

## SUPPLEMENTARY AGENDA 1

### THE EXECUTIVE

Tuesday, 22 November 2005

- Agenda Item 6.      The Social Model of Disability (Pages 1 - 18)**
- Agenda Item 7.      Parenting Contracts, Parenting Orders and Fixed  
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Appendix F to this report is private and confidential as it contains details of the proposed terms of land disposals (paragraph 8)

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## THE EXECUTIVE

22 NOVEMBER 2005

### REPORT OF THE DIRECTOR OF CORPORATE STRATEGY

This report is submitted under Agenda Item 6. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency.

THE SOCIAL MODEL OF DISABILITY	FOR DECISION
<p><b>Summary:</b></p> <p>This report introduces the Social Model of Disability (SMD) (definition attached as appendix A) and makes recommendations that the Council formally adopt it by 3 December 2005 (International Day of Disabled People). The objective is to adopt the SMD ahead of the introduction of the Disability Discrimination Amendment Act (DDAA 2005). The DDAA 2005 requires the Council to positively promote disability equality, which is also the philosophy underpinning the SMD.</p> <p>Once adopted, the Council will oversee the practical implementation of the SMD change programme over a six year timescale this gives the Council and its partners enough time to carry out the actions. The Council will also provide leadership to the local strategic partnership, including the voluntary and community sector, on the implementation of the SMD to ensure that disability equality is positively promoted throughout the borough.</p> <p><b>Wards Affected: All</b></p>	
<p><b>Implications:</b></p> <p><b>Financial:</b></p> <p>None specific, the majority of facilities and resources to deliver improved accessibility are in place. The vast majority of the other changes are around behaviours, processes and attitudes. CIILL have applied for a corporate grant to fund support and advice work to Council service departments on the practical work of implementing the social model action plan. The terms of reference of this work is to be established by the targets in the change programme. All commitments beyond that need to be considered within the context of the legal requirements and available resources with particular reference to 'reasonable adjustments' (see Appendix B for definition)</p> <p><b>Legal:</b></p> <p>The Council has a significant responsibility for eliminating disability discrimination under the Disability Discrimination Act (DDA) 1995 and 2005 the measures outlined in this report are an important step in carrying out the duty.</p> <p>The DDAA 2005 will have major implications for the Council. It requires that, (with some exceptions), those functions not already covered by the DDA 1995 are brought within its scope (so that it would be unlawful for a public authority, without justification, to discriminate against a disabled person when exercising its functions). The Council when exercising its functions, is to have due regard to the need to eliminate harassment of and unlawful discrimination against disabled persons, to promote positive attitudes towards disabled</p>	

persons, to encourage participation by disabled persons in public life, and to promote equality of opportunity between disabled persons and other persons.

**Risk Management:**

Non compliance of the Disability Discrimination Act (1995) and its amendment of 2005, leading to legal enforcement.

**Social Inclusion and Diversity:**

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

A Policy Proofing process has been introduced to assess such impacts and the outcome insofar as this report is concerned is that there is no adverse impact on any groups in the community

**Crime and Disorder:**

There are no specific implications

**Recommendation(s)**

The Executive is asked to:

- 1) approve the adoption of the Social Model of Disability (SMD) by 3 December 2005 and the implementation of the social model change programme over a period of six years beginning 31 March 2006;
- 2) agree that the Council seek specialist advice and support to services via a local disabled people and their representative organisations
- 3) refer this decision to the Barking & Dagenham Partnership for further action in implementing the social model change programme as the basis of a shared approach to meeting the requirements of the DDAA 2005

**Reason(s)**

By adopting the social model of disability and implementing the social model change programme, the Council will:

- produce a strategy on accessibility for disabled people, ensure all public buildings are fully accessible and positively promote disability/equality rights;
- be fulfilling its obligation under the Disability Discrimination Act (1995) and the Amendment Act (2005);
- be responding positively to a clear message sent out by local disabled people concerning

the promotion of disability equality;

- Be able to demonstrate in practical terms its commitment to disability equality and the development of a disability rights agenda, by working with other local agencies;
- greatly enhance its community cohesion policies by improving access to goods and services for disabled people, as well as ensuring inclusion into mainstream community life.

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## 1. Introduction and Background: What is the Social Model of Disability (SMD)

- 1.1 The DDAA (2005) requires every local authority to produce a Disability Equality Scheme (DES) by Dec 2006. The attached social model change programme (see Appendix C) is in effect the Council's DES and the proposals within this report will not only allow the Council to proactively respond to the new DDAA (2005), but will also provide the basis for a shared Barking & Dagenham Partnership DES. Establishing a shared approach will maximise the positive impact for disabled within the borough as a whole, by ensuring all statutory and community & voluntary sector organisations are working to a common plan.
- 1.2 It is proposed that the Council negotiate an agreement to work with an organisation such as the Barking & Dagenham Centre for Independent, Integrated and Inclusive living (CIIL) to provide specialist advice and support to services in implementing the social model change programme. CIIL have submitted an application to the corporate grants programme to fund this work in advance of the potential negotiation of a future Partnership Agreement with the Council.

## 2. The Current Position

- 2.1 The Council is currently in a good position on disability equality. However, we would like to be proactive and move the Council into a position of excellence and this can be achieved by implementing the social model change programme.
- 2.2 Each Council department will be charged with the responsibility of implementing the SMD using the social model change programme (Appendix C) attached, assessing needs and making 'reasonable adjustments' (See definition in Appendix B). The majority of the resources and facilities to deliver the commitments in change programme are in place. Any additional resources to support the programme are likely to be minimal and can be easily assimilated by Council services over the six year of duration of the programme. The onus will be firmly placed on the departmental management teams to ensure that the necessary changes are carried out and this will be monitored by the departmental equality groups and the corporate equalities, diversity & community cohesion board.

### 3. Report Detail (Work on disability equality)

- 3.1 The SMD recognises the only way that disabled people can achieve equality is by eradicating of the barriers that society imposes on them. This means that disabled people are not necessarily hindered by their impairments, but by a society, which takes little or no account of their needs. It is the failure to address disabled people's needs that prevents them from accessing employment and services on equal terms.
- 3.2 The barriers to disability equality can be summarised as:
- Attitudes – prejudice and stereotyping
  - Social – segregating disabled people
  - Language – terms used in relation to disability
  - Environmental–physical obstructions, inaccessible buildings/services, etc
- 3.3 The Council can begin to implement the SMD by identifying and tackling the disabling barriers that are within our control such as: changing management practices, work organisation or building design so that they promote accessibility. We can also assist disabled service users and employees to overcome barriers which are outside the Council's direct control. For example, an employer can enable a disabled employee to start work later than her or his non-disabled colleagues because it takes her or him longer to get to work because of an inaccessible transport system.
- 3.4 To guide the departments in reviewing and assessing their services in accordance with the SMD, the attached social model change programme as been developed (Appendix C). The terms of reference of this work is to be established by the targets in the change programme. All commitments beyond that need to be considered within the context of the legal requirements and available resources.
- 3.5 It is highly likely that services will require a degree of support, guidance and assistance in implementing the social model. In order to assist them, it is vital that we work in partnership with local disability groups. As such it is proposed that the Council should negotiate an agreement with an organisation such as Barking & Dagenham CIII for the provision of appropriate advice and support services.
- 3.6 Adopting the social model will be instrumental in assisting the Council in meeting its responsibilities under the Disability Discrimination Act (DDA) 1995 and the (Amendment) Act 2005
- 3.7 The following draft statement on the social model of disability was drawn up in consultation with local disabled people,: 'The social model of disability recognises that all disabled people have the right to belong to and be valued in the local community. The social model of disability defines impairment and disability as two very different things, which challenge the way we view people and the way we view society. The definitions are as follows.
- Impairment –'the loss or limitation of physical, mental and or sensory functions.'

- Disability – ‘the loss or limitation of opportunities that prevents people who have impairments from taking part in the mainstream life of the community on an equal level with others due to negative attitudes, physical and social barriers.’

3:8 The new equality for disabled people booklet was launched, as part of the last international day for disabled people. The booklet focuses on the eradication of four key barriers for disabled people. (i.e. social, attitude, language and environmental barriers).

3.9 In June this year the social model film was launched. The film supports the equality for disabled people booklet, aims to raise awareness and gives practical guidance on how to implement the SMD. It will be used as:

- A tool within the local community
- A training tool within the Council
- A practical aid for local Partnership organisations

3.10 The work will be carried out with the disability equality group acting as an advisory and consultative body. This report will be submitted to the Barking & Dagenham Partnership to seek to establish a shared approach to disability equality. Progress across the partnership will be monitored by the social cohesion sub-group and regularly reported to the Council's Equalities, Diversity and Cohesion board.

#### 4. **Implications: The advantages of adopting the social model of disability**

4.1 The work that the Council has undertaken to date on disability equality has put us in a far stronger position to anticipate the requirements of the new Amendment Act 2005. By adopting and implementing the social model of disability, the Council will ensure that a proactive approach is taken in response to the new legislation.

4.2 It is in keeping with the existing commitment in the Council's corporate equalities & diversity plan (cedp) 2005/08 to:

*‘Produce a strategy on accessibility for disabled people, ensure all designated public buildings (as defined by the Council's access programme) are fully accessible, and adopt the social model of disability and positively promote disability/equality rights.’*

4.3 In practical terms it will mean, that each department review their policies, practices and titles, to ensure that they are compliant with the SMD. This will be done through the implementation of the social model ‘change programme.’ The implementation will be monitored by DMTs, CMT and the new equalities, diversity & cohesion board. The change programme will dovetail with the departmental equality, diversity & cohesion plans

By adopting the social model of disability, the Council will be responding to a clear message sent out by local disabled people

concerning what the Council should be doing to promote disability equality. Along with other local agencies, the Council can demonstrate in practical terms its commitment to disability equality and the development of a disability rights agenda. The adoption of the SMD will also greatly enhance our community cohesion policies by improving the access of disabled people to goods and services and disabled people's inclusion within the mainstream of community life.

## **5. Consultees**

Local disabled people and their representative organisations  
Disability staff group  
Councillor Cameron Geddes (Lead member: Community Safety & Social Cohesion)  
Head of policy & performance  
Director of corporate strategy  
Corporate equalities & diversity adviser  
The corporate management team  
The social cohesion sub-group  
Equalities & diversity officers  
Corporate HR Adviser  
Director of Finance

## **6. Background Papers Used in the Preparation of the Report:**

Corporate equalities & diversity plan  
Equalities & diversity policy framework (Policy on disability)  
Disability Discrimination Act (1995)  
Disability Discrimination Amendment Act (2005)  
Disability etiquette booklet and the equality for disabled people booklet  
Social model film  
Social model seminar papers (February 19 2004)

## **Appendix A – Social model of disability (explained)**

In line with the definition of the social model of disability, people have impairments, not disabilities as disabled people are discriminated against, disadvantaged, and treated in comparison with non disabled people

### **Language**

We do not use the term 'able-bodied' as it refers to physical functions. The appropriate term is 'a non-disabled person or people'.

### **Access to goods, services and facilities**

We live in a society that has failed to make sure that the wide-ranging needs of people are fully taken into account. Proof of this is seen in buildings with steps and not ramps, special schools which segregate children with impairments instead of including them with other children, and laws which do not give everyone equal rights.

### **Identifying individual needs**

This does not mean that people's impairments should be treated less importantly or that medical treatment is not essential, but that a person's limitations or differences (of whatever kind) should not cause disadvantage or discrimination'.

### **Legal obligations**

All organisations should now be working in line with the social model if they want to be inclusive and be accessible to all members of the community as well as meet their responsibilities under the Disability Discrimination Act.

## Appendix B

### Reasonable Adjustments

Whenever it is necessary, possible and reasonable, employers must take into account a person's disability and make appropriate adjustments to the work environment to accommodate that person.

Discrimination is not unlawful if the required adjustment will result in 'unjustifiable hardship' to the employer. From a legal perspective, the area of 'unjustifiable hardship' does not have a strict definition. Each specific case is considered on the basis of the cost of the adjustment required, the organisation's financial situation, and the potential benefits of the adjustment to others who do not have a disability.

Reasonable adjustments may include changes to work practices, alterations to facilities, or staff training.

#### **Examples**

- Improving lighting to accommodate people with visual impairment.
- Removing physical barriers that may impede the mobility of a person with a disability.
- Changing a filing system to a colour coded system to accommodate a person with an intellectual disability.

There are many adjustments that can be made to the general environment to assist people with a disability. For example: ramps into buildings, disabled toilet facilities, special parking spaces close to entrances, transportation vehicles with adjustable ramps, etc. In a work environment, you may have noticed some other adjustment examples, like a reception area with a specialised telephone for the receptionist who has a hearing disability.

Many adjustments can create a better environment for all staff and customers.

Overall, an employer or service provider has a legal obligation to provide what is deemed a 'reasonable adjustment' to accommodate the needs of a person with a disability. Considering the costs involved resulting from discrimination complaints, it is evident that 'reasonable adjustment' is not an area to be ignored.

*Example 1* : A shop with an annual turnover of £100,000 and a small net profit to the owner is asked to install a lift and make other modifications costing £250,000. This would be seen as an unjustifiable hardship.

*Example 2* : A government department with an annual budget of £50 million is asked to make modifications costing £5,000 to improve access to the bathrooms and other workplace facilities. This is unlikely to be seen as unjustifiable hardship.

## Appendix C

### Social Model of Disability Change Programme (Incorporating Disability Equality Scheme) 2006- 2012

#### Strategic objectives drawn from the Corporate Equalities & Diversity Plan

To: Produce a strategy on accessibility, adopt the social model and positively promote disability equality/rights

#### Leadership and Commitment

*Objective: Partnership working*

<b>Aim</b>	<b>Action</b>	<b>Lead Office/ Agency</b>	<b>Deadline</b>	<b>Outcome</b>
To distribute the Equality for Disabled People Booklet and the Social Model film	Booklet and film distributed to all partner organisations	Corporate Equalities team/ CIIL	31 March 2006	The booklet and the social model film integrated into induction and training programmes of 80% all partners
The Social model is promoted via the Barking & Dagenham Partnership	All Partners are taking the social model forward	Chief Officers of Partnership agencies	31 March 2008	At least 80% of organisations formally adopting the social model
Effective working with disability organisations to facilitate joined up services	Review and expand membership of the Disability Equality Group	CIIL	31 March 2007	Statutory, voluntary and private sectors represented and a wider representation of impairment groups

Identify additional sources from private sector	Increased private sector sponsorship of International Day for Disabled People (IDDP) and other events promoting disability equality	CiILL and partners	31 March 2008	Evidence of sponsorship secured via Chamber of Commerce or individual companies
All Partner organisations to publicise the availability of information in different formats	Formats more widely published	Customer Service Officers of all Partner organisations	31 March 2009	Details included and regularly updated in Customer Staff Handbook A-Z of services and websites
All partner organisations to publicise the adaptations to building and facilities	Adaptations to building and facilities more widely publicised	Customer service Officers of all partner organisations	31 March 2009	Details included and regularly updated in Customer Staff Handbook A-Z of services and websites
All Partner organisations to actively encourage feedback on formats and use it to target information and improvements	Service user surveys and mystery shopper exercises	Customer Services Officers	31 March 2010	Information/ data arising from exercise fed into service planning and regular review of formats
All Partner organisations to regularly review budget allocation to support disability equality work	To ensure that disability equality objectives and targets are included in all service and financial plans	Finance Officers	31 March 2010	Disability equality work and projects have a clear ongoing budget base

All Partner organisations to mainstream disability equality into their performance management systems	All Partner organisations to link build into their BVPI's the ability to capture specific data on disability	Performance Management teams	31 March 2011	PIs to demonstrate improved service take-up outcomes and satisfaction rates for disabled people
The Council to review job titles and departmental titles and make them compliant with the social model of disability	All departments to undertake a review of titles and set a timetable for change	All Chief Officers	31 March 2007	All titles reviewed and made compliant with the social model of disability
All Partner Organisations to review titles and make them compliant with the social model of disability	All organisations to undertake a review of titles and set a timetable for change	All Chief Officers	31 March 2010	All titles reviewed and made compliant with the social model of disability

## Consultation, Community Engagement and scrutiny

*Objective: Community involvement*

<b>Aim</b>	<b>Action</b>	<b>Lead Office/ Agency</b>	<b>Deadline</b>	<b>Outcome</b>
All Council services to ensure that meetings are accessible and take into account individual needs when consulting with disabled people	When holding meetings ensure that <ul style="list-style-type: none"> <li>▪ venues are accessible</li> <li>▪ aids and adaptations and</li> </ul>	All Council Officers	31 September 2006	The Council has a corporate checklist to guide officers in conducting meetings  All staff are applying corporate standards

	<ul style="list-style-type: none"> <li>▪ available translation and interpreting is offered as standard</li> </ul>			Services have consulted with local disabled people and the Access Officer on the suitability of venues or adaptations to buildings
All Partner organisations to ensure that meetings are accessible and take into account individual needs when consulting with disabled people	<p>When holding meetings ensure that</p> <ul style="list-style-type: none"> <li>▪ venues are accessible</li> <li>▪ aids and adaptations and available</li> </ul> <p>translation and interpreting is offered as standard</p>	All Partner organisations	31 March 2010	At least 80% of Partner organisations using the checklist and applying the same standards as the Council
Council to publish information on accessibility of venues	<p>Publishing of Council's Access Programme</p> <p>Information to be updated on a regular basis</p>	Corporate Equalities Team & Access Officer	2008-12	Information available in libraries and on Council website
Council to work proactively with disability groups	Disability Equality Group to formulate annual action plan with strategic objectives and targets	CILIL & Partnership organisations	2006 -12	Strategic objectives and targets and action plans to inform Council service and policy planning

## Service Delivery & Customer Care

### Objective: Usage:

Aim	Action	Lead Office/ Agency	Deadline	Outcome
All Council services to ensure that Impact/ needs Assessments have been carried out from a disability equality perspective	Impact Assessment process clearly demonstrates that disability issues are being addressed	All Council Officers	31 March 2006	Adverse impact for disabled people identified and addressed
All Council services to ensure that the relevant data is available to facilitate the identification of adverse impact for disabled people	<p>Monitoring and surveying is in place to allow us to evaluate:</p> <ul style="list-style-type: none"> <li>▪ Who is using your service?</li> <li>▪ Who is using which service?</li> <li>▪ Is this representative of the local disabled people?</li> </ul>	All services	31 March 2009	Generation of increased intelligence on service usage by disabled people
The results of Impact Assessment consultation with disabled people to be summarised in the Impact Assessment report	Mechanisms put in place to ensure that the necessary data is included in published reports	All services	2009 onwards	Clear evidence the way in which consultation with disabled people has influenced the outcomes of Impact Assessments on disability

<p>All services &amp; Partners to evaluate relevant data and feed into service and policy planning</p>	<p>Service and policy planning to address</p> <ul style="list-style-type: none"> <li>▪ How to increase usage?</li> <li>▪ Why are people not using the service?</li> <li>▪ Whether there are particular impairment groups not using the service?</li> <li>▪ Whether there is disproportionate adverse impact?</li> <li>▪ Satisfaction rate for disabled people increases year on year</li> </ul>	<p>All services managers and Partners</p>	<p>2009-12</p>	<p>All services able to demonstrate changes to service delivery that increase usage by disabled people and improve satisfaction to achieve equity with the general population</p>
<p>All Council's monitoring forms available in accessible formats on request</p>	<p>All services offering monitoring forms in formats such as Braille, large print and audio</p>	<p>Service managers</p>	<p>31 September 2006</p>	<p>Evidence of monitoring forms offered Braille, large print and audio</p>
<p>Council has developed and maintained a comprehensive database of information on disabled service users</p>	<p>A database to be established and maintained centrally. The database should:</p>	<p>Customer First</p>	<p>2009 onwards</p>	<p>All services accessing database and greater efficiency in addressing individual customer need</p>

<p>To ensure that information from 'Every Child Matters' feeds into the database</p>	<ul style="list-style-type: none"> <li>▪ Identify and monitor users by their impairment</li> <li>▪ Identify user's preferred communication format/method</li> <li>▪ Collect information on new users</li> <li>▪ Collect information on existing users</li> </ul>	<p>Children services</p>		
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## Employment & Training

*Objective: Working for the Council*

<b>Aim</b>	<b>Action</b>	<b>Lead Office/ Agency</b>	<b>Deadline</b>	<b>Outcome</b>
<p>All Council staff to receive training or briefing on the social model of disability</p>	<p>Social model integrated into the corporate training programmes and including corporate induction</p>	<p>Corporate Training &amp; Development</p>	<p>31 March 2006</p>	<p>All staff applying the social model</p>

Council to increase the total percentage of the workforce who identify as having an impairment	To undertake initiatives to encourage disabled people to work for the Council	Corporate HR	31 March 2008	increase to 4.5% of total workforce
All managers and staff briefed on the importance of 'reasonable adjustments'	The Council's legal obligation to undertake 'Reasonable adjustments explained in recruitment packs and articles published in People Matters	All services	31 March 2012	15% more increase in staff awareness of 'reasonable adjustments' and all Managers aware of 'reasonable adjustments'
Council has a budget in place to ensure that 'reasonable adjustments' are funded	Evidence of year on year allocation of funding within Corporate HR budget	Corporate HR	31 March 2006 onwards	Funds included in HR budget
All managers and staff aware of Access to Work	To ensure that disabled staff access the monies available under the Access to Work programme	Corporate HR	31 November 2006	Information on Access to Work included in all recruitment pack and an article placed in People Matters  15% more increase in awareness on 'Access to Work'
Raise greater awareness of the Council's disabled people's staff group	Details relating to the staff group be made available to every employee and the Intranet	Disabled people's staff group	31 March 2009	Regular updates published in People Matters and on the Intranet

Council's disabled people's staff group involved in policy and decision making	All plans relating to disabled staff referred to the disabled people's staff group	All services	31 March 2009	disabled people's staff group to be invited to make comments on policy documents and should also be invited to sit on Equality, Diversity & Cohesion Board
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## Community Cohesion

### Objective: Building Cohesion

<b>Aim</b>	<b>Action</b>	<b>Lead Office/ Agency</b>	<b>Deadline</b>	<b>Outcome</b>
All services to ensure that disabled people are included in the planning for events and activities	Project action plans and project groups to involve disabled people	All services	31 September 2006 onwards	All services to produce evidence of disabled people's involvement in the project planning
All services to request evaluation by disability groups of the accessibility and inclusivity of events organised	All services request evaluation of events from disabled people	All services	31 March 2007	Evidence of evaluation and action on feedback
Council to publicise an article on disability equality	The Citizen to run an annual feature in liaison with the Disability Equality Group	Corporate Communications/ Disability Equality Group	31 September 2006	Article published in the Citizen annually



## THE EXECUTIVE

22 NOVEMBER 2005

### REPORT OF THE DIRECTOR OF EDUCATION, ARTS & LIBRARIES

This report is submitted under Agenda Item 7. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency.

PARENTING CONTRACTS, PARENTING ORDERS AND FIXED PENALTY NOTICES	FOR DECISION
<p><b>Summary:</b></p> <p>The Anti-Social Behaviour Act 2003 introduced a range of provisions to tackle truancy and school exclusion in order to support every child to achieve their potential. Provisions included Parenting Contracts, Parenting Orders and Fixed Penalty Notices. These are intended to enable schools and Local Authorities to assist parents to fulfil their responsibilities in relation to the behaviour and attendance of children and young people.</p> <p>This report describes the new provisions and seeks Members' approval of the policies and procedures developed in Barking &amp; Dagenham to implement the new provisions in respect of non attendance at school and exclusion.</p> <p><b>Wards Affected:</b></p> <p>All wards</p>	
<p><b>Implications:</b></p> <p><b>Financial:</b></p> <p>Financial implications will be limited as these new areas of work will be undertaken through existing staffing arrangements.</p> <p><b>Legal:</b></p> <p>Officers from Legal Services have read the protocols on Parenting Orders and are satisfied with these. They have expressed the opinion that the applications to court can be made without the involvement of a solicitor or barrister.</p> <p><b>Risk Management:</b></p> <p>There are no significant risks associated with this proposal.</p> <p><b>Social Inclusion and Diversity:</b></p> <p>There are no specific adverse impacts associated with the implementation of these initiatives.</p>	

<b>Crime and Disorder:</b>		
<p>Section 17 of the Crime and Disorder Act 1998 places a responsibility on Local Authorities to consider the crime and disorder implications of any proposals.</p> <p>It is anticipated that interventions to tackle truancy and school exclusion will have a positive impact on crime and disorder by assisting parents to fulfil their responsibilities in relation to behaviour and attendance thus putting young people at a reduced risk of criminal and anti-social behaviour.</p>		
<b>Recommendation:</b>		
<p>The Executive is recommended to agree the proposed arrangements for implementing Parenting Contracts, Parenting Orders and Fixed Penalty Notices.</p>		
<b>Reason(s)</b>		
<p>The Local Authority is required to have in place procedures to implement these aspects of the Anti-Social Behaviour Act 2003. The proposed implementation in Barking &amp; Dagenham has been discussed with the DfES Adviser and is regarded as appropriate.</p>		
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## 1. Background

- 1.1 The Anti-Social Behaviour Act 2003 introduced a range of provisions to tackle truancy and school exclusion in order to support every child to fulfil their potential, and to reduce the risk of young people engaging in criminal and anti-social behaviour.
- 1.2 The new provisions in respect of non attendance at school are:
- Parenting Contracts
  - Fixed Penalty Notices
- 1.3 The new provisions in respect of behaviour and exclusion are:
- Parenting Contracts
  - Parenting Orders
- 1.4 The Local Authority was expected to have in place a code of conduct for Fixed Penalty Notices by December 2004, and this was achieved. This year the Local Authority is expected to have in place procedures for Parenting Contracts and Parenting Orders.

## **2. Parenting Contracts**

2.1 Parenting Contracts can be used in cases where children have been excluded from school for a fixed or permanent period, or where children fail to attend school regularly.

2.2 The key features of Parenting Contracts are as follows:

- They are a voluntary agreement; parents cannot be compelled to enter into such a contract.
- They are a formal agreement; the parent is required to sign the contract and the Local Authority or the governing body also sign the contract.
- If issued by a school, the governing body's name must appear on the contract and costs must be borne by the school.
- There must be liaison between the school and the Local Authority prior to issuing a contract. If other agencies are identified, the school or Local Authority should consult with them.
- The contract should contain a statement by the parents/carers that they agree to comply for a specified period with whatever requirements are detailed in the contract.
- The contract also contains a statement by the Local Authority or the governing body agreeing to provide support to the parent/carers for the purpose of complying with the contract.

2.3 The following documentation has been produced to facilitate the implementation of parenting contracts:

- A summary document for schools and services that outlines the range of new provision.
- A protocol in respect of Parenting Contracts which outlines the procedures to be followed by both school and officers of the Department of Education, Arts and Libraries in implementing Parenting Contracts.
- A flow chart for school and officers which describes the process for implementation of Parenting Contracts.
- A proforma for a Parenting Contract and a specimen Parenting Contract.
- Information for parents on Parenting Contracts (DfES Guidance).

## **3. Parenting Orders**

3.1 Parenting Orders have previously been granted by courts when a young person is brought before them for a criminal offence, or when a parent/carer is prosecuted for failing to ensure that their child attends school regularly. The Anti-Social Behaviour Act 2003 introduced new Parenting Orders in respect of behaviour/exclusion.

3.2 A Local Authority can apply to a magistrates court for a Parenting Order in respect of a parent of a pupil when:

- A pupil has been excluded from school for a second fixed term within a period of twelve months.

- After a pupil has been permanently excluded from school.
- When the Local Authority considers that the Parenting Contract is unlikely to be an effective way forward and to engage with parents who have not been willing to engage on a voluntary basis.

3.3 The key features of Parenting Orders are as follows:

- The Local Authority applies to the magistrates court.
- All Parenting Orders must be supervised by a 'responsible officer', this could be an officer of the Local Authority, a Headteacher or a person nominated by the Headteacher.
- A Parenting Order specifies that counselling/guidance be attended over a three month period and also specifies requirements with which parents should comply, this element can last up to twelve months.
- The application for a Parenting Order must be made within forty days of the end of exclusion appeal process. During this period the Local Authority carries out an assessment and prepares evidence to make the application to court.
- Only the Local Authority can apply for a Parenting Order, but the Headteacher may, in the case of fixed term exclusions, ask the Local Authority to apply for a Parenting Order.
- If the parent fails to comply with the order, then breach procedures must be considered, this may lead to a maximum fine of £1,000.

3.4 In order to implement Parenting Orders the Department of Education, Arts & Libraries has produced the following;

- Summary guidance on the range of new provisions.
- A protocol for schools and services on Parenting Orders.
- A flow chart on Parenting Orders.

#### **4. Fixed Penalty Notices**

4.1 Fixed Penalty Notices are considered to be a suitable intervention where the parent is judged capable of securing their child's regular attendance at school, but is not willing to take responsibility for doing this.

4.2 Key Features of Fixed Penalty Notices are as follows:

- Parents are not willing to take responsibility for securing regular attendance and prosecution is judged to be too heavy handed.
- Fixed Penalty Notices can be issued by the police, the Local Authority or the Headteacher. With the agreement of the governing body, Headteachers may authorise staff to issue notices.
- The penalty is £50 if payment is made within 28 days of receipt of the notice, rising to £100 if paid after 28 days, but within 42 days.
- If the penalty is not paid within 42 days the Local Authority must either prosecute or withdraw the notice.
- Penalties are payable to the Local Authority.

4.3 In order to implement Fixed Penalty Notices the Department of Education, Arts, & Libraries has produced the following guidance:

- A summary for schools and officers on the range of new provisions.
- A detailed protocol/code of conduct for schools and officers.
- Standard letters for parents/carers, including a warning letter.

## **5. Judgement Regarding these Interventions**

5.1 In deciding about the appropriateness of interventions officers and schools must make a judgement about whether the parenting is a significant factor in the pupil's behaviour/attendance and whether a contract or order could remedy this.

5.2 Schools and officers will seek to involve the child as much as possible in any discussions concerning the child's behaviour and attendance.

5.3 In accordance with the guidance schools and officers will give careful consideration to the following:

- The Human Rights Act 1998
- Race equality
- The Disability Discrimination Act 1995
- Information for parents
- Involvement of children and young people
- Multi agency working
- Child protection issues

## **6 Implementation of New Provisions in Barking & Dagenham**

### **6.1 Fixed Penalty Notices (FPN)**

Levels of non attendance at school are very high in Barking & Dagenham and Fixed Penalty Notices are welcomed as a potential intervention that offers speed and efficiency in dealing with emergent patterns of poor attendance and lack of engagement by parents. They send a very clear message to parents about the importance of regular school attendance. It is hoped that publicity about Fixed Penalty Notices will act as a warning to parents of the risk of not actively supporting school attendance.

6.2 Fixed Penalty Notices were piloted in one school in Barking & Dagenham in January 2004 but implementation was then delayed until the current term pending the development of robust financial systems. It is now intended that they will be the first statutory intervention in cases of irregular school attendance where there has been little or no engagement by parents. We anticipate that between 50 and 100 Fixed Penalty Notices will be issued in the current school year. Casework and interventions with families, children and young people will continue alongside this approach.

6.3 We are concerned about the number of cases that may need to be prosecuted for non payment of the penalty. National evidence suggests that about 50% of Fixed Penalty Notices remain unpaid. If this experience is replicated in Barking &

Dagenham then a significant amount of officer time will be spent preparing court papers and attending court, in this case the Access & Attendance Service may decide that fast track prosecutions of parents are more appropriate than Fixed Penalty Notices.

#### **6.4 Parenting Contracts**

Parenting support is empathised throughout Every Child Matters and we recognise that Parenting Contracts could make a positive contribution to improving attendance and behaviour of children and young people. The benefits to parents and their children of developing improved parenting skills have been well evidenced in research (Desforges & Abouchar 2003; Moran, Ghate & Van Der Merwe 2004) and these skills are clearly associated with children's achievement of the five outcomes. Parenting Contracts are voluntary and therefore allow parents to feel in control and have an opportunity to define their own needs and for intervention to be provided that is relevant to the parent's specific difficulties.

6.5 We are particularly keen to pilot Parenting Contracts with parents of primary aged pupils because at this stage parents are more able to influence their children's behaviour and research suggests better and more durable outcomes for children.

#### **6.6 Parenting Orders**

Parenting Orders enable the Local Authority to address behaviour and attendance issues with parents who are reluctant to engage with professionals. We recognise that these may help to prevent permanent exclusion and therefore result in financial savings. However, there is some uncertainty about the effectiveness of compulsory parenting work and no Local Authority has yet obtained a Parenting Order under the new provisions in respect of behaviour (according to the most recent DfES data, 31<sup>st</sup> July 05).

6.7 Parenting Orders must include a parenting programme. Currently this is provided through the FSU programme which is funded and monitored through the Neighbourhood Renewal Fund. Unfortunately the capacity of this programme is not keeping pace with current demand and this would limit the number of Parenting Orders we could seek. This contract is under review.

6.8 There are no new resources for the implementation of these provisions and it is therefore unlikely that school Governing Bodies will implement Parenting Contracts. The Local Authority plans to implement both Parenting Contracts and Parenting Orders through existing resources, particularly involving the Access & Attendance Service, the Family Support Team and the Educational Psychology Service. If in future the council decides that this area of work should be further developed then specialist staff maybe required or bespoke programmes could be commissioned. This could facilitate the provision of programmes including behavioural intervention and cognitive intervention which would deliver skills, attitudinal change and peer support. A bespoke programme could facilitate involvement by parents by providing child care facilities, paid transport to programmes and delivery at convenient times including evenings and weekends.

## **7. Information About New Provisions**

- 7.1 A report from the Director of Education, Arts & Libraries has been sent to all school Governing Bodies to inform them about the new provisions.
- 7.2 Guidance, protocols, flow charts and specimen contracts has been sent to all schools
- 7.3 There have already been some references to Fixed Penalty Notices in publicity from the press office. Further opportunities will be sought for publicity in respect of the range of provisions as appropriate.

## **8. Financial Implications**

- 8.1 The costs associated with Parenting Orders must be borne by the Local Authority but this new area of work will be undertaken through existing staffing arrangements.
- 8.2 Parenting Contracts can be issued by the Local Authority or by school governing bodies. If the governing body's name appears on the contract the costs must be borne by the school.
- 8.3 In exceptional cases there may be some legal costs associated with obtaining Parenting Orders.

## **9. Legal Implications**

- 9.1 Legal Services have expressed the view that the protocol on Parenting Orders is in good order.
- 9.2 It is intended that the applications to court will be made through the Access & Attendance Team and will not generally involve a solicitor or barrister.

## **10. Social Inclusion & Diversity**

- 10.1 Impact assessments undertaken by services within DEAL suggest that there will be no specific adverse impacts associated with the implementation of these policies. During the past year 95% of prosecutions of parents in respect of non-attendance at school have been in respect of white UK parents which means this group is slightly over-represented.
- 10.2 Similarly the data on exclusions for the past eight years indicates that the percentage of exclusions for all ethnic minority groups are slightly lower than their level of representation in the school population. However, one group, Black African boys, are slightly over-represented.
- 10.3 This data suggests that a slightly disproportionate number of Parenting Contracts & Orders might be sought in respect of white UK parents but this will be closely monitored as the new provisions are implemented.

## **11. Consultations**

11.1 The following have been consulted on this report and are happy with as it stands.

Councillor Alexander  
DEAL Finance Section  
Legal Services Division

## **12. Background Documents**

Guidance on Education - Related Parenting Contracts, Parenting Orders &  
Penalty Notices DfES 2004

Anti-Social Behaviour Act 2003

Education Act 1996

Education Act 2004

Desforges C. & Abouchaar A. (2203) Research No 20022146: The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and adjustment.

Moran P., Ghate D. & Van Der Merwe A. (2004) What works in Parenting Support? A Review of International Evidence

## THE EXECUTIVE

22 NOVEMBER 2005

### REPORT OF THE DIRECTOR OF HOUSING & HEALTH

This report is submitted under Agenda Item 8. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency.

<b>HOUSING FUTURES: OUTLINE DELIVERY PLAN</b>	<b>FOR DECISION</b>
<p><b>Summary:</b></p> <p>The Housing Futures programme of work has been split into three delivery streams: stock retention, private finance initiative and housing regeneration. This report details the proposals for delivering the Decent Homes Standard by 2010 and focuses particular attention on the delivery of retained stock which amounts to some 16,500 units of accommodation</p> <p><b>Wards Affected:</b> All</p>	
<p><b>Implications:</b></p> <p><b>Financial:</b></p> <p>The delivery of Housing Futures depends on a healthy Housing Revenue Account (HRA), and the identified capital funding being fully achieved. Measures have been put in place to ensure that robust monitoring of both the Revenue and Capital Accounts takes place, and any signs of variations from the model assumptions will be picked up early and reported to Members with appropriate recommendations.</p> <p><b>Legal:</b></p> <p>None</p> <p><b>Risk Management:</b></p> <p>The risks relating to the delivery plan are detailed in paragraphs 3.1.4 (Stock Retention), 3.2.5 (Private Finance Initiative) and 3.3.3 (Land Disposal Programme). However, due to the complexity of the Housing Futures Project, a robust Risk Analysis is being undertaken to enable risks relating to the project to be continuously managed, reduced and where appropriate, transferred. The Risk Analysis will be presented to the Executive in December 2005. A full review of the resourcing of the Housing Futures Plan will be undertaken as part of the estimate process. Paragraph 5 sets the risks out in more detail.</p> <p><b>Social Inclusion and Diversity:</b></p> <p>No implications</p> <p><b>Crime and Disorder:</b></p> <p>No implications</p>	

<p><b>Recommendation(s)</b></p> <p>The Executive is asked to:</p> <ol style="list-style-type: none"> <li>i. Approve the strategy for the phasing of works as set out in paragraph 3.1.2 of the report;</li> <li>ii. Agree that where available resources exceed the amount needed to fund this approach, the remaining amount should be used to anticipate works from the subsequent year;</li> <li>iii. Approve the 2006/07 Housing Capital Programme;</li> <li>iv. Agree that the Housing Capital Programme for future years be included in the Capital Programme review in spring 2006; and</li> <li>v. Note that ward specific proposals will be subject to discussion with ward members prior to submission to Community Housing Partnership meetings.</li> </ol>		
<p><b>Reason(s)</b></p> <p>The outline delivery plan will aid in setting the course of direction necessary to deliver the government's decent homes standard by 2010.</p>		
<p><b>Contact Officer:</b> David Woods</p>	<p><b>Title:</b> Director of Housing &amp; Health</p>	<p><b>Contact Details:</b> Tel: 020 8227 5701 Fax: 020 8227 5595 E-mail: david.woods@lbbd.gov.uk</p>

## 1. Introduction and Background

- 1.1** On the 31<sup>st</sup> May 2005, the Executive approved the final draft of the stock option appraisal report, which was dispatched, along with supporting evidence to the Government office for London in June 2005.
- 1.2** The Executive also requested that a further report be submitted outlining the approach that the Housing and Health Department proposes to take in order to deliver the housing stock option appraisal.
- 1.3** The stock option appraisal is a "mix and match" solution drawing on four investment strands:
- Use of council money to invest into retained stock
  - Regeneration of 5 flatted estates to raise the quality of design, accommodation and environmental sustainability, increase density and increase the amount of affordable housing
  - Pursue Private Finance Initiative (PFI) government investment option for high rise stock
  - Sale of Housing Revenue Account land for investment in retained stock

## **2. Current Position**

### **2.1 Government Sign Off**

**2.1.1** In a letter dated 3<sup>rd</sup> November 2005, the Government Office for London approved the London Borough of Barking & Dagenham's housing stock option appraisal.

**2.1.2** Executive is asked to note that the financial model is subject to continuous monitoring of sensitivities relating to the assumptions that underpin the financial model. The Director of Housing & Health and the Director of Finance continue to undertake ongoing reviews of the financial model and will make any necessary amendments to ensure the viability of the Housing Futures project. Major amendments or those that affect the agreed methodology for delivering the Housing Futures Standard will continue to be reported to Executive for decision

### **2.2 Framework Agreement**

**2.2.1** The Executive on 14 June 2005 approved the establishment of Framework arrangements as the prime means of delivering capital investment over the next 4-5 years. There will be 3 separate arrangements one of which will be for Housing specifically aimed at delivering Housing Futures and the Decent Homes Standard for the Council's retained stock of 16,500 homes

**2.2.2** The Frameworks are due to be in place by July 2006 and work is proceeding on programme to achieve this. A further report will be submitted to the Executive in December 2005.

**2.2.3** The frameworks will last for 4 years but contracts let within this period may extend beyond it. It is therefore anticipated that they will deliver the Council's target of 100% Decency by 2010.

**2.2.4** Given their start date there is a potential gap delivering Decent Homes between completion of the current agreed 2 year housing investment programme by April 2006 and delivery from the Framework arrangements which will commence in August/September 2006. Proposals to address this and ensure continued delivery are set out below in paragraph 3.3 below

### **2.3 Housing Regeneration**

The cross departmental Housing Regeneration Team has been leading on the Regeneration projects to assist with the delivery of Housing Futures. These projects are all currently at different stages of development and many are subject to Master Planning. At the present time a brief overview and update of each project is detailed below.

Members are asked to note the progress made with regard to the five housing regeneration areas.

#### **2.3.1 Gascoigne Estate**

The Executive agreed on 19 July 2004 to the proposal to appoint a lead development partner/s to deliver a long term phased programme of regeneration for the Gascoigne Estate. A PIN (Prior Information Notice) was posted in the OJEU on 5 February and on 19 April 2005 the Executive agreed leave to tender and post the

Negotiated Notice on OJEU, and this was posted on 1 July 2005. During this time the project team have been working with the appointed consultants, Enterprise Beha Williams Norman Limited and legal advisors Trowers and Hamblins on the development of the brief and a framework for the delivery of the project including the legal basis for the delivery

The final appointment of the Lead Developer/s is due in February 2006. It is then estimated to take up to 18 months for the programme of delivery to be finalised, legal contracts in place, and master planning and consultation to be completed. Alongside of this work the programme of decanting and leasehold purchase will be initiated to fit in with the expected start on site for the first phase.

### **2.3.2 The Lintons**

The Linton's is within the area of the Town Centre known as The Station Quarter. English Partnerships, one of the members of the Barking Town Centre Partnership is jointly funding a design and feasibility study for the regeneration of this area and the Linton's has been included within this study. The study will result in a brief that is more definite about the aims for the area in terms of;

- Scale
- Mix of uses
- Levels and type of housing
- Urban design principles
- Anticipated levels of intervention from the Public Sector

The Master Plan is due to be completed by the end of the year, following community consultation.

Relocating the tenants and negotiations to repurchase the leasehold interests in the block has been ongoing since September 2004. The blocks now have only 20 tenants and 7 leaseholders remaining. The relocation and repurchase is programmed to be finished early 2006, however, we have instigated the procedure to make a Compulsory Purchase Order (CPO) to ensure that development is not held up by any leaseholders with whom we are unable to reach a negotiated settlement unable to reach a negotiated settlement.

The Council's vision for Housing Development in the Town Centre is explained in the Barking Town Centre Housing Strategy. The aim of this Strategy is to ensure that we achieve a balance of tenures across all new developments without any overall loss of affordable rented homes and an increase in intermediate and market homes. This addresses both the current housing need and the need to balance tenure in an area that is currently over 70% affordable rent (mainly Council ownership) and the aim of the Sustainable Communities Plan. It is estimated that the site could accommodate a scheme of approximately 600 units incorporating landmark (tall) buildings. The aim is to provide on this site some larger family homes with attractive private amenity space.

### **2.3.3 London Road/North Street**

The Barking Town Centre Framework Plan agreed by the Executive on 18<sup>th</sup> March 2003, identifies London Road North Street as a key regeneration site, which will deliver its vision of Barking as a lively, urban, mixed-use town centre. Resident

Consultation pre-dates this report as the blocks ability to fully address the Decent Homes Standard had been of concern to the Ward Members and residents for sometime. Initial work on this project only sought the redevelopment of the “L” shape block of flats with shops under on London Road and North Street and the Car Parks at the rear.

Following a presentation to the Barking Town Centre Strategy Group by the Barking Town Centre Team, English Partnerships proposed jointly funding a feasibility study with the Council as with The Station Quarter. This Master Plan has now been extended to look at the feasibility of developing other areas in the area bordered by East Street, London Road and North Street.

Consultants with an expertise in the following fields have been appointed to complete the study:

- Urban/Master Planners
- Property Consultants
- Cost Consultants
- Project Manager to oversee the programme

Repurchasing of the leasehold interests is now complete with decanting due to commence shortly to meet the development programme process. The Master Plan is due to report at the end of the year, following community consultation.

#### **2.3.4 Cadiz Court**

Decanting tenants and leaseholders in Cadiz Court has been ongoing, with two leaseholders remaining. Metropolitan Housing Trust are the Council’s preferred housing association partner for the redevelopment and draft plans are currently being worked up for a mixed tenure development. The existing 40 socially rented units will be re-provided and the Council will have sole nomination rights to these units. The draft plans for redevelopment will be presented to ward Councillors and resident focus group members in the autumn. The disposal of the Cadiz Court site and two redundant garage sites in the local area will enable the project to go ahead and discussions are underway with the Housing Corporation to secure any additional funding required.

#### **2.3.5 Eastern End of Thames View**

On the 24<sup>th</sup> May 2005 the Executive approved a report recommending the redevelopment of the eastern end of Thames View Estate. The redevelopment area consists of approximately 247 flats and houses and includes Gilstead, Navestock, Stanford and Bredo houses. It is anticipated that the redevelopment will be carried out in phases with programmed decanting, purchasing of leasehold and freehold properties commencing 2007. The redevelopment of this part of the Estate is to be included within the PFI bid submission.

A number of meetings have been held with the affected residents and tenants, drop in sessions will be held on the Estate in September to inform the wider Estate.

#### **2.4 The Private Finance Initiative (PFI) Project Board held its first meeting on the 16 August 2005 and Council advisors have been appointed.**

### **3. Report Detail**

#### **3.1 Capital Programme**

3.1.1 Appendix A is a GIS map of proposed PFI scheme and housing regeneration areas

3.1.2 Future plans will be delivered through the framework agreements currently being prepared. The Council now needs a strategy for the phasing of works over the next 5 years. The Executive is asked to adopt the basis for this as set out below:

- a) Works should generally be undertaken in the order set out in the Stock Condition Survey (SCS) which underpins the Housing Futures Plan
- b) Works to any property will be divided into those inside the home and those outside
- c) In either case works will be phased so that all elements needing to be addressed in a 5 year period will be undertaken together. In practice this would mean a home needing a:
  - rewire in 2006,
  - central heating in 2008,
  - a kitchen in 2009 and
  - a bathroom replaced in 2012would have the first 3 items done in 2006/7 and the bathroom (along with any other works needed up to 2016) undertaken in 2012
- d) Where available resources exceed the amount needed to fund this approach the remaining amount should be used to anticipate works from the subsequent year. Such works would be chosen in consultation with the Executive.

3.1.3 This approach would mean that residents would only have their homes disrupted once in any 5 year period. It would also mean that only a single visit would be need to address all aspects of the Decent Homes Standard. Finally it also means works would be carried out in a coordinated and hence most economic way.

#### **3.1.4 Risk**

This approach has an effect on the resources required during each of the next years these are shown in Appendix B against the overall level of resources available. This comparison shows that some £5.5m is available for further acceleration of Decent Homes Delivery. These funds would allow total delivery of the Decent Homes target some 6 months ahead of the government's final date. This has a number of advantages, not only does it give some breathing space for any difficulties experienced in delivering the programme but also means a reduced overlap between the Council's Decent Homes works and works associated with the 2012 Olympics which are expected to be at their height in 2009/10/11 when available construction resources will be most stretched

3.1.5 Appendix C shows a breakdown of the proportion of Non Decent Homes by ward and the costs remedying this. It also shows the anticipated expenditure per year based on the plan detailed above

### **3.1.6 Member and tenant involvement**

Detailed proposals of what works would be undertaken where and when are available on a ward by ward basis and it is proposed that these are discussed with Ward members at the next round of CHP meetings due to be held in January/February 2006. Any problems or particular issues arising from these discussions will be reported back to the first available Executive meeting. Once these consultations have been considered and a final delivery plan agreed a further report will be submitted to the executive setting out:

- The detailed delivery plan
- Consultation standards to be adopted for all projects
- Detailed monitoring arrangements for each project and the overall programme, which will be based on the recently adopted monthly progress reports sent to all Members with a quarterly report to the Executive detailing progress on Decent Homes delivery and expenditure

3.1.7 To maintain Progress on Decent Homes until the Framework Agreements come on line a review of existing contracts has been undertaken to establish how far these could be extended. These existing contracts cover

- Kitchen renewals (generally with rewiring)
  - Rewiring alone
  - Central heating
  - Roofing

3.1.8 At the same time a review has been made of the SCS information to establish the extent to which further properties exist which can be made/kept decent through these contracts. The outcome of this analysis is shown in Appendix D.

3.1.9 Taken together there is identified a total of 1461 properties which can be made decent through existing arrangements and a further 757 which can be kept Decent. Recent Tender reports approved by the Executive on 2<sup>nd</sup> August for kitchen replacement and rewiring works made provision for these arrangements to be extended should additional resources become available and CPMO approval gained. Subject to Executive approval to other parts of this report these two issues have been resolved and accordingly the Executive is asked to approve the sum of £13,422M to allow the works detailed in Appendix D to proceed immediately

3.1.10 The executive endorses the approach to delivering Decency set out in paragraphs 3.1.2-9 above

### **3.2 Private Finance Initiative (PFI)**

3.2.1 PFI Project Board and membership

The PFI Project Board consists of:

- David Woods, Director of Housing & Health (Chair)
- Ken Jones, Head of Housing Strategic Development (Project Sponsor)
- Cllr. Liam Smith Executive Member for Housing & Public Health
- Cllr. Sid Kallar Executive Member for Regeneration
- Officers from Housing & Health, Legal Services, Finance Services
- Expert advisors

3.2.2 Appointment of expert advisors

The following advisors have been appointed:

- Enterprise Beha Williams Norman Ltd to advise the Council on PFI up to and including the submission of the Expression of Interest/Outline Business Case.
- PPCR Ltd to advise and support tenants and leaseholders affected by the PFI.
- Eversheds to provide legal advice
- Davis Langdon Limited to undertake the role of quantity surveyors to aid in the costing of the PFI project
- Sprunt (Architects) Technical specialists: and Davis Langdon, Quantity Surveyors are to assist with preparing our Outline Business Case.

### 3.2.3 Project Timetable, attach as Appendix E

Implementation of the PFI Project depends critically on Central Government decisions. The project breaks down into eight phases:

Phase 1	Submission of Expression of Interest	Dec – March 2006
Phase 2	Submission of Outline Business Case	By June/July 2006
Phase 3	ODPM & Treasury Dept approval	By Oct 2006
Phase 4	Advertise and shortlist bidders	By April 2007
Phase 5	Invitation to Negotiate	By July 2007
Phase 6	Evaluation of bids	By Oct 2007
Phase 7	Preferred bidder – contractual close	By April 2008
Phase 8	Mobilisation	By June 2008

In view of the timescales PFI Project Board is exploring faster track procurement by blending Public Private Partnership (PPP) initiatives with PFI. See section 3.2.7 below.

### 3.2.4 Tenant and Leaseholder involvement

Consultation with tenants and leaseholders is a critical part of the process. This liaison is not so much about the principles of PFI but the detail and management of the scheme. PPCR consultants are working with the Council to complete this work in partnership with Landlord Service's Tenant Participation Team.

### 3.2.5 Risk management

The council should recognise that there is a substantial risk that the PFI scheme may take an unpredictable time to close, and that there is some risk of failure to achieve a viable scheme. These risks are assessed on the basis of other Housing PFI Schemes. The market view now is that procurement risks are abating with better knowledge of Housing PFI and better Government Guidance. Market soundings also support the Council's view that the PPP vehicle would be a good way to manage these risks. It should be noted that most PFI Housing Schemes are refurbishment, and this is perceived by Central Government and its agencies as an acceptable way of managing risks to Councils.

### 3.2.6 Geographic areas, see Appendix A

### 3.2.7 Recommended Vision and Strategy

In order to optimise the Council's chances of successful delivery of Decent Homes and the Housing Futures Standard it is recommended that the Council pursue both PPP and PFI options together with a potential, innovative PPP vehicle, similar to

that of a Local Education Partnership. This should enable a stream of improvements to take place using a blend of public and private finance. It is envisaged that the PFI/PPP project will include new build, re-provision, and refurbishment as well as repair schemes. It will link as far as practicable, with other Council programmes and initiatives.

### **3.3 Land Sales**

3.3.1 The disposal of a range of Housing Revenue Account surplus land holdings is an integral element of being able to achieve the Housing Futures standard for the retained Council housing stock. The option appraisal took account of this and factored in capital receipts of £26 million. Further research has been carried out jointly by Housing & Health, Planning and Property Services into the feasibility, capacity and phasing of bringing forward the disposal of the sites included in the Executive report of 31 May 2005. Appendix F shows the updated schedule (this appendix is private and confidential).

3.3.2 The disposals are programmed over a 4 year period. The gross capital receipts for the sites set out in the schedule is £11,970,000 with a net receipt estimated at £9,816,000 after allowing for all project costs.

3.3.3 A number of the proposed disposals are current or former garage sites which have become difficult to let and the target of vandalism, in most cases this has been after repeated attempts to secure the compounds and promote lettings. It will be necessary to terminate the remaining garage tenancies to ensure vacant possession, this will be carried out closer to the time for disposal so as to reduce any loss of income. In addition to the sites included there are several other proposed HRA land disposals:

- Sites within Dagenham
- Former sheltered housing complex of bedsits at Wood Lane / Five Elms
- Other surplus sheltered housing units

It is estimated that the capital receipt from these disposals will provide over £16 million. This will give an aggregate of £26 million, as originally indicated

3.3.4 Managing the risks of failing to realise the capital receipts required:

- Risk has been minimised by working with Planning and Property in determining the viability and capacity for new development on the disposal sites
- Realistic allowance has been made of the project and other costs which will be incurred in the disposals
- The Lead Executive Member for Housing Health and Adult Care has undertaken a review of the proposed disposal sites

## **4. Implications**

4.1 The Financial Model includes various assumptions regarding future inflation, savings, stock numbers etc and these have been factored into the HRA. The outcome is that the HRA will remain in balance until 2025-26 with small year on year surpluses / deficits being achieved.

4.2 In order to ensure this position is maintained, the HRA will be monitored closely via the existing budget monitoring process, as well as the Housing Futures Delivery Group. Any significant variations to the model will be reported and appropriate action recommended.

- 4.3 The overall capital spend has been based on the outcome of the Stock Condition Survey, with the detailed programmes drawn up by the Capital Works Division.
- 4.4 Funding has been identified which will ensure the current programme can be fully met until 2029-30. As there may be uncertainties around future building inflation, the scope of works actually required etc, and funding levels, as some are dependent on factors outside our control, it is essential both expenditure and income are closely monitored. Procedures have been put in place to ensure this is undertaken, and regular reports will be submitted to the Housing Futures Delivery Group.

## **5. Risks**

Pricewaterhouse Cooper have been commissioned by the Director of Finance to undertake an assessment of the risks associated with the Housing Futures Programme. The interim findings have highlighted the following risks:-

- (a) PFI – that a successful PFI project will emerge
- (b) Regeneration Projects – that viable projects are concluded
- (c) Retained Stock Investment – the interdependencies with the PFI project and regeneration projects
- (d) Land Sales proceeding
- (e) Right to Buy proceeds being achieved
- (f) Stock investment needs being as identified especially regarding inflation assumptions
- (g) Housing Subsidy assumptions varying
- (h) Budget assumptions not being achieved
- (i) Skills and capacity exists to deliver the programme
- (j) Programme Management is adequate

A full assessment of these together with actions to mitigate them will be made to a future meeting.

## **6. Consultation**

This report has been compiled following consultation with:

### **6.1 Lead Members**

Cllr. Liam Smith  
Cllr. Sid Kallar

### **6.2 Housing & Health**

Ken Jones, Head of Housing Strategic Development  
Jim Ripley, Head of Landlord Services  
Colin Rigby, Head of Finance (Housing)  
Paul Fordyce, Stock Investment Manager  
Wendy Ahmun, Project Leader Housing Futures  
Jennie Coombs, Project Manager (Housing Regeneration)  
Anthony Alexander, Project Manager (Housing Regeneration)  
Isabella Rossi, Project Manager (Housing Development)  
James Hodgson, Project Manager PFI

### **6.3 Finance**

Julie Parker, Director of Finance  
Colin Rigby, Head of Housing Finance

**6.4 Corporate**

Mohammad Saleem, Solicitor to the Council  
Paul Feild, Principal Solicitor

**Background Papers Used in the Preparation of the Report:**

- Housing Futures: Stock Option Appraisal, Executive, 31 May 2005
- Housing Futures Financial Model

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**GIS Map**

This document is not available electronically

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## Appendix B

	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	total
<b>Resources</b>	31,094	35,728	34,319	40,319	27,381	14,043	12,438	195,322
<b>Anticipated Spend*</b>	27,805	34,526	24,012	32,031	30,811	30,811	9,832	189,828
<b>Difference</b>	3,289	1,202	10,307	8,288	-3,430	-16,768	2,606	5,494

This comprises the 2004/5/6 investment Programme, the £13.4m pre Emption on 2006/7 resources already agreed through CPMO and the remaining Decent Homes works detailed in Appendix C

**The net amount for further acceleration is therefore £5.5m**

**NB** a detailed breakdown of works by property by year is available

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## Appendix C

## Breakdown of the proportion of Non Decent Homes by ward with costs

WARD	% OF ALL ND HOMES	SPEND NEEDED BEFORE %	PROPOSED % OF TOTAL SPEND PER YEAR					Total
			2006/7	2007/8	2008/9	2009/10	2010/11	
<b>Alibon</b>	<b>8.8%</b>	<b>6,434,395</b> 7.1%	4,490,668 6.2%	654,608 5.9%	761,515 10.7%	90,632 1.3%	753,840 7.7%	<b>6,751,263</b> 6.3%
<b>Abbey</b>	<b>1.4%</b>	<b>4,776,063</b> 5.3%	4,182,734 5.8%	607,893 5.5%	54,728 0.8%	229,491 3.3%	248,775 2.5%	<b>5,323,621</b> 5.0%
<b>Becontree</b>	<b>4.7%</b>	<b>5,966,341</b> 6.6%	4,904,301 6.8%	373,834 3.4%	474,839 6.7%	101,464 1.5%	534,615 5.4%	<b>6,389,053</b> 6.0%
<b>Chadwell Heath</b>	<b>3.1%</b>	<b>5,510,610</b> 6.1%	4,531,900 6.3%	1,010,649 9.1%	377,889 5.3%	1,841,997 26.5%	4,871,460 49.5%	<b>12,633,895</b> 11.8%
<b>Eastbrook</b>	<b>3.9%</b>	<b>3,292,044</b> 3.6%	2,620,498 3.6%	859,687 7.8%	203,581 2.9%	152,547 2.2%	9,168 0.1%	<b>3,845,480</b> 3.6%
<b>Eastbury</b>	<b>7.7%</b>	<b>5,201,290</b> 5.7%	4,503,588 6.2%	349,819 3.2%	192,117 2.7%	502,202 7.2%	81,023 0.8%	<b>5,628,749</b> 5.2%
<b>Gascoigne</b>	<b>0.9%</b>	<b>2,244,333</b> 2.5%	1,922,730 2.7%	240,977 2.2%	197,150 2.8%	88,932 1.3%	121,866 1.2%	<b>2,571,656</b> 2.4%
<b>Goresbrook</b>	<b>9.6%</b>	<b>5,930,316</b> 6.5%	4,109,690 5.7%	809,577 7.3%	382,992 5.4%	292,358 4.2%	612,191 6.2%	<b>6,206,807</b> 5.8%
<b>Heath</b>	<b>9.1%</b>	<b>5,577,005</b> 6.1%	4,505,772 6.2%	351,898 3.2%	1,019,535 14.3%	1,072,402 15.4%	274,093 2.8%	<b>7,223,699</b> 6.7%
<b>Longbridge</b>	<b>1.5%</b>	<b>2,476,370</b> 2.7%	1,813,248 2.5%	250,971 2.3%	1,169,466 16.4%	80,631 1.2%	1,407 0.0%	<b>3,315,723</b> 3.1%
<b>Mayesbrook</b>	<b>13.3%</b>	<b>7,680,500</b> 8.5%	5,264,166 7.3%	1,072,180 9.7%	30,824 0.4%	523,335 7.5%	964,453 9.8%	<b>7,854,959</b> 7.3%
<b>Parsloes</b>	<b>8.8%</b>	<b>6,155,889</b> 6.8%	4,683,050 6.5%	1,100,429 10.0%	196,153 2.8%	225,725 3.2%	633,490 6.4%	<b>6,838,846</b> 6.4%
<b>River</b>	<b>3.9%</b>	<b>4,178,650</b> 4.6%	3,174,739 4.4%	384,074 3.5%	318,143 4.5%	141,904 2.0%	357,499 3.6%	<b>4,376,359</b> 4.1%
<b>Thames</b>	<b>4.2%</b>	<b>5,146,041</b> 5.7%	4,469,013 6.2%	417,127 3.8%	33,516 0.5%	626,424 9.0%	25,323 0.3%	<b>5,571,403</b> 5.2%
<b>Valence</b>	<b>10.7%</b>	<b>6,729,167</b> 7.4%	4,882,645 6.8%	2,339,628 21.2%	231,099 3.2%	382,016 5.5%	228,594 2.3%	<b>8,063,982</b> 7.5%
<b>Village</b>	<b>7.2%</b>	<b>11,697,641</b> 12.9%	10,602,779 14.7%	193,649 1.8%	1,127,234 15.8%	606,332 8.7%	96,924 1.0%	<b>12,626,918</b> 11.8%
<b>Whalebone</b>	<b>1.0%</b>	<b>1,861,842</b> 2.0%	1,633,434 2.3%	31,525 0.3%	358,371 5.0%	1,116 0.0%	17,358 0.2%	<b>2,041,804</b> 1.9%
<b>TOTAL</b>	<b>100.0%</b>	<b>90,858,495</b>	<b>72,294,954</b>	<b>11,048,525</b>	<b>7,129,151</b>	<b>6,959,507</b>	<b>9,832,080</b>	<b>107,264,216</b>

The high level of expenditure shown for 2006/7 reflects the existing backlog of non decent homes for Appendix B this has been spread over 3 years to allow a more even and hence manageable programme and to more closely match the available resources

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## Appendix D ADDITIONAL DECENT HOMES DELIVERY 2005-2006

IDENTIFIED DEMAND: NON DECENT HOMES NOT CURRENTLY MET BY 2 YEAR PROGRAMME						
		C Heating	Rewires	Kitchens	Roofs	£
<b>Central Heating</b>		5				
with Kitchen		11	11	11		
with Kitchen & Rewire		2	2	2		
with all Three		1	1	1	1	
with Rewire		5	5			
with Rewire & Roof						
with Roof						
<b>Rewires</b>			747			
with Kitchen			658	658		
with Kitchen & Roof			12	12	12	
with Roof			12		12	
<b>Roof</b>					8	
<b>Totals</b>		24	764	684	33	
<b>COSTS</b>	<b>WORKS</b>	79,200	1,680,800	6,156,000	178,200	8,094,200
	<b>FEES</b>	6,336	134,464	492,480	14,256	647,536
	<b>TOTAL</b>	85,536	1,815,264	6,648,480	192,456	8,741,736
<b>IDENTIFIED DEMAND : HOMES POTENTIALLY NON DECENT BY 2010</b>						
C Heating		20				
Rewires			599			
Kitchens & Rewires			245	245		
Roof					138	
<b>Totals</b>		20	599	245	138	
<b>COSTS</b>	<b>WORKS</b>	66,000	1,317,800	2,205,000	745,200	4,334,000
	<b>FEES</b>	5,280	105,424	176,400	59,616	346,720
	<b>TOTAL</b>	71,280	1,423,224	2,381,400	804,816	4,680,720
<b>Grand Totals</b>		44	1363	929	171	
<b>COSTS</b>	<b>WORKS</b>	145,200	2,998,600	8,361,000	923,400	12,428,200
	<b>FEES</b>	11,616	239,888	668,880	73,872	994,256
<b>TOTAL</b>	<b>TOTAL</b>	156,816	3,238,488	9,029,880	997,272	13,422,456
<b>Summary</b>						
Identified excess demand delivering Decent Homes (above current programme) totals £8.742m (works & fees) : making 1461 homes Decent						
Identified excess demand preventing Non Decency (above current programme) totals £4.681m (works & fees) : keeping 757 homes Decent						
NB since this is all based on extending existing arrangements unit rates are above those in HFOA as they will not yield saving through better procurement						

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**Appendix E**

**PROPOSED PFI PROGRAMME**

Activity	September	October	November	December
<b>4.1</b> Site development appraisal Appoint technical consultants  commence work & initial report				Draft Expression of Interest close November Final draft prior to Christmas
<b>4.2</b> Output specifications & consultation				
<b>4.3</b> Appraisal linkages with other Council programmes				
<b>4.4</b> Market testing				
<b>4.5</b> Appoint Legal Consultants  Commence work - continuing				
<b>4.6</b> Financial Consultants (continuing)				
<b>4.7</b> Quantity Surveyors appointment  Commence work & initial report continuing				
<b>4.8</b> Housing Needs preliminary work				
<b>4.9</b> PFI Administration set up				
<b>4.10</b> Liaison with other departments set up				
<b>4.11</b> Consultation with tenants (continuing)				
<b>4.12</b> CDM & Health & Safety at Work				

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By virtue of paragraph(s) 8 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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