



# AGENDA

## MAYOR AND CABINET

**Date: WEDNESDAY, 18 FEBRUARY 2015 at 6.00 pm, or upon the rising of Mayor & Cabinet Contracts, whichever is the later.**

**Committee Rooms 1 & 2  
Civic Suite  
Lewisham Town Hall  
London SE6 4RU**

**Enquiries to: Kevin Flaherty 0208 3149327  
Telephone: 0208 314 9327 (direct line)  
Email: kevin.flaherty@lewisham.gov.uk**

### **MEMBERS**

Sir Steve Bullock	<b>Mayor</b>	(L)
Councillor Alan Smith	<b>Deputy Mayor - Growth &amp; Regeneration</b>	(L)
Councillor Chris Best	<b>Health, Well-Being &amp; Older People</b>	(L)
Councillor Kevin Bonavia	<b>Resources</b>	(L)
Councillor Janet Daby	<b>Community Safety</b>	(L)
Councillor Joe Dromey	<b>Policy and Performance</b>	(L)
Councillor Damien Egan	<b>Housing</b>	(L)
Councillor Paul Maslin	<b>Children &amp; Young People</b>	(L)
Councillor Joan Millbank	<b>Third Sector and Community</b>	(L)
Councillor Rachel Onikosi	<b>Public Realm</b>	(L)

**Members are summoned to attend this meeting**

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
Catford  
London SE6 4RU  
Date: Tuesday, 17 February 2015**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

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**The public are welcome to attend our Committee meetings, however, occasionally, committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.**

## **RECORDING AND USE OF SOCIAL MEDIA**

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If you are intending to audio record or film this meeting, you must:

- tell the clerk to the meeting before the meeting starts;
- only focus cameras/recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting; and
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.

# Agenda Item 1

MAYOR & CABINET		
<b>Report Title</b>	Declarations of Interests	
<b>Key Decision</b>	No	Item No. 1
<b>Ward</b>	n/a	
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: February 18 2015

## Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

### 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

### 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

## **(5) Declaration and Impact of interest on members' participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

# Agenda Item 2

MAYOR AND CABINET		
<b>Report Title</b>	Report Back On Matters Raised By The Overview And Scrutiny Business Panel or other Constitutional bodies	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>		
<b>Contributors</b>	Head of Business & Committee	
<b>Class</b>	Open	Date: February 18 2015

## Purpose of Report

To report back on any matters raised by the Overview and Scrutiny Business Panel following their consideration of the decisions made by the Mayor on February 11 2015 or on other matters raised by Select Committees or other Constitutional bodies.



<b>Chief Officer Confirmation of Report Submission</b>			
<b>Report for:</b>	<b>Mayor</b>		
	<b>Mayor and Cabinet</b>		✓
	<b>Mayor and Cabinet (Contracts)</b>		
	<b>Executive Director</b>		
<b>Information</b>	<b>Part 1</b>	✓	<b>Part 2</b>
			□
	<b>Key Decision</b>		□

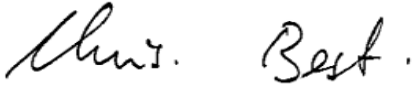
<b>Date of Meeting</b>	18 February 2015
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<b>Title of Report</b>	Response to Healthier Communities Select Committee on the Campaign in Lewisham for Autism Spectrum Housing
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<b>Originator of Report</b>	Jeff Endean		020 8314 6213
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
<b>Financial Comments from Exec Director for Resources</b>	✓	
<b>Legal Comments from the Head of Law</b>	✓	
<b>Crime &amp; Disorder Implications</b>	✓	
<b>Environmental Implications</b>	✓	
<b>Equality Implications/Impact Assessment (as appropriate)</b>	✓	
<b>Confirmed Adherence to Budget &amp; Policy Framework</b>	✓	
<b>Risk Assessment Comments (as appropriate)</b>		
<b>Reason for Urgency (as appropriate)</b>		

Signed   
 Cabinet Member for Health, Wellbeing and Older People

Signed   
 Executive Director for Customer Services

**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR AND CABINET</b>			
<b>Report Title</b>	Response to Healthier Communities Select Committee on the Campaign in Lewisham for Autism Spectrum Housing		
<b>Key Decision</b>	No	Item No.	
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Community Services Executive Director for Customer Services		
<b>Class</b>	Part 1	Date:	18 February 2015

## **1 Purpose of Report**

- 1.1 The purpose of the report is to provide an initial response to the recommendations made by the Healthier Communities Select Committee arising from discussions held on the officer report entitled *Implementing the National Autism Strategy in Lewisham*, considered at its meeting on 2 December 2014.

## **2 Recommendations**

It is recommended that the Mayor:

- 2.1 Notes the information contained in this report in response to Healthier Communities Select Committee recommendations.
- 2.2 Agrees for the response to be forwarded to the Healthier Communities Select Committee.

## **3 Policy Context**

- 3.1 The contents of this report are consistent with the Council's policy framework. It supports the achievements of the Sustainable Community Strategy policy objectives:
- Ambitious and achieving: where people are inspired and supported to fulfil their potential.
  - Empowered and responsible: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
  - Healthy, active and enjoyable: where people can actively participate in maintaining and improving their health and well-being, supported by high quality health and care services, leisure, culture and recreational activities.

3.2 The content is also in line with the Council policy priorities:

- Strengthening the local economy – gaining resources to regenerate key localities, strengthen employment skills and promote public transport.
- Clean, green and liveable – improving environmental management , the cleanliness and care for roads and pavements and promoting a sustainable environment.

#### **4 Background**

4.1 At its meeting on 2 December 2014 the Healthier Communities Select Committee, received an address from the Chair of the Campaign in Lewisham for Autism Spectrum Housing (CLASH). The Committee requested that the Mayor considered urgently, provision to meet the housing needs of adults diagnosed with autism spectrum disorder living in Lewisham.

4.2 This paper contains an officer response to that referral, setting out the activity that is already underway, in partnership with CLASH, in order to meet those housing needs.

#### **5 Housing and Autism Group**

5.1 A Housing & Autism group has been in existence for more than two years, with the objective of identifying deliverable options to meet the housing needs of adults diagnosed with autism spectrum disorder living in Lewisham.

5.2 Members of the project group include officers from the Council's housing, adult social care, public health and, joint commissioning teams, alongside representatives of CLASH and the Burgess Autistic Trust. The objectives of the project group are to:

- Establish a better understanding the level and nature of autism in the Borough
- Investigate existing housing services and placements for autistic children and adults
- Investigate potential sources of funding both current and future, revenue and capital
- Investigate options for the provision of an autism-specific housing scheme for local adults either within existing stock or new supply

5.3 The meeting is chaired by the Housing Strategy and Programme Manager, meetings are held bi-monthly and are usually well attended. Discussions have concentrated on two main areas, the provision of housing units for autistic adults and how the services required to support these clients to live independently would be commissioned and funded.

## **6 What options are currently available to those who are eligible for housing support?**

- 6.1 Under certain circumstances people with autism may qualify for the Councils' housing register. Band 3 of the Council's housing register includes medical priority, which is awarded by the Council's medical advisor if they are satisfied that current accommodation is aggravating the person's health issues and if the person or their household is not moved to alternative accommodation, it would result in that person suffering a significant deterioration in their health.
- 6.2 There are circumstances in which this could apply to people with autism. For example, the housing circumstances of a person with autism may make that person particularly anxious, in a way that would not be the case for somebody who did not have autism.
- 6.3 Mayor and Cabinet will be aware from a range of other reports that have been presented over the past two years, that the pressure the Council is experiencing in making accommodation available to those who need it – even those who qualify for housing – is extreme and at present there is no indication that it will relent. There are currently more than 8,500 households on the housing register, of whom 2,080 households are on bands 1 and 2, and so would be considered to have a greater housing priority than the client group in question. Furthermore, there are nearly 600 households who are homeless and housed in bed and breakfast accommodation, a situation that is so severe that now 80% of 2 and 3 bed properties that become available are let directly to homeless households.
- 6.4 In short, the pressure on available housing is great, and the number of units that become available for this client group is few.

## **7 What options are currently available to those who are eligible for social care support?**

- 7.1 If following a Community Care Assessment an adult with autism is found to have eligible needs using the Fair Access to Care Services (FACS) they may be eligible for support services in their own home or a residential/supported living placement.
- 7.2 The estimated prevalence for autism in adults has been variable due to differences in the way autism was diagnosed and defined<sup>3</sup>. Relatively newer reports suggest a prevalence of 400,00-500,00 adults in the UK have autism, or 116 per 10,000<sup>4</sup>. (*Dr Ratna Ganguly, Autism In Lewisham 2013*)
- 7.3 It is not possible to give a totally accurate number of people with autism living in Lewisham, as the current social care recording systems do not have Autism as a category for Support Reasons or Service User Group.

- 7.4 For those Lewisham residents with a Learning Disability as a primary support reason it is estimated that 20% are on the autistic spectrum and of those approximately 50% are living in their own/family homes and 50% are in supported living, residential care or residential college.
- 7.5 There are also a number of people with Autism Spectrum Disorder who do not have a Learning Disability who are FACS eligible and in receipt of support from Social Care.

## **8 What is the gap?**

- 8.1 The housing needs of adults with autism are extremely varied. For some FACS eligible people there will be the option of residential care or packages of care. At the other end of the spectrum some adults with autism may be able to live independently.
- 8.2 For those autistic adults who are not “FACS eligible”, NHS Lewisham Clinical Commissioning Group has commissioned Burgess Autistic Trust to provide information and support services in areas such as benefits, accommodation, training and employment and education.
- 8.3 The ‘gap’ that has been of particular concern to CLASH, and which has been the focus of the project group, is the lack of options that are available to those adults with autism who are neither FACS eligible nor able to live independently. This gap covers a range of needs but might broadly be described as supported housing, and
- 8.4 There is currently no supported housing provision in Lewisham that is specific to adults with autism, and the group has been working over the past year to develop a new service model to address that gap.

## **9 Future Service Model**

- 9.1 The basis of a new model to fill this gap would be the provision of a small scheme, potentially within an empty Housing Association property (or a property that could be decanted to become empty), upon which a specialist autism provider would enter into a lease and offer a support service to the tenants. This type of accommodation would be suitable for adults with low level support needs, with support workers funded by an element of service charge covered by Housing Benefit.
- 9.2 Such provision would cater for a handful of people and the selection of residents would to a large degree be dependent on the nature of the accommodation, since, for example, issues of compatibility can easily arise when sharing is involved.

- 9.3 In theory this model could also be achieved by developing new build accommodation, on a similar approach to that used to create new extra care housing, but with a different target client group. In practice however housing associations tend to be reluctant to invest significant capital in new supported accommodation without also securing long term contractual commitments relating to the revenue-funded services which would be delivered in the new developments. Given the current and expected long term financial situation, it is difficult for the Council to provide sufficient guarantees around revenue funding for a group that may not be FACS eligible, and as such this approach is less likely to lead to a solution than the conversion of an existing property.
- 9.4 This proposal could be delivered by the Burgess Autistic Trust (BAT), which is already the specialist provider for this client group in the borough. As such Council housing officers and the BAT have been in discussion with a number of Housing Associations to determine if any are willing and able to help meet this need.

## **10 Next Steps and Conclusion**

- 10.1 The Chief Executive of BAT is meeting with a range of housing associations over the coming months, with a view to identifying a suitable property from which to pilot the proposed approach to providing supported housing for this client group. This therefore is a genuine opportunity to increase housing provision for people with autism in Lewisham, and address the concerns raised in the referral.

## **11 Financial Implications**

- 11.1 There are no specific financial implications at this stage. Financial analysis of any new developments will be undertaken once specific proposals emerge.

## **12 Legal Implications**

- 11.1 There are no specific legal implications arising from this response, save for noting that the Council's Constitution provides that the Executive may respond to reports and recommendations by the Overview and Scrutiny Committee.

## **13 Crime and Disorder Implications**

- 13.1 There are no crime and disorder implications arising from this report.

## **14 Equalities Implications**

- 14.1 There are no equalities implications arising from this response report.

## **Background Documents**

**None**

If you have any queries relating to this report please Jeff Endean, Housing Strategy and Programmes Manager, on 020 8314 6213

# Agenda Item 4

<b>Chief Officer Confirmation of Report Submission</b>			
<b>Report for:</b>	<b>Mayor</b>		
	<b>Mayor and Cabinet</b>		✓
	<b>Mayor and Cabinet (Contracts)</b>		
	<b>Executive Director</b>		
<b>Information</b>	<b>Part 1</b>	✓	<b>Part 2</b>
			□
	<b>Key Decision</b>		□


<b>Date of Meeting</b>	18 February 2015
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<b>Title of Report</b>	Response to Healthier Communities Select Committee on Public Health
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<b>Originator of Report</b>	Danny Ruta		8314 8637
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
<b>Financial Comments from Exec Director for Resources</b>	✓	
<b>Legal Comments from the Head of Law</b>	✓	
<b>Crime &amp; Disorder Implications</b>	✓	
<b>Environmental Implications</b>	✓	
<b>Equality Implications/Impact Assessment (as appropriate)</b>	✓	
<b>Confirmed Adherence to Budget &amp; Policy Framework</b>	✓	
<b>Risk Assessment Comments (as appropriate)</b>		
<b>Reason for Urgency (as appropriate)</b>		

Signed   
 Cabinet Member for Health, Wellbeing and Older People

Signed   
 Executive Director for Community Services

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**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	



<b>Mayor and Cabinet</b>		
<b>Report Title</b>	Response to Healthier Communities Select Committee Referral on Public Health Sustainability of Community Health Initiatives	
<b>Key decisions</b>	Yes	<b>Item:</b>
<b>Wards</b>	All	
<b>Contributors</b>	Executive Director for Community Services, Director of Public Health	
<b>Class</b>	Part 1	Date: 18 February 2015

## 1. Summary

This report responds to the comments and views of the Healthier Communities Select committee, arising from discussions held on the officer report entitled, Sustainability of Community Health Initiatives, considered at its meeting on 2<sup>nd</sup> December 2014.

## 2. Recommendations

The Mayor is recommended to:

- 2.1 Note the response of the Executive Director of Community Services and Director of Public Health in relation to the issues raised by the Healthier Communities Select Committee and in particular their request for the Mayor's support for the Well London approach and projects.
- 2.2 Agree for the response to be forwarded to the Healthier Communities Select Committee.

## 3. Policy Context

- 3.1 The current policy context is the Health and Social Care Act which became law in March 2012 and provided the legal basis for the transfer of public health functions from the NHS to local authorities on 1 April 2013.
- 3.2 The Health and Social Care Act (2012) places a statutory obligation on the Council, Clinical Commissioning Group (CCG) and the NHS Commissioning Board to develop a Joint Strategic Needs Assessment to produce a joint Health & Wellbeing Strategy to meet the needs identified needs identified.
- 3.3 The historical policy context include: Saving Lives: Our Healthier Nation (Department of Health); Modern Local Government: In touch with the people (Department of Environment and Transport); Preparing Community Strategies Government Guidance to Local Authorities (Department of Environment and Transport); and A New Commitment to Neighbourhood Renewal: National Strategy (Social Exclusion Unit). These were policies introduced during the period the community health initiatives in this report were starting.

- 3.4 Community-based interventions or initiatives are often used in public health practice as a means of helping improve the health of populations in a defined geographical area. Such initiatives often consist of several interacting projects. There are presently two such initiatives up and running in Lewisham; the North Lewisham Health Improvement Programme and the Bellingham Well London Programme. Another two initiatives; one in Lewisham and the other in Downham are at the early exploratory stages.
- 3.5 The activities of the community based health initiatives in Lewisham are consistent with public health priority areas identified in the National Public Health Outcomes Framework as well as the Lewisham Joint Strategies Needs Assessment and the Lewisham Health and Wellbeing Strategy. The Lewisham health and wellbeing priority outcomes are: reduction of CVD and cancer mortality; Achieving a Healthy Weight; Increasing the number of people who survive colorectal, breast and lung cancer for 1 and 5 years; Improving Immunisation Uptake; Reducing alcohol harm; Preventing the uptake of smoking among children and young people and reducing the numbers of people smoking; Improving mental health and wellbeing; Improving sexual health; Delaying and reducing the need for long term care and support.
- 3.6 The community health initiatives also contribute to the priority outcomes of Lewisham's Sustainable Communities Strategy (Healthy, Active and Enjoyable).
- 3.7 Furthermore, the community health initiatives contribute to Lewisham's Adult Integrated Care Programme which is supported by the Better Care Fund (BCF). Many of the projects and activities of the community health initiatives, particularly those directed at prevention and behaviour change, contribute to health and social care integration.

#### **4. Background**

4.1 The Healthier Communities Select Committee initially received an update report on the 11<sup>th</sup> December 2013 on the North Lewisham Health Improvement Programme and the Bellingham Well London Programme and then a follow up report on 2<sup>nd</sup> December 2014. These programmes are co-ordinated by LBL Public Health.

#### **4.2 The North Lewisham Health Improvement Programme**

This programme was established in 2008, as part of the implementation of the Lewisham Health Inequalities Strategy in response to recommendations by the Lewisham Strategic Partnership. The aim of this programme was to take a community development approach to improving the health of residents in Evelyn and New Cross wards in order to reduce inequalities in health in these wards as compared with the rest of Lewisham Borough. The learning from the programme was to be transferred, if appropriate, to other areas in the borough with similar health challenges.

#### 4.3 The Bellingham Well London Programme

As part of the national Neighbourhood Renewal programme Bellingham was one of five Neighbourhood Management areas in 2006 -2008 where health partners and the local authority worked together at a local level to help address health issues. As the Neighbourhood Renewal programme drew to a close, the Well London programme, in consultation with the Primary Care Trust Public Health department and the Bellingham Health Forum, utilised the Well London programme as an opportunity for sustaining some of the partnership working on health that had been developed.

4.4 The Well London programme was ideal because it provided a coherent framework for integrating a range of existing community engagement, consultation, investments and activities to increase reach, efficiency and effectiveness at the very local level. It also supported a community development approach, building individual and community capacity for well-being and resilience through core, capacity building and locally prioritised theme projects focussing on specific issues and needs. Furthermore, the programme was underpinned by robust research and evaluation led by Institute of Health and Human Development at University of East London.

4.5 Bellingham became one of 20 neighbourhoods in London that the Well London Phase 1 worked with between 2007-2011. Phase 1 led to some positive outcomes which were recognised in 2011. It received the Royal Society of Public Health Award and was endorsed by Professor Sir Michael Marmot who said:

*‘.....Empowering individuals and communities, and giving people a voice is integral to addressing health inequalities. I am delighted the Partnership has achieved well-deserved recognition for its work.’*

4.6 With the continued support of Big Lottery in 2012, Bellingham continued as a Phase 2 and is currently one of 11 areas in 9 London boroughs.

### 5. Response

5.1 On the 2<sup>nd</sup> December 2014, members of the Healthier Communities Select Committee considered a report from Public Health on the progress made on the delivery of community health initiatives, how the projects within these initiatives were contributing to the delivery of public health policy, and a proposal for their future sustainability. A link to this report is provided below under background documents.

5.2 The Committee commended the value and success of the community health initiatives in Bellingham and North Lewisham and welcomed efforts to extend funding for the Well London Phase 3. The Committee placed on record its support for the Well London approach and projects based on similar principles and requested the Mayor to do the same.

- 5.3 Both programmes have continued to engage individuals, agencies and communities in their respective geographical areas in health improvement activities and projects. Apart from positive healthy lifestyle outcomes, the programmes also contribute to creating community resilience by building individual and community capacity for well-being.
- 5.4 Since the report of the 2<sup>nd</sup> December 2014 to the Healthier Communities Select Committee, Public Health has continued discussions with the Greater London Authority and University of East London who are leading on resourcing the Well London Phase 3 programme. Lewisham remains one of the preferred candidates for the Phase 3 funding, based on the plan outlined in section 7.3 of the report, referenced below.
- 5.5 The Well London Phase 3 (from 2015) is now being planned by the GLA and UEL to cover much larger and/or whole commissioning areas. This will mean working at larger scale in each site, but with a smaller number of local authorities, RSL/Housing Associations and/or CCGs or Federations of GP Practices and with potential for new links with secondary care. It will involve establishing a number of Well London 'hubs' across the commissioning area/s, focussing on the most disadvantaged neighbourhoods and with wider coverage being achieved through the ripple effect observed in the previous Phases.

## **6. Financial Implications**

- 6.1 The work described in this report would not involve any net cost to the Council but would be funded externally. UEL and GLA have indicated that the level of funding per Well London site would range from approximately £70,000. Additional funding will be provided depending on how many hubs each site intends to develop. The level of this additional funding is yet to be worked out.
- 6.2 Funding of these programmes in the future, as described in this report will not be adversely affected by any proposed savings identified in the PH budget for 2015/16.
- 6.3 The financial implications will be dependent on the outcome of the discussions with the GLA and UEL on future funding. A report will be made to Mayor and Cabinet once at the earliest opportunity once the outcome is known.

## **7 Legal Implications**

- 7.1 There are no specific legal implications arising from this response, save for noting that the Council's Constitution provides that the Executive may respond to reports and recommendations by the Overview and Scrutiny Committee.

## **8 Crime and Disorder Implications**

There are no specific crime and disorder implications arising from this report.

## **9 Equality Implications**

- 9.1 There are no specific equalities implications arising from this report however addressing health inequalities is a key element of the Lewisham Health and Wellbeing Strategy.
- 9.2 An Equality Analysis Assessment (EAA) was carried out on the Lewisham Health and Wellbeing Strategy.

## **10 Environmental Implications**

- 10.1 There are no specific environmental implications arising from this report.

### **Background Documents**

Report to the Healthier Communities Select Committee on the Sustainability of Community Health Initiatives (2<sup>nd</sup> December 2014):

<http://councilmeetings.lewisham.gov.uk/documents/s32344/07%20Sustainability%20of%20community%20health%20initiatives%20021214.pdf>

If there are any queries on this report please contact **Danny Ruta, Director of Public Health** on 020 8314 8637.

# Agenda Item 5

## Chief Officer Confirmation of Report Submission Cabinet Member Confirmation of Briefing

Report for: Mayor

Mayor and Cabinet

Mayor and Cabinet (Contracts)

Executive Director

Information  Part 1  Part 2  Key Decision

<input type="checkbox"/>
X
<input type="checkbox"/>
<input type="checkbox"/>

Date of Meeting: 18<sup>th</sup> February 2015

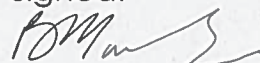
Title of Report: Lewisham's statutory responsibilities for the Raising of the Participation Age

Originator of Report: Sue Tipler Ext. 47331

At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	√	
Legal Comments from the Head of Law	√	
Crime & Disorder Implications		X
Environmental Implications		X
Equality Implications/Impact Assessment (as appropriate)	√	
Confirmed Adherence to Budget & Policy Framework		X
Risk Assessment Comments (as appropriate)		X
Reason for Urgency (as appropriate)		X

Signed: \_\_\_\_\_ Executive Member



Date: 10<sup>th</sup> February 2015

Signed: \_\_\_\_\_ Head of Service



Date: 10<sup>th</sup> February 2015

### Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>Mayor and Cabinet</b>			
<b>Report Title</b>	Lewisham's statutory responsibilities for the Raising of the Participation Age		
<b>Key Decision</b>	No	Item No.	
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Children & Young People (Head of Standards and Achievement)		
<b>Class</b>	Open	Date:	18 February 2015

## 1. Summary

This report responds to the referral from the Children and Young People Select Committee meeting, arising from discussions held on the officer report entitled "The Raising of the Participation Age (RPA) statutory duty", consider at its meeting on 12<sup>th</sup> November 2014.

## 2. Recommendations

That the Mayor is recommended to:

- 2.1 Note the response of the Head of Standards and Achievement in relation to the issues raised by the Children and Young People Select Committee meeting.
- 2.2 Agree for the response to be forwarded to the Children and Young People Select Committee.

## 3. Policy Context: The Raising of the Participation (RPA) Age in Lewisham

- 3.1 Since September 2013, all young people are under a duty to participate in education or training until the end of the academic year in which they turn 17. From September 2015, this will rise to their 18th birthday. Young people (aged 16-19 (up to 25 for LLDD)) are required to study or train in one of three primary routes:
  - Study full-time in a school, college or with a training provider.
  - Full-time work or volunteering combined with part-time education or training.
  - An Apprenticeship.
- 3.2 The delivery of RPA is a collaborative approach with:
  - support from Lewisham post-16 providers;
  - effective engagement with the Youth Contract providers to support 16 and 17 year olds;
  - effective engagement with the DWP / JCP reengagement mentoring programme;
  - 14-19 team resource to track and monitor NEET young people and their outcomes and destinations;
  - Youth Service, Baseline keyworker support;
  - the Lewisham NEET Traineeship; and
  - a range of private and voluntary sector organisation programmes.

(For further information about the RPA statutory duty and the Lewisham RPA strategy please see: Appendix 1 and 2)

#### **4. Challenges**

- 4.1 Collecting participation information is a major undertaking and the local authority is very much reliant on information received from schools and colleges. There are points in the tracking year when the numbers of NEETS and unknowns peak. This is a major challenge for tracking as many young people have a change of address, expired programme of study or studying outside the borough.
- 4.2 The particular challenge is to track 'unknowns' and reduce the number of unknowns further. Unknown young people are not necessarily NEET but their situation may have changed. This is being achieved by ensuring regular contact with young people through the NEET Tracking Team, data sharing agreements with other agencies, competitions and events, mail outs, door knocking, social media communication and online surveys. Reducing unknowns and NEETs is a far greater challenge as RPA will from September extend to 18 as it is very difficult to track participation at 17, 18 and 19.
- 4.3 The delivery of the service is the responsibility of three members of staff; a NEET tracking manager, a NEET tracking coordinator and a CallPoint employee; this is a small team for what is a challenging data collection exercise each year.
- 4.4 Once young people have been identified as having dropped out or at risk of dropping out of valid activity to meet RPA expectations, the challenge is to re-engage them quickly in a suitable programme. There are agencies available to provide advice and support but there is further need to develop a coordinated approach to ensure that support is relevant and focused on successful and sustained outcomes.

#### **5. Background**

The Children and Young People Select Committee made a referral at their meeting on 12<sup>th</sup> November 2014:

- 5.1 *"The Committee highlighted information in the report that showed that raising the participation age has significantly increased the scope of the responsibilities that rest with the local authority, with the expectation that it will be delivered within existing resources. The Committee were concerned that this represents an extra cost pressure for the Council at a time of severely restricted resources."*
- 5.2 *"The Committee raised concerns about the risks to delivering activities around increasing the participation of young people in education, employment or training that could arise from changes to the youth service, including the restructure of the way the service is delivered and budget reductions. The Committee sought reassurance that these risks had been identified and that proposed changes would not impact on the capability of the Council in delivering its statutory duties around the participation of young people in education, employment or training."*

#### **6. Response**



- 6.1 Currently, through a collaborative approach with key stakeholders, the local authority is confident that there is the infrastructure in place to deliver the RPA statutory duty.
- 6.2 However with RPA being raised to 18 there has been an increase in the scope of the responsibilities that rest with the local authority. As the participation age reaches 18, there will be issues of engagement with the 17-18 age group. Data on this group is more difficult to collect than it is for Y12 young people and this is a resource issue for the NEET Tracking team.
- 6.3 The NEET Reduction Strategy group, through the post-16 Tracking Action Plan, reviews practice and recommends on-going improvements of the NEET Tracking service. Currently the review is focusing on the role of Callpoint and consideration the services offered by 'Welfare Call', the organisation that tracks Children Looked After on behalf of local authorities, in order to tackle the challenge of unknowns and the 17-18 age group.
- 6.4 The on-going responsibilities for RPA that reside with the 14-19 and NEET Tracking team, are not without existing challenges and will be further increased by RPA being raised to young people aged 18. However, we will need to deliver the RPA statutory duty within existing resources and we have plans so to do.
- 6.5 The Youth Service contribution to RPA is currently under review and subject to the reshaping of youth re-engagement programmes. This would include the re-specification and commissioning of specialist one-to-one service to become part of a broader Targeted Family Support Service. The service as part of cost savings proposals is likely to involve reduced management, be run differently and funded through the Government's Troubled Families Grant.
- 6.6 The NEET programme is also the subject of savings proposals, and although this will not impact on the changes detailed, alternative funding is also being sought through schools, colleges, the City Bridge Trust and the Education Funding Agency.
- 6.7 For activities related to RPA the Youth Service will continue to have the ability to meet the statutory duties. Reduced capacity in the Youth Service will make the NEET tracking more challenging but we will nevertheless be able to meet requirements.

## **7. Equalities Implications**

- 7.1 The intended impact of RPA is to ensure that all young people continue in education after sixteen and have the opportunity to further enhance their qualifications. This is particularly important for the most vulnerable who may have underachieved at school. There are also positive implications for provision for young people with learning difficulties and/or disabilities.

## **8. Financial implications**

- 8.1 Support for Raising of Participation Age is provided from both the General Fund and the Dedicated Schools Grant. The Specialist one-to-one Service: operated out of Baseline in Lewisham Town Centre (£450k) and the Lewisham NEET Programme (£197k) are both funded from the General Fund.
- 8.2 A contribution is made from the Dedicated Schools Grant (£146k) to cover the Strategic Lead on 14 -19 and their work.
- 8.3 These services are not solely focused on Raising the Participation Age but help the authority fulfil its duties.
- 8.4 As part of the current savings round the Mayor is considering savings to services funded through the General Fund. Consideration is being given to reducing the Specialist 1:1 service budget to £390k and the NEET programme to £115k. Following the reduction to NEET programme, alternative sources of funding are being considered which would potentially come from schools, colleges and the Education Funding Agency.
- 8.5 The agreement of this response by the Mayor has no financial implications of itself.

## **9. Legal implications**

- 9.1 Section 15ZA of the Education Act 1996 requires local authorities to secure enough suitable, full and part time education and training opportunities to meet the reasonable of the following people of its area:
- young people who are over compulsory school age but under 19; and
  - learners aged 19 or over, but under 256, who have (or should have had) a learning difficulty assessment under s 139A or 140 of the Learning and Skills Act 2000 but the duty does not extend to persons subject to a detention order.
- 9.2 In securing education and training opportunities, local authorities must take account of people's ages, abilities and aptitudes; any learning difficulties they may have; the quality of education or training; and the locations and times at which those opportunities are provided.
- 9.3 Section 68 of the Education and Skills Act 2008 imposes a duty on local authorities to make available to young people and relevant young adults for whom they are responsible such services as they consider appropriate to encourage, enable or assist them to engage and remain in education or training.
- 9.4 Section 68 provides that a local authority can fulfil the duty to make services available either by providing them itself or by making arrangements with others, which could include other local authorities. Subsection (5) provides that the duty on a local authority to make services available to a young person or relevant young adult for whom it is responsible does not apply if another local authority is also responsible for the person and services are actually being provided to the person by that other authority or under arrangements made by it.
- 9.3 Section 10 of the Education and Skills Act 2008 requires local authorities (so far as their powers extend) to promote the effective participation in education or training of

persons belonging to its area to whom Part 1 of the Education and Skills Act applies, with a view to ensuring that those persons fulfil the duty to participate in education or training.

- 9.4 The duty to participate in education or training applies to all young people in England (from 28 June 2013) until the end of the academic year in which they turn 17; and from 26 June 2015, to their 18<sup>th</sup> birthday.
- 9.5 In fulfilling and exercising its functions relating to the participation of young people in education or training the local authority must have regard to statutory guidance from the Secretary of State.
- 9.6 Section 12 of the Education and Skills Act 2008 requires local authorities to identify those young people in its area who are subject to the duty to participate in education or training but who are not so participating.
- 9.7 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.8 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 9.9 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.10 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value.
- 9.11 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
  - the essential guide to the public sector equality duty
  - meeting the equality duty in policy and decision-making
  - engagement and the equality duty

- equality objectives and the equality duty
- equality information and the equality duty

9.12 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

## **10. Crime and Disorder Implications**

10.1 There are no crime and disorder implications arising from this report.

## **11. Environmental Implication**

11.1 There are no environmental implications arising from this report.

If there are any queries arising from this report please contact Ruth Griffiths, 020 8314 3499

## Appendix 1:

### 1. Statutory duties for Raising of the Participation Age (RPA)

- 1.1 Since September 2013 all young people are under a duty to participate in education or training until the end of the academic year in which they turn 17. From September 2015, this will rise to their 18th birthday. Young people (aged 16-19 (up to 25 for LLDD)) are required to study or train in one of three primary routes:
- Study full-time in a school, college or with a training provider.
  - Full-time work or volunteering combined with part-time education or training.
  - An Apprenticeship.
- 1.2 The Government's approach is to provide local authorities with the freedom and flexibility to decide how to fulfil duties in relation to the RPA. Local authorities play a critical role in supporting young people to access education and training; and in understanding the characteristics and current activity of the young people in their area.
- 1.3 Established Lewisham statutory responsibilities to support young people into education or training are:
- to secure sufficient suitable education and training provision for all young people aged 16-18 (inclusive) in Lewisham<sup>1</sup>; and
  - to make available to young people below the age of 19 support that will encourage, enable or assist them to participate in education or training<sup>2</sup>.
- 1.4 These duties have become even more important since RPA came into effect in September 2013. The statutory duties for RPA are:
- to collect information about all young people, identifying those in their area who are covered by the duty to participate;
  - to promote the effective participation of young people in education, employment or training<sup>3</sup>; and
  - to make arrangements to establish the identities of those not participating and who are failing to fulfil the duty to participate in education or training<sup>4</sup>.
- In order for the local authority to discharge the statutory duty in relation to RPA it must have regard for the Department for Education Statutory Guidance, September 2014 (**See Appendix 2: Participation of young people in education, employment or training Statutory guidance for local authorities**<sup>5</sup>).
- 1.5 The Government tracks the performance of local authorities in delivering their duties, using data collected by authorities and submitted to the National Client Caseload Information System (NCCIS). NCCIS includes data showing the numbers of young people participating in education or training, those who are NEET or those whose current activity is not known.

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<sup>1</sup> Sections 15ZA and 18A of the Education Act 1996 (as inserted by the Apprenticeships, Skills, Children and Learning Act 2009))

<sup>2</sup> Section 68 Education and Skills Act 2008

<sup>3</sup> Section 10 ESA 2008

<sup>4</sup> Section 12 ESA 2008

<sup>5</sup> Issued under sections 18 and 68(4) of the 2008 Education and Skills Act (ESA 2008) in relation to sections 10, 12 and 68 of that Act.

1.6 Local authorities are expected to meet any costs incurred in the delivery of these duties from their overall budgets, including central government grants.

**2. Lewisham context: Progress on Participation, NEET and Unknown targets**

2.1 The target for 2014/2015 is to sustain the NEET percentage at below 5% and to keep the percentage of unknowns at 10% or under by the end of January 2015. The vast majority of 16 and 17 year olds already continue in some form of education or training. However, the small group of young people not participating includes some of the most vulnerable. In line with national guidance, Lewisham has data sharing agreements with education providers, other public bodies and with some neighbouring boroughs. It continues to work with schools to identify those who are in need of targeted support or who are at risk of not participating post-16.

2.2 In comparison to statistical neighbour averages (79%) Lewisham has comparable 'in learning' figures at 77.5% (December 2014). Lewisham young people who are NEET were at 3.4% (at the end of December 2014), and comparable with national and local benchmarks: London NEET 3.4%, young people nationally who are NEET 4.7%. Since December 2011 the number of 16-18 year olds who are NEET has consistently fallen. For most young people, being NEET is temporary as they move between different education and training options. Current Lewisham 16 to 18-year-olds who are 'unknown'<sup>6</sup> are 18.1%. Rates vary considerably with age – 3.6% of 16-year-olds, 13.2% of 17-year-olds and 83.2% of 18-year-olds.

**2.3 Three year trend of Lewisham NEETS, unknowns and participation:**

	<b>Population (16-19)</b>	<b>Adjusted<sup>7</sup> NEET (16-18)</b>	<b>'Unknown' (16-18)</b>	<b>Participation 'in learning'</b>
<b>December 2014</b>	9,052	3.4% 250 YP	18.1% 1,641YP	77% 7,016YP
<b>June 2014</b>	9,146	4.2% 306YP	6.7% 612YP	86.5% 7911YP
<b>December 2013</b>	9,065	3.6% 240YP	25% 2,352YP	70.6% 6,398YP
<b>June 2013</b>	9,254	2.5% 215 YP	9.7% 893 YP	88.3% 8146 YP
<b>December 2012</b>	8,682	3.3% 236 YP	20.4% 1789 YP	76.1 6657 YP
<b>June 2012</b>	9,377	3.8% 312 YP	15.2% 1443 YP	80.5 7622 YP
<b>December 2011</b>	9,183	5.2% 456 YP	24.9% 2285 YP	71.1 6530 YP
<b>June 2011</b>	10,248	4.6% 443 YP	17.1% 1729 YP	79.8 8076 YP

<sup>6</sup> Current Situation Not Known

<sup>7</sup> The NEET adjustment formula is the DfE's method of estimating what proportion of Unknown young people are NEET. The Adjusted NEET percentage is given as a % of the Adjusted NEET cohort plus the Adjusted EET cohort. All other percentages in this report are all given as a % of the total School Year 12-14 resident cohort (unless otherwise stated).

### **3. The Lewisham Raising of the Participation Age (RPA) Strategy**

- 3.1 The Strategic Forum is the key 14-19 representative stakeholder group. The Lewisham RPA strategy is monitored by this forum. It is chaired by the Head of Standards and Achievement. The Participation Strategy Group supports the delivery of the strategy, reporting up to both 14-19 Strategic Forum and NEET Reduction Strategy Group.
- 3.2 The statutory responsibility of tracking young people informs and supports every aspect of the Lewisham RPA Strategy including:
- the suitability of provision for all young people 16-19 and up to 25 with Transition or Education, Health or Care (EHC) Plan;
  - identifying those who are not participating or at risk of not participating
  - promotion of effective participation;
  - borough wide provision of advice and support for young people to access education or training;
  - re-engagement strategies; and
  - partnership working with neighbouring authorities.
- 3.3 In Lewisham the NEET tracking team collect:
- data about Lewisham residents aged 16-19 e.g. telephone number, email addresses, EET/NEET status;
  - data from e.g. intended destinations / September offer / activity survey (final destinations);
  - online forms completed by young people e.g. intended destination, are also distributed by schools and post 16 providers to learners. Data collected this way is uploaded centrally on the NCCIS system;
  - data collected by telephone tracking; where it has not been possible to collect data from a young person via an online survey, calls will be made to them;
  - data collected by door knocking following up on those who it has otherwise been impossible to contact;
  - details of young people visiting Baseline; and
  - lists from other agencies – JCP, YOS, LAC, Admissions, 15billion and the Children's Data Warehouse.
- 3.4 The local authority provides targeted support vulnerable to becoming NEET, in particular teenage mothers, young carers, young offenders, young people with substance misuse, young people with learning difficulties and/or disabilities and our care leavers. The Youth Service provides this support through Baseline, which is a drop in service for targeted Lewisham young people staffed by Youth Support Services one-to-one keyworkers. The day-time services at Baseline are primarily aimed at young people aged 16-18 and up to 25 years for those with additional needs.
- 3.5 The service consists of nine of specialist one-to-one youth workers, each holding a maximum caseload of 15 cases at any one time, with an annual service reach of c.270 young people. Alongside a one-stop 'holistic support' shop, Baseline, in Lewisham town centre and a variety of commissioned providers, the Service provides one-to-one youth work and information, advice and guidance for the Borough's most vulnerable.

- 3.6 All of these activities and support systems take place at Council-run youth centres and adventure playgrounds, via street based work, at Baseline and at a variety of non-council run venues across the Borough. Services include:
- initial assessment of a young person's needs
  - one-to-one key worker support in emergency situations
  - 48-hour referral service for one-to-one key work support
  - signposting to other services, e.g. sexual health advice, Jobcentre Plus
  - computer access for information, advice and guidance
- 3.7 Additionally, the NEET Traineeship is offering support programmes for young people who are not in education, employment or training. The Traineeship is a 12 week Government-recognised traineeship, in partnership with Bromley College. The programme runs three times a year in line with school terms. It works with vulnerable young people enabling them to achieve more robust qualifications, and offer accredited numeracy and literacy support and stronger pathways post completion. The Traineeship enables participants to continue to receive out of work benefits whilst on the scheme.





Department  
for Education

# **Participation of young people in education, employment or training**

**Statutory guidance for local authorities**

**September 2014**

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## Summary

### About this guidance

1. This is statutory guidance from the Department for Education (the Department). A local authority must have regard to it when exercising its functions relating to the participation of young people in education or training. The annexes to this guidance contain departmental advice to help recipients understand what the Department considers the statutory provisions to mean in particular circumstances.

### Review date

2. The Department will review this guidance by September 2015 and might publish an updated version following this review.

### What legislation does this guidance refer to?

3. This guidance is issued under sections 18 and 68(4) of the 2008 Education and Skills Act (ESA 2008) in relation to sections 10, 12 and 68 of that Act.

### Who is this guidance for?

4. This guidance is for all local authorities in England.

## Main points

5. Most young people already continue in education or training after they finish year 11, because it gives them the best chance to get the skills and qualifications that employers and universities look for. However, the small group of young people not participating includes some of the most vulnerable. We want to give all young people the opportunity to develop the skills they need for adult life and to achieve their full potential.

6. Participating in education or training for longer means young people are more likely to attain higher levels of qualifications and have increased earnings over their lifetime, better health and improved social skills. This in turn contributes to a more highly skilled, productive, and internationally competitive workforce.

7. Alongside introducing reforms to improve the quality of post-16 education and training, the government has raised the participation age (RPA) so that all young people in England are now required to continue in education or training for longer.

8. RPA does not necessarily mean staying in school; young people have a choice about how they continue in education or training post-16. This could be through:

- full-time study in a school, college or with a training provider;
- full-time work or volunteering (20 hours or more) combined with part-time education or training; or
- an apprenticeship or traineeship (more information available at [www.apprenticeships.org.uk](http://www.apprenticeships.org.uk)).

9. Pupils who left year 11 in summer 2013 had to continue in education or training for at least a further year until June 2014. Pupils who left year 11 in summer 2014 or beyond need to continue until at least their 18th birthday.

10. Although the proportion of young people not in education, employment or training (NEET) is falling, it remains too high especially at ages 18 and 19. Whilst many young people are NEET for a relatively short period, there are others – especially more disadvantaged young people – who struggle to progress to sustainable education, employment or training. Intervening early is important to prevent the risk of long-term disengagement and the risk of adult unemployment, low wages and health issues.

11. Whilst the Department provides the framework to increase participation and reduce the proportion of young people NEET, responsibility and accountability lies with local authorities. Local authorities have a critical role to play in supporting young people to access education and training – and therefore in understanding the characteristics and current activity of the young people in their area. This guidance sets out the duties on local authorities, and the crucial roles that schools, colleges and training providers have with regard to post-16 participation.

12. The Department tracks the performance of local authorities in delivering their duties, using data collected by authorities and submitted to the National Client Caseload Information System (NCCIS). NCCIS includes data showing the numbers of young

people participating in education or training, those who are NEET or those whose current activity is not known.

13. This guidance has been updated to reflect a number of queries that have arisen during the first year of RPA and new arrangements for young people with special educational needs (SEN) and disabilities in the Children and Families Act 2014.

## Local authorities

### Responsibilities of local authorities

14. The government's approach is to give local authorities freedom and flexibility to decide how to fulfil their statutory duties. That is why we are only specifying key activities to help them to fulfil those duties. Local authorities should have regard to the following guidance when deciding how to organise and resource their services.

### Duties on local authorities relating to participation

15. Prior to RPA, local authorities had existing duties to encourage, enable and assist young people to participate in education or training which still apply. These duties are to:

- Secure sufficient suitable education and training provision for all young people aged 16 to 19 and for those up to age 25 with a learning difficulty assessment (LDA) or Education, Health and Care (EHC) plan in their area<sup>1</sup>. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision. Guidance on this duty is included at paragraphs 17-19.
- Make available to all young people aged 13-19 and to those up to age 25 with an LDA or EHC plan, support that will encourage, enable or assist them to participate in education or training<sup>2</sup>. Guidance on this duty is included at paragraphs 21 to 34.

Tracking young people's participation is a key element of these duties. Local authorities are required to collect information about all young people so that those who are not participating, or are NEET, can be identified and given support to re-engage. Robust tracking also provides the local authority with information that will help to ensure that suitable education and training provision is available and that resources can be targeted effectively.

16. In addition, ESA 2008 placed two RPA-related duties on local authorities with regard to 16 and 17 year olds:

- Local authorities must promote the effective participation in education and training of 16 and 17 year olds in their area with a view to ensuring that those persons fulfil the duty to participate in education or training<sup>3</sup>. A key element of this is identifying the young people in their area who are covered by the duty to participate and

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<sup>1</sup> Sections 15ZA and 18A of the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009) and from 1st September 2014, Part 3 of the Children and Families Act 2014

<sup>2</sup> Section 68 Education and Skills Act 2008 as updated by Section 20 in Part 3 of the Children and Families Act 2014

<sup>3</sup> Section 10 Education and Skills Act 2008

encouraging them to find a suitable education or training place. Guidance on this duty is included at paragraphs 40 to 43.

- Local authorities must make arrangements - ie maintain a tracking system - to identify 16 and 17 year olds who are not participating in education or training<sup>4</sup>. Putting in place robust arrangements to identify young people who are not engaged in education or training or who have left provision enables local authorities to offer support as soon as possible. Guidance on this duty is included in paragraph 44.

## Funding for these duties

17. Local authorities are expected to meet any costs incurred in the delivery of these duties from their overall budgets, including central government grants.

18. Funding for education and training provision for 16 to 19 year olds and those aged 19-25 with an LDA or EHC plan is provided to schools, colleges and training providers by the Education Funding Agency (EFA). Where local authorities feel that there is a specific gap in provision that cannot be addressed by existing providers, there is a process by which this can be brought to the attention of the EFA for consideration and action as appropriate<sup>5</sup>. Re-engagement programmes should be used to support young people who are NEET back into learning where available and appropriate. Examples of re-engagement programmes include programmes funded by the European Social Fund (ESF), the EFA managed Youth Contract for 16 and 17 year olds (until March 2016<sup>6</sup>), National Citizen Service (NCS), Youth Engagement Fund, and Fair Chance Fund. Other ways of re-engaging young people may be sourced locally and further information and re-engagement principles are set out in Annex 3.

19. Local authorities will also receive a single 5 to 25 high needs allocation within the Dedicated Schools Grant (DSG) which includes funding for post-16 high needs students.

20. The 16 to 19 Bursary Fund provides targeted support to help young people to overcome any specific financial barriers to participation<sup>7</sup>. The majority of this funding is administered by schools, colleges and training providers; funding for the most vulnerable young people is administered by EFA. Local authorities can seek to work with institutions in their area to coordinate and support the delivery of the 16 to 19 Bursary. Local authorities also administer the fund in respect of their own direct provision, including local authority maintained schools with sixth forms.

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<sup>4</sup> Section 12 Education and Skills Act 2008

<sup>5</sup> For further information see the gov.uk guidance "[16 to 19 education: market entry](#)".

<sup>6</sup> In line with the contracts for delivery with the prime contractors, the EFA managed Youth Contract programme for 16 and 17 year olds will recruit young people until 31 March 2015 and will continue supporting young people on programmes to 31 March 2016 in local authority areas.

<sup>7</sup> For more information on the 16 to 19 Bursary Fund, see the gov.uk guidance "[16 to 19 education: financial support for students](#)".



## Delivering the existing duties on local authorities to support participation

21. This section relates to local authorities' existing duty under section 68 of ESA 2008. This applies to all young people aged 13 to 19 and those up to age 25 with an LDA or ECH plan.

22. Local authorities should provide strategic leadership in their areas to support participation in education, training and employment - working with and influencing partners by:

- ensuring a focus on participation is embedded and communicated throughout the authority's services for children and young people;
- ensuring the services for young people in the local area come together to meet the needs of young people – including funding for education and training places and re-engagement provision;
- agreeing ways of working with other partners such as Local Enterprise Partnerships (LEPs), Jobcentre Plus, employers, voluntary and community sector organisations, health services, police, and probation services; and
- working with neighbouring authorities, especially where young people routinely travel out of the area to access education and training, for work or other services.

23. To discharge this duty, local authorities must collect information about young people in their area in order to identify those who are not participating, or who are at risk of not doing so, and to target their resources on those who need them most. The information collected must be in the format specified in the NCCIS Management Information Requirement<sup>8</sup>. To meet this requirement, local authorities need to have arrangements in place to confirm all young people's current activity at regular intervals. This may be through the exchange of information with education and training providers, and other services within the local authority area such as youth offending teams and Jobcentre Plus, as well as through direct contact with young people.

24. Section 72 of ESA 2008 places a duty on educational institutions to provide information to local authority services in order for them to deliver their duties under section 68. Sections 76 and 77 provide additional data sharing powers to support local authorities to deliver their duties under section 68. Local authorities should agree data sharing agreements with education providers and other public bodies that set out the information they will provide, when it will be provided and how they will ensure that data is passed securely.

25. Local authorities are expected to continue to work with schools to identify those who are in need of targeted support or who are at risk of not participating post-16. They will need to agree how these young people can be referred for intensive support, drawn from the range of education and training support services available locally. For example,

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<sup>8</sup> See the gov.uk guidance "[NCCIS management information requirement](#)" for further information.

this may include engagement programmes and mental health services. Local authorities should pay particular attention to young people not in mainstream education, such as those not on school rolls, those attending alternative provision, and those in youth custody. Local authorities should support these young people to ensure they are not disadvantaged when applying for a suitable place in post-16 education or training.

26. Every young person who reaches the age of 16 or 17 in any given academic year is entitled to an offer of a suitable place, by the end of September, to continue in education or training the following year. Local authorities are required to lead the September Guarantee process for:

- 16 year olds who are educated in their area; and
- 17 year olds who are resident in their area.

27. Local authorities should work with schools and post-16 providers to identify those young people eligible for an offer, understand their post-16 plans and any offers they have received and record this information on their Client Caseload Information (CCIS) databases. Young people who do not have post-16 plans or an offer of a place are at risk of becoming NEET in September. Identifying these young people early enables services to provide additional advice and support about the options available, and to alert the EFA to any emerging gaps in provision. Local authorities will want to agree with schools who is best placed to offer support after the end of the summer term. They will also need to work with neighbouring authorities to establish offers made by schools and colleges outside their authority's area.

28. A significant proportion of young people are educated outside the area where they live or move between local authority areas. In the event of a local authority being given information about a young person who is resident in another local authority area, they should inform the home authority as quickly as possible. Local authorities may learn of young people moving into their area from other services, such as Jobcentre Plus, or from other local authorities. Local authorities must record these young people on their CCIS database and to co-operate fully with other authorities in order to minimise the risk of young people slipping through the net.

29. Information on the number or proportion of young people in each area who:

- receive an offer under the September Guarantee;
- are participating in education or training, including those meeting the duty to participate;
- are NEET; or
- whose current activity is not known;

is taken from the CCIS data reported to the Department and made available publically on gov.uk on a regular basis. The KS4 and KS5 destination measures also draw on information from NCCIS to identify young people in employment, training or NEET.

30. Local authorities are expected to pay particular attention to young people who are NEET or whose current activity is not known. This may include working with Youth Contract providers to refer 16 and 17 year olds who are NEET and eligible for support in line with the [Youth Contract: 16- and 17-year-olds](#) guidance issued by the EFA.

31. Local authorities should continue to maintain close links with Jobcentre Plus to ensure that young people who are NEET and receiving benefits get support that is appropriate to their needs. The Department for Work and Pensions (DWP) passes basic details of 18 and 19 year olds making a new claim for benefits to local authorities each month. The local authority is expected to use this information to offer support to the young person and to update CCIS. There is guidance on [working together to support young People](#) available on gov.uk. The information includes a Memorandum of Understanding that can be agreed to allow Jobcentre Plus to share information on young people who are NEET with local authorities.

32. In certain circumstances, 16 and 17 year olds are eligible to claim Jobseeker's Allowance (JSA), Income Support (IS), Employment Support Allowance (ESA) or Universal Credit. Whilst decisions about the payment of benefits will be made by Jobcentre Plus, any young person aged under 18 wishing to make a claim must first register with the local authority as a condition of entitlement. Local authorities must follow the processes set out in the [guidance on benefit liaison](#), issued by DWP, to ensure that benefit regulations are adhered to, and should be aware of the [Jobseeker's Allowance Claimant Commitment](#).

33. To enable local authorities in England to fulfil their duty to track participation, there will be occasions when they need to approach Welsh and Scottish authorities and educational institutions for information about individual young people who are resident in England but studying in Wales or Scotland.

34. Welsh and Scottish authorities and educational institutions are not under a specific duty to provide the information but we would expect them to respond to any request reasonably to support our shared objectives of helping young people to improve their skills and attain higher levels of qualifications.

# Supporting young people and providers to fulfil their duties introduced under RPA

## Duty on young people

35. Part 1 of ESA 2008 places a duty on young people themselves. This means that young people aged 16 and 17 are under a duty to continue in education or training for longer, as set out in paragraphs 8 and 9. The duty to participate on all young people who left year 11 in summer 2014 or later is until the young person's 18<sup>th</sup> birthday and not until the end of the academic year the young person turns 18. Young people should however be encouraged to complete the education or training they are undertaking. This section of the guidance relates to these age groups, though local authorities are free to consider its wider application to support other young people (eg those aged 18 or over).

36. Advice on the definitions of participation in education or training is set out in Annex 1 to this guidance. The aim is to ensure that every young person continues their studies or takes up training and goes on to successful employment or higher education.

## Duties on providers

37. ESA 2008 placed two RPA-related duties on providers with regard to 16 and 17 year olds:

- Section 11 places a duty on community, foundation or voluntary schools, community or foundation special schools, pupil referral units, schools and colleges in the further education sector to exercise their functions, where possible, so as to promote good attendance to enable young people to meet their duty to participate.
- Section 13 places a duty on all educational institutions (maintained schools, academies, colleges, and education and training providers – including apprenticeship providers and performing arts schools who receive Dance and Drama Award (DaDA) funding) to tell their local authority when a young person is no longer participating. This duty is applicable if a young person leaves an education or training programme before completion (ie 'drops-out') and enables local authorities to take swift action to encourage the young person to re-engage.

38. Schools also have specific responsibilities for young people with statements of SEN or EHC plans leaving school, including arranging an annual review of the statement or EHC plan which focuses on transition from school. The responsibilities placed on young people by RPA should be clearly built into that transition plan.

39. Schools and colleges are required to secure independent careers guidance for young people aged 12-18 (years 8-13). This is explained further in Annex 2 of this guidance. Local authorities can work within local partnerships with schools, colleges and other partners to help develop the careers guidance offer. For example, this may include

understanding pathways locally and embedding intelligence on the local economy. Destinations data are an important tool in helping schools to measure the effectiveness of their support by assessing how successfully their pupils make the transition into the next stage of education or training. Schools and colleges will be held to account for the destinations of all their leavers through the annual publication of destination measures.

## **Duty on local authorities introduced under RPA to promote participation**

40. The participation of young people in education and training should be actively promoted through local authorities' wider functions (section 10 of ESA 2008).

41. Specific examples of this are:

- When developing transport arrangements and preparing their post-16 transport policy statement, local authorities should, in accordance with their duty under the Education Act 1996, ensure that young people are not prevented from participating because of the cost or availability of transport to their education or training<sup>9</sup>. [Statutory guidance](#) has been developed to help local authorities to meet their post-16 transport duty.
- Local authorities should ensure a focus on participation is embedded throughout their education and children's services, youth offending teams, troubled families teams and pre-16 education teams, social services and economic development, amongst others.
- The Children and Families Act 2014 places a duty on local authorities to develop a local offer setting out what services they expect to be available for local children and young people with SEN or disabilities up to age 25. This must include post-16 education and training provision. Further information is available in the [SEN Code of Practice](#). The local offer will be a key tool in supporting young people with SEN and disabilities to make choices as they approach the end of school and successfully make the transition into post-16 education and training. Young people with SEN and disabilities should be encouraged and supported to follow a coherent study programme at an appropriate level that supports their progression. Where 16 to 18 year olds are NEET, or at risk of becoming NEET, their EHC plan should be maintained and they should be encouraged and supported to return to education and training as soon as practicably possible. Under the Children and Family Act 2014's regulations, local authorities must also consider carefully the action to take when young people with EHC plans aged 18 or over leave education or training before the end of their course, seeking to re-engage them where appropriate<sup>10</sup>.

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<sup>9</sup> Section 509AA of the Education Act 1996

<sup>10</sup> Para 9.203 of the [0-25 SEN Code of Practice](#)

42. Local authorities should provide strategic leadership in their areas, working with and influencing partners locally, such as LEPs, to promote participation. Local authorities may wish to consider:

- having agreements in place for working with neighbouring authorities;
- ensuring the services for young people in the local area come together to meet the needs of young people – including funding for education and training places and re-engagement provision; and
- agreeing ways of working with wider agencies including voluntary and community sector organisations and employers.

43. Sections 14-17 of ESA 2008 provide data sharing powers to encourage local authorities to promote effective participation.

## **Duty on local authorities introduced under RPA to identify young people not participating**

44. Local authorities need to identify young people not participating so that they can ensure that these young people get the support they need. CCIS is the main source of evidence that local authorities are discharging their duty under section 12 of ESA 2008 to identify young people who are not participating.

45. Local authorities are expected to act on any information they receive about a young person who has dropped out (paragraph 35 above refers); contacting them at the earliest opportunity and supporting them to find an alternative place in education, training or employment with accredited training.

## **Specific circumstances and exceptions**

46. The duty to participate in education or training applies to those young people resident in England. In certain circumstances, local authorities may need to make judgements about whether young people are resident in England (eg if a young person is in the country for an extended temporary period). Local authorities have discretion to make these decisions themselves based on the individual's circumstances. The EFA funding guidance sets out the criteria for eligibility for funding and this may be helpful in making these decisions.

47. RPA legislation applies in England only but there will be cases where young people living either side of the England borders will travel to education or training in a country in which they are not resident. Young people who live in England but travel to Wales or Scotland to study are still under a duty to participate. Young people who live in Wales or Scotland but travel to England to study are not covered by RPA. If young people who are normally resident in England move to Wales or Scotland to study, local

authorities should use their local discretion to decide whether they are classed as resident in England – see paragraph 46.

48. Young people attending education institutions that provide a specialist education would be considered to be meeting their RPA duty without the need for further investigation. See paragraph 14 in Annex 1.

49. We have made provision so that a serving member of the Armed Forces who is participating in the training given to new members will automatically be treated as meeting their RPA duty without the need for further investigation. See paragraphs 15 and 16 in Annex 1.

50. Young people undertaking re-engagement provision that has been put in place specifically to help a young person re-engage in sustained post-16 education or training will be meeting their RPA duty without the need for further investigation. Further information and re-engagement principles are set out in Annex 3.

51. The government recognises there will always be a very small number of young people who require a temporary break in education or training (such as new mothers or the very ill). It is important that local authorities are satisfied that they have in place the appropriate support mechanisms to enable these young people to return to education or training as soon as is reasonably possible.

52. Young people who have longer term medical needs that affect their study but who do not have an LDA, SEN statement or an EHC plan may be unable to fulfil the full requirement of RPA: for example they may not be able to manage full-time education or working over 20 hours per week while studying. Local authorities should consider these cases individually, recognising that full compliance may not be possible for these young people.

## Annex 1 - defining participation

1. This annex sets out further information about how the duties on young people apply.
2. The Government has raised the participation age (RPA) so that all young people in England are now required to continue in education or training for longer as set out in paragraphs 8 and 9 of the main guidance document.
3. Where young people have left year 11 of compulsory education in June and have accepted an offer of a place in education or training that does not start until September, there is no requirement for them to participate during the summer holidays. Similarly, where young people are meeting their duty to participate through full-time education they should still take the usual breaks in learning (eg school/college holidays).
4. Where young people who would normally be under a duty to continue to participate post-16 have already attained a level 3 qualification, for example two A levels<sup>11</sup>, they are no longer required to participate but may benefit from support to continue their education or get a job.
5. RPA does not mean staying in school; young people have a choice about how they continue in education or training post-16. The three primary routes for young people to participate are:
  - full-time study in a school, college or with a training provider;
  - full-time work or volunteering (20 hours or more) combined with part-time education or training; or
  - an apprenticeship or traineeship (more information available at [www.apprenticeships.org.uk](http://www.apprenticeships.org.uk)).

### Full-time education

6. Where a young person is attending full-time education at a school, they will be meeting their duty to participate.
7. For young people attending other full-time education – whether that be a sixth-form college, general further education college, independent college, or otherwise apart from the settings below (paragraphs 8 and 9) – the definition of full-time participation is at least 540 hours of guided learning a year. In accordance with the principles of 16-19 study programmes<sup>12</sup>, wider forms of education such as work experience can be included within those hours. In general, young people enrolled on a full-time study programme will be meeting the duty to participate.

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<sup>11</sup> Section 3 Education and Skills Act 2008

<sup>12</sup> For further information see the gov.uk webpage on [increasing opportunities for young people](#).



8. For young people who are being home educated, no hourly requirement of education applies. The amount and content of the home education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home educated. If the authority believes there is some doubt in the matter, they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required. If the authority has evidence to suggest that a young person who claims to be home educated is not, then they would be expected to clarify the position with the young person.

9. For young people who have been absent from the education system and are now attending a re-engagement programme, no hourly requirement of education applies. Local authorities should be satisfied that the express intention of the programme is to support the young person to move into full-time education at a school or college, an apprenticeship or traineeship, or full-time work or volunteering with part-time training alongside. Once re-engagement onto one of those routes is secured, the wider requirements for participation apply.

10. Local authorities are able to determine for themselves what counts as re-engagement provision. A suggested set of non-statutory principles for re-engagement provision has been developed by representatives from the sector and this forms Annex 3 to this guidance. [Advice on how local authorities can work with providers of the Youth Contract for 16-17 year olds](#) should be considered in deciding whether the provision put in place meets the needs of these young people.

## Apprenticeships

11. Entering into an apprenticeship agreement as set out in the Apprenticeship, Skills, Children and Learning Act 2009 satisfies the duty to participate and no further monitoring of that young person's training or employment is needed. Apprenticeship providers are included in the requirement to notify a local authority if a young person is no longer participating.

## Traineeships

12. Traineeships<sup>13</sup> are a new training route for young people aged 16-23 (and up to 25 for young people with a SEN). Traineeships aim to give young people the skills and vital experience they need to get an apprenticeship or other job. Traineeships are part of 16-19 study programmes so a young person enrolling on a traineeship would meet the duty to participate.

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<sup>13</sup>You can find out more about traineeships from the [traineeship frameworks for delivery](#).

## Full-time work with part-time education or training

13. Sections 5, 6 and 8 of ESA 2008 detail the requirements of this route. In order to be considered as participating, a young person must both be in full-time work and undertaking part-time education or training. The key definitions to which local authorities will need to have regard to are that:

- To count as full-time work, the job must be for 8 or more weeks consecutively and for 20 or more hours per week. The 20 hours employment can be undertaken with more than one employer. Where a young person's employment hours vary, employment of an average of 40 or more hours over a two week period can be considered as meeting the requirement.
- Full-time self-employment, holding a public office or working other than for reward (eg volunteering) should all be regarded in the same way as full-time employment. The 20 hours volunteering can be undertaken with more than one organisation and for each volunteering placement it is recommended that a written agreement is in place between the young person and the placement organiser.
- Part-time education or training alongside full-time work must be at least 280 guided learning hours (GLH) per year. There is no set pattern for how these hours should be taken - at a given time a young person might not be undertaking education or training as long as it is clear that over the course of the year the hourly minimum will be met. Part-time education or training pursued alongside full-time work must constitute education or training leading towards accredited qualifications<sup>14</sup> and therefore have a GLH value attached. This education or training may be provided directly by an employer or by another organisation.

## Young people attending non-registered education institutions

14. Education institutions such as seminary or talmudic colleges provide a specialist education and young people attending these institutions would be considered to be complying with the duty to participate beyond the age of 16. Independent colleges should, however, be encouraged to provide a balanced education based on prior achievement and to include the continued study of English and maths where appropriate.

## Young people joining the armed forces

15. Serving in the armed forces provides relevant training for young people and is a valid and valuable career route. As the terms of service and training within the armed forces vary, the government has made provision that a serving member of the armed forces who is participating in the training given to new members, will automatically be treated as meeting their duty to participate without further investigation or any

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<sup>14</sup> The [Register of Regulated Qualifications](#) can be found on Ofqual's website.

requirement to deliver specific subjects or programmes. For the purposes of RPA, armed forces means the naval, military or air forces of the Crown, but not the reserve forces.

16. Young people who have been recruited to serve in the armed forces may, on occasion, have to wait for a training place. Where this is the case, young people should consider how they might use this waiting time constructively, for example by improving their maths, English and other skills, volunteering or seeking temporary employment.

## **Young people with full-time caring responsibilities**

17. In exceptional cases where a young person aged 16 or 17 has assumed a full-time unpaid caring role for another person, they will be considered to be meeting their duty to participate if they are also undertaking accredited part-time education or training.

18. This provision is only for that small number of young carers who have had a young carer assessment and who are willing and able to undertake a full-time caring role, and balance that with their education or training, without any adverse impact on their own health or wellbeing. Local authorities will therefore need to establish that individual circumstances have been taken into account, a proper assessment of needs for support has taken place and professional judgement has been applied.

19. Young people who are parents caring for children are not classed as being young carers, and these young parents would normally be expected to participate full-time, and may qualify for Care to Learn funding to enable them to do so<sup>15</sup>.

## **Young parents**

20. Local authorities are responsible for identifying young parents who are not participating and for ensuring that there is appropriate support in place to help them return to education or training as soon as practicable.

21. There is no legal requirement that determines at what point a young mother on maternity leave should return to education and training. Local authorities could reasonably apply the same time period for which statutory maternity leave is available to those in work, although they should use their discretion and knowledge of the young mother's individual circumstances to agree a suitable return date.

## **Young people in jobs without training**

22. Those in jobs without the required training should be encouraged to take up suitable part-time accredited education or training alongside their work. Local authorities should be aware of their duty to secure appropriate provision<sup>16</sup> for all young people and

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<sup>15</sup> An [overview of Care to Learn](#) is available at gov.uk.

<sup>16</sup> Section 15ZA and 18A of the Education Act 1996 (as inserted by the ASCL Act 2009) and from 1st September 2014, Part 3 of the Children and Families Act 2014

so ensure that flexible provision is in place where needed. Local authorities should work closely with local employers to agree suitable arrangements for young people.

## **Young people in jobs with non-accredited training**

23. Those in jobs with training that does not lead to an accredited qualification should also be encouraged to take up accredited part-time education or training alongside their work.

## **Young people taking breaks in their formal education or training**

24. Young people should not take extended time out of education and training when they are required to participate. However, there will be occasions where young people are offered positive opportunities that have an element of education and training in them, although they may not fully meet RPA criteria.

25. If the opportunity is abroad, local authorities will need to decide whether the young person is classed as being resident in England during this period (see paragraph 46 of the main guidance about residency).

26. If the young person is deemed to be resident in England by their local authority, or if the opportunity itself is in England, the local authority will need to decide whether what the young person is doing meets the duty to participate in education or training.

27. If the local authority believes that the young person is not fully meeting their RPA duty but is engaged in a positive activity that is improving their maths, English or other skills, then this would appear to be a positive outcome for the young person. We would not expect local authorities to intervene in such cases.

## **Young people taking gap years**

28. Most young people who take gap years do so at 18 or older and have achieved level 3. As such, they will be unaffected by this legislation. For the small group of 16 and 17 year olds who are considering taking a gap year, where the gap year is taken abroad, a local authority may need to make a judgement about whether that young person will be resident in England (see paragraph 46 of the main guidance about residency). Those remaining in England to work or volunteer are expected to comply with RPA.

## Annex 2 - duties on other organisations in relation to RPA

### Careers requirement on schools and colleges

1. Schools are under a duty to secure independent careers guidance<sup>17</sup> for pupils in years 8-13 on the full range of education and training options, including apprenticeships<sup>18</sup>.
2. Schools are expected to work in partnership with local employers and other education and training providers like colleges, universities and apprenticeship and traineeship providers to ensure that young people can benefit from direct, motivating and exciting experience of the world of work, to develop high aspirations and inform decisions about future education and training options. They should also consider the needs of pupils who require more sustained or intensive support before they are ready to make career decisions.
3. Revised [statutory guidance](#) and [non-statutory departmental advice](#), published on 10 April 2014, outlines why schools must secure independent careers guidance for young people, what they must do to comply with their legal responsibilities in this area and the role of the governing body and head teacher in shaping the guidance and support offered by the school. It places a greater emphasis on ensuring schools are focused on having high aspirations for all students and to ensure that all schools are clear about what is expected of them in meeting their duty.
4. Funding agreements for further education colleges and sixth form colleges set out a requirement to secure independent careers guidance for all students up to and including the age of 18 and 19 to 25 year olds with a current LDA, SEN statement or EHC plan. [Guidance](#) published in June 2013, offers information which colleges may wish to draw on when interpreting the new requirement and deciding on the most appropriate forms of independent and impartial careers guidance for their students.

### Duties on employers

5. The duties on employers in the Education and Skills Act 2008 have not been brought into force at this stage<sup>19</sup>. The possibility of commencing them will be kept under review.

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<sup>17</sup> Education Act 2011 inserted a duty, section 42A, into Part VII of Education Act 1997

<sup>18</sup> While the legislative requirement applies to maintained schools, many academies and free schools are subject to the duties through their funding agreements, including those which opened from September 2012 onwards and those which have moved to the updated funding agreement. Academies without the requirement are encouraged to follow this guidance in any case as a statement of good practice.

<sup>19</sup> Section 19-39 Education and Skills Act 2008

## Annex 3 - effective re-engagement

1. For those young people who face significant barriers to participating post-16, re-engagement activity and provision can play a key role in supporting them back into education or training. Local authorities should ensure as far as they can that there is a coherent set of provision available in their area, and use it as appropriate to support young people.
2. Re-engagement provision (or programmes to encourage young people to re-engage) are available through the government funded Youth Contract<sup>20</sup>, and National Citizen Service<sup>21</sup> and through European Social Fund (ESF) funded initiatives<sup>22</sup>. Many local and national third sector organisations also offer programmes (often in partnership with private businesses, local authorities, and LEPs to help re-engage young people. Schools and colleges will also offer re-engagement services and provision seeking to prevent disengagement. Further re-engagement provision or support will be available in some pilot areas through the Youth Engagement Fund and support from Jobcentre Plus<sup>23</sup>.
3. Young people taking part in provision that has been put in place specifically to help them make the transition into sustained post-16 education or training will be regarded as meeting their RPA duty.

### The principles of effective re-engagement

4. The following non-statutory principles are designed to assist commissioners and providers when making decisions about the breadth and content of the re-engagement provision in their area. Local areas may want to build on this as they develop their provision locally. They were produced following consultation with a group of voluntary and community sector organisations and local authorities, who agreed that good re-engagement provision is likely to adhere to the following principles.

#### A personalised approach...

5. Provision is tailored to the young person, taking account of appropriate background information, and responds to individual needs in order to create an appropriate path back into education or training. An on-going individual needs assessment will allow the programme to develop with the young person, focused on the range of barriers preventing them from participating.

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<sup>20</sup> See Youth Contract: 16- and 17-year-olds guidance for further information.

<sup>21</sup> See gov.uk webpage on the [National Citizenship Service](#) for further information.

<sup>22</sup> See gov.uk webpage on the [European Social Fund](#) for further information.

<sup>23</sup> See gov.uk [press release on support from Jobcentre Plus](#) for further information.

### **...with clearly agreed outcomes...**

6. Achievable and agreed outcomes are decided with the young person and may be expressed in an individual plan. Re-engagement providers may want to consider how best to develop the social and emotional capabilities of the young person, whilst maintaining a focus on their sustained engagement in education or training.

### **...leading to progression into sustained education or employment...**

7. An effective re-engagement programme will lead to progression, monitored by the provider, into sustained education, employment or training. The amount of time a young person will spend on re-engagement provision will vary depending on their development needs but the focus should remain on securing progression to mainstream education, training or work with training.

### **...underpinned by appropriate information and support...**

8. Providers have an important role to play, working with local authorities where appropriate, in providing access to appropriate sources of information to help young people make informed choices about the education, training and employment opportunities available in their area, as well as to relevant sources of support, such as the financial support available to young people to continue in education or training.

### **...and strong partnership working.**

9. There are a number of key partnerships that are needed to ensure that re-engagement programmes are as effective as possible, providing all round support to allow a range of needs to be met. Regular communication will allow appropriate referrals – between support agencies or onto an education or training provider – and continued support while the young person makes that transition.



Department  
for Education

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# Agenda Item 6

<b>Mayor and Cabinet</b>			
<b>Title</b>	Matters referred by the Public Accounts Select Committee – No Recourse to Public Funds Review		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Contributors</b>	Public Accounts Select Committee		
<b>Class</b>	Part 1	<b>Date</b>	18 February 2015

## **1. Purpose**

- 1.1 This report presents the final report and recommendations arising from the Public Accounts Select Committee's No Recourse to Public Funds (NRPF) review, which is attached at Appendix A.

## **2. Recommendations**

- 2.1 The Mayor is recommended to:
- (a) Note the views and recommendations of the Committee set out in the main report at Appendix A.
  - (b) Agree that the Executive Director for Customer Services be asked to respond to the Review's recommendations.
  - (c) Ensure that a response is provided to the Public Accounts Select Committee.

## **3. Context**

- 3.1 The review was scoped in September 2014; and evidence gathering sessions were held in November and December 2014. The Committee agreed the final report and the recommendations in February 2015.

## **4. Financial Implications**

- 4.1 There are no financial implications arising out of this report per se, although the financial implications of the recommendations will need to be considered in due course.

## **5. Legal Implications**

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

## **6. Equalities Implications**

- 6.1 The Council works to eliminate unlawful discrimination and harassment, promote equality of opportunity and good relations between different groups in the community and recognise and take account of people's differences.

## **7. Crime and Disorder/Environmental implications**

- 7.1 There are no specific implications.

## **BACKGROUND INFORMATION**

If you have any queries on this report, please contact Charlotte Dale, Interim Overview and Scrutiny Manager (0208 3149534), or Kevin Flaherty, Head of Business & Committee (0208 3149327).

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# **Overview and Scrutiny**

## **No Recourse to Public Funds Review**

### **Public Accounts Select Committee**

February 2015

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#### **Membership of the Public Accounts Select Committee in 2014/15:**

**Councillor Jamie Milne (Chair)**

**Councillor Mark Ingleby (Vice-Chair)**

**Councillor Abdeslam Amrani**

**Councillor Chris Barnham**

**Councillor Ami Ibitson**

**Councillor Roy Kennedy**

**Councillor Helen Klier**

**Councillor Jim Mallory**

**Councillor John Muldoon**

**Councillor Crada Onuegbu**

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## Chair's Introduction

To be inserted.



Councillor Jamie Milne  
Chair of the Public Accounts Select Committee

## Executive summary

Local authorities across the country are experiencing ongoing and increasing demand for support from people who have no recourse to public funds (NRPF). The problem is particularly acute in London and is an issue of significant concern to Lewisham Council. Supporting people with NRPF is expensive and the Public Accounts Select Committee was therefore keen to review the proactive work being undertaken by a new pilot team to drive down costs. In particular, it wanted to ensure that the new systems being put in place were both robust and fair.

NRPF is a concern because:

- Providing support is expensive
- The numbers being supported have increased sharply in recent years
- There is no statutory policy guidance covering how councils should respond to people with NRPF
- Council staff do not generally have the necessary expertise to deal with NRPF cases effectively
- The law governing this area of work is complex and interpretation of the law regularly changes as a result of developments in case law
- Legal challenges of council decisions made in relation to people with NRPF, if successful, can be costly
- The support put in place for people with NRPF is often long-term in nature, due to the length of time it takes the Home Office to resolve cases.

It was clear to Members of the Committee that a strong strategic response to the issue was required and that the NRPF pilot had demonstrated that a clear, consistent and firm approach could bring down the costs of dealing with NRPF clients considerably and in a way which was both equitable and unlikely to result in successful legal challenge.

It is for this reason that the Committee is recommending mainstreaming the pilot and making sure that high cost and long-term 'legacy' cases in particular, are thoroughly reviewed with a view to bringing down costs and, where appropriate, withdrawing support. In addition, the possibility of developing a shared service with other London local authorities should be explored to reduce management and administrative costs and combine and strengthen expertise.

The role of central government in this issue is critical. Home Office policy is a key driver of costs and backlogs in cases add considerably to the Council's expenditure. Lewisham must strive to exert more pressure on central Government; demand action in respect of Home Office delays; and lobby for funding to match the costs being borne by local authorities.

## Recommendations

The Committee recommends:

- Exerting pressure on central government around NRPF in order to highlight the considerable additional pressure that local authority finances have been put under. To lobby for funding to match the costs passed to local authorities and to pursue the possibility of legal action in cases where Home Office mismanagement leave local authorities with longstanding and costly unresolved cases.
- That the Mayor makes an urgent request of the Home Secretary to explain why Local Authorities should shoulder the cost for cases lost in the Home Office's backlog.
- Supporting the robust front-door approach that has been taken by the NRPF pilot project and recommending that the pilot approach is mainstreamed and made a permanent approach.
- Building on the good work of the pilot by investigating current high-cost NRPF cases and endeavouring to bring the cost of cases down as far as practicable.
- Placing existing cases under irregular, unannounced rolling review to identify if claimants still meet criteria for support.
- Taking action to drive down the housing costs associated with those with NRPF through further improved procurement of private sector housing and seeking more sustainable long term housing solutions for those with NRPF by exploring all available housing options.
- Actively pursuing a shared service around NRPF in as wide an area in London as possible in order to better deal with the problem of NRPF.
- Immediate referral to Mayor & Cabinet at the turn of a new financial year in all cases where an area of spending doubles in the space of one financial year. In 2012 spending on people with NRPF stood at £2.2m 2012 and by 2013 had more than doubled to £5.3m. For similar cases in the future there must be a greater sense of urgency as well as more democratic control and oversight.

## Purpose and structure of review

1. At its meeting on 9 July 2014 the Committee decided, as part of its work programme, to carry out an in-depth review into the increasing number of cases of people with no recourse to public funds (NRPF) and their impact on Lewisham Council as both a financial and a service pressure for the organisation.
2. At its 22 September 2014 meeting, the Committee received and agreed a scoping paper that set out the background and key lines of enquiry for the review. The Committee agreed that, given the complexity of NRPF, the Committee should first establish:
  - The national and local context surrounding NRPF
  - Who presents as NRPF in Lewisham and the types of support provided to them
  - The extent of the problem in Lewisham and how Lewisham compares to other local authorities
  - The interventions that have been taken in Lewisham to address the increase in NRPF and effectively manage the number of NRPF cases that Lewisham supports
  - The future NRPF pressures expected for Lewisham (such as changes to the eligibility of EEA nationals) and the potential financial impact of these pressures.
3. Once this information had been provided, the Committee would then consider the following further key lines of enquiry:
  - How effective have the interventions taken to address the growth of NRPF cases been?
  - How will the expenditure on NRPF be managed within the current and future financial pressures for Lewisham Council?
  - What are the impacts of the interventions taken on those presenting as NRPF in the borough and what impacts will further interventions have?
  - What work is Lewisham doing with the groups and agencies that support people who have NRPF and signpost them to the Council?
  - What is Lewisham doing to address projected future NRPF pressures, such as changes to the eligibility of EEA nationals, the Immigration Act and the Care Act?
4. The Committee carried out its first evidence-taking session on 5 November 2014, where members received a report from officers providing information on the background to NRPF, including the national and local context around the rise of NRPF, details about who was presenting as NRPF in Lewisham, comparator information with other local authorities on the levels of NRPF in Lewisham and interventions being taken to address the issue of NRPF within Lewisham. The Committee also heard evidence at this meeting from Barry Quirk (Chief Executive), Kevin Sheehan, (Executive Director for Customer



Services), Ian Smith (Director of Children's Social Care), Justine Roberts (Change & Innovation & Manager) and Shirley Spong (NRPF Manager).

5. The Committee carried out its second evidence-taking session on 10 December 2014, where members heard from external witnesses, including Henry St Clair Miller from NRPF Network and Jon Rowney from London Councils.
6. The Committee concluded its review on 5 February 2015, where it agreed the recommendations and final report for submission to Mayor & Cabinet.

### Legislative background

7. No Recourse to Public Funds (NRPF) refers to people from abroad who are subject to immigration controls and, as a result of this, have no entitlement to welfare benefits, public housing or financial support from the Home Office. It applies, amongst others, to care leavers and those with caring responsibilities for children. Such migrants have usually entered the UK through the labour migration, family or asylum routes.<sup>1</sup> 'Irregular migrants' who have exhausted their lawful stay also have NRPF while EEA nationals who do not meet their conditions of stay may not be able to access public funds. However, individuals with NRPF, whilst not eligible for public funds, might still be eligible for local authority assistance under:
  - **Section 17 of Children Act 1989** – This puts a duty on all local authorities to safeguard the welfare of children in their area and to promote their upbringing by their families. To support this local authorities may provide assistance in kind, accommodation or cash.
  - **Section 21 of the National Assistance Act 1948** – this confers a duty on local authorities to support, with accommodation and subsistence, people who are ill, disabled or an expectant or nursing mother. In the case of people with NRPF, this applies only if their need does not arise because of destitution alone.
8. Assistance under these acts is not defined as 'a public fund', hence why individuals with NRPF are not excluded from these provisions. Local authorities have a duty to provide assistance to individuals under these acts if the following criteria are met:
  - The individual can prove they are the territorial responsibility of the council to which they are applying for assistance.
    - In the case of families, this means that the need which gave rise to the presentation to the local authority occurred within that same local authority (i.e. they became homeless there).
  - They are genuinely destitute with no other means of support available to them.

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<sup>1</sup> Background paper - Local government welfare responses to migrant families who have 'no recourse to public funds' Centre on Migration, Policy and Society (COMPAS), University of Oxford [https://www.compas.ox.ac.uk/fileadmin/files/Publications/Research\\_projects/Welfare/No\\_Recourse\\_to\\_Public\\_Funds\\_Summary\\_Paper.pdf](https://www.compas.ox.ac.uk/fileadmin/files/Publications/Research_projects/Welfare/No_Recourse_to_Public_Funds_Summary_Paper.pdf)

- The threshold for destitution is high and is defined as not having the means to provide for accommodation or essential living needs.
  - They are not excluded from support by schedule 3 of the nationality Schedule 3 of the Nationality Immigration and Asylum Act 2002.
    - This includes people with refugee status from abroad, a person who has nationality of another EEA state (unless to exclude them would breach their treaty rights), a failed asylum seeker, a person unlawfully present in the UK (if an individual does not have legal status in the UK but is in the process of seeking to regularise their stay, they are not excluded from support). However, authorities can still be compelled to provide services to individuals excluded by virtue of their immigration status where that refusal would be a breach of their human rights.
  - (In the case of single adults) They meet the Local Authority's care thresholds for support and can show their need did not arise out of destitution alone.
9. For those who meet these criteria, following the completion of the relevant social care assessment, individuals may be provided with accommodation, subsistence and other services assessed as required to meet their needs. Local authorities receive no financial support from central government for this group of service users.

### **Drivers of demand for NRPF**

10. A number of national factors have contributed to rising demand for services around people with NRPF. Whilst some of these are local factors and unique to Lewisham and neighbouring boroughs, the majority are national or international issues relating to government policy and EU case law. The increase in NRPF is the result of a lot of things all coming together at the same time: the economic downturn, private sector rent increases, changing case law and local conditions in SE London.

### Immigration policy and resourcing

11. It is fair to say that, until fairly recently, much of the debate around immigration has been focussed on asylum. This has meant that managed immigration has not really been actively managed, controlled or looked at. Most people presenting to local authorities as a NRPF case first entered the Country in a managed way, but the main focus of immigration resourcing, scrutiny and enforcement has been on asylum and not on the primary route of entry for NRPF cases.
12. In addition, whilst there used to be specialist teams dealing with asylum cases in many other local authorities, including Lewisham, many of these were disbanded when the National Asylum Seeker Service was established in 2000 and picked up the cases being dealt with by local councils. This meant that much of the specialist immigration knowledge in local authorities, which did include knowledge of NRPF cases, was lost.

13. In 2012 there were a couple of changes to immigration policy had a specific impact on NRPF cases. Firstly the charges for someone coming to the UK as a child or spouse were increased, which closed down an affordable route into the country for many people. This increased the number of people who then entered the UK as a visitor and then never left. Secondly, the 7 year old child concession was reinstated, which meant that if someone had been in the country with a child for 7 years it was against the child's rights to remove them if they had not had contact with their home country.
14. It is accepted that there is a significant backlog of cases on immigration applications and appeals; and this has significantly reduced the speed of decision making. This is related in part to the number of appeal stages built into the immigration process. The majority of NRPF cases are supported by local authorities pending the outcome of immigration decisions made by the Home Office. The cost for local authorities of providing support is related to the length of time it takes for the Home Office to resolve the immigration status of individuals and families, as they remain reliant on local authority support during the immigration application process.
15. The UK does not carry out 'amnesties' for large numbers of people who have been in the UK for a long time. Because of this, many people have been in the country for a long time without having a firm decision or action taken over their status. The Home Office is currently pursuing a policy approach of creating a harsher environment for those in the country illegally, such as restricting access to driving licenses and bank accounts. The aim is that this harsh environment will force people to leave the country as their lives will not be sustainable. From a Home Office perspective this will reduce the need for costly deportations and discourage future migrants.<sup>2</sup>
16. The Committee noted that the officers and witnesses contributing to the review's evidence sessions were in agreement that, over the years, the Home Office had not coherently stuck to policy, which had exacerbated matters.

#### Recent legal changes

17. Immigration case law surrounding NRPF has developed in the last few years, with a number of key cases that have had a major impact. The Zambrano ruling means that non EEA nationals who are the primary carer of a dependent British child have a right to reside and work if the British child would be otherwise forced to leave, but not to claim benefits. The Clue vs Birmingham case changed case law so that individuals only had to be intending to make an application to the Home Office, rather than having an application registered. In addition, assessment of human rights claims used to have to be submitted and reviewed in one go, however it can now be assessed separately, criteria by criteria, which delays the legal process and introduces more stages.

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<sup>2</sup> Immigration Bill Factsheet  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249251/Overview\\_Immigration\\_Bill\\_Factsheet.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249251/Overview_Immigration_Bill_Factsheet.pdf)

18. There is now more limited access to legal aid for immigration appeal work. Legal Aid changes that came into effect in April 2013 mean that some types of case are no longer eligible for public funds, including divorce, child contact, welfare benefits, employment, clinical negligence, and housing law except in very limited circumstances. The changes also reduced the amount of money available for solicitors carrying out Legal Aid work. However, judicial review continues to attract funding, which has meant that the number of judicial reviews being launched has increased as lawyers can generate income challenging decisions. There has been an increase in the use of this mechanism to challenge local authority decisions on whether to support an individual with NRPF under the Children Act or National Assistance Act. The Committee heard that solicitors sometimes gave false hope to families about their ability to access local authority funds which meant that the families were potentially missing out on better and more practical advice.

#### Economic downturn and welfare reform

19. The economic downturn has had an impact on the numbers of people presenting as NRPF. Economic pressures have meant that some of the support networks people were using have fallen away. Many NRPF families that Lewisham is now supporting claim that they had been earning living from jobs in the informal economy but that there had been less of this type of work available since the downturn. Additionally, individuals have presented on the basis that the British citizen who had been supporting them no longer had the financial means of doing so. A factor in this is rising private sector rents as the people supporting the person with NRPF could no longer afford to pay their share of the rent.
20. Changes to the welfare system have increased the pressure on many families. Individuals who might have previously been supported by friends or family in spare rooms no longer have this option available due to the changes introduced under the 'bedroom tax'. The abolition of Council Tax benefit and the launch of the Council Tax Reduction Scheme could also have introduced further financial pressures on families on low incomes<sup>3</sup>. Policy changes affecting EEA nationals' access to JSA and Housing Benefit are also starting to give rise to increasing numbers seeking support.

#### Local factors

21. In addition to national factors, there are some local factors that have contributed to the high numbers of NRPF cases in Lewisham and South East London. One is that Croydon has a hub for face to face contact for immigration applications made to the Home Office, which means that those seeking NRPF support may be in the area. Lewisham's demography is also a factor, with large numbers of Jamaican and Nigerian families who are statistically more likely to present as NRPF. The previous lack of robust systems for checking NRPF

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<sup>3</sup> As part of its wide-ranging changes to the welfare state the Government abolished Council Tax Benefit (CTB) and asked Councils to develop new local Council Tax Reduction Schemes (CTRS) to replace it. However, the Government only provided funding for this scheme at 90% of the expenditure needed to provide CTB so it has been difficult for local authorities to support families at the same level.

eligibility in social care assessment could also have promoted the reputation of Lewisham as a 'soft touch'.

## **The extent of the NRPF problem**

### The national and London-wide situation

22. The NRPF network estimates that there are approximately 1,587 households with NRPF receiving local authority support at an annual cost of £25.5m. They also suggest that 75% of this cost is borne by London councils. However, this is based on evidence from only 23 local authorities nationally and it is not easy to compare spend and caseloads on NRPF across London boroughs. This is because there is no comprehensive reporting on this type of expenditure and most local authorities do not have systems which enable them to robustly record the immigration status of those they are supporting.
23. Over the last six months, Lewisham council has worked closely with colleagues with responsibility for NRPF services in neighbouring boroughs to understand the demand pressures felt by other boroughs and the processes being used to manage these. The intelligence gathered suggests that the NRPF network figure significantly under-estimates the scale of this pressure. Across Lewisham, Lambeth, Southwark, Greenwich and Croydon alone, data suggests that the number of cases being supported is in excess of 1,000 and that costs per case are in line with Lewisham's unit cost of £22k rather than the £16k suggested by the NRPF network report.
24. Furthermore, many of the local authorities Lewisham have spoken to have only just begun to examine this cost pressure in any level of detail and as such, it is likely that once thorough investigation and more accurate recording systems are put in place, reported numbers will rise further. Lewisham is ahead of the curve in this regard, with only a few other authorities having taken action to address NRPF. Wandsworth put a team in place early to deal with NRPF, while Southwark is working to procure properties outside London to address the rising costs. The NRPF Network informed the Committee that it thought that understanding of NRPF had increased recently, partly because of tightened budgets which had emphasised the critical nature of the issue and brought it to the fore. However, local authorities do not always have the staffing resource to support data collection around NRPF, while others, such as Birmingham, have reviewed NRPF but are not involved in the NRPF Network. However, it is clear that different local authorities have different issues in regard to NRPF, for some the main source might be EEA migrants, rather than visa overstayers which are more typical in London.
25. In terms of managing demand, engagement with other London boroughs has identified that the issues experienced by Lewisham in terms of establishing effective assessment and case management for these groups are similar. Issues reported include:
  - Capacity, skills and knowledge gaps amongst social work services to robustly assess eligibility against immigration, destitution and territory criteria.

- Ad-hoc evidence that fraud levels might be high but that robust assessment practices are not well enough established to prove this.
  - IT systems for recording information that do not enable comprehensive recording of immigration status and spend.
  - Difficulties procuring appropriate and affordable properties.
26. In response to these issues, councils have been pursuing a number of strategies including:
- Employing specialist workers located within social care departments.
  - Appointing fraud officers to work directly with social workers.
  - Appointing project leads to conduct more systematic reviews of issues and solutions.
  - Setting up specialist teams (for example Wandsworth have an ineligible cases team dealing with NRPF alongside other ineligible cases resulting from negative housing decisions).
  - Procuring properties outside of London.

### The role of central government

27. As noted in the 'drivers of demand' section of this report, because the Home Office can take a long time to assess cases, people are staying illegally in the UK for a longer period of time upping the chances of them requiring access to NRPF support. The majority of NRPF cases are supported by local authorities pending the outcome of immigration decisions made by the Home Office. Local authorities can become tied to long periods of support if decisions on applications for Leave to Remain (LTR) are not decided expediently or removal processes are delayed.
28. At the evidence sessions, officers highlighted that NRPF is an example of Central Government working in silos. The Home Office has only recently started working with the Department for Communities and Local Government on this issue.
29. Representatives from the NRPF Network and London Councils highlighted that debating funding with the Home Office has proved difficult. At the start of 2014 the DCLG and Home Office took part in a round table discussion on NRPF, which included service and finance pressures as well as caseload and demand, including the need to secure additional funding for local authorities. The DCLG and Home Office challenged back on the costs, highlighting the need to reduce costs and processes. London Councils is looking at how local authorities and the Home Office can work together, including clarifying roles and responsibilities and looking at best practice for service delivery.
30. The DCLG and Home Office have also challenged the evidence base, but the NRPF Network aims to provide a solid evidence base via the NRPF Connect database. This should enable better negotiation with the Home Office on NRPF and also help hold them to account on their performance. The Committee heard that the NRPF Network was getting to a critical mass where it was gathering a lot of information and evidence. 35 local authorities will be involved by the end of the 2014/15, including major authorities outside London such as Manchester.

31. Ultimately the aim of the Network's work is for there to be a recognition from central government that their approach to immigration policy and legislation has contributed to the growth of NRPF claimants presenting to local authorities and for funding to be provided to address this unfunded cost shunt. If it is possible to regularise the stay of people quickly, then they will be entitled to benefits, and costs can be pushed back to the DWP.
32. The Committee also heard that MPs sometimes became involved in NRPF cases without being fully aware of the situation and context surrounding NRPF. Officers in Lewisham have arranged meetings with MP caseworkers to raise awareness and increase their knowledge.

### The situation in Lewisham

33. The Public Accounts Select Committee first became aware of the issue of NRPF in June 2013, when it was brought to the Committee's attention as part the Committee's budget monitoring responsibilities. The Committee discussed the issue, as part of the regular Revenue and Capital Budget Monitoring reports that it receives, on a number of occasions. The Financial Outturn Report 2013/14, reviewed by the Committee in July 2014, highlighted that NRPF clients had created a cost pressure of £4.6m for the year. This was based on the data available within the social care system and relied on the accurate classification as people as NRPF.
34. After this, further analysis was conducted to cleanse the data held in social care systems. As a result of this exercise it was possible to identify further individuals being supported who in fact have NRPF. This, combined with a sharp increase in demand for services in 2013 and 2014, significantly impacted on projected spend in this area. The cost pressure to the local authority at June 2014 stood at £6.2m and the total number of cases being supported was 278.
35. The number of people with NRPF presenting to the local authority seeking support has risen dramatically in the last few years with a particularly sharp increase in 2013 prior to the review of service arrangements:

Date	Number of cases accepted*	Annual cost of new case acceptances	Cumulative number of cases	Cumulative annual cost of cases
Pre 2008	7	£ 154,000	7	£ 154,000
2008	4	£ 88,000	11	£ 242,000
2009	11	£ 242,000	22	£ 484,000
2010	9	£ 198,000	31	£ 682,000
2011	15	£ 330,000	46	£ 1,012,000
2012	56	£ 1,232,000	102	£ 2,244,000
2013	142	£ 3,124,000	244	£ 5,368,000
2014**	34	£ 748,000	<b>278</b>	<b>£ 6,116,000</b>

\*All cases listed were still open at transfer to the pilot team in June 2014

\*\*This only includes cases accepted between January 2014 and June 2014 prior to the NRPF pilot start

36. At its peak in January to March 2013, the Council was accepting approximately 17 cases per month with the average number of acceptances between January 2013 and June 2014 at 9.7 cases per month.
37. If cases had continued to be accepted at this rate (and based on evidence on the infrequency of case closures), spend on this client group could have reached £15.7m by the end of the 2017/8 financial year.

	Projected number of clients	Projected annual cost
By April 2015	365	£ 8,036,600
By April 2016	482	£ 10,597,400
By April 2017	598	£ 13,158,200
By April 2018	715	£ 15,719,000

38. Most NRPF cases were being picked up within social care, which is not best equipped to deal with it. There are a number of reasons for this, including that assessment by social workers prioritises safeguarding (especially after the increase in Child Protection cases in 2012/13) and not NRPF eligibility criteria. NRPF involves complex immigration law, which is not part of social work role and can make the decision making process difficult. Anecdotal evidence suggests that a number of NRPF claims are dubious or fraudulent.
39. Almost all of Lewisham's current NRPF caseload are families where a woman is the primary applicant. The average age of applicants is 36 and the average number of children per family is 2. The majority of NRPF individuals currently being supported by the local authority are Nigerian (43%) or Jamaican (39%). The remaining 18% of cases have nationalities from 24 countries across the world. The majority (66%) of those currently being supported are classified as visa overstayers, with a further 19% having being granted limited leave to remain. The remainder include illegal entrants, failed asylum seekers on reporting restrictions and those whose status is yet to be determined. Many have been in the UK for a number of years and some have been in the UK for so long that they are not clear on their own status and what they are entitled to. Many will also have children who have one British parent. The demographic profile and immigration status of applicants in Lewisham is similar to neighbouring boroughs.

## How Lewisham has addressed the issue

### Assessing the NRPF problem

40. In January 2014, a review of the NRPF assessment and case management process in Lewisham to determine how well the authority was balancing its policy, legislative and financial duties, concluded. The review sought to identify issues and define alternative approaches which could be used to address these to ensure a robust and fair assessment and case management approach was in place.
41. The review made a number of recommendations for improvements to processes and operational structures. The recommendations included:



- Establishing a dedicated NRPF team with responsibility for assessing eligibility for services for all new applications for support.
  - More active engagement with the Home Office to manage cases and seek faster resolution to immigration applications.
  - Greater integration with our fraud service for the investigation of the circumstances of new and existing cases.
  - Establishing dedicated legal capacity for responding to the increasing number of threats of judicial review.
  - Making better use of the specialist housing procurement expertise already established in the council to ensure that when support is provided it is in a manner which is cost effective for the local authority.
42. In June 2014, funding of £350k was agreed for a six month pilot to test the impact of these recommendations on managing demand and cost pressure. The funding was used to:
- Employ a dedicated team of 5 caseworkers and a manager to be responsible for all new assessment and case management.
  - Second a Home Office worker to be embedded within the pilot team to conduct live status checks and ensure prompt liaison on specific cases.
  - Back fill a post within our legal services department to ensure that specialist expertise could be made available to the new pilot team.
  - Fund a fraud prevention officer to work specifically on dealing with investigations arising from the activity of the pilot team.
  - Establish capacity in our housing procurement team to manage the sourcing of emergency and ongoing accommodation for this client group.
43. Alongside the new organisational capacity, the new team was supported by a number of technical and process changes for assessment process including:
- Developing a scripted assessment process that uses anti-fraud techniques including credit checking, accessing council and Home Office information.
  - The use of credit checking facilities to check the financial histories of applicants.
  - A range of new processes for assessment including the use of signed declarations, waivers and more intensive checking of circumstances using data available on applicants from other council systems and Home Office records.
44. New processes were established for ongoing case management including the identification of cases for which there are grounds to ask the Home Office to grant access to public funds and a process for providing transitional support for those whose application is successful. Shared processes were established with the Home Office for dealing with cases where there is no application and the person is therefore excluded from all support, including our own.
45. The focus of the pilot team has been on eligibility for NRPF, with robust and fair processes developed to establish eligibility. Social care need is then assessed outside the pilot team once eligibility has been determined. There has been

dedicated legal support on hand for the pilot team and there has been close working with housing as well as the officer seconded from the Home Office. Officers at the evidence sessions stressed that it had been important to develop a consistent, fair and defensible process for assessing NRPF cases. The organisation can then be confident that decisions have been correctly made and can be stuck by. This is important as support for NRPF can extend over a number of years, so it is vital to get the eligibility process right. In addition there has been an unprecedented degree of challenge to the process. People have re-presented numerous times and other public services such as health have sometimes re-introduced people. The voluntary sector has steered people towards the local authority, while law centres and private practice lawyers have also done so. Despite this, since the start of the pilot project no challenge has been successful, which shows that the eligibility criteria used is correct and evidence based.

### Results of the pilot approach

46. Since the start of the pilot in June 2014, there has been an average of 8 new cases presenting to the local authority for assistance each week (32 per month). In the first 4 ½ months, the pilot saw 145 new cases seeking support. Of these:
- 127 (88%) were refused support at the initial triage assessment on the grounds that they did not meet all of the three eligibility criteria.
  - A further 18 cases (12%) were temporarily supported whilst a more thorough investigation of their circumstances was conducted.
  - 6 cases resulted in support being offered on an ongoing basis. This represents 4% of the total number presenting and is the equivalent of 1.3 acceptances per month.
47. The savings associated with this approach were quantified by comparing the pilot case acceptance rate of 1.3 cases per month against the acceptance rate prior to the pilot of 9.7. Based on an average spend of £22,000 per case, spend commitments relating to new cases have reduced from c. £215,000 to c. £30,000 per month. This is a monthly saving to the authority of c. £185,000 and an annual saving of c. £2.2m.
48. The table below demonstrates what this might mean in terms of committed spend over the next three years:

	pre-pilot process		pilot process	
	annual cost of new cases	cumulative cost of new cases	annual cost of new cases	cumulative cost of new cases
<b>Year1</b>	£ 2,560,800	£ 2,560,800	£ 343,200	£ 343,200
<b>Year 2</b>	£ 2,560,800	£ 5,121,600	£ 343,200	£ 686,400
<b>Year 3</b>	£ 2,560,800	£ <b>7,682,400</b>	£ 343,200	£ <b>1,029,600</b>

49. Those that are not accepted are signposted toward relevant places where they can access help and support.
50. As noted at paragraph 34, a significant amount of work on the part of both social care services and the new pilot team was spent on the case transfer in terms of confirming the number of cases being supported and cleansing the data held on each of these cases in order to ensure that they can be appropriately reassessed for ongoing eligibility. As a result of this analysis, the pilot has identified that the number of NRPF cases was actually much higher than had originally been predicted. At the time of concluding the report in January 2014, the caseload was estimated at 178. The total number of cases, following data cleansing, transferred to the new pilot team by the end of October was 278.
51. There are some cases which are currently being supported, for which it is possible to withdraw support. 27 cases being supported by Lewisham have been granted code 1a status by the Home Office meaning that they can be transitioned away from local authority support to mainstream benefits. 32 cases being supported do not now have a valid application with the Home Office and therefore the local authority must seek to terminate its arrangements for support unless human rights grounds prevent this. Lewisham has been engaging directly with the Home Office family removals team to agree an approach for dealing with these cases.
52. If the local authority can effectively terminate support on these cases and transition either to mainstream benefits or to the control of the Home Office, the full year savings are as follows:

	<b>Number of cases</b>	<b>Saving</b>
<b>Code 1a</b>	27	£ 594,000
<b>No valid application</b>	32	£ 704,000
	<b>Total</b>	£ <b>1,298,000</b>

53. Given the complexities with terminating support, it is likely to be February/ March that savings can be delivered meaning a full year impact will not be felt until the financial year 2015/16.
54. Additionally, Lewisham has conducted 71 reassessments of existing NRPF cases which have been transferred to the pilot team, resulting in a decision to terminate support on 24 cases (approx. 33%). The decision to terminate support on these cases is either because: other sources of income have been identified, the client has been granted recourse to public funds or because their immigration status has been resolved. The full year financial impact for closing these cases is expected to be around £500k. Therefore, the overall estimate is

that the NRPF pilot will result in a plateau of spend for 2014/15, with significant budget reductions starting to be evident from 2015/16 onwards.

55. Following its second evidence session, the Committee was informed that the pilot had been extended for a further six months until June 2015.

#### Lessons learnt from the pilot

56. Lewisham identified the problem of NRPF early on, compared to other local authorities and has worked to fix the 'leaky roof' of increased NRPF cases. Lewisham has improved a lot in regard to NRPF, with neighbouring authorities such as Lambeth and Greenwich only just starting to realise the extent of the problem. A full evaluation of the impact of the NRPF pilot will be compiled in Spring 2014 but some lessons have already been learnt from the pilot.
57. Splitting eligibility assessment and need assessment has been effective as the difficulty balancing both elements of assessment tended to make need outweigh eligibility. This goes some way to explaining the higher number of acceptances prior to the start of the pilot. In addition, conducting robust assessments relies on the collection and collation of a range of complex information and requires skill and expert immigration knowledge which is not necessarily amongst the knowledge base of those carrying out social work assessment. Using a small team for the pilot has been very effective. Previously there were a wide number of people all dealing with applicants, which meant applicants could reapply and be fairly confident they wouldn't see the same person. This is not the case now and the team regularly shares information on those presenting as NRPF.
58. Housing is the main driver for individuals seeking support, with many applicants presenting originally to the Housing Options Centre before being signposted to the NRPF team. Given their immigration status, applicants will not be entitled to access social housing and accommodation must be procured in the private rented sector. Lack of availability of affordable private sector options locally has meant that searches now have to be undertaken of a wider geographical area (including outside London) to ensure that the housing procured continues to be viable for the family beyond local authority support timeframes. The NRPF team have been working more closely with the housing procurement team which has reduced the cost of accommodation through better procurement.
59. The process for putting in place a robust front-door, whilst not easy, has been more straightforward than the process for terminating cases that have already been supported for a number of years. Particularly for cases which have been granted access to benefits, getting in place arrangements for a smooth transition to benefits, including finding suitable accommodation has proved challenging. This is particularly important because, unless suitable alternatives can be put in place, the service risks bouncing individuals from social services support to housing support which merely moves the pressure around the council rather than addressing the root cause. This highlights that the key to management of NRPF is early identification, thorough assessment and then active management of cases. Situations can change and eligibility is a part of

this. Resources can be expended on people that meet the eligibility criteria, but subsequently the changing situation can mean they do not meet the criteria.

## **Future pressures**

60. Throughout the review, the Committee sought to identify future pressures that could impact on NRPF and therefore have a significant impact on Lewisham's financial situation. Some future pressures have already been identified in the report, but this section brings them together.

## Central Government

61. The key role of central government in the issue of NRPF has been identified throughout this report. Changes to policy from central government could have a significant impact on NRPF, with changes to benefits for EEA nationals as well as EU case law potentially increasing numbers.
62. It is likely that demand due to NRPF will increase further as a result of welfare reforms affecting EEA nationals and the Immigration Act. On 1<sup>st</sup> April 2014, the Department for Work and Pensions (DWP) brought in a number of changes affecting the extent to which EEA nationals were able to access benefits in the UK. The key changes introduced were:
- No entitlement to income-based JSA for those in the UK for less than three months.
  - No income-based JSA for EEA migrants after three months (previously six months) unless the DWP assesses that they have a 'genuine prospect of work'.
  - No entitlement to Housing Benefit for EEA jobseekers. DWP figures suggest that London has approximately 177,000 of the 397,000 non-UK national benefit claimants (45% of the total).<sup>4</sup>
63. If the proportion of EEA nationals is the same as non-UK nationals as a whole, then the financial burden for the 32 London local authorities would be between £101m and £169m per annum. This is equivalent to between £3.2m and £5.3m per local authority per annum. It should be noted that it is likely that costs would be at the upper end of the range because of higher accommodation costs in London.
64. The forthcoming Immigration Act, which promotes the 'hostile environment' to immigration mentioned elsewhere in the report, will introduce a number of measures including tightening access to bank accounts, driving licenses and private rented sector accommodation for people who are here illegally. This is likely to increase the number of cases being identified and subsequently presenting to Lewisham Council, although the numbers are unknown. However, the Immigration Act will reduce the number of appeal stages in the current

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<sup>4</sup> DWP Quarterly Statistical Summary – August 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/344650/stats-summary-aug14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344650/stats-summary-aug14.pdf)

immigration decision making process from 17 to 4 which should help speed up case-resolution.

65. The Care Act 2014 will reform the provision of care and support to adults, consolidating current legislation and implementing new duties on local authorities. Some changes will come into effect in April 2015 and the rest will be implemented in April 2016. Section 8(1) Care Act 2014 sets out how needs may be met, which includes the provision of “accommodation in a care home or in premises of some other type”. The draft regulations set out a three-stage eligibility test to determine whether a local authority will have a duty to meet a person’s needs. Concerns have been raised by the NRPF Network<sup>5</sup> that the Care Act and draft eligibility regulations do not appear to consider the needs of those people who have no access to mainstream benefits and housing. They highlight that it is unclear whether it will still be the responsibility of the local authority to provide accommodation to asylum seekers and refused asylum seekers who have care needs, who would otherwise be accommodated by the Home Office.

#### Housing costs

66. If greater numbers of migrants with NRPF are able to access accommodation from the local authority, then this would be very costly to local authorities when NRPF service provision is not funded by central government. Housing is by far the biggest subsidy that the local authority has to pay out, bigger than other costs such as subsistence and support. Housing costs within Lewisham, as elsewhere in London, are high and therefore the cost to the local authority is high. In addition, high cost accommodation in London may be unsustainable for the family receiving assistance as it may be unaffordable for them under housing benefit, should their stay be regularised. Increased sustainability in the housing provided is needed and this means accommodation that is not necessarily in London due to the high costs.

#### Dealing with existing caseloads

67. The key to the long term control of NRPF expenditure is to have processes in place for bringing claims to an end, even though there is a certain amount of reliance on the Home Office for this. Due to the large number of cases that Lewisham is already supporting, these need to be dealt with effectively in order to ease the financial pressure and to accommodate future eligible NRPF claimants. Officers at the evidence sessions highlighted that now that the pilot is in place and a robust entrance has been established, there will be a renewed emphasis on dealing with the case review process to seek to reduce existing caseloads by dealing with cases who are no longer eligible for our support. There will also be further focus on seeking to move those who we are likely to be supporting longer term to more affordable accommodation which is

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<sup>5</sup> NRPF Network – response to Department of Health consultation on the Care Act 2014  
<http://www.nrpfnetwork.org.uk/Documents/Care%20Act%20Consultation%20response%20August%202014.pdf>

sustainable in the longer term if families are granted leave to remain and access to benefits.

### Shared delivery

68. There is significant overlap between Lewisham and its neighbouring boroughs in terms of the issues experienced and number of cases being supported. Lewisham, Greenwich, Lambeth and Southwark councils have all been working closely together over the past few months to share approaches and possible solutions. There is an appetite across these other boroughs to implement an approach similar to the Lewisham pilot and to explore opportunities for delivering this service jointly. In particular, this would help to reduce the number of re-presentations between local authorities and improve the richness of data held on individuals presenting, meaning that trends and patterns at a regional level can be more easily identified.
69. The council recently submitted a bid to the DCLG for funding as part of its counter fraud initiative to develop a shared process and system across 5 boroughs (ourselves, Lambeth, Southwark, Greenwich and Bromley) to create a more integrated approach for dealing with NRPF cases. Discussions have been based on developing a model similar to that adopted in Lewisham. The application has been successful and officers are hopeful that they will be able to use this as the basis to explore whether a shared service model could be effective for this type of service.

### **Monitoring and on-going scrutiny**

70. In order to monitor the implementation of the review recommendations, if accepted by the Mayor, the Committee would like a progress update in six months' time.

# Agenda Item 7

<b>Mayor and Cabinet</b>			
<b>Title</b>	Matters referred by Children and Young People Select Committee – Young People’s Mental Health Review		
<b>Key Decision</b>	No	<b>Item No.</b>	
<b>Contributors</b>	Children and Young People Select Committee		
<b>Class</b>	Part 1	<b>Date</b>	18 February 2015

## **1. Purpose**

- 1.1 This report presents the final report and recommendations arising from the Children and Young People Select Committee’s Young People’s Mental Health Review, which is attached at Appendix A.

## **2. Recommendations**

- 2.1 The Mayor is recommended to:
- (a) Note the views and recommendations of the Committee set out in the main report at Appendix A.
  - (b) Agree that the Executive Director for Children and Young People be asked to prepare a response to the Review’s recommendations.
  - (c) Ensure that a response is provided to the Young People Select Committee.

## **3. Context**

- 3.1 The review was scoped in October 2014; a meeting with young people involved in the HeadStart Young Persons Steering Group was also held in October 2014; and an evidence gathering session was held in November 2014. Recommendations were discussed and further information provided in December 2014 and the Committee agreed the final report and the recommendations in February 2015.

## **4. Financial Implications**

- 4.1 There are no financial implications arising out of this report per se, although the financial implications of the recommendations will need to be considered in due course.



## **5. Legal Implications**

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director; and report back to the Committee within two months (not including recess).

## **6. Equalities Implications**

- 6.1 The Council works to eliminate unlawful discrimination and harassment, promote equality of opportunity and good relations between different groups in the community and recognise and take account of people's differences.

## **7. Crime and Disorder/Environmental implications**

- 7.1 There are no specific implications.

## **BACKGROUND INFORMATION**

If you have any queries on this report, please contact Charlotte Dale, Interim Overview and Scrutiny Manager (0208 3149534), or Kevin Flaherty, Head of Business & Committee (0208 3149327).

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# Overview and Scrutiny

## Young People's Mental Health Rapid Review

### Children & Young People Select Committee Select Committee

February 2015

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#### **Membership of the Children & Young People Select Committee in 2014/15:**

**Councillor John Paschoud (Chair)**

**Councillor Brenda Dacres (Vice-Chair)**

**Councillor Chris Barnham**

**Councillor David Britton**

**Councillor Liz Johnston-Franklin**

**Councillor Hilary Moore**

**Councillor Jacq Paschoud**

**Councillor Joan Reid**

**Councillor Luke Sorba**

**Councillor Alan Till**

**Sharon Archibald (Parent Governor Representative)**

**Lisa Palin (Parent Governor Representative)**

**Mark Saunders (Parent Governor Representative)**

**Gail Exon (Church Representative)**

**Monsignor Nicholas Rotheron (Church Representative)**

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## Chair's Introduction

It was very clear to members of the Select Committee that mental health is an important issue for many young people in Lewisham. When some of us were able to listen to young people who not only have individual experience of these problems, but have come forward to help shape future services for others too, it was also clear how passionately they felt and cared about this.



What became apparent when we heard from professionals involved in providing current services, and those devising and delivering the HeadStart programme in Lewisham, was that services perform well - but that they focus provision and resources mainly on those with acute needs for the most urgent help. Whilst waiting times for services are comparatively good, any wait can feel like “too long” for a young person who is going through a period of mental ill health.

The past focus on acute need means that universal and targeted services in Lewisham have not yet been developed to meet all needs. HeadStart offers us an opportunity to develop these universal services and to build the mental resilience of young people. The early stages of HeadStart have shown excellent results and promise, and the select committee wholeheartedly supports the young advisors, staff, partner organisations and CAMHS professionals involved in bidding for substantial further resources to expand this work.

One common cause of stress, and sometimes of resulting mental health problems for young people, is the stigmatisation of just identifying with “having a mental health problem”. Another stress recognised by many was the pressure exerted by schools and colleges to perform academically - for the benefit of collective as well as individual achievement. Whilst the committee and the young people reporting this all saw the point of achieving the best that each individual can, our recommendations have attempted to reflect these and other issues in urging institutions to balance pressure with care for the well-being of each young person. Information and signposts to sources of help must continue to be available to young people not just from schools but also from a range of other places such as youth clubs and advice centres, and we must bear that in mind when making decisions about the future affordability of such ‘non-statutory’ services and venues.

Our thanks are due to all of the Lewisham Council officers, staff and volunteers from partner organisations, and young people involved in the HeadStart steering group who have met with us, presented us with evidence, and made suggestions. I hope we have adequately reflected your concerns in this report and our recommendations, and that your time and effort will have had some influence on decisions made for the future.

Finally I would like to express the thanks of myself and the select committee for the tireless work of our small but dedicated team of scrutiny support officers, and in particular Andrew Hagger who has done most of the hard work of keeping the process of this review, as with so many others before it, in order and the outcome so well presented.

Councillor John Paschoud

Chair of the Children & Young People Select Committee

## 1. Recommendations

- 1.1 The Committee supports the work being carried out by Lewisham Council and partners on the HeadStart Programme and supports efforts to bid for the next stage of funding.

The Committee recommends that:

- R1. While waiting times for CAMHS services in Lewisham are well within set targets and are performing well in comparison to neighbouring boroughs, any wait can feel like a long time when a young person is experiencing mental health difficulties. Therefore the Committee recommends that the ability of CAMHS to respond appropriately to mental health issues should be maintained and, if possible, improved.
- R2. Further integration of mental health support and intervention across levels of need should be explored with the aim of ensuring that young people and agencies know how and where to access appropriate support early, reducing the time between identifying a need for support and/or intervention and the provision of this support and/or intervention.
- R3. As identified throughout the report, it is important that awareness and education about mental health are improved. This will enable young people affected by mental health issues to identify and seek appropriate help and advice, and assist those who work with and care for them to provide access to it. Accordingly, the Committee recommends that further work is carried out to raise awareness of mental health issues amongst young people and the population in general.
- R4. As part of this, awareness raising and increased acceptance of mental health issues as a normal part of life should be included in the local outcomes for the HeadStart programme.
- R5. In addition, schools should continue to build upon the work that has already been carried out in the borough to improve education, awareness and support around young people's mental health.
- R6. The strong governance systems and good stakeholder engagement that is in place in the HeadStart Programme in Lewisham should continue.
- R7. The Children & Young People Select Committee should carry out further work looking at the incidence of self-harm amongst young people in the borough and why this has increased.
- R8. The Children & Young People Select Committee should carry out further scrutiny of the HeadStart Programme as it progresses.

## 2. Purpose and structure of review

- 2.1. On 1 July 2014, the Committee decided as part of its work programme to undertake a rapid review of children and young people's emotional well-being and mental health provision in Lewisham.
- 2.2. Lewisham's Sustainable Communities Strategy<sup>1</sup> sets out six key priorities for the borough as a whole. The review falls under the 'Safer' priority, which aims to keep our children and young people safe from harm, abuse and criminal activity as well as the 'Healthy, Active and Enjoyable' priority which aims to improve health outcomes and tackle the specific conditions that affect our citizens.
- 2.3. Lewisham's Children and Young People's Plan<sup>2</sup> for 2012-2015, entitled 'It's Everybody's Business' sets out key areas for impact and priorities surrounding children and young people. This review will fall under the 'Be Healthy' (BH6) priority, which aims to 'Promote Mental and Emotional Well-being'. Furthermore, mental health has been identified as one of nine Health and Well-Being Board priorities.
- 2.4. The Committee considered a scoping report at its meeting on 2 October and agreed the following key lines of inquiry for Young People's Mental Health rapid review:
  - In order to understand mental health service provision for children and young people, the Committee should address the following key questions:
  - What are the emotional wellbeing and mental health needs of the children and young people of Lewisham
  - What services are in place to meet these needs
  - How can examples of current good practice and research be used to meet the gaps in service provision.
- 2.5. The Big Lottery Fund (BLF) HeadStart project takes a universal and strategic approach to mental health in the borough and could have a significant impact on the mental health of young people in Lewisham. Therefore the Committee is recommended to focus on the work being carried out in this area. The Committee should consider the following key lines of inquiry:
  - How is the Big Lottery HeadStart project developing new ideas for providing services or providing new services
  - How are these new ideas and approaches being embedded into local provision
  - How are young people involved in developing and shaping their own services, do young people feel they are actively involved
  - Whether young people are being targeted outside of a school setting

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<sup>1</sup> Lewisham's Sustainable Community Strategy 2008-2020  
<http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/Sustainable%20Community%20Strategy%202008-2020.pdf>

<sup>2</sup> Lewisham Children and Young People's Plan 2012-2015  
<http://www.lewisham.gov.uk/mysservices/socialcare/children/Documents/CYPP2012-15.pdf>

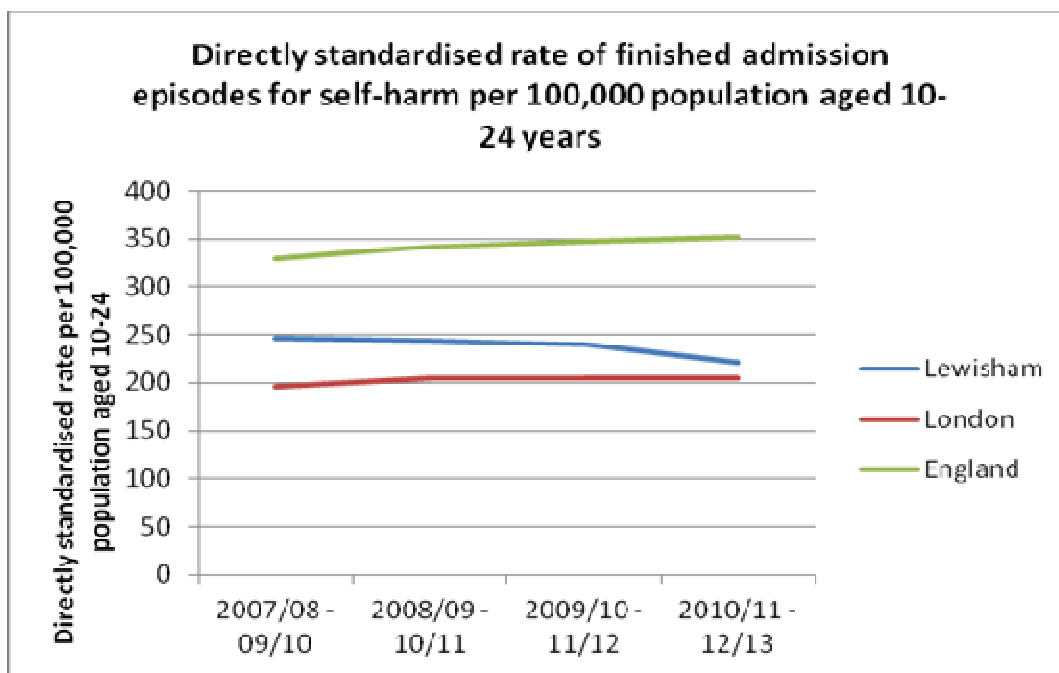
- How digital technology is being used both to reach young people and deliver mental health services to them
- How will the effectiveness of the universal approach be monitored
- What is the evidence that this will lead to a reduction in need for tiers 3 and 4 services and how can this be monitored

- 2.6. The Committee carried out evidence gathering at its meeting on 12 November 2014, where the Committee received a report from officers, notes of a meeting held on 23 October 2014 with young people involved in the HeadStart Steering Group and evidence from Frankie Sulke (Executive Director for Children & Young People), Warwick Tomsett (Head of Targeted Services and Joint Commissioning), Caroline Hirst (Commissioner, Children & Young People), Mick Atkinson (Head of Commissioning, Place2Be), Wendy Geraghty (Lead Clinician, Lewisham Children and Adolescent Mental Health Service) and Ruth Hutt (Public Health Consultant). Further written evidence on CAMHS waiting times and performance benchmarking, timescales for stages two and three of the HeadStart programme and plans if Lewisham is unsuccessful in the final stage of the bidding process was provided at the 15 December 2014 meeting.
- 2.7. The Committee discussed recommendations at its 15 December 2014 meeting and concluded its review and agreed its recommendations on 4 February 2015.



### 3. The need for Mental Health Services within Lewisham

- 3.1. It has been shown that 1 in 10 children and young people aged 5-16 years suffer from a diagnosable mental health disorder<sup>3</sup>, which equates to around three children in every school class. The most common problems are conduct disorders and emotional disorders (anxiety and depression). The Committee were keen to emphasise that while attention deficit hyperactivity disorder (ADHD) and autism spectrum disorders can increase the vulnerability of people to mental health issues, they are not in themselves mental health disorders.
- 3.2. In Lewisham, 8.4% of young people aged 5-16 have a diagnosed conduct disorder and 5.6% of young people of the same age have a diagnosed emotional disorder<sup>4</sup>. These levels are comparable with other London boroughs with similar Index of Multiple Deprivation scores.
- 3.3. In 2012/13 106 people aged 10-24 were admitted to hospital for self-harm. This data is pooled with information from 2010/11 because of the small numbers to produce a rate which can be compared to that of London and England. The graph below shows that Lewisham in 2010/11-2012/13 has a lower rate of admissions than England (which is statistically significantly different) but similar to London. The rates in Lewisham were largely stable but saw a slight decrease in 2010/11-2012/13. However, this drop is not statistically significantly different to earlier years.



- 3.4. This measure only captures the most serious episodes of self-harm which would require an admission to hospital. The rates for admissions may not reflect the level of less serious self-harm. Anecdotally secondary schools are

<sup>3</sup> Green, H., McGinnity, A., Meltzer, H., et al. (2005). [Mental health of children and young people in Great Britain 2004](#). London: Palgrave.

<sup>4</sup> Campion & Fitch, 2012

reporting increased self-harm amongst adolescents, although data is not available to support this.

- 3.5. Evidence heard at the meeting on 12 November highlighted that suicide amongst young people is rare in Lewisham and that no children have committed suicide in Lewisham since 2001.
- 3.6. According to a public mental health overview conducted by UCL Partners in 2013<sup>5</sup> the impacts of mental disorder are far reaching and can include:
  - Increasing the risk of suicide and self-harm
  - Engaging in health risk behaviour (such as smoking, alcohol abuse, drug taking)
  - Physical ill health
  - Poor educational outcomes
  - Unemployment
  - Antisocial behaviour and offending
  - Poor social skills.
- 3.7. Research has shown that mental health problems in children and young people can be long-lasting. It is known that 50% of mental illness in adult life (excluding dementia) starts before age 15 and 75% by age of 24<sup>6</sup>.
- 3.8. There are recognised risk factors for developing mental health problems, many of which are more prevalent in Lewisham's population than in other areas. This means that in Lewisham there will be greater numbers of children and young people with diagnosable mental health problems and with low levels of wellbeing/resilience putting them at risk of developing problems in the future. These factors include:
  - Living in poverty - 30.5% of under 16s live in poverty compared to 20.6% nationally and 26.5% in London. Similar levels are found in our neighbouring boroughs, 31.6% and 30.7% in Lambeth and Southwark respectively.
  - Being a child looked after by a local authority - 77 children in every 10,000 are looked after; compared to 60 nationally and 55 in London.
  - Living in non-secure accommodation - 4.7 in every 1,000 households are homeless households with dependent children or pregnant women compared to 3.6 in London and 1.7 nationally.
  - Being exposed to trauma - 555 children in Lewisham were identified as being exposed to high risk domestic violence in the home in 2013-2014, with up to a third of all children in the borough exposed to any domestic violence. The rates in London are known to be higher than other parts of the country.
  - Having parents who experience mental health and/or substance misuse issues. These levels are likely to be higher in Lewisham compared to the

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<sup>5</sup> UCL Partners: Public mental health overview. October 2013

<sup>6</sup> Kessler RC, Berglund P, Demler O, Jin R, Merikangas KR, Walters EE: Lifetime prevalence and age-of-onset distributions of DSM-IV disorders in the National Comorbidity Survey Replication. Arch Gen Psychiatry 2005; 62:593-602

average in London and England. For example, 1.24% of people on Lewisham GP registers have a serious mental health disorder compared to 0.84% in England as a whole and 1.03% in London. In every 1,000 people in Lewisham, 12.4 are opiate or crack cocaine users compared to 8.4 nationally and 9.55 in London.

- Being involved in crime – 811.8 per 100,000 10-17 year olds receive a first reprimand, warning or conviction in Lewisham, compared to 458 in London and 511 in England as a whole.

3.9. Other young people at risk include:

- Young carers
- Those from a family affected by learning disability
- Families known to the criminal justice system
- Those with a physical illness/disability or learning disability
- Lesbian, Gay, Bisexual and Trans-sexual young people

3.10. The wide reaching implications of mental health problems and the costs involved highlight the importance of work to improve mental health across the population. Working with young people is an opportunity to focus on the prevention of mental ill health where possible and to develop targeted interventions to limit the negative impacts of mental health disorder.

3.11. During the meeting with young people involved in the HeadStart Steering Group, the young people highlighted that there is a general lack of education about mental health, both amongst young people specifically and people generally. Due to the lack of awareness of mental health, people are unable to properly understand and therefore address issues, as they arise. Previously, members of the group were not as aware of mental health issues as they are now, so did not understand its seriousness. The group acknowledged that they may not have been as compassionate with people due to this lack of understanding, which emphasised the need for more information and knowledge. The young people also highlighted that parents and/or carers may not understand their child's situation and have less knowledge about mental health issues.

3.12. The group talked in detail about school stress, including the pressure on young people about exams, grades and the pressure to do well. This is an area identified by the Young Minds charity as part of their "YoungMinds Vs" campaign, which also identifies sexual pressures, bullying, unemployment and lack of access to counselling as top issues affecting young people around mental health. The group observed that sometimes it can feel as if school is all that matters and that grades are the most important thing. However the association with failure if people don't get good grades can have a longer term impact. The group's experiences, such as being involved in HeadStart and being running for Young Mayor, showed that achievement is not limited to school. When young people move on to further education the emphasis changes, and the stress is more about broadening horizons and young people are then told that exam results alone won't get you into a university, you need a good personal statement.

Recommendation:

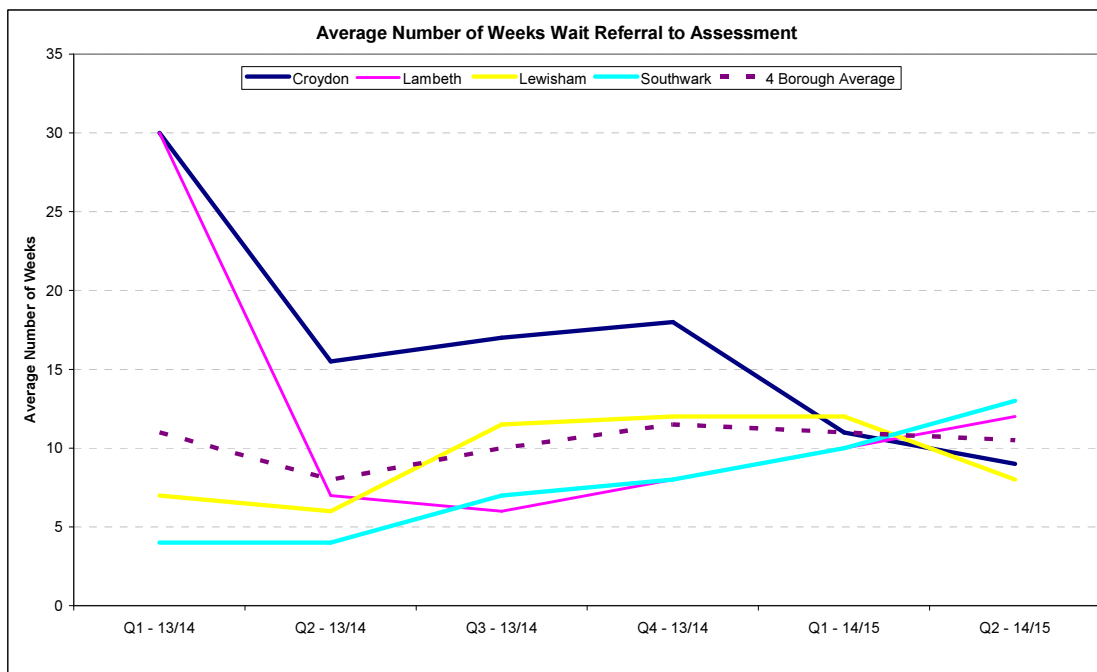
R1: The Children & Young People Select Committee should carry out further work looking at the incidence of self-harm amongst young people in the borough and why this has increased.

- 4. Provision of Children and Adolescent Mental Health Services (CAMHS) (Tier 3 and 4)**
- 4.1. Mental health services in Lewisham are divided into four tiers, reflecting the different levels of need of those receiving services. Historically, most service provision in Lewisham has been focused on highly specialised mental health services with less universal mental health promotion provision (although pockets of good practice do exist across the borough). This has been a deliberate decision based on allocating more resources towards those most in need. Children and Adolescent Mental Health Services (CAMHS) services are limited and young people access services if they go past certain thresholds for risk and need. Young people will be directed to other services if they don't cross the threshold for CAMHS.
- 4.2. CAMHS are commissioned within the context of National CAMHS policy, which include the Children and Young People's Health Outcomes Forum Report (2012); No Health Without Mental Health; An All Age Strategy (2011); Achieving Equity and Excellence for Children (2010); and The National Service Framework for Children, Young People and Maternity: The Mental Health and Psychological Well-being of Children and Young People (2004).
- 4.3. Commissioned services operate in compliance with the legislative frameworks of the Children Act 2004 and the Mental Health Act 1983, as amended by the Mental Health Act 2007. Care should be informed by evidence based practice including National Institute for Health and Care Excellence (NICE) and other best practice guidelines.
- 4.4. Lewisham Community Children's and Adolescent's Mental Health Services are commissioned by both NHS Lewisham Clinical Commissioning Group (CCG) and the London Borough of Lewisham (LBL). Services are provided by South London and Maudsley NHS Foundation Trust (SLaM) who provide support to Lewisham children/young people requiring assessment and treatment/support for emotional needs and mental health conditions, primarily at tiers 3 and 4. The Children and Young People's Joint Commissioning Team is responsible for contract monitoring and service planning arrangements on behalf of the CCG and the Local Authority, for the commissioned CAMHS service and for the non-statutory tier 2 provision outlined in this section.
- 4.5. Tier 4 provision includes highly specialised outpatient and inpatient units. South London and Maudsley (SLaM) NHS Foundation Trust are commissioned through a cost and volume contract to provide Lewisham patients with tier 4 outpatient and inpatient services through the SLaM national and specialist services. A small number of tier 4 outpatient services, all intensive day and inpatient care services are commissioned via NHS England. Non-contracted providers of Psychiatric Intensive Care Units (PICU) can be used where patients require more specialist provision.
- 4.6. In 2013/14 the average number of young people in a SLaM inpatient ward at any one time was 5.5, which resulted in total to 557 occupied bed days over the same timeframe. The most recent data available refers to Quarter 2

2014/15 and reveals that there were 8 CAMHS patients admitted to a SLaM inpatient unit during this three month period.

- 4.7. Performance data indicates that during 2011/12 and 2012/13, 1.01% of all young people from Lewisham were referred for inpatient care. Across other SLaM boroughs i.e. Lambeth, Southwark, Lewisham, Croydon, Bexley, Bromley, Greenwich, Kent and Medway the range over the same period was 1.01% to 3.06%. This indicates that Lewisham CAMHS are ably managing mentally unwell young people in the community and are making relatively low numbers of referrals for inpatient care, especially when compared to other local areas.
- 4.8. Tier 3 provision refers to specialised multi-disciplinary services, set up to respond to more severe, complex or persistent disorders. SLaM provides a range of tier 3 provision through a number of community teams including: SYMBOL (for Looked after Children); Lewisham Young People's Service (for young people with emerging psychosis); Neuro-Development (for learning difficulties); ARTS (for young people with a mental health disorder and a history of criminal offending); and East/West Generic teams. Commissioners have also given agreement for SLaM to expand the OASIS service, an outreach service for people (14-35 yrs old) at risk of developing psychosis, to cover Lewisham.
- 4.9. In total 1,396 children and young people were referred to the Lewisham CAMHS service in the financial year 2013/14, with 1,052 of these referrals being accepted. This equated to a 75.4% acceptance rate of all referrals, with almost one in four referrals to the service not meeting the referral threshold. The average number of patients seen across the four quarters of 2013/14 was 862. The actual number of children and young people accessing services from some of these teams can be relatively small; hence there can be fluctuations between quarters regarding waiting times for these groups.
- 4.10. Functional Family Therapy (FFT) is an evidence-based family therapy intervention which is targeted at families who have a young person engaging in persistent anti-social behaviour, youth offending and/or substance misuse. The Lewisham Mayor and Cabinet have given agreement for this provision to be implemented. The FFT programme will be positioned at the 'specialist' level and will work with approximately 40-60 families per annum. The service is due to commence in March 2015.
- 4.11. During the meeting with young people involved in the HeadStart Steering Group, it was highlighted that the priority basis for services can sometimes be unhelpful. Due to current thresholds, help is limited to those with serious conditions and when the situation has reached crisis point, such as suicide attempt or serious illness. This can mean that prevention work to stop mental health issues becoming more serious could be missed. Young people present at the focus group had mixed experiences with existing services, some good and some bad. They felt that there is a need for lower level support through the school transition period while waiting to access CAMHS services. This could be access to a mentor or an equivalent to help in the meantime.

- 4.12. Evidence from the young people on the HeadStart Steering Group emphasised that mental health issues can flare up and then go away. Long wait times for services can mean that by the time they are seen by CAMHS young people may not still have an acute problem, which can result in removal from the waiting list so do not then access CAMHS. Work will be undertaken by commissioners with CAMHS to review re-referral rates.
- 4.13. Waiting times for CAMHS may vary from quarter to quarter. Lewisham experienced low average referral to assessment waits in the first half of 13/14, similar to that of Southwark. This peaked for Lewisham between December 2013 and March 2014, however waits have remained consistently under 12 weeks and are currently down to an average 8 week wait in September 2014, lower than any of the other SE sector boroughs.



2a) Graph detailing CAMHS referral to assessment waiting times across the four SE sector boroughs

- 4.14. The four South East sector boroughs meet with SLAM quarterly to discuss good practice, areas of concern and development. Performance review processes are in place under the quarterly contract monitoring cycle, commissioners review performance monitoring reports and raise any queries via exception reports.
- 4.15. Lewisham CAMHS have recently implemented a telephone triage system for new referrals, which serves multiple purposes, such as identification of gaps in case history and prioritisation / allocation of cases. Furthermore, formal and informal processes are in place, to support partnership discussions between CAMHS, Children's Social Care and commissioners, to ensure that issues are addressed in a timely and responsive manner.

Recommendations:

R2: While waiting times for CAMHS services in Lewisham are well within set targets and are performing well in comparison to neighbouring boroughs, any wait can feel like a long time when a young person is experiencing mental health difficulties. Therefore the Committee recommends that the ability of CAMHS to respond appropriately to mental health issues should be maintained and, if possible, improved.

R3: Further integration of mental health support and intervention across levels of need should be explored with the aim of ensuring that young people and agencies know how and where to access appropriate support early, reducing the time between identifying a need for support and/or intervention and the provision of this support and/or intervention.



## **5. Existing Universal and Targeted provision (Tier 1 and 2)**

- 5.1. Tier 2 provision is non-statutory provision that can be provided by professional groups which relate to each other through a network rather than a team. This can take place in schools or other community settings such as GP surgeries or youth centres. In Lewisham the majority of mental health provision is commissioned at a specialist or statutory level, but the evidence supplied highlighted examples of good practice operating at a universal or targeted level within the borough.
- 5.2. One example was that of Place2Be (P2B), a national charity who provide a school based counselling service, offering 1:1 appointments, group sessions and open access drop in sessions. This is supported by a comprehensive training and consultative support programme for school staff. This service is currently available in ten schools (2 secondary and 8 primary) across the borough and is commissioned through a tapered funding approach, between the Local Authority and Schools.
- 5.3. Since April 2013, P2B have supported in excess of 800 pupils, with 90 children and young people having accessed 1:1 counselling sessions. Over 300 1:1 counselling sessions and approximately 500 group sessions have been delivered. In addition to this, over 500 Lewisham based professionals have benefited from P2B well-being training. Sessions have included: solution focused techniques; supporting children's emotional well-being; and understanding attachment. P2B has a robust evidence base, as part of their national evaluation, consistent improvements in the children accessing their services have been reported by teachers, parents/carers and children. As part of the evidence session on 12 November, Mick Atkinson of P2B highlighted that they help lots of young people that would never meet the threshold to access CAMHS. The benefit of their approach is that they can build resilience for young people to carry into young adulthood. Issues can be identified early, so young people can get through times of difficulty such as: primary to secondary transition; exam stress; and family crises.
- 5.4. P2B have estimated that for every £1 spent on their counselling support services £6 is saved on other provision included those associated with social care services, welfare benefits and the criminal justice system. Information provided by Mick Atkinson from P2B at the evidence session indicated that the cost/benefit analysis is done on a national basis and is a conservative estimate, so it would be very difficult to work out a cost/benefit figure solely for Lewisham.
- 5.5. Another new approach is that of Children and Young People's Improving Access to Psychological Therapies (CYP IAPT), a Department of Health service transformation programme. Lewisham partners include CAMHS, Pre-School Learning Alliance (PSLA) and P2B. As part of this programme, three key principles are being adopted: collaborative working and participation; routine outcome monitoring; and evidence based practice. CYP IAPT includes delivery of psychological therapies and training for people working with children and young people outside of health settings. It focuses on

extending training to staff and service managers in CAMHS, embedding evidence based practice across services. To date over 50 additional young people have received cognitive behaviour therapy for anxiety and depression with parent/carers benefiting from parenting support, where their child has a behaviour/conduct disorder. Early findings have shown that families have welcomed support in these areas.

- 5.6. Tier 1 provision is primary or universal care, offered by professionals working in universal settings, such as teachers, school nurses and GPs. For example, schools may as part of their personal, social and health education curriculum run sessions about emotional health and self-esteem. There is currently no clear overview of this provision across the borough.
- 5.7. Young people on the HeadStart Steering Group emphasised that they felt there were not enough services available for young people and that it was important to offer a range of mental health services, especially as they may not be aware of what is available. There was a concern that even though work is being done to build awareness and to tell people to ask for help, the support and services aren't in place to then provide help when people look for it. The group raised concerns that if services are not available and accessible when people do seek them out it could exacerbate existing problems or discourage people from seeking help again in the future. Development of the 'online resource kit' for HeadStart Lewisham will assist when raising awareness of mental health and services available to support it.

Recommendation:

R4: As identified throughout the report, it is important that awareness and education about mental health are improved. This will enable young people affected by mental health issues to identify and seek appropriate help and advice, and assist those who work with and care for them to provide access to it. Accordingly, the Committee recommends that further work is carried out to raise awareness of mental health issues amongst young people and the population in general.

## 6. HeadStart Lewisham

### Background to the HeadStart Programme

- 6.1. In 2013 Lewisham was approached by the Big Lottery Fund as one of twelve areas in the country to consider how best to improve resilience and wellbeing in young people aged 10 – 14 years through the ‘Fulfilling Lives: HeadStart Programme’. In July 2014, Lewisham was informed of its success when securing £500,000 which would be used to develop universal and targeted mental and emotional well-being provision. Lewisham has the opportunity in 2015 to bid for a further £10 million from the Big Lottery Fund, to further develop this work and create ‘whole-system change’.
- 6.2. The HeadStart programme aims to equip young people to cope better with difficult circumstances in their lives, so as to prevent them experiencing common mental health problems before they become serious issues. This is called emotional resilience, and is an opportunity for young people to negotiate for and navigate their own way to resources that sustain their mental health. Evidence suggests that accessing those with low level symptoms and diagnosable problems through universal or whole group activity delivers better outcomes for the most vulnerable.<sup>7</sup> The HeadStart programme is aimed at a universal, targeted (those at risk of low levels of resilience) and intensive (those at risk of developing mental health problems) levels. The overall stated aim of HeadStart is:  
  
‘to better equip young people to prevent the initial occurrence of mental health problems, and to build the evidence for service redesign and investment in prevention’
- 6.3. The programme is led by the London Borough of Lewisham on behalf of a wider partnership which includes NHS services, schools, young people, the Metropolitan Police and the voluntary and community sector.
- 6.4. HeadStart provides an opportunity to expand and develop the universal and targeted offer, whilst working with existing provision and aligning with the wider partnership strategy to ensure that services intervene at the earliest point. Work is being undertaken throughout the period of the programme to engage those statutory and voluntary sector providers who are not directly funded by HeadStart to become part of a wider HeadStart community aiming to achieve the same outcomes. This will also ensure that HeadStart provision becomes embedded as part of the local delivery offer.
- 6.5. Extensive consultation has been undertaken with a wide cross section of stakeholders including young people, parents/carers and professionals to develop the HeadStart Lewisham programme. A major area of focus was consultation with young people. This included establishment of a Young People’s Steering Group which worked with the Partnership Steering Group to develop the programme. As part of the evidence gathering for the review,

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<sup>7</sup> <http://www.biglotteryfund.org.uk/headstart>

members of the Committee met with some of the young people involved in the HeadStart Steering Group in order to find out what they thought of the project and to find out about what they thought about mental health issues. Evidence from this meeting is included within the review report.

6.6. The key issues identified include:

- the transition between primary and secondary school as a time of emotional difficulty
- peer support for parents/carers
- training/supporting frontline workers rather than bringing in external agencies
- the varying provision of counselling support
- bullying (including cyber)
- school and peer pressures
- a lack of a good source of local information and resources

6.7. Four local outcomes for HeadStart Lewisham have been developed as a response to these findings:

- improved resilience
- increased school attainment and integration with the community
- improved emotional literacy
- preventing needs escalating for those most at risk

#### What the HeadStart programme will deliver

6.8. The HeadStart Lewisham programme will deliver provision at universal, targeted and intensive levels in schools, the community, in the home and online, which directly responds to the findings of the consultation. In addition, the Big Lottery Fund have asked that the selected areas take a 'test and learn' approach.

6.9. Over the last three months the HeadStart partnership have been specifying and procuring a range of projects. Contract award and implementation will continue through to the end of the year and will be followed by a robust evaluation process. Services being delivered in Lewisham include some that have been tried in other parts of the country, but will also trial new ideas. HeadStart is aiming to complement existing specialist service provision by providing skills in the community to recognise and refer young people when appropriate and also prevent escalation of needs which would require specialist support.

6.10. The programme over the next twelve months will include the following projects:

- Implementing the 'Transition Curriculum'. This has been developed by local schools across two Lewisham school collaboratives and will focus on improving young people's resilience, well-being and achievement. The schools will receive consultancy support from Young Minds, the UK's

leading charity for children and young people's mental health, who will undertake a needs assessment at each school and develop a bespoke programme of work. This could include training of staff; implementation of support packages to families; delivery of well-being programmes to young people; and wider system change.

- Improving access to counselling support for young people and their families. This includes extending the Place2Be face-to-face counselling provision for young people and parents/carers to an additional five secondary schools. The programme also includes online counselling for four secondary schools and to those out of school, supported by a peer mentoring programme and is the first time that such an online resource will be available in Lewisham.
- developing an online resource kit which will bring together national and local resources to support young people who are facing difficulties regarding their wellbeing or who are concerned about a peer and for parents/carers and professionals who are concerned about a young person.
- developing a varied creative arts programme, which includes youth-led film development. It is anticipated that targeted groups such as looked after children, children with disabilities and young carers will benefit from this provision via a range of community settings.
- administering an innovation fund to fund local organisations to pilot new ideas to achieve the HeadStart outcomes.
- the established 'Young Person' steering group has been provided with a budget to deliver a number of 'youth led events' and have been allocated additional funds to design and commission community projects to build resilience, in partnership with local young people.

6.11. The funding allocation from Big Lottery is £500,000, but through the procurement phase Lewisham has managed to secure in excess of £200,000 in matchfunding, through schools, public health and the voluntary and community sector.

6.12. Over the next six months Lewisham will develop a number of other approaches, when embedding learning from the phase two stage, this will include: development of a timebank of knowledge and expertise across schools; written documentation of clear delivery models across the voluntary sector; formation of learning resource kits and development of future commissioning strategies.

6.13. There are two cross-cutting themes spanning across the stage two delivery phase. The first is the use of digital technology as a means of raising awareness about emotional well-being and resilience and of new and existing services. The 10-14 age group are "digital natives" and using technology is key to meeting the partnership's outcomes. The online resource kit is currently under development and will be tendered in the New Year. Lewisham Council's Corporate Communications team have developed a HeadStart page for the Lewisham website and are providing support ongoing support when raising awareness of this work. Evidence from the Young People's Steering Group highlighted that while online access is useful, it is

important to not rely solely on new technology and the internet to access and deliver services. Face to face interaction is still extremely valuable, especially during initial contact and if an individual is discussing or reopening up about a very sensitive problem. The young people also recognised that there can be extremes in online interaction and that there are good and bad sides to online participation. Education about using online services and accessing information should emphasise selectiveness and being able to recognise the differences in information.

- 6.14. The second crosscutting theme is the engagement of young people in both developing the strategic direction of the programme and the stage 3 bid and in shaping and evaluating the delivery of HeadStart projects. The Young Person's Steering Group will continue to be part of the strategic decision making process and part of the service specification for each of the HeadStart projects is a mandated need for co-production and the involvement of young people in the monitoring and evaluation of the project, at a minimum including satisfaction surveys and focus groups. The 'youth-led' events and the commissioning fund also enable young people to directly commission and shape services. Members of the Young People's Steering Group were positive about the project, highlighting that the make-up of the steering group is reflective of young people in Lewisham and that people are passionate about mental health in the borough. Members of the steering group felt they had been very involved, including talking to other young people about the project at events and at schools as well as formulating ideas on how to spend some of the funding available via the HeadStart programme.
- 6.15. As part of the evidence session officers highlighted that strength of Lewisham's HeadStart bid is the high level of CAMHS integration, which is not present in other places

#### The role of schools

- 6.16. One of the key concerns for the Young People's Steering Group was the role of schools within the mental health of young people. As mentioned earlier in the report, the group highlighted school stress, such as the pressure on young people about exams, grades and the pressure to do well. The Committee recognised that while schools may not directly or consciously contribute to this pressure, young people are aware of the environment they are in and the pressures that surround them around good performance and academic achievement. The group observed that pupils with the most obvious problems, for example those that are disruptive, get the most attention at school. However those that are struggling, but just about getting by, are then missed. The group felt that if a young person needed to see a teacher they may be ignored in favour of the ones who are causing trouble. The group felt that improved mental health awareness and training for staff within schools is useful, especially as young people may not always be comfortable going to a parent about some of their problems. However, schools should not be the sole focus for improving mental health as some young people will not be comfortable going to teachers or school staff.

- 6.17. Members of the Young People's Steering Group raised concerns over a perceived lack of confidentiality in school. For example, a young person could tell a teacher about a mental health issue they have been facing, but then it can be quite obvious that knowledge of their issue has been passed to a number of staff and this has now changed their relationships. The group felt that separating out classroom and personal problems could be useful for teachers. The Committee acknowledged that young people have expectations around confidentiality, but that a balance between privacy and proper safeguarding reporting and sharing of relevant information does need to be struck.

#### Monitoring of the HeadStart Programme

- 6.18. Evidence from officers indicates that HeadStart Lewisham will be subject to a robust monitoring and evaluation framework. This is to ensure that the impact of interventions can be measured and understood. There will be a local and national HeadStart evaluation with the phase two HeadStart programme nationally evaluated through the Anna Freud Centre, in partnership with UCL. This will include measuring outcomes in schools where interventions have taken place and working with providers to carry out a process evaluation. Learning taken from this phase can then be embedded in phase three.
- 6.19. Locally, Lewisham will be undertaking a validated well-being survey across the 8 – 16 year old population, to be conducted in the autumn 2014 and again the following year, with the aim of identifying any improved outcomes for this age group. Funded providers will be expected to provide monitoring and evaluation information on a monthly basis, including information about the number and demographics of people accessing the services and changes in wellbeing/resilience for those accessing the services using a validated tool.
- 6.20. This information will support the overarching HeadStart Lewisham outcomes., which will be supported by a set of indicators, measuring impact on Lewisham wide objectives. These include increasing educational attainment, attendance at school and engagement with out of school activities. It is expected that intervention at the younger end of the HeadStart age group could prevent the development of mental health disorders in childhood, however, this will be tempered by the impacts of increasing awareness both in young people, parents/carers and professionals of the signs of mental health disorders, which is likely to result in an increase in referrals to CAMHs. The overarching aim of the programme is to prevent the development of mental health problems throughout the life course, and therefore impacts are likely to be seen over the very long term in reductions in the use of adult mental health services.
- 6.21. Both the local and national monitoring and evaluation findings will be used to inform the application for further funding from the Big Lottery, which is due in autumn 2015. Providers will also be expected to engage with service users with regards to access and support.

### Next steps for the HeadStart Programme

- 6.22. In January 2015 Big Lottery will be consulting the twelve HeadStart areas with regards to the Stage Three submission. Both the local and national monitoring and evaluation findings will be used to inform the application for further funding from the Big Lottery, which is due in autumn 2015.
- 6.23. As part of the stage two 'test and learn' phase of the HeadStart programme, resource has been allocated within a number of HeadStart related projects to ensure that services and approaches are embedded in the long-term. These include:
- Expansion of the 'school-based' counselling offer through Place2Be. Over the next twelve months Lewisham will be working with P2B to further evaluate the service and evidence long-term impact, stating the case for further investment from schools. In partnership with P2B and schools, the local authority has adopted a tapered funding approach. Wherever possible, schools will mainstream provision beyond HeadStart funding.
  - Pilot an 'on-line' counselling service for young people. As part of this service, young people in schools will be trained to be peer mentor / ambassadors, another source of advice/support for younger children facing challenges.
  - Implement the 'transition curriculum' which will operate with a 'communities of practice' model to test what works and why. Areas of good practice, including knowledge and expertise, will be shared across the borough, as part of a 'timebank' approach.
  - Develop an online resource kit, which will offer a sustainable resource for all stakeholders in Lewisham promoting positive information and practical tools and resources on building resilience and emotional literacy for parents/carers, children, schools and professionals.

#### Recommendations:

R5: Awareness raising and increased acceptance of mental health issues as a normal part of life should be included in the local outcomes for the HeadStart programme.

R6: Schools should continue to build upon the work that has already been carried out in the borough to improve education, awareness and support around young people's mental health.

R7: The strong governance systems and good stakeholder engagement that is in place in the HeadStart Programme in Lewisham should continue.

R8: The Children & Young People Select Committee should carry out further scrutiny of the HeadStart Programme as it progresses.



Mayor and Cabinet		
<b>Title</b>	Comments of the Children and Young People Select Committee on Sedgehill School	
<b>Contributor</b>	Children and Young People Select Committee	
<b>Class</b>	Part 1 (open)	18 February 2015

## 1. Summary

- 1.1 This report informs the Mayor and Cabinet of the comments and views of the Children and Young People Select Committee, arising from discussions held on the officer report entitled *Sedgehill School*, considered at its meeting on 4 February 2015.

## 2. Recommendation

- 2.1 The Mayor is asked to consider the recommendation of the Children and Young People Select Committee as set out in section three of this referral and provide a response.

## 3. Children and Young People Select Committee views

- 3.1 Following a vote, the following recommendation was agreed by the Committee:

*The Mayor is asked to review and consider the relevant part of the scheme of delegations so that where it proves that such interventions by the LEA into the governance of a school are contentious, decisions concerning the process can be considered by the Mayor and Cabinet; and that in taking such a decision consideration is given to consultation with ward councillors, parents, staff and other interested parties. The intention to issue a warning notice should indicate that the level of contentiousness to trigger this activity has been reached.*

## 4. Financial implications

- 4.1 There are no financial implications arising out of this report per se; but there may be financial implications arising from carrying out the action proposed by the Committee.

## 5. Legal implications

- 5.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and report back to the Committee within two months (not including recess).

## 6. Further implications

- 6.1 At this stage there are no specific environmental, equalities or crime and disorder implications to consider. However, there will be implications arising from the implementation of the Committee's recommendation. This will need to be considered in the response.

## **Background papers**

[Sedgehill School](#), report to Children and Young People Select Committee, 4 February 2015

If you have any queries about this report, please contact Charlotte Dale, Interim Overview and Scrutiny Manager (ext. 49534), or Kevin Flaherty, Head of Business & Committee (0208 3149327)

<b>Chief Officer Confirmation of Report Submission</b>	
<b>Cabinet Member Confirmation of Briefing</b>	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input type="checkbox"/>	

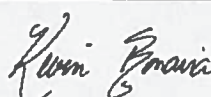
<b>Date of Meeting</b>	18 <sup>th</sup> February 2015
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<b>Title of Report</b>	2015/16 Budget Update Report
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<b>Originator of Report</b>	David Austin	<b>49114</b>
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications		X
Environmental Implications		X
Equality Implications/Impact Assessment (as appropriate)		X
Confirmed Adherence to Budget & Policy Framework	X	
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed:  \_\_\_\_\_ Executive Member

Date: 17/02/15

Signed:  \_\_\_\_\_ Director/Head of Service

Date 17/02/15

**Control Record by Committee Support**

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

<b>MAYOR &amp; CABINET</b>			
<b>Report Title</b>	2015/16 Budget Update		
<b>Key Decision</b>	Yes	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Resources & Regeneration		
<b>Class</b>	Part 1	<b>Date: 18 February 2015</b>	

## **REASONS FOR URGENCY AND LATENESS**

Urgency: Given the significance of the financial constraints that the Council will face over the coming years, it is essential that the Mayor and his Cabinet are updated on any changes affecting the 2015/16 Budget prior to presenting it to full Council. The reason for lateness was to ensure that any decisions taken by the Mayor & Cabinet on 11 February 2015 could be appropriately considered within this report.

### **1 SUMMARY**

- 1.1 This report seeks the Mayor's approval to finalise the recommended 2015/16 budget for consideration and agreement by the Council on 25 February 2015.

### **2 PURPOSE**

- 2.1 The purpose of this report is to finalise the 2015/16 budget for consideration by the Council on 25 February 2015. The main budget report was presented to Mayor & Cabinet on 11 February 2015.

### **3 RECOMMENDATIONS**

That the Mayor:

- 3.1 Agrees to recommend a Council Tax for 2015/16 of £1,060.35 for the Council's element. This is an increase of 0%, based on a General Fund Budget Requirement of £246.224m for 2015/16.
- 3.2 Notes and asks Council to note an overall reduction in the total Council Tax for 2015/16 of 0.29% to include the Greater London Authority (GLA) precept being reduced by £4 to £295, a 1.3% reduction from its 2014/15 level as proposed.
- 3.3 Agrees to recommend to Council on 25 February 2015, the statutory calculation of the Budget Requirement for Lewisham for 2015/16, attached at Appendix A;
- 3.4 Agrees to recommend to Council on 25 February 2015, the motion on the budget, attached at Appendix B.
- 3.5 Notes the provisional and estimated precept and levies from the GLA and other bodies as detailed in Appendix C.

- 3.6 Notes the final settlement figure of £160.017m announced on the 3 February 2015, which is an increase of £0.677m on the provisional settlement figure.
- 3.7 Notes the impact on the budget gap of savings decisions taken by Mayor and Cabinet on 11 February 2015 detailed in 4.3 below.
- 3.8 Notes the overall implications of the increased settlement figure and the savings decisions which has resulted in a net revised Budget requirement figure of £246.224m, and a revised savings gap of £9.960 (to be met from the New Homes Bonus reserve and General Reserves) thereby creating a net decrease of £0.477m in the amount of reserves required to fill the potential budget gap as reported in the Budget report on the 11 February and as detailed in paragraph 4.2 below.
- 3.9 Notes that there were no responses from Business rate payers to the consultation on the draft Budget which took place from 20 January 2015 to 3 February 2015.
- 3.10 Considers the Section 25 Statement from the Chief Financial Officer. This is attached at Appendix D.

#### **4 UPDATE ON THE COUNCIL'S CURRENT FINANCIAL POSITION**

- 4.1 This report updates the main 2015/16 Budget Report through considering the following areas:-
- Revenue Budget Savings and Funding Issues
  - The Greater London Authority Precept
  - Final Level of Council Tax

##### **Revenue Budget Savings and Funding Issues**

- 4.2 The impact of the final grant settlement and savings decisions taken at the Mayor and Cabinet meeting of the 11 February and their impact on the statutory calculations in respect of Council Tax are set out in this section:
- 4.3 On the 11 February, the Mayor rejected the 2015/16 savings proposal relating to ending the discretionary Freedom Pass Scheme of £0.2m (O1). This reduced the total 2015/16 new savings to £26.729m and increased the call on reserves by £0.2m.

##### ***Final Settlement Funding Assessment***

- 4.4 The Department for Communities and Local Government announced the final Local Government settlement figures on the 4 February 2015.
- 4.5 The Council's total Settlement Funding Assessment increased by £0.677m from the provisional figure announced on the 18 December 2014, as a result of an increase in the upper-tier funding of the Revenue Support Grant (RSG). In total the Government is providing a further £74 million to upper-tier authorities to recognise that such councils have asked for additional support, including to help them respond to local welfare needs and to improve social care provision. For the Council the impact of this additional funding is to reduce the need to use once off resources in the 2015/16 to set a balanced budget.

## **Revised Overall Budget Position for 2015/16**

- 4.6 For 2015/16, the overall budget position for the Council is an increased assumed General Fund Budget Requirement of £246.224m, with a net reduction in the call on reserves of £0.477m. The overall position is set out in Table 1 below.

**Table 1: Overall Budget Position for 2015/16**

<b>Detail</b>	<b>Expenditure/ (Income) £m</b>	<b>Expenditure/ (Income) £m</b>
Settlement Funding Assessment (SFA) for 2015/16	(160.017)	
Council Tax 2015/16 at 0% increase	(80.084)	
SFA: Adjustment 2015/16*	(1.259)	
Surplus on Collection Fund	(4.864)	
<b>Assumed Budget Requirement for 2015/16</b>		<b>(246.224)</b>
<b>Total Resources available for 2015/16</b>		
Base Budget for 2014/15	268.062	
<b>Plus:</b> Reversal of reserves drawn in 14/15 (once off)	3.000	
<b>Plus:</b> Pay inflation	1.503	
<b>Plus:</b> Non-pay Inflation	3.417	
<b>Plus:</b> Grant adjustments for changes 14/15 to 15/16	0.911	
<b>Plus:</b> Budget pressures to be funded from 15/16 fund	4.280	
<b>Plus:</b> Risks and other potential budget pressures	3.220	
<b>Less:</b> Previously agreed savings for 2015/16	(1.480)	
<b>Less:</b> New savings for 2015/16	(26.729)	
<b>Less:</b> Use of New Homes Bonus reserve for five yrs.	(5.000)	
<b>Less:</b> Once off use of provisions and reserves	(4.960)	
<b>Total</b>		<b>246.224</b>

\*Value of Section 31 grants to compensate local authorities for the cost of capping the business rates multiplier in 15/16 confirmed in the local government financial settlement.

### **Levies**

- 4.7 There are three bodies which charge a levy against Lewisham's Council Tax: the London Pensions Fund Authority; the Environment Agency; and the Lee Valley Park Authority. Formal notifications for the first two levies have been received, and officers have estimated the levy for the Lee Valley Park Authority and assumed no change. The detail for these levies is provided in Appendix C. The Council's 'relevant basic' amount of Council Tax has been calculated and results in a 0% increase for 2015/16.

### **The Greater London Authority Precept**

- 4.8 On the 20 January, the Mayor of London's draft budget was announced. The proposed 2015/16 GLA precept for Band D is £295. This represents a reduction of £4 from its 2014/15 level. The final announcement is due

imminently and officers have assumed no change to the precept already announced.

- 4.9 Accordingly, the Mayor is asked to agree to recommend to Council on 25 February 2015, the motion, attached at Appendix B.

### **Final Level of Council Tax**

- 4.10 Table 2 shows Lewisham's overall Council Tax Calculation for 2015/16 and calculation of the Council Tax for Band D for 2015/16, based on the recommended budget requirement of £246.224m.

**Table 2: Calculation of Council Tax Requirement and Band D based on spend of £246.224m for 2015/16.**

	£
Assumed Budget Requirement for 2015/16	246,224,155
<b>Less:</b> Revenue Support Grant	73,653,574
<b>Less:</b> Baseline Funding Level	86,363,020
<b>Less:</b> Surplus in collection fund	4,864,000
Less: SFA Adjustment Grant	1,259,461
Council Tax requirement	<b>80,084,100</b>
<b>Divide by:</b> Council Tax Base	75,526.1
<b>Council Tax for Lewisham Services (Band D)</b>	1060.35
<b>Add:</b> Precept demand from GLA (estimated)	295.00
<b>Total Council Tax (Band D)</b>	<b>1,355.35</b>

- 4.11 The final calculation of Council Tax for different Council Tax bands is shown in Table 3, based on the Band D calculated in Table 2.

**Table 3: Council Tax for different Council Tax Bands in 2015/16**

	Property Value	Fraction	Lewisham Council Tax	GLA Precept	Total Council Tax
	£'000		£	£	£
A	Up to 40	6/9	706.90	196.67	903.57
B	40-52	7/9	824.72	229.44	1,054.16
C	52-68	8/9	942.53	262.22	1,204.75
<b>D</b>	<b>68-88</b>	<b>9/9</b>	<b>1,060.35</b>	<b>295.00</b>	<b>1,355.35</b>
E	88-120	11/9	1,295.98	360.56	1,656.54
F	120-160	13/9	1,531.62	426.11	1,957.73
G	160-320	15/9	1,767.25	491.67	2,258.92
H	Over 320	18/9	2,120.70	590.00	2,710.70

### **Conclusion**

- 4.12 This report sets out the updated information for the Mayor to make recommendations to Council to set the 2015/16 budget. This includes

finalising the statutory requirements to allow Council to make final decisions on 25 February 2015.

## **5 FINANCIAL IMPLICATIONS**

5.1 This entire report is concerned with the Council's budget.

## **6 LEGAL IMPLICATIONS**

6.1 For the legal implications, these are set out in detail in the main 2015/16 Budget Report and the 2015/16 Revenue Budget Savings Report both presented to Mayor & Cabinet on 11 February 2015.

## **7 HUMAN RESOURCES IMPLICATIONS**

7.1 There are no specific human resources implications directly arising from this report. Any human resources implications have been set out in the main budget report.

## **8 CRIME & DISORDER IMPLICATIONS**

8.1 There are no specific crime and disorder implications directly arising from this report. Any crime and disorder implications have been set out in the main budget report.

## **9 EQUALITIES IMPLICATIONS**

9.1 There are no specific equalities implications arising from this report beyond those set out and considered by Mayor & Cabinet on the 11 February in the 2015/16 Budget Report and 2015/16 Revenue Budget Savings Report.

## **10 ENVIRONMENTAL IMPLICATIONS**

10.1 There are no specific environmental implications directly arising from this report. Any environmental implications have been set out in the main budget report.

## **11 BACKGROUND DOCUMENTS AND ORIGINATOR**

<b>Short Title of Document</b>	<b>Date</b>	<b>Location</b>	<b>Contact</b>	<b>Exempt</b>
2015/16 Budget Report	Mayor & Cabinet 11 February 2015	5 <sup>th</sup> Floor Laurence House	David Austin	No
2015/16 Revenue Budget Savings Report	Mayor & Cabinet 11 February 2015	5 <sup>th</sup> Floor Laurence House	David Austin	No

### **For further information on this report please contact:**

Janet Senior, Executive Director for Resources & Regeneration on 020 8314 8013

David Austin, Head of Corporate Resources on 020 8314 9114



## APPENDIX A

### Statutory Calculations

- 1) It be noted that at its meeting on 21 January 2015, the Council calculated the number of 75,526.1 as its Council Tax base for 2015/16 in accordance with the Local Authorities (Calculation of Taxbase) Regulations;
- 2) The following amounts be now calculated by the Council for the year 2015/16 in accordance with the Local Government Finance Act 1992:
  - a. **£1,042,058,620** being the aggregate of the amounts which the Council estimates for gross expenditure, calculated in accordance with Section 32(2)A of the Act;
  - b. **£795,834,465** being the aggregate of the amounts which the Council estimates for income, calculated in accordance with Section 32(3)A of the Act;
  - c. **£246,224,155** being the amount by which the aggregate of 2(a) above exceeds the aggregate of 2(b) above, calculated by the Council, in accordance with Section 32A(4) of the Act, as its General Fund budget requirement for the year;
  - d. **£161,276,055** being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of the Settlement Funding Assessment. This includes a Settlement Funding Assessment adjustment of **£1,259,461**;
  - e. **£84,948,100** being the residual amount required to be collected from Council Tax payers. This includes the surplus on the Council's Collection Fund of **£4,864,000**.
  - f. **£1,060.35** being the residual sum at (e) above (less the surplus on the Collection Fund), divided by the Council Tax base of **75,526.1** which is Lewisham's precept on the Collection Fund for 2014/15 at the level of Band D;

Band	Council Tax (LBL)
	£
A	706.90
B	824.72
C	942.53
<b>D</b>	<b>1,060.35</b>
E	1,295.98
F	1,531.62
G	1,767.25
H	2,120.70

Being the amounts given by multiplying the amount at (f) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council in

accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

3) It be noted that for the year 2015/16, the Greater London Authority is currently consulting on the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 (as amended), for each of the categories of dwellings shown below:-

<b>Band</b>	<b>GLA Precept</b>
	<b>£</b>
A	196.67
B	229.44
C	262.22
<b>D</b>	<b>295.00</b>
E	360.56
F	426.11
G	491.67
H	590.00

4) Having calculated the estimated aggregate amount in each case of the amounts at 2) (f) and 3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, assumed the following amounts as the amounts of Council Tax for the year 2015/16 for each of the categories of dwellings shown below:-

<b>Band</b>	<b>Total Council Tax (LBL &amp; GLA)</b>
	<b>£</b>
A	903.57
B	1,054.16
C	1,204.75
<b>D</b>	<b>1,355.35</b>
E	1,656.54
F	1,957.73
G	2,258.92
H	2,710.70

## **APPENDIX B**

### **MOTION FOR THE MAYOR TO RECOMMEND TO COUNCIL**

Having considered an officer report and a presentation from the Cabinet Member for Resources the Mayor, from the options available, agreed that:

(i) the consideration of the Public Accounts Select Committee of 5 February 2015, incorporating the views of the respective select committees on the previously agreed, returning and new revenue budget savings proposals for 2015/16 to 2017/18 be noted;

(ii) having considered the views of those consulted on the budget, if required and subject to proper process and consultation, the following modifications be made to the proposals published in the 2015/16 Budget Report;

#### **Capital Programme**

- 3.1 the 2014/15 Quarter 3 Capital Programme monitoring position as set out in section 5 of the budget report be noted;
- 3.2 Council be recommended to approve the 2015/16 to 2018/19 Capital Programme of £424.3m, there are two new proposed major capital projects for 2015/16 and it includes an allocation of £90,000 of capital to Phoenix Housing in respect of their proposals for developing the Fellowship Inn, as set out in section 5 of the report and attached at Appendices W1 and W2;

#### **Housing Revenue Account**

- 3.3 Council be asked to note the consultation report on service charges to tenants' and leaseholders in the Brockley area, presented to area panel members on 11<sup>th</sup> December 2014, as attached at Appendix X3 of the report;
- 3.4 Council be asked to note the consultation report on service charges to tenants' and leaseholders and the Lewisham Homes budget strategy presented to area panel members on 15 December 2014, as attached at Appendix X4 of the report;
- 3.5 Council be recommended to set an increase in dwelling rents of 2.61% (an average of £2.51 per week) – option B as presented in section 6 of the report in accordance with current Housing Revenue Account financial strategy;
- 3.6 Council be recommended to set an increase in the hostels accommodation charge by 2.20% (or £1.50 per week), in accordance with the Rent Restructuring formula;
- 3.7 Council be recommended to approve the following average weekly increases for dwellings for:
  - 3.7.1 service charges to non-Lewisham Homes managed dwellings (Brockley);

- caretaking 2.20% (£0.07)
- grounds 2.20% (£0.04)
- communal lighting 2.20% (£0.01)
- bulk waste collection 2.20% (£0.02)
- window cleaning 0.00% (£0.00)
- tenants' levy No increase

3.7.2 service charges to Lewisham Homes managed dwellings:

- caretaking No increase
- grounds No increase
- window cleaning No increase
- communal lighting 40.70% (£0.35)
- block pest control 5.16% (£0.08)
- waste collection No change
- heating & hot water -18.93% (-£1.87) decrease
- tenants' levy No increase

3.8 Council be recommended to approve the following average weekly percentage increases for hostels and shared temporary units for;

- service charges (hostels) – caretaking etc.; 4.08% (£2.77)
- no energy cost increases for heat, light & power; 0.0% (£0.00)
- water charges increase; 5.88% (£0.01)

3.9 Council be recommended to approve an increase in garage rents by Retail Price Inflation (RPI) of 2.3% (£0.20 per week) for Brockley residents and 2.3% (£0.27 per week) for Lewisham Homes residents;

3.10 Council be asked to note that the budgeted expenditure for the Housing Revenue Account (HRA) for 2015/16 is £130.9m;

3.11 Council be asked to endorse the HRA budget strategy savings proposals in order to achieve a balanced budget in 2015/16, as attached at Appendix X1 of the report;

3.12 Council be asked to endorse the write off of 20 cases of Former Tenants' Arrears as set out in section 6 and Appendix X6 of the report, totalling £265,843.81;

**Dedicated Schools Grant and Pupil Premium**

3.13 Council be recommended to approve, subject to final confirmation of the allocation, that the provisional Dedicated Schools Grant allocation of £275.8m be the Schools' Budget for 2015/16; and

- Agree the changes to the funding arrangements for High Needs Pupils as set out in paragraph 7.12 of the report;
- Note the level of pupil premium anticipated for 2015/16 of £18.2m

## **General Fund Revenue Budget**

- 3.14 Council be asked to note the projected overall variance against the agreed 2014/15 revenue budget as set out in section 8 of the report and that any year-end overspend will have to be met from reserves;
- 3.15 Council be asked to endorse the previously approved revenue budget savings of £1.48m for 2015/16 and delegated budget savings proposals as per the Mayor and Cabinet meeting of the 12 November 2014, as set out in section 8 and summarised in Appendix Y1 and Y2 of the report;
- 3.16 Council be asked to note that the revenue budget savings presented at the Mayor and Cabinet meeting held on the 11 February 2015 as summarised in Appendices Y1 and Y2 of the 2015/16 Revenue Budget Savings Report, (with the exception of proposal O1) will be used to balance the budget.
- 3.17 Council be asked to endorse the previously agreed efficiency savings of £2.5m from 2015/16 to 17/18 to be off-set against non-pay inflation in directorate budgets.
- 3.18 Council be asked to agree the transfer of £5.0m in 2015/16 from the New Homes Bonus reserve to the General Fund for one year to meet funding shortfalls and that the position be reviewed again for 2016/17;
- 3.19 Council be asked to agree the use of £4.96m reserves to fill the budget gap in 2015/16;
- 3.20 Council be asked to agree to create a fund in respect of quantified revenue budget pressures in the sum of £4.3m in 2015/16, allowing the Executive Director for Resources & Regeneration to hold these resources corporately until such time that these pressures emerge during the year, and authorise the Executive Director for Resources and Regeneration to allocate these funds to meet pressures when satisfied that those pressures cannot be contained within the Directorates' cash limits;
- 3.21 Council be asked to agree to create a fund in respect of as yet un-quantified revenue budget risks in the sum of £3.2m in 2015/16, allowing the Executive Director for Resources & Regeneration to hold these resources corporately in case these pressures emerge during the year, and authorise the Executive Director for Resources and Regeneration to allocate these funds to meet such pressures when satisfied that those pressures cannot be contained within the Directorates' cash limits;
- 3.22 Council be recommended to approve a General Fund Budget Requirement of £246.224m for 2015/16, based on a 0% increase in Lewisham's Council Tax element and the 1% Council Tax freeze grant of £1.0m being accepted. This will result in a Band D equivalent Council Tax level of £1,060.35 for Lewisham's services and £1,355.35 overall. This represents an overall decrease in Council Tax for 2014/15 of 0.29% and is subject to the GLA precept for 2014/15 being reduced by 1.3% from its existing 2014/15 level, in line with the GLA's final draft proposal;

- 3.23 Council be asked to note the Council Tax Ready Reckoner which for illustrative purposes sets out the Band D equivalent Council Tax at various levels of increase. This is explained in section 8 of the report and set out in more detail in Appendix Y3 of the same report;
- 3.24 Council be recommended to ask that the Executive Director for Resources & Regeneration issues cash limits to all Directorates once the 2015/16 Revenue Budget is agreed;
- 3.25 Council be recommended to note the Chief Financial Officer's Section 25 Statement, as attached at Appendix C of this report;
- 3.26 Council be recommended to agree the statutory calculations for 2015/16 as set out at Appendix Y5 of the report;
- 3.27 Council be recommended to note the prospects for the revenue budget for 2016/17 and future years as set out in section 9 of the report;
- 3.28 Council be recommended to agree that officers continue to develop firm proposals as part of the Lewisham Future Programme to help meet the forecast budget shortfalls in 2015/16 and for future years;

#### **Other Grants (within the General Fund)**

- 3.29 Council be recommended to note the adjustments to and impact of various specific grants for 2015/16 on the General Fund as set out in section 8 of the report;

#### **Treasury Management Strategy**

- 3.30 Council be recommended to approve the prudential indicators and treasury limits, as set out in section 10 of the report;
- 3.31 Council be recommended to approve the 2015/16 treasury strategy, including the investment strategy and the credit worthiness policy, as set out at Appendix Z3 of the report;
- 3.32 Council be recommended to agree to delegate to the Executive Director for Resources & Regeneration authority during 2015/16 to make amendments to borrowing and investment strategies provided there is no change to the Council's authorised limit for borrowing;
- 3.33 Council be recommended to agree the Minimum Revenue Provision (MRP) policy as set out in section 10 of the report.
- 3.34 Council be recommended to agree the credit and counterparty risk management criteria, as set out at Appendix Z3 of the report, the proposed countries for investment at Appendix Z4 of the report, and that it formally delegates responsibility for managing transactions with those institutions which meet the criteria to the Executive Director for Resources & Regeneration;

- 3.35 Council be recommended to agree to decrease the maximum deposit limits with the part nationalised banks from £65m to £40m for each of Lloyds Banking Group and Royal Bank of Scotland (RBS) Group;
- 3.36 Council be recommended to note that there was one incidence of a breach of the investment policy in November 2014 when an investment with an approved counter party was made for 12 months which should have been limited to 6 months; and
- 3.37 Council be recommended to note the development of the Municipal Bond Agency.

## APPENDIX C

### RELEVANT AMOUNTS OF COUNCIL TAX AND LEVIES

<b>Basic Amount of Council Tax</b>	<b>2014/15</b>	<b>2015/16</b>
Council Tax Base	73,941	75,526.1
Council Tax Requirement with Levy (£)	78,403,552	80,084,100
Basic Amount of Council Tax (£)	1,060.35	1,060.35
<b>% Increase in basic amount of Council Tax</b>		<b>0.00%</b>

<b>Levy bodies for Lewisham</b>	<b>2014/15</b>	<b>2015/16</b>	<b>Change</b>
LPFA	£1,243,426	£1,231,690	(£11,736)
Lee Valley Regional Park (Estimated)	£232,194	£232,194	0
Environment Agency	£170,425	£172,889	£2,464
<b>Total Levies</b>	<b>£1,646,045</b>	<b>£1,636,773</b>	<b>(£9,272)</b>





## APPENDIX D

### CHIEF FINANCIAL OFFICER'S STATEMENT REQUIRED UNDER SECTION 25 OF THE LOCAL GOVERNMENT ACT

This statement makes reference to the 2015/16 Budget Report to Mayor & Cabinet circulated to all Members.

Section 25 of the Local Government Act 2003 requires the Chief Financial Officer to report to an authority when it is making the statutory calculations required to determine its Council Tax. The Authority is required to take the report into account when making the calculations. The report must deal with the robustness of the estimates, included in the budget and the adequacy of the reserves, for which the budget provides. This Statement also reflects the requirements of CIPFA's current Local Authority Accounting Panel (LAAP) Bulletin 77 on 'Local Authority Reserves and Balances'.

Section 114 of the Local Government Act 1988, requires the Chief Financial Officer (CFO) to issue a report to all the Local Authority members to be made by that officer, in consultation with the monitoring officer and head of paid service, if there is or is likely to be unlawful expenditure or an unbalanced budget.

#### Generally

The Council has already made savings from its revenue budget of £93m since May 2010. The Medium Term Financial Strategy was reported to Mayor & Cabinet in July 2014. This set out that an estimated £85m of savings is required from 2015/16 to 2017/18, over and above savings already agreed. The final Local Government Finance Settlement on 4 February 2015 announced a one year settlement for 2015/16. This confirmed the need for £40m of savings in 2015/16. The estimates for 2016/17 and 2017/18 may vary depending on future year settlements. Current forecasts expect the Council to need to find £40m to £50m of savings for the two years 2016/17 and 2017/18.

Our estimates were for a further £85m of savings but following the Chancellors announcement in the Autumn Statement of a further £10 billion of cuts to public sector expenditure these estimates are likely to worsen and it would be prudent to revisit the overall estimates in the next financial survey in the summer.

The Council continues to take a prudent approach towards financial planning. During these times, the Council will need to weigh up the need to hold reserves and balances whilst going through this period of increased risk to the delivery of the budget versus the need to use reserves and balances when considering the need to set a balanced budget.

#### Pressures on the Council's Revenue Budget in 2015/16

During 2014/15 there have been a number of pressures which have crystallised due to increasing demographics and legislative changes. These have given rise to an increase in individuals presenting with no recourse to public funds and an increase in bed and breakfast usage. Consideration is given in the report to the management and funding of these risks.

In setting this budget, the Council will maintain a level of corporate balances and reserves, which should be adequate to deal with any risk associated with the delivery of this budget. That said, there are still considerable risks associated with delivering the

scale of savings required. The Chief Financial Officer recommends that the un-earmarked reserves are held at the current level of £12.0m. Should the need arise to call upon these reserves during the year, consideration should be given to replenish these as soon as possible.

In addition, the Council holds General Earmarked Reserves which total £63m. These funds are earmarked for various future planned spending and to undertake one-off projects or work that does not happen every year. Examples include, the transitional fund, redundancy provisions, elections, replacement of obsolete equipment and contractual claims that may become due (e.g. dilapidations that may become payable on properties we lease from the private sector to provide housing).

The 2015/16 budget pressures have been outlined in the main budget report. These include a range of pressures, some of which cannot be quantified at this stage, and include: demographic pressures for children and adult services; redundancy and further potential changes to funding as a result of government legislation and reform. These funds will either be transferred to the Directorate budgets where quantifiable and not thought to be directly controllable at the start of the year or held corporately until such time when the pressure emerges during the year.

## **Budget assumptions**

### Inflation

For financial planning purposes, the Council continues to anticipate the environment of public sector pay restraint to continue and assume an average pay inflation of 1% per annum, which equates to approximately £1.1m. Negotiations concluded in 2014 confirmed a pay award of 2.2% with effect from January 2015 for the two years 2014/15 and 2015/16, and funding for this increase is provided within the budget.

The Council applies a notional non-pay inflation level of 2.5% per annum which equates to approximately £3.4m on net expenditure.

Moving forward, officers will need to closely monitor inflationary pressure on contracts, which in many cases, continue to outstrip the current level of Consumer Prices Index (CPI) inflation. In particular, this applies to those areas which are viewed as being particularly sensitive to contract price changes, such as Adult Social Care, or with long term fixed rate contracts, such as the range of PFI contracts which the Council is currently engaged with.

## **Budget Risks**

### Capital Programme

The risks related to the Capital Programme are managed programme-wide and scheme by scheme. Officers review anticipated capital receipts quarterly, the last review was carried out in January 2015. Projections are updated and reported on regularly to Mayor & Cabinet.

### Service volume pressure

The Council continues to maintain a medium term financial strategy and corporate budget model by which it attempts to identify and anticipate financial pressures.

With regards to the overall financial standing of the authority, issues concerning the level of borrowing and debt outstanding, are considered in section ten of the 2015/16 Budget Report.

### Business Rates Retention

This is the third local government finance settlement under the new 'business rate retention' funding system. There is now an increased emphasis on local authorities to grow their business activities locally. Councils retain 30% of locally collected business rates, but have no discretion to vary the rateable value or 'multiplier', (i.e. the pound charged per rateable value). This element makes up 17% of the total baseline funding received by Lewisham in respect of business rates in the financial settlement.

Each local authority is given an indicative target of business rates yield against which growth will be judged. Councils will be able to retain a share of any growth in business rate income and therefore have a direct financial incentive to promote growth in their local economies. Conversely, any decline in business rates will also be borne by the authority and will negatively impact upon income levels.

### Savings

#### *Identifying savings*

The Council, through the Lewisham Future Programme, continues to look at reshaping the Council over the medium term. This Programme recognises that in the fifth consecutive year of spending reductions even greater innovation, focus on the customer, and cross-cutting thinking is required to deliver savings. This whilst attempting to minimise the impacts on residents and customers of Lewisham.

The Programme comprises a mixture of thematic and cross-cutting reviews. Some examples of these include: smarter assessment arrangements and deeper integration of social & health care, including public health; approach to safeguarding and early intervention services; opportunities for asset rationalisation; a strategic review of income generation and the drive to make further reductions in management and corporate overheads.

The 2014/15 budget was supported by the use of reserves. The 2015/16 budget makes use of once off resources from New Homes Bonus of £5.0m and £5m of earmarked reserves. Going forward, ongoing measures will need to be put in place to ensure the sustainability of the budget.

#### *Implementing savings*

There is a risk that one or more budget savings, in full or in part, may not be delivered on time in the year. The Council operates financial management on the principle of devolved responsibility for budgets to managers in Directorates. This is managed through the monthly budget monitoring process with quarterly updates provided in the budget monitoring reports for members. The extent to which any anticipated savings are not delivered adds to future pressures.

### Control

Going forward into 2015/16, it will be even more important that the Council continues to maintain its strong systems for monitoring expenditure and controlling expenditure through Directorate cash limits.

During 2014/15 instructions to budget managers were re-affirmed to ensure tight spending on budgets and focus on ensuring the Council's budget position remains

within budget at the year-end. However, throughout the year the Council has forecast a significant overspending position. While this has been reduced, the forecast outturn position for the year at the December 2014 was an overspend of £9.5m. In light of this position the Chief Executive and the Executive Director for Resources and Regeneration introduced a Central Expenditure Panel to approve all spending decisions in October 2014. Any overspend at the end of the financial year will have to be met from once off resources.

For 2015/16, the budget holders within Directorates are again being requested to endorse their cash limits before the start of the financial year and provide confirmation of an ability to deliver their services within the agreed allocated resources. It is expected that the Departmental Expenditure Panels and the Corporate Expenditure Panel will continue into 2015/16 and this will be reviewed after the first quarter.

Given the forecast outturn position in 2014/15, the unprecedented level of savings required for 2015/16 and the anticipated very significant level of savings/cuts required in the years beyond; it remains critically important to monitor the progress being made in implementing these savings throughout the year.

### Conclusion

The Council has a robust and sophisticated approach for producing and maintaining its annual budget. Its financial plans and strategies have contributed to the achievement of the Council's corporate objectives to date.

However, this has required the Council to draw on once off resources in 2014/15 and again in 2015/16. This action reduces the resilience of the Council to respond flexibly in the event of continued resource reduction or meet the financial consequences of a severe shock to or failure of service(s).

Tight control will need to be exercised over the budget for 2015/16 given the levels of risk, as set out earlier in this statement. Attention needs to continue to be focussed on managing within budget and identifying the savings necessary to achieve a balanced budget in future years. The use of once off resources on a continuous basis to balance the annual budget is not sustainable and could quickly lead to the depletion of reserves. Should the Council find itself in a position where it does not have the resources to meet expenditure this would lead to the consideration of a Section 114 notice. Whilst the Council does currently have adequate reserves and a robust financial management regime, the budget preparation must remain a focus.

Janet Senior – Executive Director for Resources & Regeneration  
**Chief Financial Officer – Section 151**

**February 2015**

# Agenda Item 10

<b>Chief Officer Confirmation of Report Submission</b>	
<b>Cabinet Member Confirmation of Briefing</b>	
Report for: Mayor	<input type="checkbox"/>
Mayor and Cabinet	<input checked="" type="checkbox"/>
Mayor and Cabinet (Contracts)	<input type="checkbox"/>
Executive Director	<input type="checkbox"/>
Information <input type="checkbox"/> Part 1 <input checked="" type="checkbox"/> Part 2 <input type="checkbox"/> Key Decision <input type="checkbox"/>	

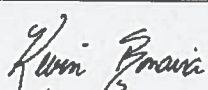
Date of Meeting	18 <sup>th</sup> February 2015
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Title of Report	2015/16 Savings update Report
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Originator of Report	David Austin	49114
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At the time of submission for the Agenda, I confirm that the report has:

Category	Yes	No
Financial Comments from Exec Director for Resources	X	
Legal Comments from the Head of Law	X	
Crime & Disorder Implications	X	
Environmental Implications	X	
Equality Implications/Impact Assessment (as appropriate)	X	
Confirmed Adherence to Budget & Policy Framework	X	
Risk Assessment Comments (as appropriate)		
Reason for Urgency (as appropriate)		

Signed:  Executive Member

Date: 17/02/15

Signed:  Director/Head of Service

Date 17/02/15

### Control Record by Committee Support

Action	Date
Listed on Schedule of Business/Forward Plan (if appropriate)	
Draft Report Cleared at Agenda Planning Meeting (not delegated decisions)	
Submitted Report from CO Received by Committee Support	
Scheduled Date for Call-in (if appropriate)	
To be Referred to Full Council	

# MAYOR AND CABINET

## NOTICE OF DECISION UNDER SPECIAL URGENCY RULE G19

The MAYOR AND CABINET will meet on WEDNESDAY 18 FEBRUARY 2015 at 6pm in the CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU.

The Mayor and Cabinet will consider a report on the key decision shown below which have not been included in the Key Decision Plan. The Chair of Overview and Scrutiny has been advised that this report should be submitted to the meeting and has agreed that it is urgent and cannot reasonably be deferred. The resolution to defer consideration Budget Saving H1 Restructuring of Enforcement and Regulatory Services to this meeting was taken on February 11 after the publication of the agenda for this meeting.

- 2015/16 Revenue Budget Savings Update

Barry Quirk  
Chief Executive  
Date: 17 February 2015  
Lewisham Town Hall  
London SE6 4RU

For further information please  
contact the Committee Officer:  
Kevin Flaherty  
Governance Support  
Tel. No. 020 8-314-9327



**Lewisham**



INVESTOR IN PEOPLE

The public are welcome to attend our Committee meetings, however, occasionally, committees may have to consider some business in private. Copies of reports can be made in additional formats on request.





<b>MAYOR &amp; CABINET</b>			
<b>Report Title</b>	2015/16 Revenue Budget Savings Update		
<b>Key Decision</b>	Yes	<b>Item No.</b>	
<b>Ward</b>	All		
<b>Contributors</b>	Executive Director for Resources & Regeneration		
<b>Class</b>	Part 1	<b>Date: 18 February 2015</b>	

## **REASONS FOR URGENCY AND LATENESS**

Urgency: Given the significance of the financial constraints that the Council will face over the coming years, it is essential that the Mayor and his Cabinet make decisions on all the savings proposals presented to them. This report follows on from the savings report presented to Mayor and Cabinet on the 11 February. The reason for lateness is to ensure that any decisions not taken by the Mayor & Cabinet on 11 February 2015 could be appropriately considered within this report.

### **1 SUMMARY**

1.1 This report presents the Mayor with an update on the restructuring of enforcement and regulatory services saving proposal (H1) to include additional information, as instructed by the Mayor at the meeting held on 11 February 2015.

### **2 PURPOSE**

2.1 The purpose of this report is to seek approval for the restructuring of enforcement and regulatory services savings proposal (H1) presented to Mayor and Cabinet on the 12 November 2014 and again on the 11 February 2015.

### **3 RECOMMENDATION**

3.1 That, subject to proper process and consultation where appropriate and if required, the Mayor agrees the following saving proposal:

- H1 Restructuring of enforcement and regulatory services £800k .

### **4. BACKGROUND**

4.1 This proposal was originally presented to Mayor and Cabinet on the 12 November 2014 and again on the 11 February along with other saving proposals that will help the Council produce a balanced budget for 2015/16.

4.2 At the 11 February meeting a full report was provided to the Mayor following consultation with staff. The Mayor requested that this proposal be brought back to Mayor & Cabinet for reconsideration.

4.3 Officers are meeting with the Unison representative on the 17th February to further discuss the points raised at Mayor and Cabinet on the 11 February. Following this meeting, an updated savings report with additional information will be tabled at the Mayor and Cabinet meeting on the 18 February.

## **5. FINANCIAL IMPLICATIONS**

5.1 This report is concerned with the saving proposal of £800,000 it presents to enable the Council to set a balanced budget in 2015/16 and address the future financial challenges it faces. There are direct financial implications from the level of savings agreed in terms of the ability to agree a balanced budget for 2015/16.

5.2 Any savings not agreed or for which only a part year effect can be achieved following completion of due process and the decision to implement will require other resources to be used to balance the budget. This risk was considered in the separate budget report on 11 February 2015.

## **6. HUMAN RESOURCES IMPLICATIONS**

6.1 The proposed restructure will see 64.3 FTE deleted and 39.0 FTE new posts created in the proposed new structure. The number of FTE therefore which are proposed to be deleted are 25.3 FTE's (of which eight are currently vacant). An initial equalities analysis assessment suggests that there will be low/nil impact as a result of the restructure across gender, ethnicity, age and disability characteristics.

## **7. LEGAL IMPLICATIONS**

### **General Legal Implications**

#### Statutory duties

7.1 The Council has a variety of statutory duties which it must fulfil by law. The Council cannot lawfully decide not to carry out those duties. Even where there is a statutory duty there is often a discretion about the level of service provision. Where there is an impact on statutory duty, that is identified in the report. In other instances, the Council provides services in pursuit of a statutory power, rather than a duty, and though not bound to carry out those activities, decisions about them must be taken in accordance with the decision making requirements of administrative law.

#### Reasonableness and proper process

- 7.2 Decisions must be made reasonably taking into account all relevant considerations and disregarding all irrelevant matters. These are particular to the service reductions proposed and are set out in the body of the report. It is also imperative that decisions are taken following proper process. Depending on the particular service concerned, this may be set down in statute, though not all legal requirements are set down in legislation. For example, depending on the service, there may be a need to consult with service users and/or others and where this is the case, any proposals in this report must remain proposals unless and until that consultation is carried out and the responses brought back in a further report for consideration with an open mind before any decision is made. Whether or not consultation is required, any decision to discontinue a service would require appropriate notice. If the Council has published a procedure for handling service reductions, there would be a legitimate expectation that such procedure will be followed.

#### Staffing reductions

- 7.3 Depending on the number of any redundancies, the Council would have to comply with the requirements for collective consultation under Section 188 Trade Union and Labour Relations (Consolidation) Act 1992. This consultation is in addition to consultation with individuals affected by redundancy and/or reorganisation under the Council's own employment procedures.

#### Crime and Disorder

- 7.4 Section 17 of the Crime and Disorder Act 1998 requires the Council to have regard to the likely effect on crime and disorder when it exercises its functions, and the need to do all that it reasonably can to prevent crime and disorder in its area.

#### Best value

- 7.5 The Council remains under a duty under Section 3 Local Government Act 1999 to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. It must have regard to this duty in making decisions in respect of this report.

#### Environmental implications

- 7.6 Section 40 Natural Environment and Rural Communities Act 2006 states that "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions to the purpose of conserving biodiversity". No such implications have been identified in this report.

## **8. EQUALITIES**

- 8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 8.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 8.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key

areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 8.7 The EHRC has also issued Guidance entitled “Making Fair Financial Decisions”. It appears at Appendix 1 and attention is drawn to its contents.
- 8.8 The equalities implications pertaining to the specific service reductions are particular to the specific reduction.

### The Human Rights Act

- 8.9 Since the introduction of the Human Rights Act 1998 (HRA) the rights set out in the European Convention on Human Rights (ECHR) have been incorporated into UK law and can be enforced in the UK courts without recourse to the European courts.
- 8.10 Those articles which are particularly relevant in to public services are as follows:-
- Article 2 - the right to life
  - Article 3 - the right not to be subject to inhuman or degrading treatment
  - Article 5 - the right to security of the person
  - Article 6 - the right to a fair trial
  - Article 8 - the right to a private and family life, home and correspondence
  - Article 9 - the right to freedom of thought ,conscience and religion
  - Article 10 - the right to freedom of expression
  - Article 11 - the right to peaceful assembly
  - Article 14 - the right not to be discriminated against on any ground
- The first protocol to the ECHR added
- Article 1 - the right to peaceful enjoyment of property
  - Article 2 - the right to education

- 8.11 Some of these rights are unconditional, such as the right not to be tortured or subject to degrading treatment. Others may be limited in finite and well defined circumstances (such as the right to liberty. Others are qualified and must be balanced against the need of the wider community – such as the right to a private and family life. Where there are human rights implications associated with the proposals in this report regard must be had to them before making any decision.

## **9. CONCLUSION**

- 9.1 The Council expects to need to make savings of around £85m between 2015/16 and 2017/18. This figure is subject to change as financing

estimates are refined and government resourcing proposals confirmed. Of this total the gap for 2015/16 is £39m to enable the Council to set a balanced budget, as it is required to do in law.

- 9.2 This saving proposal in the Enforcement and Regulation area of £800,000 forms part of the Council's effort to close the gap.

**10. BACKGROUND DOCUMENTS AND FURTHER INFORMATION**

<b>Short Title of Report</b>	<b>Date</b>	<b>Contact</b>
Lewisham Future Programme 2015/16 Revenue Budget Savings Report	11 February 2015	David Austin
Lewisham Future Programme 2015/16 Revenue Budget Savings Report	12 November 2014	David Austin

For further information on this report, please contact:

David Austin, Head of Corporate Resources on 020 8314 9114 or at [david.austin@lewisham.gov.uk](mailto:david.austin@lewisham.gov.uk)

## APPENDIX 1 - Making Fair Financial Decisions



**This guidance has been updated to reflect the new equality duty which came into force on 5 April 2011. It provides advice about the general equality duty.**

### 0 Introduction

With major reductions in public spending, public authorities in Britain are being required to make difficult financial decisions. This guide sets out what is expected of you as a decision-maker or leader of a public authority responsible for delivering key services at a national, regional and/or local level, in order to make such decisions as fair as possible.

The new public sector equality duty (the equality duty) does not prevent you from making difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor does it stop you from making decisions which may affect one group more than another group. The equality duty enables you to demonstrate that you are making financial decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of your community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups (or protected characteristics under the Equality Act 2010).

Assessing the impact on equality of proposed changes to policies, procedures and practices is not just something that the law requires, it is a positive opportunity for you as a public authority leader to ensure you make better decisions based on robust evidence.

### 1 What the law requires

Under the equality duty (set out in the Equality Act 2010), public authorities must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination.

The law requires that public authorities demonstrate that they have had 'due regard' to the aims of the equality duty in their decision-making. Assessing the

potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had 'due regard'.

It is also important to note that public authorities subject to the equality duty are also likely to be subject to the Human Rights Act. We would therefore recommend that public authorities consider the potential impact their decisions could have on human rights.

## 2 Aim of this guide

This guide aims to assist decision-makers in ensuring that:

- The process they follow to assess the impact on equality of financial proposals is robust, and
- The impact that financial proposals could have on protected groups is thoroughly considered before any decisions are arrived at.

We have also produced detailed guidance for those responsible for assessing the impact on equality of their policies, which is available on our website:

[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/equality\\_analysis\\_guidance.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/equality_analysis_guidance.pdf)

## 3 The benefits of assessing the impact on equality

By law, your assessments of impact on equality must:

- Contain enough information to enable a public authority to demonstrate it has had 'due regard' to the aims of the equality duty in its decision-making
- Consider ways of mitigating or avoiding any adverse impacts.

Such assessments do not have to take the form of a document called an equality impact assessment. If you choose not to develop a document of this type, then some alternative approach which systematically assesses any adverse impacts of a change in policy, procedure or practice will be required. Assessing impact on equality is not an end in itself and it should be tailored to, and be proportionate to, the decision that is being made.

Whether it is proportionate for an authority to conduct an assessment of the impact on equality of a financial decision or not depends on its relevance to the authority's particular function and its likely impact on people from the protected groups.

We recommend that you document your assessment of the impact on equality when developing financial proposals. This will help you to:

- **Ensure you have a written record of the equality considerations** you have taken into account.
- **Ensure that your decision includes a consideration of the actions that would help to avoid or mitigate any impacts on particular protected groups.** Individual decisions should also be informed by the wider context of decisions in your own and other relevant public



authorities, so that particular groups are not unduly affected by the cumulative effects of different decisions.

- **Make your decisions based on evidence:** a decision which is informed by relevant local and national information about equality is a better quality decision. Assessments of impact on equality provide a clear and systematic way to collect, assess and put forward relevant evidence.
- **Make the decision-making process more transparent:** a process which involves those likely to be affected by the policy, and which is based on evidence, is much more open and transparent. This should also help you secure better public understanding of the difficult decisions you will be making in the coming months.
- **Comply with the law:** a written record can be used to demonstrate that due regard has been had. Failure to meet the equality duty may result in authorities being exposed to costly, time-consuming and reputation-damaging legal challenges.

#### 4 When should your assessments be carried out?

Assessments of the impact on equality must be carried out at a **formative stage** so that the assessment is an integral part of the development of a proposed policy, not a later justification of a policy that has already been adopted. Financial proposals which are relevant to equality, such as those likely to impact on equality in your workforce and/or for your community, should always be subject to a thorough assessment. This includes proposals to outsource or procure any of the functions of your organisation. The assessment should form part of the proposal, and you should consider it carefully **before** making your decision.

If you are presented with a proposal that has not been assessed for its impact on equality, you should question whether this enables you to consider fully the proposed changes and its likely impact. Decisions not to assess the impact on equality should be fully documented, along with the reasons and the evidence used to come to this conclusion. This is important as authorities may need to rely on this documentation if the decision is challenged. It is also important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people.

#### 5 What should I be looking for in my assessments?

Assessments of impact on equality need to be based on relevant information and enable the decision-maker to understand the equality implications of a decision and any alternative options or proposals.

As with everything, proportionality is a key principle. Assessing the impact on equality of a major financial proposal is likely to need significantly more effort and resources dedicated to ensuring effective engagement, than a simple assessment of a proposal to save money by changing staff travel arrangements.

There is no prescribed format for assessing the impact on equality, but the following questions and answers provide guidance to assist you in determining whether you consider that an assessment is robust enough to rely on:

- **Is the purpose of the financial proposal clearly set out?**

A robust assessment will set out the reasons for the change; how this change can impact on protected groups, as well as whom it is intended to benefit; and the intended outcome. You should also think about how individual financial proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

Joint working with your public authority partners will also help you to consider thoroughly the impact of your joint decisions on the people you collectively serve.

**Example:** A local authority takes separate decisions to limit the eligibility criteria for community care services; increase charges for respite services; scale back its accessible housing programme; and cut concessionary travel. Each separate decision may have a significant effect on the lives of disabled residents, and the cumulative impact of these decisions may be considerable.

This combined impact would not be apparent if the decisions were considered in isolation.

- **Has the assessment considered available evidence?**

Public authorities should consider the information and research already available locally and nationally. The assessment of impact on equality should be underpinned by up-to-date and reliable information about the different protected groups that the proposal is likely to have an impact on. A lack of information is not a sufficient reason to conclude that there is no impact.

- **Have those likely to be affected by the proposal been engaged?**

Engagement is crucial to assessing the impact on equality. There is no explicit requirement to engage people under the equality duty, but it will help you to improve the equality information that you use to understand the possible impact on your policy on different protected groups. No-one can give you a better insight into how proposed changes will have an impact on, for example, disabled people, than disabled people themselves.

- **Have potential positive and negative impacts been identified?**

It is not enough to state simply that a policy will impact on everyone equally; there should be a more in-depth consideration of available evidence to see if particular protected groups are more likely to be affected than others. Equal treatment does not always produce equal outcomes; sometimes authorities will have to take particular steps for certain groups to address an existing disadvantage or to meet differing needs.

- **What course of action does the assessment suggest that I take? Is it justifiable?**

The assessment should clearly identify the option(s) chosen, and their potential impacts, and document the reasons for this decision. There are four possible outcomes of an assessment of the impact on equality, and more than one may apply to a single proposal:

**Outcome 1: No major change required** when the assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

**Outcome 2: Adjustments to remove barriers identified by the assessment or to better advance equality.** Are you satisfied that the proposed adjustments will remove the barriers identified?

**Outcome 3: Continue despite having identified some potential for adverse impacts or missed opportunities to advance equality.** In this case, the justification should be included in the assessment and should be in line with the duty to have 'due regard'. For the most important relevant policies, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact, as discussed below.

**Outcome 4: Stop and rethink** when an assessment shows actual or potential unlawful discrimination.

- **Are there plans to alleviate any negative impacts?**

Where the assessment indicates a potential negative impact, consideration should be given to means of reducing or mitigating this impact. This will in practice be supported by the development of an action plan to reduce impacts. This should identify the responsibility for delivering each action and the associated timescales for implementation. Considering what action you could take to avoid any negative impact is crucial, to reduce the likelihood that the difficult decisions you will have to take in the near future do not create or perpetuate inequality.

**Example:** A University decides to close down its childcare facility to save money, particularly given that it is currently being under-used. It identifies that doing so will have a negative impact on women and individuals from different racial groups, both staff and students.

In order to mitigate such impacts, the University designs an action plan to ensure relevant information on childcare facilities in the area is disseminated to staff and students in a timely manner. This will help to improve partnership working with the local authority and to ensure that sufficient and affordable childcare remains accessible to its students and staff.

- **Are there plans to monitor the actual impact of the proposal?**

Although assessments of impact on equality will help to anticipate a proposal's likely effect on different communities and groups, in reality the full impact of a decision will only be known once it is introduced. It is therefore important to set out arrangements for reviewing the actual impact of the proposals once they have been implemented.

## **6 What happens if you don't properly assess the impact on equality of relevant decisions?**

If you have not carried out an assessment of impact on equality of the proposal, or have not done so thoroughly, you risk leaving yourself open to legal challenges, which are both costly and time-consuming. Recent legal cases have shown what can happen when authorities do not consider their equality duties when making decisions.

**Example:** A court recently overturned a decision by Haringey Council to consent to a large-scale building redevelopment in Wards Corner in Tottenham, on the basis that the council had not considered the impact of the proposal on different racial groups before granting planning permission. However, the result can often be far more fundamental than a legal challenge. If people feel that an authority is acting high-handedly or without properly involving its service users or employees, or listening to their concerns, they are likely to become disillusioned with you.

Above all, authorities which fail to carry out robust assessments of the impact on equality risk making poor and unfair decisions that could discriminate against particular protected groups and perpetuate or worsen inequality.

As part of its regulatory role to ensure compliance with the equality duty, the Commission will monitor financial decisions with a view to ensuring that these have been taken in compliance with the equality duty and have taken into account the need to mitigate negative impacts where possible.  
[www.equality.humanrights.com](http://www.equality.humanrights.com)