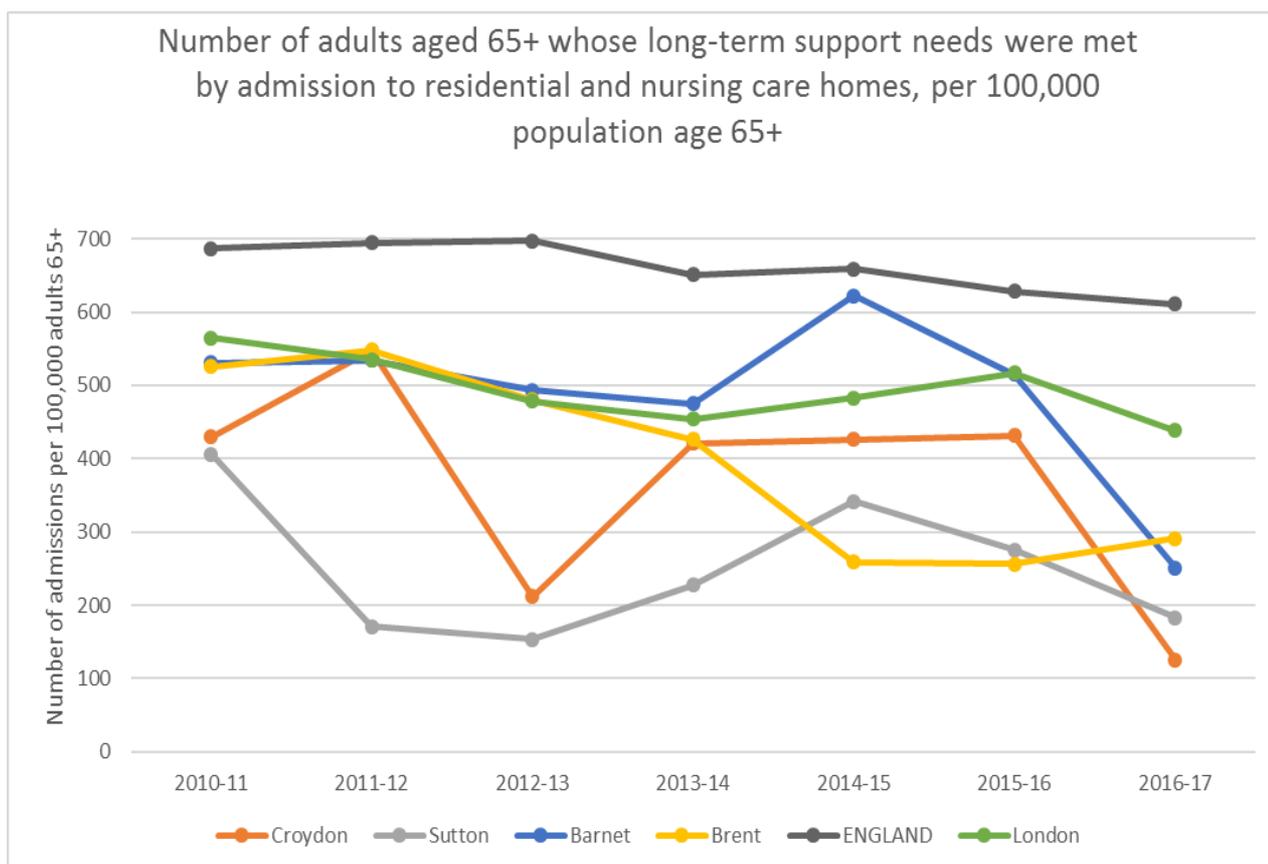
- 5.1.3 The current London Plan and Barnet's Local Plan recognise the need for more homes setting a minimum annual target for Barnet of 2,439 homes. The new Council's Housing Strategy 2019-2024 continues to emphasise that delivering more homes that people can afford is a key priority.
- 5.1.4 The Council's Housing Strategy, agreed in 2019 has the overarching objective of providing housing choices that meet the needs and aspirations of Barnet residents and sets out how the Council will deal with a number of challenges including high prices, a shortage of affordable housing and the potential threats to the qualities that make the Borough attractive.
- 5.1.5 The draft London Plan recognise the need for more homes in the capital. Managing housing growth and the provision of new homes is the first objective set out in Barnet's Core Strategy. The London Plan and Core Strategy set challenging targets for the delivery of new housing, with the former having increased the minimum annual target for Barnet to 3,134 homes per annum.
- 5.1.6 The 2017-18 Addendum to the 2015-2020 Adults and Safeguarding Commissioning Plan includes the following commissioning priorities:
- Developing best practice social care, focused on what people can do and how they can help themselves;
  - Diversifying Barnet's accommodation offer to help more people live independently;
  - Transforming day care provision to ensure that people remain active and engaged through access to employment and volunteering;
  - Integrating health and social care services to prevent crises and help individuals stay well and in their own homes;
  - Improving the borough's leisure facilities to support and encourage active and healthy lifestyles; and
  - Expanding evidence-based prevention and early support, including technology, to make sure people can use services closer to home to help them stay independent for as long as possible.
- 5.1.7 The expansion of Extra Care provision supports delivery of these priorities. It also supports the priorities of the Joint Health and Wellbeing Strategy (2015 – 2020) and the strategy's themes of wellbeing in the community and care when needed. In addition, The Right Home Commissioning Plan, which was approved by Adults and Safeguarding Committee in June 2017, supports the use of Extra Care to extend residents' independence as they get older. The expansion of Extra Care also contributes to meeting the commitments of the Dementia Manifesto for Barnet, supporting people with dementia to live a full and active life, and enabling them to live at home for longer as part of an active and supportive Extra Care community.
- 5.1.8 The Barnet Housing Strategy identifies the need for the Council to secure new types of housing for Barnet's older population and working age adults with additional needs. One of the areas identified for expansion is the provision of Extra Care housing.

## 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Housing committee savings targets identify provision of new affordable homes as a means of reducing costs associated with temporary accommodation. To enable current and future savings to be delivered, suitable sites must be identified. The Housing Committee is responsible for the Housing Strategy and Homelessness Strategy. The Policy and Resources Committee is responsible for the Local Plan and therefore the Council's overall housing target.

5.2.2 Barnet is currently over reliant on residential care, in the absence of alternative forms of accommodation and support. The lack of alternatives to residential care has been identified as one of the factors influencing families, individuals and professionals when choosing residential care. The chart below shows Barnet's comparative performance for the number of adults aged over 65 with permanent admissions to sheltered accommodation.

5.2.3 The graph below shows that Barnet has a high number of older people admitted to residential and nursing care when contrasted with other comparable outer London boroughs. While the number of elderly clients has not decreased, residential admissions have declined more recently due to changes in the approach taken by Barnet Council's Adults Services: this includes moving away from residential care provision, making better use of existing Extra Care facilities, and accommodating residents' wishes to remain in their own homes.



**Figure 1 - Admission to residential and nursing care homes, 2010-17.**

**Source: Measures from the Adult Social Care Outcomes Framework 2016-17, NHS Digital.**

### **5.3 Admissions to Residential Care Working Age Adults LBB 2010 – 2016**

- 5.3.1 Residential care is a relatively costly form of provision. Using prices paid in 2015-2016 by the Council, the difference between the amount spent on clients in residential care and those in Extra Care was £308 per week.
- 5.3.2 The Cheshir House Extra Care Scheme is projected to realise financial benefits of approximately £200,000 in financial years 2020/2021-2023/24 through the cost avoidance associated with Extra Care as compared to residential care. This is included in the Council's draft Medium Term Financial Strategy (MTFS) 2019/20.
- 5.3.3 Delays in the progression of the extra care development at Cheshir House may put at risk the MTFS savings agreed for Adult & Social care for the replacement of residential care with extra care places for older people with additional needs. Replacement savings may need to be found if this risk materialises.
- 5.3.4 The Council have been awarded a grant allocation of circa £9.2m from the Greater London Authority (GLA) to support the provision of new homes on the estate development. The grant conditions require the development to have commenced on site by end of March 2021 and that affordable rents will be set for the affordable tenure dwellings.
- 5.3.5 The Council will also benefit from other financial benefits such as New Homes Bonus at c.£12,250 in year 1 (£49,000 over 4 years) and C/Tax benefit at c.£1,514 per property along with wider non- financial benefits such as health & well-being, improved infrastructure, environmental benefits, and increasing housing supply

### **5.4 Property**

- 5.4.1 The existing estate belongs to the London Borough of Barnet who are undertaking an estate regeneration programme which includes replacement of 25 poor quality sheltered units (Cheshir House), pram sheds and demolition of a number of under-utilised garages and infilling with a number of new blocks and housing. 50% of the housing will be for private sale in order to pay for the development including the replacement of the extra care units.
- 5.4.2 Part of the site assembly for the development will include negotiations with various third parties including leaseholders to acquire their pram sheds to enable the development and agreement of terms on the replacement thereof.

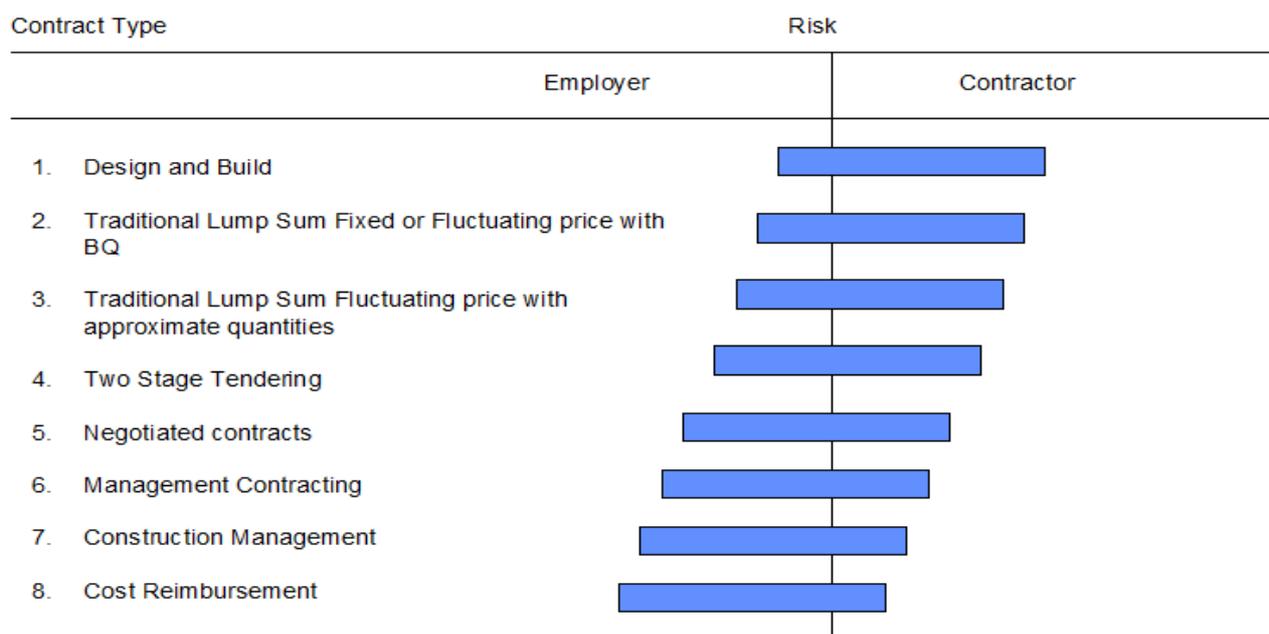
Negotiations are underway with UKPN to provide additional capacity to the existing sub-station on site by way of a surrender and grant of a new lease.

### **5.5 Procurement**

- 5.5.1 Having considered a number of procurement routes set out in the OBC, the Council has agreed on a Single Stage Design & Build using a JCT contract 2016 with amendments. The 'call off' of a contractor will be competitively tendered via an appropriate framework. The below image summarises the proportion of risk assigned to employer and contractor for each of the different contract types considered in assessing possible procurement options.

- 5.5.2 When specifically applied to the Upper and Lower Fosters project the proposed contract is Design and Build and the contracting risk therefore needs to be assessed in terms of Single and Two Stage tendering under this form of contract.
- 5.5.3 On Single Stage Design and Build contracts the Employer places full design responsibility on the Contractor by incorporating a contract amendment to reflect this.
- 5.5.4 On a Two Stage Design and Build contract the Employer retains an element of risk in terms cost and programme through the second stage and a contractor will often produce a priced risk register at the completion of the second stage to seek to retain elements of risk with the Employer. This requires careful management through the second stage process to minimize the risk.
- 5.5.5 During the Stage 3 design process the complexity of the phasing and on-site constraints were fully reviewed with John Graham Construction Ltd and the potential benefits of an enabling contract should be explored within the framework of a Design and Build procurement route. This forms part of the current recommendation moving forward.

## CONTRACTING RISK



- 5.5.6 Under client instructions, Johnson Associates have engaged with suppliers to obtain quotes for developing key elements of Stage 4 design prior to tender with the winning contractor taking responsibility for this design once appointed. During this stage the Council's professional team will prepare a full set Employers Requirements, specification and tender documents for a contractor to price against. At this stage it is envisaged the procurement process will commence upon planning being granted ensuring the design is fixed.

## 5.6 Finance & Viability

5.6.1 The initial options appraisals were supported by a GLA grant of £830k. The balance of the budget c.£1.7m up to RIBA stage 3 has been funded through the HRA.

5.6.2 Discussions are on-going with the GLA regarding additional grant to support the extra care and affordable housing. The balance of the capital expenditure for RIBA stage 4-7 will be funded through the HRA and or S106 contributions from ODH or other investment vehicle, which will be set out in the FBC.

5.6.3 The Council's costs associated with stage 4a design prior to procurement is c£.1.6m

#### 5.6.4 Construction Costs

The Council has been liaising with a contractor who has provided an indication of the build programme, phasing and buildability of the scheme during RIBA stage 3. The budget construction costings prepared by Johnson Associates are included in the OBC.

#### 5.6.5 Market Residential Values

The Council engaged with Knight Frank as their sale agent and they have provided a unit by unit valuation of the scheme which is included as an appendix in the OBC. Knight Frank have also produced a market research document in support of their valuation.

#### 5.6.6 Affordable Values

In arriving at the affordable values which we adopted in our development appraisal, we have appraised on a ProVal model which is an industry recognised system for modelling and appraising affordable housing projects. The rental values for the affordable homes have been obtained from ODH via Strettons.

### 5.7 Social Value

5.7.1 Increasing the utility of existing assets through mixed use redevelopment will enable the Council's portfolio of assets to go further towards supporting local needs by helping to provide new opportunities for housing, (in particular, affordable housing) and new, improved community facilities.

5.7.2 Any contractors or development partners will be encouraged to provide opportunities for employment, training and apprenticeships for local people and use local suppliers where appropriate.

### 5.8 Legal and Constitutional References

5.8.1 Council Constitution Article 7.5 states that the remit of the Assets Regeneration and Growth Committee includes responsibility for regeneration strategy and oversight of major regeneration schemes, asset management, employment strategy business support and engagement.

5.8.2 The Council Constitution, Article 10 Table A states that Assets Regeneration and Growth Committee is responsible for authorising all acquisitions and disposals over 500K.

5.8.3 The Council has a range of powers including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation and Section 111 of the Local

Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.

5.8.4 The Council will need to consider, comply with and obtain any statutory and legal requirements /consents to give effect to the preferred option.

5.8.5 Procurement of public works and services contracts over the relevant value thresholds must observe the requirements of the Public Contracts Regulations 2015, to include the placing of OJEU notices where such contracts are not drawn down from a compliant framework. The Public Services (Social Value) Act 2012 requires the Council to consider whether it can achieve an improvement to the economic, social and environmental well-being of an area as part of the procurement of these services. If so, the social value objectives identified must be written into the procurement process. All of this must be achieved with regard to value for money and in a way that is compliant with existing public procurement law. "Social value" objectives can include the creation of employment, apprenticeship and training opportunities for local people, trading opportunities for local businesses and the third sector through contract delivery.

5.8.6 In the event the delivery option for the proposed development is by TBG with the assistance of a loan/grant then the Council must note that Under State Aid rules, in order to avoid the distortion of competition and trade within the European Union, no advantage should result from funding that is granted by public authorities on a selective basis to any organisations. It is essential that all legislation concerning State Aid is met, in particular such loans should be at normal commercial rates.

## 5.9 Risk Management

5.9.1 The main business and service risks associated with the potential scope for this project are shown below;

### 5.10 Programme / Delivery Risk

5.10.1 Regular engagement on a co-design basis with residents & stakeholders is critical to ensure buy-in through all development phases.

5.10.2 Prolonged phasing or delivery programme could add additional costs to the project and may not optimise delivery or return on investment

### 5.11 Financial risk

5.11.1 Securing the GLA Grant is ongoing & will have a significant financial impact if not secured, further burdening the Council's borrowing capacity.

5.11.2 Determination of the delivery options for the scheme including any third-party involvement such as Sage is critical to ensure project viability.

5.11.3 Commissioning of the balance of surveys is required to maximise cost certainty through Stage 4.

5.11.4 Agreeing project specifications as they are issued to maintain/improve values and highlight any cost issues.

5.11.5 A Value Engineering exercise has been undertaken which identifies various areas of saving that are to be reviewed at the commencement of stage 4.

## 5.12 **Market Risk**

5.12.1 Private Market Sales- Regular reviews of market conditions with Knight Frank including compiling a plot by plot sales schedule to ensure that values are tracked and maintained. Any drop in values puts the project at risk.

5.12.2 Construction market testing has been undertaken by the oversight contractor Graham Construction to seek to pick-up real-time market trends. Any increase in construction costs puts the project at risk.

5.12.3 Agree a project contingency plan should the sales market deteriorate in terms of the build programme / sectional completions and exposure.

5.12.4 Optimise phasing to seek to deliver private / income generating units at the earliest opportunity.

5.12.5 Macro-economic issues (such as BREXIT) could have an impact on both values and costs making the scheme unviable.

## 5.13 **Neighbourly Matter Risks**

5.13.1 Regular co-design meetings and workshops are critical to provide feed back into the design and construction process,

5.13.2 Party Wall and Rights of Light issues need to be managed and resolved so as not to impact on the delivery of the scheme. Surveyor's appointed, and related works / licences scheduled out and costed,

5.13.3 Design team to seek to work within acceptable risk parameters established by the above process,

5.13.4 Poor on site controls / phasing will give rise to significant negative publicity and potentially costs. Construction Management Plan and phasing are a real challenge within the existing estate and will require a thorough review and costing as the proposed delivery programme develops.

## 5.14 **Legal Risks**

5.14.1 Legal issues require resolution before the project can be delivered. HB Public Law are instructed to regularly review any ongoing title issues with a view to delivering a site capable of being developed in accordance with the planning permission and to advise on any title or other issues going forward

## 5.15 **Planning and Highways Risk**

5.15.1 Identify risks and non-compliance in areas such as highways given site constraints and seek to justify to the Planners and Highways. Failure to achieve agreement could result in no planning approval or a non-determination.

Failure of the GLA to approve / sign off the scheme which could result in a call In.

Excessive / onerous planning conditions could delay the project and add costs.

## 5.16 Equalities and Diversity

5.16.1 Under the Equality Act 2010, the Council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are; age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

5.16.2 The Council is committed to improving the quality of life for all, and wider participation in the economic, educational, cultural, social, and community life in the Borough.

5.16.3 The development at Upper and Lower Fosters will make a significant contribution to the provision of additional high quality intermediate housing in the Borough to assist first time buyers, many of whom are currently priced out of the market. In addition, much needed affordable rented housing will also be provided, as well as promotion of further construction jobs in the borough.

5.16.4 At this stage, the proposal does not raise any issues under the Council's Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated because of this proposal; however, a full EIA will be considered in due course.

## 5.17 Corporate Parenting

5.17.1 Barnet Council have a small number of care leavers in temporary accommodation. Increasing the supply of affordable housing is therefore a corporate parenting issue.

## 5.18 Consultation and Engagement

5.18.1 Barnet Council has adopted a community engagement and co-design strategy for this project, which encourages residents to play a full role in developing the improvement proposals from design through to post-delivery.

5.18.2 The aim has been to ensure that the masterplan and planning application for Upper and Lower Fosters is developed with the informed and representative participation of the community who live and work on and around the estate. The co-design strategy has been developed with the following values at its core:

- Representation – of all directly impacted community members and stakeholder groups, with participatory methods tailored to their specific needs
- Honesty and transparency – ensuring that communications are clear, timely, accurate and without hidden agendas
- Continuity – ensuring community input throughout the design and construction process
- Best practice – learning from case studies and best practice in the sector.

5.18.3 In doing so, this project ambitiously puts community members at the centre of deciding what gets built and where. This approach is referred to as co-design and has underpinned all major project milestones and design decisions.

5.18.4 The co-design process has been coordinated jointly by the external community coordinator and the design team. The external coordinator has been the point of liaison between the community and the project team, maintaining impartiality to the outcome of the design process. The co-design activities have been undertaken in dialogue and collaboration with Barnet Homes' community team to ensure a joined-up approach. It has comprised a number of activity streams including:

- Setting up and managing a Community Steering Group of residents, businesses and representatives from community organisations neighbouring the site
- Co-design open workshops, events and activities led by the masterplan lead designers and the community coordinator
- Regular communications updates to residents, businesses, community groups in the area via a variety of channels.

5.18.5 Re understand that to simply 'consult' with communities experiencing regeneration is inadequate. There must be genuine, meaningful involvement that secures relationships built on trust and clear communication channels that can address issues as they arise and mitigate potential 'flashpoints'. A stakeholder engagement plan has been developed and approved and monitored by the project board.

- The community immediately on and around the Fosters Estate represents a typically London mix of ethnicities and nationalities. The community on and immediately around the estate has a higher proportion of BAME residents than Barnet as a whole – within tenants of the estate, 54% identify as non-white and most of these identify as Black or Black British
- A relatively high proportion of residents in the local area were not born in the UK, at 53% - compared to the London and Barnet average (37% and 39% respectively)
- 27% of residents in the local area live in households for whom English is the first language of no-one in the household, which again is higher than Barnet and London averages. From Barnet Homes' tenant data, no other language predominates, with only one or two residents representing each other language present on the estate. This indicated that providing translation of consultation and co-design materials was unlikely

to be effective, but efforts should be made to ensure that the proportion of residents for whom English is not their main language, are engaged effectively and that use of language should prioritise clear and simple English.

- Employment rates for local residents are higher than Barnet averages, but the median income is significantly lower.
  - In the local area, 15.7% of households are lone parent households, higher than surrounding areas. This is validated anecdotally by the number of lone parent households encountered during the co-design process and represented in the Community Steering Group. 33% of households are one-person households, slightly higher than surrounding areas. This is also validated by the number of one-person households encountered during the co-design process and represented in the Community Steering Group. 15.8% of couple households have dependent children, slightly lower than surrounding areas.
  - While the ward as a whole has a strongly Jewish profile, and the Jewish communities are important stakeholders in the co-design process on the Fosters Estate itself and the immediately surrounding area (the LSOA), the religious profile is more mixed, with 18% Jewish and 12% Muslim reported in Census data.
  - On the estate, the named tenants are 58% female and older than the typical Barnet Homes tenant, with 41% aged 40-59 and 39% over 60. This correlates with the majority female participation in the co-design activities, and the slant towards older residents engaging with the process, but this is also normal for similar community engagement processes, which tend to engage more women and older people.
  - It is notable that there are many long-term tenants, with 60% having lived on the estate for more than five years. A large proportion of estate residents have lived on the estate for over twenty years, and some have lived on the estate or in the area, since it was built.
- 5.18.6 The co-design process was structured as a layered approach allowing community members to participate in varied ways to suit their interest and ability to commit time. At the core of the process, providing continuity over the two years of project development leading up to this planning application, was a Community Steering Group (CSG) composed of diverse members of the local community who met monthly throughout the process. This group has been key to developing the design and also challenging and validating the co-design process as a whole. The CSG was convened through an open call for involvement at an initial open meeting in February 2017, which was advertised through a letter drop to all estate residents, and all homes and businesses immediately bordering the estate. Further members were invited through the first community project newsletter that was distributed in June 2017, as well as through invitations to residents and local stakeholders approached by the community coordinator and introduced through local networks, during the scoping phase of the project.

## 5.19 Insight

- 5.19.1 The Council's Housing Strategy and emerging Local Plan respond to evidence such as the Strategic Housing Market Assessment and other needs assessments that have identified a need for increased housing delivery. Barnet has 393,000 residents and this figure is expected to grow by 76,000 over the next 25 years; an increase of 19%.

5.19.2 The delivery of new affordable rented homes will help to meet the objective in the Council's Housing Strategy to prevent and tackle homelessness, by reducing the use of temporary accommodation. There are currently more than 2,700 households living in temporary accommodation which presents significant budgetary pressures for the Council.

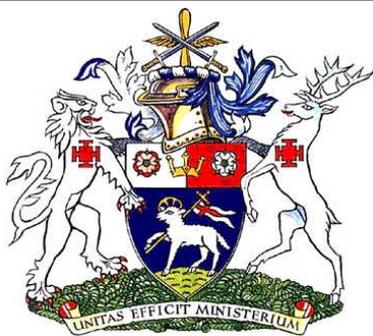
5.19.3 Barnet's Health and Wellbeing Strategy recognises the importance of access to good quality housing in maintaining Well-Being in the Community.

5.19.4 Lack of affordable housing is highlighted in Barnet's Joint Strategic Needs Assessment (JSNA) as one of the top three concerns identified by local residents in the Residents' Perception Survey.

## **6. BACKGROUND PAPERS**

6.1 Assets, Regeneration and Growth Committee 12 December 2016  
<https://barnet.moderngov.co.uk/documents/s36542/Upper%20and%20Lower%20Fosters.pdf>

<https://barnet.moderngov.co.uk/documents/s49857/UPPER%20and%20LOWER%20FOSTERS.pdf>



# Council

AGENDA ITEM 12.1

**30 July 2019**

<b>Title</b>	<b>Report of the Head of Governance</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	Public
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Nominations to Outside Bodies Appendix B – Changes to Calendar of Meetings Appendix C – Correction to Appointment to Committee
<b>Officer Contact Details</b>	Faith Mwende – Governance Officer <a href="mailto:faith.mwende@barnet.gov.uk">faith.mwende@barnet.gov.uk</a> , 0208 359 4917

## Summary

This item presents various constitutional and administrative matters for Council's agreement. Full details are as set out in the attached appendices.

## Officers Recommendations

**That Council:**

- 1. Make the appointment to the outsiders bodies as listed in Appendix A.**
- 2. Note the Changes to Calendar of Meetings as listed in Appendix B.**
- 3. Note the Changes to Committee Membership as listed in Appendix C.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Head of Governance report seeks Council's approval for various matters of business relating to the Council's statutory and constitutional functions.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in the attached appendices.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Council decisions will be minuted and implemented through the Head of Governance.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in attached appendices.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Any specific implications are set out in the attached appendices.

### **5.3 Social Value**

- 5.3.1 Any specific implications are set out in the attached appendices.

### **5.4 Legal and Constitutional References**

- 5.4.1 Council Constitution, Full Council Procedure Rules – requires that Council “Agree the Council Calendar of meetings including for ordinary meetings of the Council”. As these are in year changes they are for noting only.

- 5.4.2 Council Constitution, Article 4 – The Full Council – states that the Council is responsible for “Agreeing and amending the terms of reference of committees, deciding their composition and making appointments to them.”

### **5.5 Risk Management**

- 5.5.1 None specifically arising from this report.

### **5.6 Equalities and Diversity**

- 5.6.1 None specifically arising from this report.

## **5.7 Corporate Parenting**

5.7.1 None specifically arising from this report.

## **5.8 Consultation and Engagement**

5.8.1 None specifically arising from this report.

## **5.9 Insight**

5.9.1 None specifically arising from this report.

## **6. BACKGROUND PAPERS**

6.1 None.

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**Appendix B**  
**Change to Calendar of Meetings**

**Changes to Calendar of Meetings – 2019/20 Municipal Year**

<b>Committee</b>	<b>Originally Scheduled Date of Meeting</b>	<b>New Meeting Date</b>
Community Leadership and Libraries Committee	18 September 2019	Cancelled
Children, Education & Safeguarding Committee	N/A	1 July 2019
Local Pension Board	27 June 2019	18 July 2019

**RECOMMEND** that the changes to the Calendar of Meetings be noted.

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## Appendix C

### 1. Changes to Committee Membership

The Administration Group has requested that the following Membership change be moved at Council on 30 July 2019.

Committee	Current Member	Replacement Member
Adults and Safeguarding Committee	Cllr. Caroline Stock	Cllr. Stephen Sowerby

**RECOMMEND that the Administration Group nomination for change of membership on the Adults and Safeguarding Committee as noted above be approved.**

### 2. Correction to the published Committee Membership

Council is asked to note that due to an administrative error, Cllr Felix Byers was incorrectly listed as a Member of the Children, Education & Safeguarding Committee when the committee schedules were reported to Annual Council on 21 May 2019. In line with the wishes of the Conservative Group, this has been altered to Cllr Nizza Fluss by way of correction authorised by the Monitoring Officer.

**RECOMMEND that Council note the correction to the Membership on the Children, Education & Safeguarding Committee.**

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**July Full Council**  
**Motion: Cllr Alan Schneiderman**  
**Climate emergency motion**

**AGENDA ITEM 14.1**

Council notes:

Over 60 councils have passed 'climate emergency' motions since the IPCC (Intergovernmental Panel on Climate Change) report on Global Warming of 1.5°C was published in October 2018. This report describes the major environmental harms that a 2°C rise in world temperature is likely to cause and urges that governments and related authorities world-wide seek to limit global temperature rises to 1.5°C.

That there is cross party support for climate emergency motions and ambitious carbon reduction strategies – the 61 councils that have already passed such a motion include Labour led, Conservative led, Liberal Democrat led and NOC authorities.

That the IPCC's Special Report on Global Warming of 1.5°C argues that limiting Global temperature rises to 1.5°C may still be possible with ambitious action from national Governments AND local Government working in collaboration with partner agencies, organisations, groups and local communities.

That Parliament has agreed a motion declaring an environment and climate emergency.

Council resolves:

To acknowledge that there is a climate emergency and that as an authority we can play a part in trying to address it.

To aim to make the London Borough of Barnet a carbon-neutral borough by 2030.

To establish and support a climate change action group that is chaired by an individual from outside of the borough council and is comprised of representatives of all parties on the council, council officers, representatives of local employers, local education establishments, partner organisations, local community groups, faith groups, local environmental groups, trade unions and other representatives of local civil society to encourage and coordinate the drive towards a carbon-neutral borough.

To require the Administration, relevant Committees, and senior officers to collaborate with this action group, to examine what more can be done by the borough council to deliver a carbon-neutral borough, and to work with the action group to produce and publish a plan setting out how the council, through its policies, practices and actions will help to deliver a carbon-neutral borough by the set date.

To require that the Administration, relevant Committees, and senior officers as part of the regular performance review process routinely reviews progress against this plan and if necessary takes action to expedite progress towards the carbon-neutral goal.

To require that the Administration, relevant Committees, and senior officers work with the Mayor of London and cross-party representatives from Councils across Greater London to produce a regional climate emergency strategic collaboration plan to move to a carbon-neutral region. Regular meetings of this group will become a part of the battle for a carbon neutral region.

To require that the chief executive and the leaders of all groups on the council jointly write to the Secretary of State for the Environment, Food and Rural Affairs declaring a climate emergency and urging him to give local government across the country powers and funding to take meaningful action to address this emergency.

Customer Service: Building a Service Fit for the Future, for all Barnet Residents

Council recognises that:

1. The Council should acknowledge and respond in a timely manner when a resident takes the time to ask for assistance or report a problem.
2. Improvements to customer service must be dynamic. As technology and the way that people interact with the Council changes, the Council must adapt to their requirements.
3. Barnet residents rightly have high expectations of the Council, and the Council must be prepared to both meet and exceed these.

Council notes that:

1. The Leader of the Council has pledged to make improving customer service a major priority.
2. Since 2015, there has been an increase in customer satisfaction of 9% in the Council's contact centre.
3. A high proportion of Barnet's residents are able and prefer to use online self-service, carrying out transactions at their own convenience. The Council has made investments to online services in the past two years that have delivered:
  - a. A new website, which has increased visits by 17%
  - b. A web content quality score of 95%, over 10% more than the national average
  - c. The introduction of a digital 'My Account', to which over 56,000 households have already signed up.
4. Some residents prefer to use telephone services, and so these must receive continued investment in order to maintain and build on high rates of satisfaction:
  - a. Over the 2018 financial year, 72% of all calls were answered within 60 seconds
  - b. Telephone customer satisfaction currently exceeds 90%
5. There is more work to do. Councillors regularly receive complaints where residents have engaged with the Council and have not received an adequate response

Council strives to:

1. Create a full programme of improvements with £1,000,000 of investment before the end of 2019, to be reported to Policy and Resources Committee **for consideration and approval.**
2. Request a longer-term improvement plan for customer service to be brought to Policy and Resources Committee **for consideration and approval.**

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**Council: Tuesday, 30 July 2019**

**Join Motion in the names of Cllr Daniel Thomas and Cllr Barry Rawlings**

**AGENDA ITEM 14.3**

Defining Islamophobia in Barnet

Council recognises:

1. No form of racial or religious hatred has any place in the London Borough of Barnet
2. According to the 2011 census, over 36,000 Muslims live in Barnet, making up over 8% of the borough's population
3. Muslim communities in Barnet are members of traditions from around the globe, including but not limited to Albania, Iran, Pakistan and Somalia
4. Any definition of Islamophobia should be written by Muslims

Council notes:

1. It is vital that a definition of Islamophobia recognises Islamic communities as different groups bound by similar religious beliefs rather than a homogenous group
2. The Islamic Forum of Barnet is composed of leaders from across Islamic communities in Barnet

Requests that the Council:

1. Works with the Islamic Forum of Barnet in order to formulate a definition of Islamophobia

**Under Full Council Procedure Rule 17.17: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.**

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

## AGENDA ITEM 17

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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