

OVERVIEW & SCRUTINY COMMITTEE

Monday, 9 May 2016 at 7.15 p.m., Idea Store Whitechapel, 321
Whitechapel Road, London E1 1BU

This meeting is open to the public to attend.

Members:

Chair: Councillor John Pierce

Vice Chair: Councillor Danny Hassell

Councillor Mahbub Alam

Councillor Amina Ali

Councillor Peter Golds

Councillor Denise Jones

Councillor Md. Maium Miah

Councillor Oliur Rahman

Councillor Helal Uddin

Scrutiny Lead for Adult Health and Wellbeing

Scrutiny Lead for Law Probity and Governance

Scrutiny Lead for Communities, Localities &
Culture

Scrutiny Lead for Resources

Scrutiny Lead for Development and Renewal

Co-opted Members:

Nozrul Mustafa

Victoria Ekubia

Dr Phillip Rice

1 Vacancy

1 Vacancy

(Parent Governor Representative)

(Roman Catholic Church Representative)

(Church of England Representative)

(Parent Governor Representative)

(Parent Governor Representative)

Deputies:

Councillor Muhammad Ansar Mustaquim, Councillor Khales Uddin Ahmed, Councillor Shah Alam, Councillor Dave Chesterton and Councillor Candida Ronald

[The quorum for this body is 3 voting Members]

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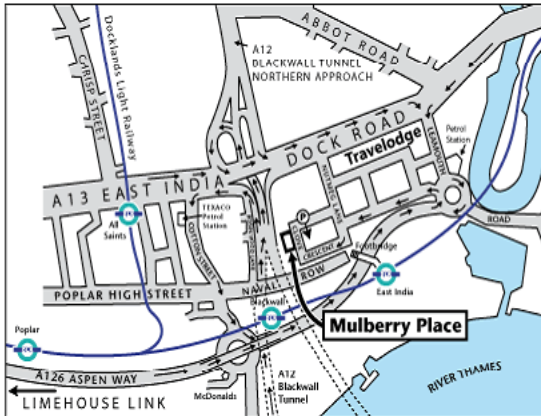
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1.	APOLOGIES FOR ABSENCE		
	To receive any apologies for absence.		
2.	DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST		1 - 4
	To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.		
3.	UNRESTRICTED MINUTES	All Wards	5 - 14
	To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 4 th April, 2016.		
4.	OVERVIEW AND SCRUTINY ACTION NOTES 2016-17	All Wards	15 - 20
	The Committee is asked to note and comment on the attached Action Notes.		
5.	FUTURE DECISIONS	All Wards	21 - 32
	The 'future decisions' schedule contains item in the Forward Plan for consideration by the Committee.		
6.	REQUESTS TO SUBMIT PETITIONS		
	To receive any petitions (to be notified at the meeting).		
7.	UNRESTRICTED REPORTS 'CALLED IN'		
	Nil items		
8.	PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS	All Wards	33 - 34
	To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.		
	(Time allocated – 30 minutes).		
9.	SCRUTINY SPOTLIGHT		
	Nil Items		
10.	UNRESTRICTED REPORTS FOR CONSIDERATION		
10 .1	Poplar Town Hall	All Wards	35 - 50

10 .2 Overview and Scrutiny Annual Report	All Wards	51 - 66
10 .3 Establishment of Housing Scrutiny Panel	All Wards	67 - 78
10 .4 Challenge Session Report - Children's Social, Emotional and Mental Health (SEMH) provision in Tower Hamlets	All Wards	79 - 104
10 .5 Review of Special Educational Need (SEN) and associated services in the London Borough of Tower Hamlets	All Wards	105 - 110

11. VERBAL UPDATES FROM SCRUTINY LEADS

(Time allocated – 5 minutes each)

12. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

To consider any other unrestricted business that the Chair considers to be urgent.

13. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

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

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

SECTION TWO

WARD

**PAGE
NUMBER(S)**

14. EXEMPT/ CONFIDENTIAL MINUTES

Nil items

15. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items

**16. PRE-DECISION SCRUTINY OF EXEMPT/
CONFIDENTIAL) CABINET PAPERS**

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated 15 minutes).

**17. ANY OTHER EXEMPT/ CONFIDENTIAL
BUSINESS THAT THE CHAIR CONSIDERS
URGENT**

To consider any other exempt/ confidential business that the Chair considers to be urgent.

Next Meeting of the Overview and Scrutiny Committee

Tuesday, 7 June 2016 at 7.15 p.m. to be held in Idea Store Whitechapel, 321 Whitechapel Road, London E1 1BU

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

- Melanie Clay, Director of Law Probity and Governance 2017 364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.15 P.M. ON MONDAY, 4 APRIL 2016

**MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON E14 2BG.**

Members Present:

Councillor John Pierce (Chair)	
Councillor Danny Hassell (Vice-Chair)	
Councillor Mahbub Alam	–
Councillor Peter Golds	– Scrutiny Lead for Law Probity and Governance
Councillor Denise Jones	– Scrutiny Lead for Communities, Localities & Culture
Councillor Md. Maium Miah	– Scrutiny Lead for Resources
Councillor Helal Uddin	– Scrutiny Lead for Development and Renewal

Co-opted Members Present:

Nozrul Mustafa	– (Parent Governor Representative)
Victoria Ekubia	– (Roman Catholic Church Representative)
Dr Phillip Rice	– (Church of England Representative)

Other Councillors Present:

Mayor John Biggs
Councillor Rachael Saunders

Apologies:

Councillor Amina Ali	– Scrutiny Lead for Adult Health and Wellbeing
Councillor Oliur Rahman	–

Officers Present:

Simon Baxter	– (Acting Service Head, Public Realm, Communities Localities & Culture)
Mark Cairns	– (Senior Strategy, Policy and

Kevin Kewin	– Performance Officer) (Interim Service Head, Corporate Strategy and Equality)
Graham White	– (Interim Service Head, Legal Services, Law, Probity and Governance)
Zena Cooke	– (Corporate Director, Resources)
Kevin Miles	– (Chief Accountant, Resources)
Brian Snary	– Financial Accountant - Resources
David Knight	– (Senior Democratic Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Oliur Rahman.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests.

3. UNRESTRICTED MINUTES

The Chair **Moved** and it was:-

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 29th February, 2016 be approved as a correct record of the proceedings.

4. OVERVIEW AND SCRUTINY COMMITTEE ACTIONS

Cllr Hassell requested that the previously requested update on issues raised from a ward walkabout should be escalated to the Corporate Director of Communities, Localities and Culture if this was not forthcoming. The Committee noted that they would receive an update on the outstanding actions at the next meeting.

5. FUTURE DECISIONS

The Committee received and noted the current position regarding the forthcoming decisions.

6. REQUESTS TO SUBMIT PETITIONS

Nil items

7. UNRESTRICTED REPORTS 'CALLED IN'

Nil items

8. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

The Committee considered the Cabinet agenda for the 5th April, 2016 and raised the following questions:

Item 5.7 Revised Regulation 123 List and Planning Obligations Supplementary Planning Document (SPD)

Question: What steps will officers make to ensure the reporting of the decisions on the collecting of contributions from developers through CIL and Planning Obligations to DC/SDC and Full Council?

Subsequent to the meeting the following response was received: The Mayor in Cabinet on 5th January 2016 approved the implementation of an Infrastructure Delivery Framework (IDF), which from April 2016 will provide the governance framework for the collection, spend and **reporting** of CIL and S106 monies. Officers are working with the Mayor to ensure that appropriate reporting to all relevant parties is in place to support the implementation of the IDF, including to SDC/DC as appropriate, in accordance with the Mayor's Transparency Protocol. For reference, the relevant paragraphs of the January 5th Cabinet Report are included below:

6.36 Planned S106 expenditure information is currently reported to Full Council as part of the Capital Programme and Budget Setting Process. It is also the case that this information is reported to Cabinet and the Overview and Scrutiny Committee as part of the Capital Programme quarterly monitoring process.

6.37 The Infrastructure Planning Team is taking steps to ensure that CIL is effectively reported as part of the Capital Programme and Budget Setting Process. It is likely that expenditure and income information (for noting) for CIL will be reported and that S106 income information will also be reported for noting.

6.38 In addition to the reporting requirements set out in paragraphs 6.36 and 6.37 above, it is proposed that further specific reporting of collated CIL and S106 income and expenditure information is reported to Cabinet and the Overview and Scrutiny Committee on a 6 monthly basis. It will be the case that S106 revenue expenditure reporting will be undertaken on an annual basis to account for the extensive process of the assignment of revenue funding to the relevant S106 account.

A report regarding the use of S106 funding was presented to SDC at March 2016 Committee. It is proposed that this will become an annual report. Existing reporting regarding S106 can also be found on the Councils website at the link below. This includes: a copy of all signed S106 agreements; a summary of received contributions; a record of decisions made on the spend

of S106; and 6 monthly factsheets detailing infrastructure projects delivered using S106 funding [Register of planning decisions](#)

Item 5.10 London Borough of Tower Hamlets Adult Social Care Local account 2014/15

Qu: How will the 'Local Account' be promoted to residents in the Borough?

Subsequent to the meeting the following response was received: We will communicate the Local Account to residents based on our understanding of communication needs of our service users. We know from a recent survey that only 16% of adult social care users report being able to use the internet (a further 13% report others are able to access the internet and look up information for them on their behalf), compared to 87% of all residents in Tower Hamlets. For this reason, as well as promoting the Local Account on the Council's website, we will print copies and distribute these in the places we know are attended by adult social care users and their carers. This includes Day Centres, the Carers Centre, One Stop Shops, Idea Stores, GP surgeries, and the different information and advice agencies that comprise Local Link.

We will send / email copies to third and voluntary sector organisations, both to raise their awareness of adult social care and to encourage them to provide copies to residents.

9. SCRUTINY SPOTLIGHT

9.1 Mayor and Quarter 3 Strategic Performance Monitoring

The Committee received and noted the Quarter 3 Strategic Performance Monitoring report. The main points of the discussion maybe summarised as follows.

The Committee:

- Noted that some of the indicators are governed by external factors outside of direct council control, but are useful to include given that they reflect issues that are of real concern to LBTH residents, and also help the Committee hold partners to account;
- Noted that eight of the fourteen measures which have deteriorated in performance compared to this time last year relate to crime measures; the police, rather than the council, are responsible for crime performance;
- Noted that that with regard to the number of working days/shifts lost to sickness absence per employee the minimum expectation of 6.5 days has been missed and sickness is higher than at the same point last year. At the end of November 2015, the average days lost per FTE across the council was 8.62 days. This is 1.12 days above the end of year target of 7.5 days and an increase of 1.17 (13.53%) days compared to the same period last year. Both short term and long term

absence have increased over the past 12 months. The Committee indicated that it would wish to see the briefings being provided to managers on the management of sickness;

- Noted that there are several strategic performance measures which report on a quarterly basis but for which Q3 data is currently not available due to a time lag in reporting. Q2 data has been provided in the report and appendix. These are the number of smoking quitters and percentage of household waste sent for reuse, recycling and composting. Accordingly, the Committee asked for the figures regarding Numbers of Smoking Quitters and the Percentages of Household Waste sent for reuse, recycling and composting;
- Noted that the increased financial incentive to landlords has not enticed them to offer properties to the Council for Assured Shorthold Tenancies for LBTH customers rather than the general public. As the welfare reforms continue to be rolled out, landlords become more risk averse with regard to potential unaffordability and rent arrears for that not in work or on low incomes – the majority of LBTH clients. As a result of the Committee asked to receive details as what can be done to increase the supply of Affordable Housing; and
- Considered comments from Dr Rice that the Council should consider joining those urging the Government to bring an end to casino-style gambling on the high street, and prevent betting shops from clustering and destroying shopping districts, especially in deprived areas.

As a result of discussions on the report the Committee **agreed** the following:

1. **Regarding Q3 Strategic Performance Monitoring** (Paragraph 3.6 of the Report) the Committee asked for the figures regarding Numbers of Smoking Quitters and the Percentages of Household Waste sent for reuse, recycling and composting;
2. **Regarding Q3 Strategic Performance Monitoring** (Paragraph 3.10 of the Report) the Committee asked for the briefings being provided to Mgrs. on the Mgt of sickness; and
3. **Regarding Q3 Strategic Performance Monitoring** (Paragraph 3.11 of the Report) the Committee asked what can be done to increase the supply of Affordable Housing.
4. **Regarding Q3 Strategic Performance Monitoring** Early Years Foundation the Committee requested a comparison of improvements achieved with those of Newham, Hackney, and Southwark.

10. UNRESTRICTED REPORTS FOR CONSIDERATION

10.1 Corporate Revenue and Capital Budget Monitoring Q3 2015/16 (Month 9)

The Committee noted the report that details the financial position of the Council at the end of Quarter 3 for 2015/16 compared to budget. This included projected year-end position for the (i) General Fund Revenue; (ii) Housing Revenue Account and the (iii) Capital Programme. The main points of the discussion may be summarised as follows:

The Committee in considering the report:

- Noted that there had been slippage on the capital programme regarding provision for two year olds due to the timescale for resolving lease agreements and procurement/portal issues on the following schemes: Whitehorse Road 1 o'clock club, Bethnal Green Gardens new nursery, Limehouse child care provision and Lincoln Hall playgroup;
- Was informed that the Adult Services Directorate had reported a £1m overspend as a result of savings pressures, staff and care package costs. There are many factors and assumptions which need to be considered. The Committee considered the analysis of these factors and the variances and the associated risks. It was noted that at present it appears that the current potential reserves held both in the Directorate and centrally would be sufficient to contain the position to an overspend of £1m. However, the Committee was advised that the use of any reserves (apart from growth and inflation) are one-off resources for this financial year only. The main factor at this juncture was that there are savings of £1m which are held in a central holding code, this forecast assumes that these savings are unlikely to be delivered. This has also been discussed at the Financial Strategy Group (FSG) and it had been agreed that the 2015/16 Medium Term Financial Plan Savings which are not being achieved and being covered by the use of reserves would be highlighted in the budget monitoring as a potential directorate overspend; and
- Noted that with regards to Children's Services the main factor that needs to be noted at this juncture is that there are savings of £0.989m which are held in a central holding code in vote H82, up to this point the forecast had assumed that these savings will either be delivered or receive a target adjustment from corporate resources for slippage of savings or under-delivery, but these are now being forecast as an overspend pressure. It was noted that there are however significant risks associated with this figure which need to be reported upwards in the form of potential overspends – prior to the use of reserves. In addition, it was noted that there are budget pressures which relate to Preventing Violent Extremism (PVE) which is an area of work which is not receiving any extra funding.

10.2 Grants Scrutiny Panel

The Committee noted that following a Best Value Inspection undertaken by Pricewaterhouse Coopers during 2014, the Secretary of State for Communities and Local Government issued the Council with Directions on 17th December 2014. The Directions focused on particular areas which had been the subject of the Best Value inspection and included grants.

As part of the Directions, it was noted that a Grants Action Plan had been developed and agreed. As part of that Plan, a recommendation was to review arrangements post-Commissioners for future executive decision-making and

the action arising was to establish a cross-party working group to develop proposals for future arrangements. A proposal was put to the Commissioners at their Decision Making Meeting on 1st March 2016 that a Sub-committee of the Overview and Scrutiny Committee should act as the “**cross-party forum**” to be established to review officer recommendations prior to their consideration at a Commissioners’ Decision Making Meeting and this proposal was agreed. The Commissioners agreed to receive a further report setting out the details of the Committee arrangements.

A summary of the discussions on this report is set out below:

- Some members set out the need for the Sub-committee to adequately take into account social value considerations, the borough’s One Tower Hamlets approach, concerns about how the how the Sub-committee’s chair would be selected and how political proportionality rules were being applied to its membership, and the timing of the creation of the Sub-committee.
- Agreed that any decision relating to the composition of the Sub-Committee should be made independently of any political bias;
- The exact number needed to be settled and the Sub-Committee should also include in its membership co-opted non-voting members;
- Agreed that training would be required to promote and maintain high standards of conduct by Elected and Co-opted Members; and
- Agreed nominees should be sought from the leaders of the three political groups for members of this Sub-committee.

As a result of the discussions on this report including the appendices relating to Terms of Reference and the Forward Plan the Committee:

1. **Agreed** to add to the Overview and Scrutiny work programme, the review of Officer recommendations regarding grants and award of grants prior to their consideration at a Commissioners’ Decision Making Meeting;
2. **Agreed** to the establishment of an Overview and Scrutiny Grants Sub-Committee which will act as a scrutiny panel to undertake the reviews in recommendation 1 above;
3. **Considered** and **agreed** the terms of reference; forward plan; chairing arrangements; and training programme for such Sub-Committee as set out in Appendix A and B of the report;
4. **Considered** and **concluded** that the composition of the Sub-Committee should be settled on five elected members, namely the Chair of Overview and Scrutiny (or his/ her nominated Deputy) and two other Members of Overview and Scrutiny Committee from the administration and one each from the opposition parties with the addition of co-opted non-voting members, the exact number to be agreed; and
5. **Agreed** that a report would be presented to Overview and Scrutiny Committee in 3 months to review the work of the Overview and Scrutiny Grants Sub-Committee and whether changes need to be made to its Terms of Reference, chairing and composition.

10.3 2016-19 Children and Families Plan

The Committee received and noted a copy of the 2016-19 Children and Families Plan that set out how the Partnership will support children and families in Tower Hamlets over the next three years. It was also noted that the Plan has been developed in close consultation with staff and stakeholders, as well as with children and families themselves. The main points of the discussion may be summarised as follows:

The Committee:

- Noted that the consultation on the priorities within the 2016-19 Children and Families Plan had been carried out with a wide range of children, families, staff and stakeholders. This had included meetings with the Parent and Carer Council, with a Parent Forum at a Children's Centre, and with pupils at the Pupil Referral Unit and at a local primary school. A range of communication was initiated with staff (across the Council) and stakeholders, including the Local Safeguarding Children Board;
- Was informed that almost 100 children, young people and adults had expressed their views on the issues affecting children and families in Tower Hamlets, as did a large number of staff from a wide range of organisations. This feedback had driven and shaped both the needs assessment and the final 2016-19 Children and Families Plan. Some of the key messages had included (i) the importance of professionals treating each child or young person as an individual; (ii) active play and socialising is beneficial to children and families and should be protected and promoted; (iii) housing was highlighted by many as a problem facing a number of families, and one that can affect all other areas of life; (iv) parents can need support in their parenting role, and should be encouraged to engage in activities that are relevant to their children's lives; and (v) mental and emotional wellbeing needs to be considered in all services;
- Noted the Plan identifies three cross-cutting priorities which will underpin the work planned for the next three years (i) help at an early stage; (ii) holistic support that is easy to access and (iii) protecting and promoting the rights of the child;
- Noted the Lead Cabinet Member for Children Services and the Director for Children's Services hold the overall strategic responsibility. The overall operational responsibility is held by Children's Social Care, with social workers and carers directly delivering corporate parenting on a day to day basis;
- All elected members of the council have a role as corporate parents towards children in care which encompasses the following responsibilities to (i) ensure that the council is meeting government objectives and abiding by statutory guidance in relation to looked after children and care leavers; (ii) ensure that the council is meeting the targets it has set itself in relation to children looked after and care leavers; and (iii) have an overview of operational work plans related to children looked after and care leavers; and (iv) contribute to and

facilitate scrutiny of target areas in relation to children looked after and care leavers.

- Commented that the Plan should include more about speech and language development, and oral health; and that work to tackle child sexual exploitation should better reflect supporting families as a whole.

10.4 Improving disabled and ethnic minority staff representation at the senior manager (LP07+) level

The Committee received and noted this report which outlined the recommendations for improving disabled and ethnic minority staff representation at the senior manager (LP07+) level. It was noted that representation of disabled and ethnic minority staff at LP07+ are both Strategic Plan measures and measures in the council's Single Equality Framework. They are key measures to combat inequality in the workforce and to promote equality of opportunity. The challenge session aimed to improve performance against these strategic measures and improve overall disabled and ethnic minority representation within the workforce. Should the reports or its recommendations lead to service or policy change a full equality analysis will be undertaken. As a result of discussions on this report the Committee:

- a. **Agreed** the draft report and the recommendations; and
- b. **Authorised** the Interim Service Head Corporate Strategy & Equality to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

10.5 Promoting a shared responsibility and removing barriers to improved recycling in the borough

The Committee received and noted a report that outlined the recommendations of a recycling Scrutiny Challenge Session. It was noted that recycling and waste disposal are services supplied to all households in the borough. Increasing recycling rates and reducing contamination of recycling waste will have a financial benefit to the whole community through a reduced budget spend on waste disposal. The current cost of disposing of uncontaminated recycling waste is £17.85 per tonne compared to up to £129.05 for heavily contaminated recycling waste. Savings could potentially be diverted to other frontline services that residents rely on. In addition, the Committee was informed that one of the aims of the challenge session was to look at best practice in positively influencing residents to recycle more and more effectively. Recommendations have had regard to households who may be on low incomes as they relate to better communications and incentives rather than penalties e.g. Recommendation three was aimed at supporting residents to recycle more, and to recycle right despite any language barriers they may face. As a result of discussions on the report the Committee:

- a. **Agreed** the draft report and the recommendations; and

- b. **Authorised** the Interim Service Head Corporate Strategy & Equality to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

11. VERBAL UPDATES FROM SCRUTINY LEADS

Nil items

12. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

Nil items

13. OVERVIEW AND SCRUTINY ACTION NOTES 2016-17

Noted

14. EXCLUSION OF THE PRESS AND PUBLIC

The agenda circulated contained no exempt/confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

15. EXEMPT/ CONFIDENTIAL MINUTES

Nil items

16. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items

17. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

Nil items

18. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items

The meeting ended at 10.15 p.m.

**Chair, Councillor John Pierce
Overview & Scrutiny Committee**

OVERVIEW & SCRUTINY COMMITTEE QUERY AND ACTION LOG 2015/16

Meeting and agenda item	Question or request for action	Response or current status
<p>1st February, 2016 - New Local Plan: First Steps</p>	<p>Provide more information on what is being done to develop tourism, protect heritage sites within TH & to improve the rates of recycling</p>	<p>The policies in the existing Local Plan encourage the development of tourism, protect heritage sites and assets and encourage recycling.</p> <p>The Council proactively manages and protects existing heritage sites through the input of conservation experts in the planning applications process and a dedicated resource to reducing the Borough's heritage at risk.</p> <p>The Council's Economic Development team and other services promote the Borough as a destination for Leisure and Culture through various media. This takes forward the ambitions of the Council's Enterprise Strategy, which seeks to promote and encourage tourism in the Borough.</p> <p>The Council's Public Realm service works with partners Veolia, and local business and registered social landlords, to encourage recycling. In addition, a Recycling Scrutiny Review sets out a number of recommendations to improve rates of recycling in the short, medium and long term.</p>
	<p>What can be done to restrict the expansion of betting shops and pay day lenders in the Borough's various town centres?</p>	<p>Changes to national planning policy in 2015 now require proposals for the development of betting shops to seek planning permission from the Council. This new measure allows the Council and residents to have a say in the appropriateness of the use in specific areas.</p> <p>In addition, the new Local Plan provides an opportunity to specify the mix and concentration that Council considers appropriate in the Borough's defined town centres and primary and secondary shop frontages. This provides a further opportunity to manage the future development of betting shops.</p>
	<p>More explicit reference in the Plan as to what is being done in terms of the health and wellbeing of the Borough (Including the provision of affordable housing for key workers (e.g.</p>	<p>This comment has been noted and the detail will be included in the next iteration of the new Local Plan, which is anticipated to be published in autumn 2016.</p>

	medical professionals)	
	More detail on the engagement with the various communities in the Borough	A separate document covering this will be circulated to the Committee.
	LBTH does not have properly designated town centres – this should be addressed in the Plan	The existing Local Plan defines the Borough's town centre boundaries and includes policies to manage development in these areas. This policy is being reviewed as part of the preparation of the new Local Plan, to ensure it appropriately supports and encourages vitality of our town centres.
	Details of those assets in LBTH that are considered to be of community value e.g. the older and more established public houses	The Community Right to Bid gives members of the local community the right to nominate buildings and land (assets) that are considered important to the community for listing on the Register of Assets of Community Value. The Council's has designated the following Assets of Community Value http://www.towerhamlets.gov.uk/Documents/Council-property/Property-and-land-management/Leasing/Assets_of_Community_Value_Register.pdf
1st February, 2016 - Community Safety Plan extension	The Head of Street Enforcement would circulate the note from the ASB Operations Group to all councillors	Pending.
	A briefing paper is submitted to a future meeting identifying ways to improve communication amongst the police, local residents, community safety and the councillors	There will be a review over summer 2016. We are also looking to recruit to a Partnership Coordinator post who will work with the PTF team and wards; ensuring ward action plans are drawn together and updates on actions are reported back to Lead Members and Strategic Boards and Forums. The post will also take a lead on ensuring information and engagement with local residents in regards to ward priorities and hotspots. A further briefing in regards to improving communication will be produced for a future scheduled committee.
	The MPS Officers responsible for investigating the electoral malpractice in Tower Hamlets be invited to a future meeting	The Overview and Scrutiny Committee will consider its work programme for 2016/17 following the Annual General Meeting.
	The results of issues raised at ward walkabouts be circulated to the Committee	2015-16 Walkabout Issues Plan has been circulated separately.
	Statistical data is provided to	This data has been requested from police, and will be circulated once available.

	<p>a future meeting on police engagement with primary schools</p>	
	<p>As part of any refresh of Safer Neighbourhood Panels (SNPs) how they can be involved in responding to issues such as radicalisation and FGM.</p>	<p>There are 20 wards in Tower Hamlets with 18 ward panels as two wards run combined panels. The Police, the Council and the Safer Neighbourhood Board (SNB) in Tower Hamlets fully support Ward Panels.</p> <p>The Ward Panels focus on Policing issues and those relating predominately on ASB as this has been the feedback from ward panel members. The issue of radicalisation and FGM have not been raised in this forum but there are a number of forums where these issues can be addressed including CSP Board, Prevent and Violence against Women and Girls Sub Group, Community Plan Consultation Event, Tension Monitoring Group and the No Place for Hate Forum.</p>
	<p>How actions arising from “Ward Walks” are being addressed</p>	<p>The Community Surgeries and Ward Walk-about are scheduled to take place in line with Ward Panel meetings. At the end of each ward walk-about an action plan is put together based on concerns raised with actions to be taken by lead partners. The action plan has milestones for responses that are followed up by a lead in the Community Safety Team. The action plan is shared with all leads who attend the ward walkabout and the ward panel chair.</p> <p>There are a number of ways we try to engage with residents to also feed into the action plan and we have in place an on line feedback form to support the walk-about for residents to complete.</p> <p>At the end of each deadline for responding to actions (8 weeks) an evaluation is completed and circulated. At the end of the ward walk-about sessions capturing each ward per year, an evaluation report is completed. The last evaluation report was completed and shared with the Lead Member as well as updates provided to residents through a number of forums and publications.</p> <p>The current webpage promoting the surgeries and walkabouts can be found via the following link: MPO Community Safety Surgeries & Walkabouts (2015-2016). The current webpage also includes an online feedback form that residents can leave their comments on what they found useful about the surgeries/walkabouts and how we can improve them: feedback form. The Communications Team regularly tweet/Facebook prior</p>

		to and leading up to each of these events.
1st February, 2016 - Progress Update: Review On Improving Post-16 Educational Attainment	How the Council is helping young people to secure employment (e.g. developing the necessary life skills and the choosing the most appropriate courses for their career development)	In our work with schools we have put a strong emphasis on the post 16 Study Programme. The study programme gives a coherence and structure to post 16 study and/or training and includes substantial qualifications, work experience and work preparation, non – qualification activities and is based on progressing towards a clearly stated and sustainable career or educational goal. The Careers Service is part of this process as they provide clear and impartial advice and guidance to students before, during and after their post 16 education and/or training. The secondary learning team work with the Careers Service in promoting the Study Programme.
	What is being done in LBTH to address the gender gap in literacy	The gender gap in literacy, which persists at local and national level, is being addressed in Tower Hamlets schools by: <ul style="list-style-type: none"> • Providing one to one tuition for A level students based on students' need to improve writing in all subjects, not just English. • Mayor of London - London Schools Excellence Fund project (December 2014 to December 2016) provided funding for 9 schools to use literacy expert coaching for subject teachers to learn how to use literacy strategies in their humanities, science and art lessons.
1st February, 2016 - Recruiting More Diverse School Governors	Details on the representation of support staff on governing bodies	There is no longer a separate category for 'Support Staff'. That was removed with the reduction of Staff Governors to one per governing body.
	More information on how individuals can become governors and that they wished to see people from the wider community being encouraged to come forward to become the school governors.	There are 3 categories of governor open to non-staff: LA - now only one per governing body, very few vacancies arise Parent – numbers have reduced in this category Co-opted – this is the only category that is open to all residents
	More detail on those schools that had vacancies on their governing bodies.	This information has been provided separately.
29th February, 2016 - Welfare Reform Task Group Update	Information relating to Welfare Reform should be communicated more to councillors and could include	Regular update briefings will be provided in the Members' Bulletin, including FAQs. For example, there will be a briefing on the proposed reduction to the Benefit Cap as soon as the implementation details are confirmed by Government. The briefing will detail the impact on residents and will also provide Members with advice on the support available to

	the Members' Bulletin with a FAQs page.	residents who are affected by the Cap.
	RSLs and other Advice Agency SLAs should be checked to ensure that advice, signposting and supporting local residents to complete forms is included and it is being monitored appropriately.	<p>The Benefits Service holds regular liaison meetings with Registered Providers and Advice Agencies. SLAs will be reviewed with a view to include advice, signposting and support.</p> <p>Joint working to address welfare reform issues is taking place e.g. the Benefits Service provides Registered Providers with regular lists of their households affected by the reforms including the Benefit Cap, the Social Sector Size Criteria (the "bedroom tax"), non dependant deductions, etc. This enables the Service and the RPs to jointly direct resources and ensure support is provided to those households. The Benefits Service works in partnership with Advice Agencies as evidenced by the local Universal Credit Delivery Partnership agreement with the DWP, jointly assisting residents who claim Universal Credit.</p>
	Additional partnerships and joint working should be explored with other London Boroughs to ensure unified responses to the Government.	The Council is meeting with other boroughs and London Councils on 11 th May to further progress joint working. In addition, the Council is also represented alongside other Authorities with the DWP on the national Universal Credit programme.
	The Welfare Reform Update should be scheduled into the work programme for the Overview and Scrutiny Committee so that it is kept on the radar to be re-visited.	Welfare reform will be proposed as an item for inclusion in the OSC 2016/17 work programme as part of the Committee's work planning session.
4th April, 2016 - Supply Of Affordable Housing	What can be done to increase the supply of Affordable Housing?	<p>The Council aims to increase the supply of affordable homes by developing its own new build programme and by working closely with its Housing Association partners to deliver new homes.</p> <p><i>New Council Homes</i></p> <p>The Council is using a combination of its Right to Buy receipts and HRA borrowing powers to deliver a programme of new Council homes across the Borough. Over 500 new homes are either built, being built or planned, most notably at Bradwell Street, Poplar Baths, Dame Colet House and Watts Grove with other sites to follow. A capacity study is underway to identify sites for a further 500 homes in order to meet the Mayor's target of a</p>

		<p>1000 new Council homes.</p> <p>In addition, Right to Buy receipts are being used to purchase Ex Right to Buy homes which can then be used for Council housing.</p> <p>The Council is also exploring how it can set up a new Housing Company with either a commercial or other public sector partners in order to develop further capacity to build new affordable housing. These plans are being developed and will be taken forward as part of a new 2016 – 2021 Housing Strategy which will be presented to the Council in the autumn.</p> <p><i>Housing Associations</i> The majority of new homes will continue to be developed by Housing Associations through Section 106 planning agreements in line with current planning policy which requires between 35% and 50% of homes on new sites over 10 units to be affordable. The Council has developed the most affordable housing the country over the past 5 years. The Council has also been set the highest Housebuilding target by the Mayor of London who expects to see 3391 homes delivered each year.</p>
4th April, 2016 - Quarter 3 Strategic Performance	The Committee asked for quarter 3 data for smoking quitters and recycling when available. These measures report performance in arrears.	<p><i>Smoking Quitters</i> – Q3 outturn for smoking quitters is 589 per 100,000 population. That equates to 1,337 people. The minimum expectation has been exceeded and there has been an improvement compared to this time last year.</p> <p><i>Recycling</i> – Q3 data will be provided when available.</p>
4th April, 2016 - Management Of Sickness	The Committee wanted to see the briefings being provided to managers on the management of sickness.	Document circulated separately to the Committee.

FORTHCOMING DECISIONS

<p>30/04/2016 - Capital Grant Release from the Whitechapel High Street Fund to the London Small Business Centre to deliver workspace and business support services at 206 Whitechapel Road</p>	<p>Scrutiny Lead Scrutiny Lead for Development & Renewal Cllr Helal Uddin</p>
<p>A) To provide oversight for the grants allocation process being undertaken against the Whitechapel High Street Fund project</p> <p>B) To approve a capital grant allocation £227,000 to the London Small Business Centre to undertake capital works to enable and deliver workspace and business support at 206 Whitechapel Road.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 24/05/2016 Wards affected: Spitalfields & Banglatown; Stepney Green; Whitechapel; Lead officer: Corporate Director, Development & Renewal Notice of decision: 30/04/2016 This decision will be taken under urgency procedures. Reason for urgency: Capital spend on the Whitechapel High Street Fund must be approved and spent before 30th September 2016 as advised by the GLA Regeneration funding team and therefore is at risk to underspend and loss if not fulfilled. Furthermore the two affected parties, London Small Business Centre and the Royal Mail Group will not enter into a lease agreement and have indicated further delay we nullify the arrangement should the capital grant not be allocated to the site within these timescales Anticipated restriction: Open (Unrestricted)</p>	
<p>26/04/2016 - The Tower Hamlets Education Partnership (THE Partnership)</p>	<p>Scrutiny Lead Scrutiny Lead for Children & Families Cllr Danny Hassell</p>
<p>Decisions will be sought in relation to the Tower Hamlets Education Partnership.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 24/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 26/04/2016 This decision will be taken under urgency procedures. Reason for urgency: This report must be considered by the Commissioners on the 24th May as it is intended that schools apply for membership of THE Partnership and the entity is incorporated by the end of June 2016. The next Decision Making Meeting is the 5th July. Anticipated restriction: Open (Unrestricted)</p>	

25/04/2016 - Exercise of Commissioners Discretion	Scrutiny Lead Scrutiny Lead for Resources Cllr Maium Miah
<p>To note the decisions made under Commissioners Discretion outside of decision meetings.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 24/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 25/04/2016 Anticipated restriction: Open (Unrestricted)</p>	
25/04/2016 - Public Health Grant 2016-17 and 2017-18 - savings proposals	Scrutiny Lead Scrutiny Lead for Adult Services Cllr Amina Ali
<p>Cabinet are asked to approve the public health savings proposals being issued for public consultation and for the resulting feedback to be reported back for a formal decision to the Cabinet meeting on 26th July.</p> <p>Decision maker: Cabinet Decision due date: Not before 10/05/2016 Wards affected: (All Wards); Lead officer: Dr Somen Banerjee Notice of decision: 25/04/2016 This decision will be taken under urgency procedures. Reason for urgency: This report will be coming to the Cabinet for decision on 26th July but the Mayor has indicated that prior to a public and stakeholder consultation exercise being commenced it should be considered at Cabinet for reasons of full transparency and to highlight the purpose of the consultation and explain the full context. Anticipated restriction: Open (Unrestricted)</p>	
21/04/2016 - Children Looked After Strategy 2015-18	Scrutiny Lead Scrutiny Lead for Children & Families Cllr Danny Hassell
<p>The Children Looked After Strategy describes our responsibilities, lines of accountability, our priorities and objectives for the next 3 years and how we plan to achieve them.</p> <p>The Mayor in Cabinet is asked to note the contents of the Children Looked After Strategy, in particular the desired direction of travel and associated cost pressures within Children's Social Care. The Mayor in Cabinet is also asked to consider the action plan, included within the strategy.</p> <p>The delivery of the Children Looked After Strategy will be overseen by Tower Hamlets Corporate Parenting Steering Group. Together they will support the partnership to ensure that we deliver on our promises to children and young people in care.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 21/04/2016 This decision will be taken under urgency procedures.</p>	

Reason for urgency:
The Children Looked After Strategy was presented to MAB on the 22nd February 2016. It was agreed that the Strategy should go forward to pre-agenda, subject to the information requested being provided to MAB as soon as practicable.

Papers were submitted to Legal and Finance for clearance, but due to an administrative error, the FP1 was not completed.

Anticipated restriction: Open (Unrestricted)

21/04/2016 - Provision of 2 x Home Repairs Grants under LBTH 2016 - 18 Private Sector Renewal Policy	Scrutiny Lead Scrutiny Lead for Resources Councillor Maium Miah
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Agree Home Repairs Grants to

Mr A – Replacement of defective shower unit and repairs to leaking pipework in wash hand basin - £924.44 inclusive fees

Mrs V – Remedy of leaks in wet floor shower area - £1,038.40 inclusive fees

Decision maker: Commissioners' Decision Making Meeting

Decision due date: 24/05/2016

Wards affected: Bromley South; St Dunstan's;

Lead officer: Corporate Director, Development & Renewal

Notice of decision: 21/04/2016

This decision will be taken under urgency procedures.

Anticipated restriction: Fully exempt (the whole report will be exempt) - view reasons

Explanation of anticipated restriction:

Exempt under paragraphs 1,2 and 3 of Section 12A of the Local Government Act 1972

21/04/2016 - Early Years Grant Expenditure 2015/2016	Scrutiny Lead Scrutiny Lead for Resources Councillor Maium Miah
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Notification to Commissioners of Early Years Grant Programmes expenditure in 2015/2016.

Decision maker: Commissioners' Individual Decision Making

Decision due date: 24/05/2016

Wards affected: (All Wards);

Lead officer: Terry Parkin

Notice of decision: 21/04/2016

Anticipated restriction: Open (Unrestricted)

21/04/2016 - MSG 2015/18 Performance Report - September/December 2015	Scrutiny Lead Scrutiny Lead for Resources Councillor Maium Miah
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1. To note the contents of the report;
2. To approve specific actions relating to a funded project / organisation; and
3. Agree future reporting format and requirements

Decision maker: Commissioners' Decision Making Meeting

Decision due date: 24/05/2016

Wards affected: (All Wards);

Lead officer: Corporate Director, Resources

Notice of decision: 21/04/2016

Anticipated restriction: Open (Unrestricted)

13/04/2016 - Review of Healthwatch Tower Hamlets and future commissioning intention	Scrutiny Lead Scrutiny Lead for Adults Service Councillor Amina Ali
<p>Mayor in Cabinet to note outcome of review of Healthwatch Tower Hamlets and agree to future commissioning intention to enable a new service to be in place by April 2017.</p> <p>Decision maker: Cabinet Decision due date: 14/06/2016 Wards affected: (All Wards); Lead officer: Director, Law, Probity and Governance Notice of decision: 13/04/2016 Anticipated restriction: Open (Unrestricted)</p>	
12/04/2016 - Planning Policy Explanatory Note on Tall Buildings	Scrutiny Lead Scrutiny Lead for Development & Renewal Councillor Helal Uddin
<p>Cabinet are asked to agree the Policy Position Statement which is intended to clarify the policy position on tall building development in the Borough</p> <p>NB: Report formerly published under the title "Tower Hamlets Tall Buildings Policy Position Statement"</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Development & Renewal Notice of decision: 12/04/2016 Anticipated restriction: Open (Unrestricted)</p>	
12/04/2016 - Housing Policy and Affordability Commission	Scrutiny Lead Scrutiny Lead for Development & Renewal Councillor Helal Uddin
<p>Adopt the recommendations with regard to taking forward findings of the Housing Policy and Affordability Commission.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Development & Renewal Notice of decision: 12/04/2016 Anticipated restriction: Open (Unrestricted)</p>	
12/04/2016 - Approval to proceed with Compulsory Purchase Order on 113 - 115 Redchurch Street	Scrutiny Lead Scrutiny Lead for Development & Renewal Councillor Helal Uddin
<p>Approval to proceed with Compulsory Purchase Order on 113 – 115 Redchurch Street E2 7DJ.</p> <p>Decision maker: Cabinet Decision due date: Not before 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Development & Renewal Notice of decision: 12/04/2016 Anticipated restriction: Part exempt (Part of the report will be exempt) - view reasons</p>	

Explanation of anticipated restriction: Financial appraisal information - Appendix to be considered exempt from publication under the provisions of Paragraphs 1 & 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).	
12/04/2016 - Maintaining Educational Excellence in Tower Hamlets	Scrutiny Lead Scrutiny Lead for Children & Families Councillor Danny Hassell
To note the recommendations contained within the report. Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 12/04/2016 Anticipated restriction: Open (Unrestricted)	
27/03/2016 - The Tower Hamlets Education Partnership (THEP)	Scrutiny Lead Scrutiny Lead for Children & Families Councillor Danny Hassell
Cabinet will be asked to note the implications and impact on LBTH schools and the Local Authority of the current National Funding Formula consultation and the government White Paper: Educational Excellence Everywhere. It will also outline the overall response from both the Local Authority and Schools, working in partnership, and the next steps to be taken to implement the action required. In particular, in terms of the response from schools, Cabinet will be asked to note the progress made in the formulation of the schools led Tower Hamlets Education (THE) Partnership and the Executive Mayor in Cabinet will be requested to approve the allocation of seed funding to THE Partnership and the intention of the Local Authority to commission THE Partnership to deliver school improvement functions for the duration of the 2016/17 academic year. Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Kate Bingham Notice of decision: 27/03/2016 Anticipated restriction: Open (Unrestricted)	
27/03/2016 - Accommodation Strategy for People with Learning Disabilities 2016-2019	Scrutiny Lead Scrutiny Lead for Adult Health and Wellbeing Councillor Amina Ali
The paper requires a decision on the proposed approach to accommodating people with Learning Disabilities over the next three years. Decision maker: Cabinet Decision due date: 26/07/2016 Wards affected: (All Wards); Lead officer: Karen Sugars Notice of decision: 27/03/2016 Anticipated restriction: Open (Unrestricted)	

27/03/2016 - Sheltered Housing Options Paper	Scrutiny Lead Scrutiny Lead for Adult Health and Wellbeing Councillor Amina Ali
<p>Approve recommendations to allow the council to retender sheltered housing services if required.</p> <p>Decision maker: Cabinet Decision due date: 26/07/2016 Wards affected: (All Wards); Lead officer: Karen Sugars Notice of decision: 27/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
27/03/2016 - Responding to Education policy and structural changes	Scrutiny Lead Scrutiny Lead for Children's Councillor Danny Hassell
<p>Cabinet will be asked to note the implications and impact on LBTH schools and the Local Authority of the current National Funding Formula consultation and the government White Paper: Educational Excellence Everywhere. It will also outline the overall response from both the Local Authority and Schools, working in partnership, and the next steps to be taken to implement the action required.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Kate Bingham Notice of decision: 27/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
17/03/2016 - Higher Education Award	Scrutiny Lead Scrutiny Lead for Children's Councillor Danny Hassell
<p>To agree to proceed with the proposed model for a Higher Education Award scheme.</p> <p>Decision maker: Cabinet Decision due date: 05/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 17/03/2016</p> <p>This decision will be taken under urgency procedures.</p> <p>Reason for urgency: This paper has been under consideration since August last year and a decision is needed so that, if approved it can be publicised in sufficient time to schools and students in their final year of study.</p> <p>Anticipated restriction: Open (Unrestricted)</p>	
17/03/2016 - Substance Misuse Commissioning (2)	Scrutiny Lead Councillor Denise Jones Scrutiny Lead for Communities, Localities & Culture
<p>To note and comment upon the recommendations within the report.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Communities, Localities & Culture Notice of decision: 17/03/2016 Anticipated restriction: Open (Unrestricted)</p>	

17/03/2016 - Substance Misuse Commissioning (1)	Scrutiny Lead Councillor Denise Jones Scrutiny Lead for Communities, Localities & Culture
<p>To note and comment upon the recommendations within the report.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Communities, Localities & Culture Notice of decision: 17/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
16/03/2016 - The Boishakhi Mela 2016	Scrutiny Lead Councillor Denise Jones Scrutiny Lead for Communities, Localities & Culture
<p>The Mela is scheduled to take place on the 22nd May 2016 and the Boishakhi Mela Community Trust has agreed to the continuation of the delivery of the Mela under the contractual arrangement agreed with the Council. A decision is sought to enter into a variation agreement amending the original contract for the delivery of the Mela for 2016.</p> <p>The decision also includes the transfer of the event from Victoria Park back to Weavers Field and the subsequent termination of the current contract with a review of an alternative vehicle for the future Mela delivery.</p> <p>Decision maker: Mayor Decision due date: Not before 24/03/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Communities, Localities & Culture Notice of decision: 16/03/2016 This decision will be taken under urgency procedures. Reason for urgency: The urgency is the need to confirm arrangements regarding the 2016 Mela without delay as the proposed date are less than two months away. Full public notice of 28 clear days before the executive decision would not provide sufficient time for the necessary preparations. Anticipated restriction: Open (Unrestricted)</p>	
14/03/2016 - Planning for School Places - 2016/17 Review	Scrutiny Lead Scrutiny Lead for Children's Councillor Danny Hassell
<p>Approval of strategy to meet growth in need for school places.</p> <p>Decision maker: Cabinet Decision due date: 06/09/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 14/03/2016 Anticipated restriction: Open (Unrestricted)</p>	

14/03/2016 - Community Buildings and Heritage Buildings	Scrutiny Lead Councillor Denise Jones Scrutiny Lead for Communities, Localities & Culture
<p>To approve the proposed allocation of previous Faith Building Scheme funding and proposals for responding to and supporting organisations that had previously applied for financial support.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 14/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
13/03/2016 - Extension to Early Years MSG Funding	Scrutiny Lead Scrutiny Lead for Children's Councillor Danny Hassell
<p>Agree the extension of MSG funding for Early Years Infrastructure Support until 31st May 2016 pending completion of a commissioning process for new services. An extension was previously agreed until the 31st of March 2016 by the Commissioners on 19th August 2015. However, there have been delays in the commissioning, hence the request for a further two-month extension.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
13/03/2016 - Mental Health User Led Grants Programme 2016 - 18	Scrutiny Lead Scrutiny Lead for Adult Health and Wellbeing Councillor Amina Ali
<p>Commissioners will be recommended to approve the proposed awards of the mental health user led grants programme to for 2016-18. In total 34 applications were received which included 22 from existing groups and 12 from new groups. The recommendations are made following approval to commence the grants process provided at the Commissioners' Decision Making Meeting on 12th January 2016.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Director, Adults' Services Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)</p>	

13/03/2016 - Support for VCS and New Innovation Fund	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
<p>To approve proposals for the use of the former community fund budget for supporting the VCS through the THCVS and for the creation of a new grant scheme to support innovation in the sector.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
13/03/2016 - Reports Forward Plan	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
<p>To approve proposals for the forward plan for Commissioners Decision Making Meetings.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016</p>	
13/03/2016 - Interim Arrangements for Organisations in Council Owned Buildings	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
<p>To approve proposals for the interim arrangements for Organisations in Council owned buildings pending the conclusion and consultation on the Community Building and Asset Strategy Reviews.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)</p>	
13/03/2016 - Cross Party Forum for Grants Scrutiny - Grants Scrutiny Panel	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
<p>To approve the detailed arrangements for the cross party scrutiny of grants including terms of reference, training and work programme.</p> <p>Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)</p>	

13/03/2016 - Queen's 90th Birthday Celebrations 2016. Event Fund Ring Fence £5,000	Scrutiny Lead Councillor Denise Jones Scrutiny Lead for Communities, Localities & Culture
Proposed ring fence of £5,000 for community events celebrating the Queen's 90th Birthday for grants of up to £250. Temporary relaxation of certain Event Fund criteria to accommodate the events. Late deadline for June events for the Queen's 90th Birthday within this ring fence. Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Communities, Localities & Culture Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)	
13/03/2016 - Grants Register 2016/17	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
To approve the 2016/17 Grants Register which details grants that are expected to be delivered in the coming fiscal year. Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)	
13/03/2016 - Community Benefit Criteria	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
To agree the proposed approach to providing support to voluntary and community sector organisations delivering services to the community that support the council's priorities and objectives. The report sets out the proposed categories and the mechanism for assessing the type of financial support provided by the council. Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)	
13/03/2016 - Exercise of Commissioners Discretion	Scrutiny Lead Scrutiny Lead for Resources Councillor Md. Maium Miah
To note the decisions made under Commissioners Discretion outside of decision meetings. Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Resources Notice of decision: 13/03/2016 Anticipated restriction: Open (Unrestricted)	

11/03/2016 - Hostel Commissioning Plan (HCP) 2016 - 2019	Scrutiny Lead Scrutiny Lead for Adult Health and Wellbeing Councillor Amina Ali
The Board is ask to note and comment upon the Hostels Commissioning Plan. Decision maker: Cabinet Decision due date: Not before 10/05/2016 Wards affected: (All Wards); Lead officer: Director, Adults' Services Notice of decision: 11/03/2016 Anticipated restriction: Open (Unrestricted)	
11/03/2016 - Public Health Grant 2016-17 and 2017-18 - savings proposals	Scrutiny Lead Scrutiny Lead for Adult Health and Wellbeing Councillor Amina Ali
Agree budget savings for public expenditure funded through public health grant. Decision maker: Cabinet Decision due date: 07/06/2016 Wards affected: (All Wards); Lead officer: Director, Adults' Services Notice of decision: 11/03/2016 Anticipated restriction: Open (Unrestricted)	
22/02/2016 - Children's & Adults Services Capital Programme	Scrutiny Lead Scrutiny Lead for Children's Councillor Danny Hassell
To seek approval to progress schemes in the capital programme. Decision maker: Cabinet Decision due date: Not before 14/06/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 22/02/2016 Anticipated restriction: Open (Unrestricted)	
16/02/2016 - Tower Hamlets Affordable Housing Grant 2016-19	Scrutiny Lead Scrutiny Lead for Development and Renewal Councillor Helal Uddin
The Commissioners are asked to consider and endorse Officers' recommendations to award grant funding to Registered Providers that applied for a grant from the Borough's Right To Buy receipts to build affordable housing. Decision maker: Commissioners' Decision Making Meeting Decision due date: 12/04/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Development & Renewal Notice of decision: 16/02/2016 Anticipated restriction: Open (Unrestricted)	

08/02/2016 - 2016- 2019 Children and Families Plan	Scrutiny Lead Scrutiny Lead for Children's Councillor Danny Hassell
<p>To approve the 2016-19 Children and Families Plan for Tower Hamlets.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Corporate Director, Children's Services Notice of decision: 08/02/2016 Anticipated restriction: Open (Unrestricted)</p>	
02/02/2016 - Hostels Commissioning Plan	Scrutiny Lead Scrutiny Lead for Adult Health and Wellbeing Councillor Amina Ali
<p>The paper requires decision on the key reconfiguration proposals for the hostel sector during 2016 - 2019, which will shape the re-tendering of hostels during 2016/2017, when the current hostel contracts come to an end. These contracts begin to expire from the winter 2016, so this decision is needed.</p> <p>Decision maker: Cabinet Decision due date: 10/05/2016 Wards affected: (All Wards); Lead officer: Director, Adults' Services Notice of decision: 02/02/2016 Anticipated restriction: Open (Unrestricted)</p>	

Agenda Item 8

PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

<p>Planning Policy Explanatory Note on Tall Buildings</p>	<p>Scrutiny Lead Scrutiny Lead for Development & Renewal Cllr Helal Uddin</p>
<p>The Council is in the process of preparing a new Local Plan that will include a new policy on “Tall Buildings”. These policies are anticipated to be published in draft in autumn 2016 and adopted in 2017. In the interim however, more applications for “Tall Buildings” are likely to be received. This is an explanatory note to ensure that the Council’s policy on “Tall Buildings” is made clear to interested parties.</p>	
<p>Substance Misuse Commissioning (1)</p>	<p>Scrutiny Lead Scrutiny Lead for Communities Localities & Culture Councillor Denise Jones</p>
<p>The Drug and Alcohol Action Team (DAAT), within CLC, currently commissions drug / alcohol treatment interventions via 23 individual contracts with statutory and third sector providers. There is an urgent need to re-procure this provision. The procurement process for the three core services has now concluded and recommendations for award are presented in this report.</p>	
<p>Substance Misuse Commissioning (2)</p>	<p>Scrutiny Lead Scrutiny Lead for Communities Localities & Culture Councillor Denise Jones</p>
<p>The remainder of services to be commissioned (beyond the core services above) were not considered appropriate for inclusion in those contracts. Options for the procurement of these services are outlined in this report. Results from consultation on the decommissioning of the Harbour Recovery Centre, and options for the future of this service, are presented.</p>	
<p>Housing Policy and Affordability Commission</p>	<p>Scrutiny Lead Scrutiny Lead for Development & Renewal Councillor Helal Uddin</p>
<p>This report sets out the aims of the Cabinet Commission to investigate the delivery of genuinely affordable housing in Tower Hamlets, the terms of reference and process that took place, key issues arising from its meetings and draft recommendations for policy for the Mayor in Cabinet to consider in order to improve the affordable housing offer in the Borough.</p>	
<p>Hostel Commissioning Plan (HCP) 2016 -2019</p>	<p>Scrutiny Lead Scrutiny Lead for Development & Renewal Councillor Helal Uddin</p>
<p>A new Hostel Commissioning Plan (HCP) is needed as the current HCP expires this year and hostel contracts come to end in 2016/7. The Council faces significant financial pressure and as part of the published budget and savings proposals for Adults’ Services has identified the need to deliver more cost effective and efficient adult social care across commissioned services. Officers have therefore identified opportunities to deliver savings through the new HCP.</p>	
<p>Children Looked After Strategy 2015-18</p>	<p>Scrutiny Lead Scrutiny Lead for Children & Families</p>

	Councillor Danny Hassell
<p>The council has a duty, embedded within its policies and procedures, to support families to care for their own children, using any universal and targeted support available. However, when children cannot live safely within their own extended families the council acquires a corporate parenting duty towards those children. The council also has a duty to ensure sufficient accommodation is available for children looked after and that services are provided to children in need or at risk of entering care or custody – the ‘sufficiency duty’.</p>	
The Tower Hamlets Education Partnership (THE Partnership)	Scrutiny Lead Scrutiny Lead for Children & Families Councillor Danny Hassell
<p>This report provides an update on the establishment of Tower Hamlets Education (THE) Partnership. This is intended to be a schools-led partnership to accelerate improvement by promoting and extending existing joint working. It will cement the successful collaboration – between the schools themselves and between schools collectively and the local authority and other key partners – which has brought such marked benefits to the education of children and young people in the borough over the past twenty years.</p>	
Maintaining Educational Excellence in Tower Hamlets	Scrutiny Lead Scrutiny Lead for Children & Families Councillor Danny Hassell
<p>This report summarises the key implications for the Council arising from the DfE schools White Paper, <i>Educational Excellence Everywhere</i>, and the DfE consultation on the National Funding Formula. As well as the duty to maintain schools, the White Paper sets the scene for responsibility for school improvement moving from local authorities to the school-led system and local authorities’ role in allocating funding to local schools will be overtaken by the move to a National Funding Formula.</p>	
Children and Families Plan 2016-19	Scrutiny Lead Scrutiny Lead for Children & Families Councillor Danny Hassell
<p>The 2016-19 Children and Families Plan sets out how the partnership will support children and families in Tower Hamlets over the next three years. The Plan has been developed in close consultation with staff and stakeholders, as well as with children and families themselves.</p>	
Public Health Savings Proposal	Scrutiny Lead Scrutiny Lead for Adult Services Councillor Amina Ali
<p>This is a pre-consultation paper for the first phase of public health savings. It follows two previous papers on Public Health savings proposals and sets out proposals for savings of £2.3m for consultation from mid-May to mid-June to determine final savings A further paper will be written for discussion at MAB on the remaining £2.7m.</p>	

Agenda Item 10.1

Committee: Overview & Scrutiny Committee	Date: 9 May 2016	Classification: Unrestricted	
Report Of: Chief Executive Monitoring Officer Corporate Director Resources	Title: Poplar Town Hall		
Originating Officer(s):	Wards Affected: All		

1. SUMMARY

- 1.1 The attached report sets out the observations and recommendations of the Overview and Scrutiny Committee (OSC) following:
- (a) its review of the investigation into the sale of the former Poplar Town Hall, undertaken pursuant to a referral from full Council on 22 January 2014; and
 - (b) publication by Pricewaterhouse Coopers (PwC) on 4 November 2014 of their report into their Best Value Inspection into the Council, including the sale of Poplar Town Hall.

2. RECOMMENDATIONS

- 2.1 Overview and Scrutiny Committee is recommended to adopt the attached report and agree the recommendations contained within it.

**LOCAL GOVERNMENT ACT, 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Name and telephone number
of holder and address where open to
inspection

3. BACKGROUND

- 3.1 This matter has been a protracted and complex issue for the Council to progress. In particular, it has involved a number of detailed investigations undertaken by external financial and legal experts and it has been challenging for the Council to reach a consensus and understanding of the status and significance of those investigations.
- 3.2 The attached report to OSC provides a summary overview of the detailed work to date and critically identifies key outcomes for the Council to consider and implement. This is to improve (where not already implemented) the rigour of relevant procedures and provide for the ongoing scrutiny of relevant Council decisions.
- 3.3 On 22 January 2014, full Council resolved to instruct the then three statutory officers, in conjunction with the District Auditor, to undertake an immediate investigation into the marketing and sale of Poplar Town Hall. The resolution included requirements to appoint an independent property valuer and to produce an investigation report to be considered by the OSC on 4 March 2014 and full Council on 26 March 2014.
- 3.4 On 10 February 2014, following consultation with the District Auditor (KPMG), Mazars Public Sector Internal Audit Limited (Mazars) were appointed to carry out an investigation. On 4 March and 1 April 2014, the previous interim Monitoring Officer informed the OSC meetings that the investigation was on going.
- 3.5 On 4 April 2014 the Secretary of State appointed PwC to carry out a best value inspection of the Authority.
- 3.6 On 22 July 2014, the then interim Monitoring Officer reported the outcome of the Mazars investigation to the OSC. Having considered his report, the OSC resolved to receive a draft report to reflect the Committee's response to the Council resolution.
- 3.7 In November 2014, PwC issued their best value inspection report which made findings in relation to property disposals made by the Council, including Poplar Town Hall. On 17 December 2014, the Secretary of State appointed Commissioners to discharge certain specified functions of the Authority, including the approval of property disposals.

4. CURRENT POSTION

4.1 The Council has made significant progress in addressing the concerns identified by Mazars and PwC. In particular a Property Best Value Action Plan (PBVAP) was agreed with the Commissioners and submitted to the Secretary of State in March 2015. The PBVAP is designed to provide greater clarity about the processes for property disposal, including:

- The limited circumstances in which it is possible to accept late offers and/or not to accept the highest offer.
- The marketing approach period.
- Documentation and maintaining records.
- Delegated powers and decision making.
- Declaration of interests – and the need to require declarations from bidders.
- Briefing and training for staff.

4.2 Progress against the PBVAP is strong. An updated asset disposal and lettings protocol was adopted by Cabinet in April 2015 and the Chief Financial Officer has refreshed financial regulations relating to the disposal of assets. The protocol was disseminated through team meetings and in addition briefing sessions were held for relevant financial and legal officers. Compliance testing is underway and will be considered as part of any planned audit reviews. Conflict checks for bidders have been discussed with the Commissioners and further work is being undertaken to explore what mechanisms can be put in place that align with similar processes in planning. In December 2015, the Mayor agreed a new Asset Strategy which sets out a framework of how the Council will determine its future property needs. This is being supported by a series of work-streams, such as an operational property review, to ensure the Council's estate is fit for purpose. The Community Buildings Policy, also agreed in December last year sets out clear principles for the use of Council-owned community buildings and a property by property review of the Council's portfolio is currently taking place.

4.3 The attached report of the OSC has been compiled by the current Chair, pursuant to the Committee's resolution made on 22 July 2014. The report takes account of the significant changes that have occurred since the original Council resolution made in January 2014. The report has been compiled with the benefit of officer support and external legal advice and sets out recommendations for further improvements to be considered by the Mayor and the Governance Review Working Group.

5. STATUTORY OFFICER COMMENTS ON FINANCIAL, LEGAL AND STAFFING ISSUES

5.1 As indicated in the timeline of key events contained in the attached report, in July 2014, the then Interim Monitoring Officer reported the

outcome of the Mazars investigation to OSC and the Committee effectively resolved to progress its own report in response to the Council resolution made in January 2014.

- 5.2 The Council and the former Chair of the OSC subsequently received independent legal advice in respect of progressing a report in accordance with the Committee's resolution. That advice was provided by Fieldfisher solicitors and leading counsel.
- 5.3 The content of a draft report was agreed with the former Chair and circulated to relevant officers on a confidential basis for comment in June 2015. Following circulation of the confidential draft report extensive officer comments were received and in September 2015, Fieldfisher solicitors were consulted to provide further advice to the Council and the then newly appointed Chair of the Committee.
- 5.4 Having received advice on the officer comments and having taken into account the various options outlined by Fieldfisher for progressing a draft report to OSC (in light of those comments), the Chair decided to compile a new report which is attached. The aim of the attached report is to highlight the concerns raised in the Mazars report and the areas that OSC believe need further attention and enable the OSC to discuss them in public session.
- 5.5 The Chair of OSC sought advice from the statutory officers on the merits and appropriateness of attaching the earlier confidential draft report and related confidential documents as exempt papers to this report. The statutory officers have considered whether these documents should be included in exempt papers provided to the OSC to supplement the attached report. Fieldfisher advised that adopting this approach would not be risk free; the statutory officers have therefore considered the history and background to this matter including in particular the following:
 - The significant changes that have occurred in Council priorities and the way the Council operates since the original resolution made by full Council in January 2014, requiring the investigation into the marketing and sale of Poplar Town Hall.
 - The forensic investigations already completed by Mazars and PwC and the costs incurred in respect of those investigations.
 - The appointment of Commissioners by the Secretary of State in December 2014 whose remit includes the approval of property disposals.
 - The removal from office of the former Mayor and former Lead Member for Resources as a result of the ruling of the election court in April 2015.

- The election of a new Mayor and the priorities of the new administration.
- An independent report issued by Richard Penn (external investigator) in June 2015, which concluded that the then statutory officers had taken appropriate action to progress the investigation into the marketing and sale of Poplar Town Hall.
- The very limited remit of the OSC in relation to human resources issues.
- The requirement for senior members and senior officers to work together to improve the Council's organisational culture as developed through the Governance Review Working Group.
- That there is little or no prospect of a further circulation of this confidential material enabling a resolution of the issues that have already proved intractable; indeed this is only likely to exacerbate the situation.
- That transparency would best be served by a public discussion, inclusive of this covering report, without recourse to a confidential meeting of the Committee.

5.6 The statutory officers have concluded that on balance the Council's corporate position would be best served and protected by considering the attached report as an unrestricted item of business in public without providing additional confidential background material which if circulated would not add value and would expose the Council to the risk of potential litigation and further considerable costs.

6. ANTI-POVERTY IMPLICATIONS

6.1 There are no specific anti-poverty implications arising from this report.

7. RISK MANAGEMENT IMPLICATIONS

7.1 These are included in the statutory officer comments at section 4 above.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

8.1 There are no specific SAGE implications arising from this report.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 There are no specific crime and disorder reduction implications arising out of this report.

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REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE

SALE OF POLAR TOWN HALL

1. Introduction

- 1.1 This report sets out the observations and recommendations of the Overview and Scrutiny Committee (OSC) following:
- (a) its review of the investigation into the sale of the former Poplar Town Hall, undertaken pursuant to a referral from full Council on 22 January 2014. This investigation was undertaken by Mazars on behalf of the District Auditor following a referral from the then Head of Paid Service, Section 151 Officer and Interim Monitoring Officer; and
 - (b) publication by PwC on 4 November 2014 of their report into their Best Value Inspection into the Council, including the sale of Poplar Town Hall.
- 1.2 In summary, in January 2011 the disposal of Poplar Town Hall was raised with the former Mayor, in the context of officers taking a report to Cabinet that recommended the sale of four other Council buildings. In a restricted Appendix of estimated site values, Poplar Town Hall was attributed a value of £1.5million.
- 1.3 The former Mayor's decision in Cabinet is minuted as being that, the Corporate Director Development & Renewal be instructed to develop proposals for accelerated sale of the properties [including Poplar Town Hall] and report back before the end of the current financial year.
- 1.4 The original decision to declare the building surplus to requirement and to market it for sale had been taken in Cabinet in 2008, but matters were not progressed at the time (between 2008-2011) as the building was needed to house Ian Mikardo School whilst its BSF work was being undertaken.
- 1.5 Following the 2011 instruction a marketing strategy was developed, approved by officers and marketing of Poplar Town Hall was taken forward with the property valued by BNP Paribas at £750,000 - £950,000, on the basis of commercial, office or residential use.
- 1.6 A process of sealed bids and best and final offers (BAFOs) was put in place with a deadline of close of business on Friday 8 July 2011. On that date the five BAFOs which had been received were opened by Council officers and BNP Paribas at formal bid opening and a preferred bidder was identified. It was noted that a BAFO from Dreamstar (who had been invited to submit one) had yet to be received, despite BNP Paribas having been advised by Dreamstar that they had posted their revised offer on Thursday 7 July.
- 1.7 On Monday 11 July 2011, BNP Paribas received a bid from Dreamstar Advertising Ltd £1,000 below the highest bid. As set out in the timeline of key events in section 2 below, there were further internal exchanges and meetings in the period July to September 2011.
- 1.8 On 8 September 2011 the Service Head for Corporate Property and Capital Delivery emailed the Corporate Director Development & Renewal suggesting that, due to the closeness of the 2 top bids and the financial profile of both companies who had lodged tenders, they should both be placed into a race to complete the quickest. This was approved by the Corporate Director on 15 September 2015.

- 1.9 On 29 September 2011, Dreamstar Ltd was first to enter a contract and provide a 10% deposit. The other bidder was informed they had been unsuccessful. Contracts were to be completed by 28 October 2011.
- 1.10 During October 2011 an extension for completion was sought by Dreamstar and a Notice to Complete was ultimately served. On 11 November 2011 the sale was completed to Dreamstar Ltd.
- 1.11 Subsequently in August 2012 applications were made for planning permission and listed buildings consents for hotel use at Poplar Town Hall. These planning applications were granted under delegated authority by officers in July 2013.
- 1.12 Since 2014, again as set out in the timeline of key events, there have been a number of opportunities to review the events relating to the sale to Dreamstar and reports have been prepared by Mazars and PwC, and further independent valuations have been obtained.
- 1.13 This report of the OSC seeks to identify matters relevant to its remit which arise from the Mazars and PwC investigations and the OSC review. The Mayor/Governance Review Working Group is invited to consider and take forward as appropriate the OSC recommendations in accordance with Rules 11.1 and 19.3 of the OSC Procedure Rules.

2. Timeline of Key events

2006: Planning Brief for Poplar Town Hall published indicating possible alternative uses for the property. Includes (at paragraph 10) possibility of use of property as a small hotel.

2008: Poplar Town Hall declared surplus to the Council's long term requirements by Cabinet.

2008–2011: Poplar Town Hall used for decant of Ian Mikardo School during Building Schools for the Future work.

12 January 2011: Former Mayor (in Cabinet) resolved to instruct Corporate Director for Development & Renewal to develop proposals for the accelerated sale of Poplar Town Hall and to report back before the end of the financial year. The report on which this resolution is based contains an officer estimated value of Poplar Town Hall of £1.5million.

February 2011: BNP Paribas appointed to market the property after a competitive tendering exercise.

March 2011: Marketing strategy devised and approved by officers. Property valued by BNP Paribas at £750,000 - £950,000, on the basis of commercial, office or residential use.

April 2011: Property marketed. BNP Paribas report that 70 property particulars and 19 information packs were issued.

17 June 2011: 10 sealed bids received, including from Dreamstar Advertising Ltd.

1 July 2011: Top six bidders requested to submit best and final offers (BAFOs) by close of business on 8 July 2011.

8 July 2011: Closing date for BAFOs. Five BAFOs received. No BAFO received from Dreamstar Advertising Ltd.

11 July 2011: Five BAFOs opened by Council officers and BNP Paribas at formal bid opening.

11 July 2011: The then Head of Valuation and Estates emails Corporate Director, Development & Renewal stating 'We have just finished opening the bids with the agent. .. the preferred bidder for Poplar Town Hall will be [Redacted] PTH Bidder J, followed by [Redacted] PTH Bidder D. We are still awaiting a Best and Final Offer from Dreamstar who advised the agents that they posted their revised offer on Thursday. An electronic copy has been requested'.

11 July 2011: BNP Paribas receives bid from Dreamstar Advertising Ltd dated 8 July and date stamped by Asset Management 11 July. Bid is £1,000 below highest bid by [Redacted] PTH Bidder J.

11 July 2011: Bid from Dreamstar Advertising Ltd also received (late) for Limehouse Library, making Dreamstar Advertising Ltd the highest bidder on this other property by c. £200,000.

12 July 2011: BNP Paribas advises to proceed with [Redacted] PTH Bidder J, highest bidder on Poplar Town Hall, with tight timescales for him to prove he has necessary finance; to tell Dreamstar Advertising Ltd they have been unsuccessful on Poplar Town Hall in order to focus their attention on Limehouse Library; and to accept Dreamstar Advertising Ltd's offer on Limehouse Library, subject to the provision of further information. This recommendation was not implemented.

19 July 2011: Dreamstar Advertising Ltd withdrew their bid on Limehouse Library.

2 August 2011: BNP Paribas chased for progress on Poplar Town Hall and Limehouse Library, warning that 'it raises a considerable risk that the current bidders could fall away.'

3 August 2011: The then Head of Valuation and Estates replied to BNP Paribas stating 'I am fully aware of the ramifications although I hope to be in a position to give the go ahead in respect of Limehouse Library once I have had an audience with the Mayor to brief him on the position. In regard to Poplar High Street, I am afraid this needs to stay on hold for the moment regardless as I am not in a position to instruct you to proceed until it is cleared at this end'.

23 August 2011 Service Head for Corporate Property and Capital Delivery wrote to an officer to request an update on the disposals of Poplar Town Hall and Limehouse Library in advance of a meeting between the Corporate Director for Development & Renewal and the Mayor on 25 August 2011. That meeting is also referred to at the Capital and Asset Management Board meeting on 25 August 2011 and the minutes state that "there will be progress on this after [the Corporate Director for Development & Renewal] has met with the Mayor today". As noted in the Mazars' report, the Corporate Director and former Mayor informed the previous Interim Monitoring Officer they had no recollection of this discussion having occurred. The Corporate Director for Development & Renewal has also stated that he was away from the office on leave on 25 August 2011.

24 August 2011: Service Head for Corporate Property and Capital Delivery emails Corporate Director Development & Renewal stating 'My personal preference is to proceed with [Head of Valuation and Estates] advice and go back to [Redacted] PTH Bidder J, and ask that contracts with a 'deposit' (if we do that) is achieved within 3 weeks with a final close the following week.'

8 September 2011: Service Head for Corporate Property and Capital Delivery emails Corporate Director for Development & Renewal, changing her previous preference to proceed with highest bidder, saying 'I would suggest, although it's at odds with the valuation report, that due to the closeness of the 2 top bids and the financial profile of both companies who have lodged tenders, that we now put them into a race to complete the quickest'.

14 September 2011: Dreamstar Limited incorporated at Companies House.

15 September 2011: Corporate Director for Development & Renewal approves contract race recommended by Service Head for Corporate Property and Capital Delivery on 8 September.

15 September 2011: Council solicitor informed. He records in a file note 'My heart sinks' and notes risk of litigation and dispute. The note also records that the then Asset Manager, Strategy '.....is only doing as he's told, this has come from the Mayor'. The note also records that the view expressed by the then Head of Estates and Valuation is that the decision to proceed with a contract race 'has come from the very top'.

29 September 2011: Dreamstar Ltd is first to enter a contract and provide a 10% deposit. Contracts to be completed by 28 October. [Redacted] PTH Bidder J told he has been unsuccessful in his bid.

19 October 2011: Dreamstar Ltd's solicitor requests a four week extension date for completion to 25 November 2011, due to mortgage offer not having yet been made.

31 October 2011: The request for an extension was not granted and the Council serves Notice to Complete on Dreamstar Ltd.

11 November 2011: Sale completed to Dreamstar Ltd.

August 2012: Applications made for planning permission and listed buildings consents for hotel use at Poplar Town Hall.

July 2013: Planning applications granted under delegated authority by officers.

22 January 2014: Full Council resolves to instruct the three statutory officers, in conjunction with the District Auditor, to undertake an immediate investigation into the marketing and sale of Poplar Town Hall. The resolution included requirements to appoint an independent property valuer and to produce an investigation report to be considered by the Overview & Scrutiny Committee (OSC) on 4 March 2014 and full Council on 26 March 2014.

February 2014: Application received seeking Freeholder's consent for change of use to Poplar Town Hall. [Not yet approved].

10 February 2014: Following consultation with the District Auditor (KPMG) Mazars Public Sector Internal Audit Limited (Mazars) appointed to investigate.

4 March 2014 and 1 April 2014 The then Interim Monitoring Officer informed meetings of the OSC that the Mazars' investigation was ongoing.

4 April 2014: Secretary of State for Communities & Local Government appoints PwC to carry out a best value inspection of the Authority.

7 July 2014: Mazars report circulated to OSC Members on a confidential basis.

22 July 2014: The then Interim Monitoring Officer reported the outcome of the Mazars investigation to the OSC. The OSC resolved to receive a draft report of the Committee's response to Council.

28 July 2014: Re-valuation of Poplar Town Hall received from BNP Paribas found that sale on the basis of hotel use would not have achieved greater value for the Council.

2 September 2014: OSC requested a further re-valuation of the sale of Poplar Town Hall to be carried out by a company with no previous involvement in the sale. OSC also requested independent legal advice.

17 September 2014: Independent re-valuation received from Gerald Eve found that sale on the basis of hotel use would not have achieved greater value for the Council.

October 2014: External solicitors Fieldfisher appointed to provide independent legal advice to OSC.

16 October 2014: Informal meeting of some OSC members to consider an initial draft report to full Council.

4 November 2014: PwC best value inspection report received. The report makes comments and findings in relation to property disposals, including Poplar Town Hall.

12 December 2014: Redacted draft OSC report distributed on a confidential basis to the statutory and other senior officers, the former Mayor and former Cllr. Choudhury for comment.

17 December 2014: The Secretary of State for Communities and Local Government appointed Commissioners to discharge certain specified functions of the Authority, including the approval of property disposals.

17 December 2014: Advice received from leading counsel on progressing the draft report to OSC.

December 2014/January 2015: Initial officer responses raise concerns about content of draft OSC report and the proper process for consideration of draft OSC report.

27 February 2015: Advice received from the then Head of Legal Services and the then Head of Democratic Services on progressing the draft OSC report.

March/April 2015: Mark Norman (Legal Adviser) reviewed draft OSC report.

April 2015: Following discussion with the Commissioners and former Chair of OSC, Head of Paid Service commissioned Richard Penn through SOLACE Enterprises to carry out an independent review of the actions of statutory officers and others in progressing the investigation into the marketing and sale of Poplar Town Hall.

23 April 2015: Former Mayor and former Cllr. Choudhury removed from office by the election court. Fresh Mayoral and ward elections required and scheduled for 11 June 2011.

7 May 2015: UK General Election.

11 May 2015: Advice received from leading counsel that the draft OSC report should not be considered during the pre-election period before the Mayoral and ward elections on 11 June 2015.

19 May 2015: Richard Penn issued interim investigation report to the Head of Paid Service (HOPS).

28 May 2015: Advice received from leading counsel on timetable and process for consideration of draft OSC report (including distribution to officers for comment) at an extraordinary OSC meeting following the Mayoral and ward elections.

11 June 2015: Mayoral and ward by-elections.

16 June 2015: Richard Penn final report issued to HOPS. The report concluded the (then) statutory officers had taken appropriate action to progress the investigation into the marketing and sale of Poplar Town Hall.

22 June 2015: HOPS circulated confidential draft OSC report to officers for comment with a view to the matter being reported by the Interim Monitoring Officer to the OSC on 7 July 2015.

24 June 2015: Lead Commissioner accepts the findings of the Richard Penn report and informs the HOPS it is reasonable to conclude that the matters against the statutory officers are closed.

24 June 2015: Adjourned annual Council meeting appointed new Chair of OSC.

26 June 2015: Extensive officer comments received on the confidential draft OSC report circulated to them.

24 July 2015: Interim Monitoring Officer left, Head of Legal Services becomes Interim Monitoring Officer pending permanent Monitoring Officer taking up her post on 17 September 2015.

2 September 2015: Fieldfisher external solicitors instructed to provide further advice.

OSC RECOMMENDATIONS

3. Recommendation 1

The Governance Review Working Group consider the introduction of thresholds at which property disposals can be referred to, or called in by, the Overview & Scrutiny Committee.

- 3.1 One factor to be considered would be whether all property disposals with an estimated value of over £500,000 (or possibly £1M or £2M) should be referred to OSC. This should also be considered in light of the government's consultation (issued in February 2015) on proposed amendments to the allocation of local authority functions between the council and the executive. The proposed amendments contained in draft statutory Regulations, include a provision that the decision to dispose of land or buildings where the value exceeds a defined minimum sum should not be a function of the executive. The draft Regulations issued in February set the the proposed threshold value at £500,000, subject to the outcome of the consultation.
- 3.2 The context for this recommendation includes a number of concerns about the circumstances in which the disposal of Poplar Town Hall took place and that OSC were not specifically sighted on the disposal which was made under executive authority (the former Mayor and Corporate Director).
- 3.3 Alternatively, some disposals might be considered sufficiently "significant" or "key" for OSC (or an appropriate resources sub-committee of the OSC) to become involved. Such involvement might depend on the scale/significance of the disposal and could also include annual analysis of the disposals database.
- 3.4 Whilst recognising that Mayoral decisions are public when made in Cabinet and key decisions are published on the website, the recommendation is intended to address expectations of transparency and accountability that may have been lacking in the Poplar Town Hall disposal.

4. Recommendation 2

The Governance Review Working Group consider issuing guidance as to the validity/lapsing of certain categories of decisions.

- 4.1 OSC note that some of the concerns raised in relation to the disposal of Poplar Town Hall stemmed from the proposals for sale being developed and actioned in 2011 based on a decision in Cabinet made in 2008 (some 3 years earlier and itself based on a business case/planning brief prepared in 2006).
- 4.2 Notwithstanding the formal/technical position, OSC has concerns as to the genuine validity of such a course of action and suggest that it would be appropriate to have a policy as to the lapsing and/or retaking of decisions in circumstances, perhaps after 2 years, where no action has been progressed pursuant to a decision (i.e. the decision has effectively been dormant).
- 4.3 A clear approach on this would reduce uncertainty as to authorisation and would ensure contemporaneous and more transparent decision making, based on up to date information.
- 4.4 In the Poplar Town Hall disposal this might have facilitated a fuller consideration of the proposals for disposal prior to officers moving to marketing the property in 2011.

5. Recommendation 3

The Governance Review Working Group consider clarifying the delegation to officers of certain planning functions.

- 5.1 The OSC has observed that there has been a lack of clarity as to whether the correct process was followed concerning change of use and listed building consent applications.
- 5.2 It notes the Mazars' report findings that the use of delegated authority was in line with the Council's constitution. This involved the report for the application being drafted by a Planning Officer and signed by the Deputy Team Leader on 18 June 2013. In addition, the draft decision notice, which authorises the issue of the final notice was signed by the Deputy Team Leader on 3 July 2013.
- 5.3 Officers have explained that there is a difference between the Council's long-term financial interest as an "owner" and the Council's role as the local planning authority. Planning and listed building application forms apparently define the interpretation of ownership for the purposes of completing these application forms. In this context under the Application for Listed Building Consent for Alterations, Extension or Demolition of a Listed Building Planning (Listed Building and Conservation Areas) Act 1990 'owner' means a person having a freehold interest or a leasehold with at least seven years unexpired. Notwithstanding the possible interpretation of the words "sites/buildings owned by the Council" within the Constitution, it is the 1990 Act definition that is routinely applied by officers in their interpretation of planning and listed building applications.
- 5.4 In the case of Poplar Town Hall the applicant's 199 leasehold interest effectively meant that it was regarded as the 'owner' in planning terms, notwithstanding that the Council remained the Freeholder. For the reasons given above the decision was therefore not referred to the Development Committee.
- 5.5 The wording and revision of the Constitution and its amendment is a matter for the Council as advised, but it seems there is potential for it to be revised or amended to remove any possible scope for misinterpretation in the future.

6. Recommendation 4

The Governance Review Working Group consider the fitness for purpose of the current financial procedure rules relating to property disposals.

- 6.1 The OSC recognise that this may form part of the ongoing best value review and should focus on clarity and transparency. The OSC appreciates that procedures may require a degree of flexibility but note and agree with the observation from PWC in relation to the sale of Poplar Town Hall that, *"the acceptance of the late bid created the possibility of manipulation which could have been avoided or significantly reduced, either by excluding the late bid which the Authority would have been within its rights to do, or by delaying the opening of all bids until the late bid was received."*
- 6.2 The context for this recommendation is in particular the lack of clarity, accountability and record keeping in relation to the decision to accept, open and prefer the late BAFO from Dreamstar which was not the highest bid. Also, the subsequent decision to engage two bidders in a contract race and decisions to extend the date for contract exchange.
- 6.3 OSC understand that the new Cabinet-agreed asset disposal and lettings protocol addresses these issues and is currently subject to compliance testing. The Governance Review Working Group might usefully consider the outcome of the compliance testing and whether any delegations/authorities for decision making in relation to the variation or departure from the "usual" procedure for property disposals are appropriate.

7. Recommendation 5

The Governance Review Working Group consider how the current role undertaken by the Commissioners in relation to disposal decisions might transfer into a new framework/process to maintain a similar approach after the Commissioners depart.

- 7.1 At the time of writing the Secretary of State Commissioners have a role in relation to the disposal of property. The Directions issued by the Secretary of State include the requirement for the Council until 31 March 2017, to obtain the prior written agreement of the Commissioners before entering into any commitment to dispose of, or otherwise transfer to third parties, any real property other than existing single dwellings for the purposes of residential occupation. This is a timely opportunity to consider how the property disposal function will operate in the absence of the Commissioners. For example there may be useful parallels with a requirement that the three statutory officers have to be satisfied about proceeding where a disposal decision is made by the Executive Mayor.
- 7.2 Consideration might also be given to transitional provisions and an audit process which will ensure that disposals have in fact been undertaken in accordance with processes agreed with the Commissioners to satisfy them as to disposal.

8. Recommendation 6a

The Governance Review Working Group to consider the issue of the proper process and procedure for OSC to seek and obtain external legal advice.

- 8.1 In the course of preparing this report it became clear to the OSC that independent legal advice was required to support the process and that the particular circumstances of this report meant that advice from internal advisers would not be appropriate. This was an unusual situation in circumstances where there was no budget for the external legal expenditure and no specific provision in the Council's constitution for the OSC to obtain external legal advice. In the event, the then Interim Monitoring Officer commissioned Fieldfisher external solicitors to provide advice

to the former Chair of OSC in bringing forward a report to the Committee. The Council also sought independent advice from leading counsel in relation to procedural and process issues.

- 8.2 It would assist the future work of OSC if the circumstances in which it may be appropriate to obtain external legal advice could be clarified and what process should be followed. For example, it may be appropriate for the Monitoring Officer and the OSC Chair to be able to engage external legal advice where appropriate and to involve the Chief Executive if necessary.

9. Recommendation 6b

The Executive Mayor in the process of budget setting is invited to review resource allocation for the OSC to include provision for external legal advice and to progress the transparency agenda.

- 9.1 Funding for the scrutiny function is located within the One Tower Hamlets budget allocation in the Law, Probity and Governance Directorate. The budget contains no specific provision for external legal costs and the process of reviewing the reports in this case and preparing this OSC review has revealed an absence of a budget for some of the other associated expenses. The Committee therefore welcomes the proposed review of resourcing for the scrutiny function.

10. Recommendation 7

The Council, Chief Executive and elected Members strive to improve the organisational culture within the Council and support the ambition of the Best Value Action Plan for organisational culture.

- 10.1 The Chair of OSC during the Municipal Year of 2014-15 made a number of attempts to bring forward observations in a report to the OSC but delays occurred resulting from various procedural issues. Senior members and officers are now working to improve the Council's organisational culture with support from SOLACE to facilitate new relationships and ways of working. This includes objectives which address areas of concern identified by the OSC in relation to the disposal of Poplar Town Hall, including building an understanding of the constitution and its practical application (including the role of OSC), clarifying and communicating delegations and streamlining the decision making process.

11. Recommendation 8

Elected Members should reaffirm their commitment to the ethical standards expected of public office holders and commit to a culture of openness and transparency that transcends the strict application of the statutory requirement to disclose pecuniary conflicts of interests.

- 11.1 In November 2014, having considered the PWC best value inspection report, the then Secretary of State made an oral statement to the House of Commons (which is published and available on the DCLG website). In his statement the Secretary of State commented that he believed the findings in the PWC report painted a picture of 'obfuscation, denial, secrecy, the breakdown of democratic scrutiny and accountability, a culture of cronyism risking the corrupt spending of public funds'. He also made specific reference to Poplar Town Hall commenting that 'Poplar Town Hall was sold to a company involving a person who had helped the Mayor with his election campaign, against internal advice, and the winning bid was submitted after other bids had been opened'

- 11.2 The Committee on Standards in Public Life (January 2013) identified seven principles (the Nolan Principles) which underpin the conduct of those holding public office. These include the principle of **accountability** - being accountable to the public for your decisions and actions and submitting

yourself to the scrutiny necessary to ensure this - and the principle of **integrity** - avoiding placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.


11.3 In keeping with the Nolan principles' the Council's constitution provides in Article 6 (paragraph 6.03(b)(iii)) that OSC may "Question the Mayor, members of the Executive and/or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects."

11.4 Nevertheless, despite repeated invitations by the OSC between December 2014 and April 2015, the former Mayor never attended the Committee and the Committee was therefore never able to question him about any matters within the remit of OSC, including declaring any potential interest arising in relation to the sale of Poplar Town Hall. Although the former Lead Member for Resources did attend the OSC to answer questions, the Committee was not satisfied that his answers were open and frank and the OSC were given cause for concern about the willingness to be open of key individuals who could have assisted the investigation.

12. Recommendation 9

The Chief Executive consider if the actions taken by any officers relating to the disposal of Poplar Town Hall require further investigation and notify the Mayor, OSC or full Council (as appropriate) of his decision.

12.1 The marketing and sale of Poplar Town Hall has been considered by Mazars and PwC. The Chief Executive should now determine whether any further investigation and/or action is required in accordance with the Council's human resources procedures.

Non-Executive Report of the: Overview & Scrutiny Committee 9 th May 2016	
Report of: Director of Law, Probity and Governance	Classification: Unrestricted
Overview & Scrutiny Committee Annual Report 2015/16	

Originating Officer(s)	Mark Cairns
Wards affected	All wards

1. SUMMARY

1.1 The Annual Report summarises the work of the Overview & Scrutiny Committee and the Health Scrutiny Panel in the 2015-16 municipal year, and is presented to the Committee for its approval prior to being presented to Council.

2. RECOMMENDATIONS

2.1 The Overview & Scrutiny Committee is recommended to:-

- Agree the report to be submitted to Council, and
- Authorise the Director of Law, Probity and Governance to amend the report after consultation with the chair of the committee prior to submission to Council.

3. BODY OF REPORT

- 1.1 Under the council's Constitution, the Overview and Scrutiny Committee (OSC) must report annually to Council documenting the committee's activities during the past year, including on the work of the Health Scrutiny Panel.
- 1.2 This report sets out the various elements of this work in 2015/16, arranged by the portfolios held by lead members. This takes in its scrutiny of council and partners' services (including through dedicated "spotlights"), its contributions in reviewing budget proposals, and its work in leading improvement and policy development work, through reviews and challenge sessions. It also covers scrutiny of the executive's decision-making, through pre-decision questions, and call-ins by other members.
- 1.3 Additionally, the committee takes petitions from members of the public, and these are also included.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 This report provides a summary of the work carried out by the Overview and Scrutiny Committee during 2015-16.
- 4.2 There are no financial implications arising from this report.

5. LEGAL COMMENTS

- 5.1 Article 6.03 (d) of the Council's constitution provides that the Overview and Scrutiny Committee must report annually to Full Council on its work. The report submitted to Council following this consideration will fulfil that obligation.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Reducing inequality, promoting community cohesion and building community leadership are all central to the work of the Overview and Scrutiny Committee. Where individual pieces of work have been undertaken by the committee (such as reviews, challenge sessions and reports back to Council), these have noted any One Tower Hamlets considerations.

7. BEST VALUE IMPLICATIONS

- 7.1 The Overview and Scrutiny Committee is an important part of the council's performance management framework, helping it to secure continuous

improvement as required under its Best Value duty through its scrutiny of budget proposals and service performance.

7.2 The committee has also provided input into the council's Best Value action plan, which supports its efforts to meet its duties in this regard.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no implications arising from this report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no implications arising from this report.

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

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
None	N/A

11. APPENDICES

Appendix 1 – Annual Report

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**TOWER HAMLETS COUNCIL
OVERVIEW & SCRUTINY
COMMITTEE**

ANNUAL REPORT 2015/16

Chair's Foreword

This year has been an interesting and important one for the Overview and Scrutiny Committee. Along with individual members' reviews on important issues for the council such as the effectiveness of the Prevent programme and provision for pupils with social, emotional and mental health needs, the Committee chose to dedicate a significant portion of its time and attention to the difficulty the council can have in making its decision-making and data open and accountable. The Overview and Scrutiny Transparency Commission was a high-profile and well-received contribution to addressing these problems, and I am proud of the resulting report and recommendations which, when implemented, should help bridge the gap between residents and their council, and make the borough a beacon for openness, transparency and accountability.

I was pleased that the Committee had an opportunity to be involved in the Council's budget-setting process at an early stage, and was able to influence the Mayor to abandon plans to reduce or stop Sunday opening for Idea Stores, as well as to ensure that older people would have access to suitable alternative provision before continuing with any review of day services for older people. I hope this will set the template for constructive dialogue between Overview and Scrutiny and the Executive in future years.

Alongside this, the function will be strengthened following the review of how the Committee works and is supported. In particular, new sub-committees to review bids for grants, and to focus on housing performance and issues, will supplement the work of the main Committee and the Health Scrutiny Panel, and ensure greater member capacity and attention to issues of real importance to our residents.

My thanks to the councillor and co-opted members of the Committee, and to the officers who have assisted us this year.

Cllr John Pierce
Chair, Overview and Scrutiny Committee

1. Introduction to Overview and Scrutiny

- 1.1 The Overview and Scrutiny Committee (OSC) exists to hold the executive leadership and other local partners to account. Its statutory duties include reviewing and scrutinising decisions made or actions taken by the Council's executive, health services (carried out in Tower Hamlets by the Health Scrutiny Panel), and crime and disorder partners, and reporting back on these to the executive or, as appropriate, Council. They also require the Committee to report to the executive or, as appropriate, Council on matters affecting the area or residents.
- 1.2 The Committee also reviews strategic documents which comprise the Budget and Policy Framework, and contributes to policy development through scrutiny reviews and one-off "challenge sessions".

2. Membership

- 2.1 Following the mayoral elections in June 2015, a new Overview and Scrutiny Committee was appointed by Council. The members and their roles have been as follows:

- Councillor John Pierce (Chair)
- Councillor Danny Hassell (Vice Chair and Scrutiny Lead for Children's Services)
- Councillor Denise Jones (Scrutiny Lead for Communities, Localities and Culture)
- Councillor Md. Maium Miah (Scrutiny Lead for Resources)
- Councillor Amina Ali (Scrutiny Lead for Adults, Health & Wellbeing)
- Councillor Peter Golds (Scrutiny Lead for Law, Probity and Governance)
- Councillor Helal Uddin (Scrutiny Lead for Development & Renewal)
- Councillor Mahbub Alam
- Councillor Oliur Rahman

- 2.2 In addition, the Committee's co-opted members have been:

- Nozrul Mustafa (Parent Governor Representative)
- Rev James Olanipekun (Parent Governor Representative until February 2016)
- Victoria Ekubia (Roman Catholic Diocese Representative) and
- Dr Phillip Rice (Church of England Diocese Representative).

There are at present two vacancies for Parent Governor Representatives, and one additional co-optee, who may be a representative of the Muslim community.

3. Overview and Scrutiny Committee Work Programme 2015-16

3.1 At the beginning of this municipal year, the OSC was provided with detailed briefings on key information, developments and issues for each of the portfolios. The Committee undertook a session facilitated by officers to set its work programme for 2015-16, as did the Health Scrutiny Panel. In considering topics to include, members took into consideration factors such as:

- The extent of public and member interest
- The significance of any budgetary implications
- Current performance and user satisfaction
- Any scrutiny already planned or being carried out by other bodies
- New developments or changes, and
- The Committee's ability to influence outcomes.

3.2 Following this discussion a proposed list of scrutiny review topics and methods of scrutiny was agreed, including:

- ordinary items on the OSC agenda;
- spotlight sessions (where attendees are questioned and held to account on a range pertinent issues within their remit, and need not be focused on a report);
- reviews (which allow members to examine a topic in-depth over multiple sessions with directorate support, with a view to developing a report with recommendations for improvement); and
- challenge sessions (similar to reviews, but with only one session and typically in slightly less depth).

3.3 Below are some of the highlights from the work programme so far this year, for each portfolio. The work of the Health Scrutiny Panel is considered in a separate section below.

Transparency Commission

3.4 At its first meeting of the 2015-16 municipal year, the Overview and Scrutiny Committee decided its next three meetings would be focused primarily on a review of the Council's transparency, with the full Committee sitting as the Overview and Scrutiny Transparency Commission. This was seen as an opportunity for members from all political parties to work together to identify actions to help the Council become more transparent. In addressing this, members considered different aspects of the issue, such as:

- How residents could be better informed about Council activity, processes and decisions;
- How members could be supported to make more transparent decisions; and
- How decision-makers could be held to account transparently.

3.5 The Commission's evidence-gathering sessions took place at Overview and Scrutiny Committee meetings in July, September and October 2015, where it

heard from the Mayor, officers, local journalists and bloggers, trade unions, and professional experts involved in improving transparency in other authorities and organisations. It also consulted other sources, and held a public consultation to gauge perceptions of Council transparency, the results of which are also included as an appendix to the report.

- 3.6 The Commission's Final Report set out the following key goals for the Council:
- Make the Council a beacon for openness, accountability and transparency by the end of 2017-18
 - Enhance the role of Overview and Scrutiny to enable greater openness, accountability and transparency in 2016-17, and
 - Publish all data by default wherever possible by the end of 2016-17.
- 3.7 In order to achieve these goals, the Final Report made eighteen recommendations. This was presented to the Mayor and launched early in 2016, and implementation of the recommendations, alongside the commitments in the Mayor's Transparency Protocol, is currently being planned by officers, with a report to Cabinet expected in the summer.
- 3.8 The Overview and Scrutiny Transparency Commission has been cited as a significant improvement in the development of scrutiny in Tower Hamlets. The Commission's work has been widely well-received, including by the Secretary of State's Commissioners and is driving improvements in the Council's approach to transparency.

Resources

- 3.9 The Committee played a key role in scrutinising and challenging the 2015/16 budget and Medium Term Financial Plan, and this work is considered elsewhere in this report. In relation to in-year spend, members received and considered quarterly reports on the budget. During discussions at quarter 2, for example, they raised their concerns about the failure to allocate significant in-year savings for the Children's and Adults Directorates by halfway through the financial year, as well as holding the Council to account for how unallocated grants and funding was to be spent. In response to issues raised by the Committee, changes are being made to financial reports to ensure that that are clearer and more transparent.
- 3.10 The Council's approach to improving representation of staff from ethnic minorities and those with disabilities at senior management level formed the basis of a challenge session in led by Cllr Maium Miah, the Committee's lead member for Resources. The session found that further work is needed to achieve a workforce to reflect the community particularly at senior management level, and key recommendations focused on improving talent management processes within the organisation and invigorating forums for BME and disabled staff, as well as carrying out an audit of the Council's organisational culture in relation to diversity and inclusion.

Children, Schools and Families

- 3.11 The Committee considered the draft Children's and Families Plan 2016-19, and made recommendations for the plan to expand on areas around improving oral health and supporting families together against the risk of child sexual exploitation.
- 3.12 Recognising the important role played by school governing bodies, the Committee explored the relationship between the composition of governing bodies and the wider community, and the ways in which the Council can influence governing bodies to be more diverse and representative. Whilst acknowledging the limits of this influence, the Committee did recommend officers explore how communities were being engaged to promote increased participation and the possible role to be played by the third sector to address imbalances.
- 3.13 The provision of sufficient pupil places is an important local issue, and the Committee asked the Cabinet Member and officers about planning for this. They learned about the progress made in securing developer contributions to deliver additional school places, and that the Council recognises the importance of working with free schools and academies.
- 3.14 The Committee received an update on the progress against recommendations from a challenge session held in 2013 focusing on raising post-16 educational attainment. The Committee noted the improvements to post-16 attainment through collaborative working across schools and the development of continuing professional development modules on the transition to post-16 learning and effective use of attainment data.
- 3.15 The scrutiny lead for Children, Schools and Families led a challenge session looking at the provision of support for pupils with social, emotional and mental health (SEMH) needs and if this was sufficient, particularly in relation to girls. The findings from this noted better co-ordination between the agencies supporting young people with SEMH especially in collection and use of data and how that can be used to develop future services. Recommendations focus on investigating developing further provision for girls especially in specialist schools in the borough and reducing reliance on more costly provision.

Communities Localities and Culture

- 3.16 Members reviewed the Gambling Policy for 2013-16 and examined areas of change which may be brought forward for the next three years. The Committee expressed concern over the growth of fixed odds betting terminals (FOBT) and the impact on poorer residents. Members were keen that the Council should explore avenues to lobby for a change in the law to increase its freedom in developing its gambling policy.
- 3.17 Recognising the continued reduction of Council resources and EU recycling targets due to come in to effect as of 2020, a challenge session was led by

Cllr Denise Jones, the Scrutiny Lead for Communities, Localities and Culture. This explored the challenges of promoting a shared responsibility and removing barriers to improved recycling in the borough. Recommendations to improve communications and the accessibility of recycling facilities, as well as to work with developers to incorporate innovative waste and recycling management systems, were welcomed by the Committee.

- 3.18 The Chair of the Overview and Scrutiny Committee has also been leading a scrutiny review on the delivery of the Prevent Strategy in the borough and the impact on young people. The review received evidence from a wide range of stakeholders, including academics, third sector providers, and the Home Office. It has also visited another local authority to learn about how best practice on Prevent is being delivered. This work is continuing over the summer, and the final report is expected to be presented to the Committee early in the 2016/17 municipal year.

Development and Renewal

- 3.19 The Committee examined the proposed scope, process and timeline for the development of a new Local Plan. In doing so, members commented on the extent of consultation being undertaken, and in particular how those hard to reach or from minority communities were being engaged. The Committee recommended that particular needs and interests were reflected, such as the desire to limit betting shops and the need to further develop affordable housing for key workers.
- 3.20 The Committee received a report that followed up from the previous year's challenge session on planning in conservation areas in relation to extending family homes. The report outlined the progress against the original recommendations, highlighting that two programmes were already advanced, to refresh the Character Appraisals for the eight conservation areas where householders submit the most planning applications, and to create new Supplementary Planning Guidance on mansard roof extensions in conservations areas. The remaining recommendations will be taken forward through the new Local Plan.
- 3.21 The Scrutiny Lead for Development & Renewal led a challenge session on homelessness, and the use of bed and breakfast accommodation. The final report for this work will be presented at the first Committee meeting of the next municipal year.

Law, Probity and Governance

- 3.22 The Mayor attended the Committee meetings to present the quarterly performance report. In reviewing performance, members placed particular emphasis on areas which were below target or had deteriorated. Throughout the year, members queried the levels of staff sickness, which were highlighted as an ongoing area of concern, and also asked tough questions about performance in recycling and removal of flyposting, amongst other areas.

Petitions, call-ins, references and pre-decision scrutiny

- 3.23 One executive decision was called in this year, on the decision to abandon litigation against Rich Mix. The Committee referred this decision back to the Mayor with a recommendation to consider Rich Mix's business plan and consider setting targets for its work with young people. Upon considering the business plan, the Mayor amended his decision, requiring that the section 106 resources to be allocated to Rich Mix (after repaying its loan to the Council) be used to increase "free at the point of entry" cultural outputs expressly targeting local residents and local schools. He also committed that Rich Mix would be audited against these requirements.
- 3.24 The Committee heard a petition from the remaining residents of the Tower Hamlets Users of Shortlife Housing (TUSH) Co-operative over the approach taken by the Council in pursuing evictions. The Committee noted these concerns and resolved to refer the matter on to the executive for a response.
- 3.25 The Committee also undertook a review of a petition from 2014, where the Council had resolved to take action in response to leaseholder concerns at how service charges had been set. As a result of the Committee's consideration of the matter, the findings of reviews and audits which had not been provided to leaseholders were published.
- 3.26 Throughout the year the Committee submitted pre-decision questions across a range of areas. As mentioned above, the importance of these questions was reflected in changes to how the Committee dealt with them on its agenda, to allow greater time to discuss them
- 3.27 [Information on Poplar Town Hall to be added following May OSC Meeting.]

Budget and Policy Framework

- 3.28 The Committee has a mandatory consultation role on all items which are the responsibility of Council to agree, rather than the executive and these make up the Budget and Policy Framework. This year, these have included the Budget and the extension of the Community Safety Plan.
- 3.29 The Committee considered early draft savings proposals for 2016/17 put forward by the Mayor and Cabinet in November, thoroughly scrutinising the impact on users, cost-effectiveness, and deliverability of the proposals, and requesting further information where necessary to better determine their impact or justification.
- 3.30 The Committee then held a dedicated meeting in January to consider and challenge the published draft Budget, making a series of recommendations to the executive to reconsider proposals where it was felt these disproportionately affected residents or did not represent long-term value for the borough. The proposals it asked to be reconsidered included reducing

funding to local police budgets, the deletion of the Burial Subsidy Scheme, and a reduced budget for Mainstream Grants, handing over delivery of school crossing patrols to schools, and the proposal on PGCE bursaries. The Mayor and Council considered the comments from the Committee as part of the decision making process. Following engagement with the Committee and other local stakeholders the Mayor did not pursue the proposal to reduce or stop Sunday opening for Idea Stores, and committed to only progress the review of day services for older people once suitable alternative provision had been identified for any service users who would be affected.

- 3.31 The Committee supported the extension to the Community Safety Plan in line with the London-wide Police and Crime Plan to March 2017, which has been extended to carry existing arrangements through to the end of the term of the current Mayor of London. In considering this, members made clear their views that the local Safer Neighbourhood Panels should be involved in responding to issues such as radicalisation, and female genital mutilation, as the ways in which some community safety concerns were pursued by professionals could sometimes alienate communities.

Spotlights

- 3.32 This year, the Committee took a particular interest in crime and disorder with two spotlight sessions taking place. Senior police officers attended (including the former Borough Commander for the first spotlight, prior to his departure from the post), along with the relevant Service Head and Cabinet Member, to discuss performance levels, the importance of engaging effectively with the community and councillors, policing priorities, and relationships between the police and the Council. Issues and actions were raised that it is hoped will be taken up by the next Committee, including the communications issues mentioned, as well as accountability within the MPS for how decisions to investigate electoral malpractice in the borough have been taken.

4. Health Scrutiny Panel 2015/16

- 3.5 In 2015-16 the Health Scrutiny Panel faced the challenge of understanding the implications of policy changes on health services, scrutinising local services undergoing change, and ensuring local providers consider the views of local residents, address health inequalities and support the wellbeing of local people. The focus has been on the performance of Barts Health NHS Trust, health and social care integration, the community benefits from health and social care commissioning, and changes to primary care.
- 3.6 The Panel undertook a detailed review of maternity services at Royal London Hospital focusing on customer care and held a challenge session on Children and Adolescent Mental Health Services (CAMHS).

Barts Health – CQC Inspection findings and improvement plan

- 3.7 The Panel considered the Barts Health NHS Trust Improvement Plan and discussed in detail how this would enable the Trust to address the issues raised by the Inspection. The Panel's discussion focused on concerns around

bullying within the organisation, how complaints were handled and used to improve performance, management and governance, resource allocation and data quality.

Health and Social Care Integration

- 3.8 The Panel assessed Integrated Care in Tower Hamlets and the work of the Tower Hamlets Integrated Provider Partnership. Feedback from the Panel related to improving primary care services, enabling people to die at the place of their choice and that links between housing and health is explicitly considered in this work.

Community Benefits from health and social care commissioning

- 3.9 The Panel heard from the Council and Tower Hamlets CCG about how through commissioning they are delivering community benefits. The Panel suggested the need for better co-ordination in procurement within public services, and that the Council should explore best practice from other areas and learn how they are getting more for their money. It noted that the Voluntary and Community Sector Strategy being developed by the Council may also help achieve benefits from commissioning.

Primary Care Strategy – Tower Hamlets Clinical Commissioning Group

- 4.6 The Panel considered the CCG's draft Primary Care Strategy. The Panel focused on the impact of population growth within the borough, patients' experience of primary care and integration with other to ensure local people receive a seamless service.

Transforming Services Together

- 4.7 The Panel reviewed the Strategy and Investment Case of the Transforming Services Together (TST) Partnership programme, which recommends investing in care closer to home, new models of care at our hospitals, more modern facilities and developing new ways of working. The Panel agreed with the approach taken to address population growth by building capacity in the health system through integration, rather than dispersing provision more widely. However, it emphasised that the needs of children should be better accounted for, and was concerned about how specialist commissioning carried out by NHS England would be addressed.

Healthwatch Tower Hamlets – Community Intelligence Report

- 4.8 The Tower Hamlets Community Intelligence Bursary is a programme that was developed in a partnership between Healthwatch Tower Hamlets, Tower Hamlets Clinical Commissioning Group (CCG), Tower Hamlets Citizens, Queen Mary University and Tower Hamlets Council for Voluntary Services (CVS), to ensure that the needs and views of the local community directly affect how health and social care services are designed, commissioned and delivered within Tower Hamlets. The Panel reviewed the findings of the

programme and endorsed its recommendations, given that these had been developed through the work of people in the community themselves.

Reviews: CAMHS, Maternity Services

- 4.9 Whilst clinical outcomes at the Royal London Hospital (RLH) are excellent, and the hospital deals with a high proportion of complex, high acuity births, various inspection reports over the last two years have raised concerns about patient experience of maternity services. The Panel undertook a review between December 2015 and March 2016, reviewing patient feedback and looking at how the RLH has responded to the challenges identified in a recent CQC inspection report. The Review Group heard that Barts Health Trust are planning a number of improvements including opening a new co-located low risk' maternity unit at the RLH. The review's final report will be considered at the first Panel meeting of the new municipal year in June, however areas identified as in need of improvement include compassion, communication and continuity of care. The Review Group is likely to make recommendations to ensure that the workforce is more representative of the diverse local community, and that the way that the hospital listens to patient feedback and acts on this leads to improved quality of care. Barts Health Trust and the CCG are committed to working with the HSP going forward to develop action plans that will help to drive the improvements that are needed.

4. Conclusions and looking ahead to 2016-17


- 4.1 Over the last year, the Overview and Scrutiny Committee has been able to address through its work programme many priorities and challenges facing the Council, partners and residents.
- 4.2 While the next Committee will plan its own work programme, some elements of this year's programme will carry over to the next municipal year, including the report of the scrutiny review into the delivery of the Prevent Strategy and its impact on young people, and that of the challenge session into homelessness. Additionally, spotlights on the Youth Service and on the progress made by Tower Hamlets Homes in implementing recommendations from the audits referred to earlier would be valuable. Similarly, the maternity services review will report back to the Health Scrutiny Panel early in the 2016/17 year.

Review and development of Overview & Scrutiny

- 4.3 Following on from the Transparency Commission's recommendation that the Council "undertakes a full review of its Overview and Scrutiny arrangements, and amends these as necessary", the Committee has recently agreed to create a new Grants Sub-committee. This has been established to review officer recommendations regarding grants prior to their consideration at Commissioners' Decision Making Meetings. This will provide a transparent, cross-party member-led check on the way in which decisions to award grants

are made, and is an important step towards the Council regaining control of its grant-giving functions. This Sub-committee has received training and has already begun to meet, and the arrangements will be reviewed early in the new municipal year.

- 4.4 There has also been discussion between members and officers about ensuring sufficient capacity to enable effective scrutiny of housing performance and issues. A Housing Scrutiny Panel is being established to undertake this role and will work with local housing providers to ensure borough-wide engagement and challenge to improve services for local people.
- 4.5 Some changes have also been made to the way in which the Overview & Scrutiny Committee undertakes its work. The important function of scrutinising proposed executive decisions has been improved by changing the position on the agenda of this standing item, and circulating to members a list of both the items on the next Cabinet agenda, as well as all forthcoming decisions published by the Council. In addition, the meeting dates of the Committee have been moved further in advance of Cabinet in order to allow greater time for consideration of pre-decision scrutiny questions, and therefore more substantive responses. In addition, the Committee now keeps an open log of the status of the requests it has made.
- 4.6 In discussion with the Chair and OSC Members an induction programme is being developed for the new Committee which will help build on learning from this year and enable continuity of key issues going forward.

Non-Executive Report of the: Overview and Scrutiny Committee 9 th May 2016	 TOWER HAMLETS
Report of: Melanie Clay, Director of Law, Probity and Governance	Classification: Unrestricted
Establishing a Housing Scrutiny Sub-Committee	

Originating Officer(s)	Kevin Kewin, Interim Service Head Corporate Strategy and Equality
Wards affected	All

REASONS FOR URGENCY

This report was published five days in advance of the meeting but not five clear days and pursuant to Rule 6.1 of the Access to Information Procedure Rules before the item can be considered, the Chair of the Overview and Scrutiny Committee needs to be satisfied that by reason of special circumstances the item should be considered as a matter of urgency.

The Chair of the Overview and Scrutiny Committee believes that it is necessary for the report to be considered without that consideration being delayed to a later meeting. The special circumstances are that the establishment of the Housing Scrutiny Sub-Committee contributes towards the transparency agenda and should be implemented at the earliest possible opportunity.

Summary

The Local Government Act 2000 and the Council's constitution allow the Overview and Scrutiny Committee to set up a sub-committee to discharge its scrutiny functions as appropriate.

At present scrutiny of local housing provision is led by the Committee through its regular meetings. In addition, the Scrutiny Lead for Development and Renewal undertakes reviews and challenge sessions on particular housing-related topics.

In view of the priority given to housing within the Strategic Plan, and its importance to local people, the Overview and Scrutiny Committee would like to establish a dedicated Housing Scrutiny Sub-Committee. This Sub-Committee would support effective scrutiny across the spectrum of the Council's housing functions and local housing provision managed by social and private landlords.

This report sets out the draft terms of reference, composition and chairing arrangements for the Sub-Committee. Potential issues and topics that could be included in the Sub-Committee's annual work programme are also outlined.

Recommendations:

1. Agree to the establishment of a Housing Scrutiny Sub-Committee which will scrutinise housing functions within the borough, including through working closely with registered providers and other key stakeholders;
2. Consider and agree the terms of reference; composition; chairing arrangements; proposed dates of meetings and an outline work programme for such a sub-committee.

1. REASONS FOR THE DECISIONS

- 1.1 A dedicated Housing Scrutiny Sub-Committee will support scrutiny of housing issues in the borough. Housing is a key priority within the Council's Strategic Plan.

2. ALTERNATIVE OPTIONS

- 2.1 Many other local authorities have established a housing scrutiny panel or sub-committee with a similar remit to the one proposed. However, there is no requirement to set up a Housing Scrutiny Sub-Committee its functions could continue to be undertaken by the Overview and Scrutiny Committee.

3. DETAILS OF REPORT

3.1 Overview and Scrutiny Background

The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.

- 3.2 Under the Terms of Reference for the Overview and Scrutiny Committee, it can appoint such sub-committees or scrutiny panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.

- 3.3 The formation of this sub-committee will enable the Council to exercise comprehensive scrutiny over all of its housing functions and ensure transparency in how these functions are discharged.

3.4 Terms of Reference

The proposed Terms of Reference of the Housing Scrutiny Sub-Committee are attached as Appendix 1. The broad role of the Housing Scrutiny Sub-Committee will be to consider all housing-related matters that have an impact on local residents.

3.5 Forward Plan

The Housing Scrutiny Sub-Committee meetings will be agreed subject to the Committee's agreement to establish the Sub-Committee and its schedule of meetings will be incorporated into the Forward Plan in line with the Overview and Scrutiny Committee Terms of Reference.

3.6 Composition

The membership is proposed to consist of seven (7) members. The Lead Scrutiny Member for Development and Renewal shall be appointed as a member and Chair of the Housing Scrutiny Sub-Committee (subject to the agreement of the Overview and Scrutiny Committee) and 6 other non-executive members, reflecting the political proportionality of the Council.

3.7 The Sub-Committee is entitled to appoint up to two non-voting co-opted members with knowledge and experience of housing matters. It will aim to appoint one tenant and one leaseholder to bring a balance of issues to the Committee's work. It is proposed that these two co-opted members are recruited through the Council's existing procedures for such and the candidates will be required to provide a short submission to demonstrate they possess the relevant knowledge and experience to perform the role.

3.8 Development and Training

The Service Heads for Corporate Strategy and Equality (LPG) and Strategy, Regeneration and Sustainability (D&R) will be the senior officer leads and champion the work of the Sub-Committee. This will include assisting in developing a work programme that focuses scrutiny on specific housing issues - based on the identified priorities of the Sub-Committee - as well as linking up with other housing partners to ensure appropriate analysis and data is available for scrutiny.

3.9 Officers from the Corporate Strategy and Equality Service will support the work of the Sub-Committee, through carrying out research, gathering evidence from available sources and preparing draft scrutiny reports for consideration by the Sub-Committee. Possible topics for scrutiny are suggested elsewhere in this report (Appendix 2), based on the views of the Service Head of Strategy, Regeneration and Sustainability and practice from other local authorities who maintain a housing scrutiny panel or sub-committee. Once established the Sub-Committee will decide how many reviews and challenge sessions reports it carries out each year and what issues it will scrutinise.

3.10 The sources of information and data which can help the work of the Sub-Committee include: available performance information (both for the Council and its providers); national statistics compiled by the DCLG, Institute of Housing or other key representative bodies; the work carried out by resident

scrutiny panels in the past and revisiting their findings especially for those providers who have weak scrutiny arrangements; as well as housing related matters that arise from cabinet papers.

- 3.11 It is suggested the first meeting of the Sub-Committee functions as an induction session, where relevant officers put housing services in context and familiarise Members with the Council's statutory housing functions and its relationship with other local social and private landlords. As part of its ongoing development the Sub-Committee will receive presentations on current housing issues and practice, as well as opportunities for more formal training (potentially drawing on material from the Local Government Association or Centre for Public Scrutiny) to enable them to perform their role - once specific areas for development are identified.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report details the need and purpose for establishing a Housing Scrutiny Sub-Committee. In the main, this Sub-Committee would be supported through resources within the corporate strategy & equalities team, the democratic services team and through other relevant directorate resources.
- 4.2 There could potentially be an additional resource requirement to support the administration and work of the new Sub-Committee, primarily within the corporate strategy and equality team and democratic services team. If these requirements cannot be met through existing resources then officers will need to identify the additional resources requirement, which will be considered in the context of the Council's Medium Term Financial Strategy.

5. LEGAL COMMENTS

- 5.1 Pursuant to section 9F of the Local Government Act 2000 ('the 2000 Act') the Council is required to have an Overview and Scrutiny Committee and which is to have the power, amongst other matters to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive and to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive. Housing functions of the Council are the responsibility of the executive
- 5.2 Pursuant to section 9FA(1) of the 2000 Act, an Overview and Scrutiny Committee of a local authority may appoint one or more Sub-Committees, and may arrange for the discharge of any of its functions by any such Sub-Committee.
- 5.3 The recommendations in the report regarding the establishment by the Overview and Scrutiny Committee of a Housing Scrutiny Sub-Committee and which will scrutinise housing functions within the borough, including through working closely with registered social landlords and other key stakeholders is therefore a decision that the Committee can make.

5.4 As to the terms of reference of the Housing Scrutiny Sub-Committee, it is for the Committee to set such and the Scrutiny Sub Committee can only discharge the functions that are conferred on it by the Committee. The proposed terms of reference in Appendix 1 of the report specify that the responsibilities of the Scrutiny Sub Committee pertain to housing matters.

5.5 The Local Government and Housing Act 1989 ('the 1989 Act') requires that there be political balance on Committees. The rules for the allocation of seats are set out in sections 15 and 16 of the 1989 Act and the Local Government Committee and Political Group Regulations 1990. Pursuant to section 9FA(6)(b) of the 2000 Act, an Overview and Scrutiny Committee of a local authority, or a sub-committee of such a committee, is to be treated as a body to which section 15 of the Local Government and Housing Act 1989.

5.6 Section 15(4) sets out four rules, and requires authorities to apply them in descending order of priority.

- Rule 1: Where some or all of the members of an authority have formed into two or more political groups, then no Committee may comprise just members from one political group.
- Rule 2: Where a majority of members of Council are members of one political group, that political group must have a majority of the seats on each Committee.
- Rule 3: Without being inconsistent with the first two rules, the number of seats allocated to each political group on all the Committees taken together be as near as possible proportionate to their strength on Council.
- Rule 4: So far as is consisted with Rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on the Council. However, as set out above, this is subject to the need to give the majority a majority on each Committee.

5.7 Any seats left unallocated go by default to any members who are not members of any political group. A political group must comprise at least two members.

5.8 The political composition of the Council is as follows:

	Council	Labour	Independent Group	Conservative	Un-grouped
Members	45	23	13	5	4

5.9 Therefore, if you have a Sub-committee with 5 Councillors, then based on above Rules (and in particular Rule 4) the split has to be 4 Labour, 2 Independent Group and 1 Conservative, as Labour, being the majority party must have a majority on the Committee. The split therefore cannot be 2 Labour, 2 Independent Group and 1 Conservative.

- 5.10 Pursuant to section 9FA(4) and (5) of the 2000 Act, an overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority but any persons who are not members of the local authority are not entitled to vote at any meeting of its overview and scrutiny committee, or any sub-committee of such a committee.
- 5.11 It is noted that the aim is to appoint one tenant and one leaseholder to bring balance of issues to the Sub-Committee's work. It is proposed that these two co-opted members are recruited through the Council's existing procedures and the candidates have will be required to provide a short submission to demonstrate they possess the relevant knowledge and experience to perform the role.
- 5.12 Non-voting members do not count towards calculating the political balance on Committees.
- 5.13 As to the Chair of the Scrutiny Panel, Rule 7.1 of the Overview and Scrutiny Procedure Rules provides that the Chairs of the Scrutiny Panels will be drawn from among the Councillors sitting on the Committee. Further Paragraph 4.5.4 of the Overview and Scrutiny – Protocols and Guidance provides that where Scrutiny Panels are established to deliver the Committee's work, their membership will be constituted according to proportionality rules and in liaison with Party whips. It would be expected that membership would be based on the expressed interests of Members. In that regard, the work of the Scrutiny Panel falls within the purview of the Lead Scrutiny Member for Development and Renewal and for 2016/17 it is proposed that that Lead Member be the Chair of the Scrutiny Panel.
- 5.14 When taking action, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Matters relevant to this duty are set out in the One Tower Hamlets section of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Establishing a Sub-Committee that will exercise comprehensive scrutiny across the range of the Council's housing functions and relationships with other housing providers, will help improve accountability and performance and highlight any areas where equal access to services are failing to be delivered. Several housing related issues, for example affordability and standards of accommodation are vital concerns for many residents and the Sub-Committee will contribute to the delivery of the One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

7.1 The recommendations in this report are made as part of the Overview & Scrutiny Committee's role in helping to secure continuous improvement for the Council, as required under its Best Value duty.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 Issues around improving the environment, for example, those associated with the location or development of housing might be addressed as part of the Sub-Committee's work programme.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The recommendations made in this report will help reduce the risk to the Council, by identifying and proposing action to address housing related risks arising from the proposals contained in the reports the Sub-Committee will produce.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 Issues around reducing crime and disorder in a housing context might be addressed as part of the Sub-Committee's work programme.

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

NONE

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Housing Scrutiny Sub-Committee Terms of Reference

Chair and Membership

Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Lead Scrutiny Member for Development and Renewal for 2016/17. The membership of the Housing Scrutiny Sub-Committee will be selected at the Annual General Meeting.

Frequency of meetings

It is proposed the Sub-Committee meets four times per year formally and the following are suggested dates that are available in the Corporate Diary for 2016/17.

18th July (induction session)
26th September
28th November
3th February
24th April

The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

Responsibilities

The Housing Scrutiny Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to housing matters. This will include:

- (a) Reviewing and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's housing functions;
- (b) Advising the Mayor, DCLG Commissioners or Cabinet of key issues/questions arising in relation to housing reports due to be considered by the Mayor, DCLG Commissioners or Cabinet;
- (c) Making reports and/or recommendations to the full Council and/or the Mayor, DCLG Commissioners or Cabinet in connection with the discharge of housing functions;
- (d) Delivering (c) by organising an annual work programme, drawing on the knowledge and priorities of the council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;
- (e) Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;

- (f) Considering housing matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public.
- (g) The Sub-Committee will report annually to the Overview and Scrutiny Committee on its work.

Support to the Sub-Committee

The Service Heads for Corporate Strategy and Equality (LPG) and Strategy, Regeneration and Sustainability (D&R) will be the senior officer leads and champion the work of the Sub-Committee.

The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:

- Meeting room bookings, refreshments
- Agenda preparation and dispatch
- Taking minutes and recording of actions/decisions
- Dissemination of minutes and decisions

The Corporate Strategy & Equality Service will provide policy support to the Sub-Committee which will include:

- Research and analysis
- Work programme development
- Support with undertaking reviews and challenge sessions
- Drafting review reports and challenge sessions

Proceedings

The Housing Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:

- Council Procedure Rules
- Access to Information Procedure Rules, and
- The Overview and Scrutiny Procedure Rules

Appendix 2

Topics for possible inclusion in the first annual work programme

Following initial discussions with the Service Head of Strategy, Regeneration and Sustainability (D&R) several possible areas for scrutiny have been suggested which include:

1. Monitoring the quarterly performance data collected from local registered social landlords;
2. Considering complaints (including relevant Ombudsman investigations into housing complaints) received and identifying areas where there is a large volume of complaints and how these compare with other London boroughs. Reviewing these areas with a view to proposing positive ideas about where and how necessary improvements can be made;
3. Assessing the impact of the growing trend of mergers between housing associations, with a significant housing stock in the borough, will have. Establish if, in the light of this trend towards greater consolidation, a new protocol will be needed to regulate the Council's relationship with the RPs sector in future, especially if many RPs cease to hold charitable status;
4. Assessing housing information provided to members and whether this can better co-ordinated.
5. Investigating the feasibility of introducing a private landlord accreditation scheme to encourage good private rented sector landlords, by drawing on best practice developed by other local authorities.

Best practice examples from other Housing Scrutiny Sub-Committees show they consider a range of issues which include:

- Monitoring operational performance including:
 - Housing voids
 - Repair times and standards
 - Complaints
 - Homelessness cases
 - HMO numbers
 - Maintenance and refurbishment programmes
- Reviewing statutory or non-statutory housing policies and strategies (including those where there is planned DCLG consultation on potential changes to housing policy) and making recommendations arising from such reviews to the Cabinet, Overview and Scrutiny Committee or Full Council. Examples include:
 - Housing Strategy
 - Homelessness Strategy
 - Tenancy Policy

- Private Sector Housing Policy
 - Affordable Housing Policy
 - Choice Based Lettings Scheme
 - Landlord Accreditation Scheme
- Reviewing joint working or contract arrangements. Examples include:
- Tower Hamlets Homes
 - Tower Hamlets Housing Forum
 - Working with Registered Providers
 - Key commercial contractors

In setting the annual work programme, topics proposed by local residents, tenants and leaseholders associations and members of the public will be taken into account, as well as engagement with local housing providers.

Non-Executive Report of the: Overview and Scrutiny Committee 9th May 2016	
Report of: Melanie Clay Director of Law, Probity and Governance	Classification: Unrestricted
Challenge Session Report – Children’s Social, Emotional and Mental Health (SEMH) provision in Tower Hamlets	

Originating Officer(s)	Kevin Kewin, Interim Service Head Corporate Strategy and Equality Mark Bursnell, Senior Strategy, Policy and Performance Officer, Corporate Strategy and Equality
Wards affected	All wards

REASONS FOR URGENCY

This report was published five days in advance of the meeting but not five clear days and pursuant to Rule 6.1 of the Access to Information Procedure Rules before the item can be considered, the Chair of the Overview and Scrutiny Committee needs to be satisfied that by reason of special circumstances the item should be considered as a matter of urgency.

The special circumstances are that it would be beneficial for the 2015/16 Scrutiny Challenge Session Report to be considered by the 2015/16 Overview and Scrutiny Committee and to defer for a cycle would result in reporting in the next municipal year.

1. Summary

- 1.1. This report submits the report and recommendations of the SEMH provision in Tower Hamlets Scrutiny Challenge Session for consideration by the Overview and Scrutiny Committee

2. Recommendations:

- 2.1. The Overview and Scrutiny Committee is recommended to:
 - Agree the draft report and the recommendations
 - Authorise the Interim Service Head Corporate Strategy and Equality to amend the draft report before submission to Cabinet, after consultation with the Scrutiny Lead.

3. Background

- 3.1. The challenge session took place on 9th March as a result of the concerns amongst some Members about perceived gaps in and pressures on, existing provision for children and young people with SEMH needs. The aim of the session was to achieve a better understanding of the full spectrum of SEMH needs in the borough, the range of specialist services available, the key partnerships with other providers and if provision was effectively aligned with need-especially in relation to services for girls.
- 3.2. SEMH is an umbrella term to describe a range of complex and chronic difficulties experienced by some children and young people. SEMH services form part of broader Special Educational Needs (SEN) provision in the borough. The Council has overall responsibility for supporting children with SEN needs (including SEMH) and to review the special educational and social care provision made for young people up to the age of 25. The Council is required to publish information about the SEN services available in the area for young people known as the “local offer”. At present SEN statements are being replaced with Education, Health and Care (EHC) plans for individual students with complex and acute needs. These plans identify specific needs and the inputs and interventions required from a range of professionals across the spectrum of specialist services to address these and improve individual outcomes.
- 3.3. According to Department for Education (DfE) statistics, in 2015 the number of pupils who attended schools in Tower Hamlets and had an SEN statement or EHC plan was 1,754 or 3.8% of all students schooled in the borough. This figure is higher than the national average of 2.8% and places a heavy burden on all the local agencies involved in supporting SEN students. The number of students - under 5's to 16 plus – where SEMH is the main presenting need in statements or plans was 240 in 2015, or around 15% of the SEN total.
- 3.4 The session raised important questions about equality of opportunity in the light of the fact that girls with more complex needs have to be placed out of borough. As a consequence, in 2015/16 (financial year) there were 24 girls with SEN statements or EHC plans educated out of borough in day placements. The breakdown of these places is as follows:
 - Two girls attended a local 14-19 provision one costing £11,741 and the other £19,278.
 - Five were at mainstream schools with top up values from £5,760 to £11,680.
 - One pupil educated locally has complex mental health issues and has a joint package of support with the educational element costing £58,500, though the provision did not receive the £10,000 Place Factor funding that is normally in place. Therefore if compared to the above pupils the top up value should be £48,500.

- Sixteen attended special schools nearby. Five of the girls have ASD diagnoses and significant learning difficulties as well as SEMH issues. The range of top up values for this cohort is £4,500 to £ 53,724 (Highest costs were of girls with those complex needs described earlier and all of them are primary aged).

- 3.5 The Learning and Achievement service in the Children’s Service directorate have recently commissioned an external consultant to conduct a strategic review of general SEN provision, with a brief to examine if the current delivery model is sustainable with the resources available and how service priorities can be protected in future. The outcomes of the internally commissioned strategic review of special educational needs should take into account the recommendations of the scrutiny challenge session, if they are accepted, and where the conclusions reached are consistent they are implemented in a complementary way. This will include looking at the issues of equity and equality raised above in paragraph 3.4.
- 3.6 The session was underpinned by three core questions:
- a) Is the level and sustainability of current SEMH support services provided by the statutory agencies to schools adequate?
 - b) Does the way provision is organised –especially those for girls ensure that all need is properly recognised and resourced?
 - c) Is there sufficiently reliable data available on need to plan and provide
- 3.7 The report with recommendations is attached as Appendix 1. It should be noted that since the Challenge Session was held in March, Ian Mikardo High school has taken an in principle decision to apply for Multi Academy Trust status. This may have an impact on a number of the recommendations set out below and will be considered as part of the action plan development process.
- 3.8 The recommendations from the challenge session are outlined below:

Recommendation 1: The Children’s Services Directorate:

- a) organise the consultation process around re-designating Ian Mikardo as a co-educational school that accepts a regular intake of girls throughout the academic year.
- b) investigate the potential for co-educational primary provision, following initial consultation with primary head teachers and Cherry Trees School.

Recommendation 2: Monitor the comparative cost of providing out of borough SEMH specialist school places, especially for girls, to ensure they remain competitive. If the council develops local provision in borough schools it should be on the basis this is better value in terms of cost and quality than paying for out of borough school places.

Recommendation 3: Produce comprehensive data and address gaps in service information, to help identify hard to reach groups who have been under represented in the data used to establish overall need.

Recommendation 4: Develop effective data sharing protocols with partner organisations, such as Tower Hamlets Child and Adolescent Mental Health Service and Tower Hamlets Clinical Commissioning Group, and put key data on a single database.

Recommendation 5: Promote early, whole family multi-generational working to ensure interventions by the relevant agencies are joined up. Encourage more integrated and co-ordinated outreach work from the different agencies.

Recommendation 6: Monitor the outcome of the “fairer funding” government consultation process and assess the impact this will have on the funding available for the education authority and local schools to maintain current levels of SEMH specialist services.

Recommendation 7: Ensure the outcome of the internally commissioned strategic review of special educational needs takes into account the recommendations of the scrutiny challenge session; and where the conclusions reached are consistent they are implemented in a complementary manner.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report makes several recommendations in respect of SEMH provision in Tower Hamlets, it is expected that these recommendations will be implemented within existing budgets within the Children’s Services directorate of the Council.
- 4.2 Any additional cost implications arising from the recommendations will need to be considered in the context of the Council’s Medium Term Financial Strategy.

5. LEGAL COMMENTS

- 5.1. The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council’s Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants. The Committee may also make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions.
- 5.2. The provision of Special Educational Needs (SEN) services, including Social, Emotional and Mental Health needs (SEMH), are now delivered within the legal framework set out in the Children and Families Act 2014. The Act introduces a new single system from birth to 25 for all children and young people with SEN and their families. The new arrangements combine the current separate arrangements for children in schools and young people in post-16 institutions and training up to the age of 25 and provides for an integrated Education, Health and Care (EHC) Plan to replace the statement of Special Educational Needs (SEN)

- 5.3. Section 27 of the Act requires local authorities to keep the education, training and social care provision made for disabled children or young people and those with SEN under review. The views of children, their parents, and young people should be central to the way local authorities review their services and they must be consulted about services currently available. Local authorities must also consider whether the provision is sufficient to meet children and young people's needs (Section 27(2)).
- 5.4. Section 25 of the Act places a duty on local authorities to promote integration between educational and training provision, health care provision and social care provision. This duty mirrors the duty placed on CCGs by the Health and Social Care Act 2012. The NHS Mandate also makes clear that NHS England, CCGs and Health and Wellbeing Boards must promote the integration of services if this will improve services and/or reduce inequality.
- 5.5. Section 26 of the Act places a duty on local authorities and 'partner commissioning bodies' to put in place joint commissioning arrangements. 'Partner commissioning bodies' are the NHS Commissioning Board (NHS England) and individual CCGs who provide services to children in that area. The purpose of the joint commissioning arrangements is to plan and jointly commission the education, health and care provision for disabled children or young people and those with SEN.
- 5.6. Any Data Sharing Protocols must be drafted in a manner which ensures compliance with the Data Protection Act 1998 and the Council's general duties in respect of confidentiality.
- 5.7. The Council has a duty under Section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness (the best value duty). Information as to meeting this duty is contained in the Best Value section of the report.
- 5.8. When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty and information relevant to this is in the One Tower Hamlets section of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Potentially increasing in borough school provision for girls, maintaining the level and quality of specialist SEMH services (and broader special educational needs provision) and exploring ways of getting better value with existing

resources, all contribute towards the delivery of the One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 Several of the recommendations aim to achieve better value for the Council within the resources available. Examples include, investigating the potential to develop more co-educational capacity in the borough and improving joint working with other agencies.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct greener environment implications arising from the report or recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There are no direct risk management implications arising from the report or recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct crime and disorder reduction implications arising from the report or recommendations.

Linked Reports, Appendices and Background Documents

Linked Report

- [List any linked reports, for example those that went to other Committees on the same issue]
- State NONE if none.

Appendices

- State NONE if none [and state EXEMPT if necessary].

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- These must be sent to Democratic Services with the report
- State NONE if none.

Officer contact details for documents:

- [Or state N/A]

Social, Emotional and Mental Health (SEMH) provision in Tower Hamlets

Scrutiny Challenge Session Report

Chair's Foreword

Councillor Hassell

To follow

RECOMMENDATIONS

Recommendation 1:

The Children's Services directorate to:

- a) organise the consultation process around re-designating Ian Mikardo as a co-educational school that accepts a regular intake of girls throughout the academic year.
- b) investigate the potential for co-educational primary provision, following initial consultation with primary headteachers and Cherry Trees School.

Recommendation 2:

Monitor the comparative costs of providing out of borough SEMH specialist school places, especially for girls, to ensure they remain competitive. If the Council develops local provision in borough schools it should be on the basis that this is better value in terms of cost and quality than paying for out of borough school places.

Recommendation 3:

Produce comprehensive data and address gaps in service information, to help identify hard to reach groups who have been under represented in the data used to establish overall need.

Recommendation 4:

Develop effective data sharing protocols with partner organisations, such as Tower Hamlets Child and Adolescent Mental Health Service and Tower Hamlets Clinical Commissioning Group, and put key data on a single database.

Recommendation 5:

Promote early, whole family multi-generational working to ensure interventions by the relevant agencies are effectively joined up. Encourage more integrated and co-ordinated outreach work from the different agencies.

Recommendation 6:

Monitor the outcome of the "fairer funding" government consultation process and assess the impact this will have on the funding available for the education authority and local schools to maintain current levels of SEMH specialist services.

Recommendation 7:

Ensure the outcome of the internally commissioned strategic review of special educational needs takes into account the recommendations of the scrutiny challenge session; and where the conclusions reached are consistent they are implemented in a complementary manner.

1. Introduction

- 1.1. This Scrutiny Challenge Session specifically looked at Social, Emotional and Mental Health (SEMH) provision within the borough. SEMH needs form a discrete part of general Special Educational Need (SEN) provision and the service is provided by a dedicated team within the Council's Children's Services directorate.
- 1.2. SEMH is an umbrella term to describe a range of complex and chronic difficulties experienced by many children and young people. SEMH encompasses a wide range of issues including: withdrawn, depressive or suicidal attitudes; obsessive eating habits; school phobia; substance misuse; hyperactivity; immature social skills; disruptive anti-social and uncooperative behaviour, frustration, anger, making threats or actual violence. There is no established link between SEMH and a specific social factor. However, evidence suggests that the incidence of SEMH is higher amongst people experiencing socio-economic deprivation and affects more boys than girls. Young people who have other learning or development difficulties, such as speech or language problems, are also more at risk, as are young people who experience family problems, such as parental conflict, separation, neglect or poor discipline.
- 1.3. SEMH services form part of broader Special Educational Needs (SEN) provision in the borough. The Learning and Achievement service, in the Children's Services directorate, have recently commissioned an external consultant to carry out a strategic review of general SEN provision, with a brief to examine if the current delivery model is viable with the resources available and how service priorities can be protected in future.
- 1.4. The challenge session was arranged because concerns had been expressed by some parents, and schools, to Members about gaps in and pressures on, existing provision for children and young people with SEMH needs. The session aimed to achieve a better understanding of the full spectrum of SEMH need in the borough, the range of specialist services available, the key partnerships with other providers and if provision was effectively aligned with need - especially in relation to services for girls.
- 1.5. The challenge session was underpinned by three core questions:
 - a) Is the level and sustainability of current SEMH support services provided by the statutory agencies to schools adequate?
 - b) Does the way provision is organised -especially those for girls- ensure that all need is properly recognised and resourced?
 - c) Is there sufficiently reliable data available on need to plan and provide services in future and is this data effectively shared between partner agencies?

- 1.6. The challenge session was held at the Conference Room, Ian Mikardo High School on 9th March 2016.

The challenge session was attended by:

Cllr Danny Hassell	Chair and Scrutiny Lead for Children's Services
Cllr Rachael Saunders	Cabinet Member for Education and Children's Services
David Carroll	Chief Educational Psychologist, London Borough of Tower Hamlets
Jenny Miller	Manager, Tower Hamlets SEND Information, Advice and Support Service
Percy Aggett	Psychological Therapies and Clinical Team Lead, Child and Adolescent Mental Health Service
Bill Williams	General Manager, Child and Adolescent Mental Health Service
Nozrul Mustafa	Co-opted Member of the Overview and Scrutiny Committee
Victoria Ekubia	Co-opted Member of the Overview and Scrutiny Committee
Di Roome	Chair, Cherry Trees School
Stuart Walker	Headteacher, Cherry Trees School
Jill Baker	Headteacher, George Green School
Joanne Clensy	Headteacher, Malmesbury Road School
Claire Lillis	Headteacher, Ian Mikardo School
Julie Pierzchniak	Deputy Headteacher, Ian Mikardo School
Dinah Morley	Tower Hamlets resident (invited by Councillor Hassell)
Sarah Vallely	Strategy, Policy and Performance Officer

- 1.7. The agenda for the session included an introduction to the key issues under review, followed by presentations and discussions on the salient issues. These presentations included: the continuum of SEMH services in the borough; how joint working between the partner agencies works in practice; and the breakdown of need and support provided to different categories of client.

2. Statutory and Policy Context

- 2.1. If parents or guardians so choose their child should be able to attend their local primary or secondary school as long as they

and the local authority are clear that the provision is able to meet the child or young person's special educational needs. This has been local policy for many years and is now a legal requirement. The provision of SEMH services are now delivered within a new legal framework set out in the Children and Families Act 2014. Local authorities and schools have clear policies and processes to support young people with SEMH needs, based on DfE guidance. Local authority responsibilities include identifying and assessing a child's special educational needs and working with parents, carers and schools to make sure these needs are met.

- 2.2. Councils have overall responsibility for children with SEN needs (including SEMH) in their area. They have a duty to review the special educational and social care provision made for local children and young people up to 25 years old, including those in the criminal justice system. Councils are required to publish information about the SEN services available in their area for young people known as the "local offer". SEN statements are being replaced with a single Education, Health and Care (EHC) plan for children with complex and acute needs. These plans set out the specific needs of individual students and the input and interventions required from a range of professionals across the spectrum of specialist services to address their problems and improve their condition. These plans must take into account the needs and aspirations expressed by the young person themselves and their families and, foster a sense of ownership and focus on outcomes, rather than just service outputs.
- 2.3. There is also a strong theme within the Act to empower pupils, parents and carers so that they are able to express their views clearly and are full partners in co-producing EHC plans. It remains the Council's responsibility to ensure that any provision proposed for individuals makes best use of resources, whilst increasing choice and opportunities for greater inclusion locally.
- 2.4. The system for assessing and supporting children and young people with complex needs whilst they are taking part in education has also been reformed. The aim is to support greater integration of pre and post 16 arrangements into a single 0-25 EHC plan. The intention is to provide a consistent approach to improve the transition of young people between the different phases of their education, training and personal development as part of the Preparation for Adulthood framework.
- 2.5. Schools are responsible for ensuring their staff are trained to be aware of SEMH needs, and where appropriate, staff develop specialist skills that may be necessary should a child with severe SEMH needs wish to attend their school.

3. Local Context

- 3.1. Tower Hamlets aims to provide a range of solutions for addressing individual SEMH needs. A fundamental principle that underpins SEMH services is that every student experiences as much inclusion as possible in the mainstream educational setting. While recognising the particular learning, emotional and social needs of some children, it is important that all children have the opportunity to study and play together if they are to become successful and independent adults.
- 3.2. The evidence from the Special Educational Needs Team is that there has been an increase in the number of children and young people referred for SEN or EHC assessments over recent years. Nearly a quarter of all new statements or plans have SEMH as a pressing need though not always the main presenting need. However, overall the number of students- under 5's to 16 plus- with SEMH statements or plans has remained stable over recent years (a total of 254 in 2013, 245 in 2014, 240 in 2015 and 261 in 2016). According to Department for Education (DfE) statistics, in 2015 the number of pupils who attended schools in Tower Hamlets and had an SEN statement or EHC plan was 1,754 or 3.8% of students schooled in the borough. This is above the national average of 2.8%. There has been an increase in requests for statements and plans year on year and a high number of assessments lead to plans. If the trend of increasing numbers of EHC requests for assessments continues in the future there will be an increasing administrative burden on the Council.

4. Mainstream school provision in Tower Hamlets

- 4.1. The Council's Children's Service aims to ensure every pupil experiences as much inclusion as possible within mainstream schools. Therefore the majority of pupils with a SEN statement or an EHC plan attend their nearest primary or secondary school, wherever possible, providing the provision available is best able to meet their specialist educational needs. Based on 2015 data, there are 87 mainstream schools within the borough who have pupils with SEN statements or EHC plans and there are 42 student placements outside the borough.
- 4.2. At present, in line with the requirements of the Children and Families Act 2014, individual SEN statements are being converted into EHC plans. The Educational Psychology Service in line with other service providers does not provide advice automatically on conversions. It is the responsibility of each school to request advice from professionals who are working with the child and family, so that they contribute to new EHC plans. The code of practice guidance available to all schools and the Council will issue further

guidance on the role of educational psychology in the conversion process.

- 4.3. Delegated funding is provided to schools based on the complexity of each student's difficulties. Planning meetings for new EHC plans should include a member from one of the statutory support services so all schools receive help to organise their provision for students with acute needs. Schools are also able to access additional advice from the Support for Learning Service Behaviour Support Service, Educational Psychology Service, Harpley Pupil Referral Unit or the special school outreach teams based at Cherry Trees Primary and Ian Mikardo Secondary Schools (two specialist schools located in the borough). The outreach teams assist schools in managing problem behaviour of primary and secondary aged students with SEMH and other SEN needs. The team uses co-operative problem solving, early intervention and help schools in the development of effective systems and strategies. Referrals are made directly to the outreach teams. Teachers may request support to develop class systems, where the general dynamic appears poor, or support in planning to meet the needs of individuals (boys and girls) or groups of pupils, especially those at risk of exclusion.
- 4.4. Support for mainstream schools in making the reasonable adjustments required by the Children and Families Act 2014, in developing or evaluating a school's own disability equality scheme, is available through the Support for Learning Service, the Educational Psychology Service or the outreach teams from Ian Mikardo and Cherry Trees Schools.

5. Council support

- 5.1. Educational psychology is central to the support provided and many interventions (such as consultations, referrals, assessments, observations, advice, therapy, training) take place in a school environment, or at a local children's centre. Every state funded school in the borough has a named educational psychologist and the Council funds a core service across schools that helps ensure they fulfil their statutory duties in relation to supporting students with special educational needs. The Council's Educational Psychology Service is fully staffed and there are no vacant posts at present. Schools have the opportunity to buy-in services using their own delegated budgets. Around 97% of local schools use their delegated budgets to buy- in (through a Service Level Agreement) Council educational psychology services and they are now very experienced in securing value for money. Educational psychologists and individual schools agree a work programme, usually for each school term, to set how services are allocated across local schools.
- 5.2. In partnership with the Tower Hamlets Parents Advice Centre, the educational psychologists also offer monthly surgeries for parents

of children with SEN including SEMH needs. The Learning Behaviour Support Team also works with schools, early year's provision, parents / carers and other professionals to reduce permanent and fixed term exclusions of students. The work of the Team helps schools develop capacity to manage challenging and difficult behaviour and to promote inclusion.

- 5.3. The Behaviour Support Team, Cherry Trees and Ian Mikardo Outreach Teams can assist school in managing the SEMH needs of primary and secondary aged pupils. The teams follow a cycle of assess-plan-do-review and use co-operative problem solving and early intervention strategies. They help schools in the development of more effective management systems and strategies.
- 5.4. These teams aim to provide a holistic approach to meeting the needs of the child/young person and the school through multi agency involvement and the provision of INSET (IN Service Training). INSET are compulsory training days which staff are required to attend.
- 5.5. Referrals are made directly to the Support for Learning Service or Outreach Teams. Teachers may request support to develop class systems, where the general class dynamic appears poor, or support in planning to meet the needs of individuals and or groups of pupils, especially those at risk of exclusion.
- 5.6. Harpley Inclusion Support Centre provides support for young people in Key Stage 3 and 4 who are at risk of permanent exclusion. Pupils are referred via the Fair Access Protocol. The Inclusion Support Centre runs an eight week programme which aims to effect a smooth transition to a new school with five sessions of reintegration support at the pupil's new school. This programme is also available as a Reintegration programme (RIG) with a return to the referring school. A RIG is agreed via the Social Inclusion Panel or the SEN Panel, where pupils have a statement or an EHCP of special educational needs. The Centre also supports young people who cannot currently access education due to reasons of long term illness, either mental or physical.

6. Clinical Adolescent Mental Health Services (CAMHS) support

- 6.1. The Council works closely with several agencies to ensure that information about numbers and cases are shared across agencies, so that the planning and provision of support can start as early as possible and gaps in provision are avoided. A key partner for the Council is CAMHS, which is delivered by the East London Foundation Trust (ELFT) and commissioned jointly by the Council and Tower Hamlets Clinical Commissioning Group. CAMHS provides a therapeutic service for children and young people who have experienced emotional and mental health problems. The

service seeks to include the parents and carers and where appropriate, the wider support network. Staff members include clinical psychologists, family therapists, nurses, psychiatrists, social workers and psychotherapists. CAMHS has an active working relationship with the Ian Mikardo and Cherry Trees schools, including targeted support to both schools. Through the specialist CAMHS School Liaison Links Programme, each primary, secondary and specialist school has a named link from specialist CAMHS staff in order to support schools in helping children with special educational needs.

- 6.2. Over recent years CAMHS has seen a rising trend in the number of clients in the up to 19 age category who have urgent, complex and compelling needs. CAMHS operate a “duty and triage” system which empowers front line staff to redirect clients to other services which has helped reduce waiting times for an appointment from around eight and a half weeks, to an average of five weeks now. CAMHS has 37 full time equivalent staff and to date in 2016 has received 1,750 referrals or 47 referrals per member of staff. Assessments need to happen quickly and CAMHS has a significant number of low risk referrals which can be redirected. CAMHS has adopted a “return ticket” option so parents who have used the service can come back anytime without needing to go through a re-referral.
- 6.3. Five families in the borough receive intensive Multi Systematic Therapy (MST) support at an annual cost of £120,000 per family. CAMHS are looking to set up a pared down MST model that works with the Family Intervention Service to strengthen family support. A persistent problem experienced by the Service is clients referred to parenting services who simply do not attend, which represents a waste of resources and a failure to reach these parents in most need of support.

7. Specialist school provision for Tower Hamlets students

- 7.1. Where provision in mainstream schools is not suitable there are three specialist SEMH schools, who work closely with the Council to meet the needs of students with the most acute SEMH difficulties. All students at these schools have a statement of special educational need or EHC plan.

These schools are:

- 7.2. **Ian Mikardo School** caters for boys aged 11-18 with severe and complex behavioural, emotional and social difficulties. The school has funded places for 40 students. The school occupies purpose built accommodation on its original site as part of the Building Schools for the Future (BSF) programme. Almost all of its students are supported through the pupil premium. This additional

government funding is for students who are in care or eligible for free school meals. All of the school's students are boys. A third of the school's pupils live outside the borough. The school was graded Outstanding by Ofsted at the last inspection in June 2014, the third consecutive outstanding award achieved. The last Ofsted report also recognised the role of the local authority in supporting the school which offers help on developing effective behaviour strategies to mainstream schools in its local area. Feedback from these schools confirms the extremely positive impact of this support.

- 7.3. **Cherry Trees School** caters for boys aged 5-11 with behavioural, emotional and social difficulties. The school has 26 funded places. All of the students presently on the roll are supported by the pupil premium. The school was graded as Outstanding by Ofsted in March 2015 and Good at their previous inspection in May 2012. Most students are on a dual roll with a local mainstream primary school, spending at least half a day a week at the mainstream school. The school runs a highly regarded outreach service- funded by the local authority- which supports local schools with students with behavioural issues. Of the 44 students referred to the Cherry Trees Outreach Team in 2014/15, 38 were boys (86%) and 6 were girls (13%). This service helps teachers in mainstream schools improve their skills in managing the behaviour of students.
- 7.4. **Bowden House School** is a weekly residential school located at Seaford in East Sussex and caters for boys aged 9-18 with severe behavioural, emotional and social disabilities. The school has 29 funded places. Almost all the students are supported by the pupil premium. Most students come from the borough, although an increasing number live in a neighbouring local authority area. The school was graded Good by Ofsted at their last inspection in July 2014. The school moved to its present site in 2012 and was built under the BSF programme, the original largely Victorian school having been part of the ILEA legacy.
- 7.5. All of the Ofsted reports for the three schools acknowledge the highly effective support provided by the local authority and their excellent working relationship. All of these schools admit pupils throughout the school year in response to often very immediate demand, as this is a feature of all special schools, but in particular SEMH schools. A vacancy factor of 25% is built into the funding available to reflect this variation in roll numbers and the expectation that pupils join the school throughout the school year. Other local authorities have similar formulae for specialist educational provision.
- 7.6. In Newham, the Coburn Adolescent Service provides an in-patient mental health service and associated day provision within an

educational setting, for young people from East London including a proportion from Tower Hamlets.

8. Gender breakdown for SEMH needs

- 8.1. An important feature of SEMH services is the gender balance in terms of need. As stated earlier in this report, the numbers of students with a special educational need statement or EHC plan where SEMH is the main presenting need has remained stable over recent years. However, because girls tend to manifest need at a later age than boys, some professionals believe there is an issue of under-reporting for girls and therefore their needs are underestimated when it comes to planning provision. Identifying girls with issues and providing effective early interventions is recognised as a big challenge for all the agencies involved.
- 8.2. In January of each year all Councils complete a SEN survey for the DfE recording a snapshot of data on SEN statements or EHC plans. This allows the comparisons in the tables below.
- 8.3. The tables show a breakdown of the number of children and young people with SEN statements or EHC plans, where their main presenting need is SEMH for the last four years. The first table is a breakdown by gender:

	Boys	Girls	Total
2013	204	50	254
2014	194	51	245
2015	190	50	240
2016	204	57	261

- 8.4. These figures show there has been little change over the last four years regarding the ratio of girls to boys (1:4) whose primary need is SEMH. The number of boys and girls identified increases from primary to secondary years, although this has slowed down over the past two years. In 2016 there was a significant increase in the number of boys and girls who continued in education post 16 (65 in 2016 compared to 23 in 2015, 12 in 2014 and 18 in 2013).
- 8.5. The table below gives a breakdown of where these children and young people were being educated at the time of the DfE survey:

	Boys	Girls	Total
2013	111 mainstream 6 PRU 78 special 9 other 204 total	27 mainstream 1 PRU 20 special 2 other 50 total	138 7 98 11 254
2014	106 mainstream 7 PRU	35 mainstream 1 PRU	141 8

	78 special 3 other 194 total	15 special 51 total	93 3 245
2015	103 mainstream 4 PRU 74 special 9 other 190 total	32 mainstream 14 special 4 other 50 total	135 4 88 13 240
2016	106 mainstream 7 PRU 70 special 21 other 204 total	35 mainstream 3 PRU 13 special 6 other 57 total	141 10 83 27 261

- 8.6. These figures show there has been a small decrease in the number of students placed in special schools over the four period (from 98 in 2013 to 83 in 2016). The ratio of girls to boys in mainstream or special schools is relatively consistent over the period. In 2016 there was a small, but growing, number of students out of school compared to the previous year (rising from 13 in 2015 to 27 in 2016).
- 8.7. The table below gives a breakdown of the age of children and young people with a SEMH need who were attending specialist provision at the time of the DfE surveys:

	Boys	Girls	Totals
2013	0 under fives 25 primary 50 secondary 3 over 16 78 total	0 under fives 4 primary 16 secondary 0 over 16 20 total	0 29 66 3 98
2014	0 under fives 24 primary 52 secondary 2 over 16 78 total	0 under fives 3 primary 12 secondary 0 over 16 15 total	0 27 64 2 93
2015	0 under fives 22 primary 48 secondary 4 over 16 74 total	0 under fives 3 primary 7 secondary 3 over 16 13 total	0 25 55 7 87
2016	0 under fives 20 primary 42 secondary 8 over 16 70 total	0 under fives 3 primary 6 secondary 4 over 16 13 total	0 23 48 12 83

- 8.8. There are a smaller number of girls identified as needing specialist provision within each age group. In the secondary sector the

number of girls increases in line with the increase seen for boys. However the number of girls remains significantly less than boys. The number of girls in each year group means they do not create a viable teaching group by year. Fewer students have been in special schools each year.

9. Conclusion

9.1. The scrutiny challenge session drew on the evidence of the evening session and the statistical data provided by the specialist agencies involved in providing SEMH services in the borough. The recommendations made reflect the views and priorities expressed at the session.

9.2. The conclusions reached in terms of the three core questions posed at the challenge session were:

- a) Is the level and sustainability of current SEMH support services provided by the statutory agencies to schools adequate?

The session believed the agencies provided many excellent services (such as outreach, family support, early interventions) and work well together. However, funding pressures and rising demand would place greater emphasis on increasing the pace of innovation in future and new models of delivering service would need to be introduced.

- b) Does the way provision is organised -especially for girls- ensure that all need is properly recognised and resourced?

The session believed that more can be done to offer specialist school places for girls in the borough, especially where this would be more cost effective than going outside the borough. There were also issues of under reporting of needs for particular hard to reach communities and the need to adopt whole family approaches in providing support.

- c) Is there sufficiently reliable available on need to plan and provide services in future and is this data effectively shared between partner agencies?

The session thought there was considerable scope for improvement, both in the coverage of the data, especially in identifying hard to reach groups, and how this data is collected, recorded and jointly acted upon.

Key Findings and Recommendations

Recommendation 1

The Children's Services directorate to

- a) organise the consultation process around re-designating Ian Mikardo as a co-educational school that accepts a regular intake of girls throughout the academic year.**
- b) Investigate the potential for co-educational primary provision, following initial consultation with primary headteachers and Cherry Trees School.**

The challenge session felt that the lack of specialist school places for girls with SEMH needs in the borough was a problem - despite the many excellent specialist educational services provided locally - and places for girls should be found at specialist schools in the borough. Ian Mikardo currently has eight vacancies and therefore can accommodate a number of girl students, but existing provision would not be sufficient to meet all potential demand. The Educational Psychology Service believe that because there are significantly fewer girls than boys with a SEMH statement or plan (a ratio roughly 1:4) and this disparity has remained stable over several years, current provision is adequate and the number of girls in each year is insufficient to create a viable teaching group. There are also safeguarding issues for girls being taught in a predominantly male environment, which means their personal safety is a paramount consideration for the service. Any specialist school that wanted co-educational status would need to demonstrate how they would meet set safety criteria.

The session recognised there were legitimate concerns around safeguarding and the Chief Educational Psychologist affirmed the need for an effective risk assessment to meet safeguarding criteria, before girls could be admitted to Ian Mikardo School. The general view was that the right provision can have a real impact on individuals and girls should be able to access places at specialist schools in the borough. The point was made by some of those who attended the session that Youth Offender Institutions are co-educational and a small cohort of girls are co-educated at specialist schools in the London Borough of Redbridge. The Headteacher of Cherry Trees School also asked if the feasibility of running primary school SEMH provision for girls on a co-educational and cost neutral basis, could be established.

The Headteacher of Ian Mikardo School will contact the Director of Children's Services at the Council and request that introducing co-educational provision at the school is properly considered. Over recent years several former directors at the Council have recognised that the school has a claim to become co-educational, but the matter has not been taken further. In 2014 it was agreed to pilot co-educational post 16 provision and the school enrolled one female student who made excellent progress. A pilot for key stage (sixth form) is now being progressed by the Council working closely with the school. Discussions are now underway between different services within the Council

to evaluate the pilot and therefore determine if it should be established as a permanent provision.

The re-designation of status will involve the directorate consulting key stakeholders- including all local schools and young people with SEMH needs and their parents- to establish if there is support for any change to the status of Ian Mikardo to a co-educational school, as well as demonstrating clear evidence of unmet need and producing an SEMH improvement plan. The Council does not have the powers to open a completely new school. Only new free schools that everyone can bid for can be built and opened. However, the expansion of an existing school can happen where this is in line with the regulations.

Recommendation 2

Monitor the comparative costs of providing out of borough SEMH specialist school places for students, especially for girls, to ensure they remain competitive. If the Council develops local provision in borough schools it will be on the basis that this is a cheaper and better option than paying for out of borough school places.

At present all SEMH needs girls who attend specialist schools do so outside the borough. Those headteachers who attended the challenge session suggested the financial cost to the Council of paying other London boroughs for school places outside the borough is expensive and often cause parents problems, as their child has to travel a considerable distance to get to school. Additional transport also has to be provided which considerably increases costs. The challenge session discussed the cost of out of borough placements and several attendees suggested that the average annual cost was around £50,000 per pupil, not including travel costs. When the Council reviewed out of borough placements in 2013 an average unit cost of £35,000 per placement was arrived at. Clearly there is a significant variance between the two figures and the concept of average cost is problematic in any case as places are spot purchased and so costs can vary very considerably, even for similar provision.

If several girls are placed in schools outside the borough at any one time this will have a significant impact on costs. The general view was that it made more sense to use spare capacity at specialist schools in Tower Hamlets if this provision is suitable.

Recommendation 3

That the Council produces comprehensive data and fills any gaps in service information, especially where this identifies hard to reach groups who have hitherto been under represented in the data used to establish overall need.

Council services recognise there are some gaps in data because in completing returns some fields are optional for example, demographic data on

ethnicity. The SEN Service has already agreed to check available data on ethnicity and is reviewing methods to gather data so partners are more willing to share personal information regarding key equality indicators. The system of collecting and sharing data is too complex and fragmented as sometimes eight different agencies can be involved in the support of one child or family. The Council has a “single view of the child” system in place which links data across the Council at the level of the individual person.

Recommendation 4

Develop effective data sharing protocols with partner organisations- such as Tower Hamlets Child and Adolescent Mental Health Service and Tower Hamlets Clinical Commissioning Group- and put key data on a single database.

There are huge challenges in information sharing as many agencies cannot share data unless there is an exception request. Many health trusts are channelling requests through a rapid requests protocol route. As well as the better integration of systems, a culture of effective leadership and shared responsibility for making data sharing arrangements work are key if the necessary improvements are to be made.

The Clinical Commissioning Group is piloting small groups of professionals, drawn from different agencies, working together with complex families to develop data sharing agreements. This pilot will contribute to identifying the needs of complex families at an earlier stage, developing joined up solutions regarding the quality and accessibility of shared data and making it available in a standard format.

Recommendation 5

Promote early, whole family multi-generational working to ensure interventions by the relevant agencies are effectively joined up. Encourage more integrated and co-ordinated outreach work from the relevant agencies.

There was a general consensus at the challenge session that more should be done to change the culture of how clients were referred to specialist services. There is a need to move away from targeting individual behaviour and introduce more outreach to establish relationships with groups who otherwise- would not access specialist services. Early family Intervention is important as many problems are multi-generational, unresolved issues with fathers and mothers exacerbate as they get older and are passed on to their children which adds to their own negative experiences and attitudes. For boys, behavioural problems are often evident before the age of five, whereas girls are more likely to manifest symptoms of SEMH needs in adolescence. Professionals need to work together more effectively and develop a sense of shared responsibility for their clients. There is also a need to build trust with certain families and communities and dispel negative myths about therapy. One example of this, based on evidence provided by CAMHS at the challenge

session, was the underuse of services by certain ethnic minority groups such as the Bangladeshi community, especially as there is growing evidence of rising need in support for Bangladeshi boys and girls.

Over recent years, with the aid of Bangladeshi co-workers, Tower Hamlets CAMHS has run Bangladeshi Girls' and Boys' groups at local schools to address issues of concern. There is increasing concern about a minority of Bangladeshi boys who engage in gang related behaviour, are disaffected, have low educational life chances and are likely to be both victims and perpetrators of gang violence. Most of these boys are known to the multi-agency professionals working in Tower Hamlets, including CAMHS, the Youth Offending Team and the PRU.

Recommendation 6

Monitor the outcome of the “fairer funding” government consultation process and assess the impact this will have on the funding available for the education authority and local schools to maintain current levels of SEMH specialist services.

Government funding for SEMH services reflects the levels of need and deprivation within the Borough and historically Tower Hamlets benefits significantly from the pupil premium arrangement. SEN statements or EHC plans frequently have an allocation which brings additional “top up” resources to the schools delegated funding budget. This “top up” funding means individual schools can afford to buy in extra specialist support from the local education authority or another provider. The Government are now consulting the sector on introducing a “fairer funding” formula which is likely to work to the detriment of the borough, as it could reduce the level of funding available to local schools based on deprivation related factors such as eligibility for free school meals. A new formula that results in a more even distribution of funding across the country will have a big impact on local schools, who are accustomed to having a strong resource base on which to plan and provide special needs education. According to the Educational Psychology Service there is anecdotal evidence that families with children with the greatest SEN need move into the borough, to take advantage of the range and quality of the service available, which acts to increase overall demand and cost.

The headteachers of the Ian Mikardo and Cherry Trees schools are concerned that a further squeeze on budgets will put at risk the future of their outreach teams, as they are directly funded by the Council and the service is now costing more to run, as demand is increasing and outstripping the income available. However, the Council confirmed there are no planned reductions to the service.


Recommendation 7

Ensure the outcomes of the internally commissioned strategic review of special educational needs, takes into account the recommendations of the scrutiny challenge session; and where the conclusions reached

are consistent they are implemented in a complementary manner.

The SEN strategic review, which is now underway, will include addressing issues around early years' services including SEMH needs and the provision of school places within and outside the borough. The external consultant appointed to lead the SEN review has now started work and aims to produce an interim report by mid-May and the final report by July or August. The active involvement of the SEN Inclusion Lead in both reviews should ensure the effective co-ordination of outcomes resulting from the scrutiny challenge session and the review by the external consultant.

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Non-Executive Report of the: Overview and Scrutiny Committee 9 th May 2016	 TOWER HAMLETS
Report of: Debbie Jones, Interim Corporate Director, Children's Services	Classification: [Unrestricted or Exempt]
Review of Special Educational Need (SEN) and associated services in the London Borough of Tower Hamlets	

Originating Officer(s)	Terry Parkin/David Carroll/Keith Makin
Wards affected	All

Summary

This report outlines a review into the Special Educational Needs (SEN) services in the Borough, detailing the consultation process which will underpin the review and inviting the Scrutiny Panel to comment on and add to this process

Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Comment on the plans for the review
2. Make further suggestions for the list of those to be consulted

1. REASONS FOR THE DECISIONS

- 1.1 A review of the SEN services in the Borough (along with relevant associated services, such as children with disabilities social care services) has been commissioned by the Director of Children's Services. The reasons for conducting this review at this time are:
- 1.2 Part 3 of the Children and Families Act 2014 came into force in September 2014 and introduced new ways of assessing children with special educational needs. The review will help to assess the impact of and the compliance with this important new legislation.
- 1.3 Increasing levels of demand for SEN services in the Borough. There has been a significant increase in the numbers of children and young people assessed as having special educational needs in the Borough.
- 1.4 Changes in the demographic make-up of the Borough which are leading to changes in both the size of the demand, as well as the nature of that demand.
- 1.5 The impact that this additional demand is having on budgets, both in absolute terms and also in terms of the challenges which are projected in the immediate future, including the re-assessment of schools funding by the

Department for Education (DfE) and the reductions in Local Government and other public sector central Government grant funding.

- 1.6 The fact that there has not been a comprehensive review of the SEN services within the Borough in the last 15 years.

2. ALTERNATIVE OPTIONS

- 2.1 N/A

3. DETAILS OF REPORT

3.1 What the Review will cover

- 3.2 The review will:

- a. Consult with all interested parties on the hopes, ambitions and fears for the future of SEN services.
- b. Examine and analyse demand patterns and make informed projections as to the level and nature of the services which will be required to be commissioned, with a timescale of 5 – 7 years for those projections
- c. Examine and analyse the assessment for SEN services
- d. Compare the services and demand patterns in the Borough with other London Boroughs and areas with similar demographics in the rest of the UK
- e. Conduct a comparative analysis of spending in the Borough on these services by all commissioners of those services, not just those commissioned or provided by the Council
- f. Study data provided by the Council and partners on all aspects of the SEN services
- g. Check for compliance with the relevant legislations and guidances governing SEN planning, commissioning and provision
- h. Background and main details of the report. Limit this section to six sides or less

3.3 How the review will be conducted:

An independent reviewer has been commissioned to undertake the review – Keith Makin. Keith has a background in social care, having been a Director of Social Services, Chief Executive of an independent child care organisation and Director of a Government improvement agency. Keith has conducted several reviews of SEN services, including the London Boroughs of Lambeth and Newham.

- 3.5 The timescale for the review is intended to fit in with Council and partner planning cycles, with the initial draft report with initial findings planned for the end of June and a final report with costed recommendations by the beginning of September 2016.

- 3.6 The approach to the review will be in two phases:

- a. Phase1: Interviews with all relevant partners – commissioners, providers and users of the services, along with studies into those analyses detailed at 6.2
 - b. Phase 2: Further interviews based on the first round of interviews, in order to test assumptions, put forward suggestions for the direction of SEN services and to draw up both the interim and final reports.
- 3.7 The reviewer will directly report to Terry Parkin, Service Head, Learning and Achievement. The lead person for the review is Debbie Jones (Director of Children’s Services). The reviewer will refer to and work closely with David Carroll, Principal Educational Psychologist.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The review outlined at 3.2 of this report will allow the Council to assess the value for money provided by SEN services within the borough. The outcome of the review and any resulting financial implications for SEN provision in the borough will be factored into the Council’s medium term financial plan.
- 4.2 The budgets directly related to SEN service provision in 2016/17 total £39.680m. This is made up of £35.384m funded from Dedicated Schools Grant and £4.296m within the general fund. The cost of the review will be circa £24k and will be funded from the existing budgets.

5. LEGAL COMMENTS

- 5.1. The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.
- 5.2. The provision of Special Educational Needs (SEN) services are now delivered within the legal framework set out in the Children and Families Act 2014. The Act introduces a new single system from birth to 25 for all children and young people with SEN and their families. The new arrangements combine the current separate arrangements for children in schools and young people in post-16 institutions and training up to the age of 25 and provides for an integrated Education, Health and Care (EHC) Plan to replace the statement of Special Educational Needs (SEN)
- 5.3. Section 27 of the Act requires local authorities to keep the education, training and social care provision made for disabled children or young people and those with SEN under review. The views of children, their parents, and young people should be central to the way local authorities review their services and they must be consulted about services currently available. Local authorities must also consider whether the provision is sufficient to meet children and young people’s needs (Section 27(2)).

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 A key guiding principle for this review is that the views, experiences and expectations of families, children and young people of and for SEN services is paramount and the reviewer will be constructing a programme of interviews and meetings with service users in order to put them at the centre of the review.
- 6.2 The commissioners and service providers to be interviewed and consulted include (this is not an exhaustive list as it will be added to as the review unfolds):
- a. Families, children and young people using the SEN services
 - b. All Special School Head teachers, along with some Governors and teaching/support staff
 - c. A representative sample of mainstream Heads
 - d. Educational Psychologists
 - e. SENCOs
 - f. Children's Centre staff
 - g. Other early years managers and staff
 - h. Senior managers from: the Council, the CCG, Health providers
 - i. Independent and voluntary sector organisations in the Borough
 - j. Finance and budget staff
 - k. Elected members in the Council as advised by the DCS

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The review will consider all aspects of the commissioning and the delivery of SEN services in the Borough and will embrace all partners, including the Health economy, independent sector providers, Council services, school services (both in and out Borough) and, very importantly, families, children and young people involved with these services.
- 7.2 The review is intended as a broad scoping exercise which is timed to help influence planning for the 2017/18 financial year and beyond.
- 7.3 Recommendations will be made for any further work which may need to be conducted in order to reach decisions about future services and to implement changes. This may include the outline plan for a further commissioned period of study/review/implementation/coordination.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct environmental implications arising from the report or recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There are no direct risk management implications arising from the report or recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct crime and disorder implications arising from the report or recommendations.
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Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

- N/A

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