



C A B I N E T

Monday 14 March 2022

at 6.00 pm

The live stream can be viewed here:

<https://youtu.be/WF30029meaQ>

Members of the Cabinet:

Mayor Philip Glanville, Mayor (Chair)

Councillor Anntoinette Bramble, Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care (Vice-Chair)

Councillor Robert Chapman, Cabinet Member for Finance

Councillor Mete Coban MBE

Councillor Susan Fajana-Thomas

Councillor Christopher Kennedy, Cabinet Member for Health, Adult Social Care and Leisure

Councillor Clayeon McKenzie, Cabinet Member for Housing Services

Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy

Councillor Carole Williams, Cabinet Member for Employment, Skills and Human Resources

Councillor Caroline Woodley, Cabinet Member for Families, Early Years and Play

Mayoral Advisors:

Councillor Sade Etti, Mayoral Advisor for Homelessness, Housing Needs and Rough Sleeping

Councillor Yvonne Maxwell, Mayoral Advisor for Older People

Councillor Sem Moema, Mayoral Advisor for Private Renting and Housing Affordability

Mark Carroll

Chief Executive

Friday 4 March 2022

www.hackney.gov.uk

Contact: Jessica Feeney

Governance Services Officer

Jessica.feeney@hackney.gov.uk

Cabinet

Monday 14 March 2022

Agenda

1 Apologies for Absence

2 Urgent Business

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under Item 18 below. New items of exempt business will be dealt with at Item 21 below).

3 Declarations of interest - Members to declare as appropriate

A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 8.1-15.2 of Section Two of Part 5 of the Constitution and Appendix A of the Members' Code of Conduct.

4 Notice of intention to conduct business in private, any representations received and the response to any such representations

On occasions part of the Cabinet meeting will be held in private and will not be open to the public if an item is being considered that is likely to lead to the disclosure of exempt or confidential information. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the "Regulations"), members of the public can make representations about why that part of the meeting should be open to the public.

This agenda contains exempt items as set out at **Item 19 : Exclusion of the Press and Public**. No representations with regard to these have been received.

This is the formal 5 clear day notice under the Regulations to confirm that this Cabinet meeting will be partly held in private for the reasons set out in this Agenda.

5 Questions/Deputations

- 6 **Capital Update And Property Disposals And Acquisitions Report - Key Decision No. FCR R94** (Pages 11 - 32)
- 7 **2021/22 Overall Financial Position Report That Takes Account Of The Estimated Financial Impact Of Covid-19 And The On-Going Emergency - Key Decision No. FCR R95** (Pages 33 - 66)
- 8 **LBH Britannia Update & Next Steps - Key Decision No. FCR S039** (Pages 67 - 100)
- 9 **General Exception - School Street (SS32) at Harrington Hill Primary School and Low Traffic Neighbourhood (LTN) on Mount Pleasant Lane (Experimental to Permanent) - Key Decision No. NH S075** (Pages 101 - 244)
- 10 **Voluntary And Community Sector Property Portfolio - Lettings Policy - Key Decision No. FCR S059** (Pages 245 - 280)
- 11 **Poverty Reduction Framework - Key Decision No. CED S063** (Pages 281 - 342)
- 12 **Residents' Charter - Key Decision No. NH Q78** (Pages 343 - 354)
- 13 **Resident Ballots For Regeneration Projects In Hackney - Key Decision No. NH Q91** (Pages 355 - 366)
- 14 **Keeping Communities Together: Updated Local Lettings Policies For Woodberry Down (Non Key Decision No. NH Q79)** (Pages 367 - 404)
- 15 **Response To The Children And Young People Scrutiny Commission's Exclusions Review Cabinet Report (Non Key Decision - CE S068)** (Pages 405 - 566)
- 16 **Trinity Court N1 5th - Assignment Of Decant Status - (Non Key Decision No. CES045)** (Pages 567 - 604)
- 17 **Schedule of Local Authority School Governor appointments** (Pages 605 - 608)

To agree the School Governor appointments.

18 New items of unrestricted urgent business

To consider any items admitted at Item 2 above.

19 Exclusion of the press and public

Note from the Governance Services Manager

Item 20 allows for the consideration of exempt information in relation to item 8 respectively.

RESOLVED:

That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraph, 3 & 5 of Part 1, schedule 12A of the Local Government Act 1972.

20 LBH Britannia Update & Next Steps - Key Decision No. FCR S039
(Pages 609 - 614)

To consider the exempt information in relation to item 8.

21 New items of exempt urgent business

To consider any EXEMPT items admitted at Item 2 above.

Public Attendance

The Town Hall is not presently open to the general public, and there is limited capacity within the meeting rooms. However, the High Court has ruled that where meetings are required to be 'open to the public' or 'held in public' then members of the public are entitled to have access by way of physical attendance at the meeting. The Council will need to ensure that access by the public is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice.

Those members of the public who wish to observe a meeting are still encouraged to make use of the live-stream facility in the first instance. You can find the link on the agenda front sheet.

Members of the public who would ordinarily attend a meeting to ask a question, make a deputation or present a petition will be able to attend if they wish. They may also let the relevant committee support officer know that they would like the Chair of the meeting to ask the question, make the deputation or present the petition on their behalf (in line with current Constitutional arrangements).

In the case of the Planning Sub-Committee, those wishing to make representations at the meeting should attend in person where possible.

Regardless of why a member of the public wishes to attend a meeting, they will need to advise the relevant committee support officer of their intention in advance of the meeting date. You can find contact details for the committee support officer on the agenda front page. This is to support track and trace. The committee support officer will be able to confirm whether the proposed attendance can be accommodated with the room capacities that exist to ensure that the meeting is covid-secure.

As there will be a maximum capacity in each meeting room, priority will be given to those who are attending to participate in a meeting rather than observe.

Members of the public who are attending a meeting for a specific purpose, rather than general observation, are encouraged to leave the meeting at the end of the item for which they are present. This is particularly important in the case of the Planning Sub-Committee, as it may have a number of items on the agenda involving public representation.

Before attending the meeting

The public, staff and councillors are asked to review the information below as this is important in minimising the risk for everyone.

If you are experiencing covid symptoms, you should follow government guidance. Under no circumstances should you attend a meeting if you are experiencing covid symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website. If you do not have access to the internet, or have difficulty with the digital portals, you are able to call the 119 service to book a test.

If you're an essential worker and you are experiencing Coronavirus symptoms, you can apply for priority testing through GOV.UK by following the guidance for essential workers. You can also get tested through this route if you have symptoms of coronavirus and live with an essential worker.

Availability of home testing in the case of people with symptoms is limited, so please use testing centres where you can.

Even if you are not experiencing covid symptoms, you are requested to take an asymptomatic test (lateral flow test) in the 24 hours before attending the meeting.

You can do so by visiting any lateral flow test centre; details of the rapid testing sites in Hackney can be found here. Alternatively, you can obtain home testing kits from pharmacies or order them here.

You must not attend a lateral flow test site if you have Coronavirus symptoms; rather you must book a test appointment at your nearest walk-through or drive-through centre.

Lateral flow tests take around 30 minutes to deliver a result, so please factor the time it will take to administer the test and then wait for the result when deciding when to take the test.

If your lateral flow test returns a positive result then you must follow Government guidance; self-isolate and make arrangements for a PCR test. Under no circumstances should you attend the meeting.

Attending the Town Hall for meetings

To make our buildings Covid-safe, it is very important that you observe the rules and guidance on social distancing, one-way systems, hand washing, and the wearing of masks (unless you are exempt from doing so). You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

To minimise risk, we ask that Councillors arrive fifteen minutes before the meeting starts and leave the meeting room immediately after the meeting has concluded. The public will be invited into the room five minutes before the meeting starts.

Members of the public will be permitted to enter the building via the front entrance of the Town Hall no earlier than ten minutes before the meeting is scheduled to start. They will be required to sign in and have their temperature checked as they enter the building. Security will direct them to the Chamber or Committee Room as appropriate.

Seats will be allocated, and people must remain in the seat that has been allocated to them.

Refreshments will not be provided, so it is recommended that you bring a bottle of water with you.

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting.

Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting. The press and public are not permitted to use any means which might enable them to see or hear the

proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal and Governance Services
- the Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- i. relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- ii. relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- iii. affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- ii. You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal and Governance Services via email dawn.carter-mcdonald@hackney.gov.uk

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<p>Capital Update and Property Disposals and Acquisitions Report</p> <p>Key Decision No - FCR R94</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>CABINET MEMBER</p> <p>Philip Glanville, Mayor of Hackney</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Spending or Savings</p>	
<p>GROUP DIRECTOR</p> <p>Ian Williams, Finance and Corporate Resources</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1 This report on the capital programme updates members on the programme agreed in the 2021/22 budget.
- 1.2 The recommendations contained in this report demonstrate our continued commitment to meeting our manifesto pledges and the Council's revised Corporate Plan to Rebuild a Better Hackney. This includes our work to give our young people the best start in life and ensuring that staff have the right equipment to support residents in an efficient and effective way in the post pandemic world.
- 1.3 This month approval is sought for significant investment in our schools, ensuring that our young people continue to attend well maintained facilities, with £1.455m of investment proposed in maintenance works at primary schools and children's centres and a further £1.398m on our secondary and special schools. Works include essential health and safety works, upgrades to fire alarms and fire doors, lighting, windows and doors, works to playgrounds, and feasibility works for new schemes.
- 1.4 The increasing numbers of young people with high needs in the borough is well reported along with the pressure this brings on both families and professionals. This month we propose £1m of investment to create circa 98 additional places for young people with High Needs in schools in the borough across four schools - Side by Side School, Nightingale Primary School, Simon Marks Primary School and Petchey Academy. As well as ensuring that more young people can be supported closer to home, this investment should also reduce costs to the Council going forward.
- 1.5 In order to deliver effective and efficient services to our residents, we need to ensure that our staff have the right equipment. Our resources have been stretched during the Covid period due to Government directives to work at home when you can. The Council has mitigated the financial impact of these changes by reusing existing equipment, minimising the need to make unplanned spend and ensuring that our staff have been able to continue to deliver their services. As we move out of the pandemic and adapt our workspace arrangements, we now require investment in devices that will replace equipment we have redeployed and enable greater flexibility, support hybrid working, and enable future rationalisation and efficiencies across the Council's office estate. We propose investment of £1.142m in ICT equipment for Council's Core Campus Offices, rebalancing the number of workstations so that more staff are able to work in the Council's offices and increasing the number of meeting rooms with equipment for access to on-line meetings. We are also investing £0.275m in a refresh programme to replace Council mobile phones for Staff members that are at the end-of-life or beyond economical repair as part of cyclical investment in essential equipment.
- 1.6 This report also proposes the transfer of a 9m² piece of land to the front of 83 Redwald Road, London, E5 0JQ at nil value to the householder. This

allows more amenity space for the householder and removes the requirement for the Council to maintain a small and awkwardly situated piece of land which also has potential community safety implications should it be retained.

- 1.7 Finally, this report proposes the application of £460k of S106 to fund the Cultural Programme for the current year. The funding has enabled the Council to deliver key cultural initiatives such as the Hackney Carnival and Discover Young Hackney. It has also enabled a wide range of other significant projects to be delivered in line with the Council's Arts and Cultural Strategy, in partnership with diverse local communities and the voluntary sector, including the Windrush programme, Hackney Pride 365, Black History Month and the Hackney Circle, to name just a few. The cultural programme supports and develops opportunities for Hackney residents, and the local economy, to benefit both from Hackney's rapid regeneration and extraordinary cultural offer, delivered through the five dividends of the Arts and Cultural Strategy: community cohesion, education, health and wellbeing, employment and the economy.
- 1.8 I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 This report updates Members on the current position of the Capital Programme and seeks spending and resource approval as required to enable officers to proceed with the delivery of those schemes as set out in section 11 of this report.
- 2.2 This report also seeks approval to dispose of land to the front of **83 Redwald Road, London, E5 0JQ.**
- 2.3 Prior to the construction of the Daubeney Road development, it was discovered that once the scheme was completed, there would be a gap of 9m² between the boundary wall of the newly built plot 1 and the border of 83 Redwald Road's front garden. Due to the small size of this land limiting its development potential and the fact that the maintenance and upkeep ramifications of this piece of land would prove uneconomical for the Council, it was decided by the Project team that the gap should not be left but rather, the front entrance of 83 Redwald Road could be extended to meet the boundary wall of the newly built plot 1.
- 2.4 A transfer of the land described would be mutually beneficial to the householder and the Council. The householder would enjoy larger residential amenity space and the Council would be free of future maintenance responsibilities on a piece of land that will probably only ever be used by this single householder
- 2.5 The transfer of the small piece of land at the end of the development would provide an economic benefit to the Council as the Council would not be required to pay for the maintenance and upkeep of this area. There is an

added social benefit to transferring ownership of this piece of land as it will prevent it from becoming a cul-de-sac 'dead space' which could attract anti-social behaviour and fly-tipping.

- 2.6 Furthermore, this cul-de-sac area would create the possibility for someone to hide behind the wall, introducing risks to public safety. The Secure by Design officer explicitly required this condition to be avoided as a requirement for the Secured by Design Gold standard, which is a Planning requirement.
- 2.7 Additionally there is a general design benefit associated with this transfer as the proposal is to improve access to the property at 83 Redwald with the installation of a new front garden gate in keeping with the other front entrances in the cul de sac. The metal fence which marked the previous boundary has since been demolished and should the transfer not go ahead, we would be required to reinstate the metal fence which will incur additional cost to the Council and this may have programme implications to the project.
- 2.8 Were we not to transfer the land, the resident at 83 Redwald Road would be unable to access his property without cutting across the ransom strip of land. We would therefore need to enter into an easement agreement to permit right of access.
- 2.9 As an informal agreement has previously been reached with the resident surrounding this issue, any deviation from this agreement may result in him submitting a complaint which may require a review of the existing Party Wall agreement, a change to the design and the additional fees and costs associated with the above as well as knock on project programme implications.

3. RECOMMENDATION(S)

3.1 That the scheme for Children & Education as set out in section 11.2 be given approval as follows:

School Asbestos Programme 2022/23: Virement and spend approval of **£55k in 2022/23** is requested for the programme of removal of asbestos in our Education Schools Estate.

Schools AMP Works Programme 2022/23: Virement and spend approval of **£1,455k in 2022/23** is requested to fund the lifecycle maintenance work at 5 schools (primary and children's centres).

School Lifecycle Works Programme 2022/23: Virement and spend approval of **£1,398k in 2022/23** is requested to fund the lifecycle work at 10 schools (secondary and specialist schools).

Phase 1A SEND Projects: Resource and spend approval of **£1,000k (£808k in 2022/23 and £192k in 2023/24)** is requested to commence

Phase 1A works for the Additional Resource Provision (ARP) for 4 school sites.

3.2 That the scheme for Finance and Corporate Resources as set out in section 11.3 be given approval as follows:

End-User ICT Devices and Meeting Rooms: Spend approval of **£1,142k (£174k in 2021/22 and £968k in 22/23)** is requested for the procurement of ICT equipment to increase the number of workstations available for staff to work across the Council's Core Campus Offices and the necessary equipment for meeting rooms to enable access to on-line meetings.

Mobile Phone Refresh: Virement and spend approval of **£275k (£100k in 2021/22 and £175k in 2022/23)** is requested for the refresh programme to replace Council mobile phones for Staff members that are at the end-of-life or beyond economical repair.

3.3 That the CIL Revenue Funding summarised below and set out in section 11.4 be approved:

CIL	2021/22 £'000
Revenue	460
Total CIL Revenue for Approval	460

3.4 To authorise the disposal of 9m² area of land in the front garden of 83 Redwald Road at the edge of the Daubeney Road development (Appendices 1 and 2, 83 Redwald Road - land edged in red).

3.5 To delegate authority to the Group Director of Finance and Corporate Resources to settle all the commercial terms of the transaction.

3.6 To authorise the Director of Legal and Governance to prepare and sign the necessary legal documentation and any ancillary documentation required in order to implement the recommendation.

4. REASONS FOR DECISION

4.1 The decisions required are necessary in order that the schemes within the Council's approved Capital programme can be delivered and to approve the property proposals as set out in this report.

4.2 In most cases, resources have already been allocated to the schemes as part of the budget setting exercise but spending approval is required in order for the scheme to proceed. Where, however, resources have not previously been allocated, resource approval is requested in this report.

- 4.3 To facilitate financial management and control of the Council's finances and to approve the property proposal.
- 4.4 The transfer of the land to the front of 83 Redwald Road would be beneficial to the Council for a number of reasons. There is an economic benefit as the Council would not be required to pay for the maintenance and upkeep of this area which would result in reduced costs overall for the Council. There are added social and public safety benefits as by preventing this area from becoming a cul-de-sac 'dead space', this in turn will lead to the reduction of anti-social behaviour and crime and will also enable the Council to meet its planning obligations and achieve the Secure by Design Gold standard accreditation. Additionally, there is an environmental benefit linked to eliminating the potential for fly-tipping in this area.

5. BACKGROUND

5.1. Policy Context

The report to recommend the Council Budget and Council Tax for 2021/22 considered by Council on 22 February 2021 sets out the original Capital Plan for 2021/22. Subsequent update reports considered by Cabinet amend the Capital Plan for additional approved schemes and other variations as required.

5.2 Equality Impact Assessment

Equality impact assessments are carried out on individual projects and included in the relevant reports to Cabinet or Procurement Committee, as required. Such details are not repeated in this report.

5.3 Sustainability

As above.

5.4 Consultations

Relevant consultations have been carried out in respect of the projects included within this report, as required. Once again details of such consultations would be included in the relevant detailed reports to Cabinet or Procurement Committee.

5.5 Risk Assessment

The risks associated with the schemes detailed in this report are considered in detail at individual scheme level. Primarily these will relate to the risk of the projects not being delivered on time or to budget. Such risks are however constantly monitored via the regular capital budget monitoring exercise and reported to cabinet within the Overall Financial Position reports. Specific risks outside of these will be recorded on departmental or

project based risk registers as appropriate.

6. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 6.1 **Proposed transfer of land to the front of 83 Redwald Road, London, E5 0JQ:** The alternative to this acquisition by 'do nothing' approach has been rejected, as not transferring the land would put the area at risk of anti-social behaviour, fly-tipping, increased maintenance costs for the Council as well as inability to achieve the Secure by Design Gold accreditation required by Planning.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 The gross approved Capital Spending Programme for 2021/22 currently totals **£166.380m (£59.908m non-housing and £106.471m housing)**. This is funded by discretionary resources (borrowing, capital receipts, capital reserves (mainly Major Repairs Reserve and revenue contributions) and earmarked funding from external sources.
- 7.2 The financial implications arising from the individual recommendations in this report are contained within the main report.
- 7.3 If the recommendations in this report are approved, the revised gross capital spending programme for 2021/22 will total **£166.380m (£59.908m non-housing and £106.471m housing)**.

Current Directorate	Revised Budget Position	March 2022 Cabinet	Updated Budget Position
	£'000	£'000	£'000
Chief Executive's (Non-Housing)	2,279	0	2,279
Adults, Health & Integration	0	0	0
Children & Education	11,422	0	11,422
Finance & Corporate Resources	21,930	0	21,930
Neighbourhood & Housing (Non)	24,278	0	24,278
Total Non-Housing	59,908	0	59,908
Housing	106,471	0	106,471
Total	166,380	0	166,380

- 7.4 **Proposed transfer of land to the front of 83 Redwald Road, London, E5 0JQ:** Disposing of this small piece of land will avoid future issues around Planning (secure by Design), ASB and resident access and will remove the cost of maintenance moving forwards.

7.5 Whilst there is a value attached to the land, it is small enough to be outweighed by the issues above. Also due to the size, shape and location of the land, there does not appear to be a better alternative use.

8. COMMENTS OF THE DIRECTOR OF LEGAL

8.1 The Group Director, Finance and Corporate Resources is the officer designated by the Council as having the statutory responsibility set out in section 151 of the Local Government Act 1972. The section 151 officer is responsible for the proper administration of the Council's financial affairs.

8.2 In order to fulfil these statutory duties and legislative requirements the Section 151 Officer will:

- (i) Set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices, and monitor compliance with them.
- (ii) Determine the accounting records to be kept by the Council.
- (iii) Ensure there is an appropriate framework of budgetary management and control.
- (iv) Monitor performance against the Council's budget and advise upon the corporate financial position.

8.3 Under the Council's Constitution, although full Council set the overall Budget it is the Cabinet that is responsible for putting the Council's policies into effect and responsible for most of the Councils' decisions. The Cabinet has to take decisions in line with the Council's overall policies and budget.

8.4 The recommendations include requests for spending approvals. The Council's Financial Procedure Rules (FPR) paragraphs 2.7 and 2.8 cover the capital programme with 2.8 dealing with monitoring and budgetary control arrangement

8.5 Paragraph 2.8.1 provides that Cabinet shall exercise control over capital spending and resources and may authorise variations to the Council's Capital Programme provided such variations: (a) are within the available resources (b) are consistent with Council policy.

8.6 **S106/CIL Approvals:** With regard to the allocation of monies from agreements under section 106 of the Town and Country Planning Act 1990, s.106 permits anyone with an interest in land to enter into a planning obligation enforceable by the local planning authority. Planning obligations are private agreements intended to make acceptable developments which would otherwise be unacceptable in planning terms. They may prescribe the nature of the development (for example by requiring that a percentage of the development is for affordable housing), secure a contribution to compensate for the loss or damage created by the development or they may mitigate the development's impact. Local authorities must have regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Regulation 122 enshrines in legislation for the first time the legal test that planning obligations must meet. Hackney Council approved the Planning Contributions Supplementary Planning Document on 25 November 2015 under which contributions are secured under S106 agreements. Once completed, S106 agreements are legally binding contracts. This means that any monies which are the subject of the Agreement can only be expended in accordance with the terms of the Agreement.

8.7 The disposal of land pursuant to the Hackney Mayoral Scheme of Delegation of January 2017, is reserved to the Mayor and Cabinet.

8.8 Section 123(1) of the Local Government Act 1972 provides the Council with the power to dispose of land and property, provided such disposal is made for the best consideration reasonably obtainable. However, the General Disposal Consent 2003 removes the requirement for local authorities to seek specific consent from the Secretary of State for any disposal of land where: the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of: (i) the promotion or improvement of economic well-being; (ii) the promotion or improvement of social well-being; (iii) the promotion or improvement of environmental well-being; and the “undervalue” (i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) is £2 million or less. Where the case does not fall within the terms of this General Consent then an application to the Secretary of State for Communities and Local Government for a specific consent is required. Furthermore, the General Consent Order 2003 specifies that it is the responsibility of the Council to satisfy itself that the land is held under powers which permit it to be disposed of under the terms of the 1972 Act.

8.9 The Director of Strategic and Property Services is satisfied the consideration which is an “undervalue” is £2 million or less.

8.10 The disposal of the land will fall within the terms of the General Consent of the Secretary of State for Communities and Local Government- General Consent Order 2003.

9. COMMENTS OF THE DIRECTOR OF STRATEGIC PROPERTY SERVICES

9.1 **Proposed transfer of land to the front of 83 Redwald Road, London, E5 0JQ:** This disposal of the 9m² strip shown in Appendix 1 and 2 has been valued at £8k. The report makes it clear that the transfer will be for no commercial value therefore it is a sale at an undervalue. The best consideration requirements of s.123 of the Local Government Act are moderated by the ‘Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained’, which allows for disposals below best consideration up to the value of £2 million. As this proposed disposal is below this threshold I am satisfied that the statutory requirements have

been met.

10. VAT IMPLICATIONS ON LAND & PROPERTY TRANSACTIONS

- 10.1 Proposed transfer of land to the front of 83 Redwald Road, London, E5 0JQ:** As a local authority, if the Council gives something to someone for no consideration it is a non-business supply. Therefore on the basis that there is nothing that the Council is getting in return, no VAT would be due. It is assumed that the Council has not opted to tax the land such that it is disposing of an asset that would be taxable. If the Council had opted to tax the treatment should be no different provided no consideration is received. If the Council was not a local authority there is a risk that if an option to tax had been made then this was a business gift such that the Council would be required to account for VAT on the value of the land but HMRC do not generally see such provisions applying to a local authority.

11. CAPITAL PROGRAMME 2021/22 AND FUTURE YEARS

- 11.1** This report seeks spending approval for schemes where resources have previously been allocated as part of the budget setting process, as well as additional resource and spending approvals for new schemes where required.

11.2 Children & Education:

- 11.2.1 School Asbestos Programme 2022/23:** Virement and spend approval of **£55k in 2022/23** is requested for the programme of removal of asbestos in our Education Schools Estate. The Council has a legal responsibility under the control of asbestos regulations 2012 to ensure that the buildings are managed safely and that do not put building occupants at risk of exposure to asbestos fibres. The council monitors the rolling programme of Asbestos Management surveys that have been undertaken by the Council's Corporate Property Service. Any surveyors recommended actions listed in these surveys will need to be undertaken and the asbestos removed if required. This budget is for the removal of asbestos as recommended by the surveyor as part of the management surveys. The Council also needs to fund Refurbishment and Demolition surveys which are undertaken as part of any works at the schools and remove any asbestos found by the surveyor. This budget will also fund any ad hoc discovery of asbestos which needs to be removed. The proposed works supports the Council's 2018-2028 Sustainable Community Strategy Priority 1 In line with Hackney's Community Strategy 'A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth and Priority 3 'A greener and environmentally sustainable community which is prepared for the future'. This approval will have no net impact as the resources already form part of the capital programme.

- 11.2.2 Schools Asset Management Programme (AMP) 2022/23:** Virement and spend approval of **£1,455k in 2022/23** is requested to fund the continuation of the annual maintenance of primary school assets and children' centres

estate. The asset maintenance programme is the borough’s cyclical and periodic yearly maintenance programme. The works are prioritised on the basis of the existing condition survey data, supported by rolling site inspections which take place over a 3 year period. Some of the work identified is still under review and further detail will be provided, however, approval is required now so the works can be programmed and procured to meet school holiday planning cycles. As a result the final list of schools and works may be subject to change. It is intended that urgent work will be carried out at the following schools set out in the table below. The broad overview of the type of works required covers essential health and safety works, mitigation works, upgrades to fire alarms, lighting, windows and doors, works to playgrounds, fire doors and compartments, feasibilities on new schemes and an emergency works contingency budget. This capital project links in with the Council’s 2018-2028 Sustainable Community Strategy Priority 1 ‘A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth’ and Priority 2 ‘A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life’. This approval will have no net impact as the resources already form part of the capital programme.

No	Name of Schools & Children's Centre
1	Benthal Primary School
2	Colvestone Primary School
3	Morningside Primary School
4	Parkwood Primary School
5	Mapledene Children's Centre

11.2.3 School Lifecycle Works Programme 2022/23: Virement and spend approval of **£1,398k in 2022/23** is requested to fund the lifecycle work at 10 schools (secondary and specialist schools). The Lifecycle Programme is the Borough’s cyclical and annual maintenance programme for its secondary and special schools that received BSF investment, and Thomas Fairchild which was rebuilt, as set out in the Council’s Capital Programme. The works which form the basis for this application are informed by condition surveys undertaken on an annual basis, and planned maintenance proposals that were identified when the schools became operational. The works will include lighting upgrades, new fire doors and emergency lighting to 10 schools. The lifecycle programme enables the ongoing sustainability of the various schools to be maintained and improved. The ongoing delivery of works ensures that the teaching environment provided is conducive to improving the student, staff and visitor experience. The proposed works will also significantly contribute to keeping students, staff and visitors safe and secure and providing an environment that enables all occupants of the various premises to gain maximum benefit from highly maintained facilities. This capital project links

in with the Council's 2018-2028 Sustainable Community Strategy Priority 2 'A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life'. This approval will have no net impact as the resources already form part of the capital programme.

No	Name of School
1	Stoke Newington School
2	Clapton Girls School
3	Cardinal Pole School
4	Our Ladys School
5	Urswick School
6	Ickburgh School
7	Haggerston School
8	The Garden School
9	Stormont House School
10	Thomas Fairchild School

11.2.4 Phase 1A SEND Projects: Resource and spend approval of **£1,000k (£808k in 2022/23 and £192k in 2023/24)** is requested to commence Phase 1A works for the Additional Resource Provision (ARP) for 4 school sites. December 2021 Cabinet approved the budget to appoint a multi-disciplinary team to consider the options required to meet the SEND needs in the borough and we are expecting to appoint a successful supplier to progress these. Phase 1A will aim to create a total of 98 places as set out in the table below. It should be noted that these estimates are for budgeting purposes only and will be tested through the feasibility stage and reviewed as the projects progress to tender. Given the urgency for priority Phase 1A places (ASD) and Severe Learning Difficulties (SLD), approval is sought from Cabinet to approve this scheme of work as soon as the feasibility studies are completed. These proposed priority projects would be focused on alleviating the pressure on the SLD and ASD demand which are causing most concern.

This first Phase will be funded through the remaining Special Provision Capital Fund (SEND). The funding for Side by Side School is intended to be by way of a grant provided to the School and will be subject to a formal funding agreement to be drafted in liaison with Side by Side School. Side by Side is an independent specialist school offering specialist educational and therapeutic intervention for children aged 2-19 within the Jewish community. The grant will be a contribution to the new school building that is nearing completion. All the children have Statements of Special Educational Needs. Simon Marks Jewish Primary School is a Voluntary Aided 1 form entry Primary school with space to accommodate an ARP provision within the main school building. Petchey Academy is a mixed

11-19 Secondary Academy with a separate building that could be adapted for use as an ARP. Nightingale Primary School is a modern primary school with space to accommodate ARP within the main school. The funding for the ARP Simon Marks School and the Petchey Academy will be determined following the feasibility studies to be completed but may also be the subject of a grant to the schools concerned through a formal funding agreement.

No	Name of School	Places	£'000
1	Simon Marks Primary School	12	150
2	Nightingale School	12	50
3	Petchey Academy	24	300
4	Side by Side School	50	500
Total		98	1,000

This investment will support the Government's priority to ensure that every child has the opportunity of a place at a good school, whatever their background. It demonstrates the Council's commitment to providing comprehensive education and supports our schools to provide a broad and inclusive environment for all young people. This capital funding helps to support Priority 2 of the Council's 2018-2028 Sustainable Community Strategy 'A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life'. This approval will have no net impact on the capital programme as the resources are funded by grant.

11.3 Finance and Corporate Resources:

11.3.1 **End-User ICT Devices and Meeting Rooms:** Spend approval of **£1,142k (£174k in 2021/22 and £968k in 22/23)** is requested for the procurement of ICT equipment for Council's Core Campus Offices and the necessary equipment for meeting rooms to enable access to on-line meetings. During the Coronavirus Pandemic the IT team distributed over 2,500 Chromebooks and Chromeboxes to staff members so that they could work from home successfully throughout the lockdown. These devices were redeployed from the Council's offices throughout the borough to mitigate the financial impact of the pandemic restrictions. As the Covid-19 restrictions ease, the Council is making arrangements for more staff to return to the office environment, expecting that the majority of staff whose roles include office-based working will work 2 days / week in the office and the remaining week from home. This will ensure that the Council remains 'place based' in Hackney and also enable further rationalisation and efficiencies from our office estate.

To support these future working arrangements the Council will continue to provide equipment for home based workers and will increase the number of workstations in the core campus offices (Hackney Town Hall, Hackney Service Centre and Technology & Learning Centre) to c 1,600 desks. There is also an immediate need to procure devices to meet requirements for staff

working at Tenant Management Offices (TMOs), Hubs, Hostels, Parking Services and smaller offices around the borough.

To facilitate hybrid working there is also a need to ensure that meeting rooms are equipped with devices that will enable access to online meetings (this will vary depending on the size of the meeting room, with smaller rooms being set up with Chromebox workstations with webcams and larger rooms having Google Meet video meeting equipment).

This capital expenditure covers the investment needed for:

- Devices need to meet immediate needs identified by services;
- Workstations for small meeting rooms and Directors' offices;
- Google Meet video meeting equipment for larger meeting rooms which do not already have this;
- Equipment needed to scale up to 1,600 workstations in the campus offices as social distancing arrangements are eased.

This proposed plan has an expected service life of 4-5 years for end-user IT equipment. Equipment purchased in the previous refresh (2019/20) will therefore be due for refresh in 2024/25 and the equipment proposed in this business case will be due for refresh in 2025/26 - 2026/27. This procurement ensures smooth business operations across the Council by supporting teams and individuals to perform their roles. This capital expenditure supports all of the Priorities of the Council's 2018-2028 Sustainable Community Strategy Priority 1 'A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth', Priority 2 'A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life', Priority 3 'A greener and environmentally sustainable community which is prepared for the future' and Priority 4 'An open, cohesive, safer and supportive community'. This approval will have no net impact as the resources already form part of the capital programme.

11.3.2 Mobile Phone Refresh: Virement and spend approval of **£275k (£100k in 2021/22 and £175k in 2022/23)** is requested for the refresh programme to replace Council mobile phones for Staff members that are at the end-of-life or beyond economical repair. The ICT Service currently manages an estate of c.2,000 mobile phones, with almost 60% of these distributed between Housing, Public Realm and Social Care. There is an immediate need to replace c.800 phones that are over three years old with newer devices so that colleagues are able to make use of the new modern digital tools that have been adopted such as 'Vonage' and 'Alloy'. There is also a need to hold a number of devices in stock to replace broken, faulty, lost or stolen devices. We anticipate that we will need c.300 replacement devices for this purpose in the next 12 months.

This particular proposal is a single-year investment, specifically to replace phones that are end-of-life or beyond economical repair; a separate

proposal for a rolling three year investment plan will be presented after this initial refresh has been completed. There will also be a new corporate mobile voice and data contract which will achieve savings of £200k per annum primarily through reducing the cost of line rental and increasing the quantity of data included with each line. The following ICT core principles for the provision and management of mobile phones are:

- These corporate smartphones will be provided to colleagues who:
 - Primarily work away from the office or home, often working outside or visiting the homes of residents to undertake their roles;
 - Undertake on-call duties outside typical working hours;
- Phones will have a predicted asset life of 3 years and those over 3 years old will be replaced on a rolling basis annually, where the recipient's role is in line with our criteria for providing a corporate smartphone;
- Phones will be purchased using a minimum device specification aligned to the current versions of the digital tools in use across the organisation;
- Protective cases will be provided to reduce the risk of accidental damage;
- A stock of phones will be held so that the team can be responsive to colleagues who need devices. Therefore will not be dependent on long lead times from suppliers;
- Ensure that devices are recovered from leavers and recycled and allocated to new starters
- Undertake fewer but larger procurements of devices to achieve the best possible unit price.

This capital expenditure supports all of the Priorities of the Council's 2018-2028 Sustainable Community Strategy Priority 1 'A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth', Priority 2 'A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life', Priority 3 'A greener and environmentally sustainable community which is prepared for the future' and Priority 4 'An open, cohesive, safer and supportive community'. This approval will have no net impact as the resources already form part of the capital programme.

11.4 CIL Revenue For Approval

11.4.1 The s106/CIL board meeting dated 15 September 2021 considered the following bid for resource and spend approval for the delivery of the cultural programme in 2021/22. As a result **£460k** of CIL revenue funding has been spent in accordance with the terms of the compliance with broad interpretation of the CIL regulations and is consistent with decisions made previously by the Cabinet. The CIL regulations specify that the spending of Neighbourhood CIL should relate to either:

- The provision, improvement, replacement, operation and maintenance of infrastructure; OR
- Anything else that is concerned with addressing the demands that development places on an area;
- Whilst it is in line with Part B of the regulations, all neighbourhood CIL spend to date (circa £1.2m) has also qualified on this ground. It is noted that to date no permanent example of infrastructure has been delivered through the NCIL funding stream.
- This will be evident through our annually published infrastructure funding statement, which is open to scrutiny from members of the public and developers.

Project Description	2021/22 £'000
Cultural Development Team	460
Total S106 Capital for Approval	460

The Cultural Development Team delivers the objectives of Hackney's Arts and Cultural Strategy. The funding provided the resources to deliver key cultural initiatives led by the Council such as the Hackney Carnival and Discover Young Hackney, both of which are Manifesto commitments. It also enables a much wider range of projects to be delivered, led by both the Council and the voluntary sector, that employ culture to support the five dividends of the Arts and Cultural Strategy: community cohesion, education, health and wellbeing, employment and the economy.

The above dividends play a role in addressing the demands that development places on the borough, and contribute to the objectives of many of the borough's strategies such as the Inclusive Economy Strategy, Community Strategy, Ageing Well Strategy, Young Futures Commission and the Parks and Green Spaces Strategy.

Besides professional fees, materials, printing, marketing, space, theatre hire, equipment and transport, some of the projects that the CIL funding is spent on are as follows:

- Discover Young Hackney
- Hackney Carnival
- Windrush
- LGBTQI+ Community
- Hackney Social Radio
- Dementia Festival
- Renaming Review
- Holocaust Memorial Day
- Hackney Circle
- Gillett Square exhibition
- PlaySpace
- Christmas and Hanukkah

11.5 For Noting

11.5.1 The delegated powers reports dated 25 January 2021 gave spend approval to enable Council officers to proceed with play areas refurbishment. The Council has been successful in applying for external funding from the Veolia Environmental Trust to support the refurbishment of the two sites with the first phase of the project. As a result, **£86k** was approved to spend on this capital project. The funding will contribute to the planned refurbishment of the play areas in **Haggerston Park and Clapton Square**. In order to release the funding, a 10% payment of the grant value is required to the Veolia Environmental Trust as a third party contribution which will be paid to the landfill operator. The play areas in Haggerston Park and Clapton Square are in need of improvement in order to meet Hackney's play principles and support Hackney being a child-friendly borough. Landscape architects in conjunction with Council Officers have redesigned both play spaces and a public consultation was undertaken on the proposals. The public consultations supported the proposals with 91% of respondents loving or liking the designs at Clapton Square and 92% at Haggerston Park. The physical refurbishment works are due to commence in Spring 2022 and are fully funded as part of the Council's capital programme.

The Council is committed to making Hackney a child-friendly borough and has committed £2m to improve a series of park play areas ensuring that the borough's park play areas meet the needs of the borough's children. This external funding will increase budget flexibility in the capital programme, adding extra value to the council's initial investment. The Borough's parks are hugely important to the borough's residents and play areas are a key feature in attracting families to them. Good play spaces help to encourage physical activity amongst children and are important in helping to maintain children's physical and mental health. This capital project supports the Council's 2018-2028 Sustainable Community Strategy Priority 3 'A greener and environmentally sustainable community which is prepared for the future' and Priority 4 'An open, cohesive, safer and supportive community'. This approval will have no net impact on the capital programme as it will be funded by grant.

APPENDICES

Appendix 1 - 83 Redwald Road - land edged in red

Appendix 2 - Situation A - Land is gifted

BACKGROUND PAPERS

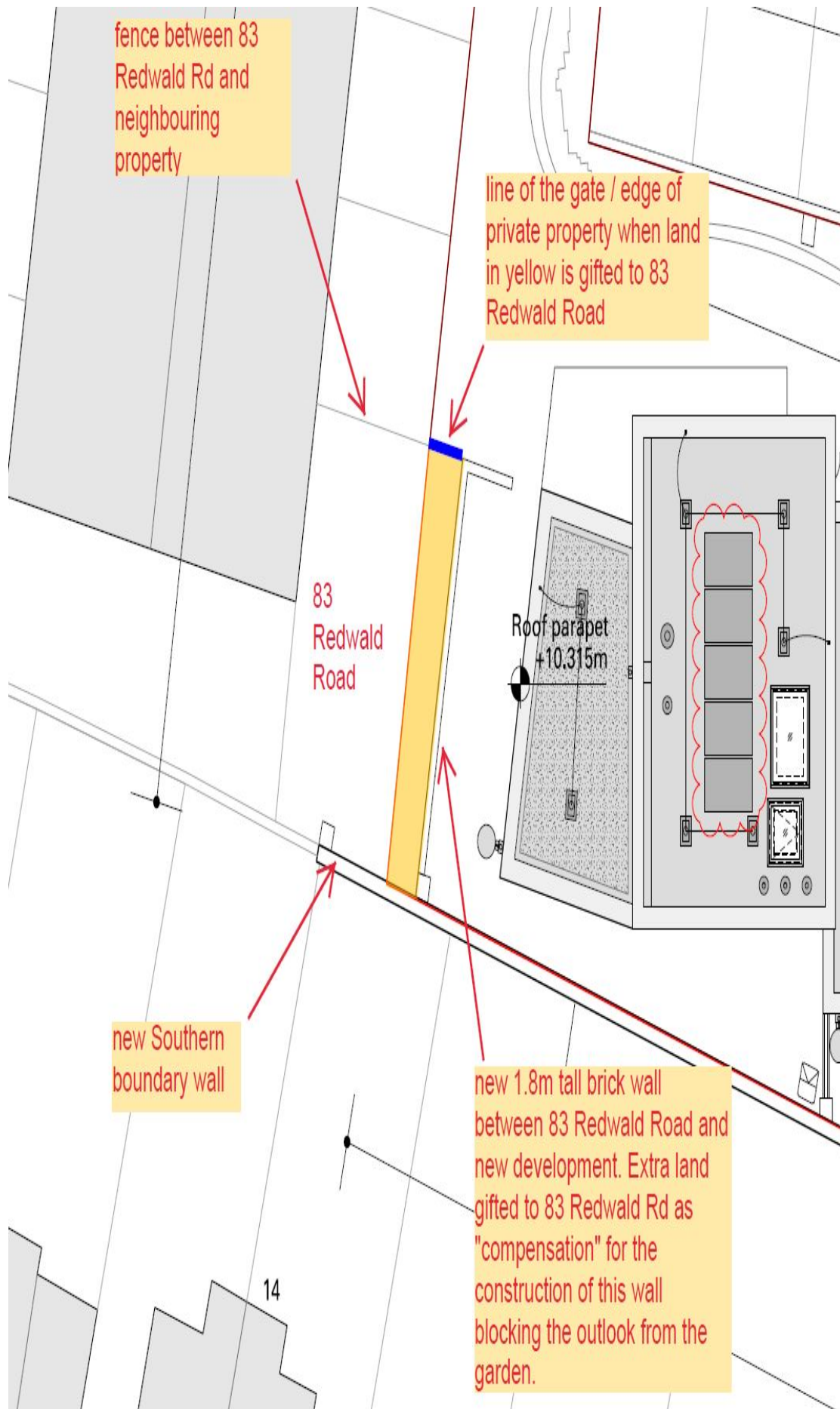
In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required.

None.

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<p>2021/22 Overall Financial Position that takes account of the estimated financial impact of Covid-19 and the on-going emergency</p> <p>Key Decision No. FCR R95</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All wards</p>	
<p>CABINET MEMBER</p> <p>Councillor Robert Chapman, Cabinet Member for Finance</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Spending or Savings</p>	
<p>GROUP DIRECTOR</p> <p>Ian Williams, Group Director, Finance and Corporate Resources</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1 This is the eighth Overall Financial Position (OFP) report for 2021-22. It shows that as at January 2022, the Council is forecast to have an overspend of £4.956m on the general fund - a decrease of £25k from the previous month.
- 1.2 As stated previously, and summarised in Table 1 of paragraph 2.4 below, much of this overspend relates to the Covid-19 expenditure and the cyberattack, but there are significant areas of non-Covid-19 and cyberattack pressures in respect of looked-after-children placements, staffing in Children's Services, and care packages in Adults Services.
- 1.3 Although there is only a small decrease in the forecast overspend this month the "non-essential" expenditure controls agreed by the Council's management team and reported to you in September have continued to be effective (see paragraphs 2.6 and 2.7 below). The forecast overspend of £7.3m reported for August has been significantly reduced. As part of the budget monitoring cycle the implementation of the vacancy factor has been reviewed and at this stage in the year it is forecast that 98% of the total saving of £6m will be achieved.
- 1.4 The Council will continue to face significant financial pressures in 2021/22, and future years. Demand for services, notably children's and adult's social care, are on an upward trend and are likely to remain high. It follows that we must continue to take all steps to mitigate the overspend in the current year.
- 1.5 This report also updates our approach to not recharging Council leaseholders for certain types of fire safety work and I commend this report to Cabinet

2. GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES INTRODUCTION

- 2.1 The OFP shows that the Council is forecast to have an overspend of £4.956m after the application of the Covid-19, Children's and cyberattack set asides as provided for in the budget. The impact of the cyberattack is estimated to be c. £6m in the current year. The vast majority of this falls in F&CR (ICT and Revenue and Benefits).
- 2.2 There has been a decrease in the overspend this month of £0.025m. The non-essential spend controls, set out in the July OFP, and the review of capital financing reported in the September OFP have had a positive impact on the forecast, noting we were forecasting an overspend of £7.3m in August 2021 which is £2.3m higher than the current overspend. However, we are still well short of balancing the budget and we must continue to drive down non-essential expenditure across all services to bring the budget back into balance. We also need to be mindful that further pressures following Covid-19 may still come to the fore so we will need to maintain our tight grip on the finances.
- 2.3 The estimated impact of Covid-19 and the cyberattack included in the report are, at this stage, estimates which are not final and so we expect revisions to these during the next few months.
- 2.4 The financial position for services in January is shown in the first table below. The second table shows how this will be funded - by applying the Covid-19 and

cyberattack set asides and the savings from the review of the funding of the capital programme noted in previous OFPs.

Table 1: Overall Financial Position (General Fund) January 2022

Revised Budget	Service Area	Forecast Variance After reserves	Change in Variance from last month	Covid19 Impact	Cyber-attack Impact
£k		£k	£k	£k	£k
84,902	Children and Education	2,355	(132)	1,685	65
97,540	Adults, Health and Integration	4,061	1	1,214	1,191
25,415	Neighbourhood & Housing	2,883	106	2,001	260
21,264	Finance & Corporate Resources	6,228	(2)	1,276	4,262
17,396	Chief Executive	(71)	2	1,359	0
44,075	General Finance Account	0	0	0	0
290,592	GENERAL FUND TOTAL	15,456	(25)	7,535	5,778

	Forecast Variance Before Reserves
	£000
GENERAL FUND TOTAL	15,456
LESS COVID SET ASIDE	-4,000
LESS CHILDREN'S SET ASIDE	-2,000
LESS CYBERATTACK SET ASIDE	-2,000
LESS CYBERATTACK ADDITIONAL RESERVE CREATED IN 2021-22	-1,000
LESS RESOURCES FREED UP BY REVIEW OF FUNDING OF CAPITAL PROGRAMME AND SLIPPAGE IN RCCO	-1,500
NET OVERSPEND	4,956

- 2.5 Work continues in relation to non-essential spend, particularly around the impetus to reduce agency spend where it is appropriate to do so. The impact of this will not be shown in the forecast until agency staff have left the Council. Furthermore at this stage the corporate contingency of £2m has not been applied to the forecast. We are mindful of the potential impact of the pay award for the current year which has not yet been agreed. A zero increase was being mooted at one point, but we as a council did make provision for an increase, although the outcome is likely to be higher than was provided for and therefore a call on the corporate contingency may be required.
- 2.6 Cabinet may recall the measures that are currently being undertaken in this area include:
- Increased controls on non-essential spend (non-essential spend to be determined by Group Directors of their respective directorates)
 - Increased controls on filling vacancies.
 - Reduction in agency staff, for example, 20 per cent reduction on current levels.
 - Additional controls over remaining agency spend (i.e. ensuring long-term agency staff are required to take equivalent leave of permanent roles and work a maximum of 36 hours a week).
- 2.7 In addition, it should be noted that we are forecasting full achievement of the 2021-22 budget savings and 98% of the vacancy savings.

- 2.8 Following recent discussions with leaseholders, Cabinet is asked to consider the recommendation to agree to not recharge leaseholders in buildings above 11m for costs associated with fire safety works where recommended as a result of a Fire Risk Assessment undertaken to PAS 998. This recommendation follows the principle that the council has been following for buildings High Rise Residential Buildings.
- 2.9 This proposal is also inline with the announcements from government to introduce measures to force the building industry to pay to remove cladding and protect leaseholders from what it considers exorbitant costs.
- 2.10 Proposed new clauses in the Building Safety Act will enshrine in law the commitment government have made that no leaseholder living in their own home, or sub-letting in a building over 11m, will be required to pay for the removal of cladding or ever pays a penny for the removal of dangerous cladding
- 2.11 The vast majority of our buildings that fall within the scope of this recommendation have been part of the housing stock for many years and as building owners in accordance with the proposed legislative changes we would be deemed as responsible for any necessary safety works.
- 2.12 We also have a number of newer buildings that the council has developed, which at the time of their design and build were up to the building regulations that were in place at the time. However, as a result of the Building Safety Act, some of these buildings will need remedial action to bring them up to current regulations.
- 2.13 When considering the financial impact of this recommendation, it is not possible to quantify the cost as the level / nature of any works will not be known until the new FRAs are carried out. However, in light of the proposed legislative changes, it is a cost that will ultimately have to be borne by the council as building owner and/or developer.
- 2.14 If the recommendation is approved, it will mean that leaseholders will not be billed for any fire safety works arising from a FRA undertaken to the new PAS 9980 guidance. It will also mean that the leaseholders will be able to inform any mortgage lender that the council has committed to not passing on any costs associated with fire safety works which should remove the challenges they face when remortgaging or selling their property.

3. RECOMMENDATIONS

Cabinet is recommended to

- 3.1 Agree to not recharge leaseholders in buildings above 11m for costs associated with fire safety works where recommended as a result of a Fire Risk Assessment undertaken to PAS 9980**
- 3.2 Members are asked to note the update on the overall financial position for January covering the General Fund and HRA**

4. REASONS FOR DECISION

- 4.1 To facilitate financial management and control of the Council's finances and to agree the proposal re Cladding described at 2.8 to 2.14

5.0 DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

This budget monitoring report is primarily an update on the Council's financial position

6.0 BACKGROUND

6.1 Policy Context

This report describes the Council's financial position as at the end of January 2022. Full Council agreed the 2021/22 budget on 24th February 2021.

6.2 Equality Impact Assessment

Equality impact assessments are carried out at budget setting time and included in the relevant reports to Cabinet. Such details are not repeated in this report.

6.3 Sustainability

As above

6.4 Consultations

Relevant consultations have been carried out in respect of the forecasts contained within this report involving the Mayor, the Cabinet Member for Finance, Heads and Directors of Finance and Service Directors through liaison with Finance Heads, Directors and Teams.

6.5 Risk Assessment

The risks associated with the Council's financial position are detailed in this report.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 The Group Director, Finance and Corporate Resources' financial considerations are included throughout the report.

8. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 8.1 The Group Director, Finance and Corporate Resources is the officer designated by the Council as having the statutory responsibility set out in section 151 of the Local Government Act 1972. The section 151 officer is responsible for the proper administration of the Council's financial affairs.

- 8.2 In order to fulfil these statutory duties and legislative requirements the Section 151 Officer will:

- (i) Set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices and monitor compliance with them.
 - (ii) Determine the accounting records to be kept by the Council.
 - (iii) Ensure there is an appropriate framework of budgetary management and control.
 - (iv) Monitor performance against the Council's budget and advise upon the corporate financial position.
- 8.3 Under the Council's Constitution, although full Council sets the overall budget, it is the Cabinet that is responsible for putting the Council's policies into effect and responsible for most of the Council's decisions. The Cabinet must take decisions in line with the Council's overall policies and budget.
- 8.4 Paragraph 2.6.3 of FPR2 Financial Planning and Annual Estimates states that each Group Director in charge of a revenue budget shall monitor and control Directorate expenditure within their approved budget and report progress against their budget through the Overall Financial Position (OFP) Report to Cabinet. This Report is submitted to Cabinet under such provision.
- 8.5 Article 13.6 of the Constitution states that Key decisions can be taken by the Elected Mayor alone, the Executive collectively, individual Cabinet Members and officers. Therefore, this Report is being submitted to Cabinet for approval.
- 8.6 All other legal implications have been incorporated within the body of this report.

9. CHILDREN AND EDUCATION

9.1 Summary

- 9.1.1 The Children's & Education directorate is forecasting an overspend of £2.355m after the application of reserves.

9.2 The Cyberattack

- 9.2.1 The cyberattack continues to have a significant impact on a number of key systems across the local authority. There is a clear project plan to restore the social care system, and the service is working with ICT, finance and performance to ensure that we restore the system and take opportunities to build back better.
- 9.2.2 For Children and Families Services the significant area of financial risk is in relation to monitoring and capturing the cost of any additional demand for care, as the social care system (Mosaic) which holds and records this information remains inaccessible. Mitigation plans continue to be developed in collaboration with ICT colleagues which includes the development of an interim finance solution to capture additional demand and changes to existing care provision, until we have fully restored and recovered the social care system. A key issue to highlight is that these mitigating actions will require extensive reconciliations once the data is restored. The estimated cost impact of the cyberattack to date for Children & Families is £65k, and this is to fund

additional staffing resources in the Business Support Team to provide additional capacity in the service to respond to issues arising from the cyberattack.

9.2.3 There are no significant financial risks within Education as a result of the cyberattack.

9.3 Covid-19

9.3.1 The financial impact of Covid-19 across the Children and Education directorate continues to have an impact on the overall forecast. The main impact in the forecast this year is in relation to childcare fee income losses in Hackney's children's centres (£0.2m), income from traded services (£0.3m), resulting in a total pressure of £0.5m. In more recent months the spread of the Omicron Covid-19 strain has had some impact on the normal opening of children's centres.

9.3.2 In Children and Families, we are forecasting that the impact will be in the region of £1.2m, largely due to delays in placement step downs and staffing to provide additional capacity to respond to the pandemic. The costs associated with responding to the Covid-19 pandemic will continue to be discussed with budget holders and reported through this report on a monthly basis.

9.4 Children and Families Services (CFS)

9.4.1 CFS is forecasting a £2.4m overspend (3.9%) as at the end of January 2022 after the application of reserves. Covid-19 related expenditure accounts for £1.2m of the reported budget overspend. The draw down from reserves includes:

- £4.2m from the CFS Commissioning and CACH Transformation reserves (£3.7m and £0.5m respectively) to meet the cost of placements where these exceed the current budget.
- £1.2m from the Disabled Children's Reserve, to offset homecare and direct payments care package pressures in Disabled Children Services.

9.4.2 In 2019/20, a Social Care Grant was announced for both children's and adult social care, and at that time, the funding split between the services was to be agreed locally, and so we opted to split the funding equally between both services. This grant has increased incrementally year on year and in this financial year, the grant is £1.71bn nationally with the Council receiving £12.6m. Children's Services and Adult Social Care have each been allocated £6.3m, and this has been fully factored into the forecast this financial year. Further SocialCare Grant funding has been announced for 2022/23, however It is clear that this is not a sustainable way to fund demand pressures in social care services, and we continue to lobby the Government for a long term funding solution.

9.4.3 Set against this, there is a significant increase in spend driven by looked-after children (LAC) and leaving care (LC) placements costs within Corporate Parenting where the net overall spend is forecast to increase by £1.2m compared to last year (this excludes use of reserves and the additional social care grant). The service view is that the increasing numbers are partly due to an increase in adolescents coming into care with more complex needs, and the impact of austerity measures and overcrowded housing leading to increased family pressures.

9.4.4 There is a gross budget pressure in staffing across Children and Families Services of £1.7m, and this is on top of the £1.3m that was added into the budget last year to

create permanent posts linked to the Social Care Grant. Following the Ofsted inspection in 2019, £1.6m of non-recurrent funding was agreed for 2020/21 to increase staffing levels to manage demand alongside additional posts to respond to specific recommendations from the inspection. The intention was that after 2020/21, the funding would cease pending a wider strategic staffing review of the service, however this has been delayed. For this financial year, £1.1m of additional resources has been funded from the increase in the Social Care Grant (bringing the net staffing budget pressure to £0.6m). However, this is not sustainable and a review has commenced by the Group Director and Director and will form part of the wider review of the service.

9.5 Corporate Parenting

- 9.5.1 Corporate Parenting is forecast to overspend by £2.3m after the use of £4.2m of commissioning reserves. This overspend includes £0.97m of Covid-19 related expenditure. This position also includes the use of £4.5m of Social Care Grant funding - £0.6m is in relation to staffing costs and the remaining £3.9m is for placements. The overall position for Corporate Parenting has increased by £1.2m since last March and is largely due to corporate parenting placements.
- 9.5.2 Gross expenditure on Looked-After Children and Leaving Care placements (as illustrated in the table below) is forecasted at £26.5m compared to last year's outturn of £25.3m – an increase of £1.2m.

Service Type	Budget	Forecast	Forecast Variance	Funded Placements*	Current Placements
Residential	4,981	9,907	4,927	22	37
Secure Accommodation (Welfare)	-	260	260	-	1
Independent Foster Agency	7,688	7,141	(547)	154	127
In-House Fostering	2,400	2,094	(306)	99	93
Semi-Independent (Under 18)	1,570	2,182	612	21	31
Semi-independent (18+)	1,370	2,384	1,014	58	87
Family & Friends	869	962	93	52	53
Residential Family Centre (P & Child)	300	481	181	2	4
Other Local Authorities	-	162	162	-	7
Overstayers (18+)	290	36	(254)	7	-
Staying Put (18+)	500	484	(16)	40	36
Supported Lodging	-	63	63	-	4
Extended Fostering (18+)	-	48	48	-	1
UASC (Under 18)	(390)	(519)	(129)	26	18
Former UASC (18+)	390	778	388	65	100
Expenditure	19,967	26,464	6,496	545	599

*based on the average cost of placements.

9.5.3 The table above illustrates funded placements - these are what the budget can fund based on the average cost of placements for each of the service types. The gross overspend position on Corporate Parenting placements is £6.5m including Unaccompanied asylum-seeking children (UASC) income. The UASC income is in excess of the placement costs incurred in the service, hence the extra income is funding the additional staffing unit within the Looked-After Children service. There is a shortfall in funding for those UASCs who are 18+ (Former UASC), which highlights the financial pressure caused by a lower funding rate from the Home Office when UASCs turn 18. The table below compares placement numbers to the previous month and sets out weekly unit costs of each placement type.

LAC/ Leaving Care Placement Analysis

Placement Type	Annual Forecast £ 000	Weekly Cost £ 000	Weekly Unit Cost (Avg)	Current YP No	Last month YP No
Residential Care	9,907	160	4,332	37	36
Secure Accommodation (Welfare)	260	7	0	1	1
Independent Foster Agency	7,141	122	959	127	125
In-House Fostering	2,094	46	496	93	90
Semi-Independent (Under 18)	2,182	44	1,414	31	30
Semi-independent (18+)	2,384	39	453	87	97
Family & Friends	962	17	321	53	57
Residential Family Centre (P&Child)	481	15	3,788	4	5
Other Local Authorities	162	2	305	7	6
Overstayers (18+)	36	-	795	0	2
Staying Put (18+)	484	13	366	36	40
Supported Lodging	63	1	254	4	5
Extended Fostering (18+)	48	0	399	1	1
UASC (Under 18)	(519)	13	725	18	18
Former UASC (18+)	774	37	370	100	98
Total	26,460	517	14,979	599	611

9.5.4 The pattern in the last few years has been a consistent increase in numbers of young people in residential placements and in high-cost semi-independent placements. Where children in their late teens are deemed to be vulnerable, and in many cases are transitioning from residential to semi-independent placements, they may still require a high-level of support and in extreme circumstances bespoke crisis packages. Covid-19 has also been a factor, and has resulted in delays in young people being able to transition from these placements. The annual cost of an IFA placement (£50k) is twice as much as an In-house fostering placements (£25k) so it is increasingly important that we maximise our in-house placements. It is essential that the service delivers the cost reduction plans outlined in Table 1D. These plans are not factored into the forecast for the Children and Families Service until they have been achieved.

9.6 Disabled Children's Service

9.6.1 The service is forecast to overspend by £353k after the use of £1.2m of reserves. Staffing is projected to overspend due to additional staff brought in to address increased demand in the service. Demand in the service continues to rise year-on-year including for homecare, direct payments and short breaks packages.

9.7 Directorate Management Team

9.7.1 The service is forecast to overspend by £184k primarily due to interpreters fee payments for the previous financial year which were unaccounted for at year end.

9.8 Domestic Abuse Intervention Service

9.8.1 The service is forecasted to overspend by £99k primarily due to Domestic Homicide Case Review costs (£66k) which is a statutory service and an additional staff resource due to Covid-19 where we have seen an increase in referrals during the pandemic (£23k).

9.9 Clinical Services

9.9.1 The service is forecast to underspend by £270k due to vacant / late recruitment to the Specialist Clinical Practitioner posts.

9.10 Access & Assessment and Multi Agency Safeguarding Hub (MASH)

9.10.1 The Service is showing a full year forecast underspend of £254k. The underspend relates to late recruitment of posts for both Access and Assessment & MASH units (£104k) and lower than anticipated staffing costs for the Emergency Duty Team (£92k).

9.11 No Recourse to Public Fund team

9.11.1 The Team is forecasted to underspend by £141k in Section 17 as the number of clients are declining.

9.12 The Family Learning Intervention Programme

9.12.1 The Programme is forecast to underspend by £137k due to staff vacancies.

9.13 Hackney Education

9.13.1 Hackney Education has a budget of £23.8m net of budgeted income of circa £220m. This income is primarily Dedicated Schools Grant of which the majority is passported to schools and early years settings or spent on high needs placements.

9.13.2 Hackney Education is forecast to overspend by £5.604m. Approximately £0.5m of this is the forecast financial impact of the pandemic in relation to childcare fee income losses in Hackney's children centres and income from traded services. The balance of the overspend is mainly as a result of a £7m forecast over-spend in SEND, offset by forecast £1.3m of savings in other areas of Hackney Education. The £7m over-spend in SEND is a result of a significant increase in recent years of children and young people with Education Health and Care Plans (EHCP's). The EHCP forecast outturn may increase during the year: there are 134 EHCP applications currently being assessed. An assessment is expected to be completed within a 20 week cycle; the level of need for these and future applications cannot be determined at this point.

9.13.3 The Government formally confirmed its intention to ensure that local authorities are not left with the burden of SEND cost pressures and have issued funding regulations which state that deficits arising from DSG shortfalls will not be met from local authorities' general funds unless Secretary of State approval is gained.

9.13.4 Government expectation is that the DSG overspend will remain in the Council's accounts as a deficit balance which will then reduce in future years as additional funding is received. However, the Government's commitment to this additional

funding and the level this will be at remains unclear. The current regulations around the treatment of any DSG overspends will cease at the end of 2022/23. There is therefore a financial risk to the Council of carrying this deficit forward beyond this period.

9.13.5 The table below provides a breakdown of the forecast against service areas in HE and an explanation for significant variances.

Original Budget	Virement	Revised Budget	Service Unit	Forecast Variance Before Reserves	Reserves Usage	Forecast Variance After reserves	Narrative
53,192	192	53,384	High Needs and School Places	8,100	(1,100)	7,000	The forecast is likely to change over the next few months as a result of volatility in the number of SEND plans and increased demand for services.
3,578	64	3,642	Education Operations	447	-	447	The Education Operations division is forecasting a £447k overspend. Main risk areas for this division are: (1) over establishment costs for payroll and loss of income for Tomlinson centre due to Covid-19. (2) staffing budget pressures in the Strategy, Policy & Governance (SPAG) and School Improvement and Projects team due to maternity cover costs (3) additional software costs from the Synergy SEND project and CPD booking system plus staffing budget pressures in MISA due to additional staff relating to the Synergy project. Loss of income for the Tomlinson centre due to COVID is £245k.
42,547	277	42,824	Early Years, Early Help and Wellbeing	755	(500)	255	Budget pressures from previous years expected childcare fees income increases not achieved and Covid-19 additional costs from the continuing loss of childcare fees income. Also, anticipated lower demand in 3 & 4-year-olds and 2-year-olds funding at early years establishments. This is based on the forecast of the spring term following a pattern of expenditure based on the summer term of 88%. The decrease in expenditure of approx £2.1m is offset by a corresponding reduction in income funding. In addition there has been a reduction in forecast of £78K mainly related to Children's Centres..
1,705	62	1,767	School Standards and Performance	(45)	-	(45)	Forecast underspend primarily relates to the expected in-year release of Monitoring and Brokerage Grant. Reserves relate to the funding of a post in Secondary Support.

Original Budget	Virement	Revised Budget	Service Unit	Forecast Variance Before Reserves	Reserves Usage	Forecast Variance After reserves	Narrative
8,854	-555	8,299	Contingencies and recharges	(1202)	-	(1,202)	The year-end forecast underspend relates to the education contingency budget which is utilised to offset the overall overspend.
134,360	-	134,360	Delegated school funding to maintained mainstream schools	(851)	-	(851)	Forecast variance reflects Schools' Forum agreement to vire from Schools Block of the DSG to the High Needs block to contribute to the SEND pressure.
(220,433)		(220,433)	DSG income	-	-	-	
23,803	40	23,843	Totals	7,204	(1,600)	5,604	

9.14 Vacancy Rate and 2021/22 Savings

- 9.14.1 A vacancy rate savings target of £1,754k has been set for the directorate in 2021-22 (£900k for Children and Families and £854k for Education). This saving is a challenging target for services with a significant number of front-line staff. At this point in the financial year, it is forecast that it will be achieved. For Education, a risk of £250k due to turnover being lower than anticipated, however the service has identified non-recurrent staffing budgets to mitigate the shortfall this financial year. Progress against the target is carefully monitored and tracked by the C&E Senior Management Team and this will continue to be monitored closely and reported with each OFP report.
- 9.14.2 The directorate has outlined a series of actions that will aim to achieve the vacancy rate savings in 2021-22. Actions include identifying specific vacant posts and holding them vacant, identifying all staff who are below the top of their salary grade or part-time in full-time posts, waiting to recruit to any vacant posts, except where there are multiple vacancies within teams (i.e. due to long term sickness) or particular Covid-19 or cyber related pressures, continuing to seek external funding sources - e.g. through partnership working, monitoring agency spend closely and ensuring those staff take the annual leave they have accrued, as well as identifying any non-essential budgets that can be held for the year. However, there are long term risks to the sustainability of this approach, and the directorate approach will need to be reviewed to take into account where the vacancy factor is being met by non-recurrent savings.
- 9.14.3 At this stage, the directorate is on track to deliver the vacancy factor, and this will continue to be monitored closely through Children and Education SMT on a monthly basis.

9.15 Cost reduction proposals

- 9.15.1 The table below outlines the key proposals for cost reductions which have been endorsed across the Children & Education directorate in 2021-22. The reporting against these cost reduction proposals are being monitored on a monthly basis

through this report highlighting delivery against these indicative targets. It is important to emphasise that further cost reduction proposals will need to be identified as the current proposals will not bring the forecast back in line with the budget. Detailed plans continue to be developed for these proposals, and these will be part of monthly discussions at C&E SMT.

	Serv	Initiative	Description	Target
1	CFS	Reduction of residential placements	<p>As part of the forensic analysis of residential placements, the service is targeting a reduction of five residential placements (costing on average £200k per annum, per placement). This is being monitored through the Corporate Parenting budget review meetings. This target is on track to be delivered.</p> <p>As at January 2021, we have achieved £822k of this target.</p>	£1m
2	CFS	Operations: Implementation of an overall panel process and forensic review of the Top 20 high cost placements.	<p>Bringing together multiple panel processes into one process, enabling closer financial oversight and strategic oversight across all operational services.</p> <p>The £250k cost reduction will be achieved by reviewing the top 20 high cost placements and seeking a 5% reduction in costs through analysis of care package support (through the CFC tool) and through targeted negotiations with care providers. As at January 2021, we have achieved £114k of this target but we anticipate we will meet the full target.</p>	£250K
3	CFS	Review Agency Spend & implement a new process for sign off for new agency staff	<p>Reviewing spend on agency staff will enable us to make savings/reduce overspend.</p> <p>Regular reporting and scrutiny through the Workforce Development Board for sign-off for new agency staff will enable the directorate to closely monitor the use of agency staff and related expenditure. This will also prevent new staff being employed without agreement over the staffing establishment, preventing overspend. The target cost reduction is on track to be delivered.</p>	£100K
4	CFS	Placement Management Business Support Improvement	<p>The cost reductions realised from the Leaving Care Welfare/ Benefits Officer post will achieve in the region of £130k-£230k, by increasing the number of young people claiming housing benefit post 18 from 50% to between 60%-70%. As at January 2021, we have over-achieved this target, and delivered £204k.</p>	£150K
5	Ed	Developing in-borough SEND provision	<p>The Council currently spends a significant amount on independent special schools. There is an ongoing plan to develop further in-borough provision. The plans are still being developed and likely savings/ cost avoidance are being worked up; the timescales for the delivery of these savings is unlikely to be achieved in 2021-22 and is more achievable over the medium term.</p>	-

6	Ed	Reviewing SEND Transport eligibility	Reviewing the way transport agreements are made for children and young people with special educational needs against our legal duties. This will include benchmarking against local authorities to understand how our offer compares to others. Again the timescales for the delivery of these savings are unlikely to be achieved in 2021-22 and identified as the SEND service is reviewed.	-
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9.16 Measures to control spend

9.16.1 The Directorate has forecast a £100k reduction in spend thus far as a result of the implementation of non-essential spend control measures. We will update Cabinet on further progress in forthcoming OFPs. The directorate is also looking to achieve reductions in agency spend by converting agency staff into permanent staff in budgeted posts. In Children and Families, the service has recruited five agency staff last month onto permanent contracts, and has an ongoing rolling advert as one of the strategies to reduce the level of agency assignments.

10.0 Adults, Health & Integration (AH&I)

10.1 Summary Position

10.1.1 The AH&I directorate is forecasting an overspend of £4.061m after the application of reserves. This compares to a 2020/21 outturn position of £8.6m overspend (this included £6.5m of which was attributed to Covid-19 expenditure).

10.2 Cyberattack

10.2.1 The cyberattack continues to have a significant impact on a number of key systems across the local authority. There is a clear project plan to restore the social care system as well as an interim system that has been developed by ICT. The service is working with ICT, finance and performance to ensure that we restore the system and take opportunities to build back better.

10.2.2 For Adult Social Care the significant area of financial risk is in relation to monitoring and capturing the cost of any additional demand for care, as the social care system (Mosaic) which holds and records this information remains inaccessible. Mitigation plans continue to be developed in collaboration with ICT colleagues which includes the development of an interim finance solution to capture additional demand and changes to existing care provision, until we have fully restored and recovered the social care system. A key issue to highlight is that these mitigating actions will require extensive reconciliations once the data is restored.

10.2.3 In addition, the service is currently unable to complete financial assessments for new service users, resulting in a significant loss of care-charging income. We have worked in collaboration with ICT to develop a tool so we can re-commence care charging assessments from 1 February 2022. The impact from the cyberattack for this financial year relates to additional staffing deployed within the service (£247k estimated for the full year) and loss of care charges income as a result of not being able to undertake financial assessments (£943k estimated to the end of Jan-22). This

estimate will continue to increase whilst the ability to undertake assessments remains unavailable.

10.2.4 There are no significant financial management risks within Public Health as a result of the cyberattack.

10.3 Covid-19

10.3.1 Covid-19 presents a significant financial risk to the Adults, Health & Integration forecast for 2021-22 with the costs resulting from actions undertaken to limit the spread of infection. In recognition of this risk, the local authority has provided corporate growth of £3m to offset increased costs attributed to Covid-19 within Adult Social Care. However, the reduction of NHS funding to 6 weeks in 2021/22 for hospital discharge care packages has led to a £3.2m reduction in Covid-19 funding this year. The estimated net cost of the pandemic for the directorate above the level of corporate and grant funding received is a net cost of £1.2m this financial year.

10.4 Adults

10.4.1 The January 2022 revenue forecast for Adult Social Care is £100.9m against a net budget of £97.1m, resulting in a £3.8m overspend (3.9%). Covid-19 related expenditure accounts for £1.15m of the reported budget overspend.

10.4.2 The overall position for Adult Social Care last year was an overspend of £6.9m (this included £5.1m attributed to the Covid-19 pandemic). The revenue forecast includes significant levels of non-recurrent funding including iBCF (£2m), Social Care Support Grant (£6.3m), and Independent Living Fund (£0.7m).

10.4.3 In 2019/20, a Social Care Grant was announced for both children's and adult social care, and at that time, the funding split between the services was to be agreed locally, and so we opted to split the funding equally between both services. This has increased incrementally year on year and in this financial year totalled £1.71bn nationally, with the Council receiving a total of £12.6m. Children's Services and Adult Social Care have each been allocated £6.3m, and this has been fully factored into the forecast this financial year. It is clear that this is not a sustainable way to fund demand pressures in social care services, and we have continued to lobby Central Government for a long term funding solution.

10.4.4 The Government recently presented its long overdue white paper (People at the Heart of Care: Adult Social Care reform). The paper describes the key investment priorities for social care. The investment is being funded from the new Health and Social Care Levy. It details the priorities following the settlement announcements of £5.4 billion over three years solely for adult social care reform:

- * £3.6 billion to pay for the cap on care costs and the extension to means testing (£2.2bn),
- * Supporting progress towards local authorities paying a fair cost of care (£1.4bn), which together aim to remove unpredictable care costs;
- * and £1.7 billion to improve social care in England, including at least £500 million investment in the social care workforce.

10.4.5 The government's vision for 10 year reform of adult social care focuses on 3 key objectives:

- (1) how to support people to have choice, control and independence;
- (2) how to provide an outstanding quality of care; and
- (3) how to ensure that care is provided in a way that is fair and accessible to everyone who needs it.

10.4.6 We will continue to work through the announcements to establish the impact of this additional funding for Hackney and its residents.

10.4.7 In this financial year, Adult Social Care received £1.947m of Infection Control and Rapid Testing Funding for care homes to fight Covid-19. The Council has received a further £351k funding from the Omicron Support Fund. Our role in this is primarily one of passporting the funding and so the allocation we received cannot be viewed as further assistance to mitigate the financial pressures we are under. The council has also been allocated £2.707m from round 1 and 2 of the Workforce Recruitment and Retention Fund for adult social care to: - support providers to maintain the provision of safe care and bolstering capacity within providers to deliver more hours of care; support timely and safe discharge from hospital to where ongoing care and support is needed; support providers to prevent admission to hospital; enable timely new care provision in the community and support; and boost retention of staff within social care.

10.5 Care Support Commissioning (external commissioned packages of care)

10.5.1 Care Support Commissioning is the main element of the overspend in Adult Social Care, with a £4.8m pressure. The cyberattack continues to impact on the ability to forecast the expenditure accurately in this area since a number of manual processes require additional reconciliation. Again, this poses a risk to the forecast that new service users are not included in these manual processes, and understates the budget pressures in the service area. Finance is working closely with the service to ensure that manual processes seek to capture all new clients, and any changes to care package provision.

10.5.2 The current forecast includes only existing service users and does not include any potential costs arising from additional demand above estimated initial demographic growth assumptions. Year-on-year, the forecast increases by approximately 10% which represents an additional cost in the region of £5m and this is factored into the forecast as it materialises. The service will need to have a really robust panel process to enable closer financial scrutiny and oversight to reduce costs of care packages. It is expected alongside this, the additional work required from the manual processes will result in greater volatility in the forecast over the coming months than would normally be expected.

Service type	2021/22 Budget	Jan 2022 Forecast	Full Year Variance to budget	Variance from previous period
Learning Disabilities	18,002	20,155	2,153	120
Physical and Sensory	16,712	18,098	1,387	265
Memory, Cognition and Mental Health ASC (OP)	8,592	9,647	1,054	231
Occupational Therapy Equipment	740	752	13	14
Asylum Seekers Support	170	338	168	(22)
Total	44,216	48,990	4,775	608

10.6 Physical & Sensory Support

10.6.1 The Service is forecasting an overspend of £1.39m (£1.12m in Dec-21). The gross forecast spend on care packages in Physical Support for 2021/22 is £25.7m (£25.5m in Dec-21) and in Sensory Support is £0.90m (£0.92m in Dec-21). Forecasts continue to be updated based on continuous reviews of care package costs, particularly in nursing homes and the cost of home care. The forecast includes £350k of iBCF funding, £1.0m of social care grant and £1.42m of reserve funding towards the increased level of care packages in 21/22.

10.7 Memory, Cognition and Mental Health ASC (OP)

10.7.1 The Service is forecasting an overspend of £1.05m (£0.82m in Dec-21). The gross forecast spend on care packages for 2021/22 is £12.2m (£12.3m in Dec-21). The forecast includes £350k of iBCF funding, £650k of social care grant and £100k of reserve funding towards care package costs in 201/22.

10.8 The Learning Disabilities (LD) service

10.8.1 The Service is forecasting an overspend of £2.15m (£2.03m in Dec-21). There continues to be pressures driven by the increasing complexity of care needs for new and existing clients coupled with inflationary pressures requested by care providers. The gross forecast spend on care packages in Learning Disabilities for 2021/22 is £34.8m (£34.6m in Dec-21).

10.8.2 The LD forecast also includes significant non-recurrent funding from the iBCF (£1.0m) and Social Care Grant (£4.66m). In addition, a contribution from the CCG of £3.0m (£3.0m in Dec-21) for jointly funded care packages for service users has been factored into the forecast. This is building on the work completed across previous years to agree joint funding for complex health and social care packages within the service.

10.9 The Mental Health service

10.9.1 The Service is provided in partnership with the East London Foundation Trust (ELFT), and is forecasting an overspend of £1.32m (£1.32m in Dec-21). The overall position is largely attributed to an overspend on externally commissioned care services, and as part of the cost reduction plans, Adult Services and the ELFT will

work closely to forensically review care packages within the service to seek a reduction of at least £350k this financial year.

10.10 Provided Services

10.10.1 The Service is forecasting an overspend of £0.14m (£0.39m in Dec-21). Within this position are two contrasting positions:

- Housing with Care (HwC) has an overspend of £0.87m (£1.03m in Nov-21), of which the majority is in relation to the significant cost of additional agency staff employed to cover for staff who are absent or unable to carry out full duties due to Covid-19. As a result of the occupational health risk assessment outcome (high or critical risk) completed as part of the council's vulnerability assessment procedure, a number of HwC staff who have underlying health conditions can only perform limited tasks hence the reliance on agency staff needed to complete the required duties. The forecast includes funding made available from the Infection Control Fund and the Workforce Recruitment and Retention Fund. The savings target of £500k for efficiencies across the Housing with Care schemes is not forecast to be achieved within this financial year and will be delivered through contract efficiencies within commissioned services. There are a number of void properties within Housing with Care schemes where property rental continues to be paid whilst the flats remain vacant. This cost pressure is reflected within care support commissioning budgets and will form part of the short term review of the service to deliver efficiencies.
- Day Care Services are projected to underspend by £0.73m (£0.70m in Nov-21). The Oswald Street day centre re-opened in October 2020 but is still currently supporting a reduced number of service users due to Covid-19 restrictions. Consequently, staff vacancies are forecast to remain vacant across the remainder of the financial year.

10.11 ASC Commissioning

10.11.1 The Service is forecasting a £1.05m underspend (£0.85m in Dec-21) and this includes significant levels of one-off funding of £1.1m in 2021/22 supporting activity within commissioning. This includes increased capacity in the Project Management Office (PMO), ASC Commissioning, and the Direct Payments Teams.

10.11.2 Disabled Facilities Grant funding has been applied to the Telecare contract. The service has renegotiated some Housing Related Support contracts which has resulted in efficiency savings of approximately £0.5m in 21/22, and this has largely offset the underachievement of Housing with Care savings on a non-recurrent basis this financial year.

10.12 Preventative Services

10.12.1 Preventative services is forecasting an underspend of £1.46m and is primarily attributable to the interim bed facility at Leander Court (£0.7m) and Substance Misuse (£0.3m) linked to lower than expected demand for rehab placements. In addition the Carers services reflect an underspend of £0.22m due to a significant reduction in carers assessment activity linked to the Covid-19 pandemic.

10.13 Care Management and Adult Divisional Support

10.13.1 The Service is forecasting an overspend of £0.08m (£0.17m in Dec-21) and this is driven primarily by increased staffing costs within the Integrated Learning Disabilities team (£0.19m) and staffing pressure within the Long Term Team (£0.14m) which is partly offset by underspends in other areas of the service

10.14 Public Health

10.14.1 Public Health is forecasting a breakeven position, this includes the delivery of planned savings of £217k.

10.14.2 The Public Health (PH) grant increased by approximately £1m in 2021/22, although £775k of the total increase relates to the funding allocated for PrEP related activity, as this was previously funded via a separate grant in 2020/21 (£344k). The 2021/22 grant will continue to be subject to conditions, including a ring-fence requiring local authorities to use the grant exclusively for public health activity which may include public health challenges arising directly or indirectly from Covid-19.

10.14.3 The Covid-19 pandemic has seen a significant increase in Public Health activity, specifically around helping to contain the Covid-19 outbreak in the local area. This has been achieved alongside continuing to ensure demand-led services such as sexual health are monitored.

10.14.4 As previously advised Hackney was allocated £3.1m of the total £300m announced by the Government to support Local Authorities in 2020/21 to develop and action their plans to reduce the spread of the virus in their local area as part of the launch of the wider NHS Test and Trace Service. Last financial year, £1.5m was spent, with a further planned commitment this year of £1.6m. This funding continues to support the development and implementation of tailored local Covid-19 outbreak plans, with all decisions on how the funding is allocated being approved by the Health Protection Board chaired by the Director of Public Health. The £1.6m for this financial year is reflected as a net nil position in the forecast as it is offset by the income we received the previous year. In addition to the Test and Trace funding, the Local authority has also been allocated £2.8m in 2021/22 from the Contain Outbreak Management fund (COMF) to help support public health activities to tackle Covid-19. Plans have been developed with the service to ensure that these funds are committed in line with the grant criteria.

10.14.5 The Hackney Mortuary service is forecast to overspend by £251k, of which £67k relates to the balance remaining from Hackney's Wave 2 mortality management contribution. The position has moved adversely by £80k this month, primarily driven by an increase in Hackney's contribution towards Coroners cost. As highlighted previously Mortuary costs increased significantly last year during Covid-19 with the response to the pandemic plan requiring the Mortality Management Group to activate the Dedicated Disaster Mortuary (DDM) plans for London. Additional capacity was required rapidly to ensure that the demand from the initial wave could be met, and subsequently to meet increased demand for the second wave. We have received a reimbursement of £343k as a result of the pan-London provision being lower than the anticipated, with the remaining balance of £67k now being the cost for this financial year.

10.15 Vacancy Rate and 2021/22 Savings

10.15.1 A vacancy rate savings target of £864k has been set for Adult Social Care in 2021-22. This saving is a challenging target for a service with a significant number of front-line staff. At this stage in the financial year, it is forecast that it will be achieved. Progress against the target will be carefully monitored and tracked by the AH&I Senior Management Team and this will continue to be monitored closely and reported with each OFP report.

10.15.2 The directorate has outlined a series of actions that will aim to achieve the vacancy rate savings in 2021-22. Actions include identifying specific vacant posts and holding them vacant, identifying all staff who are below the top of their salary grade or part-time in full-time posts, waiting to recruit to any vacant posts, except where there are multiple vacancies within teams (i.e. due to long term sickness) or particular Covid-19 or cyberattck related pressures, continuing to seek external funding sources - e.g. through partnership working, monitoring agency spend closely and ensuring those staff take the annual leave they have accrued, as well as identifying any non-essential budgets that can be held for the year. However, there are long term risks to the sustainability of this approach, and the directorate approach will need to be reviewed to take into account where the vacancy factor is being met by non-recurrent savings.

10.15.3 A review of actual spend on salaries reflects that £800k has been achieved against this target to date. This shows progress against the annual target of £864k so far - consequently the full year forecast is shown as on track at this stage in the year and will continue to be monitored closely by the AH&I Senior Management Team.

10.16 Cost Reduction Proposals

10.16.1 The service has also developed various proposals for cost reductions. The table below outlines the key proposals for cost reductions which have been endorsed across Adult Services in 2021-22. The cost reduction proposals are monitored on a monthly basis highlighting delivery against these indicative targets. Detailed plans continue to be developed for these proposals, and these will be part of monthly discussions at AH&I SMT. It is essential that the service delivers against these plans, and these are then factored into the overall forecast when they are achieved. In addition to the initiatives listed in the table below, the department has reduced costs in other areas:

- (a) From April 2021, the Direct Payments team has implemented more robust monitoring of accounts, which has led to recovery of £257k to date from unused balances on service user accounts. It is expected that recovery of funds will continue at a similar rate throughout the financial year, resulting in further cost reductions.
- (b) The Occupational Therapy team is delivering a Better Care project between April 2021 - Oct 2021, aiming to reduce the number of residents receiving double-handed care, through implementing new and innovative moving and handling equipment and techniques. To date, this has resulted in cost reductions of £300k.

	Initiative / Area	Description	Initial Indicative
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			Target
1	Operations: Implementation of an overall panel process	<p>Bringing together multiple panel processes into one process, enabling closer financial oversight and strategic oversight across all operational services.</p> <p>The £250K indicative target is based on the avoidance of approximately 3-4 placements, through the introduction of the new panel process to reduce the number of longer term placements. Alternatives to residential care placements are being explored thoroughly along with the use of assistive technology to reduce care package costs. The process also means that the importance of 6 week reviews to step down packages is being highlighted. At the end of January-21, more than £215k of costs had been avoided by the use of robust challenge.</p>	£250K
2	Provided Services: Review of operational staffing issues	<p>Reviewing operational staffing issues across Housing with Care will enable us to ensure that we are getting the most from our workforce. 15 staff who were originally assessed as being unable to carry out face to face work due to Covid-19 vulnerability have been referred to occupational health as temporary cover arrangements are unsustainable from an operational and financial perspective. As of Jan-22, of these 15 staff, 5 are currently on sick leave and 3 on limited duties. 3 have now been assessed as able to return to work on full duties. In addition there were 32 Covid-19 absences across Housing with Care.</p> <p>If 50% of the staff on limited duties were to return to full duties from 1st February, it is estimated that this would reduce the staffing forecast by £59k to the end of the financial year.</p>	TBC
3	Adult Services: Review Agency Spend & implement a new process for sign off for new agency staff	<p>Reviewing spend on agency staff will enable us to make savings/reduce overspend. This includes a review of every agency member of staff with managers and checking that no agency staff are working more than 36 hours per week and that they are all regularly taking annual leave.</p> <p>A new process for sign-off for new agency staff will enable the directorate to closely monitor the use of agency staff and related expenditure. This will also prevent new staff being employed without agreement over the budgeted staffing establishment. Detailed analysis of all agency workers against establishment reports from ITrent and finance have been carried out and a number of queries being resolved. All over establishment posts are being scrutinised along with any posts that have been covered with agency staff for more than 12 months.</p>	£100K
4	Mental Health Budget - reduce overspend	<p>Working with ELFT to bring expenditure back in line with the budget. This will be delivered through the joint working group meetings with ELFT. Measures include:</p> <ul style="list-style-type: none"> • A more robust panel process in line with the ASC panel process has been implemented and reductions to a number of packages have already been made, amounting to £168k costs avoided to date. This figure will increase over the coming weeks. A further £52k of costs have been reallocated to the correct primary support reasons. • The use of the Care Cubed tool to assess the cost of care has begun, targeting the highest cost care packages as well as being used to review all existing care packages. All packages will have been reviewed in the next 12 months using Care Cubed. Packages that can be stepped down are being transferred to a new, more cost effective provision in Borough. • A review of the use of blitz cleaning, storage facilities and kennelling is also being undertaken and some savings will be achieved. <p>Commissioners are now working on re-introducing a framework to reduce the reliance on spot purchase and are also reviewing the HRS block contract to ensure efficiency.</p>	£350K

10.17 Measures to control spend

10.17.1 The Directorate has forecast a £80k reduction in spend thus far as a result of the implementation of non-essential spend control measures We will update Cabinet on further progress in forthcoming OFPs.

10.17.2 All Directors are reviewing all agency assignments - including how long in post, hours worked and if they have taken leave etc along with cross referencing of vacancies showing on ITrent and the finance report. This will highlight any over established posts to allow tracking and evidence funding sources for these posts such as those agreed as additional capacity in hospital teams/brokerage. The reduction of 1 in 5 may not be possible for all services, however the directorate is pulling together an approach which demonstrates its commitment to reducing agency spend. This includes a systematic review and challenge process for all agency staff. All agency staff in post for more than 12 months are being tracked and reviewed. For example a number of these posts are additional staff brought in to support the hospital discharge service and brokerage to increase capacity during Covid-19 and to facilitate 7 day working in the hospital. In addition, Directors will consider not appointing to vacant posts (permanent or agency) and not extending existing agency staff.

10.17.3 Business cases are being produced for recruitment to permanent vacancies, and these are shared with the Director and Group Director for sign-off. There are difficulties recruiting agency social work staff which means there are vacant posts being carried for longer periods of time.

11.0 NEIGHBOURHOODS & HOUSING DIRECTORATE

11.1 Summary Position

11.1.1 The directorate is forecasting an overspend of £2.9m of which £2m is due to the impact of Covid. This is an adverse movement of £106K on the December position.

11.2 Cyberattack Narrative

11.2.1 Planning Services are forecasting an estimated £260K loss of land charges income due to the continuing impact of the cyberattack on the land charges service.

11.3 Covid Narrative

11.3.1 Parks and Green Spaces have a projected Covid-19 impact of £62k, £32k of this is due to the loss of income. This primarily relates to the Events Team as there are very few bookings this year as activity is not expected to return to pre 2020/21 levels for some time yet. There is also a £30k Covid-19 forecast relating to legal fees and other expenses, but underspends on other budgets across the service area are being held to mitigate these costs.

11.3.2 Community Safety, Enforcement & Business Regulation are forecasting a spend relating to Covid-19 of £667K, the majority of the spend is in the Civil Protection team; £40K of the spend is in Enforcement. The areas of Covid-19 expenditure are staff costs including training, uniforms, overtime and four additional staff covering Covid-19 tasks; security for infrastructure and testing sites; PPE expenditure;

temporary mortuary expenses; premises costs arising from setting up, folding down, repairs and cleaning of testing sites and the hire of vehicles.

- 11.3.4 Environmental Operations has a projected overspend of £792k relating to the impact of Covid-19. There is an estimated loss of £492k on Commercial Waste income, and £270k for use of agency staff to cover sickness/self-isolation absence now being forecast up to the end of Mar 2022 due to the Omicron variant. Whilst staff absences relating to Covid-19 are still low, there was a spike over the Christmas period into January, similar to 2021, however, this has not really been as severe as first thought so the forecast has been reduced. Additional vehicle cleansing still remains an essential protocol for a Covid-19 safe working environment and we are forecasting this additional spend up to the end of the financial year due to the additional measures announced by the Government to respond to the Omicron variant. There is also a forecast spend of £30k on additional PPE and other materials. The service has adopted a prudent approach to potential spend arising from the pandemic and for the forecast loss of income and will maintain close monitoring on costs and income as the year progresses.
- 11.3.5 Markets and Shop Front Trading is showing an estimated Covid-19 impact of £230k made up of £61k income shortfall and £169k additional expenditure on security measures and staffing to ensure Covid-19 safe trading. This is based on the assumption that there will be no further lockdowns.
- 11.3.6 Streetscene is forecasting a shortfall of £250K in Highways licence income which is a result of slower than expected recovery of development activity due to the impact of Covid-19. The service is containing this shortfall as far as possible within its overall cash limit by holding underspends against other budgets.

11.4 Directorate Management

- 11.4.1 Directorate Management is forecasting a £17k underspend, which is no change on the December return.

11.5 Planning Services

- 11.5.1 Planning Services is forecasting an overspend of £1,121K, after the use of £603K reserves. £103K of reserve usage is to part-fund work on area-based plans and £500K to part-fund the underlying overspend in the service. This is an increase of £38K on the overspend position reported in December, there is £341k reduction in income mainly as a result of the revised income forecast for Land Charges, Planning Fees, s106 Admin, and CIL admin. The previously reported cost of Direct Action enforcement has been removed as it will be funded from income (POCA) received in future years when fines are paid. There is a £260k variance in Land Charges income as a direct result of the cyberattack where only a partial service will be provided until the summer of 2022.
- 11.5.2 The underlying overspend in Planning Services is primarily related to Planning Application fees and Building Control fees income, which has seen a steady decline over the past year. The service has achieved the vacancy factor savings of £150K, but this reduction in resources will impact on the resource to process planning applications and is leading to pressures on existing staff.

- 11.5.3 The shortfall in planning application fee income, within the underlying overspend, is linked to a decline in the number of very large major applications being received rather than a significant fall in overall planning application numbers for the past 2 - 3 years. This has further resulted in a reduction in the CIL and s106 income due to delays of schemes starting construction. There has been an increase in Planning Performance Agreement income which is now meeting its budgeted income levels, and additional charges have been introduced for commercial planning enquiries. In addition, there has been a recent promotion of the building control services.
- 11.5.4 Despite a 20% uplift in planning fees 3 years ago, the income has consistently fluctuated between £1.5-1.7m over the past 3 years and a further decline to £1.3m has been seen during this year. With a budget of £2.2m and a plateau in the housing market, this level of income is unachievable. The income target for minor applications of £1.2m is now forecast not to be achieved, and the cost of determination of minor applications is more than the fee received as Local Authorities have not yet been afforded the option by the Government of setting their own fees. In practice, major applications help subsidise minor applications therefore the shortfall in new major applications will also detrimentally affect this cross-subsidy.
- 11.5.5 The Head of Planning has worked with finance to undertake a review of the service to address the cost pressures in the service. The review is now complete and the report recommendations bringing the Planning budget into balance over the medium term are being implemented. This includes an allocation from reserves to mitigate part of the overspend as agreed with the Section 151 Officer.

11.6 Environmental Operations

- 11.6.1 Environmental Operations is showing a forecast overspend of £945K which is primarily due to the impact of the Pandemic. This is an adverse movement of £40K on the December position. The underlying position has worsened due to an increase in the fuel forecast based on current trends and prices; there is a £153k underlying variance, which is primarily related to vehicle repairs and maintenance and rising fuel costs. The Covid-19 impact on the service is currently forecast at £792k, a decrease of £85k from the December 2021 position as set out above. This decrease is mainly due to forecasting the use of additional staff up to the year-end to cover covid related absences that had started to rise in December and January due to the Omicron variant but have tailed off significantly in part due to change in government rules on isolation.

11.7 Waste Strategy

- 11.7.1 Waste Strategy is expected to break even as any underspend within the service will be applied to any ongoing or new recycling initiatives and to support the fortnightly refuse and recycling collection service change which will reduce the call on reserves to deliver the project.

11.8 Markets and Shop Front Trading

- 11.8.1 Markets and Shop Front Trading is showing an overspend of £282k, a minimal increase from December's position. Additional staffing costs and a shortfall in income collection driven by Covid-19 account for £230k of this. The service is managing this overspend in particular staffing levels, which will be monitored closely as the year

progresses. The other area of overspend is the non-delivery of the £30k vacancy factor saving which the Director Sustainability and Public Realm has decided will be delivered by Parking Services.

11.9 Leisure, Parks & Green Spaces

11.9.1 Other than the impact of Covid-19 relating to loss of income and legal costs (£62k) which are detailed above, Leisure, Parks & Green Spaces continue to forecast a £9k overspend, showing no in month change.

11.10 Streetscene

11.10.1 Streetscene is forecasting an underspend of £74k; there is no material movement from the previous month's forecast. There are two key risks that need to be managed, both relating to income. The recharge to capital income is dependent on Transport for London (TfL) funding. Whilst the current allocation to date is less than in previous years it has not had a significant impact on the budget as vacancies are being held in mitigation. The Head of Streetscene maintains a watching brief on the position to ensure that the service is able to react swiftly to funding announcements thereby ensuring maximisation of available funding. The Network team income collection is the other risk area and the forecast has been reduced as the service is being prudent on income projections because the income from highways licences has not yet recovered to pre-pandemic levels. Income will be closely monitored throughout the year and reflected in future forecasts. The Service will continue to hold underspends across other budgets to mitigate this budget pressure.

11.11 Housing GF

11.1.1 Within Housing GF there is a slight underspend currently forecast relating to staff savings within the Travellers cost centre.

11.12 Community Safety Enforcement and Business Regulation

11.12.1 Community Safety Enforcement and Business Regulation are forecasting an overspend of £659K, an increase of £24K from the December position. The main overspend is within Civil Protection for Covid-19 related costs, an overspend of £627K, and Enforcement overtime of £40K. The cost of Covid-19 may decrease further if additional grants are applied directly to the service. The other cost pressures within the service as reported in previous OFP reports continue and the Head of Service is working with finance to resolve these pressures namely, the non-achievement of Proceeds of Crime (POCA) income, £90K and the cost of software licences, £36K. The service will continue to review the forecast expenditure and income that will mitigate the overspend.

11.13 2021-22 Vacancy Rates and Savings

11.13.1 The Directorate is forecasting a full achievement of the directorate savings plan of £1.4m and full achievement of the vacancy factor saving, though there remains a risk relating to this saving, especially with the impact of the Omicron variant on sickness and self-isolation absences, though in the light of recent Government announcement this risk is reducing. In respect of the vacancy factor saving in Environmental Operations, £119K of the savings target has been delivered through staffing savings, however, it has not been possible to deliver the remaining £435K from staffing

budgets. The delivery of the remainder of the savings will be made through underspends against other budget lines.

11.14 Cost reduction Proposals

11.14.1 The table below outlines the key proposals for cost reductions of £160k from the non essential spend review which have been forecast across Neighbourhoods and Housing Directorate in 2021-22.

Service Area	Team	Description	2021/22 Target
			£
Directorate Management	Directors Team	Forecasting a net reduction across all controllable budgets.	17
Leisure & Green Spaces	Various	Forecasting a net reduction in supplies & services (including transport costs).	66
Community Safety, Enforcement & Business Regulation	Various	Forecasting a net reduction in supplies and services	13
Streetscene	Various	Forecasting a net reduction in staffing due to leavers. This is one off for this financial year and going forward staff will need to be recruited.	64
			160

11.14.2 The reporting against these cost reduction proposals will be monitored through the monthly finance report highlighting delivery against these indicative targets. It is essential that the service delivers against these plans as this has been factored into the overall forecast for the directorate. It is important to emphasise that managers will continue to identify opportunities for cost reductions to mitigate the directorate overspend.

12.0 FINANCE & CORPORATE RESOURCES

12.1 Summary

12.1.1 F&R is forecasting an overspend of £6.228m. Of this, £4.26m is due to the impact of the cyberattack and £1.28m is due to Covid. The overspend is virtually unchanged from the previous month.

12.2 Cyberattack

12.2.1 The total net cost of the Cyberattack is currently estimated at £4.26m. In Revenues and Benefits and Housing Needs we are forecasting £650k and £175k respectively for the cost of resources required to restore lost data and clear the backlog incurred whilst the systems were out of action. ICT are currently reporting £3.34m of costs relating to restoring or rebuilding systems and an additional resource in finance has also been allocated to the cyberattack costing £100k.

12.3 Covid Narrative

12.3.1 The total net cost of Covid is estimated at £1.276m in additional costs and lost income after taking into account what can be covered with existing budgets, government grants and earmarked reserves. The main service areas affected are Commercial Property (rental income) and Revenues, Benefits and Housing Needs

(increase in demand). £241k covid expenditure in ICT relates to agency/transport costs for the working from home project and sickness cover.

12.4 Financial Management & Control

12.4.1 Financial Management is currently forecast to budget with the exception of Cyberattack related costs of £100k. This is for a Project Accountant to assist with tracking and monitoring the Cyberattack spend as well as reviewing all business cases for additional spend on the recovery. The 3.5% vacancy savings has been agreed and will be closely monitored.

12.5 Education Partnerships

12.5.1 The current budget for Education Partnerships is £308k which we anticipate will be fully utilised by the end of the financial year. There is a current forecast overspend of £35k revenue expenses at Britannia. The variance is as a result of covid related costs from Morgan Sindall that were paid this month. The variance will be resourced from reserves. In addition, the vacancy saving of £6k is being closely monitored and expected to be achieved.

12.6 Property Services

12.6.1 Overall, Property Services are forecasting an overspend of £1.1m after reserves and provisions, which includes £0.9m of lost rental income due to Covid-19. The overspend results from firstly, the significant increase in the portfolio of properties managed by this service over a period of several years which has necessitated additional staff resources, which in turn has led to an increase in agency and consultancy staff. A new structure has been developed which will address the shortfalls in resources within the service and reduce the use of unbudgeted consultants and agency staff. Secondly, there is an overspend on Commercial Property of £2.7m which includes Covid related costs of £0.9m (lost rental income) and unbudgeted security and maintenance costs of £1.2m. Additionally, there is also an overspend of £120k on Education Properties resulting from security costs on vacant sites.

12.6.2 The adverse movement of £165k from last month is mainly due to the revision of the BAM Construction and Consultancy forecast. The movement is also due to increase in security cost aka "fire watch" from the supplier CIS Security Ltd. filling a security need to monitor the Stoke Newington Municipal Offices and Northgate Building until the situation with the faulty fire alarm systems can be rectified.

12.7 Revenues and Benefits

12.7.1 Revenue and Benefits are forecasting an overspend of £0.65m after reserves usage. This is a favourable movement of £150k on December's forecast.

12.7.2 Revenues is currently reporting an overspend of £350k, which is a reduction of £150k on December's forecast. The overspend relates to:

- £300k staffing costs in Customer Services Contact Centre who are working on the increase in the level of customer calls relating to council tax. This is a reduction of £50k on December's forecast and is a result of a change in the requirements in the Customer Services Contact Centre.

- £50k forecast relating to Cyberattack recovery, which is expected to commence in March 2022. This is a favourable movement of £100k on December's forecast as Cyberattack recovery moves closer to 22/23 financial year. The Business Case is for a 6 month period, with costs approved up to £1m. The majority of costs are expected to be incurred in 2022/23.

12.7.3 The service is currently forecasting £1m lost income in court costs as a result of Covid and the Cyberattack, which has significantly reduced legal action across the service. The expectation remains that legal action will not re-commence until into the new financial year. The cost can be partially absorbed within the budget and any additional loss will be offset by revenue grants unapplied from previous years.

12.7.4 Benefits is currently reporting an overspend of £300k which is no change on the previous month. The overspend relates to:

- £300k forecast relating to Cyberattack recovery (7,000 cases of under/overpayment) and working on the backlog of claims.

12.7.5 Revenues and Benefits Customer Services have recently undergone a restructure to consolidate the Corporate and Housing Contact Centres, in order to increase frontline staff and reduce the need for agency staff. The restructure remains in the transition period, and as a result there is an ongoing requirement for agency staff. The forecast overspend is £250k which is an increase of £50k on December's forecast.

12.8 Housing Needs General Fund

12.8.1 Housing Needs is currently forecasting an overspend of £175k for 2021/22, after the allocation of grant income and reserves. There has been no movement from the previous month's forecast. The 3.5% vacancy factor savings represents £244k for this function and is being achieved.

12.8.2 Covid related costs for housing needs are currently estimated at £3.4m for 21/22. This cost and its mitigations within the forecast are as follows.

- £2m relates to the ongoing support provided for rough sleepers, following the 'everyone in' programme which commenced as a result of the pandemic. Specific funding has now been identified for £0.8m. Homelessness grants held in reserves from previous years will be used to cover the remaining costs if no further government funding is forthcoming. The programme will finish at the end of the financial year, as residents are currently transitioning into more suitable, permanent accommodation.
- £850k relates to an expected increase in demand. Grant income received in 2021/22 that is in excess of the budgeted amount is expected to meet this cost.
- £760k relates to an anticipated reduction in rental income.

12.8.3 The £175k forecast overspend relates to additional agency staff required to work on the housing register as part of the cyberattack recovery, associated costs are also expected to be incurred in 22/23.

12.8.4 Progress on the recovery of the systems that Housing Needs uses continues. In the last few weeks the planned interim system (IFS) arrangements have been implemented to replace Universal Housing. This has begun to improve visibility of rental income profiles. Further work is being undertaken over the coming weeks to refine this information within the finance forecasts.

12.9 Registration Services

12.9.1 Registration Services is currently forecast to budget.

12.10 Facilities Management

12.10.1 Facilities Management are currently forecasting an overspend of £75k, which is predominantly due to increased security costs as a result of the LLW. Generally it is difficult to absorb these costs within the existing cash limits, as the security budget makes up a significant proportion of this. This pressure is being addressed in next year's budget.

12.11 Audit & Anti-Fraud

12.11.1 Audit & Anti-Fraud are forecasting an underspend of £324k due to staff vacancies. There is going to be a restructure in the next financial year.

12.12 ICT

12.12.1 Overall, the ICT Division is forecasting to overspend by £4,033k after reserves of which £3.34m is related to the cyberattack.

12.12.2 ICT Corporate is currently forecasting an overspend of £3,503k after a drawdown from reserves and recharges identified for project work across the council. The net favourable change of £110k is mainly due to a combination of Cyberattack projects no longer forecast to happen and additional spend on existing projects. The remaining £62k decrease represents a combination of small changes across the functions within ICT. The revenue forecast cost for cyberattack recovery in 2021/22 is currently £3,337k and is a decrease of £110k on last month's forecast.

12.12.3 Financial Management Systems are forecasting to underspend by £23k

12.12.4 Hackney Education ICT is forecast to overspend by £553k which is an increase of £68k month on month and this is mainly attributable to redundancy costs. The expected income from Traded Services is approximately £500k for the year, this is £498k less than the original income budget of £1.028m. Other planned spend continues to be monitored and the Strategic Director, Customer & Workspace will meet with the Director of Education to discuss a way forward.

12.13 Procurement

12.13.1 The Central Procurement Service and the Energy Team are forecasting to budget with the exception of £100k for PPE cost. No additional stock has been purchased to date however, due to potential changes in Covid guidance and restrictions, a nominal amount has been included in the forecast. This will be reviewed as guidance changes.

12.14 Directorate Finance Team

12.14.1 The Directorate Finance Team is currently reporting a balanced budget.

12.15 Vacancy Rate and 2021/22 Savings

12.15.1 The vacancy target is £1.622m and it is forecast that £1.521m will be achieved. The underachievement of £0.101m is in Property and the directorate is looking at ways to deliver offsetting savings in other areas. All of the budgeted 2021-22 savings are forecast to be achieved.

12.16 Non Essential Spend

12.16.1 The non-essential spend controls implemented in September continue to be monitored and it is expected at this stage that the reduction in forecast will be achieved.

13.0 CHIEF EXECUTIVE

13.1 Summary

13.1.1 The Chief Executive Directorate services are forecast to underspend by £70k after the use of reserves.

13.2 Covid-19 Narrative

13.2.1 Engagement, Culture and Organisational Development are still being impacted by the effects of Covid-19 relating to income generation activity from running events. The Council has taken a local decision to maintain restrictions such as social distancing at venues resulting in an increased number of cancellations and refunds. The service is currently estimating a loss of income in the region of £338k. The impact of the Omicron variant and subsequent restrictions has been factored into the forecast. The income levels are being closely monitored.

13.2.2 Libraries & Heritage have little prospect of meeting their income targets where fines are currently suspended and there are no room bookings and minimal sales etc. It is hoped that income collection will gradually pick up in the coming months but this will be a slow process and is being reviewed on a monthly basis, currently, this is giving a £72k pressure/overspend within the service. The Library service continues to provide security staff on an ongoing basis, which has been reviewed and increased due to the increasing spread of the Omicron variant and the need to reinforce correct social distancing procedures within buildings, particularly if they are shared occupancy, which is resulting in an estimated £130k overspend across the service.

13.2.3 Inclusive Economy and Corporate Policy Covid-19 related expenditure of £819k is due to the self-isolation support framework forecast to cost £608k and support for clinically extremely vulnerable residents £97k, which are fully funded from a combination of government grants and health funding. There is a £114k Covid-19 cost relating to running of the elections which will be met from GLA and reserves.

13.3 Chief Executive Directorate Services

13.3.1 The Chief Executive Directorate services are forecast to underspend by £70k after the use of reserves. This is a marginal worsening of £3K from the December position.

13.4 Engagement, Culture and Organisational Development

13.4.1 Engagement, Culture and Organisational Development are forecasting an overspend of £195k after the use of reserves of £375k. There is no change from the previous month. The ongoing impact of Covid-19 accounts for £338k loss of income mentioned above, which is partially offset by a combination of additional income from internal bookings and holding vacancies (£154k). The other significant overspend area is Hackney Today, where there is a £194k loss of income generated from advertising and publishing statutory notices due to the court ruling to limit the publications of Hackney Today/Hackney Life being partially offset by reduction in agency and distribution costs. The remaining overspends are partially offset from the income generated by the design and film income teams.

13.5 Libraries & Heritage

13.5.1 Libraries & Heritage are forecasting a £90k overspend all of which can be attributed to the lasting effects of Covid-19 as detailed above. There continues to be a prudent approach in the service area - controllable budget forecasts have been scrutinised and challenged to absorb as much of this increase as possible and try to help mitigate the overspend.

13.6 Legal & Governance

13.6.1 Legal & Governance services are forecasting an underspend of £180k after usage of reserves of £218k. The service is forecasting a significant shortfall in external income targets from property, S106 income and capital recharges with activity reducing. This shortfall in income is being effectively managed through a combination of holding vacancies to reflect the reduction in activity and reducing external commissioned legal service, although an increase in case load could have an adverse impact on the current financial forecast. The approach to cost control adopted by the service has enabled it to mitigate the directorate overspend.

13.7 Inclusive Economy and Corporate Policy

13.7.1 Inclusive Economy and Corporate Policy are currently forecasting an underspend of £81k, no change from the December position. The forecast underspend is due to a combination of vacant posts, employees not on top of spinal points, and employees opting out of the pension scheme

13.8 Regeneration

13.8.1 Within Regeneration, there is a £94k underspend currently forecast after reserves usage. The majority of this underspend relates to savings within Private Sector Housing, which are offset somewhat by cost pressures in the Housing Strategy and Policy Team.

13.9 Vacancy Rate Savings and 2021/22 Savings

13.9.1 The vacancy target is £0.677m and it is forecast that this will be achieved. All of the budgeted savings are forecast to be achieved.

13.10 Cost Reduction Proposals

13.10.1 The table below outlines the key proposals for cost reductions which have been endorsed across the Chief Executives Directorate in 2021-22.

	Service	Team	Description	Indicative target
1	ECOD	Venues	Forecasting additional income from internal recharges for bookings combined with holding vacancies.	£118k
2	ECOD	Design Team	Forecasting above budgeted income. However, this mainly from internal recharge from across the council	£39k
3	ECOD	Film Location Management	Forecasting additional income from more filming in the borough. However, there is risk regarding sustainability as income levels fluctuates	£35k
4	ECOD	Hackney Today	Forecasting a reduction in agency and distribution cost as result of the court ruling	£28k
5	ECOD	Various	Forecasting a combination of holding vacancies and a net reduction in supplies and services (including transport cost).	£21k
6	Legal	Legal	Forecasting a combination of holding vacancies and reducing external commissioned legal service. However, an increase in case load would have an adverse impact on the current financial forecast.	£100k
7	Libraries and Heritage	Various	Forecasting a net reduction in supplies and services (including transport cost), but this is only sustainable as a short term one off commitment.	£65K

13.10.2 The reporting against these cost reduction proposals is being monitored through the monthly finance report highlighting delivery against these indicative targets. It is essential that the service delivers against these plans as this has been factored into the overall forecast for the directorate. These cost reduction measures are on track to deliver to target.

14.0 HOUSING REVENUE ACCOUNT (HRA)

14.1 The current HRA forecast, which is at budget, reflects the continuing impact of Covid, when the repairs that could be carried out were limited and there was a moratorium on eviction during the first quarter. As restrictions have gradually been lifted, the demand for repairs has increased and the volume of work may exceed the capacity of the DLO, therefore additional work will be allocated to contractors. During the pandemic there has been a significant increase in rent arrears, procedures have been introduced to escalate those cases and it is forecast the arrears will reduce by the end of the year.

- 14.2 Any resultant overspend in the HRA from Covid and the cyber attack will be funded from a reduction in RCCO. The current capital contracts have ended and are being re-procured, and so there is limited value of works remaining on the expired contracts, therefore less capital funding is required during the year. However, the works and the funding will be required in future years and factored into a revision of the HRA business plan.
- 14.3 More specifically, Dwelling Rent and Tenant Charges is forecast at £1.501m over budget due to a continued increase in voids due to the demolition of properties on regeneration estates and the delays in the re-letting of properties. The performance of voids and relets is being monitored however, the lack of IT system makes the process manual and takes longer.
- 14.4 The reduction in Non-dwelling Rent income is due to restricted and limited booking in Community Halls. Bookings and usage will be monitored during the year but it is unlikely to achieve the budget level of income.
- 14.5 The pressure on the leaseholder income for administration of major works (section 20) has been identified as a consequence of the reduction in capital works taking place. There are some capital works taking place which will result in leaseholder Major Works recharges, however this is estimated to be minimal in 2021/22.
- 14.6 The reduction in the Other Charges for Services and Facilities income is due to the Thames Water contract having ended early this year.
- 14.7 On the Expenditure side, The Housing Repairs Account is forecast to overspend due to restrictions during the first quarter and the increased demand as restrictions are lifted. In addition, there is an increasing number of legal disrepair cases that will require work. The Special Services variance of £462k is due to an increase in lift servicing and repairs, estate cleaning and an increase in utility costs. The increase in Bad and Doubtful debt is as a result of the increase in arrears potentially being written off during the year.
- 14.8 To off-set the variances, the RCCO has been reduced to forecast a balanced budget. This capital resource is not required in the year due to a reduced capital programme.

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<p>TITLE OF REPORT - LBH Britannia Update and Next Steps</p> <p>Key Decision No - FCR S039</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open with exempt appendix</p> <p>If exempt, the reason will be listed in the main body of this report.</p>
<p>WARD(S) AFFECTED</p> <p>Hoxton East & Shoreditch</p>	
<p>CABINET MEMBER</p> <p>Philip Glanville, Mayor of Hackney</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Spending</p>	
<p>GROUP DIRECTOR</p> <p>Ian Williams, Group Director Finance & Corporate Resources</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Our ambition for the Britannia project has always been to provide three things – a state-of-the-art new leisure centre, a brand new secondary school, and genuinely affordable Council homes for the local community – all delivered directly by the Council despite a decade of austerity and the continued absence of external funding.
- 1.2. Last summer the new Britannia Leisure Centre (BLC) opened its doors and saw nearly 400,000 visits in its first six months – a 160% increase on usage at the previous leisure centre before the pandemic. The City of London Academy Shoreditch Park (CoLASP) also moved to its brand new building at the end of June 2021, providing a dedicated sixth form centre, top-of-the-range science laboratories and high-quality music and theatre facilities for 1,100 local pupils.
- 1.3. Our focus now is building the 81 genuinely affordable new homes promised through the Britannia masterplan, the majority of which will be Council homes for social rent, alongside outright sale homes that will help fund both these and the wider community facilities already delivered.
- 1.4. This report sets out how we will deliver on this commitment after the government stalled our existing plans by refusing permission to repurpose land at Shoreditch Park Primary School (SPPS), despite a £7.1 million investment package being agreed with the school, including a brand new Early Years Centre, a multi-use games area, and an increase in the amount of play space.
- 1.5. By re-phasing the next stages of the Britannia masterplan and committing Council investment to provide new onsite Council homes for local people on the former BLC site, we're ensuring that the genuinely affordable homes are delivered first and increasing the number of Council social rent properties compared with previous plans.
- 1.6. These changes will see us deliver on all of our three core priorities in the Britannia project. While our existing planning permission would then give us the right to re-see permission to repurpose land at SPPS to deliver the outstanding outright sale homes previously proposed should we choose, this option would only be pursued in the longer-term through close collaboration with the school and with detailed consultation with the wider community.
- 1.7. This report continues our approach to open governance of the Britannia Project via Cabinet and I commend this report.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. This report sets out an update on the delivery of the Britannia Masterplan and in particular, the next steps to ensure the successful delivery of the second phase of the masterplan.
- 2.2. This follows on from the rejection of an application to the Secretary of State to dispose of land that is currently being used or has been used for playing fields (in line with Section 77 of the School Standards and Framework Act 1998).
- 2.3. The Council remains committed to delivering affordable housing as the first phase of the residential development, and to cross subsidise the substantial investment it has already made in the successful delivery of Phase 1 through the delivery of private for sale housing.
- 2.4. The financial implications of this revised delivery plan are set out in paragraph 7, and reflect a revised forecast Council Contribution of up to £64.961m to deliver the masterplan's objectives.

3. RECOMMENDATION(S)

That Cabinet is recommended to:

- 3.1. Approve the re-phasing of the Britannia Phase 2 Masterplan to deliver affordable housing on the Phase 2b site, and to reserve the right to deliver private for sale housing on the Phase 2a site as a final phase, subject to any necessary consents which are required to enable this.**
- 3.2. Approve a Council contribution of up to £64.961m to deliver the re-phased Britannia masterplan.**
- 3.3. Agree to initiate a single stage Design & Build process for Phase 2b using the Competitive Procedure with Negotiation (CPN) provided for within the Public Contracts Regulations 2015 for the construction of Britannia Phase 2b and note that a recommendation report will be brought back to Cabinet prior to award of contract.**
- 3.4. Note that an International Sales & Marketing strategy for the private for sale homes is required to realise the forecast sales values assumed within the business case.**
- 3.5. Note that the business case for the procurement of a Sales Agent and a Marketing & Branding Agent for the private for sale homes will be presented to Hackney Procurement Board, with the award recommendation presented to Cabinet Procurement and Insourcing Committee (CPIC).**

- 3.6. Note the sales risk in relation to the 314 private for sale homes in Phase 2b, and potential for a further 93 homes in Phase 2a.**
- 3.7. Agree to the disposal of the leasehold interests (shared ownership) as part of the Britannia project, in accordance with the Regeneration Sales and Marketing Framework agreed by Cabinet on 18 July 2016, subject to complying with section 123 of the Local Government Act 1972.**
- 3.8. Agree to the disposal of the leasehold interests of the private units subject to complying with section 123 of the Local Government Act 1972.**
- 3.9. Authorise the Group Director of Finance & Corporate Resources in consultation with the Cabinet Member for Finance to agree a framework for and the commercial terms relating to the disposal of the private units.**
- 3.10. Agree to extend the Council's Regeneration Sales & Marketing Strategy to the disposal of the shared ownership homes delivered via the Britannia project including the use of Hackney Sales.**
- 3.11. Authorise the Director of Legal and Governance to agree, settle and sign all necessary legal documentation to effect the disposals envisaged by this report.**

4. REASONS FOR DECISION

- 4.1. Britannia Masterplan Business Case Context
 - 4.1.1 The business case for the Britannia Masterplan was signed off by Cabinet in April 2017. This was based on a self delivery model, where the up front delivery of social infrastructure and affordable housing was cross subsidised by the subsequent delivery of 400 private for sale homes directly delivered by the Council as part of Phase 2. This ensured that the maximum amount of public investment was routed into the social infrastructure, public realm enhancements and affordable housing, whilst recognising that central government funding was not sufficient to enable the delivery of this infrastructure without additional funding sources.
 - 4.1.2 The decision to deliver the affordable housing on the Phase 2a site was driven by this being the first residential site to be available for vacant possession, and the earliest possible date for the delivery of the affordable housing. The Unilateral Undertaking set out a commitment to deliver this affordable housing in block H1 before more than 12 private for sale units were occupied - equating to the number of private for sale units delivered as part of the adjoining private for sale block (H2) of Phase 2a. This reflected yet again the Council's commitment to funding social infrastructure and housing ahead of the recovery of private for sale income.

4.1.3 As approved by Cabinet in April 2017, and updated on a number of occasions, whilst the private for sale housing cross subsidises the masterplan, the Council is still required, and has committed to, funding £41.8m to enable the delivery of the scheme. Further detail on the financial context and forecasts for the masterplan are set out in the financial implications section of this report.

4.2. Britannia Phase 1 Delivery Update

4.2.1 Phase 1 of the masterplan, which consisted of the new BLC, secondary school, and enhanced public realm, has now been handed over and has already made a significant impact on the opportunities and facilities which are available to the local community.

4.2.2 The BLC opened to the public on 30 June 2021. Following its opening, BLC was operating in COVID Secure Operations. Following the move into Step 4 of the Government's Roadmap, most of these restrictions were removed. Despite this context, performance against pre-pandemic 2019 figures is extremely encouraging at this point, with an overall increase in usage of 241,373 visits (a 161% increase). Membership levels are also showing positive results. The highest ever membership base at the old BLC was 2,400 in 2018 - we have already reached 5,000+ in January 2022. Pay and Play Members have also increased significantly from 6,094 in October 2019 to 9,364 in December 2021.

4.2.3 The CoLASP opened in its new building on Hyde Road in June 2021, and features a dedicated sixth form centre, state-of-the-art science laboratories, music and theatre facilities, and a sports pitch on its roof. The new facility has been delivered through more than £40 million investment, half of which is direct Council funding, with the Council also providing a high-specification temporary facility while the new school was being completed. The school, which used more than 60 apprenticeships and work placements during its construction, will provide places for over 1,100 pupils, with a community use agreement in place so that the new facilities can be used by the wider community.

4.3. Britannia Phase 2a Delivery Update

4.3.1 On 21 July 2021, our Section 77 application to use school land at the corner of Bridport Place and Penn Street to build new homes and a new Early Years Centre for SPPS was refused by the Secretary of State at the Department for Education. The proposals in this application were part of a wider £7.1 million investment in improved facilities for SPPS as well as 81 affordable homes for social rent and shared ownership for local families. These plans were the result of extensive discussions between the Council and the school, to agree on the investment in the school in compensation for the loss of land.

4.3.2 While the Council maintains that these plans would have major benefits for SPPS, we have had to look at how we can deliver on our commitment for new Council homes as part of the Britannia project and continue to cross subsidise the considerable public investment which has already been made by the Council in the Phase 1 masterplan. This Cabinet paper updates on our proposals to achieve this, and to bring greater clarity on the future of the Phase 2 masterplan programme.

4.4. Britannia Phase 2 Preferred Delivery Option

4.4.1 At the concept design stage, the design of the residential buildings in the masterplan was tenure blind, giving the choice as to how and where the tenures were delivered. As previously mentioned, the priority was to deliver affordable housing as part of the first phase of the residential project. In order to do this, it was decided to deliver the affordable housing on the Phase 2a site - which was due to be vacant first (after its temporary use as a marketing suite for the Hoxton Press development). This recognised that the Phase 2b site - the site of the old BLC - would not be vacant until the Phase 1 projects had handed over and the old BLC could be demolished.

4.4.2 The Phase 2a site secured detailed planning as part of the original masterplan planning permission in 2018 to secure this, and a Design & Build contractor was selected to commence construction in Summer 2020. This was scheduled to minimise disruption caused by groundworks on SPPS, and was to take place before the completion of the Phase 1 works. Extensive discussions and decisions relating to the S77 approval have delayed this project moving to a Start on Site, as planned.

4.4.3 Following confirmation of the Secretary of State's decision to reject the Section 77 application, the project team has carried out a feasibility exercise to consider how the affordable housing could be delivered on the Phase 2b site (which is now vacant), and what the implications of this would be. This study has been carried out using the existing building massing, height, and footprint parameters which were set and agreed as part of the outline planning permission in 2018.

4.4.4 The Phase 2b housing development comprises two low to medium scale housing blocks (H3 and H4 respectively) providing family sized accommodation up to 3 bedrooms and the higher tower blocks (H5 and H6) providing one and two bedroom properties. There is a natural fit to deliver the Social Rent homes within blocks H3 and H4, and for the Shared Ownership and private for sale properties to be delivered within the towers. This was an alternate tenure mix which was considered as part of the original masterplan. The reason for it being discounted was driven by the ability to deliver the Phase 2a site ahead of the Phase 2b site, and thereby front load the delivery of affordable housing within the masterplan.

- 4.4.5 Following this feasibility study, and further Stage 3 design, a revised tenure and unit mix is able to be delivered on the Phase 2b site, within the current massing, height and footprint parameters already committed to. This would deliver the 81 affordable units committed to, and also offers an opportunity to increase the proportion of Social Rent properties within the overall quantum of affordable homes from 48 homes for Social Rent to 51 homes Social Rent, with the remaining 30 for Shared Ownership.
- 4.4.6 In this feasibility study, to keep within the massing, height and footprint parameters, there is a consequential loss of 73 private for sale homes on the Phase 2b site. This has a significant impact on the overall income delivered from the private for sale properties, and thus the financial business case for the masterplan.
- 4.4.7 Whilst the Secretary of State for Education has refused our current S77 application, this site does still benefit from a detailed planning consent to deliver 93 homes. In order to recover all or some of the lost income from the Phase 2b site, the Council is reserving the right to submit a new S77 application to deliver private housing on the Phase 2a site in the future.
- 4.4.8 This re-phasing of the original masterplan would mean that all of the affordable housing was delivered as part of Phase 2b, before any additional private housing was occupied on the Phase 2a site. Given current programme assumptions, a start on site on the Phase 2a site would be no earlier than Summer 2024.
- 4.4.9 Following a review of the planning implications of these changes, and on the basis that the current Phase 2b Reserved Matters application is determined successfully, the proposed approach is to progress a Minor Material Amendment (Section 73) to the outline planning consent 2018/0926 and to progress a Non-Material Amendment (Section 96a) to the reserved matters application 2021/3335.
- 4.4.10 This re-phased delivery approach is forecast to have the following headline programme:

Date	Programme Headline
14 March 2022	Cabinet Endorsement to the re-phased masterplan programme
Spring/ Summer 22	Stage 4 design development & planning amends
May 22 to January 23	Design & Build Procurement Exercise (refer later sections for further detail)
February	Mobilisation, subcontract procurement & planning

	discharge
March 23	Earliest Start on Site for Phase 2b (3.5 year construction programme)
Summer 24	Earliest Start on Site for Phase 2a (2 year construction), subject to a new Section 77 application

4.5. Britannia Phase 2b Proposed Procurement Arrangements

4.5.1 Cabinet Context. Cabinet first considered the contractor procurement strategy for the Britannia project in December 2017. This set out the strategic procurement context and endorsed the procurement of Phase 2 in two packages of works (Phase 2a and Phase 2b), through OJEU, using Competitive Procedure with Negotiation (CPN). This followed a review of the routes to market, given the key drivers for the Phase 2 scheme. These being:

- a. need to attract a pool of contractors who can deliver the scale and complexity required by the residential project in order to ensure a competitive tender;
- b. need to attract a sufficient quantity of contractors who have experience of delivering products of a similar value and quality;
- c. need to procure as an attractive package of work in order to maintain market interest in a public procurement process; and
- d. need to have sufficient flexibility in the process to react to changing market conditions and council requirements.

4.5.2 In particular, this recommended route offered sufficient breadth of reach and flexibility of use to react to changing market conditions, and attract the right calibre of contractors to bid for a Public Sector procurement. This route also ensured the project could reach the broadest range of contractors, who would not normally be accessible via public sector frameworks.

4.5.3 Since this original report to Cabinet, the procurement strategy for the Phase 2a project was set out in a report to Cabinet in September 2019. This report considered the current market context at that time (gleaned through soft market testing), and recommended a single stage design and build procurement, using restricted procedure. This was based on Stage 3+ design detail.

4.5.4 Soft Market Testing. Following the recommendations within these reports, further soft market testing was carried out in November 2020, Summer 2021, and most recently in January/February 2022. The outcome of this soft market testing confirms the original recommendation to proceed with a public procurement using CPN for the Phase 2b phase. This also follows a single stage tender process, as for Phase 2a, but based on Stage 4 design detail and enabling the ability to negotiate with shortlisted tenderers prior to a final tender being submitted. This added flexibility is not possible within a

Restricted Procedure and is prudent given the pressures in the industry from a cost inflation perspective, and the need to clarify and/or value engineer the initial tenders in order to reach a successful award. Further details on the market testing are set out in a later section of this report.

4.5.5 Benefits of Single Stage. There are five main procurement routes to procure the direct delivery of residential assets (compared to procuring via a development agreement). These all vary in the degree to which risk is transferred from the employer to the contractor. These are as follows (from the greatest risk transfer to the least risk transfer):

- a. Design & Build (Single Stage)
- b. Design & Build (Two Stage)
- c. Traditional Lump Sum (Single Stage)
- d. Traditional Lump Sum (Two Stage)
- e. Construction Management (CM)

4.5.6 The Britannia project has been progressed to date using a Design & Build procurement route; this has minimised the risk retained by the Council. When considering whether to progress a single stage or a two stage Design & Build process, the following has been considered:

	Single Stage	Two Stage (Traditional)
Description	Shortlist invited to tender (no more than 4 bidders). Tenderers submit a quality response and a fixed price. Provisional sums defined, with a schedule of rates and methodology to call off.	Shortlist invited to submit a quality response and fixed price for Overheads and Profit (OH&P) and Prelims only. Preferred contractor enters a Pre-Construction Services Agreement (PCSA) to work collaboratively with the client to develop Stage 4 design and mini tender all packages. Agreed Fixed Price.
Stage of Design	Stage 4	Stage 3
Procurement Programme	6-7 months	9-12 months
Cost Certainty/ Competitive Tension	High (Fixed Price, risk premium, provisional sums)	Medium (20-30% Fixed; 70-80% Open Book; risk premium; provisional sums)

	Single Stage	Two Stage (Traditional)
Client Resourcing Cost	Medium	High (as a result of programme length)
Market Appetite	High	High

4.5.7 The following considerations point towards Phase 2b lending itself more suitably to a single stage procurement as opposed to a two stage procurement:

- a. Market / Contractor Appetite – the current market appetite suggests that Main Contractors (tier 2) are more attracted to tender under a single stage route for a scheme of this size and nature.
- b. Competitive Price/Cost Certainty – Typically, there is more competitiveness under single stage (Contractors in competition) which is likely to be reflected in Tender pricing.
- c. Programme Certainty (incl. Tender Process) – Under single stage, the Tender process can be clearly programmed out with a good level of certainty. However, two stage tendering can often have a lengthy negotiation process which is often dictated by the Main Contractor and responses from their supply chain. This enables the most efficient programme route to get on site.
- d. Client Reduced Risk – Under two stage, risk is often transferred back to the Client (as the Contractor is not in a competitive environment) i.e. where packages are not fully submitted, inflation risks etc. In-turn and in most cases, single stage increases the cost certainty for the Client.
- e. Management/Control of Ground Risk – Any risks, however likely, can be effectively managed either through ‘Defined’ provisional sums within the Main Works Contract by which the Main Contractor can fix their programme on based on the value / pre-agreed quantities / levels of contamination – During the single stage process, and whilst the Tenderers are still in competition, we will be requesting they populate a Schedule of Rates for various levels and types of contamination to manage the expenditure of provisional sums (if necessary).

4.5.8 Phase 1 and Phase 2 context - The Phase 1 projects were procured under a two stage process. This reflected the complex nature of the design of these buildings, and the benefit which was gained by engaging a contractor early on in the design process (at the end of Stage 3). The Phase 2a project was procured under a single stage process. This reflected the appetite of the residential market, and the relatively straightforward nature of the design compared to the social infrastructure buildings and associated infrastructure and public realm. The outcome of both procurements was successful.

- 4.5.9 In summary, a single stage procurement would benefit the programme, cost less to procure, and maintain competitive tension throughout the procurement. To get value from a single stage process, the market demands a robust Stage 4 level design and best suits straightforward building types where the risks are known and can be proactively managed. Whilst progress on the Phase 2a project has been uncertain, the Phase 2b project has been able to progress to Stage 4 design, thus maintaining programme momentum. Ground risk (contamination and obstructions) is a typical risk which can be managed via provisional sums and a schedule of rates. This approach worked well on Phase 1 (the same site), and the risk did not manifest itself as feared, and was containable within the provision sums identified.
- 4.5.10 Benefits of CPN Procedure. The cost of building in London is increasing. Heightened competition will help control tender price inflation in the mainstream market (<£100m), but pricing pressures will be stronger in the capacity constrained major projects market (>£100m and/or complex). The central forecast for tender pricing assumes the UK economy grows in line with the consensus forecast among leading economists at 3.5% per annum. However, at this time of heightened uncertainty, considerations must be made on how different economic scenarios could affect pricing dynamics in the main contracting market, e.g. for 2022, Core Five, the project Cost Consultant, forecast a range in tender price inflation of between a low of 3% and a high of 4.5%. This inflation figure is only an estimate and could be higher.
- 4.5.11 As set out in the financial implications, the viability of the Britannia project is assessed on the basis of the total financial contribution which the Council is required to make in order to deliver the project. This results from the overall cost to deliver the project versus the income which is received from sales and/or grants. The financial model is run on a current day basis - hence gives a snapshot of the total council contribution which would be required. Sensitivity analyses are run on the residential build aspect of the scheme to compare forecast costs and sales values - these give an indication of whether tender price inflation in construction cost will be cancelled out by increases in sales values.
- 4.1.12 Within this context, there is a risk that pricing from the market comes back higher than the pre-tender estimate. The affordability of the tenders will depend on the consequential sales estimate, however, there is a need to retain some flexibility in the procurement route to ensure that tender negotiations are able to be held and value engineering solutions are able to be taken on board and/or risks clarified and managed in order to successfully recommend a contract sum which both delivers a fixed price and is affordable.
- 4.5.13 The CPN route is more flexible than the Restricted route and allows the client the right to negotiate specified elements of initial bids prior to bidders submitting a final tender. This allows flexibility to ensure the final tenders reflect the optimum balance of price, quality, and programme.

4.6. Sales & Marketing Strategy Assumptions.

- 4.6.1 As reported to Cabinet in April 2017, the Britannia masterplan is based on the Council acting as developer, and taking on the sales risk of the private for sale homes. In order to successfully achieve this, the project needs to manage risk and optimise sales values.
- 4.6.2 A typical developer would do this through a sales and marketing strategy which targeted a percentage of off-plan sales prior to starting on site. For products of this type, this would be achieved through an international sales campaign ahead of launching in the domestic market. Whilst there is a domestic market for new build sales, this would not sustain the level of sales required to meet funder requirements at key project gateways, e.g. start on site. In part, this is due to the reliance which the domestic market has on mortgages, where mortgage offers are only held for three to six months. Sales relying on mortgages thus pick up nearer to the completion/availability of the homes rather than earlier on in the construction period.
- 4.6.3 To date, the sales and marketing strategy for the project has been based on the advice of JLL, as development advisor, and London Home Quarters, as Development Project Manager. This is based on an international sales launch for the first tower once a design and build contractor has been appointed and a local sales and marketing suite can be made available. The financial model then assumes a prudent pre completion sales target, and ongoing sales rate following completion. The sales and marketing assumptions will be reviewed and developed in conjunction with the successful sales agent on the next phase of the project.
- 4.6.4 The business case for the procurement of the delivery phase sales agent and branding and marketing agent for Phase 2b is being developed and following Cabinet's approval to move forward with the Phase 2b project, the procurement business case will be considered by the Hackney Procurement Board (HPB). The report recommending their award will be brought back to the CPIC for approval.
- 4.6.5 Group Director Finance & Corporate Resources will be responsible for the delivery of the private sale disposals in line with this sales and marketing strategy.
- 4.6.6 At its meeting on 18 July 2016 Cabinet agreed the Regeneration Sales and Marketing Framework, authorising the Director of Regeneration to implement the Sales and Marketing Framework in relation to shared ownership (and outright sale) disposals for both the Estate Regeneration and Housing Supply Programmes, and authorising the Director of Strategic Property and the Director of Regeneration to dispose of leasehold (and freehold) interests in the shared ownership (and outright sale) homes developed or to be developed as part of those Programmes.

4.6.7 Recommendation 3.10 of this report seeks agreement to extend the Regeneration Sales and Marketing Strategy to the disposal of the shared ownership homes delivered via the Britannia project.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5.1. Britannia Masterplan Phase 2 Alternate Options Considered and Rejected

5.1.1 A number of options were considered and rejected following confirmation of the Secretary of State’s rejection of the S77 approval. Each option was considered in relation to the following criteria:

- a. Likelihood to succeed
- b. Programme Impact
- c. Cost Impact
- d. Reputational Impact
- e. Impact on the Masterplan’s objectives

Option	Description
1 - Challenge	Proceed to challenge the S77 rejection by means of a Judicial Review and pause the Phase 2 programme pending its outcome
2 - Re-Phase	Scenario a (Recommended). Proceed to deliver the affordable on the Phase 2b site and reserve the right to develop the Phase 2a site as a final phase of private residential, subject to a new S77 application
	Scenario b (Fallback). Proceed to deliver the affordable on the Phase 2b site and discount any future development on the Phase 2a site
3 - Do Nothing/ Make Good	Do not progress with any of the Phase 2 developments, make good the Phase 2a and Phase 2b site, and fund the Phase 1 investment from other sources

5.1.2 Option 1 - Challenge. The first option which was considered following the rejection of the S77 was to challenge the decision by way of a Judicial Review process. Given the Council does not agree with the outcome of the S77 process, this option would seek to overturn the decision and enable the delivery of the original basecase. Given the protracted time which it would take to go through this legal challenge, the uncertainty of the outcome, and the subsequent delay to the Phase 2 programme, this option had a significant impact on the successful delivery of the masterplan’s objectives, and in particular, the delivery of the affordable housing, and the completion of the Phase 1 public realm (including the final phase of the CoLASP’s playground).

5.1.3 Option 2 - Re-Phase. This option aims to maximise programme momentum and delivery of the masterplan objectives by re-phasing the masterplan to deliver Phase 2b ahead of Phase 2a. This option minimises programme delay, with the Phase 2b site currently vacant, but also potentially has a significant impact on the financial business case for the programme, should the reduction in private for sale housing on the Phase 2b site not be subsequently recovered through the delivery of private for sale housing on the Phase 2a site. It is for this reason that there are two scenarios which need to be considered, and a range of contribution presented within the financial implications of this report:

- a. Scenario a (recommended) - In the recommended scenario, the Council would commit to delivering the affordable housing on the Phase 2b site, and would reserve the right to submit a new S77 application to deliver private for sale housing on the Phase 2a site. This would be based on the existing detailed planning permission for blocks H1 and H2 and would require further engagement with SPPS to ensure its success.
- b. Scenario b (fallback) - Given that there is a risk attached to any new S77 application, the Council would need to proceed with Phase 2b on the understanding that should this right not be taken up and/or a subsequent S77 application not be successful, then the Council would need to increase its contribution to the masterplan to account for the loss of private for sale income which would result.

5.1.4 Option 3 - Do Nothing/Make Good. This option is the equivalent of a Do Nothing scenario, i.e. where the Council does not proceed to develop Phase 2 of the Britannia masterplan, makes good the Phase 2a and 2b sites, and funds the investment in Phase 1 from other sources. This option has the greatest financial impact, requiring the Council to divert funding and/or find new funding sources to pay for the investment which has already occurred on Phase 1 and the making good costs for the Phase 2 sites. Not only does this fail to deliver the original objectives of the masterplan, which included the delivery of 81 affordable homes, but it also impacts on Council's ability to fund other capital projects which are programmed to receive funding.

5.2. Procurement Soft Market Testing

5.2.1 Following the commencement of Stage 3 design on Phase 2b in May 2021, the project team commenced an updated soft market testing exercise to gauge interest in the opportunity and to help shape the procurement route and programme.

5.2.2 As part of the soft market testing exercise, the project team approached 35 contractors who have either previously been involved in a soft market testing exercise for Britannia, or have the capability to deliver the Phase 2b project.

As part of this exercise, the following questions were explored following an overview of the opportunity by the project team:

- a. Procurement approach preference (single stage or two stage)
- b. preferred stage of design and estimated tender timeline
- c. procurement route (FTS public procurement or framework)
- d. No of shortlisted companies at ITT
- e. Weighting of Quality versus Quantity, e.g. 60/40, 50/50 etc.
- f. Interest in the scheme and timing in relation to business pipeline
- g. Experience in residential of a similar nature and scale
- h. Commercial T's and C's, e.g. form of contract
- i. Any other observations in relation to the procurement approach/market

5.2.3 From this initial exercise, 21 contractors expressed an interest in the scheme, with the following headline feedback. The market:

- a. was open to framework or FTS public procurement.
- b. was interested in either a single stage or two stage tender, with this preference being subject to the business model preferred by each contractor.
- c. expressed a preference for 60/40 quality/cost weighting in the scoring.
- d. expressed that they would not bid if there were more than 4 bidders at ITT.
- e. expressed a desire for a single stage tender period to be 14-16 weeks given the scale of the project and potential holiday periods forecast in the programme.
- f. expressed a requirement for a robust Stage 4 design if progressing a single stage tender.

5.2.4 Together with canvassing the contractor market, the project team also carried out a desktop review of 21 potential frameworks which could be used to procure the works. The main consideration when reviewing the frameworks was the reach they offered in terms of suitable contractors. The Hyde Framework (Lot 7) appeared to have the broadest reach and could be used flexibly to procure either as a single stage or two stage process. When compared against the broader reach which could be attained by a public procurement (FTS), a framework route was discounted in favour of a public procurement.

6. BACKGROUND

6.1. Policy Context

6.1.1 The Britannia project is integral to the Council's commitment to provide excellent housing, schools, and leisure facilities within the Borough. The need

for the specific social infrastructure to be delivered through the Britannia project is set out in the 19 April 2017 report approved by Cabinet.

6.1.2 The procurement strategy for the Britannia masterplan was subsequently considered and endorsed at the 18 December 2017 Cabinet.

6.1.3 Cabinet updates relating to Britannia have also been presented at the following Cabinet meetings:

- a. 21 January 2019 - Appropriation of Land for Planning Purposes
- b. 25 March 2019 - Award of Design & Build Contract (Phase 1a - Leisure Centre)
- c. 29 April 2019 - Award of Design & Build Contract (Phase 1b - School)
- d. 16 September 2019 - Selection of a Contractor/Developer for the Construction of Mixed Use Tenure Housing at Britannia Phase 2a
- e. 30 November 2020 - Appointment of Main Contractor for Britannia Phase 2a

6.2. Equality Impact Assessment

6.2.1 The Britannia Masterplan has and will provide much needed social infrastructure and homes for the area, which not only meet the latest expectations and needs of the local community, but are delivered in line with the latest design and construction best practice and standards.

6.2.2 Tenderers will be required to demonstrate their commitment and best practice in Equality & Diversity through their responses to the initial Selection Questionnaire.

6.3. Sustainability

6.3.1 The sustainability strategy for the development was set in response to the Greater London Authority (GLA) London Plan, the associated Sustainable Design and Construction SPD; and the London Borough of Hackney Development Management Local Plan. Further steps have been taken to provide an exemplar development as expected by London Borough of Hackney; the following elements have been provided in direct response to those recommendations:

- a. BREEAM – Residential buildings are designed in line with the GLA Sustainable Design and Construction SPD and London Borough of Hackney Development Management Local Plan.
- b. Energy – the site aims to reduce CO₂ emissions by 35% over Part L 2013 with the use of energy efficiency and a site wide district heat network with air source heat pumps (ASHP) from the neighbouring Colville energy centre and solar PV panels. The detailed modelling undertaken shows that the residential buildings are expected to achieve a 35% CO₂ reduction. The difference will be offset via a

cash-in-lieu payment or with appropriate retrofit opportunities in the local area.

- c. Climate Change Adaptation - measures are included within the scheme to mitigate and minimise the impact of climate change on the development and occupants including measures to reduce risk of overheating, flooding, and water stress.
- d. Sustainable Urban Drainage – is incorporated within the development with the use of living roofs, soft landscaping, permeable paving and buried attenuation tanks to reduce development runoff rates to less than the greenfield equivalent. Rainwater will be collected and used for landscaping irrigation.
- d. Water – the sanitary fittings within each residential unit will include low water use WCs, showers, taps, baths and (where installed) white goods to comply with an average household water consumption of <105 litres/person/day.
- e. Waste Management - A Site Waste Management Plan will be used to manage construction waste on site and ensure that waste is sorted, reused and recycled wherever possible.
- f. Ecological value - The landscaping and living roofs will be designed to enhance and protect the ecological value of the site. No net loss of biodiversity on the site will be targeted. The aim is to enhance Hackney's green infrastructure and promote a varied, biodiverse landscape.
- g. Transport – The masterplan promotes the use of healthy modes of transport by providing safe cycling and attractive walking routes, adequate provision will be made for cycle parking, recognising the importance of user choice in the type and location of cycle parking provided. The residential aspect of the development is a car free development.
- h. Health and Wellbeing – The development promotes an active lifestyle connected to the natural environment, providing facilities for play and fitness outdoors as well as at the new indoor leisure centre.

6.3.2 Unilateral Undertaking. As developer of the Britannia project, the Council signed up to a Unilateral Undertaking (UU) in relation to the masterplan outline (hybrid) planning consent. This UU commits the project to:

- a. Deliver a Local Labour percentage of 30%.
- b. Deliver at least one Apprentice per £2m of construction contract value (including an Apprentice Support Contribution of £1,500 per Apprentice).
- c. Participate in the Council's Hackney Works initiatives (with a total contribution of £179,038 during the construction phase).

6.3.3 As part of the Employer's Requirements, the successful Phase 2b contractor will be required to work with the Council to deliver these targets.

6.3.4 Tenderers will also be required to demonstrate their commitment to Hackney's Sustainable Procurement Strategy by submitting a Social Value offer as part of the tender process. These commitments will be required to be passed down to the supply chain in the main Contractor's sub-contracts and will be monitored as Key Performance Indicators for the contract.

6.4. Consultations

6.4.1 The Britannia masterplan has been the subject of formal consultation and informal engagement and communications since feasibility work began in 2016. Most recently, as part of the pre-application process before submitting the reserved matters planning application for Phase 2b, the project team held two online meetings, where the plans were shared with residents and a question and answer session held. This was not a formal consultation exercise, as this had already been undertaken as part of the outline approval, but acted to keep residents informed of design developments.

6.4.2 Now that the Phase 1 contractor has handed over the future Phase 2b site to the Council, the intention is to commence a series of bi-monthly update meetings with residents and local stakeholders. These would commence following Cabinet's endorsement of next steps in relation to Phase 2 and after the pre-election election period, and would continue during the design and procurement phase of the project. Once a contractor has been selected for the Phase 2b project, they will have an obligation to continue resident engagement throughout construction, both proactively and reactively engaging with residents on the progress of the works. During this time, the Council project team will maintain continuity of dialogue and client team contact with residents.

6.5. Risk Assessment

6.5.1 Strategic risk is considered on a monthly basis by the project Steering Group and bi-monthly by the Board. A summary of the key risks relating to this report is presented below.

ID	Risk	Mitigated Risk Rating			Action to avoid or mitigate risk
		Likelihood	Impact	Overall	
		L – Low; M – Medium; H - High			
001	A failure to deliver any affordable homes as the first phase of the residential	L	H	M	Preferred re-phased option continues to progress delivery of the affordable homes on the vacant Phase 2b site, pending further discussion on

ID	Risk	Mitigated Risk Rating			Action to avoid or mitigate risk
		Likelihood	Impact	Overall	
		L – Low; M – Medium; H - High			
	phase of development.				the potential future development of the Phase 2a site as a final phase to the masterplan
002	A failure to provide any cross subsidy from private for sale properties to offset the Council's existing investment in the delivery of Phase 1 leads to a diversion of funds/loss of opportunity on other capital schemes.	L	H	M	Preferred re-phased option continues to deliver private for sale homes to cross subsidise the Council's existing investment. Potential to deliver further private for sale homes on the Phase 2a site in the future provides further opportunity to regain original basecase financial contribution assumptions.
003	A failure to complete the Public Realm required to complete the masterplan aspirations for the old BLC site.	L	M	M	The bringing forward of the vacant Phase 2b site ensures the completion of the final section of the CoLASP playground, access and servicing routes to the School & Leisure Centre and completion of the BRAFA square public realm as soon as practically possible.
004	Lack of market interest from contractors in tendering for the Phase 2b opportunity.	L	H	M	The project team has undertaken a soft market testing exercise and confirmed sufficient interest in the tendering opportunity

ID	Risk	Mitigated Risk Rating			Action to avoid or mitigate risk
		Likelihood	Impact	Overall	
		L – Low; M – Medium; H - High			
					using the proposed procurement route.
005	Tenders returned over budget	M	M	M	<p>The construction budget has been built up based on outturn pricing rather than tender pricing. This underpins a prudent approach to cost estimation, as tested throughout each stage of design development.</p> <p>The CPN procurement route enables limited negotiation following Initial Tenders. This enables the opportunity to take on board value engineering suggestions prior to final tender and gives some flexibility to address tenders which are outwith the original budget.</p> <p>The tender route will also set out a provisional sum approach for areas of risk which are better progressed in an open book way rather than the contractor pricing in 100% risk, e.g. ground risk.</p>
006	Contractor going into liquidation during construction	L	H	M	Answers to SQs and financial checks will be carried out prior to selection and will establish bidders'

ID	Risk	Mitigated Risk Rating			Action to avoid or mitigate risk
		Likelihood	Impact	Overall	
		L – Low; M – Medium; H - High			
					<p>financial capacity to undertake the works.</p> <p>Bidders will be required to provide either a Parent Company Guarantee or a Performance Bond commensurate with the scale of the contract value.</p>
007	Unable to sell all of the outright sale homes and generate the expected or required income for the Council	M	H	M	<p>The Sales & Marketing Strategy is based on best practice carried out by developers. This requires an international off plan sales strategy to secure the optimal sales values.</p> <p>Sensitivity analysis is carried out and reported at each stage gateway.</p>
008	Unable to sell all of the shared ownership homes and generate the expected or required income for the Council	L	M	M	<p>Shared ownership could be converted to sub-market rent should the property market not be suitable for large scale disposals.</p>
009	Unable to sell the shared ownership homes due to affordability challenges within the borough as a	M	M	M	<p>Increased property values may mean we can reduce rent levels to re-align affordability (monthly housing costs)</p>

ID	Risk	Mitigated Risk Rating			Action to avoid or mitigate risk
		Likelihood	Impact	Overall	
		L – Low; M – Medium; H - High			
	direct result of increased property values				
010	Failure of the procurement process causes delays presenting a reputational risk	L	M	M	There is a breadth of experience of the procurement route amongst the legal team, project team and procurement team.
011	Construction work disrupts and negatively impacts adjacent neighbours and residents, including the operational BLC and CoLASP	M	M	M	Contractors to be assessed on their approach to mitigating impact on neighbours as part of tender process. Procurement of Phase 2b works as one single package assists with the most efficient delivery route and accountability for the successful carrying out of the works.

7. PROPOSED PROCUREMENT ARRANGEMENTS

7.1. Procurement Route and EU Implications

7.1.1 The proposed procurement route is a public procurement via Competitive Procedure with Negotiation (CPN). This will be advertised via Find a Tender Service (FTS).

7.2. Resources, Project Management and Key Milestones

7.2.1 Resources and Project Management. The Britannia Phase 2b project will be led and project managed under the same governance arrangements and contracts which were put in place to support the development of the masterplan and have progressed the design aspects of the Phase 2b residential project since Stage 0. This team is procured via Consultancy

Agreements which are in place through the Local Education Partnership (LEP), which continue to ensure continuity of resource, and agreed call off rates and scope of services.

7.2.2 The Project Director is responsible to the Senior Responsible Officer (SRO), Group Director Finance & Corporate Resources, and the Britannia Board for the delivery of the project, supported during the procurement phase of the project by the following core team:

- a. Development Project Managers - London Home Quarters
- b. Quantity Surveyors - Core Five
- c. PMO Officer - LBH
- d. Procurement Category Lead and Coordinator - LBH

7.2.3 This core team will be supported by the design team, to respond to contractor questions and clarifications. Key design team members include:

- a. Residential Architects - FCB Studios
- b. Multi-Disciplinary Engineers (including fire) - Buro Happold
- c. Facade Engineers - Wintech
- d. Acoustic Engineers - Max Fordham
- e. Transport and Waste Consultants - WSP
- f. Construction Advisors - Blue Sky Building

7.2.4 The Phase 2b project management team will act as developer, and engage with Regeneration (who will be acting in the role of client) and Housing Services colleagues for the affordable housing aspects of the delivery. This coordinated approach will be carried out for all aspects of the project, from design and specification, through procurement, construction, sales & marketing and handover of the affordable housing. The team will work in an open and transparent way, bringing together the right resources to ensure efficient oversight, governance and decision making. The internal client role will be coordinated through a Regeneration Project Manager, with input from the Regeneration Sales & Marketing and Strategic Design teams.

7.2.5 In order to ensure best practice in project delivery across the Council, and lessons learned between housing delivery teams, the Project Director will have fortnightly 221s with both the SRO and Strategic Director, Inclusive Economy, Regeneration and New Homes.

7.2.6 Key Milestones. The programme for the procurement programme has the following key milestones:

Key Milestones	
Business Case Report to Cabinet	14 March 2022
PIN Issued	4 April 2022
Contract Notice Issued (including Selection Questionnaire, SQ, and Invitation to Tender, ITT)	9 May 2022
Bidders' Day for main contract	16 May 2022
Closing date for Requests to Participate	3 June 2022
SQ evaluation & Shortlisting	6 June to 17 June 2022
Approvals and Tender finalisation	20 June to 22 July 2022
ITT Issue (min 3 shortlisted)	25 July 2022
Initial Tender returns	14 October 2022
Tender evaluation, clarification, and negotiation meetings	17 October to 4 November 2022
Final Tender preparation	7 November to 18 November 2022
Final Tender Returns	18 November 2022
Finalise Tender Analysis & Recommendation Report	21 November 2022 to 16 January 2023
Contract Award Report considered at Cabinet	23 January 2023 (est)
Standstill Period	23 January to 1 February 2023
Contract awarded	3 February 2023
Lead-in & Mobilisation	6 February to 3 March 2023
Main contract - start on site	6 March 2023

7.2.7 The project will use the Standard Selection Questionnaire (SSQ) format, with additional questions included in Part 3 to address potential contractor's professional and technical ability.

7.2.8 The Invitation to Tender (ITT) document will be issued with the SQ, and include Stage 3 level design information in order to give potential bidders a clear understanding of the scope of the project.

7.2.9 The evaluation matrix included in the ITT will be based on a 60% quality to 40% cost weighting, with the quality section focused on the contractor's experience, team and supply chain structure, critical method statements, programme, and cost management approach. The contractor will also be required to provide a Social Value proposition, which will demonstrate the contractor's commitment to Hackney's Sustainable Procurement Strategy.

7.3. Contract Documents: Anticipated Contract Type

7.3.1 The contract will be a JCT Design and Build Contract (2016). This will be based on the form of contract which was drawn up and used for the Phase 1 project. Given the similarity in site conditions, this is felt to be the most appropriate starting point. External legal contract support will be called off from Ashfords, who were procured to support the masterplan's delivery and have provided contract legal services for Phase 1 and Phase 2a. Procurement legal advice will be provided in-house, with ad hoc call off support provided by Ashfords as required.

7.4. Subdivision into Lots

7.4.1 Due to the constrained nature of the site and cross cutting below ground considerations, e.g. CR2 and Thames Water storm relief sewer, the Phase 2b contract is being let as one Lot. This will ensure the most efficient delivery programme, minimise duplication of site welfare facilities and streamline site logistics. Whilst the contract is being procured as one Lot, this will have a number of sectional completions as the buildings and public realm areas are handed over in a phased manner. This includes the completion of the final phase of the CoLASP playground.

7.5. Contract Management

7.5.1 Once awarded, the contract will be managed through the appointment of an Employer's Agent/Development Project Manager, Clerk of Works, and retained client monitoring team (to include MEP and facade engineers). These appointments will be made within the existing Britannia project team, which will ensure continuity of personnel throughout the lifecycle of the project. Monthly site meetings will be held, where progress against the programme and adherence to the Employer's Requirements and Key Performance Indicators will be monitored. A principal's meeting will also be held with the main contractor and core project management team on a monthly basis - this will focus on strategic issue identification and resolution. Key to the success of the contract will be the selection of a partner who works in a transparent and collaborative manner to achieve the aims of the project.

The role of the principals (both client side and contractor side) is to embed this culture top down within the teams.

7.6. Key Performance Indicators

7.6.1 Key Performance Indicators (KPIs) will be reported by the contractor on a monthly basis. This will include, but not be limited to the following:

- a. Health & Safety
- b. Cost - Forecast Outturn against tender price
- c. Programme - Progress against contract Sectional Completion dates
- d. Social Value - Progress against Social Value commitments, including UU commitments
- e. Residents & Stakeholder Engagement

8. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

8.1. The financial business case for the Britannia masterplan scheme was first reported to and endorsed by Cabinet in April 2017. At this stage a Council contribution was estimated at £41.8m based on feasibility level design. This funding was agreed to be made available up front and finance charges were not applied to the provision of this capital. Finance is modelled at 2.5% for capital required above this amount.

8.2. Since this approval to proceed with the masterplan on this basis, Cabinet has been updated at a number of key gateways on the latest current day forecasts for the scheme. As a project which is reliant on residential sales, these reports have also considered development risk - initially through the application of a broad 7.5% developer's contingency, and then more recently by way of a sensitivity analysis which looks at tender price inflation (TPI) and new build sales forecasts. As such, a current day Council contribution is presented, together with a standalone sensitivity analysis. Given the uncertain and unpredictable macro economic conditions over the last 2-3 years, these forecasts however need to be taken cautiously, particularly when considered over the life of the project, rather than looking at potential trends over the coming quarters/year.

8.3. The last masterplan financial update to Cabinet was in September 2019, when a Council contribution of £45.336m was presented. The sensitivity analysis at the time reflected a forecast Council contribution between a range of £14.822m and £58.045m. This reflected TPI and new build sales forecasts as at June 2019 published values.

8.4. Since the last update to Cabinet phase one of the Britannia Masterplan, the Leisure Centre and the School have been delivered. After taking account of

estimates in relation to the defects period and other factors such as the dismantling of the temporary energy centre, it is forecast that the total cost of phase one will be below the original cost estimate. The remaining budget is to be retained within the overall Britannia Masterplan Budget to mitigate against ongoing cost uncertainty for the remainder of the masterplan project.

- 8.5. Following the Secretary of State's adverse decision in relation to the proposed phase 2a site, this Cabinet paper recommends progressing Phase 2 of the masterplan in a re-phased manner, i.e. delivering the affordable housing on the Phase 2b site (thus decreasing the number of private for sale homes which are able to be delivered on that site by 73), and reserving the right to deliver 93 private for sale homes as a final phase on the Phase 2a site. As this recommendation is reliant on a successful S77 application on the Phase 2a site, there is a risk that this phase may not be able to be delivered in the future. As such, this report presents both scenarios and requests approval to move forward on the scenario where the original phase 2a site remains undeveloped.
- 8.6. By re-phasing the Britannia masterplan to deliver the affordable housing in Phase 2b and private homes in Phase 2a, the current day assessment of the Council's contribution is £45.707m, with a peak debt requirement in December 2024 of £224.152m. Should the Phase 2a site not secure S77 approval to deliver the private housing, then this would impact on the financial business case and reduce the amount of income being received from private sales. In this scenario, the current day assessment of the Council's contribution is £64.961m, with a peak debt requirement in December 2024 of £219.458m.
- 8.7. A further option to be considered is that the Council carries out no further development on the site, and makes good the Phase 2a and Phase 2b sites. The assumption is that these areas would be returned to being used as school playground or public realm as appropriate. This scenario would require the Council to contribute at least £118.5m to close out the masterplan (noting that this estimate excludes the cost of any finance required to fund this). This would have a significant impact on the diversion of funds from other capital projects which would then not be able to be carried out. One option which could be explored to recover spent costs in the absence of the Council wanting to develop the land, is to sell the Phase 2b plot by way of a leasehold land sale. This would be subject to planning, and has been estimated to be able to realise in the region of £18m if this was put out to the market. This has not been recommended as a way forward because it doesn't represent best value for money for the Council.
- 8.8. The financial summary position for all three of the scenarios (re-phased 2a and 2b, rephase with no 2a site and the 'do nothing' option) are presented in Exempt Appendix A.

8.9. As the most costly option (other than the 'Do Nothing' option), TPI and sales forecast sensitivity has been carried out on the re-phased scenario where the phase 2a site is not progressed. This takes published forecasts as at December 2021 for 5 Quantity Surveyors and 3 sales agents and looks at the High, Low, and Average estimates for the private for sale costs/sales values only (which in this case is contained solely within blocks H5 and H6). This would alter the basecase Council contribution level by the following estimates:

Private Sales Commentator Sensitivity (value increase minus cost increase)		Residential Value Forecast		
		Low	Average	High
Cost Inflation Forecast	High	- 5,845,123	£5,872,381.36	17,103,280
	Average	- 1,096,105	£10,621,398.53	21,852,297
	Low	3,087,462	£14,804,966.36	26,035,865

8.10. Applying these variables results in a revised council contribution range of between £38.925m and £70.806m, with an average scenario of £54.34m. For exemplification, the £54.34m represents the current day forecast contribution of £64.961m less £10.621m which is the average scenario from the sensitivity analysis.

8.11. As set out in paragraph 8.1, the original financial business case (April 2017) estimated that the Council would be required to contribute £41.8m to the overall Britannia masterplan and it was anticipated that this was to be funded as set out below:

- Basic need allocation £15.7m
- Capital receipts (non-Britannia) £20m
- Council CIL £6.1m.

8.12. In the project's financial model this funding is factored in upfront with the balance assumed to be met from borrowing with the estimated cost of borrowing also accounted for within the estimated costs of the project.

8.13. The revised scenarios set out in this report (excluding the do nothing scenario) estimate that at current day prices an increased contribution of £45.707m or £64.961m will be required to deliver the scheme depending on whether a successful S77 application is submitted for the original phase 2a site. Therefore, in taking these proposals forward the Council has to consider the need to fund a further £23.161m of capital expenditure and that this will need to be included in the Council's capital programme going forward. The Council has sufficient capital receipts on its balance sheet to fund this additional requirement but it would be reasonable to take the decision as to whether to fund this amount from capital receipts or whether this should be met from borrowing alongside funding decisions for the rest of the Council's programme.

8.14. Given the scale of the Britannia project and the uncertainty surrounding the housing market as a result of the impact of both the pandemic and Brexit, it is

important that we continue to revisit cost and revenue estimates as the project develops. This includes updating cost and sales estimate sensitivity analysis as we move into the next phase of the project.

- 8.15. The main risk of the project's financial model rests with the eventual sale and values achieved in respect of the 314 private residential units on the phase 2b site and a further 93 if the phase 2a site is developed. In order to mitigate this risk the project team has engaged JLL as development advisors on the price point and sales rate which underpin the financial model. JLL have considered neighbouring developments, their price points and sales rates along with the development pipeline and buyer profiles. Following this work, prudent assumptions have been built into the financial model. Going forward it is important that the project team procures further advice to develop a robust sales and marketing strategy. The strategy assumed in the modelling is based on an international sales launch (first for block H6 and then H5) once a design and build contractor has been appointed and a local sales and marketing suite can be made available. The financial model then assumes a prudent pre-completion sales target, and ongoing sales rate following completion. Further detail in relation to the assumptions made are included at Exempt Appendix A. These sales and marketing assumptions will be reviewed and developed in conjunction with the successful sales agent on the next phase of the project. It is emphasised that a deviation from the current assumed strategy could have a detrimental impact on the current financial forecasts on the project.
- 8.16. Furthermore the project also presents a significant risk in terms of cost inflation. The following is noted:
- Phase 2b: The pre-tender estimate for the design and build contract has been estimated by the Quantity Surveyors, Core Five, this includes all building and infrastructure costs relating to the Phase 2b plot and includes a design contingency to cover Stage 4 design development. Due diligence at this stage by Core Five included testing the supplier market for key components, to check pricing assumptions, and reviewing outturn figures from recent projects. This estimate will undergo further due diligence as part of Stage 4 design. The current estimate is within the allocated construction and infrastructure budget, and in addition to this the client holds a construction phase contingency and a budget for design team fees (pre and post contract award).
 - Phase 2a: A pre-tender estimate for Phase 2a was presented to Cabinet in September 2019. The outcome of the single stage OJEU procurement was reported to Cabinet in November 2020, and the award of the contract was approved subject to the approval of the S77 application. The winning bidder was within pre-tender estimate. In order to update this pre-tender estimate for Phase 2a, the pre-tender estimate has been uplifted to include inflation to a revised Start on Site of 2024 and to take account of the range of the three tenders. This

construction estimate is for planning purposes only, and should the Phase 2a scheme be re-started, a full budget review and revised pre-tender estimate would be carried out, based on the new tenure, and any design changes which may be proposed to satisfy the new tenure and/or a S77 application.

- 8.17. Further information in relation to cost assumptions are included in Exempt Appendix A.
- 8.18. Estimated revenues and costs will be kept under review and a full business case review will be undertaken once tender prices are in and prior to contract award noting that the contract award will be brought back to Cabinet for decision.

9. VAT Implications on Land & Property Transactions

- 9.1. The disposal of the Shared Ownership and private for sale units is zero-rated for VAT purposes, while the provision of Social Rented properties is non-business, so VAT inputs may be recovered in the usual way for all residential properties.
- 9.2. The provision of nursery type services is exempt for VAT purposes and so the VAT on the inputs related to the development of the Early Years Centre in Phase 2a, should this proceed, may need to be included in the Council's Partial Exemption calculation.
- 9.3. The public realm works is a non-business activity, so any VAT costs incurred will be recoverable in full.
- 9.4. With the option to tax already in place for the Phase 2b site, the lease of the new commercial property will be standard rated for VAT purposes.

10. COMMENTS OF THE PROCUREMENT CATEGORY LEAD

- 10.1. The Phase 2b scheme will be procured using the Competitive with Negotiation Procedure under the Public Contracts Regulations, to undertake and complete Phase 2b of the Britannia Scheme construction programme. The opportunity will be advertised in accordance with the legislation in the Find A Tender Journal.
- 10.2. The procurement strategy set out in this report has had inputs from the corporate procurement officers, and the procurement process for the appointment of the works contractor will be led by the Construction and Environment Category Team with input from the project team's technical advisors.
- 10.3. The procurement will be carried out in line with the strategy set out in this report and tenders will be evaluated using a set of criteria which forms an

overall split of 60% quality and 40% price. This will allow the Council to achieve optimum combination of the cost of the project, quality of build and any desirable community benefits as part of the delivery of the scheme.

- 10.4. Due consideration has been given to sustainability issues that need to be addressed and the opportunity that is presented to the Council to deliver wider sustainability benefits in the borough as an integral part of delivering the construction project. Cabinet is recommended to approve the report.
- 10.5. There will be a requirement to pay the London Living Wage in accordance with Council policies.

11. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 11.1. With regard to Regeneration schemes, the “approval of the initial proposals, selection of preferred option(s), approval of masterplan, delivery plans (including annual plans) funding arrangements within the budget strategy, disposals and acquisitions of land, charters and/or other documents setting out Council’s proposals for residents affected by the schemes and structures for delivery” are reserved to the Mayor and Cabinet under the Mayor’s Scheme of Delegation (January 2017) so Cabinet is permitted to approve the recommendations in this Report.
- 11.2. The works to be procured in this Report in respect of the Main Works are of an estimated value above the threshold for works of £5,336,937 (including VAT) under Regulation 5 of the Public Contracts Regulations 2015 and therefore it will be necessary to publish a high value notice on the Find a Tender service in respect of the procurement of these works. It is proposed to use the Competitive Procedure with Negotiation under Regulation 29 of the Public Contracts Regulations 2015 to award the contract for such works.
- 11.3. Under the Competitive Procedure with Negotiation the Council will negotiate with tenderers the initial and all subsequent tenders submitted by them, except for the final tender, to improve their content. In doing so the Council will need to ensure equal treatment of all tenderers and shall not provide information in a discriminatory manner which may give some tenderers an advantage over others. Notwithstanding the opportunity to negotiate with tenderers, it is possible for contracting authorities to award a contract on the basis of the initial tenders without negotiation where they have indicated that they reserve the possibility of doing so, and therefore the Council should reserve this right in the tender documentation.
- 11.4. Legal Services, along with support from external Solicitors, will provide advice for this matter as requested.
- 11.5. Disposal of leasehold interests, shared ownership and private units. A disposal of a leasehold interest falls within the Mayoral Scheme of Delegation of January 2017 and is reserved to the Mayor and Cabinet.

- 11.6. Section 123(1) of the Local Government Act 1972 provides the Council with the power to dispose of land and property, provided such disposal is made for the best consideration reasonably obtainable. However, the General Disposal Consent 2003 removes the requirement for local authorities to seek specific consent from the Secretary of State for any disposal of land where: the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of: (i) the promotion or improvement of economic well-being; (ii) the promotion or improvement of social well-being; (iii) the promotion or improvement of environmental well-being; and the “undervalue” (i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) is £2 million or less.
- 11.7. Where the case does not fall within the terms of this General Consent then an application to the Secretary of State for Communities and Local Government for a specific consent is required. Furthermore, the General Consent Order 2003 specifies that it is the responsibility of the Council to satisfy itself that the land is held under powers which permit it to be disposed of under the terms of the 1972 Act. A disposal of a leasehold interest is defined as a disposal within the Local Government Act 1972.

APPENDICES

EXEMPT

Appendix A - Britannia Masterplan Financial Summary (Exempt)

By Virtue of Paragraph 3 Part 1 of schedule 12A of the Local Government Act 1972 this appendix is exempt because it contains information relating to the financial or business affairs of of any particular person (including the authority holding the information) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (or None)

None

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<p>TITLE OF REPORT - General Exception, School Street (SS32) at Harrington Hill Primary School and Low Traffic Neighbourhood (LTN) on Mount Pleasant Lane (Experimental to Permanent)</p> <p>Key Decision No - NH S075</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>Springfield / Lea Bridge</p>	
<p>CABINET MEMBER</p> <p>Cllr Mete Coban, Cabinet Member for Energy, Waste, Transport and Public Realm</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Affects two or more wards</p>	
<p>GROUP DIRECTOR</p> <p>Ajman Ali, Group Director Neighbourhoods and Housing</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Hackney was one of the first local authorities in the world to implement School Street schemes. We started our programme in 2017, by piloting School Streets outside of five schools.
- 1.2. Since then, the Hackney School Streets programme has continued to go from strength to strength. Hackney currently has 48 schemes in operation, covering 51 schools and benefiting about 14,000 children.
- 1.3. Hackney continues to make it safer to walk and cycle to school for our most vulnerable residents and is making strides towards reclaiming our streets from the dominance of motor vehicles.
- 1.4. The results are demonstrated in figures for 'mode of travel to school', which are collected annually by the Council. The survey showed that 69% of pupils travelled to school using active modes, our highest active travel rate recorded. The number of pupils cycling to school was also the highest rate ever recorded.
- 1.5. Making the School Street and Low Traffic Neighbourhood (LTN) filter permanent will lock in the safer travel to school and traffic reduction benefits which have been delivered during the experimental period of operation, whilst maintaining access for residents and blue badge holders, carers and others who need it.
- 1.6. What is more, the level of acceptance of School Streets is high, with results from independent polling showing that around 7 in 10 residents want at least some of the School Streets to be made permanent.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. The School Street and LTN filter on Mount Pleasant Lane was introduced in November 2020 as part of the borough's response to the transport challenges presented by the Covid 19 pandemic.
- 2.2. The report seeks to make permanent the two traffic orders which introduced the School Street & LTN filter at the end of the 18 month experimental period. The other recommendation is to withdraw the banned left turn restriction from Southwold Road to A107 Upper Clapton Road, to allow officers more time to carry out further investigations on any future proposals for this location.
- 2.3. The existing experimental traffic orders which introduced the School Street & LTN filter are due to expire on 4 April 2022. If they are not made permanent the road layout will revert to reintroduce 2 way traffic at all times. Were this to take place, the benefits which have been realised of creating a quieter

environment for local residents and school children attending Harrington Primary School will be reversed.

- 2.4. Furthermore, the Secretary of State for Transport has written to local authorities to remind them that decisions to remove any measures introduced in response to the Covid pandemic must be based on as robust an evidence base as decisions to keep them. This includes traffic counts, pedestrian and cyclist counts, traffic speed, air quality data, public opinion surveys and consultation responses. The report has reviewed all the available data and considers feedback received during the experimental period and the alternative options considered.
- 2.5. The evaluation of the experimental period shows that the scheme has succeeded in achieving its primary objectives to reduce congestion at the school gates, create a better balance between pedestrians and cyclists and vehicles, making it easier and safer to walk and cycle to school. It has also addressed the problem with rat-running traffic using Mount Pleasant Lane to divert away from congestion on Upper Clapton Road and created a more pleasant environment for active travel.
- 2.6. The Council has undertaken its Public Sector Equalities duty in assessing the equalities impacts of the School Street and Low Traffic Neighbourhood during the experimental period. On balance the schemes have a positive or neutral impact on groups with protected characteristics, with vulnerable groups such as children particularly benefiting. Officers have also given consideration whether it is necessary to consider amending the operation of the schemes in any way to accommodate specific cohorts.
- 2.7. The measures introduced are consistent with the Council's policies for introducing School Streets and Low Traffic Neighbourhoods. They have also had the positive benefit during the pandemic of providing space for social distancing by reducing the dominance of motor vehicles outside the school gate making it safer to step off the pavement to maintain social distancing.
- 2.8. A further recommendation to review the operation of the School Street and LTN filter will be undertaken in approximately 12 months. This will allow officers to observe how the scheme is operating under more normal traffic conditions, post coronavirus pandemic.

3. RECOMMENDATIONS

- 3.1. **That Cabinet approve to make permanent the Harrington Hill Primary School School Street and Mount Pleasant Lane Low Traffic Neighbourhood experimental scheme on 25 March 2022, with amendments described in this report, and:**
 - 3.1.1. **Authorise the Head of Streetscene to make and implement the necessary permanent traffic orders, subject to the requirements of the**

Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

- 3.1.2. Authorise the Head of Streetscene to make minor adjustments to the proposals as required, following design development and feedback from key stakeholders and local residents.**
- 3.1.3. Authorise the Head of Streetscene to implement permanent features to replace the existing temporary planters to reinforce the existence of the restrictions, improve the aesthetics of the scheme and achieve greater compliance, subject to funding and feedback from stakeholders and local residents.**

4. REASONS FOR DECISION

- 4.1. This report contains the results of the monitoring and evaluation of the experimental scheme, including consultation responses and objections received for consideration.
- 4.2. Evidence from the monitoring and evaluation of the experimental scheme shows:
 - Low traffic outside Harrington Hill Primary School at school opening and closing times, suggesting reduced congestion outside the gate
 - Improved air quality by reducing transport emissions near the Harrington Hill Primary School entrance
 - Increased road safety and accessibility for non-motorised users
 - Increased walking and cycling to Harrington Hill Primary School for pupils and parents/carers
 - Increased provision of space for social distancing outside the school gate and in the street/approach to the school
 - Reduction of through-traffic using Mount Pleasant Lane to bypass traffic signals on Upper Clapton Road
- 4.3. Therefore, the proposals will help to make Hackney a more sustainable, greener and safer borough by encouraging more sustainable modes of transport, which in turn contributes to improving local air quality, reducing car dominance, reducing accidents and creating environments that prioritise walking, cycling and public transport.
- 4.4. The Council is also committed to its 2019 Climate Emergency Declaration to achieve a 45% reduction in emissions against 2010 levels and net zero emissions by 2040. Delivering School Streets and a reduction in the number of cars rat-running through our borough is seen as a key contributor to Hackney achieving this target.
- 4.5. Under the Traffic Management Act 2004, local authorities have a duty of care to all road users, including pedestrians and cyclists, and to facilitate a more

sustainable and better use of road space.

4.6. **Scheme Description**

4.7. The scheme is made up of two complementary measures: a School Street measure and a Low Traffic Neighbourhood modal filter. The location and layout of these measures is shown in Appendix 1.

4.8. **School Street:** The School Street measure is a timed 'Pedestrian and Cycle Zone' on Mount Pleasant Lane, from the junction of Bakers Hill to the LTN traffic filter on Mount Pleasant Lane at the junction of Springfield Gardens, including Harrington Hill, between 8:30am - 9:30am and 3:00pm - 4:00pm. The Pedestrian and Cycle Zone operates Monday to Friday during school term-time only.

4.9. The School Street restriction is indicated by regulatory signs that state 'Pedestrian and Cycle Zone, 8:30am - 9:30am and 3:00pm - 4:00pm, except permit holders SS32' that are placed at the entry/exit points to the School Streets zones. The signs fold to become covered when the zone is not in operation during school holidays.

4.10. The restriction is enforced by Automatic Number Plate Recognition (ANPR) cameras.

4.11. The School Street measure, in common with other School Street schemes in the borough, covers a zone that contains many properties within it. Therefore, a number of exemptions are permitted to allow access to properties within the zone:

4.11.1. Access for residents and businesses would be maintained if the vehicle is registered for an exemption

4.11.2. Parents or carers can register for an exemption to drop their children off to school if they or their child are a Blue Badge holder

4.11.3. Access would be permitted for Dial-a-ride, Emergency Services vehicles, Hatzola community ambulance and waste services vehicles

4.11.4. Two-way access for cyclists would be permitted at all times through the zone

4.11.5. Other vehicles driven by visitors, parents, delivery vehicles and school staff would not be permitted to enter the zone during the closure periods

4.11.6. All vehicles already within the zone during the operational times would be able to exit

4.12. **Low Traffic Neighbourhood (LTN) Traffic Filter:** The LTN filter element of the scheme is a prohibition of motorised traffic restriction at Mount Pleasant

Lane near the junction with Springfield Gardens and associated right turn restriction from Springfield Gardens to Mount Pleasant Lane.

- 4.13. A detailed map of the scheme at the junction between Mount Pleasant Lane and Springfield Gardens is shown in Appendix 2. The location of the LTN filter in context of the wider road network is also shown in Appendix 3.
- 4.14. The following vehicles are exempt from the restriction: ambulances, fire engines, police vehicles (used for emergency services purpose), Hackney Council refuse vehicles, and Hatzola community ambulances.
- 4.15. **Amendments to the scheme:** The experimental scheme design originally included a banned left turn restriction from Southwold Road into A107 Upper Clapton Road. This element was not implemented and is proposed to be withdrawn.
- 4.16. Hatzola community ambulances were not originally exempt at the start of the experimental period. An exemption was introduced during the experimental period and is proposed to be retained.
- 4.17. **Outcome of the Experimental Period**
- 4.18. The success of the experimental period can be measured against the original objectives of:
- Reducing the congestion in the street at school opening and closing times
 - Improving air quality and reducing emissions around the school gates
 - Increasing road safety and accessibility for non-motorised users
 - Encouraging walking and cycling to school for pupils and parents/carers
 - Providing pupils, parents/carers and staff with more space for social distancing outside the school gate and in the street/approach to the school.
 - Reducing through-traffic using Mount Pleasant Lane to bypass traffic signals on Upper Clapton Road
- 4.19. The monitoring results for the School Street (timed Pedestrian and Cycle Zone) at Harrington Hill Primary School and Mount Pleasant Lane LTN are outlined below.
- 4.20. **Traffic analysis**
- 4.21. **Impact of School Street restriction:** School Street schemes aim to improve the environment for pedestrians and cyclists on their way to school by reducing the number of vehicles passing the school gate to a minimum at scheme operating times. To assess whether a School Street scheme is achieving its primary aim - to reduce motor traffic outside of school gates, at

school opening and closing times - changes in traffic volumes at specific times are measured. Changes to traffic volumes in a School Street scheme are usually measured through Automatic Traffic Counts (ATC) taken before and after the scheme is implemented. In the case of this scheme, pre-implementation ATC data specific to the School Streets timings was not available as the schools were impacted by Covid 19 closures immediately prior to the scheme implementation in September 2020 and general traffic patterns were disrupted. However, historic traffic counts conducted in 2010 and a traffic estimating exercise from 2018 provide a pre-implementation picture of traffic levels across an average day, but do not provide hourly data. Post-implementation automatic traffic counts were undertaken in November 2020 (approximately two weeks after implementation), May 2021 (eight months after) and February 2022 (fifteen months after) and provide some evidence as to whether the area near the school gates is dominated by motor vehicles or pedestrian and cycle friendly.

- 4.22. **Table 1** shows that, following implementation of the LTN and School Street, the volume of motor traffic on Mount Pleasant Lane in the one hour periods corresponding with the school-run were low.
- 4.23. Between November 2020 and May 2021, there was a slight increase in traffic at 8:30-9:30am, and a slight decrease in traffic at 15:00-16:00, however the number of vehicles still indicates that Mount Pleasant Lane is a low traffic environment with fewer than 1 vehicle per minute. Further monitoring will be carried out as the country emerges further from the pandemic.
- 4.24. The traffic counts on Mount Pleasant Lane during the School Street times show that traffic outside the school gates is low and suggest that the primary objective of the scheme - to reduce congestion at the school gates and to provide space for walking and cycling to school - has been successful.

Table 1: Traffic Counts on Mount Pleasant Lane during School Street times (two-way 5-day average)

	Nov 2020	May 2021	Average post-scheme	Change between Nov '20 and May '21
AM (08:30 - 09:30)	33	47	40	+14
PM (15:00 - 16:00)	40	38	39	-2

- 4.25. Traffic counts were also undertaken at two locations outside the School Street zone, on Moresby Road (where Harrington Hill Primary School has a second entrance) and Springfield to the north of the LTN restriction. This was done to assess potential displacement resulting from the School Street and the LTN traffic filter. Two-way traffic flows were used for the analysis of both locations.
- 4.26. **Table 2** presents traffic counts on Moresby Road, and shows that traffic flows are higher on Moresby Road than Mount Pleasant Road where the School Street operates and the LTN is located. Traffic flows after the scheme was implemented were on average between 150-160 vehicles during each of the

one hour periods in the morning and afternoon that school streets operate, this equates to 2.6 vehicles per minute.

- 4.27. While it was not possible to compare before and after traffic counts for the School Streets time periods to assess the impact of the School Street on Moresby Road during the School Street operational times, the relatively low level of traffic during these times suggest that any displacement impacts, if there are any, result in a situation that is acceptable. However, this will continue to be monitored as the country emerges from the pandemic.

Table 2: Traffic Counts on Moresby Road during School Street times (two-way average)

	Nov 2020	May 2021	Average post-scheme	Change between Nov '20 & May '21
AM (08:30 - 09:30)	171.2	142.5*	157	-28.7
PM (15:00 - 16:00)	168.6	138.3*	153	-31.3

*May 2021 data is only available as a two-day average on Moresby Road in the AM and as a three-day average in the PM.

- 4.28. **Table 3** presents traffic counts on Springfield, and shows that traffic flows are higher on Springfield than Mount Pleasant Lane where the School Street and LTN operates. Concerns were raised regarding traffic congestion on Springfield during the experimental period, in particular with regards to accessing Side by Side School on Big Hill and therefore additional traffic counts as well as site observations were conducted to monitor the situation.
- 4.29. Traffic counts indicate that during the School Street operating times, traffic levels on Springfield varied between a low of 53 vehicles in one hour (March 2021 PM count), and a high of 196 vehicles in a one hour period (Feb 2022 AM count).
- 4.30. On average, traffic levels on Springfield after the scheme was implemented were 141 vehicles, two-way, from 8:30am-9:30am and 120 vehicles, two-way, from 15:00-16:00. By comparison, this average is lower than Moresby Road although it is noted that the latest counts represent the highest recorded counts and are higher than Moresby Road. The average flow on Springfield was 2.2 vehicles per minute, the highest was 3 vehicles per minute.

Table 3: Post-implementation traffic counts on Springfield during School Street times

	Automatic traffic counts 26 Nov 2020 - 3 Dec*	Manual Traffic counts Nov/ Dec 2020	Manual Traffic counts 16-17 March 2021 (avg)	Automatic traffic counts 17-21 May 2021**	Feb 2022***	Average post-scheme	Change between Nov 2020 and Feb 2022
AM (08:30 - 09:30)	162	143	112	92	196	141	34
PM (15:00 - 16:00)	157	110	53	108.4	172	120	15

*Nov 2020 AM data is only available as a 3-day average, and PM as a 4-day average, on Springfield

**May 2021 data is only available as a four-day average on Springfield in the AM

*** Feb 2022 data is taken from 3-day average

- 4.31. Concerns were raised during the experimental period that access to Big Hill (and therefore Side by Side School) was restricted as a result of reducing the number of route options to the school by removing the option of using Mount Pleasant Lane as the approach to Big Hill. The concern was that there would be displacement from Mount Pleasant Lane onto Springfield from vehicles accessing Big Hill that previously used Mount Pleasant Lane, including vehicles accessing Side by Side School which would then get stuck in congestion on Springfield. This is expected to be offset by a greater reduction in through-traffic that was previously using Springfield and Mount Pleasant Lane to bypass Upper Clapton Road. Similar to the other locations, 'before' the scheme counts for the one hour time periods are not available to assess the impact of the scheme on traffic volumes on Springfield at specific times of day.
- 4.32. Traffic volumes in this order observed on Springfield would normally be considered insufficient to cause congestion concerns, however, it is recognised that hyper-local congestion on urban roads is possible even with low traffic volumes due to events such as obstructions caused by loading vehicles (i.e. waste lorries) or other temporary obstructions. And such an incident was observed during an officer visit in December 2020, when traffic was held up for 10 minutes by a larger vehicle.
- 4.33. However, evidence of congestion could be assessed using the traffic speeds recorded by ATCs and **Table 4** shows that over 7 days in February 2022, 99.85% of vehicles on Springfield were travelling at greater than 5mph, suggesting that widespread gridlock was not occurring.

Table 4: Recorded speeds on Springfield, 7 day totals, February 2022

Speed bins (mph)	0 - 5	5 - 10	10 - 15	15 - 20	20 - 25	25 - 30	30 - 35	35 - 40	40 - 45	45 - 50
Total number vehicles 7-day	19	412	1681	5292	3680	917	218	45	14	13
% of total	0.15 %	3.35%	13.66%	43.00%	29.90%	7.45%	1.77%	0.37%	0.11%	0.11%

- 4.34. Furthermore, Officers have contacted the school transport providers for Hackney and Haringey Councils for feedback. Neither operator has raised with the Council any difficulties experienced by their vehicles using Springfield, rather than Mount Pleasant Lane and confirm that the diversion route to Side-by-Side school (via Springfield) is not negatively impacting their journey times.
- 4.35. **Traffic Impact of Low Traffic Neighbourhood (LTN) Mount Pleasant Lane Traffic Filter**
- 4.36. The LTN filter on Mount Pleasant Lane near the junction with Springfield Gardens is a 24 hour restriction to discourage through-traffic from using neighbourhood streets and encourage people to switch local car journeys for walking and cycling, wherever possible. To monitor its impact as a 24 hour restriction, daily average traffic volumes are used.
- 4.37. To measure changes in daily traffic flows at Mount Pleasant Lane, ATCs were carried out in November 2020 and July 2021 and these were compared against pre COVID - 19 figures. The closest available figures were undertaken in 2010.
- 4.38. There are necessary caveats in using data from 2010 as the baseline data. According to Department for Transport figures, between 2008 and 2020 traffic on London's residential roads rose from 6.25 billion to 10.25 billion miles. A rise of 64% on small residential roads¹.
- 4.39. In Hackney, traffic had increased between 2012 and 2019 and had reached 340 million vehicle miles in 2019. Traffic by road type is not available at the borough-level, but there was no reason to suggest the London-wide trend - of the increased traffic being borne by minor roads - was being avoided in Hackney².
- 4.40. This means that traffic counts from 2010 are likely to pre-date much of the problem that the scheme is designed to address, namely, the increase in traffic on minor roads. However, these are the most recent traffic counts at these locations before the pandemic, and therefore have been used as a comparison.
- 4.41. The data in **Table 5** shows that (pre-implementation of the ETOs) traffic volumes on Springfield and Mount Pleasant Lane were very similar to one another, with a 7 day average of 1560 and 1587 vehicles respectively.

¹ <https://roadtraffic.dft.gov.uk/regions/6>

² <https://roadtraffic.dft.gov.uk/local-authorities/122>

Following the implementation of the ETO, traffic counts show a large decrease in traffic volumes on Mount Pleasant Lane and marginal increases on Moresby Road and Springfield.

Table 5: Changes in daily traffic flows in the Mount Pleasant Lane area compared to pre-Covid Baseline

Changes in daily traffic flows in the Mount Pleasant Lane area compared to pre covid baselines								
Location	Pre Implementation daily traffic counts (Baseline figures) (2010)		During Implementation (Nov 2020)		Post Implementation daily traffic counts (May/ July 2021)			
	Date	Total	Date	Total	Date	Total	Diff.	%age
ATC 1 - Mount Pleasant Lane	02/2010	1587	11/20	884	07/21	206	-1381	87% fall
Moresby Road	12/2010	1260	11/20	1623	05/21	1321 ³	+61	5% rise
Springfield - Outside Lea View House	02/2010	1560	11/20	1225	05/21	1340	-220	14% fall
					02/22	1668	108	7% rise
Upper Clapton Road (A107) - south of jw Rossington Street	2019 ⁴	23398	11/20	21033	7/21	22224	-1174	5% fall

4.42. Overall traffic patterns across the country were affected by the Covid-19 pandemic throughout 2020 and into 2021, making direct pre and post implementation comparisons difficult. However, in the weeks in May and July 2021 when the most recent ATCs on Mount Pleasant Lane and Moresby Road were conducted, traffic levels in the country were back up to 95% of pre-pandemic levels, which could partly account for the increase in traffic between Dec 2020, when national traffic levels were approximately 80% of pre-pandemic levels and May 2021 when they were 95%.

4.43. The table shows a slight rise in traffic of 5% at Moresby Road compared to 2010 figures. The rise in traffic flows at Moresby Road could be due to the

³ 5-day average used due to equipment failure on two days

⁴ Annual Average Volume - Estimated (DfT)count south of Cazenove Road

reduced number of available options for traffic wishing to gain access to Harrington Hill Primary School using the Moresby Road end, or it could be due to vehicles using Jessam Ave and/or Moresby Road to avoid the traffic lights on Upper Clapton Road instead of Springfield and Mount Pleasant Lane. This is not considered a significant increase, however, it will be monitored annually.

- 4.44. The table also shows a 7% rise in traffic flows at Springfield in February 2022, which is 108 more vehicles than the baseline from 2010 and while this is an increase, it does not indicate mass displacement of traffic from Mount Pleasant Lane onto Springfield.
- 4.45. In addition, in 2019 the Council commissioned a study into traffic in the borough called “Through Traffic in Hackney” (2019). This project involved purchasing GPS tracking data supplied by data analytics firm Inrix, from three months in 2018 (June, September and October), then, this sample was scaled using DfT traffic counts to bring the sample up to the total traffic levels and to correct for sample bias to give an estimated daily annual flow. It is not a traffic count. This data was used to estimate the volume of traffic on Springfield in 2018. The estimate for Springfield was made using a GIS query tool which was supplied alongside the main report by Peter Davidson consultants. The 2018 estimate for Springfield is provided below, but has not been used as the baseline as it is a different methodology to the ATCs used for post-scheme monitoring. This set of data suggests Springfield had an estimated 5403 daily flow on the road in 2018. This is significantly higher than the observed 1560 in 2010. While the 2018 figure is an estimate, the large increase follows a trend during that period of increases in traffic on minor roads, predicted to be an effect of the rise of sat navs which direct drivers through minor roads to ‘beat the traffic’ on main roads (DfT stats show 24% increase in urban minor roads between 2010 and 2018). **Table 6** presents the Inrix Modelled data alongside the available ATC collected data.

Table 6: Changes in daily traffic flows on Springfield, comparing Inrix Modelling and ATCs

Location	Feb 2010 ATC	2018 Inrix modelled	Nov/ Dec 2020 ATC	May 2021 ATC	Feb 2022 ATC
Springfield - Outside Lea View House	1560	5403*	1225	1340	1668
% Change (2010 base)		+246.35%	-21.47%	-14.10%	+7%

- 4.46. There is no monitoring data for Southwold Road as it was withdrawn.
- 4.47. **Enforcement:** The School Street restriction at Baker’s Hill is enforced by mobile Automatic Number Plate Recognition (ANPR) cameras that issue a Penalty Charge Notice (PCN) to any non-exempt vehicles entering the School Street zone during its operating hours. The mobile camera unit conducts spot check enforcements, and enforced the School Street in February 2022 and March 2022.

- 4.48. School representatives have reported that some drivers have been ignoring the restrictions and officers will continue to monitor and if further enforcement is necessary, a fixed ANPR camera can be provided, but is not proposed at this time as traffic is low outside of the school gates (as per the ATC data above).
- 4.49. The LTN measure was enforced by fixed ANPR camera and **Table 7** shows a total of 4225 PCNs were issued for contravening the motor vehicle prohibition at Mount Pleasant Lane between February and November 2021.

Table 7 - PCNs issued at Mount Pleasant between February and November 2021

Location	PCNs per month between Feb 2021 and November 2021										
	02/21	03/21	04/21	05/21	06/21	07/21	08/21	09/21	10/21	11/21	Total
Mount Pleasant Lane	1	1	191	864	738	568	489	538	400	435	4225

4.50. Reduction in pollution

- 4.51. Parents are increasingly concerned about poor air quality around London's schools as inhaling polluted air can affect children's health and well being. Implementing School Streets can go a long way to improving air quality and the health of children. Analysis by King's College London of Hackney's first four School Streets estimated a 74% reduction in air pollution emissions at the school gates during the School Streets operational times.
- 4.52. A wider monitoring study was commissioned by the Greater London Authority to investigate the air quality benefits of School Streets in London as part of the Mayor's response to the pandemic. The project's aim was to quantify the air quality benefits of introducing School Streets by measuring changes to pollutant concentrations during those times that the schemes were in operation.
- 4.53. A total of 30 AQMesh sensors were installed near to schools in Brent, Enfield and Lambeth. These sensors were fitted adjacent to, and at each end of sections of road that formed School Streets schemes. Comparator sensors were also installed outside schools where no School Street was in place. The selected schools had similar road layouts, traffic patterns and closure times to School Streets installed in Hackney, allowing comparisons to be drawn from the results.
- 4.54. The confounding effects of Covid-related travel restrictions during the monitoring period and day-to-day weather changes made it difficult to identify the precise role played by the School Streets on air quality at all the schools. However, at some sites, a clear effect has been seen. A comparison of concentration profiles at similar sites (one with a School Street, the other

without) identified average reductions in NO concentrations of 34% and NO₂ concentrations of 23% during the morning closure. The morning intervention alone is thus expected to have reduced the school day average for NO by 5% and NO₂ by 2%. This is unsurprising as the morning drop off coincides with the morning peak traffic period, whereas in the afternoon, pick up is well before the evening traffic peak.

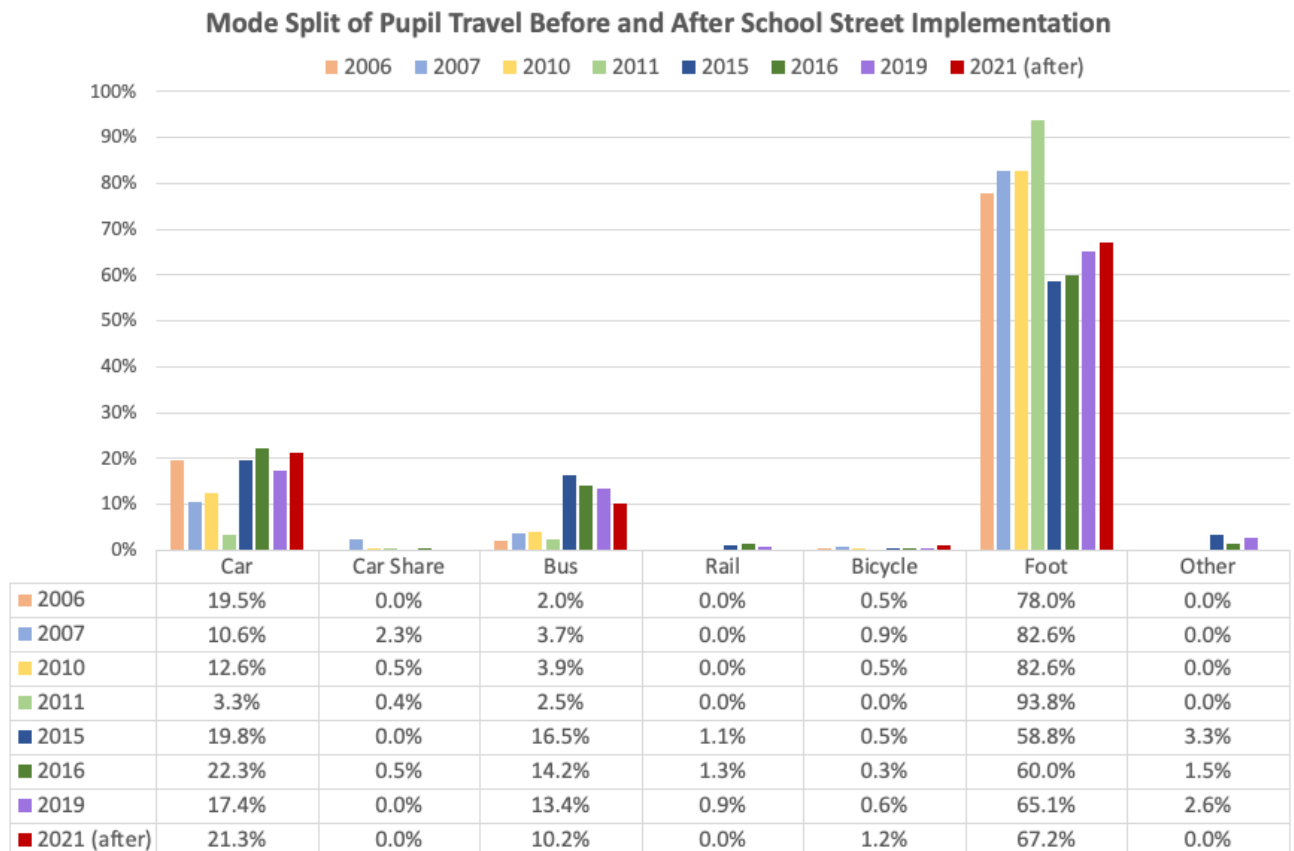
- 4.55. The TfL Attitudinal Survey (see 5.32) highlighted that 18% of parents/ carers reported driving less as a result of their child's school having a School Street, which can reasonably be expected to have reduced pollutant emissions associated with the school run, but the precise level cannot be quantified as the actual change in car trips is not known.
- 4.56. Hackney has a robust Air Quality monitoring regime which includes a Diffusion Tube monitor at Harrington Hill School. Diffusion tube data becomes available annually after a centralised verification process and therefore 2021 data for Harrington Hill is not available at the time of writing, but will be available in May or June 2022 and will be published here: <https://hackney.gov.uk/air-quality/>.
- 4.57. The reduction in traffic volumes on Mount Pleasant Lane will have by extension reduced the volume of transport based emissions near the school, however, until the diffusion tube data is available, the impact of the reduction in emissions on overall concentrations of pollutants is not available.
- 4.58. **Increase road safety and accessibility**
- 4.59. In 2018 there were nearly 2,000 child casualties from road traffic collisions in London. Reducing vehicle traffic directly outside the school gates, would also reduce the risk of collisions occurring if those children arriving at school on foot and by bicycle, are forced to step into the carriageway to try and socially distance themselves.
- 4.60. Road traffic collision data for the School Street at Harrington Hill Primary School and LTN at Mount Pleasant Lane was analysed from the periods before and after implementation using STATS19 data.
- 4.61. **Casualty statistics:** The evidence for this objective is anecdotal as the number of officially recorded casualties (STATS 19 collision data) was two traffic incidents on Mount Pleasant Lane and Harrington Hill since 2015. Both incidents were categorised with a severity of 'slight'. There have been no incidents outside Harrington Hill school since 2015. At this point in time there is no post-implementation (2021) data this can be compared to.
- 4.62. **Encourage active travel to school**
- 4.63. Each year, the Council collects travel to school data using a 'Hands up' survey from every school in the borough. In 2020/21 the highest return was achieved, with 62 schools completing the Mode of Travel Survey, stating how they journey to or from school.

- 4.64. Advice on school travel when returning to schools in September 2020 was to encourage parents/carers, staff and pupils to walk or cycle wherever possible, only drive if absolutely necessary and avoid public transport. By comparing 2021 data with pre-Covid survey data from 2006-2019, it is possible to see if this advice has been heeded, and if and how travel patterns have changed or not.
- 4.65. Surveys on how pupils at Harrington Hill Primary School travel to school were conducted before and after the implementation of the scheme. Data was collected in 2006, 2007, 2010, 2011, 2015, 2016, 2019 and 2021, with no surveys being completed by the school in the years not listed.
- 4.66. Travel to school modal split between 2006-2019 (before the School Streets scheme was implemented) and May 2021 (post-implementation) at Harrington Hill Primary School shows (see **Figure 1**):
- 4.67. The percentage of pupils travelling by car has fluctuated across the survey years. The percentage of pupils travelling by car in 2011 was lower between 2007-2011 than in the following years, with very low levels of car use shown in 2011 (3.3%). Although being higher than preceding years, the percentage of pupils travelling by car has been fairly consistent (between 17.4% - 22.3%) since 2015, demonstrating no recent significant change in car use. This level of car use is above the borough primary school average of 16%.
- 4.68. The data shows that a high proportion of pupils at Harrington Hill travel to school on foot, with 67.2% walking to school in 2021. The percentage of pupils travelling on foot was higher between 2006-2011 than between 2015-2021. Levels of walking to school increased year on year between 2006-2011 but then fell considerably in 2015. Since 2015 the percentage of pupils walking to school has however increased from 58.8% to 67.2%.
- 4.69. The proportion of pupils cycling to school remained low from 2006-2021, however it has increased from 0.3% in 2016, reaching 1.2% in 2021.
- 4.70. Travel to school by bus was low (2-4%) between 2006-2011, however it increased in 2015 to 16.5%. Since 2015 the proportion of pupils travelling by bus has decreased year on year, with 10.2% travelling by bus in 2021. The decrease between 2019-2021 could be attributed to concerns over covid transmission. In addition, a consistently low proportion of pupils travel to school by rail. The school is located in an area with a low PTAL rating of 2, meaning that public transport may not have been a suitable option preceding the pandemic.
- 4.71. Overall, the mode of travel data for Harrington Hill Primary School demonstrates that travel to school by active modes is high, with over two-thirds (68.4%) of pupils travelling by foot or by bicycle in 2021 and has increased from a low point of 59.3% in 2015. While the increase in active travel is small in terms of actual pupils, and the increase between 2019 and

2021 is marginal, it represents the continuation of a positive trend of a 15% increase since 2015.

- 4.72. The proportion of pupils travelling to school by car has remained fairly consistent since 2015, with levels being above the borough primary school average.

Figure 1: Percentage of pupils by mode of travel to school before and after the School Street was implemented - Harrington Hill Primary School



4.73. **Providing space for social distancing**

- 4.74. At the time of writing, there is no longer a need for space for social distancing. The current Statutory Guidance⁵ includes the following, *“The removal of social distancing requirements means temporarily widened footways may no longer be needed in many places and authorities should consider removing these and reinstating the original road layout, including any parking bays. However, the potential to encourage walking and improve public spaces through retaining widened footways permanently should be carefully considered.”* While this statement directly refers to widened pavements, the principle applies also to other space that had been reallocated for social distancing, such as road space outside of school gates that allowed for social distancing while social distancing requirements were in place and which do also

⁵ Traffic Management Act 2004: network management to support recovery from COVID-19 Updated 30 July 2021.

encourage walking and cycling. Children and their parents/ carers need to have the confidence to walk and cycle to school safely and retaining space outside of school gates contributes to creating the conditions for walking and cycling.

4.75. **Financial Implications**

4.76. **Traffic Management Orders:** The infrastructure erected for the experimental period will be retained, so the only additional costs will be associated with the statutory process for the Traffic Management Orders for School Street and LTN traffic filter on Mount Pleasant Lane, of approximately £500.

4.77. **Traffic counts:** There will be an ongoing financial implication for monitoring traffic volumes at each School Street scheme of approx. £100 per annum per scheme.

4.78. **Enforcement:** A potential financial benefit is created by the scheme through the issuing of penalty charge notices (PCNs) to drivers of vehicles in contravention of the Traffic Management Orders at some locations where it is necessary to ensure compliance using ANPR camera operation (although it is not possible to predict the volume of these).

4.79. **Legal Implications**

4.80. A local authority is empowered under the Road Traffic Regulation Act 1984 to make an experimental traffic order (“ETO”) “for the purposes of carrying out an experimental scheme of traffic control” which may continue in force for a maximum of 18 months. The order may empower an officer to modify or suspend the order.

4.81. Regulation 23 of the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 sets down the procedure for an order where “the sole effect of an order (‘a permanent order’), which is not an order made under section 9 of the 1984 Act, is to reproduce and continue in force indefinitely the provisions of” an ETO or ETOs.

4.82. The statutory requirements ordinarily applicable to an order that does not solely continue in force the provisions of an ETO are disapplied on condition that the requirements in Regulation 23(3) have been complied with. The requirements imposed by Regulation 23(3) are, among other things, that the notice of making the ETO made clear that the authority would be considering making the order permanent and that any person could, within six months of the making of the ETO, object to the authority making the order permanent.

4.83. Before making a permanent order, an authority must consider all the objections that are made in response to the notice of making published in respect of the relevant ETO.

- 4.84. Any person may within 6 weeks apply to the High Court to question the validity of a permanent order but an order may not otherwise be questioned in any legal proceedings whatever.
- 4.85. In addition to the statutory framework applicable to ETOs, the network management duty in s.16 of the Traffic Management Act 2004 is a continuing duty and the authority is obliged pursuant to s.17 TMA 2004 to keep its performance of the network management duty under review.
- 4.86. The public sector equality duty continues to apply when making an experimental scheme permanent.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1. Consideration was given to the following options for the School Street at Harrington Hill Primary School, LTN on Mount Pleasant Lane and banned turn from Southwold Road:
- 5.2. **Option: to do nothing.** The option of doing nothing was considered, by which the experimental traffic orders of the schemes would expire and the road layout would revert to previous i.e. the School Street, LTN traffic filter on Mount Pleasant Lane and banned turn at Southwold Road, would be removed and access would be restored for two way traffic at all times. Note: Government advice July 21 states that 'make schemes permanent' should be the default position unless compelling evidence is provided to do otherwise.
- 5.3. **Option: to make the School Street permanent, and not make permanent the LTN traffic filter on Mount Pleasant Lane or the banned turn on Southwold Road.** The option to only implement the School Street permanently, and not the LTN traffic filter on Mount Pleasant Lane or banned turn from Southwold Road was considered. As described in this report, both the School Street and LTN traffic filter on Mount Pleasant Lane have achieved the objectives set out in the experimental period, therefore removing the LTN traffic filter on Mount Pleasant Lane would revert the road layout and reverse the traffic reduction and increased road safety outcomes which the scheme has achieved in the experimental period.
- 5.4. **Option: to make the School Street and LTN traffic filter on Mount Pleasant Lane permanent, and modify the existing exemption criteria/policy to permit private vehicles with a special exemption to travel through the LTN traffic filter.** The option to make the School Street and LTN on Mount Pleasant Lane permanent, and modify the existing exemption criteria and policy was considered and dismissed in the ongoing review of the equalities impacts of the schemes, see section 6 of this report. Modification to the existing exemption criteria is not necessary as there are existing systems in place for dealing with requests for special exemptions from School Street schemes and to ensure that travel to school by SEND pupils in the borough is not impacted by School Streets restrictions.

BACKGROUND

6. Policy Context

- 6.1. The Council is committed to making Hackney's roads safer and more accessible for everyone living, working and visiting the Borough. Encouraging the use of more sustainable modes of transport, such as walking and cycling (including to and from school), is one of the Council's key transport objectives and priorities.
- 6.2. This can only be achieved by reducing the dominance of the private vehicle. Poor air quality resulting from vehicle emissions is recognised for the damage it inflicts upon the health of the city, with nearly 10,000 Londoners dying early every year as a result (King's College London, 2015). Even more disturbing is the direct impact it is having on our children's health with evidence proving it is directly responsible for alarming rates of asthma and other respiratory illnesses in our schools (GLA, 2008). Car engines idling around schools, during drop-off and pick-up periods also contribute to poorer local air quality. The School Street proposal will have a direct impact on reducing emission levels of vehicles passing school gates when children are entering or leaving school.
- 6.3. Closing the streets to vehicle traffic during set hours of operation would act as a safety measure. It would reduce the risk of accidents arising from inconsiderate parking and driving endangering other motorists, cyclists and pedestrians - especially children.
- 6.4. Following the successful implementation and review of the first nine School Street Zones, the Council announced in November 2019 that it would carry out assessments of all primary schools in the borough, and move forward with introducing a School Street at each one, unless they opt-out.
- 6.5. A School Street scheme and Low Traffic Neighbourhood (LTN) were implemented under experimental traffic orders for a maximum period of 18 months, starting in November 2020, allowing people to experience and review the full impact of the measures, before consideration is given to making the schemes permanent (see Appendix 1 for locations). The delegated powers decision report for the experimental order is available at www.hackney.gov.uk/school-streets.
- 6.6. The experimental schemes have proven successful in achieving traffic and congestion reduction, improved road safety and a better balance between pedestrians and motor vehicle traffic, which has created a better socially distanced environment.
- 6.7. **Impact of the Coronavirus Pandemic**
- 6.8. The experimental schemes were implemented in the context of a global pandemic and in light of an urgent need to provide space for social distancing

in the short term, and to prevent the risk of a car-led recovery in the medium to long term.

- 6.9. The schemes had only been operating for a short time before the schools were closed to most pupils as part of the national lockdown from January to March 2021. This has affected the on-going monitoring and review process, especially with regard to getting comprehensive post-implementation data on enforcement and traffic volume counts. However the results of a five school School Streets pilot study in Hackney indicated a positive overall impact with a 68% average decrease in traffic levels outside of the school gates and 74% drop in emissions at the school gate.
- 6.10. During the experimental period of the schemes, Covid-19 restrictions changed several times on a national as well as local level. While schools remained open following March 2021, other Covid-19 restrictions were variously implemented then removed under different names (such as 'Plan B'), with impacts on social distancing requirements and with broader impacts on travel behaviour.
- 6.11. Evaluating schemes within this context is challenging, however, the main reasons for the scheme remain relevant.
- 6.12. In May 2020, the Secretary of State for Transport issued Statutory Guidance under section 18 of the [Traffic Management Act 2004](#), which stated (among other things) that *“Local authorities in areas with high levels of public transport use should take measures to reallocate road space to people walking and cycling, both to encourage active travel and to enable social distancing during restart... Measures should be taken as swiftly as possible, and in any event within weeks, given the urgent need to change travel habits before the restart takes full effect. None of these measures are new – they are interventions that are a standard part of the traffic management toolkit, but a step-change in their roll-out is needed to ensure a green restart. They include: ... Encouraging walking and cycling to school, for example through the introduction of more ‘school streets’. Pioneered in London, these are areas around schools where motor traffic is restricted at pick-up and drop-off times, during term-time. They can be effective in encouraging more walking and cycling, particularly where good facilities exist on routes to the school and where the parents, children and school are involved as part of the scheme development.”*
- 6.13. Transport for London arrived at similar conclusions in their London Streetspace Plan, as did Hackney Council through their own analysis which was published within 'Rebuilding a Greener Hackney - Hackney's Emergency Transport Plan'.
- 6.14. As the course of the pandemic changed so did the Statutory Guidance, which was updated on 23 May 2020 and 13 November 2020 and 30 July 2021. As relates to School Streets, the main thrust of the guidance remains consistent with the original guidance, although with some change in language. The current (as of January 2022) version of the guidance says, in relation to

School Streets: *“None of these measures are new – they are interventions that are a standard part of the traffic management toolkit and a step-change in their roll-out continues to be needed to maintain a green recovery. They include... encouraging walking and cycling to school, for example, through the introduction of more ‘school streets’. These are areas around schools where motor traffic is restricted at pick-up and drop-off times, during term-time. They have been effective in encouraging more walking and cycling, particularly where good facilities exist on routes to the school and where the parents, children and school are involved as part of the scheme development.”*

- 6.15. Government advice on school travel remains to consider options to encourage walking or cycling wherever possible, and reduce the need to drive. The risk of a car-led recovery remains a possibility and road traffic has returned to pre-pandemic levels, but public transport use remains lower and is returning at a slower rate. As of the time of writing, ‘Plan B’ restrictions are just being lifted and office workers are being encouraged to return to offices, but we have not seen the full impact of this latest change.
- 6.16. Estimates made in TfL’s Streetspace Guidance suggested for Hackney there could be an increase of between 80-90% in private car trips by car owning households⁶.
- 6.17. While Government guidance on social distancing has changed and at the time of writing is not a legal requirement, Government guidance remains to “limit close contact with other people”. In practice to enable people to choose to follow this guidance at the school gates, it remains relevant to provide space for parents and children to keep some distance. This benefit of the scheme may become less important over time, but as of publication of this report, it is a relevant benefit.
- 6.18. The proposals outlined in this report are consistent with the Council’s Transport Strategy, which commits to encouraging and promoting walking and cycling, and to reducing the impact of the school journey on the local environment. It is also consistent with the advice and guidance from both the Government and the Mayor of London, including advice provided for the short term Covid crisis.
- 6.19. **Hackney Council’s Transport Strategy 2015 - 2025**
- 6.20. Hackney Council’s Transport Strategy sets out a coherent set of sustainable transport policies, proposals and actions that aim to further improve walking and cycling and public transport conditions and options for all residents, visitors and people who work in the borough.
- 6.21. The Strategy recognises that not only does transport have a critical role to play in Hackney’s continuing physical regeneration, but is also a key factor in achieving other key borough priorities such as promoting transport equality and access to jobs, training and essential services, reducing obesity levels,

⁶ TfL. LSP. Interim Borough Guidance.

supporting the local economy, improving air quality and reducing carbon emissions.

- 6.22. There are a number of clear objectives within the Strategy, including:
- **LN3:** Improving air quality - Hackney will continue to tackle poor air quality, seeking to reduce NO2 emissions to achieve the National Air Quality objective of 40mg/m3
 - **LN10:** School Clean Air Zones - Hackney Council will aim to develop and secure funding for projects to improve air quality in and around the borough's schools. School Streets is one such project, with the temporary closure of roads outside schools that coincides with school opening and closing times.
 - **LN20:** School Streets - Hackney will look to develop and trial School Streets proposals where roads, upon which schools are situated, are closed during certain times of the day.
 - **LN15/C33:** Filtered Streets - Reducing motor traffic on residential streets. Hackney Council will continue to work with local residents and key stakeholders to identify, trial and rollout additional filtered streets schemes across the borough in order to reduce rat-running and through motor traffic.
 - **C08:** Reallocation of Road Space - The Council will continue to reallocate carriageway road space from private motor vehicles to cycle infrastructure provision, whether it be cycle parking or route provision.
- 6.23. The Council already has about 120 modal filters within the borough and has more planned for the current and future years. Officers are also developing a Low Traffic Neighbourhood plan for expanding this across the borough.
- 6.24. The Council already has 38 permanent and 10 experimental School Street schemes in the borough. Therefore this recommendation is consistent with the Council's established policy and approach to School Streets.
- 6.25. **Mayor's Manifesto Commitments**
- 6.26. The schemes also align with certain manifesto commitments made by the current Mayor of Hackney:
- 'We will make it easier and more attractive to walk and cycle to school.'
 - 'We will continue our school travel plan programme, cycle training and schools' air quality monitoring and introduce at least 12 School Streets by 2022.'
 - 'We will implement measures to reduce road accidents especially in relation to vulnerable road users and work towards the Vision Zero target of no deaths on London's roads.'

6.27. **Mayor of London's Transport Strategy 2018**

6.28. The central aim of the strategy – the Mayor's vision – is to create a future London that is not only home to more people, but a better place for all those people to live in. It recognises that the success of London's future transport system relies on reducing Londoners' dependency on the car in favour of increased walking, cycling and public transport use. This approach will reduce health and economic inequalities, which is especially important for young children, who need to do more physical activity to stay healthy as they grow. Children can benefit the most from street closures and from safe and accessible footpath networks and other public spaces for active and independent travel and play. The implementation of School Streets in Hackney would support the long-term delivery of the Mayor's Transport Strategy (MTS) and help attain the MTS target of 'the proportion of sustainable travel mode trips by London residents will reach 80% by 2041.'

6.29. **Vision Zero** The Mayor's Transport Strategy also commits to delivering a 'Vision Zero' approach in London to make its streets safer for all. Minimising road danger is fundamental to the creation of streets where everyone feels safe walking, cycling and using public transport. This radical change to how London approaches road danger will aim for no one to be killed in or by a London bus by 2030, and for all deaths and serious injuries from road collisions to be eliminated from London's streets by 2041.

6.30. **'Rebuilding a Greener Hackney' - Hackney Emergency Transport Plan**

6.31. Hackney's Emergency Transport Plan (ETP) outlines the borough's response to the global Covid 19 pandemic. The response is consistent with Hackney's existing Transport Strategy. Government advice in 2020 was to avoid public transport to reduce wherever possible the risk of virus transmission. This created a risk that if parents switched from public transport to the car for the school run there would be increased congestion and pollution outside of school gates. This would conflict with the need to provide additional space for social distancing by widening footways or using part of the carriageway.

6.32. The ETP was designed to prevent the potential damaging effects of a car-led recovery from the pandemic through helping with social distancing for pedestrians and cyclists outside school gates and supporting a switch to walking and cycling to school instead of private car use. It can be found here: <https://hackney.gov.uk/rebuilding-a-greener-hackney>.

6.33. Hackney committed to swiftly introducing 40 School Streets, being implemented in time for the school return in September 2020. This is an acceleration of the commitment to roll out School Streets across the borough over the life of the Transport Strategy to 2025.

- 6.34. **Department for Transport Statutory Guidance and Transport for London Streetspace Guidance - May 2020**
- 6.35. Hackney's Covid response was in line with specific guidance from the London Mayor and national guidance. Relevant to this report is TfL's 'London Streetspace Plan – Interim Guidance to Boroughs', which recommends TfL working with London boroughs to transform London's streets by: "Accelerating delivery of low traffic neighbourhoods and School Streets by working with boroughs to reduce through traffic on residential streets, to further enable more people to walk and cycle safely as part of their daily routine".
- 6.36. It also included Appendix 8 Supplementary Guidance on School Streets, which was designed specifically to support boroughs with the rapid delivery of School Streets across London.
- 6.37. The Government's statutory guidance on transport network management issued in May 2020 stated: ' The government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel.' (ref DfT,2020).
- 6.38. In addition, in November 2020, the Department for Transport allocated an additional £175 million to Councils across England to create safe space for cycling and walking. This funding was granted to specifically support the implementation of School Streets, Low Traffic Neighbourhoods, segregated cycle lanes and pedestrian improvements.
- 6.39. Hackney's Mayor summed up the borough's approach by stating 'We've committed to creating 40 new School Streets, ensuring that when children return to school in September, School Streets are the norm, not the exception.'
- 6.40. On 31 July 2021, the Secretary of State sent a letter to local authorities updating the DfT's guidance on active travel schemes supported by Government funding. He stated that: 'if these schemes are not given that time to make a difference, then taxpayers' monies have been wasted. Schemes need time to be allowed to bed in; must be tested against more normal traffic conditions; and must be in place long enough for their benefits and disbenefits to be properly evaluated and understood.'
- 6.41. Since these schemes were implemented in September 2020 (including SS32 Harrington Hill Primary School), there has been a period of lockdown closing schools early in 2021 and even though they have now returned, some are still operating with staggered times and different access arrangements; they are not operating under more normal traffic conditions. It is in response to this directive that Hackney seeks to make the SS32 Harrington Hill Primary School School Streets permanent at the end of the 18 month experimental period, so as to ensure that the safety and social distancing benefits to parents/carers

and children continue. A further review of the operation of the School Street will be undertaken in approximately 12 months.

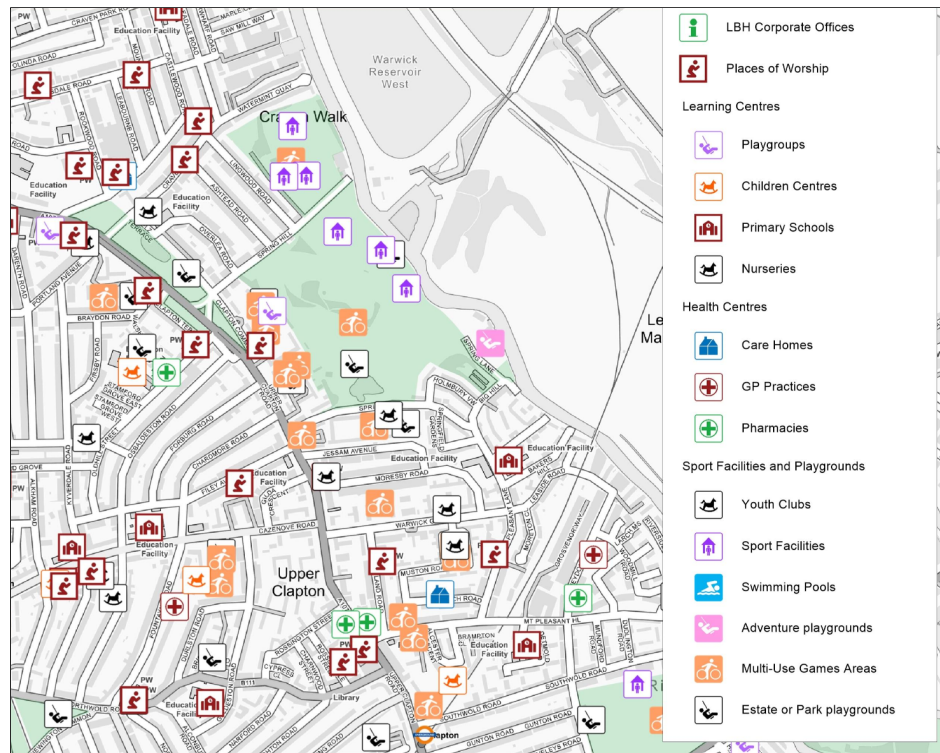
7. Equality Impacts Assessment (EQIA)

- 7.1. Hackney Council and its decision-makers must comply with the Public Sector Equality Duty set out in Section 149 of the Equality Act (2010), which requires us to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. As part of our decision-making process on the proposal for these schemes, due consideration has been given to the impact of School Streets on those with the following protected characteristics: disability, pregnancy and maternity, age, religion and belief, race and ethnicity, gender, gender reassignment, sexual orientation, and marriage and civil partnership. This section has also given consideration to people experiencing or at risk of poverty. Officers have ensured that all impacts on protected characteristics have been considered at every stage of the development of this proposal. This has involved anticipating the consequences on these groups and making sure that, as far as possible, any negative consequences are eliminated or minimised and opportunities for promoting equality are maximised. The EQIA was kept under review and updated throughout the experimental period and an interim Equalities Impact Review was published in October 2021 (included as Appendix 4) in light of specific equalities considerations that had been raised or otherwise come to light up to that point during the experimental period.
- 7.2. The scheme is found to benefit, or have neutral impact, on all protected groups at the group level, although it is accepted that some individuals within protected groups may be negatively affected. The Council has weighed the negative impacts on certain individuals against the overall positive benefits to the groups as a whole and decided that the overall outcome is a net benefit. The Impact Assessment that follows details the Council's evidence in making these conclusions and rationale taking each protected group in turn. The Council has considered whether it would be appropriate to modify or amend the scheme to mitigate the impact on the individuals identified as experiencing negative impacts (and those like them) and this report recommends a set of mitigations.
- 7.3. To understand the impacts of the scheme on different groups, the Council has carefully considered comments made during the course of the experimental period and consultation as well as conducting other investigations.
- 7.4. As an initial step, the Council considered whether there are facilities in the Springfield area that are of relevance to any of the protected groups to assess if access to these facilities is impacted (see Figure 2).
- 7.5. In order to check the impacts on protected groups, reference was made to destinations known to be important to local travel of protected groups. In air quality analysis these destinations are sometimes referred to as 'sensitive

receptor' sites, but the journey from people's homes to access these sites is also important.

- 7.6. Certain vehicle based journeys might need to take a different route as part of the scheme. For example, buses that ferry visitors to the Kids Adventure Play⁷ at the River Lee Navigation that used to get to Spring Lane via Warwick Grove and Mount Pleasant Lane will now be rerouted to Springfield.
- 7.7. However, as part of the proposals, all of the known important facilities remain fully accessible by foot, cycle or vehicle with the exception of Harrington Hill Primary School itself, which is the clear target of the School Street element of the scheme, and which access is permitted for Blue Badge holders.
- 7.8. **Figure 2** shows the places of interest in Springfield.

Figure 2 - places of interest in Springfield



7.9. Disability

- 7.10. Under the 2010 Equality Act you are a disabled person if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.
- 7.11. While some disabled people may have impairments which are visible and immediately obvious, like using a wheelchair, other impairments like diabetes, dyslexia or mental illness are often invisible and therefore people's needs are not immediately recognisable.

⁷ <https://www.kids.org.uk/> (KIDS support over 13,700 disabled children, young people and their families every year by delivering over 80 services throughout England)

- 7.12. Disabled people encounter discrimination and disadvantage in many aspects of life:
- disabled people are more likely to experience unfair treatment at work than non-disabled people. In 2008, 19% of disabled people experienced unfair treatment at work compared to 13% non-disabled people
 - around a third of disabled people experience difficulties accessing public, commercial and leisure goods and services
 - 20% of households with at least one disabled person live in poverty compared to 16% of households with no disabled people
 - 46% of disabled people are in employment, compared with 76.2% of non-disabled people
 - around a fifth of disabled people report having difficulties accessing transport
 - one in three households with a disabled person still live in accommodation that is not classed as decent
- 7.13. The Equality Act also protects people who are caring for a disabled child or relative as they will be protected by virtue of their association with a disabled person.
- 7.14. Hackney has lower than average rates of residents who identify as having a disability. In August 2019, 4,157 were in receipt of Disability Living Allowance and 3,273 were in receipt of Attendance Allowance. In October 2019, 9,760 people were entitled to Personal Independence Payments.⁸
- 7.15. Another measure of disability is the percentage of residents who are economically inactive because of being long term sick or disabled is which is 5.2% in Hackney as a whole compared to 3.7% in London. In the 2011 census 14.6% of Hackney respondents said they had a long-term illness that limited their daily activities in some way, compared with 13.% for London and 17.9% for England and Wales.
- 7.16. Hackney's own research indicates that just over 35,000 identify themselves as disabled or with a long term limiting illness. People from an Asian, Black or other ethnic background and older people are more likely to identify themselves as disabled.
- 7.17. **Table 8** shows the percentages of people suffering from long term illness or disability in the Springfield area compared to LB Hackney.

⁸ Department for Work and Pensions, StatXplore, August 2019. Note: there might be some duplication in the numbers as people transition from receiving Disability Living Allowance to Personal Independence Payments.

Table 8: Disability in the Springfield and Leabridge wards

	Springfield	Hackney	London	England
Very Good Health	57.8%	52.2%	50.5%	47.2%
Good Health	26.4%	30.7%	33.3%	34.2%
Fair Health	10.2%	10.9%	11.2%	13.1%
Bad Health	4.1%	4.5%	3.7%	4.2%
Very Bad Health	1.5%	1.7%	1.2%	1.2%

7.18. The main modes of transport used by disabled Londoners at least once a week are walking, bus, car as a passenger and car as a driver. **Table 9** shows the proportion of disabled Londoners and the type of transport they take at least once a week.

Table 9: Proportion of disabled Londoners and the type of transport they use (source: TfL)

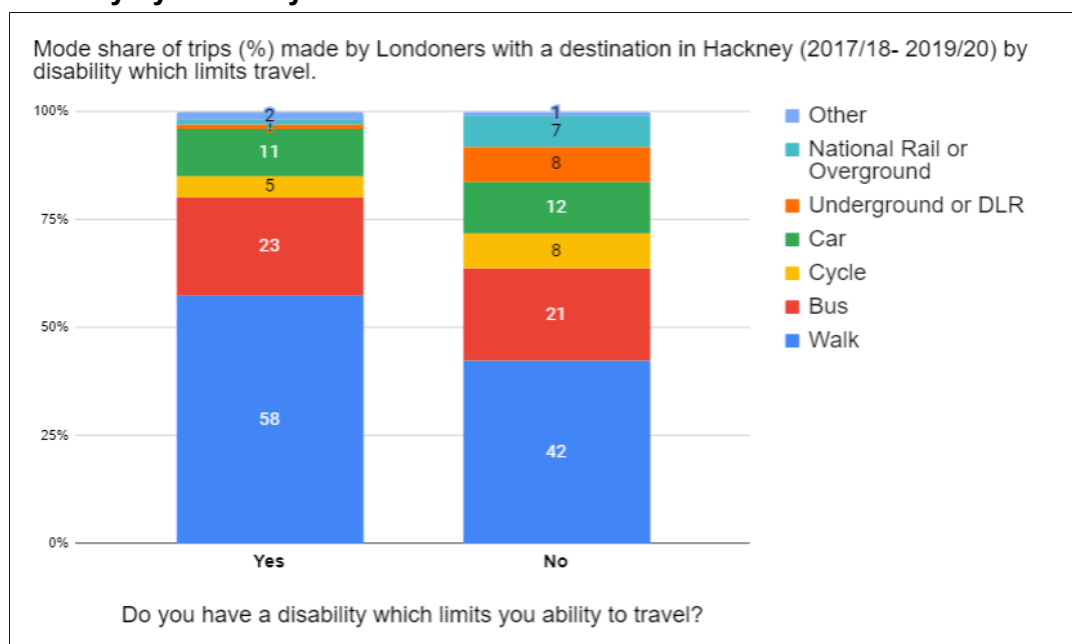
Proportion of disabled Londoners and the type of transport used at least once a week (in percentages) - Children under 5 not included (2016/17)					
Category	Total	Age 16 - 25	Age 65+	Non Disabled all	Non Disabled 65+
Base	1729	789	863	15831	1828
Walking	81	88	70	96	95
Bus	58	4	48	60	72
Car (as passenger)	42	40	41	45	41
Car as driver	24	26	25	39	52
Tube	21	30	13	43	35
National Rail	9	12	5	17	15
Overground	7	10	3	12	8
PHV - minicab	10	12	8	10	4
Taxi - black cab	3	3	3	2	2
DLR	3	5	2	5	1
Tram	2	3	1	2	2
Motorbike	-	1	-	1	1
Any public transport	61	69	52	74	78

- 7.19. The TfL data in table 9 shows that walking (which includes travelling on the pavement with a mobility aid or wheelchair), is the mode of transport disabled people use the most, with 81% indicating that they walk at least once a week. After that, bus travel (58%) is the most frequently used mode of transport, and after that car travel as passenger(42%) and driver (24%). It is important to note that multiple answers were possible.
- 7.20. There are 5,664 individuals in Hackney with companion e - Badges (blue badges), which is around 3.5%of the total residential population and 14% of disabled people. The latter figure is lower than the approximately 18.5% in London as a whole and around 20% for England. The figure for England is also around 20%. Some 86% of disabled residents in Hackney do not have a companion e - badge parking permit.
- 7.21. Other mobility impaired people in Hackney do not have their own car but rely on subsidised car-based Community Transport Services. One of the main schemes by which this happens is Taxicard which is a London-wide service providing subsidised London taxis, jointly funded by TfL and London boroughs, and administered by London Councils. There are currently 2,529 active Taxicard users in Hackney.
- 7.22. The Wheels for Wellbeing annual survey⁹ shows that 72% of disabled cyclists use their bike as a mobility aid, and 75% found cycling easier than walking. Survey results also show that 24% of disabled cyclists bike for work or to commute to work and many found that cycling improves their mental and physical health. Inaccessible cycle infrastructure was found to be the biggest barrier to cycling. The infrastructure introduced by this scheme which reduces traffic within the LTN will benefit disabled cyclists and could potentially encourage people with disabilities to try cycling, if their disability allows.
- 7.23. Analysis based on the London Travel Demand Survey for 2019/20 shows that 7% of trips originating in Hackney are made by someone who has a mental or physical disability affecting daily travel (including old age). Mode split for these trips is shown on **Figure 3**.

⁹ Wheels for wellbeing annual survey 2018:

<https://wheelsforwellbeing.org.uk/wpcontent/uploads/2019/04/Survey-report-FINAL.pdf>

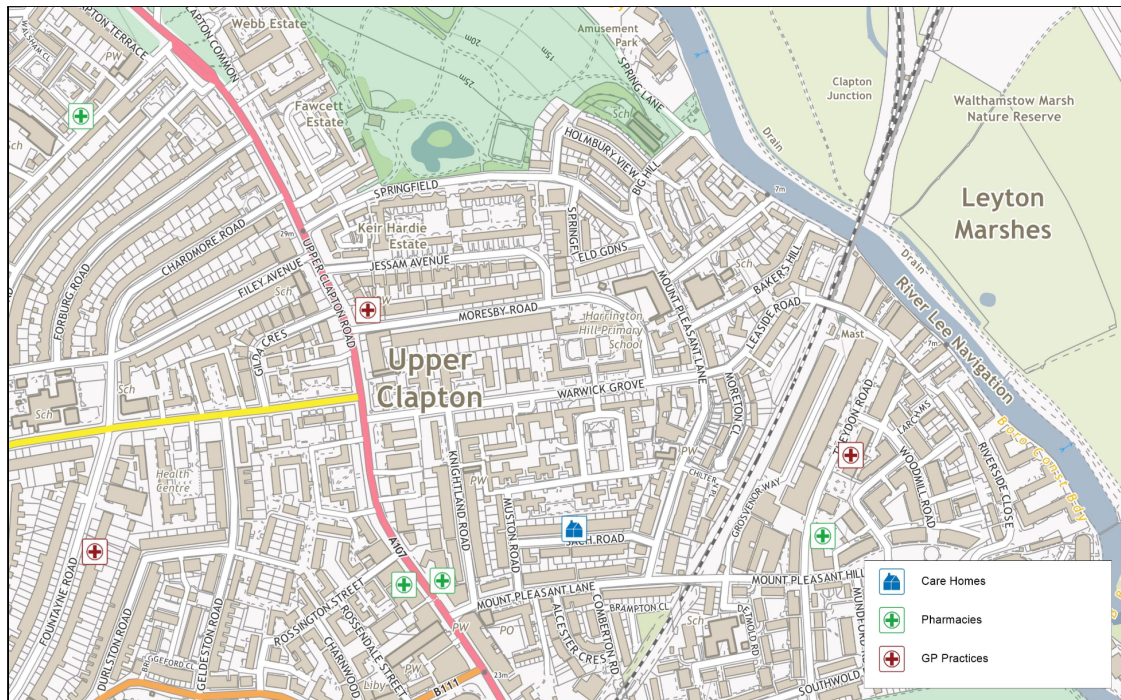
Figure 3: Mode share of trips made by Londoners with a destination in Hackney by disability which limits travel



- 7.24. When comparing to the LTDS mode split of trips made by those with a disability in Hackney it is perhaps counterintuitive that those with a disability are much more likely to walk compared to those without disabilities (58% of trips by disabled people compared to 42% of those without a disability which affects daily travel).
- 7.25. It is also interesting to note that car use by disabled people is slightly lower than by non-disabled people (making up 11% and 12% respectively of trips taken by the two groups). Disabled people are relatively more dependent on buses (23% versus 21%) and slightly less likely to cycle (5% of trips compared to 8% for non-disabled people in Hackney).
- 7.26. People with disabilities who rely on motor vehicles may suffer to a greater degree from any increases in journey times (and for a variety of reasons) as compared to people without disabilities. Longer journey times have negative impacts on disabled people due to:
- Increased travel times which lead to travel becoming more exhausting, expensive, complicated or difficult and may require earlier starts for medical appointments and carers needing to get clients up earlier with overall longer days and more stress.
 - Prolonged travel times which increase the pain suffered by disabled people when sitting in vehicles such as arthritis sufferers.
 - Prolonged travel times for visitors who provide care and support to disabled people.
 - Increased costs (whether for petrol or cab fares) for people with disabilities who are more likely to have lower incomes with these costs, therefore, representing a greater proportion of their available money.

- 7.27. Furthermore, LTNs in general can have both positive and negative impacts for disabled people, and that sometimes disabled people cannot benefit from the positives because of other pre-existing environmental conditions (i.e. poor pavement quality making it harder to walk with a mobility aid).
- 7.28. No changes to designated blue badge parking spaces have been made as a result of this scheme.
- 7.29. It is acknowledged that not every person with a disability who relies on motor vehicles holds a Blue Badge, but may sometimes be a passenger either in someone else's private vehicle, or a Taxi (some but not all will use the Taxicard scheme) or a Private Hire Vehicle.
- 7.30. Furthermore, it is recognised that residents with a disability may rely on motor vehicle journeys made by others, such as carers, NHS, and social services and others and these journeys may become more indirect due to restrictions on through traffic.
- 7.31. Emergency vehicles will still be able to access the kerbside. Taxi/PHV will also be able to access the kerbside, loading bays, Blue Badge Holder bays or other locations, to pick-up and drop off passengers with disabilities at all times outside of the School Street operating hours, which are limited to 2 hrs per day, Monday to Friday, term time only.
- 7.32. Buses provide a fully accessible form of public transport which are used by 58% of disabled people across London. No bus routes have been diverted as a result of this scheme.
- 7.33. There are three important health care facilities in the Mount Pleasant area that could be important for people with disabilities, including The Clapton Surgery, Health Medical Centre and Nonoy Capina Care Home as shown on **Figure 4**.

Figure 4 - Health Centres in the Mount Pleasant area



- 7.34. Emergency service vehicles, such as ambulances and fire engines are supported by the scheme as they can pass through all the traffic filters.
- 7.35. Access to these facilities is still available but may take longer than before in some cases.
- 7.36. Access to all properties is maintained at all times outside of the School Street operating hours, which are limited to 2 hrs per day, Monday to Friday, term time only. While certain social care and other medical home visits may take place during these hours, the School Street zone is limited in size and the furthest property is less than 300m from the zone boundary and less than the distance to the nearest bus stop. Carers or others with mobility impairments that require regular access could be eligible for the Blue Badge exemption.
- 7.37. Hackney's enforcement policy allows for emergency journeys to be undertaken through the LTN filters/traffic filter. Thus, in case of an emergency visit, whether an emergency Doctor, social care worker or other clinician would be able to traverse the restrictions and appeal a PCN through the Council's system.
- 7.38. **Access for local disabled residents and visitors**
- 7.39. The scheme maintains access to all properties at all times except for the properties within the School Streets zone during the School Street operating hours, which are limited to 2 hrs per day, Monday to Friday, term time only.

- 7.40. The School Street zone directly affects residents living within 200 properties that are inside the zone. While these residents are eligible for an exemption for themselves, regular visitors, and carers, other irregular visitors, taxis, deliveries or other vehicles attending their property are not exempt. This represents an inconvenience that impacts disabled people who rely on vehicles more than non-disabled residents. This impact is mitigated by the restrictions being limited in time, to only 2 hours per day, Monday to Friday and term time only. The number of mobility impaired residents directly affected by the scheme in this way is estimated to be low. This is because the overall number of properties affected is low (under 200), and the number of residents living within that area who are disabled and reliant on motor vehicles will be a proportion of the total number of residents (as described earlier in this section) and therefore the number of disabled residents, living within the School Streets zone and reliant on motor vehicles is estimated to be less than 100.
- 7.41. As mentioned, the impact on access for disabled residents to their properties within the School Street schemes, is mitigated by way of the exemption policy which permits them to register their vehicle or carers' vehicles for exemption. Furthermore, Blue Badge holders who require access to an address within the zones as visitors, can also apply for the exemption. However, Blue Badge holders who do not register in advance or are using an unregistered vehicle may at times be unable to enter during the times of operation.
- 7.42. For those with limited mobility who have needed to access a property within the zone during the restricted times, and who have not registered for an exemption, the maximum walking distance from the furthest address in the zone to the edge of the zone is less than 300 metres and is shorter than the distance to the nearest bus stop.
- 7.43. **Access to Harrington Hill Primary School:** Prior to the scheme launch, discussions were held with Hackney Education, who provide school transport for disabled pupils, to mitigate the impact of the schemes on their journey times and provide an exemption to a School Street where no other alternatives are feasible. This also included taxis and private hire vehicles operating the service on behalf of Hackney Education. These vehicles then have access at all times both to the pupils' home address and their school if these are located inside a School Street zone.
- 7.44. Exemptions can also be granted to school staff and parents, who have a Blue Badge for themselves or their children, so they can enter the zone to park or access the school car park.
- 7.45. **Access to Side-by-Side School:** During the experimental period, concerns had been raised by Side by Side SEND School and parents of pupils attending the school. These concerns and the Council's response to them are detailed in the 'stakeholder consultation' sub-section of this report. A legal case was brought against Hackney Council on behalf of two disabled children, who challenged the validity of two Experimental Traffic Orders (ETOs) described in this report. A legal case 'SM v LB Hackney' was brought to the

High Court, on the grounds that the two pupils had been severely prejudiced by increased car journey times to and from the school.

- 7.46. The applicants argued there had been a failure to discharge the public sector equality duty, failure to consult and breach of article 8 or article 14 (read with article 8) of the European Convention on Human Rights (ECHR).
- 7.47. Hackney argued that it had 'properly discharged its duty to have 'due regard' to the matters specified in section 149 of the Equality Act 2010; that it was under no obligation to consult more widely than it did prior to making the ETOs; and that there was no interference, or alternatively a justified interference, with the applicants' article 8 rights and no violation of their rights under article 14 read with article 8'.
- 7.48. The ground of 'a failure to discharge the public sector equality duty', was dismissed by the Judge for the reason that Hackney had adequately performed its duty to carefully consider the impact on those with protected characteristics. This was despite that initially this did not include the impact on a particular sub-cohort of disabled children who could be adversely impacted by increased journey times, which was then included in ongoing monitoring and assessment. With regards to ground of 'failure to consult', it was concluded that it would not be irrational for Hackney to exclude Side by Side School from the list of regulation 6 bodies it was thought "appropriate to consult", given the consultation with Interlink, which was a more natural candidate as a representative of members of the Orthodox Jewish community living in the area and likely to be affected by the ETOs. Notwithstanding, Hackney held a video discussion with Side by Side School staff. With regards to the third ground of breach of 'ECHR article 8, or article 8 read with article 14', the judge concluded that 'if the ETOs were quashed, not just the applicants but others without special needs or any disability would once again be able to make rat runs through the back streets south of Mount Pleasant Lane and to drive through the barrier at the northern end of it. 'That would dilute and, indeed, partially defeat the impact of the ETOs and reduce the benefits they are expected to deliver'.
- 7.49. The interim Equalities Impact Review considered a number of potential mitigation measures (listed below), concluding that they should be kept under review for the remainder of the experimental period. The interim Equalities Impact Review concluded that it was not necessary to consider further modification of the ETOs or any amendment of the existing exemption application criteria in relation to pupils of Side by Side School during the experimental period, but that a final decision on mitigations would correspond with the decision to make permanent (or not) the scheme. However, the review also concluded that there may be a disproportionate impact on a subset of pupils attending Side by Side School, and there may be a case for considering granting special exemptions to these pupils.
- 7.50. This report reconsiders whether it would be necessary to implement any of the mitigation measures that were initially considered in the interim Equalities Impact Review, in light of recent evidence from continued monitoring. This will

inform the Council's decision on whether or not to make the schemes permanent, with or without changes.

- 7.51. The following potential mitigation measures have been reconsidered:
- (a) Removal of some parking spaces on Springfield to create passing places for vehicles;
 - (b) Exempting school transport vehicles from the LTN restrictions on Mount Pleasant Lane;
 - (c) Exempting private vehicles, carrying pupils to Side by Side School, from the School Street and LTN restrictions on Mount Pleasant Lane;
 - (d) Extending or modifying the existing exemption criteria to include private vehicles carrying pupils to Side by Side School whose journeys originate from just southeast of the restrictions on Mount Pleasant Lane.
- 7.52. The following investigations were conducted to fully understand the impact of the schemes on these pupils, and inform the Council's decision on whether it is necessary to implement any of the mitigating measures described above:
- (a) Monitoring the journey times in real time for the journeys to school undertaken by the pupils identified in 'SM v LB Hackney' using journey mapping software
 - (b) A series of Automatic Traffic Counts (ATC) - detailed in section 4 of this report
 - (c) A series of site visits for observation and manual traffic counts
 - (d) Review of the existing exemptions policy and procedure
 - (e) Correspondence with local authority school transport operators.
- 7.53. The results of these investigations and summary of mitigation measures can be found in Table 15.
- 7.54. **Results of the journey time monitoring**
- 7.55. Officers conducted journey time monitoring (see Appendix 4) to assess whether school transport vehicles using Springfield to get to Big Hill, where Side by Side school is located, were experiencing increased journey times. The interim Equalities Impact Review concluded that the difference in journey times for vehicles using Springfield was minimal. Subsequent journey time monitoring in February 2022 shows negligible change to the average journey times of vehicles using Springfield to get to Big Hill, and does not suggest vehicles are being delayed.

- 7.56. Officers have also continued to engage with the local authority SEND transport providers for both Hackney and Haringey. On three occasions during the experimental period, Officers had asked the SEND transport providers to provide an update on whether the SEND buses attending Side by Side School were experiencing any increased journey times or delays when using Springfield. As of February 2022, operators from both local authorities have consistently reported that they have not experienced increased journey times arising from the diversion of their route to Side by Side school from Mt Pleasant Lane to Springfield.
- 7.57. **Results of the traffic investigations**
- 7.58. Officers have investigated the assertion that the ETOs have created hyper-local traffic delays on Springfield because a) traffic has increased on Springfield as a result of the ETOs, and b) it is difficult for two vehicles travelling in opposite directions to pass each other (especially larger vehicles). This involved conducting automatic traffic count (ATC) monitoring in November/December 2020, May 2021, and February 2022, and manual traffic counts in December 2020 and March 2021, supplemented with Officer site observations and reports from school transport operators (who are using Springfield with larger vehicles).
- 7.59. The results of this monitoring indicate that average traffic volumes had slightly increased on Springfield between November 2020 and February 2022, but remained relatively low at 2.2 vehicles per minute, which would normally be considered insufficient to cause congestion concerns. However, the Council accepts the possibility that hyper-local congestion on urban roads is possible even with low traffic volumes, due to events such as obstructions caused by loading vehicles or other temporary obstructions, which could disproportionately impact pupils whose journey originates from further away (see Appendix 4). However, the Council's existing exemptions policy can deal with such instances.
- 7.60. Additional Officer site observations were conducted in February 2022 to monitor traffic congestion on Springfield, which found that vehicles were still able to pass one another without delay.
- 7.61. **Review of existing exemptions policy and procedure**
- 7.62. Journeys to Side by Side School originating from east of the school are not possible because transport links in this direction are severed by the River Lea. Journeys from immediately south of the school would have relied more on using Mount Pleasant Lane and turning right onto Big Hill prior to the implementation of the two ETOs. Such journeys may be disproportionately impacted by the School Street and LTN restrictions on Mount Pleasant Lane than journeys from the north and west.
- 7.63. The Council has existing systems in place for dealing with requests for special exemptions from School Streets on a case by case basis and to ensure that travel to school by SEND pupils in the borough is not significantly negatively

impacted by the restrictions. These existing systems are suitable to consider the journeys of pupils and families of Side by Side school.

- 7.64. The option of exempting school transport vehicles from using Mount Pleasant Lane will be retained and can be implemented in a responsive manner should the need arise at a future date.
- 7.65. **Engagement with Disability Community**
- 7.66. Hackney has introduced a number of LTNs since May 2020 on an experimental basis while encouraging residents to have their say online or by sending written comments to the Council during a full eighteen month period. Some people (including non disabled) have interpreted this as being done without consultation. In fact it offers an advantage in that it allows those who find it hard to interpret plans and drawings to make a judgement based on their knowledge and experience of how the scheme actually works in real-world conditions. It is acknowledged that this is a variation on the methods used pre-Covid, in which extensive consultation preceded a permanent decision using a design based on predicted traffic impacts. It is also clear that many people with disabilities feel that other people are speaking for them; this is discussed in the Transport For All's Pave the Way report (<https://www.transportforall.org.uk/>).
- 7.67. Local disability groups were contacted about the scheme but no feedback was received as a result of these contacts. Officers have used feedback given to other schemes to inform the scheme, for example Age UK and Disability Backup provided feedback to the Hackney Transport Strategy.
- 7.68. Feedback used also includes policy positions by organisations such as the RNIB and research such as the 'Pave the Way' report by Transport for All. These experiences and insights have been useful for project officers not only to adapt the designs, but also improve the planned communication activities that are part of the proposals.
- 7.69. The 'Pave the Way' report outlines several experiences of disabled people with the introduction of LTNs, the communication surrounding these interventions and the impacts on a spectrum of disabled people. The report provides valuable insights such as ensuring that interventions are communicated in a proper way and that changes are announced well in advance so that road users, such as taxi services, can adapt to the new routes.
- 7.70. However, consideration has been given to the impact on disabled residents living within the School Street Zones (including SEND pupils), and disabled visitors to the area.
- 7.71. **Disability Summary:** The aims of the scheme of reducing pollution, reducing traffic, and reducing road danger are of critical importance to

disabled people, who are among the worst impacted by increased pollution levels and the effects of climate change.

7.72. The main modes of transport used by disabled Londoners at least once a week are walking (78%), bus (55%), car as a passenger (44%) and car as a driver (24%), which also means that the scheme will benefit a significant proportion of disabled residents who walk or take public transport as a mode of transport.

7.73. **Pregnancy and maternity**

7.74. The positive benefits of reducing the dominance of motor vehicles would have benefited the most vulnerable road users, including mothers and children who disproportionately suffer the harmful effects of air pollution. Prams and pushchairs put children at the level of exhaust fumes when navigating the streets. Air pollution has been linked to low birth weight and underdeveloped lung capacity in children, as well as higher incidences of lung conditions such as asthma. School Street schemes are important in achieving the aims of reducing air pollution, which would have had a positive impact on mothers and children.

7.75. Encouraging children to be more active on their school journey by walking, scooting or cycling and reducing the use of the car is an important tool in combating childhood obesity.

7.76. Childcarers may not leave much time for exercising so active travel with your children on the school journey is one of the easiest and most time-efficient physical activities to undertake. Two 10 minute periods of brisk walking and cycling a day is sufficient to get the level of physical activity recommended by the Government to avoid the greatest health risks associated with inactivity.

7.77. Access to local GP Surgeries and health centres in the LTN and in the School Street zone is important to all residents including pregnant women and young children. There would be minimal impact on the services provided to pregnant women or new mothers by health and community workers, as they would be able to access any property within the zone via a short journey on foot, which should still be achievable with the necessary equipment required for midwives to carry out their roles. The likelihood of an emergency situation where a patient was attended by a midwife, but not an emergency vehicle at their home during a restricted time, is very low. In the case of an emergency, this can be handled through the PCN appeals process.

7.78. The positive benefits of reducing the dominance of motor vehicles benefits the most vulnerable road users, including mothers and children who disproportionately suffer the harmful effects of air pollution. Prams and pushchairs put children at the level of exhaust fumes when navigating the streets. Air pollution has been linked to low birth weight and underdeveloped lung capacity in children, as well as higher incidences of lung conditions such as asthma. Overall, there is a reduction in vehicle use and air pollution in the area.

7.79. **Age**

7.80. Consideration has been given to the impact of these proposals in terms of age. The scheme is very relevant to all age groups, but in particular attention has been paid to older people and young children. A summary of the impact on Age can be found in Table 15.

7.81. Hackney’s population is growing rapidly; at the present rate of growth the population will reach 317,000, a growth of 43,000, by 2033. Hackney is a young borough. Some 50% of Hackney’s population is aged between 20 and 44 which is one of the highest such proportions in the country and compares to just 34% in this age group nationally and 43% in London. Springfield is home to 15807 people. It has a particularly large cohort of 20-44 year olds, and fewer people aged 45 and over. Springfield has a greater proportion of children and young adults under 20, but fewer adults aged 20 – 44.

7.82. **Table 10** shows the population by age group in Springfield.

Table 10: Population by age group in Springfield

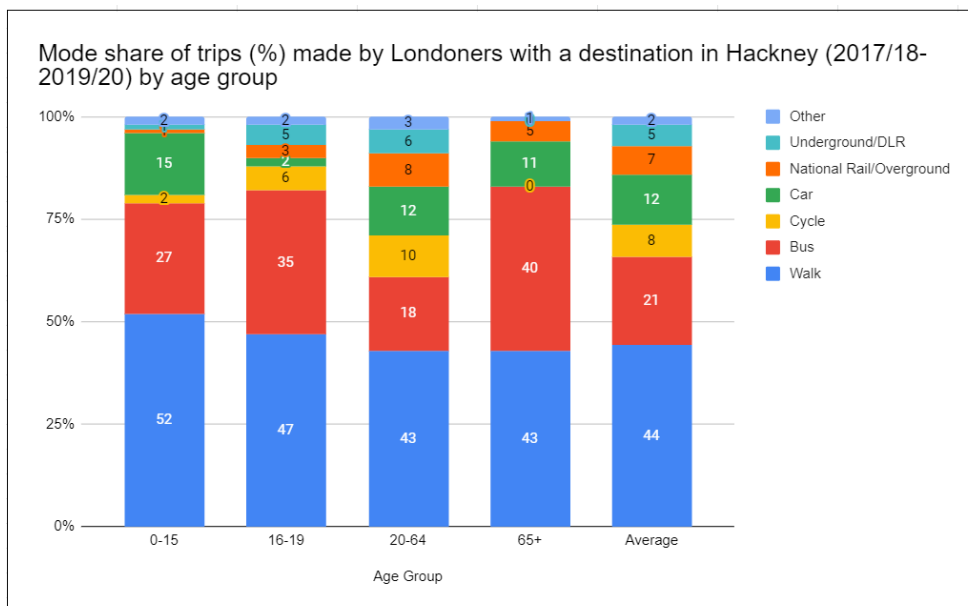
Springfield Ward population by Age Group				
Age	Springfield	Hackney	London	England
0 to 4	12.4%	7.8%	7.2%	6.3%
5 to 7	6.3%	3.9%	3.7%	3.4%
8 to 9	3.8%	2.3%	2.2%	2.2%
10 to14	8.5%	5.6%	5.6%	5.8%
15	1.7%	1.1%	1.1%	1.2%
16 to 17	2.8%	2.1%	2.3%	2.5%
18 to19	2.6%	2.2%	2.3%	2.6%
20 to 24	8.3%	8.8%	7.7%	6.8%
25 to 29	8.9%	13.7%	10.2%	6.9%
30 to 44	21.1%	27.9%	25.3%	20.6%
45 to 59	13.4%	14.4%	17%	19.4%
60 to 64	3.1%	3%	4.2%	6%
65 to 74	3.8%	3.9%	5.8%	8.6%

75 to 84	2.3%	2.3%	3.8%	5.5%
85 to 89	0.6%	0.5%	1%	1.5%
90+	0.3%	0.3%	0.5%	0.8%

7.83. The proportion of the elderly (65+) in Springfield is 7% which is equal to that of the Hackney average.

7.84. The mode share per age category of trips ending in Hackney is shown on **Figure 5**.

Figure 5: Mode share per age category of trips ending in Hackney (2019 - 20)



7.85. Those aged 65+ have a higher mode split of bus use compared to the average with about average walking and car use mode shares. There is very little cycling amongst this age group. Those aged 0 to 15 have much higher walking and bus use than the average and also slightly higher car use but lower cycling rates. Those aged 16 to 19 also have much higher usage of buses and walking than average and the lowest car use of any age group. Cycling is most popular among the working age adult population (10% of trips) but is lower in both younger and older age groups. Car use is relatively low amongst all age groups but is highest among the under 15s.

7.86. The mode share of trips by age groups ending in Hackney (2017/18 - 2019/20) is shown on **Table 11**.

Table 11: Mode share of trips made by Londoners with a destination in Hackney (2017/18- 2019/20) by age group

Mode share of trips made by Londoners with a destination in Hackney (2017/18- 2019/20) by age group					
Main mode	0-15	16-19	20-64	65+	Average
Walk	52	47	43	43	44
Cycle	2	6	10	0	8
Car	15	2	12	11	12
Bus	27	35	18	40	21
Underground/ DLR	1	5	6	0	5
National Rail/ Overground	1	3	8	5	7
Other	2	2	3	1	2

- 7.87. Locations important to older people include local GPs, health centres and pharmacies. Access to health facilities given the operations of the LTN and School Street was described in the Disability section of this EQIA.
- 7.88. A reduction in traffic in the area from the implementation of the LTN and School Street will make it easier to cross the road and side streets, which can be more difficult for older people with high levels of traffic.
- 7.89. The scheme has ensured that local ambulances, doctors and Blue Badge Holder parking bays are not removed or changed. This is especially important for older people, who might need more frequent medical attention.
- 7.90. Bus services are of particular importance to older people and these have not been affected by the LTN.
- 7.91. It is difficult to get feedback on multiple individual schemes from all representative groups, especially those who are charities or rely on volunteers. AgeUK for example have not been able to give detailed feedback on every scheme but their feedback on previous engagements, including the Hackney Transport Strategy was used to inform project officers on individual schemes. This feedback includes removing potential conflicts between pedestrians and other road users, including cars, bicycles and micro mobility vehicles such as e-scooters.
- 7.92. **Recommended actions specifically to help the group protected by age**

- 7.93. Ensure that taxi and private hire drivers are aware that they can access closed streets for the purposes of dropping-off and picking up mobility impaired passengers, including older passengers with mobility impairments.
- 7.94. Continue to investigate options for allowing exemptions for very specific circumstances, such as for Taxicard holders.
- 7.95. This scheme positively impacts children as it is designed to create a safer and less polluted environment specifically targeting children’s journeys. Children are among the most vulnerable groups in terms of road danger and pollution, and this scheme has addressed that vulnerability. Older adults are also vulnerable to road danger and air pollution and have benefited from reduced traffic dominance. However, older adults are more likely to travel by car or taxi as mobility declines with age. Older adults who live within the zone and who rely on taxis due to limited mobility may have had to either reschedule journeys to avoid the restricted times, for doorstep pickup, or walk to the edge of the zone. Pedestrian accessibility surveys have been undertaken along the walking route and any remedial action required flagged for attention.
- 7.96. **Religion and belief**
- 7.97. Consideration has been given to the impact of these proposals in terms of religion or belief. Special attention has been paid to places of faith and how these would remain accessible by all transport modes as part of the proposals.
- 7.98. **Table 12** shows the distribution of religion and beliefs in Springfield.
- 7.99. The Jewish religion has a higher percentage (32.2%) than the Hackney average of 6.3%.

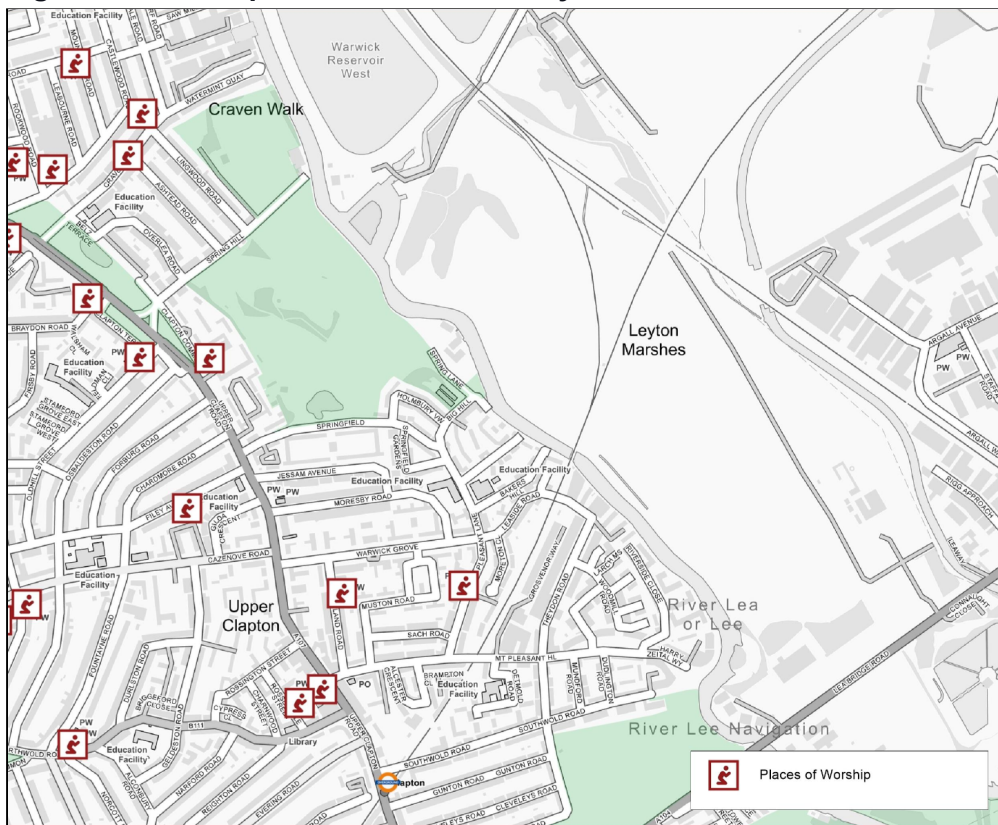
Table 12: Distribution of Religion and Beliefs in Springfield

Springfield Religion and Beliefs (in percentages)			
Religion	Springfield	Hackney	London
Christian	29.3	38.6	48.4
Buddhist	0.5	1.2	1.0
Hindu	0.3	0.6	5.0
Jewish	32.2	6.3	1.8
Muslim	12.5	14.1	12.4
Sikh	0.7	0.8	1.5
Other Religion	0.4	0.5	0.6

No Religion	11.7	28.2	20.7
Religion Not Stated	12.4	9.6	8.5

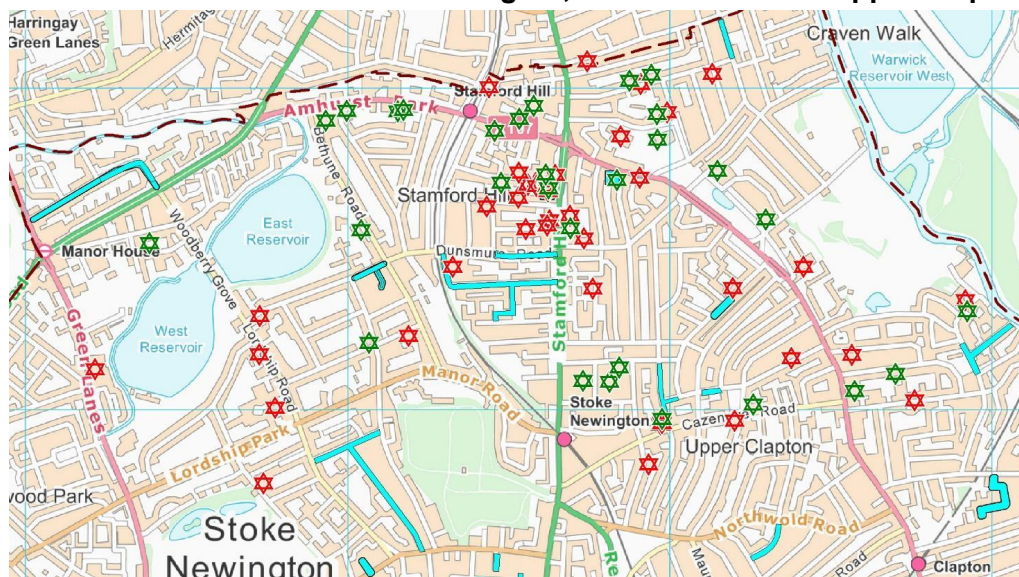
- 7.100. Reducing the dominance of motor vehicles benefits all groups equally, regardless of religion.
- 7.101. The traffic filter installed at Mount Pleasant Lane does not discriminate against any religious group, as they apply equally to all groups. There is no disproportionate impact on the Jewish, Muslim or Christian populations as residents or business owners, as the scheme does not prevent access to shops, places of faith or other cultural or religious institutions.
- 7.102. Routes to access these facilities might have changed as a result of the scheme, depending on the origins of the journeys.
- 7.103. Knightland Road Synagogue and St. Matthew's Church Of England are places of worship located at Mount Pleasant Lane to the south of Warwick Grove. Some residents wishing to visit these two places of worship may be affected by the traffic filter at Mount Pleasant Lane particularly those living to the north of the Springfield Gardens.
- 7.104. Places of worship in Springfield are shown on **Figure 6**.

Figure 6a: worship centres in the vicinity of the scheme



- 7.105. These locations will experience a positive impact of reduced traffic flows allowing worshippers to walk and cycle to their place of worship safely.
- 7.106. Places of worship have also been contacted as part of the wider communication strategy to enable them to submit their feedback to Hackney Council.
- 7.107. Consideration has been given to the impact of School Streets in terms of religion or belief. Reducing the dominance of motor vehicles has benefited all groups equally, regardless of religion and belief. The proposal in this report for a permanent School Street does not discriminate against any religious group, as they apply equally to all groups.
- 7.108. The extent of each School street scheme has been kept as minimal as possible in order to reduce the number of addresses within each scheme and the disruption to residents and businesses. There are locations though where places of worship fall within a School Streets scheme; people with mobility problems visiting these locations by motor vehicle can apply for a special exemption. This will enable them to get as close as possible to the entrance in their vehicle. All other visitors arriving by vehicle during the scheme operating times are required to park outside the scheme and complete their journey on foot.
- 7.109. Prior to implementing the School Street and LTN schemes, the Council conducted a desk-based analysis of the location of Jewish schools and community establishments to identify where there might be specific local issues to address. This impact assessment noted the presence of Side by Side School on the periphery of the School Street and LTN but that there was no direct impact on the school. No other Jewish schools or community receptors were identified in the immediate vicinity in this analysis.

Figure 6b: Map of School Streets and Jewish Schools and Community Establishments in the Stoke Newington, Stamford Hill and Upper Clapton Area



- 7.110. The impact assessment considered the demographic characteristics of the population in Springfield Ward that, similarly to other northern parts of the borough, is home to a significant Orthodox (Charedi) Jewish community. This population typically has large family groups with children attending different single-sex schools. They are therefore, in some cases, currently quite car dependent and schemes that prioritise walking and cycling over car use might not be as beneficial to this population. It is acknowledged that given these characteristics, and also for cultural reasons, behaviour change might be more difficult amongst these groups, however car dependency is not a protected characteristic in itself.
- 7.111. **Race and ethnicity**
- 7.112. The 2011 Census estimates that about 45% of Hackney's population are black and minority ethnic groups, with the largest group (around 23%) being black or black British.
- 7.113. **Table 13** shows the ethnic distribution of the population In Springfield.
- 7.114. There are proportionately more residents from other white backgrounds and fewer black residents in Springfield than the Hackney average.

Table 13: Distribution of Ethnicity in Springfield

Ethnicity in Springfield (in percentages of resident population)				
Ethnicity	Springfield	Hackney	London	England
White; English /Welsh /Scottish/ Northern Irish/ British	35.7%	36.2%	44.9%	79.6%
White, Irish	1.1%	2.1%	2.2%	1%
White; Gypsy or Irish Traveller	0.2%	0.2%	0.1%	0.1%
White; Other White	20.9%	16.2%	12.7%	4.6%
Mixed/Multiple Ethnic Groups; White and Black Caribbean	1.6%	2%	1.5%	0.8%
Mixed/Multiple Ethnic Groups; White and Black African	0.7%	1.2%	0.8%	0.3%
Mixed/Multiple Ethnic Groups; White and Asian	0.8%	1.2%	1.2%	0.6%
Mixed/Multiple Ethnic Groups; Other Mixed	1.5%	2%	1.5%	0.5%
Asian/Asian British; Indian	3.6%	3.1%	3.1%	2.6%

Asian/Asian British; Pakistani	0.6%	0.8%	2.7%	2.1%
Asian/Asian British; Bangladeshi	1.7%	2.5%	2.7%	0.8%
Asian/Asian British; Chinese	0.5%	1.4%	1.5%	0.7%
Asian/Asian British; Other Asian	1.6%	2.7%	2.7%	1.6%
Black/African/Caribbean/Black British; African	9.1%	11.4%	7%	1.8%
Black/African/Caribbean/Black British; Caribbean	7.2%	7.8%	4.2%	1.1%
Black/African/Caribbean/Black British; Other Black	3.9%	3.9%	2.1%	0.5%
Other Ethnic Group; Arab	0.4%	0.7%	1.3%	0.4%
Other ethnic Group; Any other Group	9%	4.6%	2.1%	0.6%

7.115. ***Spatial Distribution of Ethnic Groups***

7.116. In inner London, people with an ethnic minority background are minimally more likely to live on a main road or high street.

7.117. **Table 14** shows the proportions for people living on main roads or high streets versus residential streets:

Table 14: Spatial distribution of Ethnic groups

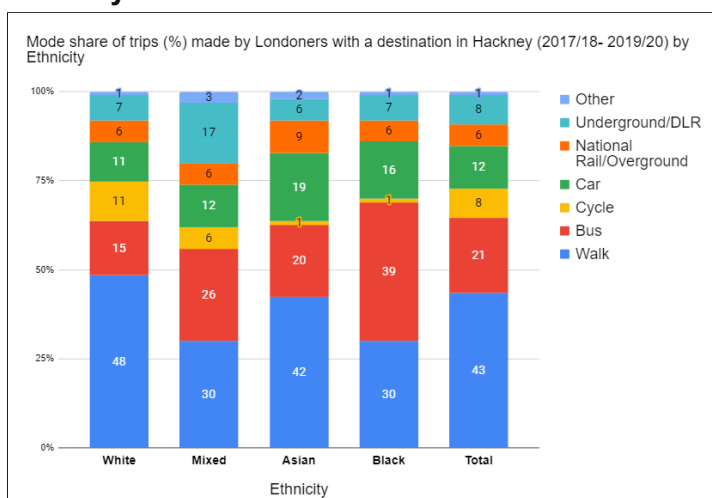
Ethnic background	Main road/high street	Residential street
White	8.1%	90.8%
Black	8.4%	90.5%
Asian	8.7%	90.1%
Mixed, Other & Arab	10.5%	87.7%

7.118. **London mode choice by ethnicity**

7.119. TfL data for Greater London, reported in TfLs '**Travel in London: Understanding our diverse communities 2019**' summary of research, shows that walking is the most commonly used type of transport by Black, Asian or Ethnic Minorities (BAME) Londoners.

- 7.120. 96% of BAME Londoners walk at least once a week, compared to 95% of white Londoners, followed by bus (65% BAME compared to 56% white).
- 7.121. The data also indicates that both Mixed or Multiple Ethnic groups, and Other Ethnic Groups, are much more likely to walk (48% and 45%, respectively), whilst mixed and multiple ethnic groups are more likely to cycle (7%), and Asian or Asian British are more likely to drive (6%).
- 7.122. The mode share by ethnic background of trips ending in Hackney is shown in **Figure 7**.

Figure 7: Mode share of trips by ethnic background of trips ending in Hackney



- 7.123. Based on average travel modes in journeys ending in Hackney from the 2018-19 LTDS data, Black or Black British people are much likely to use buses as a mode of transport for a trip ending or beginning in Hackney with 39% of these trips being by bus compared to the 21% average for all groups. It is 26% for the Mixed, Other and Arab ethnic Groups.
- 7.124. Asian people in Hackney have a higher dependency on car trips, consisting of 19% of car trips made by this group compared to the average for all ethnic groups of 12%.
- 7.125. This figure is 16% for Black or Black British people.
- 7.126. Mixed, Asian and Black people also all have a much lower level of cycling trips than people in the borough as a whole with only 1% of trips by Asian people, for example, being by bicycle compared to 8% for the borough as a whole and 11% by white people.
- 7.127. Walking is also less prevalent as a means of transport for Mixed/Other/Arab; Asian and Black ethnic groups. The lower use of walking as a means of transport is not as extreme as the lower cycling rates but still considerable,

for instance only 30% of Mixed/Other/Arab and Black ethnic groups' trips are by walking compared to 43% for the borough as a whole and 48% among white people. For all of the above statements, it should be noted that these percentages may not be precise due to low sample sizes.

7.128. **Scheme Impacts on Ethnicity**

7.129. Low Traffic Neighbourhood schemes are a catalyst for behaviour change.

7.130. The cost of physical inactivity is huge both in terms of physical and mental health with the cost of physical activity being estimated to cost society about £7.4bn each year.

7.131. Part of this estimated cost is the broader cost to society including NHS treatment cost for diseases associated with physical inactivity but a large part is also due to the lower quality of life experienced by populations with mental and physical illness linked to physical inactivity. so creating a positive environment for increased active travel through travel behaviour change is a huge benefit to populations and ethnic groups.

7.132. It is admitted that Low Traffic Neighbourhoods do make certain private motorised vehicle journeys more indirect, due to the introduction of permeable filters and point closures. And this is part of the incentive to create the conditions for positive behavioural change. In the short term this is likely to have disproportionately affected those in the in ethnic groups that rely more on driving such as Asian and Black communities.

7.133. Research such as TfL's Analysis of Cycle Potential has shown that there is a greater potential for cycling for people with Culturally and Ethnically Diverse communities. Research has also shown that these groups are also disproportionately affected by Covid-19 and obesity. Therefore, a scheme improving the walking and cycling conditions in an area and enabling more social distancing in a town centre will be beneficial for all.

7.134. But to realise this potential positive impact also requires insight into and strong action to address the barriers to walking and cycling experienced by some ethnic minorities. Hackney has been at the forefront of exploring these barriers through its sponsorship of developing best practice into targeted behaviour change programmes such as its sponsorship of the London Walking and Cycling Conference which in 2020 included themes such as "Walking and cycling whilst Black: barriers, policy and progress" and in 2021 is focussed on the theme of "walking and cycling towards a fair and inclusive city".

7.135. The 2011 Census estimates that about 45% of Hackney's population are black and minority ethnic groups, with the largest group (around 23%) being black or black British. TfL data for Greater London, reported in TfLs 'Travel in London: Understanding our diverse communities 2019' summary of research,

shows that walking is the most commonly used type of transport by Black, Asian or Ethnic Minorities (BAME) Londoners (96% of BAME Londoners walk at least once a week, compared to 95% of white Londoners), followed by bus (65% BAME compared to 56% white). The data also indicates that both Mixed or Multiple Ethnic groups, and Other Ethnic Groups, are much more likely to walk (48% and 45%, respectively), whilst mixed and multiple ethnic groups are more likely to cycle (7%), and Asian or Asian British are more likely to drive (6%)¹⁰.

- 7.136. School Streets may have made certain private vehicle journeys more indirect during the operational times. This may have disproportionately affected those in the ethnic groups that may have relied more on driving. The School Street proposal does not discriminate against race or ethnicity, and does not disproportionately impact residents or business owners, as the scheme does not prevent vehicle access to residential or business addresses within the School Streets zone for vehicles registered for an exemption. In addition, TfL buses are also exempt from all School Streets, so there will be no disproportionate impact on ethnic groups more likely to rely on buses.
- 7.137. These School Streets will continue to improve local conditions for walking and cycling, by reducing conflicts between pedestrians and motor vehicles and allocating more space for people to safely and easily walk and cycle to school. The School Street's operational times have been kept as short as possible, and the area as small as possible. Comparatively, the benefits of the School Street for people who walk, cycle, and use buses, who belong to any ethnic group, can overall be expected to greatly outweigh the negative impacts the scheme has on those who drive.
- 7.138. **Gender, gender reassignment, sexual orientation, and marriage and civil partnership**
- 7.139. The Scheme proposals apply equally to all groups, and thus they do not discriminate against any group, including gender and sexual orientation groups. That being said, it is important to identify any specific impacts on groups with these protected characteristics.
- 7.140. Women and people with a LGBT sexual orientation can more frequently be the subject of Anti-Social Behaviour (ASB) and crimes of a sexual nature. Under section 17 of the Crime and Disorder Act 1998, local authorities have to consider the impacts of its proposals on crime and crime prevention.
- 7.141. As described elsewhere, reducing traffic on streets can cause divergent impacts on the number of 'eyes on the streets'. On the one hand, vehicle traffic is decreased whilst on the other hand, enhanced cycling and walking conditions can cause more people to cycle and walk in their local neighbourhood. Together with the Community Safety Team, the impact of the

¹⁰ [TfL: Travel in London: Understanding our diverse communities 2019](#)

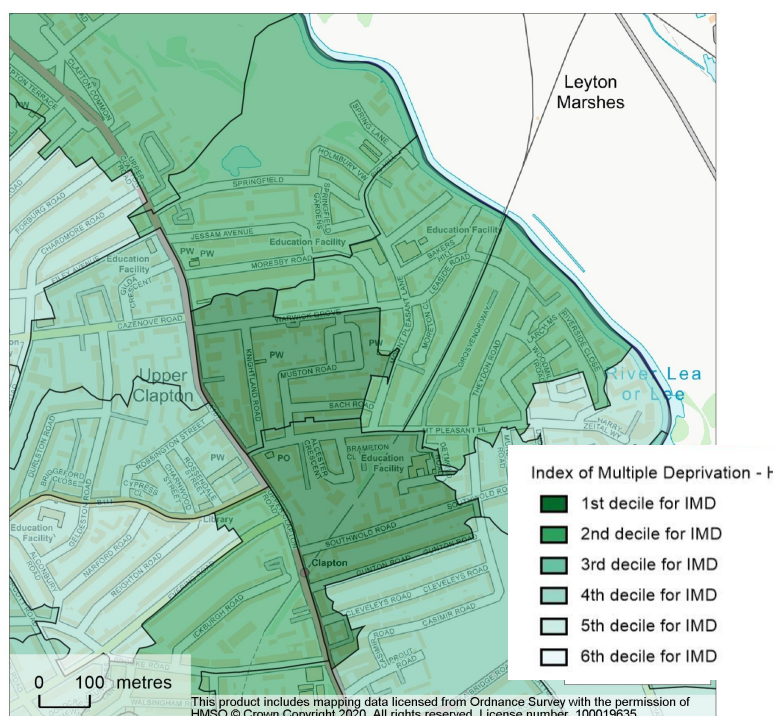
proposals will continue to be monitored in terms of crime, safety and the perception of safety. Other measures may be identified through the continued monitoring of the project to improve (the perception of) safety and reduce the potential for crime. This can include altering the proposed green infrastructure or enhanced lighting in the area.

- 7.142. Research such as TfL's Analysis of Cycle Potential has also shown that there is a greater potential for cycling for women and research has shown that perception of cycle safety differs between women and men. Therefore, enhancing walking and cycling conditions by reducing traffic and improving road safety will be beneficial in particular for women and their cycle uptake. This will be supported by the Council's ongoing cycle training programme.
- 7.143. Researchers are constantly looking at patterns of street crime and violence against women, in particular. A recent study concludes, for instance that "The introduction of the Waltham Forest LTNs was associated with an overall reduction of street crime, particularly more serious crimes involving direct attacks against the person. This supports previous research (Newman 1996), and adds to evidence that LTNs can create safer, more liveable neighbourhoods."¹¹
- 7.144. The Council will keep all LTNs and other highway schemes under review and will investigate and take appropriate action if other evidence becomes available.
- 7.145. **People experiencing or at risk of poverty**
- 7.146. Although not a protected characteristic, poverty is associated with many of them. **Figure 8** below shows how the area ranks in terms of Index of Multiple Deprivation.

¹¹ The Impact of Introducing a Low Traffic Neighbourhood on Street Crime, in Waltham Forest, London.

<https://findingspress.org/article/19414-the-impact-of-introducing-a-low-traffic-neighbourhood-on-street-crime-in-waltham-forest-london>

Figure 8: Index of Multiple Deprivation



- 7.147. For the purpose of this report, ‘poverty’ will be broadly defined as not having enough money to meet basic daily needs, or not benefitting from having what most of the UK population have. Approximately 70% of households in Hackney do not own a car, compared to 44% across the whole of London¹². While car ownership is not solely dependent on income, there is a correlation between income and car ownership. London-wide, the highest earners are almost 3 times as likely to own one car or more than the lowest earners with 78% of households on £100k or more have one or more cars vs 23% at £5k or less, 28% at £5-10k, or even 44% at £20k or less¹³. Based on these figures, measures that de-prioritise car use and generate an inconvenience to drivers could be seen to disproportionately impact those on a higher income.
- 7.148. Furthermore, with 70% of residents not owning a car, a significant proportion of Hackney’s population relies on walking, cycling and public transport for travel and therefore benefit from this proposal regardless of income. At the latest count some 52.1% of trips were by walking or cycling.
- 7.149. Given that lockdown restrictions have been removed, it is important that we support the 70% of Hackney households that do not own a car to walk and cycle instead. If even a small proportion of people who used to travel by public transport switch to using private cars, the public health and road safety implications will be profound for those groups already disproportionately impacted upon by the secondary effects of motor vehicle use, including those

¹² [Centre for London. Chapter 1: Car ownership, use and parking in London](#)

¹³ <https://tfl.gov.uk/cdn/static/cms/documents/sfl-borough-casemaking-v1.xlsx> - (accessed 5/9/20).

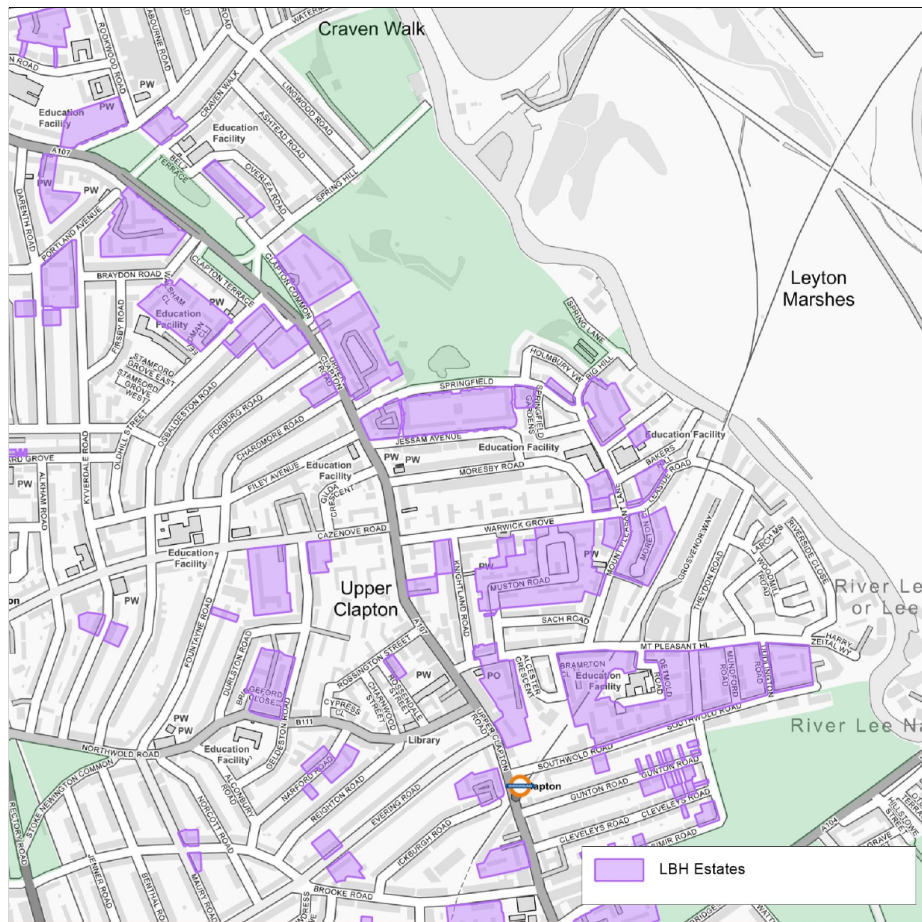
on low incomes, BAME groups, the elderly, and children. Therefore, the School Streets programme aims to support people experiencing, or at risk of poverty, and to mitigate the disproportionate impact a car-led recovery would have on this group.

- 7.150. For the purpose of this report, 'poverty' will be broadly defined as not having enough money to meet basic daily needs, or not benefitting from having what most of the UK population have. Approximately 70% of households in Hackney do not own a car, compared to 44% across the whole of London. This has been showcased in TfL's Travel in London: Understanding our diverse communities (2019).
- 7.151. While car ownership is not solely dependent on income, there is a correlation between income and car ownership. London-wide, the highest earners are almost 3 times as likely to own one car or more than the lowest earners, with 78% of households on £100k or more having one or more cars vs 23% at £5k or less, 28% at incomes between £5-10k. Those with incomes of between £15k and £20k have car ownership levels of 44%.¹⁴
- 7.152. Measures that de-prioritise car use and generate an inconvenience to drivers could be seen to disproportionately impact those on a higher income.
- 7.153. Furthermore, with 70% of residents not owning a car, a significant proportion of Hackney's population (making up 87.4% of all trips by borough residents in 2020¹⁵) relies on walking, cycling and public transport for travel and therefore benefits from this proposal regardless of income. At the latest count some 52.1% of trips were by walking or cycling.
- 7.154. Children and families attending Harrington Hill Primary School are the main beneficiaries of the scheme and 44.4% of the school community is eligible for free school meals. This figure is higher than the Hackney average, and significantly higher than the London average.
- 7.155. **Figure 9** indicates estates owned and operated by Hackney Housing, the Borough's largest social housing provider.

¹⁴ [Streetspace funding and guidance - Transport for London \(tfl.gov.uk\)](#) Appendix 7 - Case-making data for boroughs accessed 1/11/21). Based on these figures, measures that de-prioritises car use and generate an inconvenience to drivers could be seen to disproportionately impact those on a higher income.

¹⁵ LTDS 2019/20

Figure 9: Hackney Housing estates in Springfield



7.156. The map indicates large areas of social housing in the Springfield area with many estates having frontages on roads that are to benefit from a reduction of traffic. Some displacement back onto Upper Clapton Road was expected, as it was thought that vehicles were using Mount Pleasant Road to bypass traffic signals on Upper Clapton Road. However, comparing pre-pandemic DfT data from Upper Clapton Road¹⁶ to July 2021 ATC data suggests a decrease on Upper Clapton Road from 23,398 in 2019 to 22,224 in 2021, a decrease of 5%. Therefore, some estate residents, such as those on Mount Pleasant Lane will have benefitted from traffic reduction near their home, while others such as Lea View House have seen a neutral impact as traffic has stayed at or near already low 2010 levels. Others, such as those living on Upper Clapton Road, have seen traffic levels decrease, but from a high base and this change cannot be attributed to this scheme. Therefore, in consideration of traffic levels and traffic displacement, estate residents are not disproportionately impacted by the scheme either positively or negatively compared to residents living in other types of housing.

¹⁶ <https://roadtraffic.dft.gov.uk/manualcountpoints/36668>

7.157. **Equalities impact summary**

7.158. **Table 15** summarises the main equalities impacts on each of the protected groups and on balance, finds positive or neutral impacts for all groups.

Table 15: Equalities Impact Summary for the School Street and LTN traffic filter on Mount Pleasant Lane

Scheme		School Streets						
Age	Disability	Gender	Gender Reassignment	Race and Ethnicity	Religion and Belief	Sexual Orientation	Pregnancy and Maternity	Marriage and Civil Partnership
P	P	P	Neu	P	P	Neu	P	Neu
Key: P - Positive Impact, Neu - Neutral Impact, A- Adverse Impact								
Comments	<p>Age</p> <p>Children and families in the area, particularly pupils walking or cycling to Harrington Hill Primary School are the main direct beneficiaries of the scheme and this relates in particular to age.</p> <p>This is created by a reduction in motor vehicle traffic at the school during the peak times, which has corresponding benefits in terms of air quality, walking and cycling conditions, and improved road safety, which benefits all protected groups as all require access to the same amenities.</p> <p>There is the potential for adverse secondary impact on young people travelling to Side-by-Side school by car, in that their route choice is reduced which could lead to longer journeys to school, which particularly impact this group due to their disabilities.</p> <p>On balance however, the adverse impact to children travelling to Side-by-Side is a secondary rather than direct impact and is outweighed by the positive direct impact to the many children and their families, including disabled children, travelling to Harrington Hill. Mitigations to address the adverse impact are discussed below.</p> <p>Similarly, as the scheme improves the environment for people walking, it is beneficial for older people and young children, who are more at risk of road danger when walking. There is some secondary adverse impact on older people who rely on motor vehicles due to their mobility, who will have longer journeys, but this is outweighed by the direct benefit of reducing road danger for this vulnerable age group.</p> <p>Therefore, there are some adverse impacts on certain cohorts of older and younger people, on balance, the scheme has a positive direct impact on a wider cohort of these groups that outweighs the adverse secondary impact.</p> <p>Disability</p>							

Road safety improvements are especially beneficial for people with disabilities to support them making local journeys and the evidence shows that more disabled people regularly walk or take public transport than rely on motor vehicles.

As discussed above, there is the potential for adverse secondary impact on disabled people travelling to Side-by-Side school by car, as a result of reduced route choice which could lead to longer journeys to school, and longer journeys particularly impact this group due to their disabilities. The result of restricting route choice for pupils to and from Side by Side School is that there is a risk of an impact, however infrequent, to certain disabled children who experience detrimental impacts due to their disability.

All destinations remain accessible by all modes, but the scheme has required that some journeys be rerouted. Travel to school by SEND pupils attending Side by Side School is not significantly negatively impacted by the restriction of route choice to Springfield to access the school.

Other disabled people are also likely to be car dependent and may be impacted by longer journeys, or, in the case of living within the School Street zone, may be reliant on taxis, friends or other non-exempt vehicles for transport.

While it is recognised that there is some adverse impact on a cohort of disabled people who rely on motor vehicles, this report shows that there are also direct benefits to people with disabilities as a group, as there are many disabled people who travel by walking or public transport that benefit from the scheme. On balance, and in light of the proposed mitigations that the overall impact of the scheme on disabled people as a group is positive, despite a small cohort of disabled people that are impacted by longer journey times.

Other groups

Data and research show that groups with protected characteristics, e.g. ethnicity or disability, are more frequently pedestrians or bus users than car passengers or drivers. But there are exceptions to this such as the slightly higher car dependency of Asian groups.

In particular, women and people of Black, Asian and other non-White British communities have currently low levels of cycling and therefore higher potential for cycling, and thus benefit more from improvements to local cycling conditions that will help encourage sustainable travel.

Air quality improvements in the immediate area of the scheme are beneficial to all protected groups. In particular, air quality improvements outside local primary schools and nurseries are particularly beneficial to young children and people in the maternity and pregnancy group to some extent.

7.159. **Mitigations**

7.160. The EQIA has been a live document through the experimental period of the School Street and LTN. Officers have revisited it to ensure that it is fit for purpose in light of specific equalities considerations that were raised, or came

to light, during the experimental period. As part of this process officers also gave consideration to the need for any interim modifications to the ETOs during the lifetime of their operation and if they were to be made permanent. The outcome of this process was an Interim Equalities Impact Review, which was published in full on the Council's School Streets web page (see Appendix 4), and the investigations of this review were revisited and updated in this report.

- 7.161. The following potential mitigation measures have been reconsidered:
- 7.162. **Removal of some parking spaces on Springfield to create passing places for vehicles.** Subject to the decision to implement this scheme as a permanent scheme, the Council will undertake further work to design and consult on a scheme to introduce passing places for vehicles on Springfield. This would be to mitigate the hyper-local congestion that children travelling to Side-by-Side school have reported, although it is noted that the School intends to relocate to a site not impacted by this scheme in September 2022. The proposals to introduce passing places would be subject to a review of their necessity in light of the proposed school relocation.
- 7.163. **Exempting school transport vehicles from the LTN restrictions on Mount Pleasant Lane.** Organised school transport vehicles will be able to register for an exemption through the Mount Pleasant Lane filter for the purpose of transporting children to Side by Side School.
- 7.164. **Exempting private vehicles, carrying pupils to Side by Side School, from the School Street and LTN restrictions on Mount Pleasant Lane.** This option has been considered and rejected on the grounds that the volume of vehicles this would introduce into the School Street zone outside Harrington Hill School could undermine the scheme. Given the current traffic levels outside the school gate are approximately 40 vehicles in the hour, and nearly every pupil at Side by Side School travels by motorised transport (numbered over 100), introducing an exemption for private vehicles with no upper limit could potentially double or triple traffic volumes outside Harrington Hill, during the School Streets times.
- 7.165. **Extending or modifying the existing exemption criteria to include private vehicles carrying pupils to Side by Side School whose journeys originate from just southeast of the restrictions on Mount Pleasant Lane.** This mitigation will be retained and the Council has updated its exemptions application process to enable requests of this nature, expected to be low, to be dealt with through the existing special exemptions policy.
- 7.166. Other measures have been incorporated into the scheme to mitigate against negative impacts on protected groups. These include:
- The retention of all doctor, disabled and ambulance bays in the LTN
 - Taking into account emergency services feedback and ensuring that all traffic filters are navigable for emergency vehicles
 - Feedback from other organisations including disability stakeholder groups has been taken into consideration

- All properties, shops and residences alike, are still accessible by vehicle
- Exempting SEND school transport buses to travel through the LTN restriction on Mount Pleasant Lane
- Consideration of very specific exemption request cases for pupils whose journey to Side by Side School originates from the south or further away
- Consideration to remove parking bays on Springfield to provide more space for vehicles to pass one another, subject to whether Side by Side School will be moving location in September 2022

7.167. **Equalities Conclusion**

7.168. The Council accepts that whilst some journeys to Side by Side School may be adversely impacted by the restrictions, the mitigating measures described above are appropriately balanced to address some of the negative impacts on this small cohort of disabled children while maintaining the traffic reduction impact from the scheme on Mount Pleasant Lane.

7.169. Balancing the positive and negative impacts, overall it is believed that the scheme will be more beneficial in terms of equalities, particularly keeping in mind the disproportionate impacts of Covid-19 on certain groups e.g. Black, Asian and other non-White British communities or older people.

7.170. The EQIA is a live document that requires continual updating and assessment. The schemes should be seen as part of a package of measures in the local area that aim to achieve the same policy goals and scheme objectives, especially in terms of promoting a modal shift towards active travel and improving local air quality.

7.171. These supporting measures include installing more residential cycle hangars, electric vehicle charging points (rapid and lamp column) and improved public realm.

7.172. To ensure that benefits are realised for all groups, the Council has a number of existing initiatives such as the ongoing cycle training programme and several publicity campaigns. To monitor the scheme and collect feedback, the Council will continue to liaise with stakeholder representatives of protected groups.

7.173. **Human Rights**

7.174. Under the Human Rights Act 1998, the Council is under a duty not to act in a way that is incompatible with any person's Convention rights. Accordingly, the order may not be made if it would give rise to a breach of a person's human rights. If a person were to be exposed to lower air quality or longer journey times as a result of the Scheme, that could constitute a breach of his or her Article 8 right to respect for his or her private life. However, it is considered that the implementation of the Scheme would constitute a

justified interference in that, for the reasons set out elsewhere in this report, it would be a proportionate means of achieving a legitimate aim.

8. Sustainability

- 8.1. The schemes have had a positive benefit for sustainability by reducing non-local traffic and the congestion and pollution associated with this, and creating a safer, more pleasant environment for parents and pupils travelling to Harrington Hill Primary school on foot, or by bike. The creation of safe spaces in which to socially distance has increased the confidence of parents and pupils as schools reopened after lockdown.
- 8.2. However, the Council is aware of concerns raised about the potential impact of the schemes on Special Educational Needs and Disability (SEND) pupil journey times, which has been considered in section 7 of this report.

9. Consultations

9.1. Consultation Process

- 9.2. Feedback received during the statutory consultation period is presented as common themes/issues relating to the School Street scheme and LTN scheme, which have been grouped together including Hackney's response to each.
- 9.3. The trial for the schemes was being implemented under an experimental traffic order (ETO) for a maximum period of 18 months. An ETO does not remove the need to consult residents and users, but instead allows them to see how the schemes work in practice before having their say. The first six months of operation is considered to be the consultation period where people can view the actual impact of the measures and respond back to the Council with their views.
- 9.4. The following consultation periods took place for the schemes:
 - **Harrington Hill Primary School School Street (Pedestrian and Cycle Zone):** launched on 9 November 2020 with a statutory six month consultation period ending June 2021.
 - **Mount Pleasant Lane Low Traffic Neighbourhood and Southwold Road banned turn at Upper Clapton Road:** launched on 28 October 2020 with a six month consultation period ending 3 May 2021.
- 9.5. In recommending the schemes for permanent implementation, consideration has been given to the on-line comments/objections and correspondence received during the statutory consultation periods.

- 9.6. The primary method of collecting data was through the online engagement platform, Commonplace¹⁷. This was used to gather insight from residents and interested stakeholders.
- 9.7. Those without online access were given the opportunity to provide their feedback offline by writing to 'Freeport Streetscene'. Respondents were also able to electronically write to streetscene.consultations@hackney.gov.uk. All emails and other correspondence arriving during this period were logged and form part of the analysis.
- 9.8. Feedback on the schemes was promoted by:
- Distribution of letters and maps to residents in the surrounding area (inside and outside the School Streets zones) prior to implementation
 - A dedicated School Streets webpage
 - Display of on-street materials e.g lamp post wraps and banners
 - Emails to schools in the immediate area with information they could opt to include in newsletters and communications to parents
 - Inclusion of information in the Heads Bulletin to headteachers
 - Regular pieces in the Council's newspapers, Hackney Life and Hackney Today
 - Posts on the Council's corporate social media channels
 - Coverage in the local press
- 9.9. **Stakeholder Consultation**
- 9.10. Prior to implementing the experimental traffic order, and in line with recommendations from the Department for Transport, Streetscene officers met with a number of stakeholders.
- 9.11. Consultation with the Emergency Services and other stakeholders from Hackney was carried out for the LTN traffic filter at Mount Pleasant Lane.
- 9.12. It is noted that not all Stakeholders are able to respond to all consultations, however the Council is aware of many of the more general concerns as these are discussed across a variety of schemes over time and the principles incorporated into ongoing design work.
- 9.13. Emergency service vehicles have been exempted from the turning and motor vehicle restrictions.
- 9.14. **The Met Police:** Concerns from the MET Police included:
- Access for emergency vehicles through the LTN traffic filters
 - Exception for emergency services on all turning restrictions
- 9.15. Emergency service vehicles have been exempted from the turning and motor vehicle restrictions.

¹⁷ <https://rebuildingagreenerhackney.commonplace.is>

- 9.16. **London Fire Brigade (LFB):** LFB wanted to ensure the LTN traffic filters would have the minimum clearances for their vehicles to pass through without hindrances. Discussions were held with the LFB and the minimum width clearances through traffic filters were resolved.
- 9.17. **Waste Management Services:** Waste management services wanted to make sure that their vehicles would be exempted from the turning and motor vehicle restrictions. Discussions were held with Waste Management Services and their vehicles have been exempted from the motor vehicle and turning restrictions.
- 9.18. **Other Stakeholders (RNIB, Age Concern, Disability Backup):** Not all the stakeholders responded to our stakeholder consultation for Mount Pleasant Lane LTN traffic filter. In this case, there were no responses from groups such as Age Concern, RNIB, Disability Backup, Living Streets in Hackney and London Cycling Campaign in Hackney; however, their concerns from similar schemes have been used to shape the design for this scheme.
- 9.19. **Side by Side School and Interlink Foundation:** Side by Side school is a Jewish SEND school located on Big Hill, north of the closure at the junction of Mt Pleasant Lane and Springfield Gardens. The Interlink Foundation is a membership organisation for Orthodox Jewish organisations.
- 9.20. Interlink convened two meetings, which were attended by officers, on 14 September and 26 October, prior to the implementation of the scheme. These meetings were attended by the Head and the SENCO Officer at Side by Side school and included a number of other interested parties, invited by Interlink.
- 9.21. The subject of exchanges at these meetings and subsequent email exchanges between the Council and the Head of Side by Side school can be found in Appendix 5, 'a timeline of correspondence with Side by Side school.'
- 9.22. **Harrington Hill Primary School feedback:** The school has provided feedback on the scheme:
- "We thoroughly support the introduction of School Streets at Harrington Hill and believe it has resulted in reduced congestion at the start and end of each school day. With the reduction of traffic, there is improved road safety for the school community and for families waiting outside the school gates at the start and end of each day."
- 9.23. The following concern was also highlighted by the school:
- Between 5 and 10 families continue to drive up to the school entrance on Mount Pleasant Lane each day, either parking on the double yellow lines or pulling up outside the school gates and then reversing back along Mt Pleasant lane (avoiding the camera at the junction of Mount Pleasant Lane and Springfield Gardens.) This can cause momentary congestion and road safety issues.

- 9.24. **Ward Councillors Correspondence, Springfield Ward**
- 9.25. Correspondence was received from Springfield Ward Councillors prior to the implementation of the scheme.
- 9.26. The concerns raised by these Ward Councillors and the Council's response have been grouped thematically below.
- 9.27. ***Failure to engage with the public.***
- 9.28. **Hackney Response:** The Council has run the consultation on these School Streets schemes concurrently with their implementation under an experimental traffic order (ETO), the use which does not require pre-implementation consultation with the community. In line with the parameters of the ETO, residents were invited to have their say following the implementation of the schemes. In addition to this, the Council has engaged with organisations in the local community including Side by Side school above what is required for ETO.
- 9.29. ***Abuse of "emergency powers" during the Covid pandemic***
- 9.30. **Hackney Response:** Regarding the exercising emergency powers in the pandemic, the Council followed Statutory Guidance issued by the DfT in May 2020 to act rapidly to avoid a car-led recovery from lockdown. The Council did not use new powers, it used existing powers to implement schemes under experimental traffic orders, which allows consultation to run concurrently with the first six months of a scheme. This approach was consistent with the DfT guidance, as was the urgent need for School Streets, to help prevent a mass shift of travel habits from public transport to motor vehicles, and also to assist with the need for social distancing at the school gate.
- 9.31. ***Displacement of traffic on to adjacent streets, increasing journey times and slow moving vehicles***
- 9.32. **Hackney Response:** Traffic data comparing 2010 baseline to Automatic Traffic Counts post-scheme show a marginal increase in traffic volume on Moresby Road and Springfield, of 61 vehicles and 108 vehicles respectively over a 24 hour period. This is considered a marginal change and shows that after the scheme, traffic levels on these roads were close to 2010 levels. Upper Clapton Road saw a decrease of 5% in traffic between 2019 (pre-scheme) and 2021 (post-scheme). The Council accepts that there may be a degree of displacement onto Moresby Road and Springfield, but considers this displacement low and the benefits of the traffic reduction outside of Harrington Hill Primary School, and the overall benefits of reducing through-traffic along Harrington Hill outweigh the minor increases elsewhere.
- 9.33. However, regarding the impact of the recorded traffic levels on journey times and vehicle speeds, such traffic flows would normally be considered

insufficient to cause congestion concerns. However, the Council accepts the possibility that hyper-local congestion on urban roads is possible even with low traffic volumes, due to events such as obstructions caused by loading vehicles or other temporary obstructions, which could disproportionately impact pupils whose journey originates from further away (see Appendix 4).

- 9.34. Evidence of congestion has been assessed using the traffic speeds recorded by ATCs, which showed that over 7 days in February 2022, 99.85% of vehicles on Springfield were travelling at greater than 5mph, suggesting that widespread gridlock was not occurring. In addition, Officer site observations on Springfield have shown that on all but one occasion over the course of 9 visits during the experimental period, empty on-street parking bays allowed for vehicles to pull in and out and smooth passing of vehicles.
- 9.35. ***The scheme will make streets more dangerous, not safer, for cyclists and pedestrians***
- 9.36. **Hackney Response:** There were two 'slight' traffic incidents on Mount Pleasant Lane between 2015-2019. Verified casualty data from 2021 is not available as of the time of writing, however, no traffic casualties have been reported to the Council in the vicinity of the scheme. The scheme has shown a reduction in vehicles outside of the school gates of Harrington Hill and reduced motor traffic volumes are usually associated with reduction in road danger. Hackney has one of the highest pedestrian casualty rates in London. Reducing the number of vehicles on our streets will increase safety for cyclists and pedestrians and School Street schemes have been shown to generally increase the number of parents and pupils travelling to school by these modes (the number of children cycling to school increased by 51% across the first 4 School Streets). Mode of Travel data collected from Harrington Hill Primary School has shown a small increase of pupils both walking and cycling to school, following the implementation of the schemes.
- 9.37. ***Government guidance is that the safest way to travel during the pandemic by car during the pandemic***
- 9.38. **Hackney Response:** At the time of the decision to make the experimental TMO, Government advice to passengers was to "...help control coronavirus and travel safely by walking and cycling, if you can. Where this is not possible, use public transport or drive". In Hackney where 70% of households do not have access to a car, on many roads pedestrians would be squeezed together onto sometimes narrow pavements greatly increasing their risks of infection from the virus if we did not implement School Streets. Parents who do drive their children to school are still able to do so and complete the last part of the journey on foot to access the school and also stand to benefit from the implementation of School Streets.
- 9.39. ***The proposal to ban the left turn from Southwold Road into Upper Clapton Road will only cause further traffic congestion, mayhem and***

pollution, since those drivers wishing to take the left turn, will simply turn right and then immediately proceed to either do a three point turn utilising the dropped curb to the car park of the Crooked Billet or turn round utilising the forecourt of 51 to 63 Upper Clapton Road.

- 9.40. **Hackney Response:** The 'left turn' restriction at the Southwold Road - Upper Clapton Road junction was proposed to stop traffic using roads such as Warwick Grove, Leaside Road, Theydon Road and Southwold Road to avoid frequent traffic issues at Upper Clapton Road between the Rossington Street and Evering Road junctions. The Council acknowledges the issues raised in this comment and along with other reasons has withdrawn the banned turn restriction from the scheme.
- 9.41. The most commonly raised objection stated in the Commonplace survey was:
- 9.42. ***The traffic is being displaced to streets outside of the zone, especially on Upper Clapton Road, leading to increased congestion and air pollution.***
- 9.43. **Hackney Response:** Traffic volumes on Upper Clapton Road have decreased by 5% between 2019 (pre-scheme) and 2021 (post-scheme) and while this decrease cannot be attributed to the scheme, it is concluded that the scheme is unlikely to have displaced significant traffic onto Upper Clapton Road and therefore has not led to increased congestion and pollution.
- 9.44. Furthermore, before the scheme was implemented, Mount Pleasant Lane and Springfield was being used by non local traffic to bypass the A107, Upper Clapton Road and therefore, displacement from these roads onto Upper Clapton Road would be traffic that has detoured off of Upper Clapton Road in the first place.
- 9.45. If traffic has been displaced from a residential road where people live and children attend Harrington Hill school, to a major road, then there is a positive impact on residents and school children, as well as other vulnerable road users from decreased congestion and pollution.
- As with any transport scheme, there can be a period of settling in while sat navs update to show the new routes.
- 9.46. The following comments were also mentioned in the 30 responses received via Hackney Commonplace; the School Street reduces parking availability for local residents (2), the School Street results in increased car journey times (2), the School Street shifts drop-off issues to other local roads (2), lack of consultation preceding the implementation of the School Street (2).
- 9.47. In addition there were 2 comments provided directly to the council, which provided feedback specifically relating to this scheme. These are outlined below along with Hackney's response.

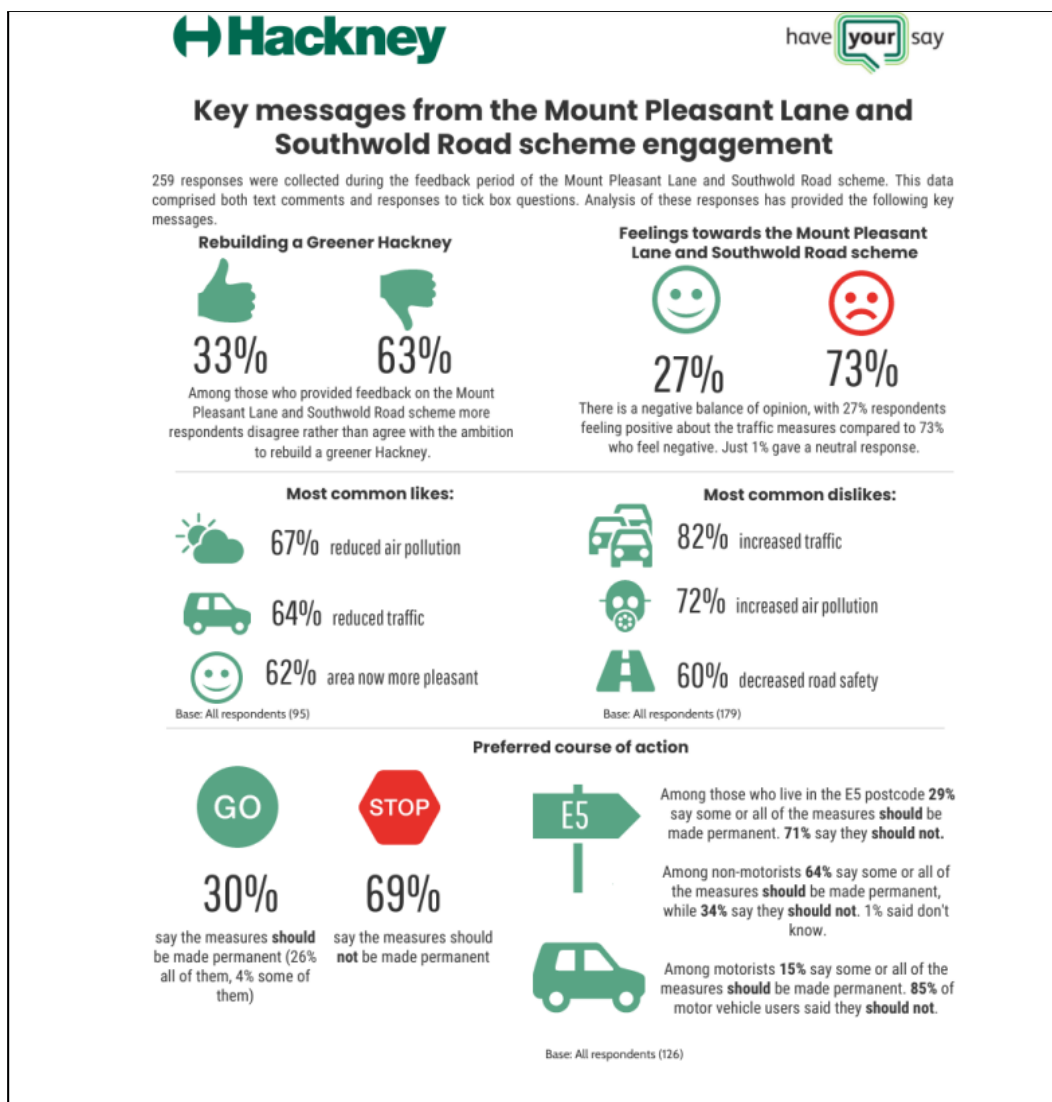
- 9.48. ***Please can you confirm how car owners who reside on the High Hill Estate apply for an exemption as we do not have permit parking on our estate?***
- 9.49. **Hackney Response:** Officers responded directly to this question to provide further information on how the restrictions operate, explain the eligibility status of residents of the High Hill Estate and provide details of how estate residents can apply for an exemption to the School Street on Mt Pleasant Lane.
- 9.50. Residents of High Hill estate are exempt from the School Street restrictions. However, as they do not possess a Hackney Parking Permit they must apply for an exemption which can be done online at the School Streets webpage or by contacting the Council to request a paper application form. Residents are not exempt from the LTN restrictions.
- 9.51. Officers offered to add a list of resident VRMs to the exemptions list for the School Street if this was provided by the Chair of the TRA. Only one VRM was provided in response to this offer. Officers have followed up to extend this offer again, but received no response.
- 9.52. ***The two traffic restrictions that surround the two main access routes to the High Hill Estate are very confusing. It would be extremely helpful if a simplified letter along with exemption application forms could be sent to residents on the High Hill estate in the post as many of them don't have access to the internet. Would that be possible?***
- 9.53. **Hackney Response:** The Council wrote to residents at addresses inside the School Street zone SS32, including High Hill Estate, preceding the implementation of the scheme in November 2020. In response to comments above from the Chair of the High Hill estate TRA, an additional letter was provided to residents of addresses at High Hill estate in summer 2021. The letter contained detailed information about the School Street and LTN filter, including; how the restrictions work, how residents could register for an exemption and how residents could provide feedback.
- 9.54. **Public Consultation**
- 9.55. All of the public consultation discussed below was taken into consideration when analysing the traffic filters and considering the recommendations contained in this report.
- 9.56. **Feedback on proposals via Commonplace, emails and streetscene Freepost**
- 9.57. There are two main ways participants have contributed to the Commonplace platform. The first is to complete a survey. For a completed survey to appear on the site, the participant has to verify their comment via a confirmation email. The second is to add an agreement to an existing comment on the platform. Respondents can add one agreement to any comment other than

their own. Unless already logged in, they are asked to provide an email address. If they decline to provide their email address, they are treated as anonymous and comments are collected in the database but not displayed publicly.

- 9.58. Responses from residents who wrote in using Freepost Streetscene or streetscene.consultations inbox were analysed separately by the same consultants. Analysis of all feedback and comments is included below, with Hackney's comments following toward the end of this section.
- 9.59. In total, 259 responses were received via Commonplace, by emails and Freepost Streetscene between 28 October 2020 and 3 May 2021. Analysis of the responses was done by M.E.L Consultants (see Appendix 6).¹⁸
- 9.60. From a sample base of 246 responses, 33% were in support of the proposals to rebuild a greener Hackney by encouraging more walking and cycling, and preventing car-use to return to pre-lockdown levels or above and 63% were against.

¹⁸ Low Traffic Neighbourhoods - Mount Pleasant Lane and Southwold Road Feedback Report
November 2021

Figure 10: Summary of engagement process for Mount Pleasant Lane



- 9.61. **Analysis of the responses that LIKED the Mount Pleasant Lane Traffic filter**
- 9.62. 30% wanted all or some of the measures to be made permanent and 69% did not.
- 9.63. Respondents were given the opportunity to record the aspects of the Mount Pleasant Lane traffic filter that they **LIKED** by responding to the question, **Overall, what do you LIKE, if anything, about the above traffic measures at Mount Pleasant Lane?**
- 9.64. The responses were collected through a pre-prepared list of issues/impacts and through respondents providing their own 'other' comments and the themes and percentages are shown on **Table 16**.

Table 16: themes and percentages of responses to pre prepared list of impacts / issues in the LIKE question

Theme	Percentage
Reduces air pollution	67%
Reduces traffic	64%
The area is now more pleasant	62%
Encourages me to cycle in the area	60%
Reduces rat-running	59%
Increases road safety	57%
Encourages me to walk in the area	54%
Reduces speeding	54%
Encourages me to spend time in the area	47%
More space for social distancing	39%
Encourages me to cycle to work	38%
Encourages me to shop in the area	35%
Encourages me to walk to work	27%
Other	23%
Sample Base	95

- 9.65. A statistical base of 95 for the analysis was based on the number of respondents who responded to this question as some respondents left this question blank.
- 9.66. **Analysis of the responses that DISLIKED the Mount Pleasant Lane**
- 9.67. Similarly, respondents were given the opportunity to record the aspects of the LTN that they **DISLIKED** by responding to the question **Overall, what do you DISLIKE, if anything, about the above traffic measures at Mount Pleasant Lane?**
- 9.68. The responses were collected through a pre-prepared list of issues/impacts and through respondents providing their own ‘**other**’ comments. The

themes and percentages of how they polled are shown on **Table 17**.

Table 17: themes and percentages of responses to a pre-prepared list of issues/impacts in the DISLIKE question.

Theme	Percentage
Increases traffic	82%
Increases air pollution	72%
Decreases road safety	60%
The area is now less pleasant	59%
Discourages me to spend time in the area	59%
Discourages me to shop in the area	56%
Discourages me to walk in the area	41%
Discourages me to cycle in the area	31%
Increases speeding	30%
Discourages me to walk to work	27%
Discourages me to cycle to work	25%
Less space for social distancing	25%
Increases rat-running	25%
Other	13%
Sample Base	179

9.69. A statistical base of 179 for the analysis was based on the number of respondents who responded to this question as some respondents left this question blank.

9.70. The themes from the Other comments given in the dislike question are shown on **Table 18**.

Table 18: Themes and percentages from Other Comments

Theme	Percentage
Increased traffic/congestion	22%
More time in traffic/increased journey time/adds to travel	13%

distance	
More danger/safety issues/put lives in danger/can lead to accidents	13%
Increase pollution	9%
Personal stress/depression/frustration/pressure/confusion	9%
Nuisance/making lives harder/inconvenience	9%
Emergency Service access concerns	4%
Increase in equality issues highlighted e.g. disability/mobility	4%
Increase in noise	4%
More traffic on main roads	4%
Not enforced/drivers ignore/drive through	4%
Difficult to access/leave my street/property	4%
Other	22%
Sample base	23

9.71. Council Officers have provided comments for the individual themes as follows:

9.72. ***Increased Traffic / More traffic on roads***

9.73. Increased Traffic / congestion had the highest number of comments from residents with 22% of comments from the **Other Comments**. More traffic had 4%.

9.74. **Hackney Response:** Before and after implementation traffic surveys undertaken in the area show that there was an 87% fall in daily traffic flows at Mount Pleasant Lane and 14% fall at Springfield.

9.75. Although these traffic surveys are not extensive, the data on the available surveys shows that non local traffic is no longer using Springfield and Mount Pleasant Lane to bypass A107 Upper Clapton Road which is a positive.

9.76. ***More time in traffic/increased journey time/adds to travel distance and difficult to access / leave my property***

- 9.77. Concerns on **more time in traffic/increased journey time/adds to travel distance** were on 13% and 4% of the responses. These two have been combined because they deal with the same issues.
- 9.78. **Hackney Response:** The impact on journey times is dependent on the location of the individual resident and the journey type. Some residents living close to the traffic filter may be negatively affected by the traffic filter as direct access may not always be available however in most cases individual journeys remain unaffected.
- 9.79. ***More danger/safety issues/put lives in danger/can lead to accidents and Emergency access concerns***
- 9.80. Concerns on **danger/safety issues/put lives in danger/can lead to accidents** were on 13% and 4% of the responses. These two have been combined because they deal with the same issues.
- 9.81. **Hackney Response:** The Council does not accept that LTN traffic filters put lives in danger or lead to accidents. In contrast, LTN traffic filters improve safety by removing non local traffic flows making the roads safer. Emergency service vehicles can pass through traffic filters eliminating possible delays to response times.
- 9.82. ***Increase in pollution / Increase in noise***
- 9.83. Concerns on **Increase in pollution / Increase in noise** were on 9% and 4% of the responses. These two have been combined because they deal with the same issues.
- 9.84. **Hackney Response:** The scheme is designed to reduce traffic and therefore reduce local pollution from traffic sources, as well as indirectly reducing road based noise. Traffic counts in section 4 show reduced traffic levels on Mount Pleasant Lane, Moresby Road and minor increases on Springfield from a 2010 baseline. The Council accepts that LTN and School Streets schemes sometimes have an unequal impact geographically, with some residents benefiting from traffic reductions and not others. In the case of this scheme, the decrease in traffic and associated benefits on Mount Pleasant Lane greater benefit many residents as well as children travelling to and from Harrington Hill School, while traffic levels on Springfield are considered to have changed marginally since 2010 and therefore impacts on residents on Springfield are neutral or marginally worse. Upper Clapton Road has seen a decrease in traffic between 2019 and 2021. The Council does not consider there to be evidence of significant increases in pollution or noise in any location as a result of this scheme, but there is evidence of significant benefits.

- 9.85. **Personal stress / depression / frustration / pressure / confusion and Nuisance / making lives harder / inconvenience**
- 9.86. Concerns on **Personal stress / depression / frustration / pressure / confusion and Nuisance / making lives harder / inconvenience** were on 9% of the responses.
- 9.87. **Hackney Response:** While some journeys may be inconvenienced with the implementation of the traffic filters, which may cause frustration and stress for some, the Council believes that the benefits of the LTNs outweigh these inconveniences. Low traffic neighbourhoods are a step in the right direction in improving the quality of lives for local residents. They generally promote a quieter environment where people are not intimidated by high traffic volumes and speeds. This should be the case at Mount Pleasant Lane where traffic flows have been reduced. The inconvenience of a longer journey time should be compensated for by the tranquil environment that traffic filters bring.
- 9.88. **Not enforced/drivers ignore/drive through**
- 9.89. Comments on **Enforcement** were made on 4% of the responses.
- 9.90. **Hackney Reponse: Table 7** in Section 4 shows that 4225 PCNs were issued between February and November 2021. During the months of February and March only two PCNs were issued as drivers were warned of the consequences of passing through the traffic filters. Spot check enforcement using a mobile CCTV vehicle was carried out for the southern entrance to the School Street in March 2021. Traffic count data suggests that the volume of traffic through the zone is low (and some of those vehicles will be entering the zone with an exemption), and does not suggest a significant issue with non-compliance.
- 9.91. Illustrative comments included:
- 9.92. **Increased traffic/congestion**
- a. *With all these road closures, you are creating lots of traffic which has major impact on our lives*
 - b. *By banning a left turn onto Upper Clapton Road you are increasing traffic everywhere else made worse by the other LTNs implemented which was introduced without consultation anyway. This change hasn't helped to make Hackney greener in fact you have made it worse. Living during the pandemic is difficult as it is but this council seems determined to make life even more difficult. This includes making people late for work when people's livelihood and jobs are at risk. This council seems determined to drive out families who have*

lived in this borough for decades

- c. These measures are only going to add to the congestion on surrounding streets!*
- d. Banning a left turn from Southwold to Upper Clapton Road does not make any sense. It is not a rat run, it is a road used by residents to leave the area. Traffic on Upper and Lower Clapton Road is usually at a standstill and moving around the area (whether by public transport, car, bike or walking) is really difficult, stressful and unpleasant. Many residents of Hackney are very unhappy with these measures and are rightly concerned about their lack of ability and right to move around, in and out of the borough (again- by public transport, car, bike or walking). It is making Hackney a really difficult and stressful place to live. Please re-think these closures and banned turns.*
- e. No left turn from Southwold Road does nothing but force more traffic to queue up Mount Pleasant Lane, the top of which is a total bottleneck already, then join Upper Clapton Road and have to join what already has recently become far busier traffic just to pass Southwold Road. It already takes too long to get out of here. I'd agree with no right turn, that would make sense and encourage people to use the right roads. All you are doing is hugely increasing traffic on Upper Clapton Road, making journeys longer, increasing pollution and stress. No, I can't stop driving as I need to get to places with no public transport options, there is a world outside of London.*
- f. The no left turn from Southwold Road will increase traffic from residents on Theydon Road and Mount Pleasant Hill will become more of a bottleneck than it already is, causing congestion, frustration and increased danger for the school children of Southwold Road. The cars waiting in what would be a perpetual traffic jam would create higher levels of pollution for those residents and children. I feel both your intention of reducing through traffic and the safety of residents could be met if residents and blue badge holders could apply for an exemption. The measures would deter people from using the Jack Watts estate as a cut through without funnelling all local residents. Turning right from Southwold Road is dangerous and slow, this would create delays on the 393 bus route (even with their bus exemption), which is the only bus route that services the estate.*
- g. The blocked left turn on Southwold Road increases traffic on Mount Pleasant all the way up the hill. It is now very dangerous at school drop off and pick up times all around the school. I cycle up and down the hill with my children every day to get to their nursery which is just off Mount Pleasant. Due to the heavy traffic on the hill and high number of parked cars on yellow lines it is no longer safe and I now*

feel we would be safer going on Upper Clapton Road! I support most LTNs but this one isn't working. It has increased traffic, pollution and danger in an already tricky area to walk and cycle.

- h. This is going to cause chaotic traffic on Mount Pleasant Lane and increase traffic on main Clapton high road when it is already choc a block. Silly proposals.*
- i. It just increases traffic on main roads and increases pollution and doubles journey times. It has no benefits.*
- j. Stop blocking the roads and forcing all traffic in the roads left open. It's not encoring any greener Hackney in fact is becoming dangerous, increasing air pollution and stressful drivers in the roads left open. Stop doing it and don't ban left turn on Southwold Road.*
- k. These LTN's simply push traffic to other areas where you increase pollution and congestion on important roads where shops and cafes are.*
- l. Please do not close any roads. This is social cleansing and making it hard for working poorer, disabled and elderly residents. Labour is meant to be for the many, not the few. This is for the few. Closing off roads turning them into virtual gated communities, this is not Hackney, The LTNs are counterproductive to air pollution by concentrating traffic on a few routes all that happens the traffic slows and causes congestion. The biggest concern is access for emergency services, time is key and could be the difference between life and death. You cannot try and model London on Amsterdam, totally different infrastructure, history and size. This is all clearly for revenue generating.*
- m. These LTNs are criminal. They are not about emissions, they are about money and they are about appeasing the minority. The majority of people will suffer, cycle lanes are empty, traffic is monumental, the affluent areas benefit while the people who live on or use the roads where traffic is being pushed onto are suffering huge amounts of pollution and a serious risk to health. The roads are no safer for cyclists as it stands.*
- n. These LTN measures simply force traffic and associated pollution to other areas and seem to be another way for Hackney and other Councils to fleece motorists.*

9.93. Increased pollution

- a. The LTN is increasing pollution on the main road where many*

thousands of people live, work, shop and walk. The LTN are becoming dangerous as there is more crime.

- b. When a car journey was only 20min before this has now increased over 1hr so how does this reduce air pollution when I now stuck on the road for longer and using more petrol and now this route what's next. When we try other routes you block us again...this is wrong and needs to stop. Otherwise we just end up stuck in a car for hours with increased air pollution because we can't move!*
- c. A council study has proven that the introduction of LTN has dramatically increased pollution and it is obvious to see that it has increased congestion. For this reason the roads must be reinstated to their original forms and public spending redirected to more important things.*
- d. Get rid of them all it's an injustice of our rights and has made the area awful to move around and increased noise pollution, air pollution, increased mental health issues, the list goes on!" "Preventing left turning on Southwold Road will cause congestion and additional pollution. All traffic will have to use Mount Pleasant Lane to reach Upper Clapton Road. This is already a narrow congested road.*
- e. LTNs increase congestion and pollution on main roads, the pollution then spreads to other areas. Congestion on the remaining open main roads caused by LTNs delay public transport buses.*
- f. We are now refusing to provide our services in most areas in Hackney due to the increase in traffic, not only this, we are having to charge our customers higher rates due to the increase in our travel times which we have calculated to be 3 and sometimes 4 times longer than before these restrictions. This is not fair for our business as it incurred higher costs, reduction in productivity, low morale for staff who are travelling to customers and feel the high streets are extremely polluted.*
- g. Disaster the streets where the cars can drive are much more congested and higher air pollution.*
- h. There is now too much air pollution because of what you've done. People want their freedom back.*
- i. The air pollution is so bad now and transport is so slow it takes almost 5 times along to get anywhere. When it rains not many people walk or cycle. Businesses can't get deliveries as efficiently, builders can't get to jobs on time and the elderly and disabled can't move around as freely.*

9.94. **More danger/safety issues**

- a. *I have lived in this area for 8 years and have always enjoyed walking, more so in the last few years. Occasionally I drive. However, with it getting darker earlier, as a young female, I am worried about my safety if there are even less cars on the road. Having an active, vibrant environment is important and seeing cars on the road, especially in the evening makes me feel a lot safer. After 11, there is no bus that drives into the back roads, meaning after a night out - I could be the only person walking and this quite frankly is just not safe, if roads are closed to through traffic. Just last week Sunday (8/11) my neighbour was mugged at knife point. This happened around 7pm. This suggests that there is already serious crime in the area and with the police station on Theydon Road now closed, this is a concern. We do have a co-operative supermarket and Tesco and it is usually very busy suggesting that people shop in the area. I have seen quite a lot of people cycling and walking and do not feel that the traffic measures in place are necessary. They will not reduce pollution and will have an adverse effect on people that enjoy walking. I do agree with the school streets. However, LTNs outside this are not necessary and quite frankly will only serve one function- to make money from cameras.*
- b. *I do not feel safe walking in the area anymore.*
- c. *A lot of non-locals are using these roads and putting the children and pedestrians at risk. I hope with these changes the area gets a little bit safer.*
- d. *You have made the roads worse! There is much more road rage since there is heavy traffic on the main roads and no back roads to get around this! This has made it very unsafe for cyclists using the main roads. Please reverse the changes and come up with a better way!*
- e. *Upper Clapton Road is incredibly dangerous to cycle on and needs a segregated cycle path in both directions.*
- f. *These measures are awful and affect families and businesses in the area. I walk to work but the journey has been awful as there is much more traffic on main roads and also feels less safe. I am also a carer for my father who lives nearby and it is very difficult to get to him now. The measure benefits very few and mainly new residents. It's unfair and impacts on many areas of community life.*

9.95. **Equalities issues**

- a. *Please prioritise safety for women and children. Streets without traffic*

are less safe and more intimidating.

- b. This measure is discriminatory toward all but the able bodied. Many Hackney residents, like myself, would be housebound without use of a car. These measures force more time driving, more pollution, and discriminatory exclusion from certain areas.*
- c. This is making it harder for disabled people to get around, damaging business, increasing air pollution and congestion on the main road. I am concerned about delays for emergency services. And the implementation is wholly undemocratic and an awful idea especially at a time like this. Hackney has done its residents wrong!*
- d. LTNs discriminate against elderly and disabled, many of whom cannot ride bikes. The blocked side streets are ghost towns which encourage anti-social behaviour, are a boon to those who vandalise and steal from parked cars, and also house burglars (the police cannot chase the criminals' mopeds). LTNs create unsafe areas for women to walk unaccompanied. There are no alternate routes available when one of the few remaining open roads has to be closed due to an accident or road works.*

9.96. Risk Assessment

- 9.97. The main risk to the Council with these proposals is reputational as the scheme is controversial, having attracted significant levels of opposition via the Commonplace consultation platform. However, it should be noted that the Commonplace results for this scheme may not be representative of overall sentiment as the number of responses received is fairly low (260) and inconsistent with representative polling that shows strong support for School Streets schemes.
- 9.98. However, as this report describes, the risks of taking no or minimal action are real in terms of increased risk of death or serious health impact on our residents from failing to act to mitigate motor vehicle dominance on our streets and the consequent reputational damage on the Council that those risks being realised would entail.
- 9.99. The mitigation to the risk of unanticipated traffic impacts was to use experimental traffic orders. This meant that Hackney Council could assess the real-world impacts of the scheme, and has found that there are positive traffic impacts on Mount Pleasant Lane, and marginal traffic increases (from a 2010 base of 61 vehicles on Moresby Road and 108 vehicles on Springfield (over 24 hours).
- 9.100. In 2018 there were nearly 2,000 child casualties from road traffic collisions in London. School Streets reduce the risk of accidents arising from inconsiderate parking and driving endangering other motorists, cyclists and pedestrians -

especially children. Reducing vehicle traffic directly outside the school gates, would also reduce the risk of collisions occurring if those children arriving at school on foot and by bicycle, are forced to step into the carriageway to try and socially distance themselves.

- 9.101. There is a slight risk that, by creating lower traffic environments, School Streets encourage pupils to view the road as car free and children think it is safe to cross or play in the road. Schools are encouraged through their Road Safety programmes to reinforce the message that the School Street is not a vehicle free zone. This can happen, for example, through classroom activities or assemblies led by the Junior Road Safety Officers.
- 9.102. However, this risk is outweighed by the overall benefits of the scheme and the greater risk is that removing the School Street and LTN traffic filter on Mount Pleasant Lane would revert the road layout and reverse the traffic reduction and positive road safety outcomes which the scheme has achieved in the experimental period.

10. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 10.1. On April 4, 2022, the existing experimental traffic directives that implemented the School Street & LTN filter will expire. If they are not made permanent, the road layout will revert to always allowing two-way traffic. If this happens, the benefits of establishing a peaceful atmosphere for surrounding homeowners and Harrington Primary School students will be reversed.
- 10.2. The report's recommendations in section three aim to make the two traffic orders that implemented the School Street & LTN filter at the end of the 18-month trial period permanent. The other suggestion is to remove the prohibited left turn restriction from Southwold Road to A107 Upper Clapton Road, giving officers more time to investigate any future proposals for this location. The initial design of the experimental scheme featured a prohibited left turn limit from Southwold Road into the A107 Upper Clapton Road. This element has not been implemented, and it is proposed that it be removed.
- 10.3. All the evidence suggests the project achieved its key objectives of reducing congestion at the school gates, creating a better balance between walkers, cyclists, and cars, and making it easier and safer to walk and cycle to school, according to the review of the experimental period. It has also addressed the issue of rat-running traffic using Mount Pleasant Lane to avoid congestion on Upper Clapton Road, making the atmosphere more pleasant for active travel.
- 10.4. The infrastructure erected for the experimental period will be retained, which has been funded mainly by grant from TfL. There are minimal ongoing costs for the statutory process and also traffic counts for monitoring traffic volumes at each school.

- 10.5. School Streets aid in the protection of children at the school gates from the harmful effects of air pollution on their health. These are sections of road in the near proximity of schools where motor vehicles are not permitted to enter during the hours when the majority of students arrive and depart. Most are forbidden through physical measures (such as temporary barriers), but some rely only on traffic signs and Automatic Number Plate Recognition (ANPR) cameras to deliver a Penalty Charge Notice to offending drivers.
- 10.6. The residents living within the closed sections of the School Street zones who require access, will be able to apply for a virtual exemption permit for nominated vehicles to access the zone at all times without committing an offence. Resident vehicles need to be registered to an address within the School Street Zone. That vehicles nominated by resident Blue Badge holders and Blue Badge holders of the school (pupils, parents, and staff) who require access will be exempt from the zone at all times without committing an offence.

11. VAT IMPLICATIONS ON LAND & PROPERTY TRANSACTIONS

- 11.1. No VAT implications.

12. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE SERVICES

- 12.1. A local authority is empowered under the Road Traffic Regulation Act 1984 to make an experimental traffic order (“ETO”) “for the purposes of carrying out an experimental scheme of traffic control” which may continue in force for a maximum of 18 months. The order may empower an officer to modify or suspend the order.
- 12.2. Regulation 23 of the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 sets down the procedure for an order where “the sole effect of an order (‘a permanent order’), which is not an order made under section 9 of the 1984 Act, is to reproduce and continue in force indefinitely the provisions of” an ETO or ETOs.
- 12.3. The statutory requirements ordinarily applicable to an order that does not solely continue in force the provisions of an ETO are disapplied on condition that the requirements in Regulation 23(3) have been complied with. The requirements imposed by Regulation 23(3) are, among other things, that the notice of making the ETO made clear that the authority would be considering making the order permanent and that any person could, within six months of the making of the ETO, object to the authority making the order permanent.
- 12.4. Before making a permanent order, an authority must consider all the objections that are made in response to the notice of making, published in respect of the relevant ETO.

- 12.5. Any person may within 6 weeks apply to the High Court to question the validity of a permanent order but an order may not otherwise be questioned in any legal proceedings whatsoever.
- 12.6. The network management duty in s.16 of the Traffic Management Act 2004 is a continuing duty and the authority is obliged pursuant to s.17 TMA 2004 to keep its performance of the network management duty under review.
- 12.7. The public sector equality duty continues to apply when making an experimental scheme permanent.
- 12.8. Within the scheme of delegation for Neighbourhoods and Housing, delegation (authority) for making permanent orders under Section 6 of the Road Traffic Regulation Act (RTRA 1984) falls under (what is currently numbered as): NH256 - Making "permanent" orders for prescribed routes, waiting and loading restrictions, bus stop and school clearways, disabled persons' parking places, doctors' parking places, free parking places, loading bays, bus and cycle lanes, pedestrian zones, weight, height and length restrictions, is delegated to Director, Public Realm and Head of Streetscene.
- 12.9. Whilst, the power to make Experimental Traffic Orders permanent fall within the powers delegated to the Head of Street Scene within the scheme of delegation, as the School Street (SS32) at Harrington Hill Primary School and Low Traffic Neighbourhood (LTN) on Mount Pleasant Lane affects two or more wards, and given the legal challenge to the Experimental Traffic Order, the scheme is a key decision and also falls within the remit of a Cabinet decision. Cabinet is able to approve the recommendations set out in this report.

APPENDICES

Appendix 1 - Harrington Hill Primary School School Street and Mount Pleasant Lane Low Traffic Neighbourhood measure general layout

Appendix 2 - Mount Pleasant Lane Road Closure Map

Appendix 3 - Overview of Mount Pleasant Lane, Springfield Gardens and Southwold Road

Appendix 4 - Interim Equalities Impact Review

Appendix 5 - Timeline of LBH Correspondence with Side by Side School

Appendix 6 - M.E.L. Mount Pleasant Lane and Southwold Road Consultation Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required



Description of document (or None)

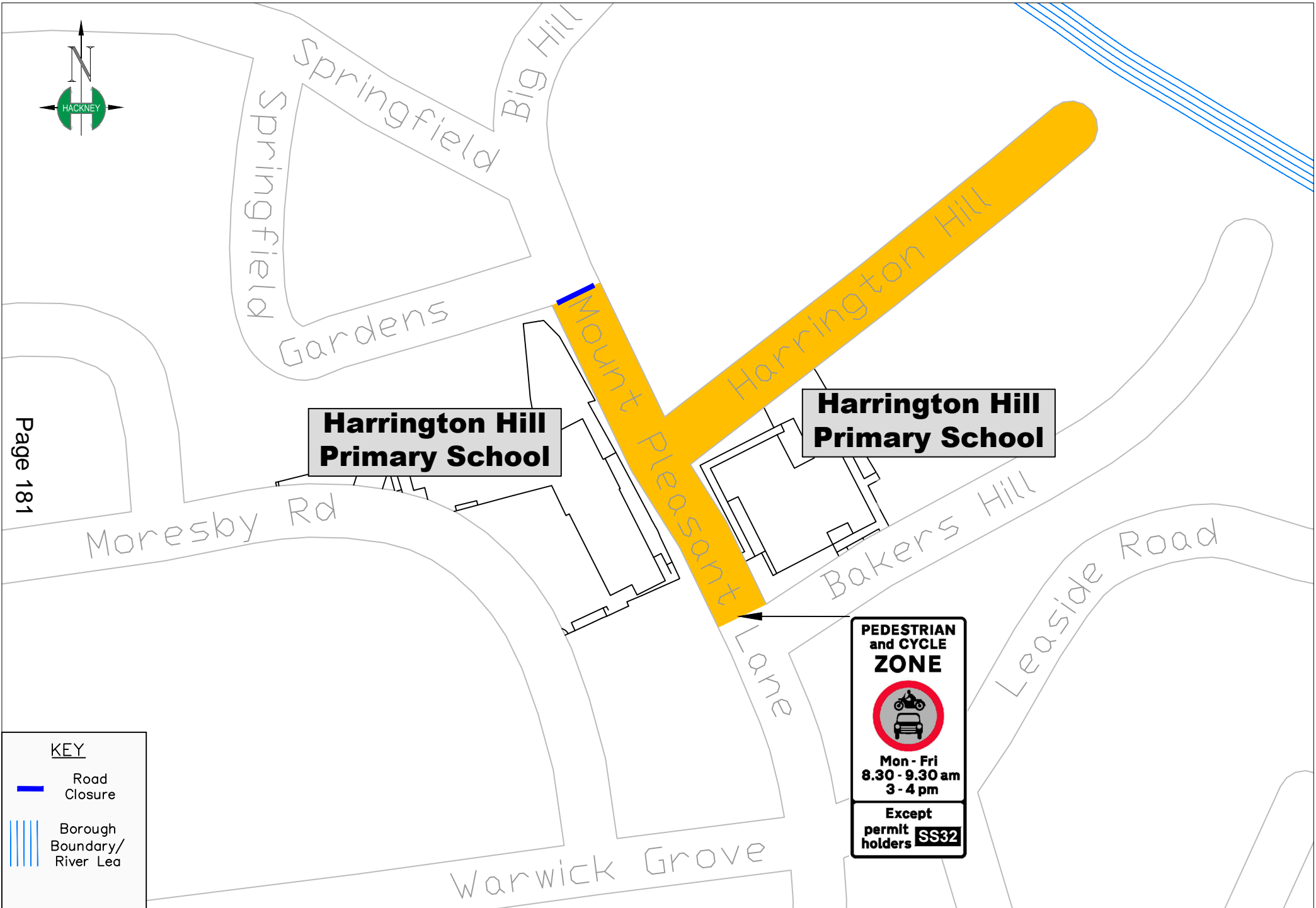
None.

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KEY

-  Road Closure
-  Borough Boundary/
River Lea



**PEDESTRIAN
and CYCLE
ZONE**



**Mon - Fri
8.30 - 9.30 am
3 - 4 pm**

**Except
permit holders **SS32****

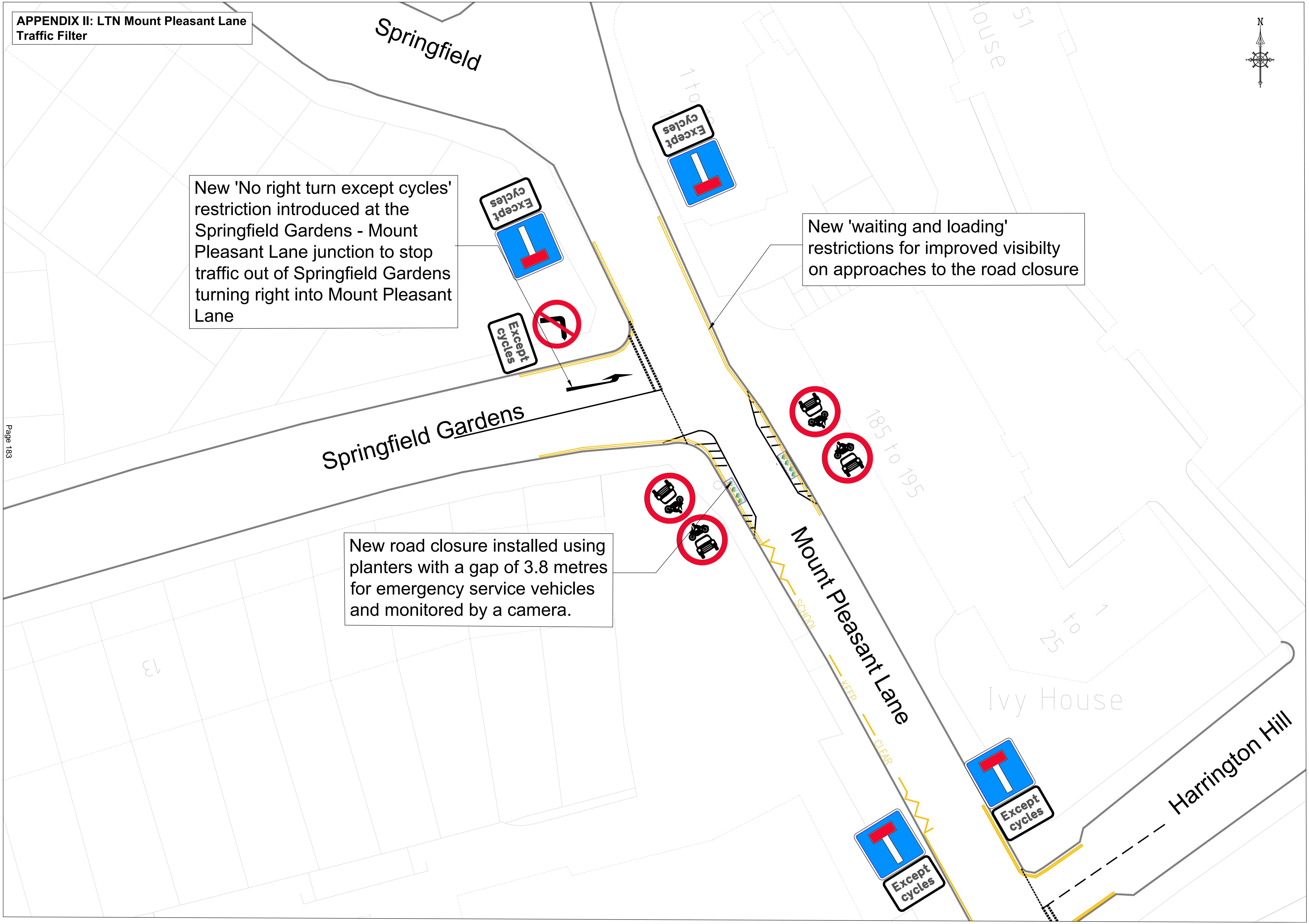
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New 'No right turn except cycles'
restriction introduced at the
Springfield Gardens - Mount
Pleasant Lane junction to stop
traffic out of Springfield Gardens
turning right into Mount Pleasant
Lane

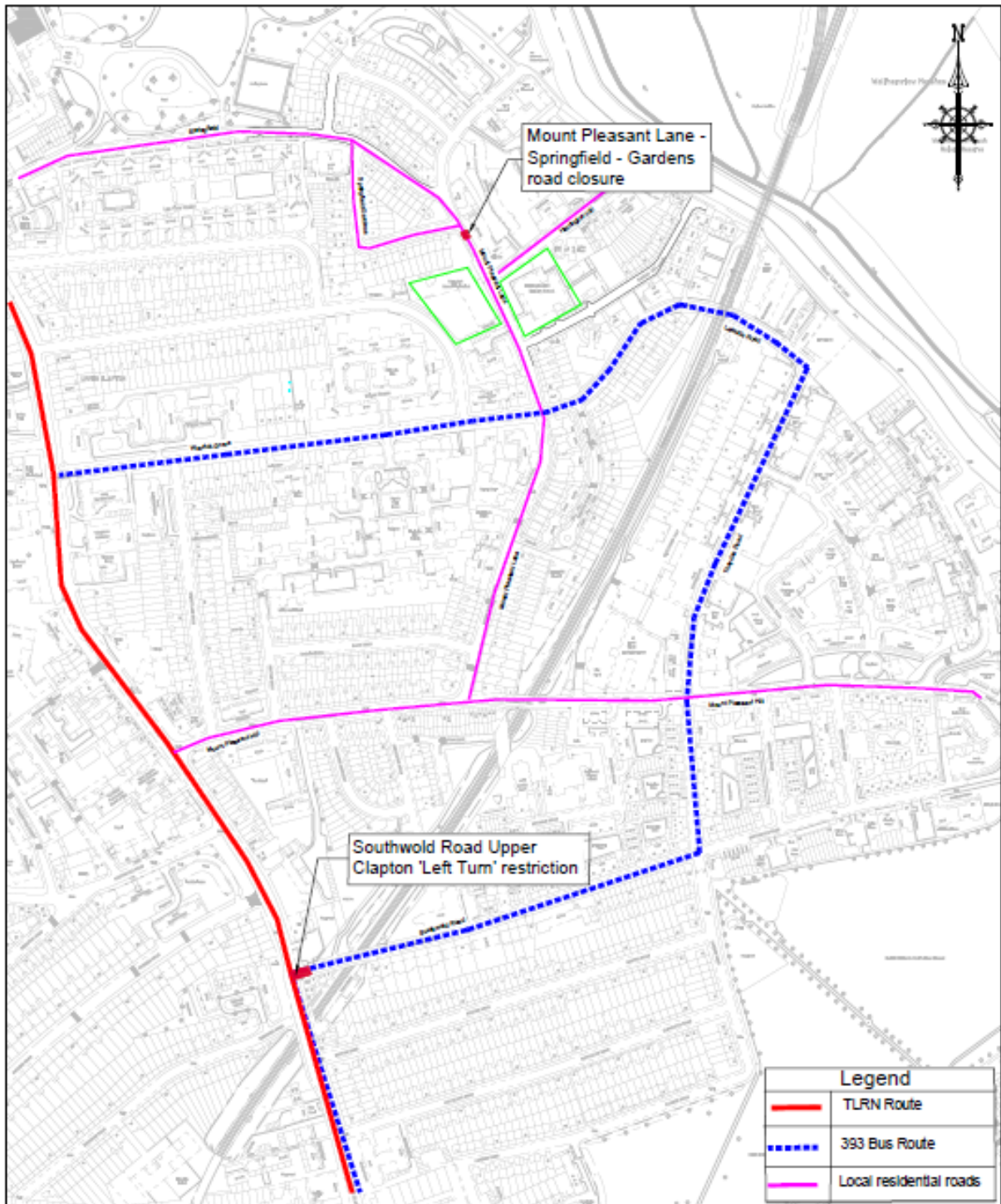
New 'waiting and loading'
restrictions for improved visibility
on approaches to the road closure

New road closure installed using
planters with a gap of 3.8 metres
for emergency service vehicles
and monitored by a camera.



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APPENDIX 3: Overview - Mount Pleasant Lane, Springfield Gardens and Southwold Road



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EQUALITIES IMPACT REVIEW
STREETSCENE SERVICE
PUBLIC REALM DIVISION, NEIGHBOURHOODS & HOUSING

SCHEMES:

School Street (Pedestrian and Cycle Zone) at Harrington Hill Primary School
and
Low Traffic Neighbourhood (LTN) Traffic Filter on Mount Pleasant Lane

Introduction

1. The purpose of this review is to provide an update on specific equalities considerations that have been raised or otherwise come to light so far during the experimental period of the above schemes. This review is intended to inform both the need for any interim modifications to these schemes in the light of equalities considerations and also the final Equalities Impact Assessment (EIA) that will be published in due course alongside the experimental scheme review. This document is not a replacement for that final EIA. In carrying out the review all protected characteristics have been considered.
2. The Delegated Powers Decision of 14 September 2020 contained the following impact assessment in relation to the protected characteristic of disability:

*“6.3. **Disability:** Hackney has lower than average rates of residents who identify as having a disability. In November 2017, 4.1% of the local population (11,234 people) were claiming Disability Living Allowance or Attendance Allowance. The main modes of transport used by disabled Londoners at least once a week are walking (78%), bus (55%), car as a passenger (44%) and car as a driver (24%). Therefore, the number of mobility impaired residents potentially affected by School Streets is low. However, consideration has been given to the impact on disabled residents living within the School Street Zones (including SEND pupils), and disabled visitors to the area.*

6.4. There would be minimal impact on access for disabled residents to their properties within the School Streets zone, as they would be eligible for an exemption. Provision has been made for Blue Badge holders who require access to the zones as visitors to be added to the

list of approved vehicles if they contact the Council to request this. However, Blue Badge holders who have not registered in advance would not be automatically able to enter during the times of operation.

6.5. For those with limited mobility who would need to access a property within the zone during the restricted times, and who have not registered in advance for an exemption, the maximum walking distance from an address in the centre of the zone to the edge of the zone would be kept to a minimum. A pedestrian access survey, assessing the quality of the walking route from the edge of the zone to the furthest property within the zone, would be conducted at the School Streets location post-implementation and any findings would be flagged for remedial action.

6.6. Discussions have been held with Hackney Learning Trust, who provide school transport for disabled pupils, to mitigate the impact of School Streets schemes on their journey times and provide a School Streets exemption where no other alternatives are feasible. This also includes taxis and private hire vehicles operating the service on behalf of the Learning Trust. These vehicles then have access at all times both to the pupils' home address and their school."

3. Subsequent to the implementation of the Experimental Traffic Orders ("ETOs") in question (TT1439 and TT1441), representations were made to the Council about the disparate impact these potentially are having, or potentially could have, on certain pupils attending Side-by-Side Special School, 9 Big Hill, Clapton E5 9HH. The following claims are common to all such pupils whose circumstances have been brought to the Council's attention: (1) each pupil has the protected characteristic of "disability"; (2) as a result, each claims the need to be driven to and from school; (3) extending the journey is said to be detrimental to the pupil in terms of their health, well-being and educational needs; (4) for various reasons, none of these pupils can be expected to use public transport or complete all or part of the journey by foot.
4. The Public Sector Equality Duty is a continuing duty on the Council. The Act requires that, in the continuing exercise of its functions, the Council must have due regard, in particular, to the need to eliminate any unlawful discrimination and advance equality of opportunity; this includes the need to remove or minimise disadvantages suffered by any disabled person due to their disability. Steps should be taken to account for such disability even if this involves treating a person more favourably than others, though the Council cannot act in a way which is contrary to the terms of the Act.
5. The Council has considered, so far as the available evidence permits, the impact of the two ETOs (TT1439 and TT1441) on the identified pupils of Side-by-Side School, as follows.

6. First, the Council has considered whether the two ETOs have a direct impact on the journeys of the identified pupils of Side-by-Side School. In terms of access, the ETOs do not directly impact the pupils and their families to Side-by-Side school. The school is located on Big Hill which is outside of the School Street and LTN closure and, as such, access to Side-by-Side school remains permitted following the introduction of the ETOs.
7. In terms of route choice, the ETOs may impact these children and their parents on the journey to school. This is because some of the routes that children previously took on their journey to school are no longer available to them. The Council has been made aware of pupils of Side-by-Side School who, prior to the implementation of the ETOs, would previously have travelled via Mount Pleasant Lane and, following the implementation of the ETOs, now access Big Hill via Springfield.
8. The information received by Officers is that pupils of Side-by-Side School are experiencing increased journey times on their way to and from the school due to the ETOs. Furthermore, it is claimed that these increased journey times are resulting in distress, arising from the special educational and physical needs of the pupils in question. The journey of five pupils in particular have been identified and brought to the attention of Officers.
9. To further understand the impact of the schemes on these pupils, the Council has conducted the following investigations which are addressed more fully below:
 - (a) Monitored journey times in real time for the journeys to school undertaken by these identified pupils using journey mapping software.
 - (b) Conducted a series of Automatic Traffic Counts (ATC).
 - (c) Conducted a series of site visits for observation and manual traffic counts.
 - (d) Reviewed the existing exemptions policy and procedure.
 - (e) Corresponded with school transport operators.

Results of the journey time monitoring

Table 1: Journey time summary for the identified pupils, pre and post implementation of the two ETOs on Mount Pleasant Lane.

Pupil of Side-by-Side school	Journey	Stated Average Journey Time Pre-implementation	Reported Average Journey Time Post-implementation	Average Journey Time by officer monitoring journey

		(via Mt Pleasant)*	(via Springfield)*	planning software Post-implementation (via Springfield)**
Pupil 1	From N16 area to Side-by-Side school	10-15 minutes	20-25 minutes	10 minutes
Pupil 2	From N15 area to Side-by-Side school	10 minutes	20 minutes	7 minutes

*Average journey times as reported to the Council

** Using Google maps real-time, live traffic feature to plot the journeys for a sample of 183 and 145 journeys respectively between Nov 2020 and Sept 2021 and February and Sept 2021

10. The Council has considered the alternative route for pupils 1 & 2 to travel to Side-by-Side School via Springfield and the monitoring to date indicates that the difference in journey times for both pupils is minimal. In the period during which the ETOs have been operating, the journey details of pupil 1 have changed, such that the morning journey is no longer to Side-by-Side school and, as such, is not affected by the closures. The afternoon journey of pupil 1 is reported as being impacted by 'the additional traffic in the afternoons when he leaves school.' It is not known whether this new journey to an unknown location would have involved travelling through the restricted area of the School Street and LTN on Mount Pleasant Lane and is prevented from using this route by the ETOs.
11. As part of the ongoing review of the School Street and LTN on Mount Pleasant Lane, Officers have mapped the routes to Side-by-Side school from all directions. Journeys from west and north of the school are represented by the journey previously undertaken by pupil 1, before the timetable change in the morning (west) and the journey presently undertaken by pupil 2 (north).
12. Representations were also made to the Council about the potential impact of the School Street and LTN on Mount Pleasant Lane on "Child A", "Child B" and "Child C" attending Side-by-Side Special School. Home address data has not been provided to the Council for the journeys undertaken by "Child 3", "Child 4" and "Child 5", so it is not possible to say with the same degree of certainty what the impacts of the two ETOs have been on their routes or journey times to school. However, the following increases in journey time are claimed for their journeys to Side-by-Side school.

Pupil of Side-by-Side school	Stated Average Journey Time Pre-implementation	Stated Average Journey Time Post-implementation
Child A	10 mins	10 - 20 mins
Child B	3 mins	13 mins
Child C	Unknown	10 - 20 mins increase

*Average journey times pre and post implementation of the ETOs as reported to the Council by the Special Needs Co-Ordinator at Side-by-Side Special School.

13. From this information it is possible to make the following observations regarding the journeys of Child A and Child B.

14. Child A is reported as using school transport to travel to school. As part of the review of the schemes, Officers have engaged with the local authority SEND transport providers for both Hackney and Haringey about their experience using Springfield to access Side-by-Side school. Both operators said that they were not experiencing increased traffic congestion or increased journey times, but this will be kept under observation by Officers reviewing the School Street and LTN schemes through ongoing engagement with the local authority operators. Officers have informed the Head of Side-by-Side school and Hackney's Council SEND transport operator that the Council is open to specific case exemption requests for SEND school vehicles, to avoid potential negative impacts on school transport.

15. Journeys to Side-by Side school originating from east of the school are not possible because transport links in this direction are severed by the River Lea. Journeys from immediately south of the school would have relied more on using Mount Pleasant Lane and turning right onto Big Hill prior to the implementation of the two ETOs. Such journeys admittedly may be more impacted by the School Street and LTN restrictions on Mount Pleasant Lane than journeys from the north and west. The journey described by Child B, (as described above), may well fall into this category (the previous journey time of 3 minutes prior to the implementation of the ETOs might suggest that the home address of this child is in this location). As such this pupil may be more impacted by the School Street and LTN restrictions than other journeys made by pupils attending Side-by-Side school.

Results of the traffic investigations

16. It has been reported to the Council that the impact on journey times is due to the nature of the road layout for Springfield, the remaining sole route choice for access to Side-by-Side School. The assertion is that Springfield is a

narrower road and the ETOs have created hyper-local traffic delays because a) traffic has increased on Springfield as a result of the ETOs and b) it is difficult for two vehicles traveling in opposite directions to pass each other (especially larger vehicles).

17. Officers have investigated these reports through the use of automatic and manual traffic counts, supplemented with site observations and reports from school transport operators (who are using Springfield with larger vehicles).

18. Automatic traffic counts were conducted in late November / early December 2020 and May 2021. Manual traffic counts were conducted in December 2020 and March 2021. It is recognised that national lockdowns have influenced background traffic levels during these times, however, the purpose of these counts is to establish traffic levels on Springfield at the time, and it is accepted that further monitoring is required as the situation with Covid-19 further develops. A summary of the traffic counts is below.

Table 3: Post-implementation Automatic Traffic Counts - Location: Springfield, Outside Lea View House

AM / PM	Time (30min Intervals)	Automatic traffic counts	Manual Traffic counts	Manual Traffic counts	Automatic traffic counts
		Two-way Traffic Volume Nov/Dec 2020	Nov/Dec 2020	16-17 March 2021 (avg)	Two-way Traffic Volume 17-21 May 2021
Springfield AM	07:00 - 07:30am	22			17
	07:30 - 08:00am	52			47
	08:00 - 08:30am	49			48
	08:30 - 09:00am	102	143	112	49
	09:00 - 09:30am	58			40
	09:30 - 10:00am	41			38
	Average AM	54			40
Springfield PM	15:00 - 15:30pm	74			59
	15:30 - 16:00pm	69			51
	16:00 - 16:30pm	44			42

	16:30 - 17:00pm	48			50
	17:00 - 17:30pm	49	110	53	43
	17:30 - 18:00pm	52			46
	Average PM	56			49

19. The results of the post-implementation automated traffic counts taken on Springfield show that during the morning peak time (08:30 - 09:30am), traffic volumes were highest in late November/early December 2020, with 160 vehicles during the hour (with a peak of 102 in the half hour 8:30-9:00) decreasing to 89 vehicles in May 2021.

20. Automated traffic counts on Springfield were also conducted in May 2021. The highest average morning half hour period for vehicle movements was 49 vehicles from 8:30-9:00, which is 53 (52%) vehicle movements fewer than the same time period in November 2020, and equates to approximately 2 vehicles per minute. The highest average time period in the afternoon was 59 vehicles between 15:00 - 15:30, which is 15 (20%) vehicle movements fewer than the same time period in November 2020, also equating to approximately 2 vehicles per minute. The data also indicates an average reduction of 14 (26%) vehicle movements during the morning time bands, and an average reduction of 7 (13%) vehicle movements in the afternoon, from November 2020 to May 2021.

21. At the peak of 102 vehicles in 30 minutes, this equates to approximately 3.4 vehicles per minute. By May 2021, the traffic flows were between 1.3 to 1.6 vehicles per minute in the morning peak and a similar, steady flow throughout the afternoon to 18:00.

22. Traffic volumes in this order would normally be considered insufficient to cause congestion concerns, however, it is recognised that hyper-local congestion on urban roads is possible even with low traffic volumes due to events such as obstructions caused by loading vehicles (i.e. waste lorries) or other temporary obstructions. And such an incident was observed during an officer visit in December 2020, when traffic was held up for 10 minutes by a larger vehicle.

23. However, the ATCs also measure speed and during the hours of 8:30-9:30 and 17:00 - 18:00, 96% of vehicles were travelling above 10mph, with 4% between 5-10mph and 0 below 5mph.

24. Furthermore, Officers have contacted the school transport providers for Hackney and Haringey Councils for feedback. Neither operator has raised with the Council any difficulties experienced by their vehicles using Springfield, rather than Mt Pleasant and confirm that the diversion route to

Side-by-Side school (via Springfield) is not negatively impacting their journey times.

25. Officers also considered whether the ETOs have worsened or bettered the traffic volumes on Springfield.

26. Due to the Covid-19 pandemic and resulting national lockdowns, it was not possible to undertake immediate pre-implementation traffic counts that would provide a useful baseline. However, historic traffic counts conducted in 2010 and a traffic estimating exercise from 2018 provide a pre-implementation picture of traffic levels.

27. The historic 2010 automated traffic count data provides the 7-day average 24-hour traffic volume on Springfield and Springfield Gardens, and 7-day average traffic speed and 85%ile.

Table 4: Pre-implementation Springfield (Road) and Springfield Gardens Traffic Volume

Location	Survey Date(s)	Two Way Traffic Volume
Springfield - Outside Lea View House	Feb 2010	1560
Springfield Gardens - Outside No. 53	Feb 2010	240
Mount Pleasant Lane - outside No 93	Feb 2010	1587

Pre-implementation GPS traffic data ('INRIX')

28. In 2019, the Council commissioned a study into traffic in the borough called "Through Traffic in Hackney" (2019). This project involved purchasing GPS tracking data supplied by data analytics firm Inrix, from three months in 2018 (June, September and October), then, this sample was scaled using DfT traffic counts to bring the sample up to the total traffic levels and to correct for sample bias to give an estimated daily annual flow. It is not a traffic count.

29. This data was used to estimate the volume of traffic on Springfield in 2018. The estimate for Springfield was made using a GIS query tool which was supplied alongside the main report by Peter Davidson consultants.

30. Springfield had an estimated 5403 daily flow on the road in 2018. This is significantly higher than the observed 1587 in 2010. While the 2018 figure is an estimate, the large increase follows a trend during that period of increases in traffic on minor roads, predicted to be an effect of the rise of sat navs which direct drivers through minor roads to 'beat the traffic' on main roads (DfT stats show 24% increase in urban minor roads between 2010 and 2018).

31. Comparing the post-ETO traffic counts to the historic traffic counts shows a decrease in traffic volumes.

**Table 5: Pre-implementation vs post-implementation traffic volumes
Springfield (Road)**

Location	Feb 2010 ATC	2018 Inrix modelled	Nov/ Dec 2020 ATC	May 2021 ATC
Springfield - Outside Lea View House	1560	5403*	1225	1340
% Change (2010 base)		246.35%	-21.47%	-14.10%

32. Overall traffic patterns across the country were affected by the Covid-19 pandemic throughout 2020 and into 2021, making direct pre and post implementation comparisons difficult. However, by the week of 17 May 2021 when the most recent ATCs were conducted, traffic levels in the country were back up to 95% of pre-pandemic levels (which could partly account for the increase in traffic between Dec 2020, when national traffic levels were approximately 80% of pre-pandemic levels and May 2021 when they were 95%) and does not indicate mass displacement of traffic from Mount Pleasant Lane onto Springfield.

33. Automated traffic count data shows that (pre-implementation of the ETOs) traffic volumes on Springfield and Mount Pleasant Lane were very similar to one another, with a 7 day average of 1560 and 1587 vehicles respectively. This does not support the assertions made regarding the journeys to school of pupils 1 and 2, that the previous route taken to school (using Mt Pleasant Lane), would have been less congested than the new route to school (via Springfield), post-implementation of the 2 ETOs.

Table 6: Pre-implementation Springfield (Road) and Springfield Gardens Traffic Volume

Location	Survey Date(s)	Two Way Traffic Volume
Springfield - Outside Lea View House	Feb 2010	1560
Springfield Gardens - Outside No. 53	Feb 2010	240

Table 6a: Pre-implementation Mount Pleasant Lane Traffic Volume

Location	Survey Date(s)	Two Way Traffic Volume
Mount Pleasant Lane - outside No 93	Feb 2010	1587

34. In addition, site notes from officer observations on Springfield showed that, on all but one occasion over the course of 8 visits, empty car parking spaces allowed for vehicles to pull in and out and smooth passing of vehicles.

35. The traffic count data gathered to date (pre and post-implementation of the ETOs) and site observation notes does not suggest that the alternative route,

using Springfield rather than Mount Pleasant Lane, is a cause of journey time delay for journeys to school for pupils 1 and 2.

Review of existing exemptions policy and procedure

36. The Council has considered the reported negative effects of the two ETOs on the journeys to school of these 5 pupils and whether any of the pupils would fall within one or more of the current exemptions set out in each ETO.
37. There are existing systems in place for dealing with requests for exemptions from School Streets and to ensure that travel to school by SEND pupils in the borough is not significantly negatively impacted by School Streets restrictions. These existing systems are suitable to consider the journeys of pupils and families of Side-by-Side school.
38. Exemptions are granted on the basis of a requirement for access (i.e. access to a pupil's home address and/or their school address) by a vehicle providing local authority SEND transport to school. Since there are currently no School Streets operating outside of SEND schools, exemptions are granted to vehicles providing SEND transport to school where a pupil's home address is within a School Street zone. As far as is known, this does not apply to any of the pupils of Side-by-Side school whose journeys are under consideration

Table 7: School Streets exemptions criteria (as of September 2021)

Exemption class	Eligibility criteria:
School Street exemption	Vehicles that are registered to a residential or business address within a School Streets zone.
Special Exemption	You, or your child attending a school, are a Blue Badge holder who needs vehicle access to a property in a School Streets zone, including the school. You are a carer who needs vehicle access to a property in a School Streets zone.
Special Education Needs and Disability Transport services (SEND) - Entering a School Streets zone to pick up/drop off a pupil who lives/ goes to school inside the School Street zone	Exempt with the following conditionality: In order to qualify for an exemption school transport providers must accept participation in the Council's Safe minibus scheme entailing checks of their vehicles and

	<p>operations, as well as driver education workshops.</p> <p>A grace period will apply to vehicles that have already registered for an exemption and are in the process of being checked against the conditions.</p>
<p>Independent School Transport Operators (MiniBus) - Entering a School Streets zone to pick up/drop off a pupil who lives/ goes to school inside the School Street zone .</p>	<p>Exempt with the same conditionality.</p>

39. Access is the basis for granting exemptions; exemptions are not routinely granted for traveling through a School Street zone (this principle applies equally to Blue Badge holders). However, for any non-standard requests there is a process in place for consideration of special exemptions. Applications for special exemptions are considered on a case-by-case basis.

40. Following the launch of 6 new School Streets in June 2021, the Council updated the School Streets exemptions policy to permit access to a pupil's address by school transport vehicles operated by private providers, as well as local authority operated SEND transport services, on condition that certain conditions regarding safety and licencing are met. Whilst the Council is still in the process of registering these operators, it should be noted that we are aware of at least one such provider who serves Side by Side school who has been granted exemption.

41. Where a pupil's home address is within a School Street zone, school transport vehicles registered with the Council will be permitted to enter the School Street for picking up/dropping off pupils. For a limited grace period vehicles are permitted to drive through the School Streets zones when following the route to school. This is whilst the operators work with the Council to participate in the 'Safe Minibus Scheme' (see Table 4) and to provide evidence to determine the need for their vehicles to enter and travel through a particular School Street zone. Whilst exemptions are not routinely granted for traveling through a School Street zone, the special exemptions application process will be used for considering cases where there is a justification for doing so.

42. The Council has been made aware that Child A relies on organised school transport for their journey to school. Therefore the ability of organised school transport vehicles serving Side-by-Side school to drive through the new School Streets zones introduced in June 2021 on route to school will positively impact the journey to school undertaken by this child.

43. The Council has previously made an offer to Side-by-Side school to exempt larger minibus vehicles conveying a number of pupils to school from the restrictions on Mount Pleasant Lane, if the school can provide a list of vehicle registrations for these buses. This was rejected as impractical by the school as being unworkable. However, the offer has been reiterated in the most recent correspondence with the school, dated September 2021.
44. It follows from the previous comment about Child A's reliance on organised school transport that granting an exemption to school transport vehicles serving Side-by-Side school from the traffic restrictions implemented by the 2 ETOs may serve to mitigate the effects of the ETOs on this child.

Engagement with school transport operators

45. The effects of the ETOs on local authority SEND transport to school is being reviewed on an ongoing basis by Officers in communication with the local authority operators for Hackney and Haringey Councils. The outcome of this review is that neither operator has raised with the Council any difficulties experienced by their vehicles using Springfield, rather than Mt Pleasant and that the diversion route to Side-by-Side school (via Springfield) is not negatively impacting their journey times.
46. The option of exempting school transport vehicles from using Mount Pleasant Lane will be retained upon completion of the scheme review and can be implemented in a responsive manner should the need arise at a future date.
47. A review of the Council's exemptions policy and processes across the School Streets and Low Traffic Neighbourhood schemes is ongoing to ensure a consistency of approach and application.

Mitigation measures

48. The Council has considered whether it would be appropriate to modify or amend the ETOs to mitigate the impact on the five pupils identified (and any others like them) and whether it would be feasible to extend or modify the existing exemption criteria so as to bring any such pupils identified within it.
49. Both of these things, and any other steps that can be taken or considered for mitigating the impact of the ETOs in relation to the pupils under consideration, will be considered before the Council is required to reach a decision on whether or not to make the schemes permanent.
50. The current implementation of the ETOs does not affect direct access to Side-by-Side school. However, they do affect the choice of route to the school by limiting it to one road (Springfield) in the approach to Big Hill (on which Side-by-Side school is located).

51. Springfield is reported to be the site of congestion at school peak times as the road layout makes it difficult for two vehicles travelling in opposite directions to pass each other (especially larger vehicles). Officers accept that there is the possibility for journeys on Springfield to be delayed by hyper-local congestion of the sort that is not uncommon on residential roads in London. However, the results of the traffic counts, Officer observations and feedback from transport operators does not suggest that at this location, these incidents are everyday occurrences, have gotten worse following the ETOs, or are any more common than other similar roads in London.
52. The Council, having considered the potential indirect impact of diverting journeys to Side-by-Side school previously made using Mount Pleasant Lane to Springfield, considers there is no material impact on journey times for the reasons given above. The Council has nevertheless considered what measures might be proportionate to mitigate any impact if, on further monitoring, it were found to exist. It is considered that some mitigation might be achieved by removing some of the parking spaces on Springfield to create passing places. Accordingly, this measure will be kept under review and in any event considered if the School Street and LTN schemes are made permanent.
53. The Council accepts that as a result of restricting route choice for pupils to and from Side-by-Side school that there is a risk of an impact, however infrequent, to certain disabled children who experience detrimental impacts due to their disability. The Council has to weigh the risk of this harm to a certain cohort of disabled residents against the benefits of the scheme, including benefits to other disabled residents identified in the initial impact assessment.
54. Consideration has also been given to extending or modifying the existing exemption criteria so as to bring any of the pupils identified within it. There are existing systems in place for dealing with requests for exemptions from School Streets schemes and to ensure that travel to school by SEND pupils in the borough is not overly impacted by School Streets restrictions.
55. When reviewing the status of these pupils' journeys to school in light of their special educational needs and the existing policy for School Street exemptions, it is instructive to consider that there is benchmark guidance in place for local authority run SEND transport to school providers. This says that no child should be on a vehicle on the journey to/from school for longer than 40 minutes in either direction. Since none of the purported increased journey times regularly come near to this 40 minute threshold (most are described as having increased to 20-25 minutes), there is no trigger to suggest a serious cause for revision of the schemes as implemented.
56. The previously made offer to exempt school transport buses to use Mount Pleasant Lane was made in response to feedback from the school that larger vehicles were experiencing difficulty passing on-coming vehicles on

Springfield. The Council considers exempting school transport vehicles from the restrictions on Mount Pleasant Lane to be a proportionate response to minimising the effect of the ETOs for a number of reasons.

57. First, School Transport Vehicles are already exempt from the School Streets zones if there is a requirement for access to an address within the zone.
58. Secondly, they provide transport for a number of pupils so are more efficient and create less of an impact on the transport network than private vehicles on the school run.
59. Thirdly, they follow a set route and so have less flexibility to make decisions about their route choice and timings.
60. The offer to exempt, as a special case, School Transport Vehicles from using Mount Pleasant Lane will be kept under review with local authority operators of Hackney and Haringey and will be retained upon completion of the scheme review, to be implemented should the need arise.
61. Some of the children described in this review (e.g. Child A who uses organised school transport to school) could benefit from this mitigation were it to be implemented.
62. The Council has also considered whether it would be appropriate to modify the existing exemption criteria to offer exemptions from the School Streets and LTN restrictions on Mount Pleasant Lane to private vehicles carrying pupils to Side-by-Side School. Such a response is not considered to be a proportionate response to minimising the effects of the ETOs for a number of reasons.
63. First, the number of vehicles travelling past Harrington Hill Primary School would be increased.
64. Secondly, this would undermine the achievement of the aims of the School Street and LTN on Mount Pleasant Lane.
65. Thirdly, there would be a disbenefit for 300 pupils attending Harrington Hill Primary School.
66. As such, exempting private vehicles from the restrictions would not be a proportionate outcome as compared to the slight increase in journey time delay (of 10 -15 minutes) reported by pupils travelling to Side-by-Side school, even when the special educational and physical needs of these pupils are taken into account.
67. One exception to the position on exemptions for private vehicles may be pupils who live just south east of the restrictions and whose journeys to school would have relied more on using Mount Pleasant Lane prior to the

implementation of the two ETOs. Analysis of journey times above has identified that these pupils may be more impacted by the restrictions as, prior to the implementation of the two ETOs, journeys to school for these pupils would have been more heavily reliant on using Mount Pleasant Lane and turning right onto Big Hill. A revision of the policy on exemptions to include journeys by private vehicles originating from this area, just southeast of the restrictions on Mount Pleasant Lane, could be considered.

68. Such a limited case exemption does not apply to the home addresses of pupils 1 and 2. The Council is unaware whether it would apply to Child A, Child B and Child C due to the lack of home address information for these individuals.

Summary/conclusions

69. This review was undertaken to investigate representations that were made to the Council about the disparate impact that the School Street and a Low Traffic Neighbourhood filter on Mount Pleasant Lane potentially are having, or potentially could have, on certain pupils attending Side-by-Side Special School, 9 Big Hill, Clapton E5 9HH. Particular consideration has been given to the Public Sector Equality Duty of the Council in relation to the representations that have been raised during the experimental period the School Street and a Low Traffic Neighbourhood filter.
70. To further understand the impact of the schemes, the Council has conducted a series of investigations as summarised in paragraph 9 above. Furthermore, Officers have considered a number of mitigation measures and whether it would be appropriate to: (1) modify or amend the ETOs to mitigate the impact on the 5 pupils identified; (2) extend or modify the existing exemption criteria so as to bring any of the pupils identified within it; (3) modify the existing exemption criteria to offer exemptions to include private vehicles carrying pupils to Side-by-Side School; (4) take any other mitigating step in relation to the pupils under consideration.
71. A review of the data gathered on journey times and traffic analysis and of the existing systems in place for dealing with requests for exemptions from School Streets suggests that it is not necessary to consider any modification of the ETOs themselves, or amendment of the existing exemption application criteria in relation to the pupils under consideration.
72. Whilst the evidence gathered to date on journey times and traffic volumes does not indicate any increase, it may be the case that, on balance, a small increase in journey times would be considered tolerable and proportionate (even when the special educational and physical needs of these pupils are taken into account) in order to achieve the wider benefits of the School Streets and LTN schemes for pupils of Harrington Hill Primary School and local residents.

73. The Council accepts that as a result of restricting route choice for pupils to and from Side-by-Side school that there is a risk of an impact, however infrequent, to certain disabled children who experience detrimental impacts due to their disability. The Council continues to weigh the risk of this harm to a certain cohort of disabled residents against the benefits of the scheme, including benefits to other disabled residents identified in the impact assessment.
74. In any case, it is understood that Side-by-Side school will be relocating from the existing site on Big Hill, north of the traffic filter on Mount Pleasant Lane to a new site at Avigdor Mews, Lordship Road, N16. Therefore, any amendment of the ETO's now would not materially affect these pupils' journeys to school when the move is complete. As such, it would be disproportionate at this time at least to consider any amendment to the ETOs in relation to these pupils' journeys to school.
75. The recommendation of this review is continued monitoring of the impact of each ETO on the Protected Groups following the publication of the final delegated powers decision report, and ongoing review of the Council's exemptions policies and processes across the School Streets and Low Traffic Neighbourhood schemes to ensure a consistency of approach and application.

Signed



Andrew Cunningham

Head of Streetscene, Hackney Council

4 October 2021

Appendix 5: Timeline of LBH Correspondence with Side by Side school

Timeline of LBH Correspondence with Side by Side school:

Correspondence/ communication	Date	Pre/post implementation (09/11/20)	Pre/post Delegated Powers Decision (14/0920)	Contents
Email: From LBH officer To: Interlink Foundation prior to meeting on 14 September with a number of interested parties.	8 September	Pre-implementation	Precedes the date of decision in the DPD report	This email included as an attachment the draft drawing for the School Street and LTN Scheme at Harrington Hill Primary in preparation for a meeting on Monday 14 September 2020
Meeting: Interlink/LBH and interested parties including Head of Side by Side school	14 September 2020.	Pre-implementation	The same day of decision of the DPD report	Attendees took turns to speak to give their views on the proposed School Streets road closures. Head of Side by Side school spoke to express concern that Side by Side school would be cut off by the School Street and LTN Scheme at Harrington Hill Primary. Also mentioned were a general concern regarding congestion and concern that parking controls in the area make it difficult to recruit school staff. LBH Head of Streetscene provided a point of clarification: We are <i>not</i> considering closing off both Springfield and Mount Pleasant Lane which would in fact cut off the School. It would be one or the other
Email: From: LBH officer To: Interlink Foundation following the meeting on 14 September.	25 September 2020	Pre-implementation	Post-DPD decision	A written response was issued by LBH in response to the points raised during this meeting on 14 September 2020. With the written response the Council also provided an update that the formal decision had been taken to proceed with the School Street at Harrington Hill Primary and LTN traffic filter on Mount Pleasant Lane.
Email: From: LBH officer To: Head of Side by Side school	25 September 2020	Pre-implementation	Post-DPD decision	The email reiterated that access to the school will not be prevented by either the Low Traffic Neighbourhood filter or School Street at Harrington Hill Primary School and offered a meeting to discuss the school's concerns further.
Email: From: Head of Side by Side school To: LBH officer CC: Interlink Foundation	25 September 2020	Pre-implementation	Post-DPD decision	I just want to make sure I am clear regarding your email below, please can you confirm the Springfield Road and then turning left into Big Hill will not be part of the Low Traffic Neighbourhood or School Street restrictions?

<p>Email: From LBH officer To: Head of Side by Side school</p>	<p>1 October 2020</p>	<p>Pre-implementation</p>	<p>Post-DPD decision</p>	<p>“In answer to your question, I can confirm that vehicles on Springfield Road wishing to turn left into Big Hill will not be affected by the introduction of the Low Traffic Neighbourhood filter, or by the School Street at Harrington Hill primary school.”</p>
<p>Meeting: Interlink/LBH and interested parties including SENCO Officer at Side by Side school</p>	<p>26 October 2020</p>	<p>Pre-implementation</p>	<p>Post-DPD decision</p>	<p>ENCO Officer at Side by Side school described the anticipated impact of increased travel time on pupils in terms of behaviour, missing scheduled medication at school and concerns regarding the attendance times of emergency services in the event of a medical emergency</p> <p>She also described how Springfield Road is very narrow and two way traffic is difficult.</p> <p>Recruitment of school staff was raised as an issue (which will be made worse by the closures.</p> <p>Officers responded that, if buses serving Side by Side school need to use Mount Pleasant Lane to access the school, because it is wider and Springfield Road is not suitable, then this is a conversation we can have. The Council is open to exemption requests from SEND transport for specific case exemptions.</p> <p>Officers clarified in relation to emergency vehicle access that the LTN closure on Mount Pleasant Lane will not use gates to close the road, they will be planters placed either side of the road with sufficient width in the centre for emergency vehicles to pass through.</p>
<p>Email: From: LBH officer To: Head of Side by Side school</p>	<p>6 November</p>	<p>Pre-implementation</p>	<p>Post-DPD decision</p>	<p>“We previously corresponded by email following the meeting between Streetscene Officers and Interlink on the 14th September. In my email to you I offered a further meeting to discuss the impact of the plans for a School Street and Low Traffic Neighbourhood filter on Mt Pleasant Lane and Harrington Hill.</p> <p>You replied seeking clarification that the Springfield Road (and then turning left into Big Hill) will not be part of the Low Traffic Neighbourhood or School Street restrictions. I provided assurance that this is the case.</p> <p>Subsequently, Streetscene Officers attended a second meeting organised with Interlink on 26 October and attended by SENCO Officer at Side by Side school, Rivka Sclesinger. At this meeting, concerns were raised about the ability</p>

				<p>of Side by Side school buses to reroute to use Springfield Road to approach the Big Hill, this road being narrow, making two way traffic difficult. A preference was expressed for using Mt Pleasant Lane to access Big Hill for buses.</p> <p>If there are particular vehicles attending Side by Side for which access issues need to be resolved, then the Council is open to specific case exemption requests for SEND school vehicles, to avoid potential negative impacts on school transport. In order for us to consider such requests, we would require information on these vehicles from the school. Could you arrange for someone to email a list of identified SEND school vehicles, including their registration numbers, please?</p>
<p>Email: From: LBH officer To: Head of Side by Side school</p>	<p>24 November</p>	<p>Post-implementation</p>	<p>Post-DPD decision</p>	<p>Further to my last email below, the School Street and Low Traffic Neighbourhood filter on Mt Pleasant Lane and Harrington Hill launched on 9 November.</p> <p>I am writing to enquire about the situation with school transport to Side By Side school for the last two weeks. In particular, have the school buses diverted to taking Springfield Road encountered difficulties using this road, as has been suggested would be the case?</p> <p>As per my previous email, if we need to resolve access issues for particular vehicles attending Side by Side, we can do so if the school can provide us information on these vehicles.”</p>
<p>Email: From: Head of Side by Side school. To” LBH officer. CC: Interlink Foundation</p>	<p>26 November 2020</p>	<p>Post-implementation</p>	<p>Post-DPD decision</p>	<p>“In response to your queries in email dated 6th & 24th November enquiring about the impact of the newly enacted School street and LTN, I am happy to provide the following.</p> <ol style="list-style-type: none"> 1. The Hackney Local Authority Transport and Haringey Local Authority Transport have been using Springfield Road and have reported that this is causing delay. Both have said that they previously used Mount Pleasant Lane and Harrington Hill as their access route which prevented delays. So, it is clear that there are delays being experienced widely by road users. 2. Some of our classes are

				<p>currently shut due to a local Covid-19 concern. This means that a substantial number of staff and parents cannot, at this moment, reflect on the impact as they have not been travelling to school at all. But if the evidence of the past 2 weeks is anything to go by, I am alarmed and worried about the future implications.</p> <p>3. We are also starting to see the impact in terms of parents who live on the wrong side of the restrictions having difficulties getting children to school on time – for example. one parent called in to say it has extended his school journey time by up to 20 minutes. For a child with special needs this raises their level of anxiety and stress. Local minicab services on which our families depend have also reported to me that they are reluctant to take on jobs to the vicinity of the school due to the jobs taking far longer than average.</p> <p>4. We do not believe that providing individual number plates is a realistic solution, as different cars are constantly used and would be logistically and practically impossible.</p> <p>5. It was a disappointment that the school wasn't consulted at the beginning of this project and that to date our families have still not been given the opportunity to engage with the Local Authority and consulted on this closure. It certainly has caused difficulties for families and possibly could have been avoided with a consultation process. Although, I fully agree with the objective of reducing traffic pollution but it should be done in a sensitive manner.</p> <p>Please take this information into account when considering these schemes.”</p>
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**Low Traffic Neighbourhoods -
Mount Pleasant Lane and
Southwold Road
Feedback Report**

November 2021

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Project details

Title	Low Traffic Neighbourhoods – Mount Pleasant Lane and Southwold Road Report
Client	Hackney Council
Project number	21075
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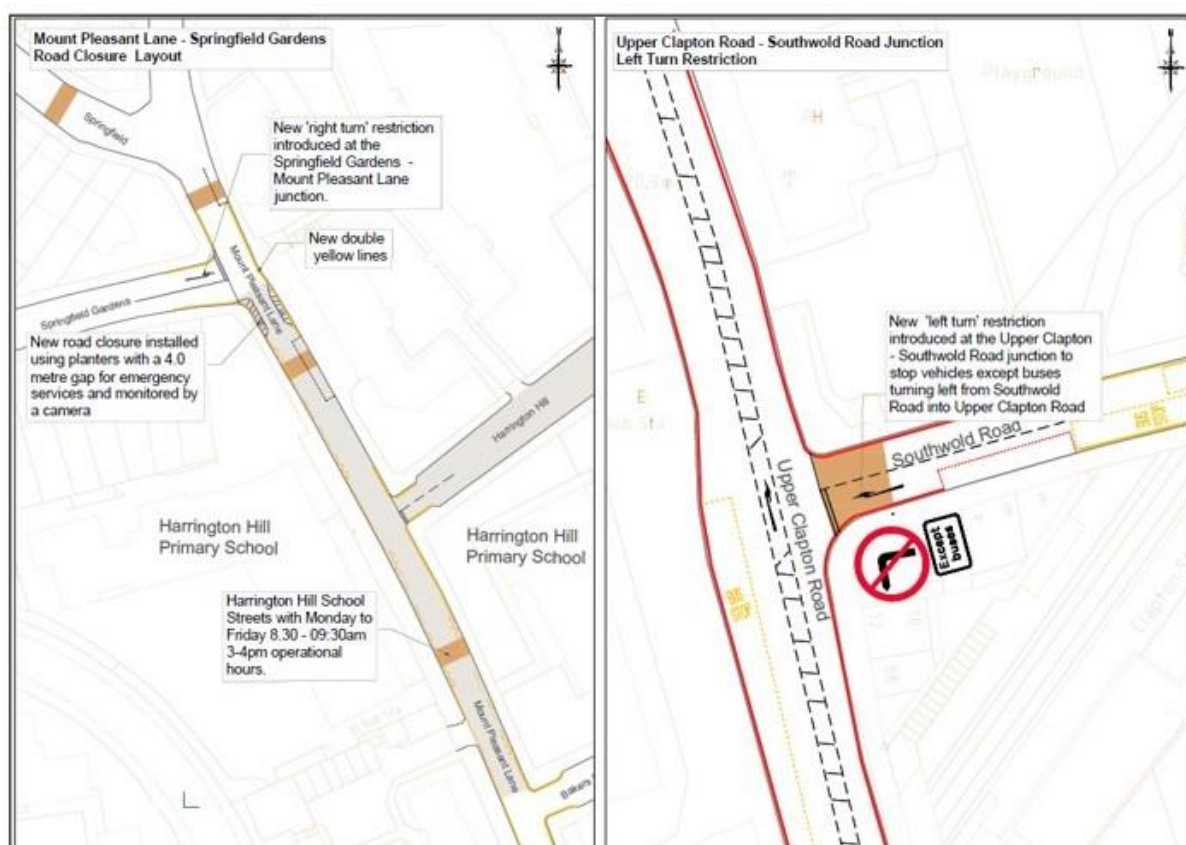


Engagement approach and response

Introduction

In 2020, Hackney Council introduced new low traffic neighbourhoods and School Streets under its Rebuilding a Greener Hackney emergency transport plan. The aim of the plan was to improve Hackney for walking and cycling, encourage people to spend time in the local area, create quieter, greener and more pleasant neighbourhoods and prevent a car-led recovery from the pandemic. The measures, which are aligned with Hackney's Transport Strategy, were rolled out during the coronavirus pandemic, in line with guidance from the Department for Transport, to help residents maintain social distancing, encourage active forms of travel and enable a green recovery from the pandemic.

A traffic filter (planters or bollards on the road, which prevent motor vehicles from passing through) has been implemented on Mount Pleasant Lane. A left turn restriction from Southwold Road to Upper Clapton Road was planned, but not implemented. The decision not to proceed with the Southwold Road measures was taken after the engagement period started.



The Mount Pleasant Lane measures were implemented from the 9 November 2020, through an experimental traffic order for a maximum of 18 months, with residents able to have their say until 24th September 2021.

It should be noted that additional traffic measures were introduced in November 2020 in relation Harrington Hill Primary School. School Street schemes operate by closing the road outside of a school to the majority of vehicles during school opening and closing hours. As part of this initiative, the following measures were implemented:

- Mount Pleasant Lane, from its junction with Bakers Hill to the road closure at Springfield Gardens, including Harrington Hill, became a School Street. Vehicles approaching from the direction of Bakers Hill are not able to enter the zone between 8:30-9:30am and 3:00-4:00pm, Monday to Friday, unless they have been granted an exemption for this School Street. The Pedestrian and Cycle zone does not operate on weekends or during school holidays.

A separate feedback site on Commonplace was made available to collect feedback on the School Street. Links were placed on the Mount Pleasant Lane and Southwold Road scheme site on Commonplace to redirect residents to this if required. However, some overlap in feedback on the two measures is likely given their geographical proximity.

Communications & Engagement Approach

Hackney Council used the interactive online engagement platform, Commonplace, to gather insight from local residents and interested stakeholders. Those without online access were given the opportunity to provide their feedback offline through writing to 'Freepost Streetscene'. Residents were also able to write to streetscene.consultations@hackney.gov.uk.

Feedback on the schemes was promoted by:

- Distribution of letters and drawings to residents in the surrounding area prior to implementation;
- Articles in Hackney Today;
- Signposting residents to the feedback channels via Council social media channels and relevant e-newsletters, including through targeted, area-based social media ads;
- Nextdoor, a neighbourhood hub which enables hyper local engagement.

Data Collection Methodology

The primary method of collecting data was through the online platform, Commonplace (<https://rebuildingagreenerhackney.commonplace.is/>). There are two main ways participants have contributed to the platform. The first is to complete a survey. For a completed survey to appear publicly on the site, the participant has to verify that they made the comment via a confirmation email. The second is to add an agreement to an existing comment on the platform. Respondents can add one agreement to any comment other than their own. Unless a person is already logged in, they are asked to provide an email address. If the person chooses not to provide their email address, they are treated as anonymous and their comments are collected in the database but not displayed publicly. All comments, whether they were connected to an email address or posted anonymously, have been analysed in this report. Throughout the report, those who have added comments have been recorded as participants or respondents.

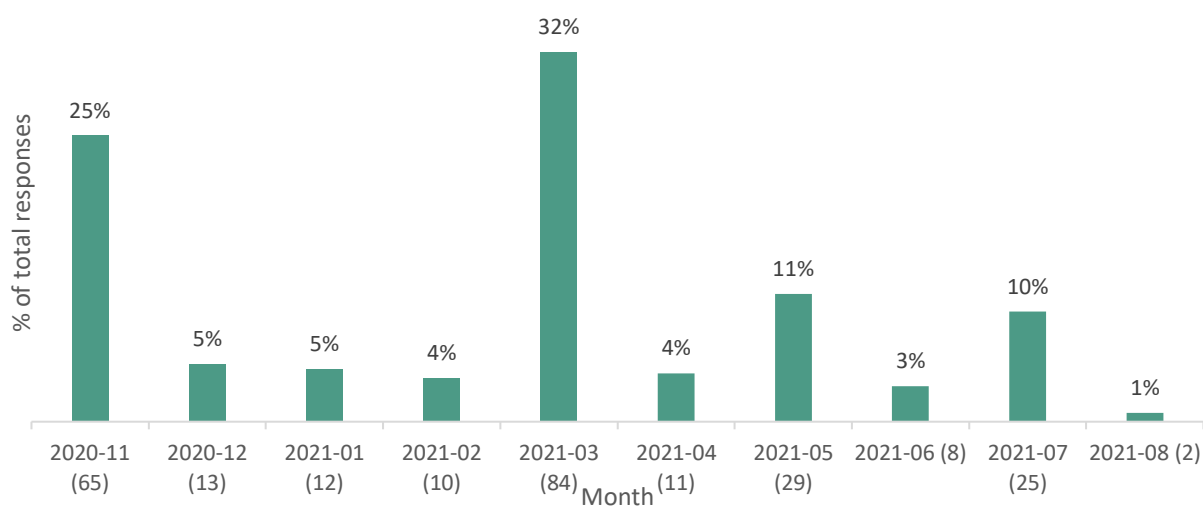
The full list of questions can be viewed in the appendix at the end of the report.

Respondents

A total of 259 responses were received on Commonplace by the closure of the feedback period at the end of September 2021. These comments came from 249 unique¹ respondents.

The distribution of the responses by month is shown in the figure below. This shows that a quarter of responses (25%) were provided within the first month of the feedback period, with the peak of responses being in March 2021 (32%). No responses were received in September 2021.

Figure 1: Response volumes by month



Sample base: 259

¹ Unique or blank user ID

Executive summary



Key messages from the Mount Pleasant Lane and Southwold Road scheme engagement

259 responses were collected during the feedback period of the Mount Pleasant Lane and Southwold Road scheme. This data comprised both text comments and responses to tick box questions. Analysis of these responses has provided the following key messages.

Rebuilding a Greener Hackney



33%



63%

Among those who provided feedback on the Mount Pleasant Lane and Southwold Road scheme more respondents disagree rather than agree with the ambition to rebuild a greener Hackney.

Feelings towards the Mount Pleasant Lane and Southwold Road scheme



27%



73%

There is a negative balance of opinion, with 27% respondents feeling positive about the traffic measures compared to 73% who feel negative. Just 1% gave a neutral response.

Most common likes:



67% reduced air pollution



64% reduced traffic



62% area now more pleasant

Base: All respondents (95)

Most common dislikes:



82% increased traffic



72% increased air pollution



60% decreased road safety

Base: All respondents (179)

Preferred course of action



30%

say the measures **should** be made permanent (26% all of them, 4% some of them)



69%

say the measures should **not** be made permanent



Among those who live in the E5 postcode **29%** say some or all of the measures **should** be made permanent. **71%** say they **should not**.

Among non-motorists **64%** say some or all of the measures **should** be made permanent, while **34%** say they **should not**. 1% said don't know.



Among motorists **15%** say some or all of the measures **should** be made permanent. **85%** of motor vehicle users said they **should not**.

Base: All respondents (126)

The profile of responses

The spatial composition of responses

Providing a postcode was an optional part of the demographics section of the survey. Analysis of the postcodes provided allows us to monitor where respondents live and what relationships exist between issues and those who live in different postcode areas. A total of 182 respondents included a postcode.

The maps below plot the postcodes provided. Please note that in many instances respondents provided an incomplete postcode. When this is the case, the mapping software places a pin in the best fit location, e.g. the centre of the postcode district.

Figure 2 shows that the majority of respondents were within the central London area, with a small number further afield. There is a single outlier in the East.

Figure 2: Map of all respondents



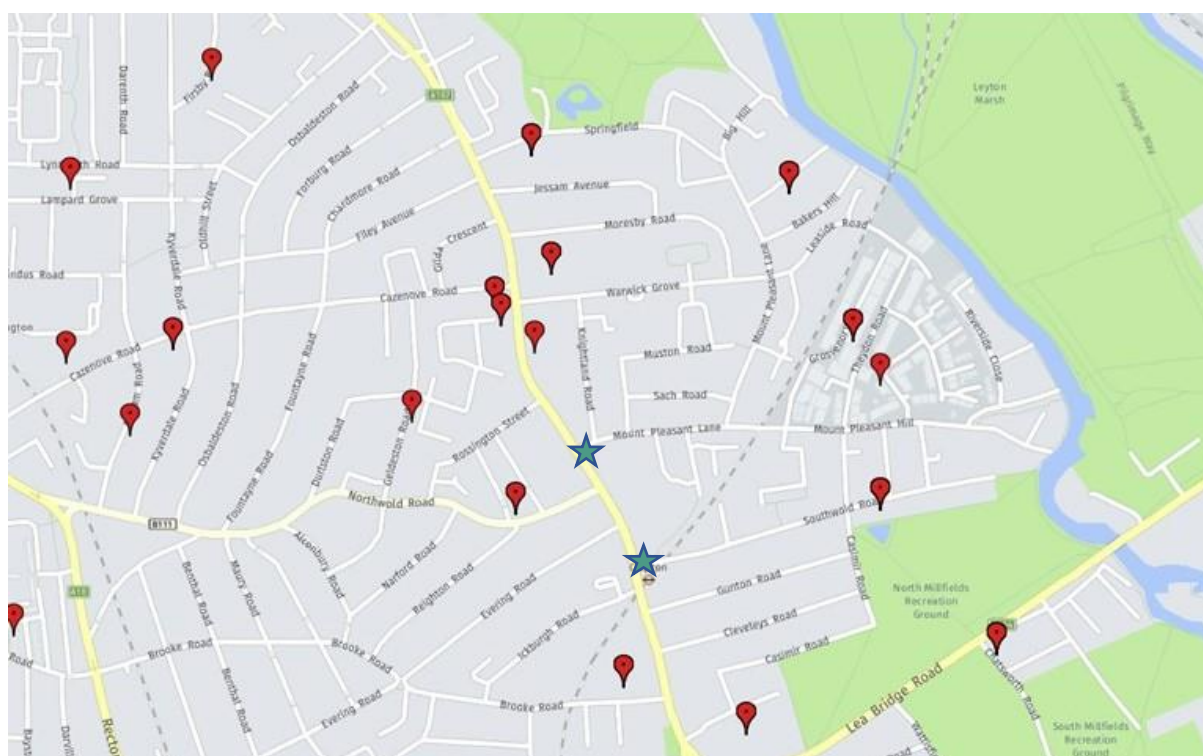
This map in Figure 3 shows the postcode areas for the majority of respondents, which is zoomed in from the map above.

Figure 3: Map of responses at borough level



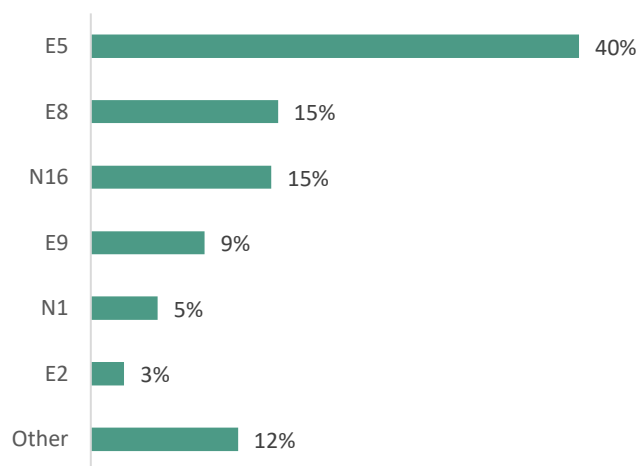
The third map below shows the spatial distribution of the responses in the immediate vicinity of Mount Pleasant Lane and Southwold Road, which are identified by the star icons below.

Figure 4: Map of responses in scheme locality



A count of responses per postcode district is shown in the figure below. Postcodes from below this threshold have been grouped together in the 'other postcode' category. Responses from the E5 postcode district are most prevalent (40%). This is the postcode location closest to the Mount Pleasant Lane and Southwold Road scheme.

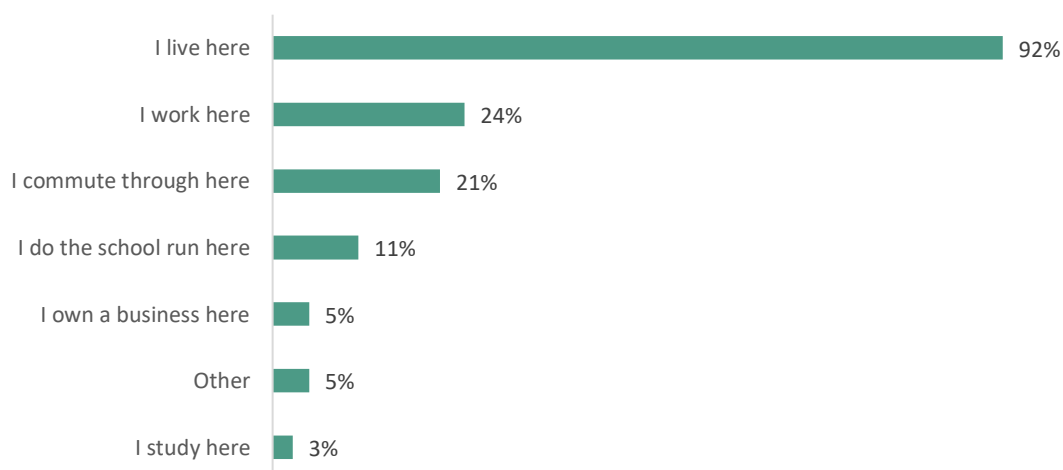
Figure 5: Responses received per postcode



Sample base: 182

Reflecting this postcode distribution, when asked to describe their connection to Hackney, 92% of respondents stated that they “live here”. The views reported in this document, therefore, are primarily from Hackney residents. Across the total sample, 24% work here and 21% describe themselves as commuters through the area. This provides an indication of the prevalence of groups for whom LTNs are likely to have a day to day impact. Please note that more than one response was possible at this question.

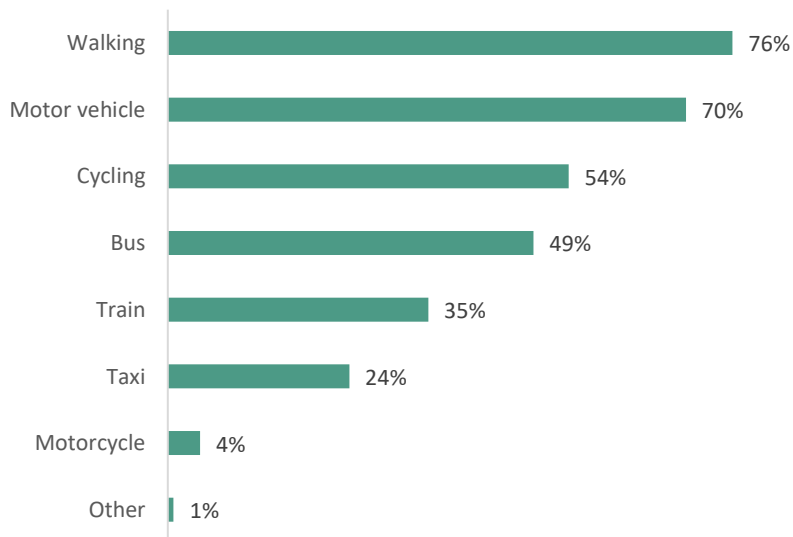
Figure 6: The connection of respondents to Hackney



Sample base: 195

Seven in ten (70%) households in Hackney do not own a car. However, based on the figure below it appears that a disproportionate number of vehicle users provided feedback on the Mount Pleasant Lane and Southwold Road scheme. Whilst the most common response from respondents is that they walk to move around Hackney (76%), seven in ten (70%) indicate that they use a motor vehicle within the borough. Around half of respondents are cyclists (54%) and bus users (49%) within Hackney.

Figure 7: Please select which modes of transport you use to move around in Hackney



Sample base: 254

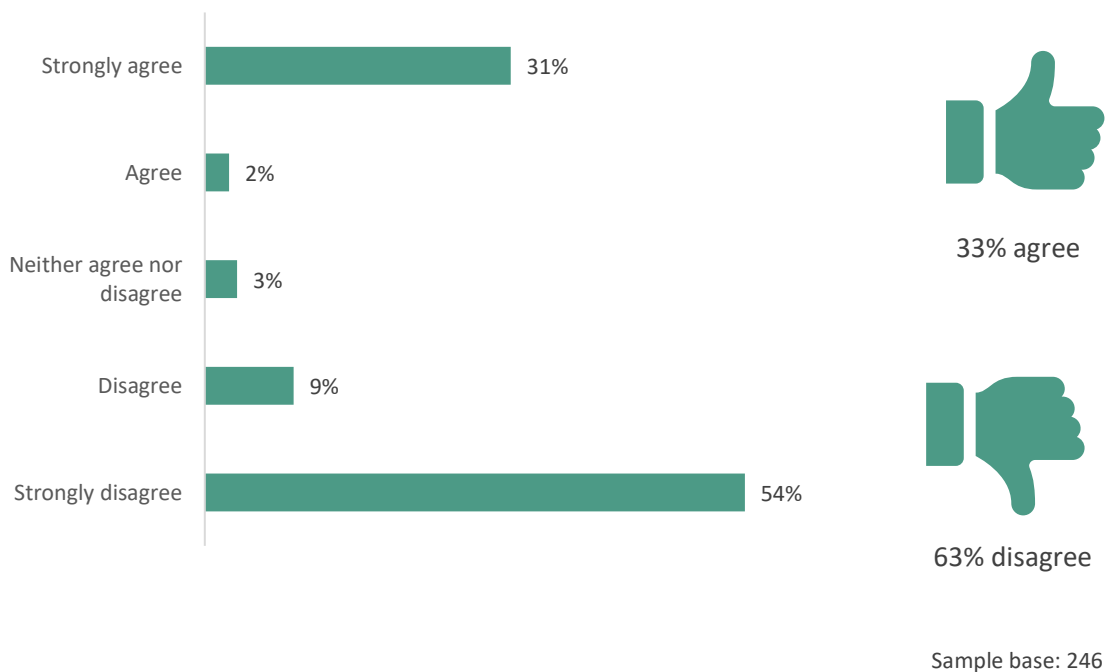
Findings

Support for Rebuilding a Greener Hackney

All those who provided feedback on the Mount Pleasant Lane and Southwold Road scheme were informed that public transport capacity post-lockdown remains much lower than before the pandemic and 70% of households in Hackney do not own a car. In this context, respondents were asked to what extent they agree or disagree with Hackney Council’s aspiration to rebuild a greener Hackney by encouraging more walking and cycling and preventing car-use returning to pre-lockdown levels or above. This question provides an indication of the overall sentiment held regarding these interventions, prior to the exploration of the specifics of the Mount Pleasant Lane and Southwold Road scheme.

As shown below, support for rebuilding a greener Hackney is somewhat polarised with the majority of respondents answering at the extreme ends of the response scale. Overall, while 33% of respondents agree with the Council’s ambitions, 63% disagree with the approach of rebuilding a greener Hackney².

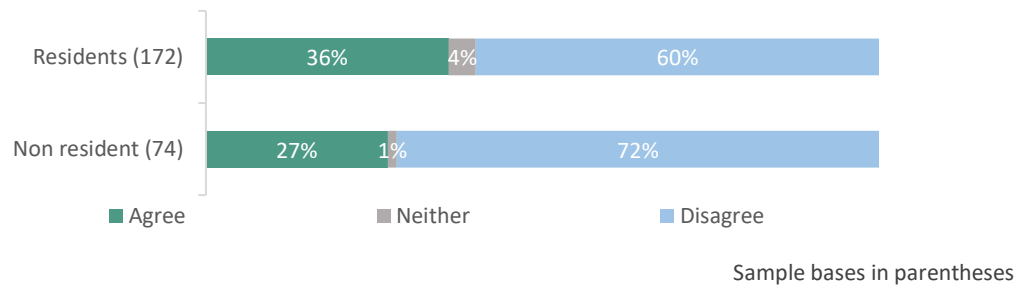
Figure 8: Overall support for rebuilding a greener Hackney



² Owing to the rounding of numbers, percentages displayed visually on graphs in the report may not always add up to 100% and may differ slightly when compared with the text. The figures provided in the text should always be used for accuracy.

Drilling down to look at the views of Hackney residents shows that 36% of those who provided feedback on the Mount Pleasant Lane and Southwold Road scheme agree with the rebuilding a greener Hackney aspiration. The proportion of residents who disagree is 24-percentage points higher at 60%. However, it must be recognised that these responses are being drawn from a self-selecting sample i.e. individuals who are motivated enough about the issue to engage with the feedback channels the Council has provided.

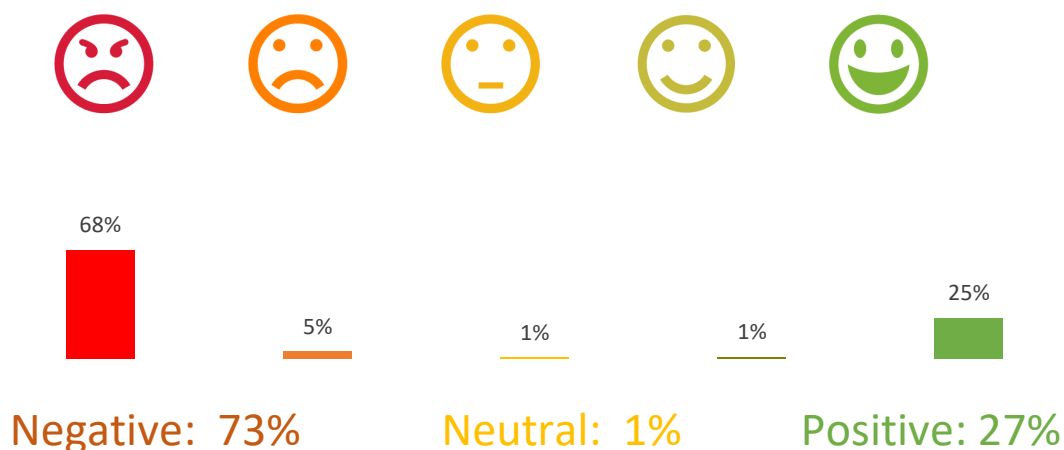
Figure 9: Overall support for Rebuilding a Greener Hackney by connection to the borough



Overall support for the Mount Pleasant Lane and Southwold Road scheme

The overall balance of opinion among respondents regarding the Mount Pleasant Lane and Southwold Road scheme was captured using a visual five-point scale which is replicated below. Overall, more respondents feel negatively about the scheme (73%) than positively (27%). Just 1% gave a neutral response by selecting the midpoint on the scale, illustrating that these traffic measures have been an emotive issue. The most commonly selected single response on the scale was the red coloured face, i.e. the most negative response possible, which was chosen by 68% of respondents

Figure 10: How do you feel about the traffic measures in Mount Pleasant Lane and Southwold Road, as described above?



Sample base: 259

Examining the interaction between support for rebuilding a greener Hackney and feelings about the Mount Pleasant Lane and Southwold Road scheme shows that these are intrinsically linked. Among those who agree with the Council’s overarching strategy, 82% are positive about the traffic measures in Mount Pleasant Lane and Southwold Road and 18% are negative. Where there is disagreement with the rebuilding a greener Hackney approach, results show the opposite, with negativity universal at 100%.

Individual respondents were able to provide multiple comments on the basis that their views might alter throughout the duration of the feedback period. This shift in support could be in a positive direction or indeed a negative one based on their experiences and understanding of the practical impacts/outcomes. However, in reviewing the data we have identified where high numbers of responses have been received from an individual user. As a check on the data we have rerun this overall support metric based on where single comments have been given and where 2, 3, 4 or more responses have been given. This is shown in the table below. Looking at single response data in isolation, given that these comments make up a dominant proportion of the responses received, the balance of feeling with these single comment respondents (27% positive, 72% negative) aligns with that seen within all responses (27% positive, 73% negative). Beyond this it is evident that multiple responders (2 or more comments provided) also most commonly have negative feelings towards the Mount Pleasant Lane and Southwold Road scheme

Table 1: Feelings toward the Mount Pleasant Lane and Southwold Road scheme based on volume of comments provided per individual

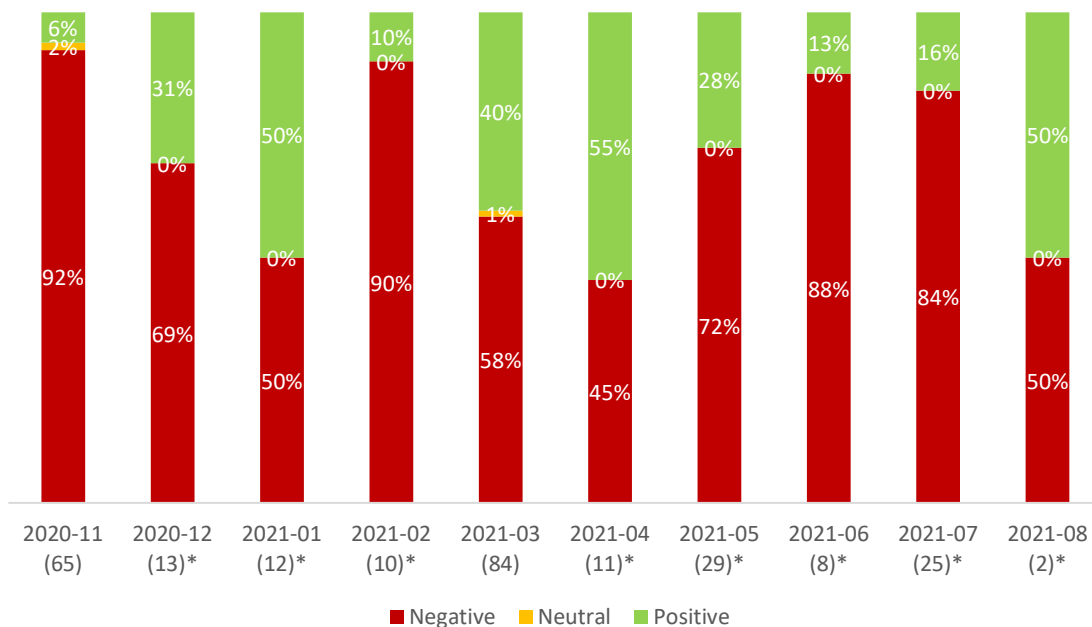
	Single comment (240)	2 comments (16)	3 comments (3)
Positive	27%	25%	-
Neutral	1%	-	-
Negative	72%	75%	100%

Among respondents who have a ‘confirmed’ response status (see earlier detail) 27% are positive about the Mount Pleasant Lane and Southwold Road scheme and 72% are negative.

The balance of opinion over the feedback period

The figure below breaks down the balance of opinion towards the Mount Pleasant Lane and Southwold Road traffic measures per month of the feedback period. This provides an indication of whether or not there have been shifts in sentiment as the measures have become an established part of community life. The sample base of responses per month is shown in parentheses on the horizontal axis.

Figure 11: Feeling about the Mount Pleasant Lane and Southwold Road traffic measures per month of the feedback period



Sample bases in parentheses

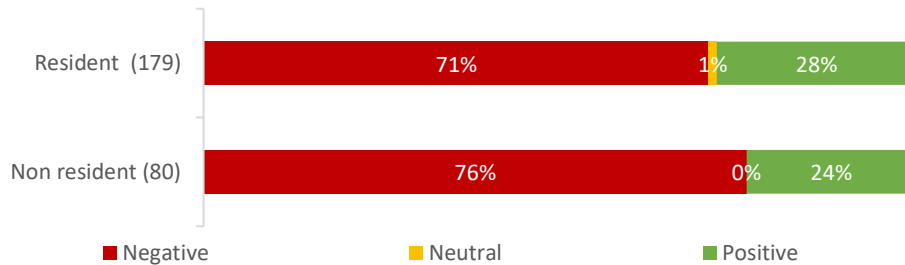
* note low sample bases

Responses were more commonly negative than positive for most of the months in the feedback period, with the highest negativity being recorded in the first month (92%). As already mentioned, March 2021 in particular produced the greatest volume of responses; during this month, 58% of responses were negative and 40% were positive. It should be noted that many of the months have a relatively small sample base (< 30) and should therefore be viewed with caution.

Variations in support and opposition

Looking specifically at residents in the borough, the proportion who have a negative view of the scheme (71%) is significantly higher than the proportion who are positive (28%). Among those who are non-residents, negativity is higher at 76%.

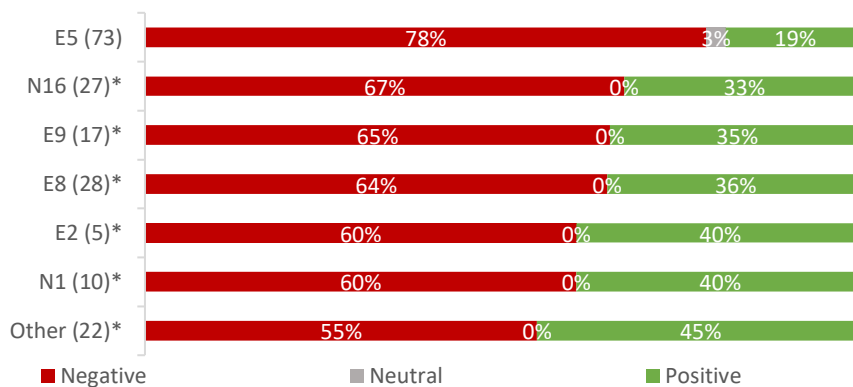
Figure 12: Feeling about the Mount Pleasant Lane and Southwold Road traffic measures by connection to the area



Sample bases in parentheses

Drilling down to postcode level, within the E5 postcode district from which the greatest number of responses was received, the balance of opinion is 78% negative and 19% positive, with 3% giving a neutral response.

Figure 13: Feeling about the Mount Pleasant and Southwold Road traffic measures by postcode

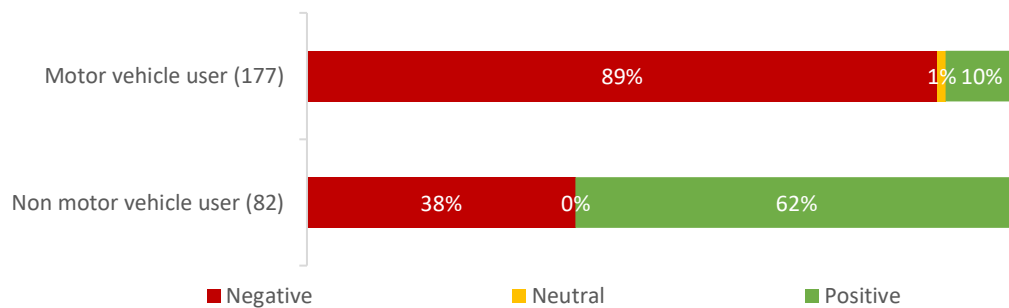


Sample bases in parentheses

* note low sample bases

Further analysis also shows that among those who use a motor vehicle to travel around Hackney 89% feel negative about the Mount Pleasant Lane and Southwold Road scheme. This is over twice the level of negativity found among non-vehicle users (38%).

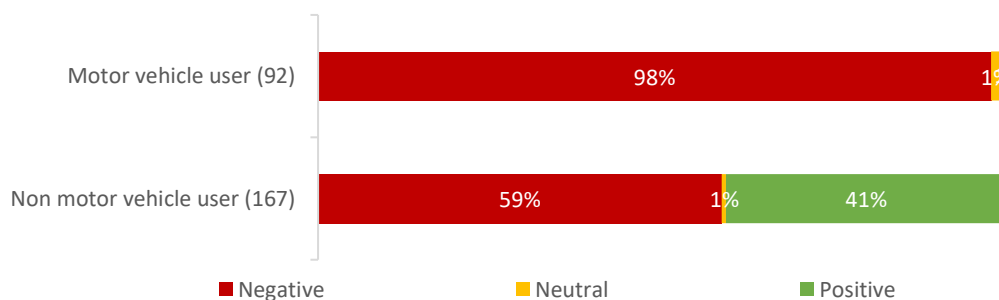
Figure 14: Feeling about Mount Pleasant Lane and Southwold Road traffic measures by mode of transport (travelling around Hackney)



Sample bases in parentheses

Among those who use a vehicle to travel to work, 98% feel negative towards the Mount Pleasant Lane and Southwold Road scheme compared to 59% who indicate that they do not travel to work in this way.

Figure 15: Feeling about Mount Pleasant Lane and Southwold Road traffic measures by mode of transport (travelling to work)



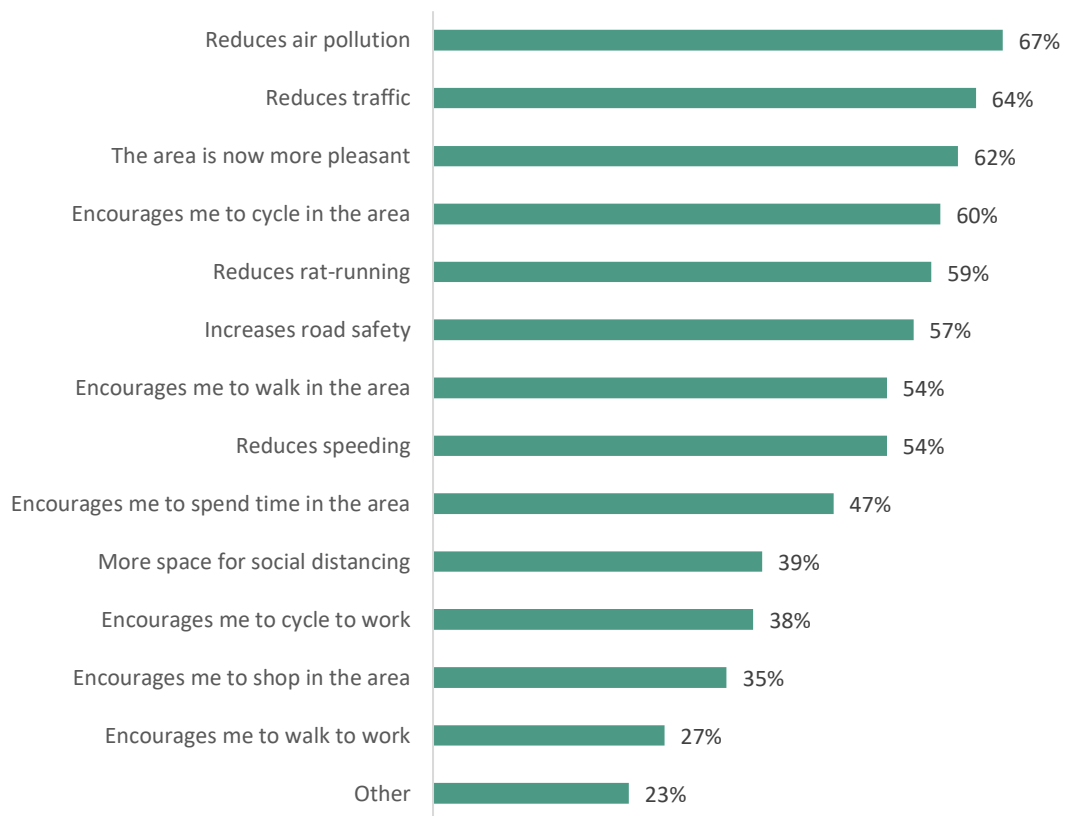
Sample bases in parentheses

The positive responses to the Mount Pleasant Lane and Southwold Road scheme

All respondents were given the opportunity to record the aspects of the Mount Pleasant Lane and Southwold Road scheme that they like. A number of scheme aspects and impacts were presented on screen for the respondent to select from, or alternatively they could select an 'other' option and then provide their own description of what they like about the scheme. More than one 'liked' aspect could be selected per respondent. Please note that the statistical base (95) for the analysis below is the number of respondents who have responded to this question (some respondents left this question blank), not the cumulative number of likes/themes mentioned.

The positive aspects of the Mount Pleasant Lane and Southwold Road scheme that are most commonly identified are reduced air pollution (67%), reduced traffic (64%) and increased pleasantness of the area (62%).

Figure 16: Overall, what do you LIKE, if anything, about the above traffic measures in Mount Pleasant Lane and Southwold Road?



Sample base: 95

The 22 ‘other’ comments provided at this question have been reviewed and where possible allocated into themes. The ‘other’ comments often provided responses covering more than one theme/issue. In interpreting this data it should be noted that this question was the first in which respondents had the opportunity to give their own text-based responses. Consequently, even with this question being structured around LIKES, many negative responses were provided at this question rather than in the DISLIKE question that followed. The most commonly identified positive theme identified in the other comments is the impact of the scheme on making the area safe for children to play and walk freely. But this benefit was identified in just 5% of the other responses given.

Table 2: Themes within the other comments given in the LIKES question

Theme	%
Nothing / None of above / rejects scheme	50%
Negative comments re: traffic measures	23%
Safe for children to play and walk freely	5%
General positive comments	5%
Other	18%
Sample base	22

Comments relating to being safer for children to play and walk freely plus wider neighbourhood benefits:

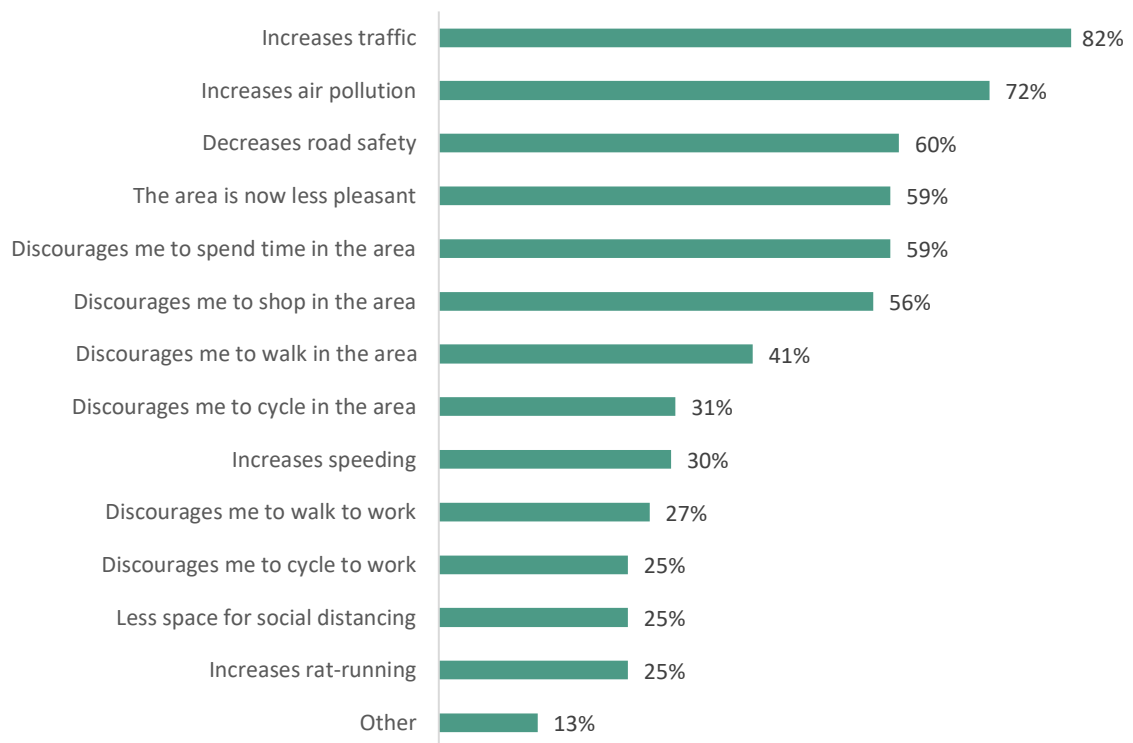
“I can take my children out for exercise and explorations without being in constant fear.”

“A far more pleasant place to live.”

The negative responses to the Mount Pleasant Lane and Southwold Road scheme

Disliked aspects of the Mount Pleasant Lane and Southwold Road scheme were collected in the same way as the liked aspects, i.e. through a pre-prepared list of issues/impacts and through respondents providing their own 'other' comments. Please note that the statistical base (179) for the analysis below is the number of respondents who have responded to this question (some respondents left this question blank). The dominant responses evident at this question are that the traffic measures have increased traffic (82%) and that they increase air pollution (72%). Six in ten respondents suggest that these measures decrease road safety (60%), make the area less pleasant (59%) and discourages them from spending time in the area (59%).

Figure 17: Overall, what do you DISLIKE, if anything, about the above traffic measures in Mount Pleasant Lane and Southwold Road?



Sample base: 179

Within the 23 'other' responses at this 'dislike' question, further mentions or descriptions of increased traffic/congestion were most common (22%). Increased journey time and travel distance (13%) and more safety concerns (13%) were also identified.

Table 3: Themes within the other comments given in the DISLIKES question

Theme	%
Increased traffic/congestion	22%
More time in traffic/increased journey time/adds to travel distance	13%
More danger/safety issues/put lives in danger/can lead to accidents	13%
Increase pollution	9%
Personal stress/depression/frustration/pressure/confusion	9%
Nuisance/making lives harder/inconvenience	9%
Emergency Service access concerns	4%
Increase in equality issues highlighted e.g. disability/mobility	4%
Increase in noise	4%
More traffic on main roads	4%
Not enforced/drivers ignore/drive through	4%
Difficult to access/leave my street/property	4%
Other	22%
Sample base	23

Illustrative increased traffic/congestion related comments are provided below:

"Makes me late for work, lots of traffic on Mount Pleasant Lane."

"You have increased traffic in other areas pollution."

"It doesn't offer alternative routes and makes journeys longer and increases congestion in surrounding roads."

"Traffic on other roads now significantly worse."

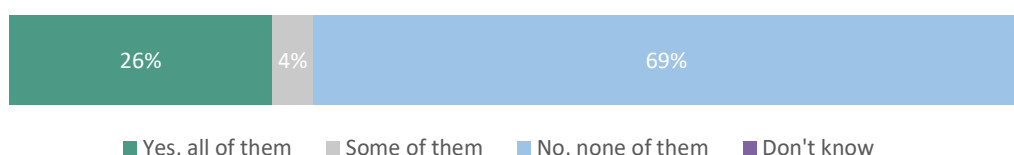
More generally, in many instances it appears that the 'other' box at this DISLIKE question was utilised to elaborate on/provide detail on the concerns respondents selected from the list presented in the survey, particularly around pollution and traffic impacts.

Preferred course of action

When asked whether the existing traffic measures in Mount Pleasant Lane and Southwold Road should be made permanent, almost seven in ten (69%) indicated that none of them should be made permanent. One quarter (26%) said that all of the measures should be made permanent, with the remaining 4% saying some measures should be kept.

Because this specific scheme involves measures at multiple locations specific feedback was then sought on each of the locations. Within the 4% who said some, but not all of the measures should be retained, the greatest support is for the Traffic filter on Mount Pleasant Lane (87%), although it should be noted these follow up percentages are derived from just 15 responses. Within this same cohort 47% support the retention of the no left turn on Southwold Rd / Upper Clapton Rd.

Figure 18: Do you want the above traffic measures in Mount Pleasant Lane and Southwold Road to be made permanent?



■ Yes, all of them ■ Some of them ■ No, none of them ■ Don't know



Traffic filter on Mount Pleasant Lane: 87%

No left turn on Southwold Road / Upper Clapton Road: 47%

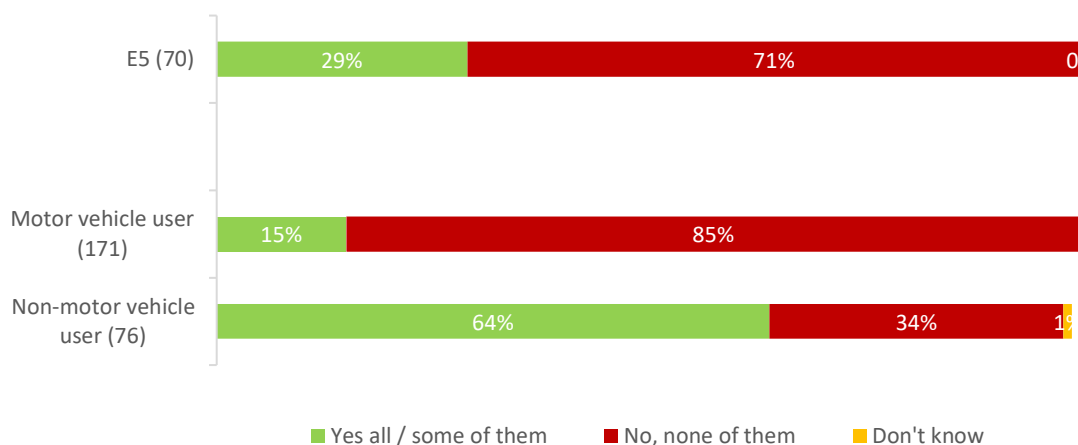
Sample base: 247/15

Further analysis of these results shows the following:

- Among those who are Hackney residents, the proportion who would like none of the measures to be retained is 67%. Among non-residents, the proportion that say they would not like any of these measures to be kept is higher at 74%.
- Among those who live in the E5 postcode district, the proportion who would like the Mount Pleasant Lane and Southwold Road measures to be removed is 71%, compared to 29% who would like some or all of them to be retained.
- Among those who use motor vehicles in the area, there is minority support for the Mount Pleasant Lane and Southwold Road measures to be made permanent (15%). Four in five (85%) motor vehicle users do not want these measures to be made permanent. In comparison, among non-

motorists a majority of 64% would like the measures to be made permanent, while 34% do not and 1% are unsure.

Figure 19: Do you want the above traffic measures in Mount Pleasant Lane and Southwold Road to be made permanent?

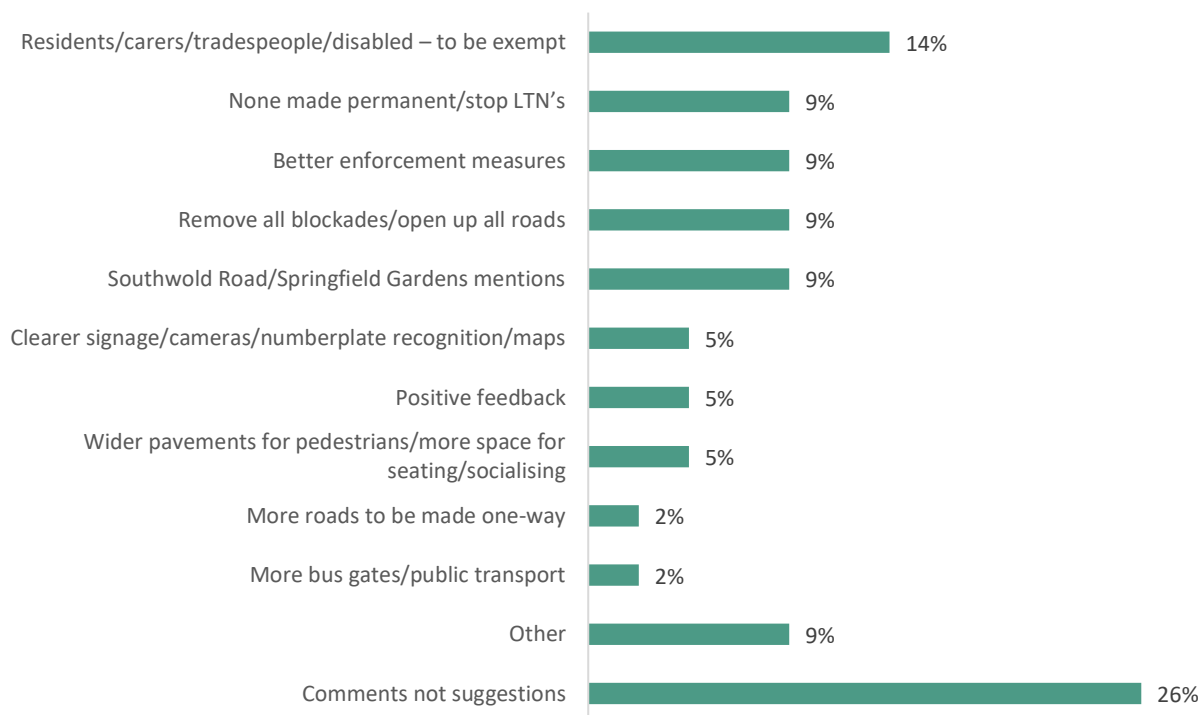


Sample base in parenthesis

Suggested scheme improvements

Individuals who said that they want some or all of the Mount Pleasant Lane and Southwold Road scheme measures to be made permanent, were given the opportunity to state if there were any changes they would like to see made to the current measures. Among the suggestions made the key themes are provided in the figure below. These percentages are based on the number of responses to this question (43), but it should be noted that in this question 26% made comments that were not suggestions, 9% stressed resistance despite their answer at the previous question and 5% only provided general positive feedback rather than suggested improvements. Beyond this, the most common suggestions given related to making some groups exempt from the restrictions (14%). Ultimately, this data shows that there is no dominant view regarding potential scheme improvements.

Figure 20: Suggested scheme improvements among those who would like some or all to be made permanent



Sample base: 43

Further comments

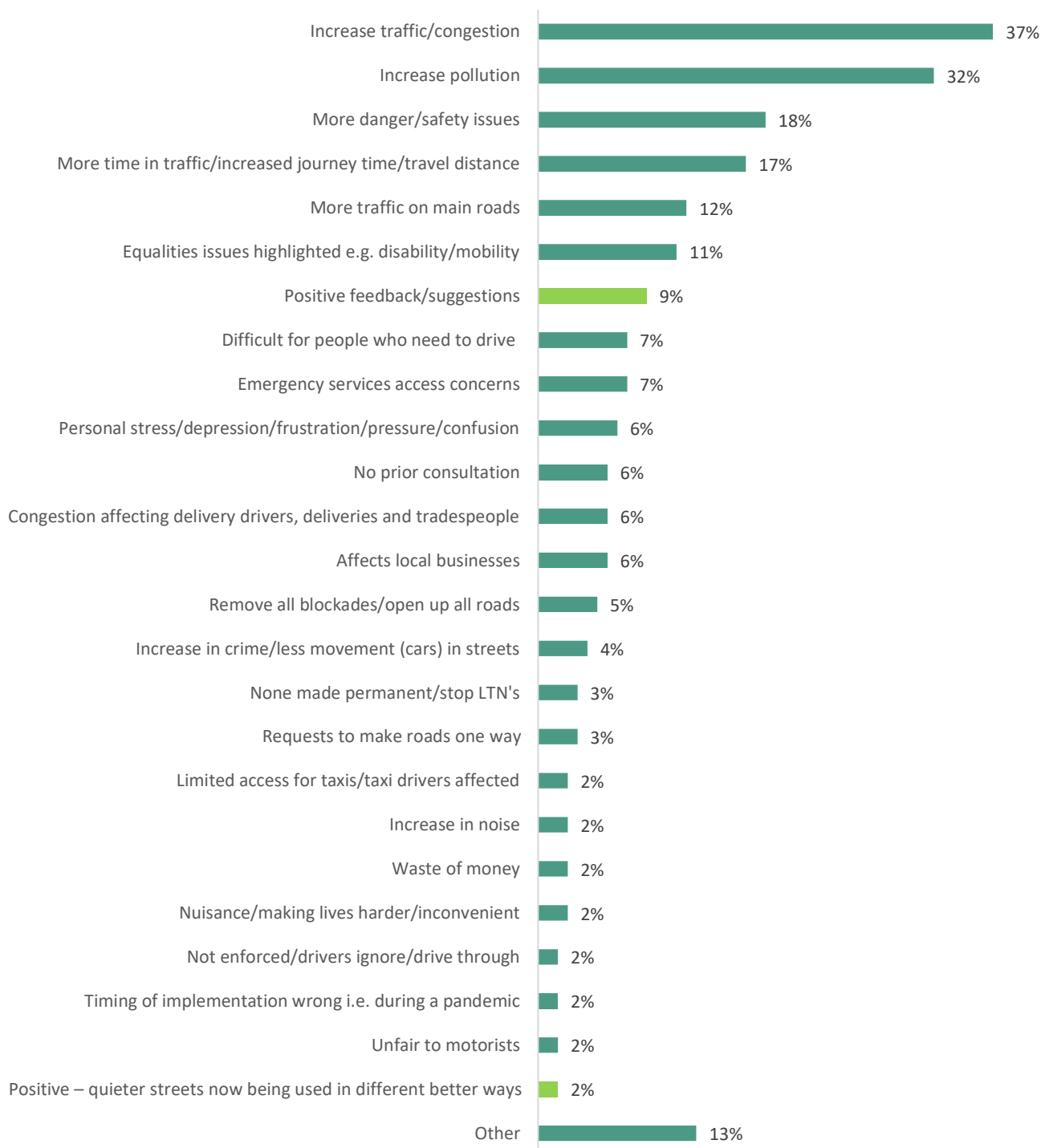


To complete their feedback, respondents were given space to add any further comments on the Mount Pleasant Lane and Southwold Road scheme. These comments have been reviewed and grouped into key themes. The themes mentioned by 2% or more of respondents are shown by the figure below. In line with the quantitative data already reported, these further comments

are largely negative in tone. The comments most commonly made suggest that the Mount Pleasant Lane and Southwold Road scheme is producing increased traffic/congestion (37%) and increased pollution (32%). Further concerns identified include more danger and safety issues (18%) and additional journey times (17%). More than one in ten responses at this question also suggested the scheme is producing more traffic on main roads (12%) and equalities issues (11%).

Within the comments at this question there is some evidence of respondents identifying the intended benefits of the scheme such as quieter streets that are being used in different ways (2%), albeit in relatively small numbers.

Figure 21: Core themes within the further comments provided (response given by 2% or more of respondents at this question).



Sample base: 126

Illustrative comments for the most common themes evident at this question are provided verbatim below. Many of these comments demonstrate that many respondents are simultaneously identifying interconnected traffic, pollution and safety issues.

Increased traffic/congestion

“With all these road closures, you are creating lots of traffic which has major impact on our lives.”

“By banning a left turn onto Upper Clapton Road you are increasing traffic everywhere else made worse by the other LTNs implemented which was introduced without consultation anyway. This change hasn’t helped to make Hackney greener in fact you have made it worse. Living during the pandemic is difficult as it is but this council seems determined to make life even more difficult. This includes making people late for work when people’s livelihood and jobs are at risk. This council seems determined to drive out families who have lived in this borough for decades.”

“These measures are only going to add to the congestion on surrounding streets!”

“Banning a left turn from Southwold to Upper Clapton Road does not make any sense. It is not a rat-run, it is a road used by residents to leave the area. Traffic on Upper and Lower Clapton Road is usually at a standstill and moving around the area (whether by public transport, car, bike or walking) is really difficult, stressful and unpleasant. Many residents of Hackney are very unhappy with these measures and are rightly concerned about their lack of ability and right to move around, in and out of the borough (again- by public transport, car, bike or walking). It is making Hackney a really difficult and stressful place to live. Please re-think these closures and banned turns.”

“No left turn from Southwold Road does nothing but force more traffic to queue up Mount Pleasant Lane, the top of which is a total bottleneck already, then join Upper Clapton Road and have to join what already has recently become far busier traffic just to pass Southwold Road. It already takes too long to get out of here. I’d agree with no right turn, that would make sense and encourage people to use the right roads. All you are doing is hugely increasing traffic on Upper Clapton Road, making journeys longer, increasing pollution and stress. No, I can’t stop driving as I need to get to places with no public transport options, there is a world outside of London.”

“The no left turn from Southwold Road will increase traffic from residents on Theydon Road and Mount Pleasant Hill will become more of a bottleneck than it already is, causing congestion, frustration and increased danger for the school children of Southwold Road. The cars waiting in what would be a perpetual traffic jam would create higher levels of pollution for those residents and children. I feel both your intention of reducing through traffic and the safety of residents could be met if residents and blue badge holders could apply for an exemption. The measures would deter people from using the Jack Watts estate as a cut through without funnelling all local residents. Turning right from Southwold

Road is dangerous and slow, this would create delays on the 393 bus route (even with their bus exemption), which is the only bus route that services the estate.”

“The blocked left turn on Southwold Road increases traffic on Mount Pleasant all the way up the hill. It is now very dangerous at school drop off and pick up times all around the school. I cycle up and down the hill with my children every day to get their nursery which is just off Mount Pleasant. Due to the heavy traffic on the hill and high number of parked cars on yellow lines it is no longer safe and I now feel we would be safer going on Upper Clapton Road! I support most LTNs but this one isn't working. It has increased traffic, pollution and danger on an already tricky area to walk and cycle.”

“This is going to cause chaotic traffic on Mount Pleasant Lane and increase traffic on main Clapton high road when it is already choc a block. Silly proposals.”

“It just increases traffic on main roads and increases pollution and doubles journey times. It has no benefits.”

“Stop blocking the roads and forcing all traffic in the roads left open. It's not encoring any greener Hackney in fact is becoming dangerous, increasing air pollution and stressful driver in the roads left open. Stop doing it and don't ban left turn on Southwold Road.”

“These LTN's simply push traffic to other areas where you increase pollution and congestion on important roads where shops and cafes are.”

“Please do not close any roads. This is social cleansing and making it hard for working poorer, disabled and elderly residents. Labour is meant to be for the many not the few. This is for the few. Closing off roads turning them into virtual gated communities, this is not Hackney, The LTNs are counterproductive to air pollution by concentrating traffic on a few routes all that happens the traffic slows and causes congestion. The biggest concern is access for emergency services time is key and could be difference between life and death You cannot try and model London on Amsterdam totally different infrastructure, history and size. This is all clearly for revenue generating.”

“These LTNs are criminal. They are not about emissions they are about money and they are about appeasing the minority. The majority of people will suffer, cycle lanes are empty, traffic is monumental, the affluent areas are benefit while the people who live on or use the roads where traffic is being pushed onto are suffering huge amounts of pollution and a serious risk to health. The roads are no safer for cyclists as it stands.”

“These LTN measures simply force traffic and associated pollution to other areas and seem to be another way for Hackney and other Councils to fleece motorists.”

Increased pollution

"The LTN are increasing pollution on the main road where many thousands of people live, work, shop and walk. The LTN are becoming dangerous as there is more crime."

"When a car journey was only 20min before this has now increased over 1hr so how is this reduce air pollution when I now stuck on the road for longer and using more petrol and now this route what's next. When we find try other routes you block us again...this is wrong needs to stop else we just end up stuck in a car for hours with increased air pollution because can't move!"

"A council study has proven that the introduction of LTN has dramatically increased pollution and it is obvious to see that is has increased congestion. For this reason the roads must be reinstated to their original forms and public spending redirected to more important things."

"Get rid of them all it's an injustice of our rights and has made the area awful to move around and increased noise pollution, air pollution, increased mental health issues, the list goes on!"

"Preventing left turning on Southwold Road will cause congestion and additional pollution. All traffic will have to use Mount Pleasant Lane to reach Upper Clapton Road. This is already a narrow congested road."

"LTNs increase congestion and pollution on main roads, the pollution then spreads to other areas. Congestion on the remaining open main roads caused by LTNs delay public transport buses."

"We are now refusing to provide our services in most areas in Hackney due to the increase in traffic, not only this, we are having to charge our customers higher rates due to the increase in our travel times which we have calculated to be 3 and sometimes 4 times longer than before these restrictions. This is not fair for our business as it incurred higher costs, reduction in productivity, low morale for staff who are travelling to customers and feel the high streets are extremely polluted."

"Disaster the street where the cars can drive are much more congested and higher air pollution."

"There is now too much air pollution because of what you've done. People want their freedom back."

"The air pollution is so bad now and transport is so slow it takes almost 5 times along to get anywhere. When it rains not many people walk or cycle. Businesses can't get deliveries as efficiently, builders can't get to jobs on time and the elderly and disabled can't move around as freely."

More danger/safety issues

"I have lived in this area for 8 years and have always enjoyed walking, more so in the last few years. Occasionally I drive. However, with it getting darker earlier, as a young female, I am worried about my safety if there are even less cars on the road. Having an active, vibrant environment is important and

seeing cars on the road, especially in the evening makes me feel a lot safer. After 11, there is no bus that drives into the back roads, meaning after a night out - I could be the only person walking and this quite frankly is just not safe, if roads are closed to through traffic. Just last week Sunday (8/11) my neighbour was mugged at knife point. This happened around 7pm. This suggests that there is already serious crime in the area and with the police station on Theydon Road now closed, this is a concern. We do have a co-operative supermarket and Tesco and it is usually very busy suggesting that people do shop in the area. I have seen quite a lot of people cycling and walking and do not feel that the traffic measures in place are necessary. They will not reduce pollution and will have an adverse effect on people that enjoy walking. I do agree with the school streets. However, LTNs outside this are not necessary and quite frankly will only serve one function- to make money from cameras.”

“I do not feel safe walking in the area anymore.”

“A lot of non-locals are using these roads and putting the children and pedestrians in risk. I hope with these changes the area gets a little bit safer.”

“You have made the roads worse! There is much more road rage since there is heavy traffic on the main roads and no back roads to get around this! This has made it very unsafe for cyclists using the main roads. Please reverse the changes and come up with a better way!”

“Upper Clapton Road is incredibly dangerous to cycle on and needs a segregated cycle path in both directions.”

“These measures are awful and affecting families and business in the area. I walk to work but journey has been awful as much more traffic on main roads and also feel less safe. I am also a carer for my father who lives nearby and very difficult to get to him now. The measure benefit very few and mainly new residents. It’s unfair and impacting on many areas of community life.”

Equalities issues

“Please prioritise safety for women and children. Streets without traffic are less safe and more intimidating.”

“This measure is discriminatory toward all but the able bodied. Many Hackney residents, like myself, would be housebound without use of a car. These measures force more time driving, more pollution, and discriminatory exclusion from certain areas.”

“This is making it harder for disabled people to get around, damaging business, increasing air pollution and congestion on the main road. I am concerned about delays for emergency services. And the implementation is wholly undemocratic and an awful idea especially at a time like this. Hackney has done its residents wrong!”

"LTNs discriminate against elderly and disabled, many of whom who cannot ride bikes. The blocked side streets are ghost towns which encourage anti-social behaviour, are a boon to those who vandalise and steal from parked cars, and also house burglars (the police cannot chase the criminals' mopeds). LTNs create unsafe areas for women to walk unaccompanied. There are no alternate routes available when one of the few remaining open roads has to be closed due to an accident or road works."

Email and letter correspondence

As was mentioned in the introduction to this report, those without online access were given the opportunity to provide their feedback offline through writing to 'Freepost Streetscene'. Residents were also able to write to streetscene.consultations@hackney.gov.uk. This correspondence has been sorted by scheme/location. In total, 14 emails were received that made clear reference to the Mount Pleasant Lane and Southwold Road scheme. Within this correspondence, the key themes were access issues, as well as congestion, safety issues and signage.

Access challenges for residents

"I have lived here for 15 years and have always loved Hackney, I am now leaving as it has become unbearable to live in and the traffic makes us feel trapped; you can't even really get anywhere on the bus these days due to the gridlock. A lot of people are making journeys too far to walk, or are disabled and cannot cycle, or the weather is too bad to make journeys on foot."

"Although we understand the need to make the roads safe for children to get to and from Harrington Hill School, however the current location of the LTN at the junction with Springfield Gardens and Mount Pleasant Lane completely splits our estate in two and makes it difficult for residents who live on the estate with cars to get onto the estate car parks. We would do this by driving along Mount Pleasant Lane. With the new LTN in place, we now are forced to drive from Harrington Hill, all the way up Warwick Grove, turn right onto Upper Clapton Road, then right onto Springfield and then left onto to get to the other car parks for our estate. Both are dead ends, so only residents utilise these two roads. In addition, for residents who don't have cars but utilise Uber or transport services, the satnav takes the driver to Big Hill irrespective of when you provide Harrington Hill as the pick up or drop off point. This means the driver will have no alternative but to drive back onto Upper Clapton Road, into the heavy traffic jam to get to the right part of the estate, causing more pollution and increased costs. This is unfair for residents on our estate who have appointments at the Moorfields Eye hospital for regularly, compulsory check ups where they have no choice but to ask a relative to take them by car or to use Uber as they cannot see properly after the tests to cycle, walk or use public transport to get home."

"I would like to let you know that I'm extremely upset about Southwold Road closure, it will make very difficult for us local residents."

"The road closure on Mount Pleasant Lane where it meets Big Hill. There are several issues with this. The first is that it has effectively turned the whole of the area into a dead end containing, at a guess, around 1,000 - 2,000 residents. This has made residents feel trapped in their own areas, Harrington Hill and Bakers Street are both dead end streets by themselves but at least it was only from the top of our respective roads, this has made the trapped feeling on a dead-end street worse."

"Parking on Mount Pleasant Lane opposite the school. The parking here is currently suspended and I foresee that it will remain that way permanently. If I am correct, it has already made finding parking on much more congested which is the last thing I want when returning home in the evening. Furthermore, if it is not permanent and parking is allowed again in future, then the gap between the planters and the vehicle parking spaces at the road closure is 2.4m. A standard SCANIA fire engine is 2.3m wide meaning only a gap of 5cm on either side of the vehicle, assuming that the car parking space is correctly filled and the car is not straying outside of the lines for these narrow parking spaces. This is not conducive to an emergency situation and fire engines are regular visitors to Harrington Hill given the high number of residents and tower blocks present."

Increased traffic/congestion

"The proposal to ban a left turn from Southwold Road onto Upper Clapton Road has not been thought through properly. There is little if any 'rat-running' in this area - traffic coming up Southwold Road is from the estates by the river Lea or the trading/industrial estates. This plan will simply redirect it onto Mount Pleasant Hill and Mount Pleasant Lane, which are already over-congested at times."

"Banning no left turn from Southwold Road is insane. There seems to be no reason for this. It will not "reduce the number of vehicles using the neighbourhood to bypass traffic lights". It makes no sense for anyone to use Southwold Road as a cut through from anywhere to bypass those traffic lights. Its only used by residents and vehicles accessing Southwold Road, Theydon Road and the estates by the canal. By blocking the left turn here you will force all those people up Mouth Pleasant Hill, making this already busy road a nightmare. The traffic on the main road will also be worse. People on Southwold Rd will now have to go in a loop to get on the main road. Traffic changes work if they spread traffic. This reduces pollution, not funnelling all the traffic into one place and making journey times longer. A much more sane option would be to remove the bollards at the bottom of Southwold Road next to Millfields park, allowing access to Casimir Road. This would then give three additional

roads with which to access Upper Clapton Road, spreading the traffic load from Southwold and Mouth Pleasant Hill."

"Traffic on Southwold Road has NEVER been a problem. I see no one using it as a thoroughfare as has been claimed in your correspondence. The 'issues' you are highlighting simply do not exist. Now people that live on Southwold Road, will have to turn right onto Upper Clapton Road, having to cross a road that is constantly gridlocked, or join the traffic further up the road to turn left and only add to the issue of traffic queuing for the roundabout"

"It is forcing longer journey times and increased traffic on Upper Clapton Road, a road with already significant congestion problems and two sets of notoriously slow traffic lights that all residents coming from the South or the West must now pass through."

"I would also like to know what estimates have made about increases in journey times for the 393 bus - if all traffic from Southwold Road has to turn right, then the traffic will back up further on Southwold Road and obstruct buses from entering Upper Clapton Road. Upper Clapton Road will also be obstructed as vehicles turning into Southwold Road will find their passage obstructed - reducing the carriageway width will in effect make the mouth of Southwold Road one-way for much of the day. This will also impact on users of the 106, 253 and 254 buses. There is nothing in this plan to reduce traffic, and there is a real danger than in redistributing it congestion will be made worse."

Safety concerns

"It is unsafe in the position it is with it being in a pedestrian and cycle zone as it sits outside a school. This street also sits within our parking permit zone so you can park right up to both sides of the barrier but cannot drive through with this new scheme- meaning to park in this area in front of the school you would need to do a 3 point turn (at the very least as it's quite narrow) to leave the car parks in this area, in front of a school. There is no turning zone so to do so would be putting small lives at risk on a regular basis, in an attempt to encourage cyclists."

"Cycling has actually become more dangerous since this scheme was introduced due to the amount of angry drivers stuck in your path."

"Now that streets are quieter there have been more cars broken into on the streets. More robberies and mugging. Emergency services are taking long to respond which could cost people their lives. I suffer from anxiety and depression and I am also a blue badge holder it's important I can access all roads to get me and my son the emergency care we require if needed."

Unclear signage

"Signage in the area is both inaccurate and bombarding for the driver. Travelling at 20mph day or night there is not a chance that you will catch all the signs put in place for these new restrictions including the small yellow signs 12ft in the air saying there is now no access to certain roads on Springfield Road."

"I had a letter from you in September or October 2020 explaining about what roads where I live will be affected from November the 9th 2020. But I have not seen any signs from the council to say this so have you changed your mind can you please confirm this?"

Increased pollution

"There is more traffic on the main roads as a result of this causing more pollution."

Lack of consultation

"Residents here are rightly angry at these major changes to their freedom of movement in the area within which they live. This is in breach of Common Law stating: 'The legitimate expectation [of consultation] applies: where the nature of the relationship would create unfairness if there were to be inadequate consultation.'"

"I wish to make a complaint about the introduction of traffic filters I am disgusted that Hackney councils have failed to consult its residents. You have failed to discuss with ambulance services, fire services and the police."

Positive opinions

"Firstly, as a local resident who doesn't own a car and who mainly gets around by bike, I'd just like to share my enthusiastic support for these measures. I'm glad the authority is prioritising clean air and children's safety over the unreasonable whims of some of the area's car owners."

Sample Profile

Below is a summary of the profile of the responses received. Please note that these questions regarding the individual respondent were not compulsory. The percentages shown are based on the number of received response per question.

Q15. What is your connection to Hackney?

I live here	179	92%
I work here	47	24%
I study here	5	3%
I own a business here	9	5%
I commute through here	41	21%
I do the school run here	21	11%
Other	9	5%
	195	

Q16. If you are a Hackney resident, please tell us how long you have lived here

Less than a year	4	2%
1-4 years	15	8%
5-9 years	20	11%
10-14 years	26	14%
15-20 years	20	11%
20+ years	98	54%
	183	

Q17. Which of the following best describes the ownership of your home?

Owned outright	35	19%
Being bought on a mortgage	52	28%
Shared ownership (part rent, part buy)	2	1%
Rented (from a housing association)	35	19%
Rented (from a private landlord)	35	19%
Rented (from the Council)	27	15%
	186	

Q18. What is your age group?

Under 16	0	0%
18-24	3	2%
25-34	50	26%
35-44	67	35%
45-54	37	19%
55-64	18	9%
65-74	8	4%
75-84	1	1%
85 or over	1	1%
Prefer not to say	5	3%
	190	

Q19. What is your gender?

Male	100	52%
Female	70	37%
Other	3	2%
Prefer not to say	18	9%
	191	

Q20. Are you a member of a community organisation?

Yes	32	19%
No	135	81%
	167	

Appendix 1: Survey Questions

How do you feel about the traffic measures in Mount Pleasant Lane and Southwold Road, as described above?



Public transport capacity post-lockdown remains much lower than before the pandemic and 70% of households in Hackney do not own a car. To what extent do you agree or disagree with our aspiration to rebuild a greener Hackney by encouraging more walking and cycling, and preventing car-use returning to pre-lockdown levels or above?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please select which modes of transport you use to move around in Hackney. Select all that apply.

- Walking
- Cycling
- Motor vehicle
- Bus
- Train
- Motorcycle
- Taxi
- Other

If you travelled to work before lockdown, what was your main mode of transport to get to work?

- Walking
- Cycling
- Motor vehicle
- Bus
- Train
- Motorcycle
- Taxi

Overall, what do you LIKE, if anything, about the above traffic measures in Mount Pleasant Lane and Southwold Road? Select all that apply.

- Encourages me to walk in the area
- Encourages me to walk to work
- Encourages me to cycle in the area

- Encourages me to cycle to work
- The area is now more pleasant
- Encourages me to spend time in the area
- Encourages me to shop in the area
- More space for social distancing
- Reduces air pollution
- Reduces traffic
- Reduces speeding
- Reduces rat-running
- Increases road safety
- Other

Overall, what do you DISLIKE, if anything, about the above traffic measures in Mount Pleasant Lane and Southwold Road? Select all that apply.

- Discourages me to walk in the area
- Discourages me to walk to work
- Discourages me to cycle in the area
- Discourages me to cycle to work
- The area is now less pleasant
- Discourages me to spend time in the area
- Discourages me to shop in the area
- Less space for social distancing
- Increases air pollution
- Increases traffic
- Increases speeding
- Increases rat-running
- Decreases road safety
- Other

Do you want the above traffic measures in Mount Pleasant Lane and Southwold Road to be made permanent?

- Yes, all of them
- Some of them
- No, none of them
- Don't know

If you have selected 'Some of them' in the previous question, please specify the location of the filters you want to be made permanent.

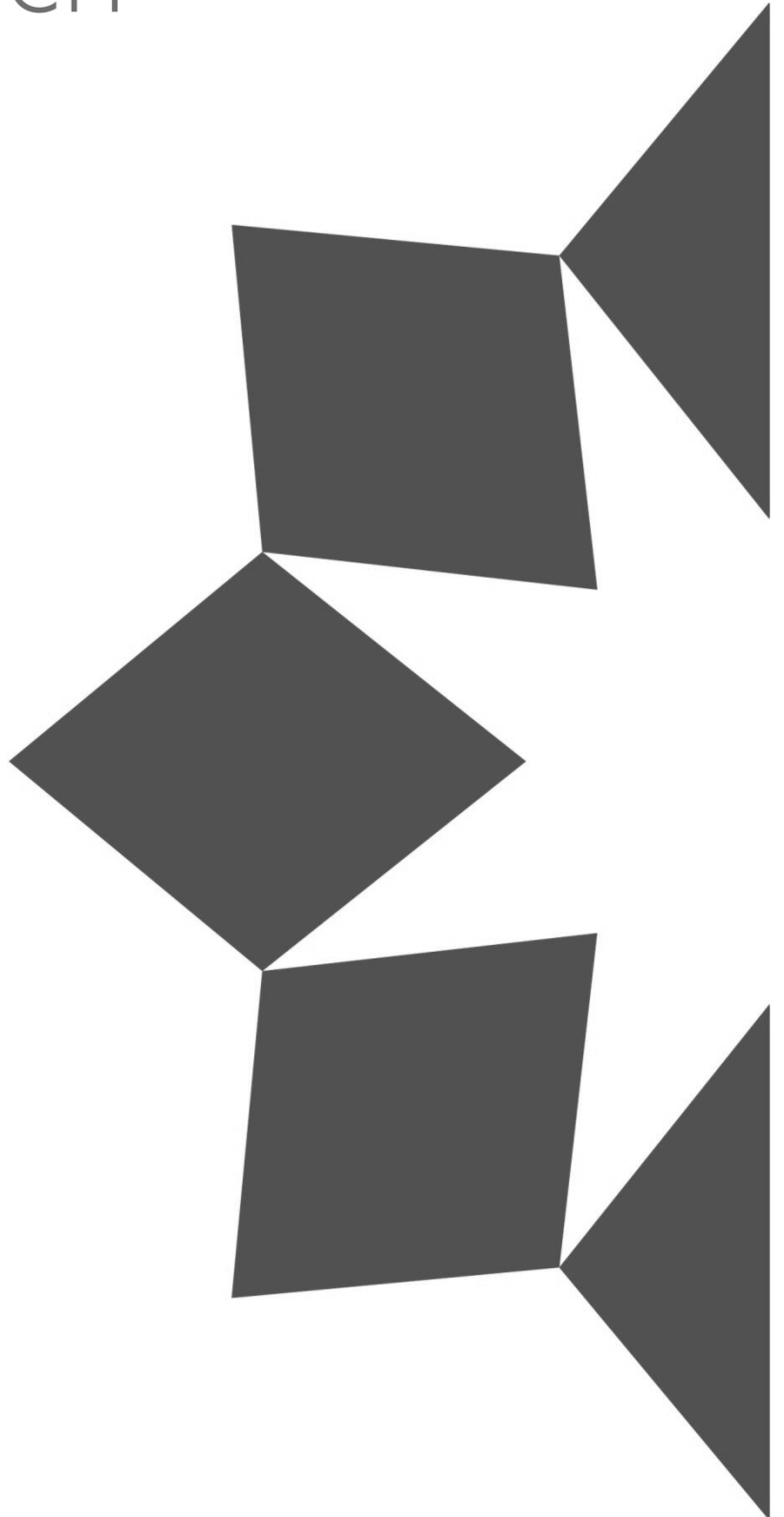
- Traffic filter on Mount Pleasant Lane
- No left turn on Southwold Road / Upper Clapton Road

If you have selected you want to see some or all measures made permanent, please let us know if there are any changes you would like to see (Please specify the road where appropriate)

Please let us know if you have any other comments.



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research





<p>Voluntary and Community Sector Property Portfolio - Lettings Policy</p> <p>Key Decision No - FCR S059</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>CABINET MEMBERS</p> <p>Mayor Phillip Glanville Councillor Chris Kennedy - Cabinet Member for Health, Adult Social Care, Voluntary Sector and Leisure</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Affects two or more wards</p>	
<p>GROUP DIRECTOR</p> <p>Group Director Finance & Corporate Resources: Ian Williams</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1 I am pleased to introduce this report which sets out the Council's Voluntary and Community Sector (VCS) Lettings Policy. This Policy, which shapes the use of our VCS Property Portfolio, reflects the needs and priorities of Hackney today whilst also providing sufficient flexibility to respond to changing circumstances moving forward. The new policy builds upon the previous policy which was introduced in 2011.
- 1.2 The review of the VCS Property Portfolio and the VCS Lettings Policy, was a commitment of the VCS Strategy 2019-2022 (approved by Cabinet in 2019).
- 1.3 As a Council we are committed to supporting and working in partnership with the voluntary sector. We recognise the key role that our VCS partners play in reaching local communities, providing important services and delivering real benefits for individuals and the wider community.
- 1.4 The VCS Lettings Policy is an important component of the Council's wider response to the voluntary and community sector's need for premises and delivery spaces in Hackney. The key aim of the Policy is to ensure that this portfolio of properties is used to its full potential for the benefit of local communities.
- 1.5 The proposed new VCS Lettings Policy confirms that the Council will continue to make a portfolio of properties available to VCS organisations. Properties will be leased to voluntary sector organisations on favourable terms including discounted rent and support with maintenance and health and safety obligations.
- 1.6 The VCS Strategy highlights the need for change in the way in which local organisations operate and work in partnerships with others. The Lettings Policy aims to encourage more collaborative and shared use of premises through flexible lease terms permitting subletting and hire of space, and by valuing collaborative arrangements when considering lease allocations. This approach, in what is a limited number of properties, will provide greater access to space for more VCS organisations and help enhance the financial sustainability of VCS tenants.
- 1.7 Inequality is a key local issue and over the last two years the pandemic has exacerbated those inequalities and increased pressure on our community. The pandemic has presented both operational and financial challenges as the VCS has worked to adapt services and respond to increased demand for services. During the pandemic, working collaboratively with the Council and other organisations, our VCS tenants have played a key role delivering services such as food distribution, health and wellbeing services, older persons services and advice services.

- 1.8 The VCS is already operating in challenging circumstances which are likely to become more difficult. Recognising this, the new Lettings Policy brings incremental change from the 2011 policy, this will provide continuity and support our VCS tenants to deliver services that are aligned with borough priorities, and which complement statutory services delivered by the public sector.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 This Council has a strong financial track record but 11 years of Government cuts and the cost of keeping people safe during the pandemic, much of which has fallen to the Council, have taken their toll on public services. More and more people are turning to councils for support, with less and less money available to help them. In Hackney, our Government grant has shrunk from £310m in 2010 to £170m - a cut of 45%. Per head of population we have seen the biggest funding cut of any London borough at £529.
- 2.2 Nevertheless the Council continues to support and invest in the Voluntary and Community Sector because of the crucial role the sector plays in serving local residents and addressing borough priorities and needs. The Council has again protected the budget for the VCS grants programme, it awarded a discretionary rate relief total of £566,271 in 2019/20 and continues to commission VCS organisations to deliver services.
- 2.3 The Council provides a further subsidy to VCS organisations through the VCS Property Portfolio, by providing properties at low rents and with limited repair and maintenance obligations. The difference between the rent received from the portfolio and the potential market rental value is in excess of £500,000 per year. This does not include some buildings where long term plans are being established, playgrounds and several short term VCS lettings. Under the terms of a standard VCS lease, the Council also covers the costs of statutory health and safety testing and much of the maintenance of the properties.
- 2.4 The VCS Property Portfolio was established along with the Lettings Policy which was approved by Cabinet in March 2011. A key objective in 2011 was to regularise a series of historical arrangements dating back to the 1980s (or earlier) and to standardise the terms on which properties were occupied by VCS tenants.
- 2.5 The 2011 policy has been largely successful in meeting its objectives. VCS organisations now occupy premises on the basis of a current lease, there has been significant capital investment in the VCS portfolio and properties are subject to an effective health and safety regime. The portfolio is occupied by VCS organisations that are making a significant contribution within Hackney. Our tenants include organisations such as East End Citizens Advice Bureau, Hackney Foodbank, Age UK East London, Hackney Caribbean Elderly Organisation, Literacy Pirates, Hackney Marsh Partnership, Beis Chana, Day Mer and Hackney and City MIND.

- 2.6 The Council continues to strengthen its approach to working with the VCS through its VCS Property Portfolio. For example: the letting of 6000 sq ft at Marie Lloyd Centre for services to older residents, carers and disabled people; investing £950,000 in 12-14 Englefield Road prior to letting for use as a new East and Southeast Asian Community Centre; investing over £240,000 in Hackney Caribbean Elderly Organisation's premises to carry out essential repairs and to bring unused spaces back into active use; marketing and letting 243 Lower Clapton Rd adopting an approach designed to attract lease applications from smaller local VCS organisations who impact on key groups within our local communities.
- 2.7 The VCS Property Portfolio and Lettings Policy review has 2 main elements:
- The VCS Lettings Policy (see Appendix 1) is introduced in this report and sets out the Council's arrangements for leasing premises within the VCS Property Portfolio. The Council needs an agreed policy in order to guide the next phase of negotiations with existing tenants on standard VCS Leases expiring in 2022.
 - Work to draw up a 5 year asset management plan is also underway. This entails understanding the condition of the premises, future investment requirements, and the costs of and approach to maintenance and health and safety compliance. This will inform the management of the assets over a 5 year period and the associated budget and resource requirements. This aspect of the review is taking place over a longer period, completing in 2022/23.
- 2.8 The new VCS Lettings Policy represents incremental (not wholesale) change from existing arrangements. This approach provides stability in the face of the huge challenges currently faced by the Council and the VCS, whilst also moving forward from the 2011 position of needing to regularise historic arrangements, to a position where the new Policy facilitates enhanced and improved use of these property assets to deliver local benefits.

3. RECOMMENDATIONS

Cabinet is recommended to :-

3.1 Approve the Voluntary and Community Sector Property Portfolio - Lettings Policy as set out at Appendix 1.

3.2 Agree to introduce and apply the Policy from April 2022.

4. REASONS FOR DECISION

- 4.1 The VCS Property Portfolio and the associated VCS Lettings Policy were established in March 2011. The VCS Lettings Policy forms part of the Council's wider strategy and work to support a strong accommodation offer for VCS organisations in Hackney.

- 4.2 The VCS Strategy 2019 – 2022 set out a commitment to review and update the lettings policy in order to maximise the use of the property portfolio. The 10 year old policy needs to be updated to ensure that it reflects the needs of the borough today.
- 4.3 The VCS Property Portfolio comprises a limited number of premises (46 currently) and the new VCS Lettings Policy should be seen in the context of wider work that promotes the availability of delivery space for the VCS. The Council takes a strategic approach to affecting or influencing the availability of property assets for use by VCS organisations. Within the Council this approach encompasses working collaboratively across departments that manage assets, set relevant policies and who are enablers, for example; Property Services, Community Halls Service, Housing, Education and Area Regeneration.

The VCS Portfolio

- 4.4 The Voluntary and Community Sector (VCS) Property Portfolio supports VCS organisations to deliver services by providing suitable premises on favourable lease terms, including an affordable level of rent (currently £4 per sq. ft). The Portfolio is an important part of the Council's wider response to the VCS's need for premises and delivery spaces.
- 4.5 The VCS Property Portfolio currently consists of 46 individual buildings. 29 of these properties will be occupied on the basis of a standard VCS Lease; a standard form of lease, generally of up to 5 years in length, under which the tenant pays a discounted rent and the Council retains responsibility for elements of maintenance and statutory health and safety testing of services. The primary focus of the VCS Letting Policy is on those properties subject to a standard VCS Lease. Other properties are either occupied on the basis of a long lease or a shorter lease pending investment in the site, or upcoming development.
- 4.6 The portfolio was established by Cabinet in March 2011, comprising properties within the Council's Commercial Property Portfolio which were occupied by VCS organisations at that time. Although there has been some movement of properties into and out of the VCS portfolio since 2011, and some tenant changes, the majority of properties remain in the portfolio.
- 4.7 The provision of the Portfolio is a form of subsidy to the VCS. The premises are not let at commercial market rates and there are additional maintenance and asset management costs associated with VCS lettings. This limits the Council's ability to increase the overall number of properties within the Portfolio.
- 4.8 New properties that are identified as suitable may be added to the Portfolio from time to time but, equally, properties that are no longer fit for purpose or viable as VCS premises may be removed from the portfolio. Asset reviews will be undertaken on a case by case basis before such decisions are made.

Factors to consider will include the condition of the premises and the cost of repairing and maintaining it; its commercial or development value and potential; and its operational suitability for VCS organisations.

The VCS Lettings Policy

- 4.9 The VCS Lettings Policy (see Appendix 1) sets out the Council's arrangements for leasing the premises within the VCS Property Portfolio. The Policy is applicable to tenants offered on 'standard VCS Lease terms', this covers over half of the properties in the VCS portfolio, other properties are largely occupied on the basis of long term leases agreed prior to 2011 or alternative arrangements depending on the specific circumstances of the property.
- 4.10 The Policy is now 10 years old and needs to be updated and it is necessary to adopt the new policy now, because the majority of our standard VCS Lease agreements with VCS tenants expire in 2022. The Council therefore needs an agreed approach which will inform lease negotiations with existing tenants and any new tenants this year.
- 4.11 The new Policy represents an incremental change from the 2011 Policy. This recognises the current challenges facing the voluntary sector and the Council and the consequent need for stability and continuity of arrangements for many of our VCS property tenants. The new policy aims to improve the use and management of the VCS properties by making sure that the VCS Lease terms, and supporting processes such as lease applications and allocations, monitoring and reporting, all support the effective use of these assets in order to deliver local benefits.
- 4.12 Building upon the previous policy, the proposed new VCS Lettings Policy addresses the following issues:
- The Policy is clearly set within the context of wider strategic work to support VCS accommodation needs in Hackney.
 - The standard VCS Lease terms have been updated and also provide greater clarity regarding landlord and tenant responsibilities, for example in relation to maintenance and health and safety compliance. Lease terms include provision for rent reviews of the standard discounted VCS rent (currently £4 per square ft.). The standard terms of a VCS Lease are set out in the lettings policy document - appendix 1 of this report.
 - The lease allocations processes (formerly eligibility assessments) have been updated and streamlined and the allocations criteria have been revised to ensure they reflect the needs and priorities for the borough.
 - The Policy will promote and facilitate collaboration and partnerships and more shared use of our VCS premises. Flexibility will be provided through the lease terms so that tenants are able to sublet and to hire sessional space. Partnerships and shared use of premises will be valued when considering VCS Lease applications and allocations.

- New Community Agreements between the Council and the VCS tenant will be introduced for all VCS Leases. These agreements will set out the purpose for which the building will be used and the community benefits to be delivered, they will form the basis of annual reporting and monitoring arrangements and regular communication between the tenant and landlord (the Council).
- The Policy provides clarity on exceptional circumstances in which longer leases (over 5 years) may be considered.

4.13 The new VCS Lettings Policy will operate from April 2022. The oversight and governance arrangements for the implementation of the policy are set out in section 11 of the attached policy document (see Appendix1).

Asset Management

4.14 The Council is implementing a wide-ranging asset review of the VCS Property Portfolio. This work is underway and will continue throughout 2022. The objective is to make sure that properties are well maintained, health and safety compliant and fit for purpose, and that there is an asset management plan in place for each asset (property) and for the portfolio as whole. This asset review will inform the management of the assets over a 5 year period and the associated budget and resourcing requirements, as well as the future use and management of assets beyond the five year period.

4.15 The asset management plan will have a clear pathway for the medium term, covering the 5 year period to 2027, consistent with the expiry date of the majority of new VCS leases agreed under the new lettings policy.

4.16 It is important to note that some properties in the VCS portfolio are challenging to operate and maintain, for example because of the age of the building. The asset management plan will therefore also have regard to the longer term to ensure the portfolio comprises buildings which are suited to the needs of our VCS tenants and viable in terms of the costs of maintenance and repair.

4.17 The review will include building condition surveys across the properties leased on standard VCS terms. This will identify any immediate works required to ensure the building is in good repair and ensure all statutory and health & safety obligations are being met. Furthermore, these reports will assist us in setting a programme of additional works and budgeting for the next 5 years. With respect to existing tenants on VCS lease terms, these surveys will be undertaken prior to agreeing a new lease. 18 VCS tenants hold VCS leases that expire in 2022.

4.18 The asset review will also encompass an assessment of rental values across the portfolio to establish updated benchmarks for potential open-market rents; these figures will be documented in individual VCS leases.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 Alternative and more fundamental changes to the approach taken to letting VCS portfolio properties were considered. For example, using larger VCS properties to create 'voluntary sector hubs' with spaces managed, sublet and made available for hire by an overarching management organisation, or options which involve an open application process for all properties leased on standard VCS terms, including those with existing occupants. These types of options would have made very significant demands on the VCS and Council's resources in order to undertake complex consultation and planning and to establish robust business plans, at a time when organisations are experiencing huge challenges. These options would also entail wholesale changes to the lettings policy, the implementation of which would cause significant disruption for tenants and their service users.
- 5.2 Approaches entailing more fundamental change were not considered appropriate in the current circumstances, although they should not be ruled out for consideration in the future. The main reasons for this decision are:
- Existing VCS tenants already deliver key services to residents from established and well known locations. The need for continuity of services has become even more important because of the pandemic.
 - Organisations including the VCS and the Council face significant operational and financial challenges over the next few years and therefore the need for stability is even more pronounced, and the challenges of investing in and implementing new approaches are even greater.
 - Many of the aspirations set out in the VCS strategy can be addressed by the more incremental changes set out in the proposed new Policy document. For example; encouraging partnerships and collaboration through the lease and the allocations processes, making sure that new lettings of larger spaces require curated and inclusive approaches to building use, and ensuring smaller VCS organisations are supported to access space through subletting, sessional hire and through accessible application processes where suitable premises are available.

6. BACKGROUND

6.1. Policy Context

- 6.1.1 The VCS Lettings Policy forms part of the Council's wider strategy and work to support a strong accommodation offer for VCS organisations in Hackney. The Policy and the way that the VCS portfolio is managed will align with the Council's aims, priorities, and principles, the Corporate Plan, and with borough strategies including: *The Hackney Community Strategy 2018 – 2028*; *The Inclusive Economy Strategy 2019-25*, and; *the VCS Strategy 2019 – 2022*.

6.1.2 The review is informed by the local context including the following:

- Inequality is a key issue and therefore the use of VCS premises must address and support equalities, inclusion, and community cohesion objectives. The new lettings policy contains measures which are designed to ensure that groups who are tackling local inequalities are valued and prioritised, when opportunities arise in the VCS portfolio.
- The pandemic has intensified pressures on the VCS, it has increased demand for services and accelerated the need for organisations to adapt the way they reach and serve residents.
- Factors such as the development of new technologies and ongoing financial challenges are all impacting on the way that VCS organisations operate.

6.2. Equality Impact Assessment

6.2.1 An Equalities Impact Assessment has been prepared for the VCS Lettings Policy - the subject of this report.

6.2.2 The Council's support for the VCS through the VCS Property Portfolio is an important element of Hackney's commitment to social inclusion and community cohesion objectives. The VCS Portfolio provides affordable venues for the delivery of services by VCS organisations across the borough.

6.2.3 The portfolio is occupied by a wide range of VCS organisations (see examples at point 2.5 above) and is also utilised by sub tenants and partners who use spaces on a sessional basis. These VCS organisations make a significant contribution to addressing inclusion and equalities objectives in Hackney.

6.2.4 The limited number of properties within the portfolio restricts the number of new VCS letting opportunities that might arise for VCS organisations who would like to secure a VCS Lease, or who would like to sub-let or hire space. However, the new Policy includes provision to widen access to space within the portfolio for more VCS organisations and groups.

- The Policy promotes shared, curated and collaborative use of premises and the tenants' approach to using the buildings in this way will be addressed in the allocations assessment process.
- The Policy's allocations criteria and applications processes stress and value equalities impacts and inclusive approaches - see point 7.3 in Appendix 1.
- The approach to marketing vacant premises will target smaller local VCS organisations when suitable properties are available to let.

6.3. Sustainability

- 6.3.1 The management and maintenance of VCS properties will address and support carbon reduction measures and sustainable operational practices. This will include issues such as energy efficiency, waste management and green travel.
- 6.3.2 The VCS in Hackney plays an important role in the local economy, supporting both individuals and groups and makes a significant contribution to the community and civil life. The continuing provision of the VCS Property Portfolio is part of a package of Council support for the sector which makes a key contribution to promoting and supporting sustainable communities in the borough

6.4. Consultations

- 6.4.1 Extensive engagement informed the VCS Strategy 2019 including a day-long workshop attended by a range of local VCS organisations followed by four open invite focus groups. A series of discussion papers were then developed and a series of five further workshops were held. Five key themes were then incorporated into the strategy, one of which is Property. The property section of the strategy has informed and been the basis of this review of the VCS Property Portfolio and the VCS Lettings Policy.
- 6.4.2 During the course of developing the new Lettings Policy document, consultation meetings have taken place with current tenants occupying VCS properties and with the wider sector via the sector's VCS Leadership Group coordinated by Hackney CVS. The membership of this latter group comprises senior managers of local VCS organisations.

6.5. Risk Assessment

- 6.5.1 Risks arising from the VCS Lettings Policy are linked to its implementation not the approval of the Policy itself. The Policy contains detailed provisions and a framework within which to manage and mitigate risks that may arise.
- 6.5.2 All offers of standard VCS Leases will be subject to an allocations assessment prior to the grant of the lease. Tenants must demonstrate that they; will provide services that will deliver significant benefits to local residents, have a viable business plan for delivering services, and possess the financial and management capacity to operate effectively. Community Agreements will be agreed with all VCS tenants and this will enable monitoring and reporting of building usage and the community impact of the services provided.
- 6.5.3 Rents received under VCS leases will be used to meet the Council's costs in managing and maintaining these properties. The Policy and the associated VCS lease terms provide for the rent to be reviewed to reflect the costs incurred.

- 6.5.4 The Policy and the asset management plan for the portfolio will ensure that buildings within the portfolio are maintained in good repair and that statutory health & safety obligations are being met. The asset management plan will have regard to the longer term to ensure the portfolio comprises buildings which are suited to the needs of our VCS tenants and viable in terms of the costs of maintenance and repair. The Policy includes provision for asset reviews to be undertaken on a case by case basis, and in some circumstances if a property is no longer fit for purpose or viable as VCS premises, it may be removed from the VCS portfolio.
- 6.5.5 The portfolio asset review includes building condition surveys that will be undertaken on all properties leased on standard VCS terms. This will identify any works required to ensure that a building is in good repair and compliant with health & safety requirements. With respect to existing tenants on VCS lease terms, these surveys will be undertaken prior to agreeing a new lease.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1. This report seeks the approval of a revised lettings policy to the Voluntary and Community Sector (VCS). There are no fundamental changes that would cause additional financial implications as a result of the revised policy.
- 7.2. Instead, this policy will allow for improved accountability and contract monitoring between both parties “the council and the tenant” as it defines clearer financial responsibilities.
- 7.3. The policy will protect the council in the case where rent reviews are necessary. This may be further justified through the completion of the asset review process which may identify that it is not sustainable to continue charging at the current rate for some properties. This policy also proposes the option for a property to either be removed from the VCS portfolio or be disposed of if it is no longer financially viable.

8. VAT Implications on Land & Property Transactions

Not applicable to this report.

9. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 9.1 Part 1, Section 2 of the Local Government Act 2002 (“LGA”) provides local authorities with a broad power to do anything it considers likely to achieve the promotion or improvement of the economic, social or environmental well being of the area under their control.
- 9.2 The consolidation of a lettings process specifically aimed at voluntary sector organisations will serve to enhance the promotion of social improvements by ensuring the continued provision of community support and services to the borough.

9.3 The comprehensive formalisation of the lettings process will further benefit the borough by ensuring the Council's position as landowner is protected. The leases must be contracted out of the security of tenure provisions in the Landlord and Tenant Act 1954 to ensure they are terminable on notice at the end of the 10 year term.

APPENDICES

Appendix 1:

Voluntary and Community Sector Property Portfolio - Lettings Policy (Open)

Appendix 2:

Equalities Impact Assessment: Voluntary and Community Sector Property Portfolio - Lettings Policy

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

None

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Appendix 1

DRAFT

London Borough of Hackney

**Voluntary and Community Sector Property Portfolio
Lettings Policy**

2022

The logo for the London Borough of Hackney, featuring a white stylized 'H' icon on a dark green background, followed by the word 'Hackney' in white sans-serif font.

1. Introduction

The Council maintains a property portfolio of up to 50 properties that are leased to local Voluntary and Community Sector (VCS) organisations - the VCS Property Portfolio.

The VCS Lettings Policy sets out the Council's arrangements for leasing the buildings and land within its VCS Property Portfolio. This portfolio of properties supports VCS organisations to provide services to local residents, by providing suitable premises on favourable lease terms, including an affordable level of rent.

This Policy is an important component of the Council's wider response to the voluntary and community sector's need for premises and delivery spaces. It is aligned with other Council strategies and work that supports the effective use of community assets and promotes the availability of space for the use of local Voluntary and Community Sector organisations.

The VCS portfolio comprises a limited number of properties and this is just one way that the Council seeks to address the need for delivery spaces in our diverse communities. The Council also takes a wider strategic approach to community benefits and the use of property assets, aiming to maximise community benefit across all the opportunities that exist in other Council assets (outside of the VCS portfolio) and assets owned by our partners. This will ensure that the VCS portfolio is managed with regard to wider strategic aims and as part of a cross Council approach to supporting VCS accommodation needs.

The VCS Lettings Policy builds upon the previous policy which was first adopted in 2011. The Policy reflects the needs and priorities of Hackney today but is designed with the flexibility to respond to changing circumstances moving forward.

The policy document sets out the aims and key principles of the Policy and describes the wider strategic context within which the Policy operates. The terms of a standard 'VCS Lease' are detailed – including length of leases, rent charges and payments, repairs and maintenance obligations, and health and safety requirements. The Policy describes the processes for lease applications and allocations and outlines circumstances in which the Council may consider the provision of longer-term lease agreements.

The Council will provide supporting guidance notes covering different aspects of the Policy, including the lease applications and allocations processes, and monitoring and reporting arrangements.

2. Strategic context and approach

The Policy is aligned with the Council's aims, priorities, and principles and with its *Corporate Plan*. It also aligns with borough wide strategies including the *Hackney Community Strategy 2018 -2028* and the *VCS Strategy 2019 - 2022*. Throughout its period of use, the Policy will be informed by local strategies and plans.

The VCS Strategy describes the need for change in the way in which the VCS property portfolio is utilised and managed in order to reflect changing needs and circumstances and to ensure that properties are utilised to their full potential.

As this policy is adopted in 2022, we know that factors such as the development of new technologies and ongoing financial challenges are impacting on the way that VCS organisations operate. We also know that inequality is a key issue, and the Policy must support equalities, inclusion, and community cohesion objectives. The need to ensure that local services reach and support residents who face challenging circumstances is ever more important. Added to these existing factors, the Covid-19 pandemic has intensified and accelerated the need for services to adapt the way they reach and serve residents.

VCS organisations are increasingly taking opportunities to work in different ways so that they can sustain services and continue to reach and serve local residents. This includes greater levels of collaboration with partners, more shared use of buildings and increased use of new technologies to deliver services. The Policy provides flexibility through its lease terms, for example, in facilitating the sub-letting and hire of space and facilities in order to; support partnerships, create a more varied service offer, and generate income.

3. The VCS Lettings Policy

This Policy applies to VCS organisations¹ occupying buildings or land within the VCS Property Portfolio; and to VCS organisations seeking premises within the VCS Property Portfolio.

Aim:

The main aim of the VCS Lettings Policy is to ensure that the VCS Property Portfolio is used to its full potential, to support the delivery of services that address the borough's priorities and meet the needs of local people.

Key Principles:

- The Council will continue to make a portfolio of commercial properties available for VCS organisations to lease on favourable terms.
- The Council invests in this property portfolio in order to achieve a 'social return' on this investment, i.e. the delivery of services that benefit the local community and the borough.
- All properties in the VCS Portfolio will be occupied on the basis of a formal lease.
- The Council will operate a lease allocations process for properties that are leased on standard 'VCS Lease' terms in order to ensure that VCS occupiers are aligned with strategic priorities for the borough and meeting local needs.
- Partnerships between VCS organisations are positively encouraged and the Policy supports tenants in working collaboratively with, and offering space to, other VCS organisations.
- Organisations who are granted a VCS Lease will benefit from a discounted rent and support with some aspects of repairs, maintenance and health and safety compliance.
- The Council will endeavour to ensure that properties occupied on the basis of a VCS lease are well-maintained.

¹ For the purposes of this policy, voluntary and community sector organisations are defined as registered charities and other not-for-profit organisations.

- Tenants must fulfil their responsibilities for the overall management of their property and meet their health and safety related responsibilities. The Council will support tenants, as far as it is able to do so, in meeting their obligations.
- Rents received under VCS leases will be used to meet the Council's costs in managing and maintaining these properties. The lease will provide for the rent to be reviewed from time to time to reflect the costs incurred. At such times, the rent review will be based on a transparent analysis of costs.
- The circumstances in which this Policy operates are not static and therefore its implementation will be informed by an up to date and forward-looking understanding of the Borough's priorities and community needs.
- The Council will adopt a balanced approach to ensuring the need for consistency in the way that the Policy is operated, with the need for sufficient flexibility to ensure that lease arrangements can be adjusted to meet particular circumstances.
- The implementation of this Policy and the management of the VCS portfolio will align with management of other Council assets and with other Council policies.

Review:

This Policy will be reviewed and revised as required no later than April 2027.

4. The VCS Lease

Over half of the properties in the VCS property portfolio are leased to VCS organisations on standardised terms - a 'VCS Lease'. A VCS Lease provides valuable benefits for tenants, including the following:

- significantly discounted rent
- support from the landlord (the Council) with regard to specific elements of building repairs and maintenance
- support from the landlord (the Council) with regard to specific elements of Health and Safety measures and compliance

VCS Leases will normally be granted for a period of up to 5 years and will be granted outside of the 1954 Landlord & Tenant Act. The main Heads of Terms of a VCS Lease are attached at Appendix 1.

Only 'not for profit' Voluntary and Community Sector (VCS) organisations are eligible to apply for a VCS Lease on a property in the VCS Property Portfolio. For the purposes of this policy, VCS organisations are defined as registered charities and other not-for-profit organisations.

In order to secure an offer of a VCS Lease organisations must:

- a. Be an eligible 'not for profit' organisation.
- b. Submit a formal application for the lease.
- c. Organisations who are selected for a lease must satisfy the lease allocations criteria (see point 7.3 below) and submit a viable business plan (see point 7.2 below).
- d. A preferred tenant will be subject to pre-lease checks before a formal offer of a VCS Lease is made by the Council (see point 7.4 below).

5. Subletting

The Policy provides flexibility through its VCS lease terms, to facilitate the sub-letting² and hire of space and facilities. This is intended to support partnerships and collaborative approaches. This can help more VCS organisations access space within the VCS property portfolio, has the potential to create a richer and more varied service offer, and can provide opportunities for tenants to generate income in order to sustain operations.

The Council will positively support tenants in working in partnership with and offering space to other VCS organisations. In exceptional circumstances may also be able to lease space to other (non VCS) sub-occupiers provided that they can demonstrate that there is a clear business case for doing so and that the sub-letting is subsidiary to the main use of the building.

In all cases, sub-letting agreements for properties within the VCS Property Portfolio will be subject to Council approval.

6. Availability of VCS lease properties

In any given year, the number of new or vacant VCS portfolio properties available to let on standard VCS Policy Lease terms is limited for the following reasons:

- Only around half of the VCS Portfolio properties are leased on standard VCS Policy Lease terms. The remaining properties are either occupied on the basis of a long lease or a shorter lease pending investment in the site or upcoming development.
- The Portfolio is a form of subsidy to the VCS. The premises are not let at commercial market rates and there are additional maintenance and asset management costs associated with VCS lettings. This limits the Council's ability to increase the overall number of properties within the Portfolio.
- Properties that are no longer fit for purpose or viable as VCS premises may be removed from the portfolio. Asset reviews will be undertaken on a case by case basis using established criteria before such decisions are made.
- Where an existing VCS tenant already occupies a VCS property the Council will generally enter into discussions with that tenant about a new lease on the same property (subject to the lease applications and allocations process set out below).

7. VCS Lease applications and allocations

7.1 Lease applications

The VCS Lease application process aims to ensure that a tenant taking on a VCS Lease for a VCS property:

- will maximise the use of the property, operate services that address priorities for the borough, and deliver significant benefits to local residents.
- has robust and achievable operational and business plans to deliver services from the property.
- has the financial and management capacity to pay the rent and other running costs and to manage and maintain the building effectively.

Applications for a standard VCS Lease for a property in the VCS Portfolio arise either:

² Sub-letting of the whole premises will not be permitted.

- when a VCS portfolio property is vacant and applications to take on a VCS lease for the property have been invited, or,
- when an existing VCS tenant's lease for a VCS property is due to expire and they have been invited to express interest in a new VCS Lease for the same property.

Additional information and guidance on the processes for each of the circumstances above will be provided to applicants.

7.2 Business Plan

All lease applicants will be required to submit a viable business plan for the use of the property. The business plan needs to set out clear and achievable plans showing how the building will be managed and used to deliver services and positive outcomes for residents. A business plan template and guidance notes will be made available to all applicants.

7.3 Lease Allocations Criteria

All organisations applying for a Standard VCS Lease will be required to demonstrate that they meet the *Lease Allocations Criteria* listed below. This information will be gathered via the application process which includes the submission of a business plan (see above) along with an application form and subsequent pre-lease assessment (see 7.4 below).

Lease Allocations Criteria:

- I. Demonstrate that services address local needs and priorities and align with ways of working as set out in the Council's Corporate Plan and the Voluntary and Community Sector Strategy 2019-2022.
- II. Set out why the building is required and show how it is suitable for the organisation and the delivery of the services described.
- III. Demonstrate a successful track record of managing and delivering services that have impacted positively on your service users and on the local community.
- IV. Show how you proactively promote equality, inclusion and diversity through your approach to governance, management and delivery of services.
- V. Evidence of a strong commitment to partnership working, and show how collaboration and partnerships will enhance the scope and quality of services.
- VI. Show that the organisation operates sound governance and management practices and set out a viable financial plan for the operation of the building and services.

7.4 Pre-lease checks and assessment

Pre-lease checks and assessments are undertaken following the application process and when the preferred tenant has been selected. This stage of the process is designed to review documents, policies and evidence submitted in support of the tenant's lease application.

8. Community Agreements and monitoring and reporting

All tenants on VCS Leases will be required to enter into a Community Agreement. VCS Leases are allocated and agreed on the basis that the tenant will deliver services that benefit the local community and address local priorities and needs. The initial information for the

Community Agreement will be collected as part of the application and allocation processes. The finalised agreement will be appended to the lease granted for the property.

The agreement will summarise how the premises will be used and managed and set out the services and benefits that will be delivered to local residents. These commitments are subject to annual monitoring and reporting arrangements. Tenants will be required to keep records throughout the year to record the services and benefits delivered to the local community.

The purpose of the monitoring and reporting processes is to ensure that the organisation taking on the lease; makes full use of the property, delivers services that address borough priorities and community needs, and achieves positive outcomes and benefits for service users.

There will be a mixture of quantitative and qualitative measures to help us determine how far the service is able to deliver the agreed community benefits. Continuous learning and improvement should be integral to the organisation's approach , with a focus on learning what matters to residents and communities and adapting to meet emergent needs.

The measures may differ for each organisation but will include these core aspects.

- User stories
- Access measures
- Utilisation of the building
- Partnerships and collaboration

Monitoring will be a mixture of:

- Observation of services and talking to customers to help understand their experience
- Conversations
- Self evaluation
- Financial report

There will be an annual meeting with more regular meetings for new lettings, in order to share learning, and address emerging issues. There will also be communication outside of these meetings when needed so urgent issues or risks are dealt with straight away.

Communications: The Community Agreement also will set out communication protocols and arrangements so that the Council and VCS tenant can communicate the achievements and community benefits delivered through this Policy.

The 'VCS rent discount' along with the other Council support that is provided through a standard VCS lease is of financial value and benefits the VCS tenant. This information will be used in communications to acknowledge the value and nature of the support that the Council provides through its VCS Property Portfolio.

9. Provision of longer leases for VCS organisations

VCS Leases will normally be granted for a period of up to 5 years. However, there are circumstances in which the Council will consider the grant of longer leases for properties in the VCS Portfolio.

The Council will consider proposals from VCS organisations who wish to secure a longer VCS lease if:

- A longer lease is required in order to satisfy conditions set by a funder or investor so that the VCS tenant can secure significant investment in the asset (the property).
- The planned investment is appropriate to the site and location and will result in significantly enhanced services and benefits for the local community.

Before a lease of 7 years or more can be granted on a council owned asset on favourable VCS terms the Council must also satisfy legislative and policy requirements.

The circumstances in which the Council will consider requests to grant a longer lease on a property in the VCS portfolio, and the process for submitting, considering and granting such requests will be provided to interested parties.

10. Property / Asset management

For tenants with standard VCS Lease terms the landlord (The Council) will be responsible for maintaining the structure and fabric of the building and ongoing external repairs on properties leased on standard VCS terms. In addition the landlord is responsible for maintaining and repairing electrical, gas and mechanical installations and legionella testing for water services. The landlord will also be responsible for producing an Asbestos Management Plan and implementing necessary works

The tenant (VCS organisation) is responsible for minor and internal repairs, decoration and all fit-out works.

The tenant is responsible for complying with the Health & Safety at Work Act 1974 and creating an appropriate policy and risk assessments. The tenant is responsible for ensuring all Health and Safety requirements are met in respect of their specific use of the building and will be required to prepare and publish a Health and Safety Policy setting out the arrangements for the management and operation of the building. The tenant must also commission and maintain an up to date Fire Risk Assessment.

11. Governance

The operation and implementation of this Policy will be overseen by the Council's VCS Officer Board. The Board will generally be chaired by the Director of Strategic Property Services and attended by officers from Property Services, Policy and Strategic Delivery Partnerships and Area Regeneration.

Where required, officers will seek approval and decisions from Council Members through the Council's Cabinet and Committees. The Mayor and relevant portfolio holders will be briefed on the operation of this Policy at regular VCS Property meetings throughout the year.

With respect to applications for new VCS Leases, an Assessment Panel will make recommendations to the Council's VCS Board for the grant of a new VCS Lease based on the application and allocations process set out in the VCS Lettings Policy. The Assessment Panel will include a voluntary sector representative nominated by Hackney CVS. Hackney CVS is the umbrella organisation for VCS organisations in the Borough.

VCS Letting Policy Appendix

Standard VCS Lease – Heads of Terms (DRAFT)

MAIN HEADS OF TERMS	PROPOSALS FOR ALL NEW LEASES GRANTED TO VOLUNTARY SECTOR ORGANISATIONS
Type of Agreement	A standard Voluntary and Community Sector (VCS) Policy Lease of Council premises to VCS organisations.
Eligibility	Only not-for-profit and incorporated VCS organisations are eligible to apply for a VCS Policy Lease on a property in the VCS Property Portfolio. VCS organisations are defined as registered charities and other not-for-profit organisations.
Allocations Criteria	<p>All VCS Policy Leases are subject to an application and allocations process. VCS applicants must be eligible organisations and demonstrate that they meet the allocations criteria set out below:</p> <ol style="list-style-type: none">1. Demonstrate that services address local needs and priorities and align with ways of working as set out in the Council's Corporate Plan and the Voluntary and Community Sector Strategy 2019-2022.2. Set out why the building is required and show how it is suitable for the organisation and the delivery of the services described.3. Demonstrate a successful track record of managing and delivering services that have impacted positively on your service users and on the local community.4. Show how you proactively promote equality, inclusion and diversity through your approach to governance, management and delivery of services.5. Evidence of a strong commitment to partnership working, and show how collaboration and partnerships will enhance the scope and quality of services.6. Show that the organisation operates sound governance and management practices and set out a viable financial plan for the operation of the building and services.

Community Agreements	<p>VCS Leases are allocated and agreed on the basis that the tenant will deliver services that benefit the local community and address local priorities and needs.</p> <p>All tenants on VCS Leases will be required to enter into a Community Agreement with the Council.</p>
Annual Reviews	<p>Annual Review meetings will take place every year between Council officers and the VCS Tenant. The meeting will review the Annual Monitoring Report submitted by the tenant and will also include discussions on the condition of the building; repairs and maintenance schedules.</p>
Lease Length	<p>Leases will normally be granted for a period of 5 years and will be granted outside of the Landlord & Tenant 1954 Act.</p> <p>Longer leases may be required in exceptional cases. The circumstances in which the Council will consider the grant of an extended VCS Policy Lease is set out in the VCS in the full VCVS Lettings Policy document.</p>
Renewal	<p>The Council will contact the VCS Tenant a minimum of six months before their lease is due to expire. Organisations seeking to renew their lease will be required to submit a new lease application in order to demonstrate that they meet the lease allocations criteria. Decisions on renewal will also be informed by the information arising from the Annual Monitoring Report and Annual Review meetings.</p>
Rent Level	<p>Rents will be charged at the commercial rate and discounted to a “Sustainable Rent” for eligible organisations that meet the allocations criteria outlined in the VCS Lettings Policy.</p> <p>Rents will be paid in advance on a monthly basis, via a direct debit instruction. At the start of the lease agreement, tenants will be required to pay a deposit of one months rent in advance.</p> <p>Collection of tenant rent is vital to ensure the success of this Policy and Property Services have a strict collection policy and provision for rent collections within this portfolio.</p>
Rent Reviews	<p>Rent review on the third year anniversary of the commencement of the lease.</p>

<p>Repairs, testing and inspections</p>	<p>The landlord is responsible for maintaining the structure and fabric of the building and ongoing external repairs.</p> <p>The landlord is responsible for maintaining and repairing electrical, gas and mechanical installations and legionella testing for water services. Copies of the reports will be provided to the tenants to inform their risk assessments. The landlord is responsible for producing an Asbestos Management Plan and implementing necessary works</p> <p>The tenant will be responsible for undertaking water flushing on a weekly basis at the property.</p> <p>The tenant is responsible for minor and internal repairs, decoration and all fit-out works.</p> <p>The tenant is responsible for any other maintenance and should notify the landlord at the earliest possible stage of any problems with the building, or if the organisation is unable to fulfil its obligations</p>
<p>Relocation</p>	<p>In order to develop a VCS estate that is fully utilised and in good repair and order, it may be necessary from time to time to relocate VCS tenants to other premises. VCS organisations will be asked to work constructively with the Council to ensure plans for relocation are undertaken effectively, and to mutual benefit.</p>
<p>Health and Safety</p>	<p>The tenant is responsible for complying with the Health & Safety at Work Act 1974 and creating an appropriate policy and risk assessments.</p> <p>The tenant is responsible for ensuring all Health and Safety requirements are met in respect of their specific use of the building.</p> <p>The tenant is responsible for compliance with Statutory Requirements for Tests and Inspections and other statutory responsibilities not mentioned above, including testing of portable appliances and COSHH regulations.</p> <p>The Tenant will be required to prepare and publish a Health and Safety Policy setting out the arrangements for the management and operation of the building.</p>

Fire Safety	<p>The tenant must immediately commission a Fire Risk Assessment (FRA) upon occupation.</p> <p>The tenant will be responsible for implementing recommendations and renewing the FRA annually, although the tenant will need to keep the landlord aware of any actions arising that result in repairs/changes to the system as the Landlord will retain responsibility for any major repairs/ upgrades.</p> <p>The tenant must ensure weekly testing of the fire alarm call points and monthly testing of the emergency lighting is undertaken and logged, along with a monthly check of the fire doors.</p>
Subletting (Alienation)	<p>Assignment or subletting of the whole property is strictly prohibited.</p> <p>Sub-letting to other VCS organisations by the leaseholder is allowed. But organisations will be required to obtain written agreement from the council before a sub-letting arrangement is entered into. The Council's decision on this matter will be final.</p>
Equalities Act – Access Audit	<p>The tenant is responsible for ensuring that they fulfil all requirements of the relevant legislation.</p>
Insurance	<p><u>The Council</u> will be responsible for insuring the fabric of the building.</p> <p><u>The Tenant</u> will be responsible for the cost of other insurances such as public liability, employer's liability, contents and any other appropriate insurance.</p>
Utilities and waste collection	<p>The tenant is to pay all costs associated with utilities and waste collection.</p>
Rates	<p>The tenant is responsible for Business Rates, interested parties to make their own enquiries.</p>
Consents	<p>The tenant is responsible for obtaining any necessary consents/ licences for the use of the premises under the Town and Country Planning Acts or other legislation, and to any alterations under the Building Regulations and Town and Country Planning Acts if such are required, at their own expense.</p>
Statutes	<p>The lessee shall observe at all times all statutes, Byelaws, regulations, rules etc. concerning the use or occupation of the premises, and any conditions attached to any consents to such use.</p>

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Appendix 2:

London Borough of Hackney Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with Equality Duty when making and implementing decisions which affect the way the Council works.

Title of this Equality Impact Assessment:

Voluntary and Community Sector Property Portfolio - Lettings Policy

Purpose of this Equality Impact Assessment:

New Voluntary and Community Sector Lettings Policy

Officer Responsible:

Name: Simon Brooke / Joanne Blackwood	Ext: 4057
Directorate: Finance and Corporate Resources / Chief Executives	Department/Division: Strategic Property / Policy and Strategic Delivery

Director: Chris Pritchard, Director Strategic Property Services

Date: 28/02/2022

Comment :

STEP 1: DEFINING THE ISSUE

1. Summarise why you are having to make a new decision

- 1.1 The Voluntary and Community Sector (VCS) Property Portfolio and the associated VCS Lettings Policy were established in March 2011. The Lettings Policy shapes and guides the use of our VCS Property Portfolio. In 2011 it helped us to regularise the use of buildings in the portfolio, moving from largely historic arrangements to establishing eligibility criteria, the type and length of lease and the rent levels. It now needs to be updated to ensure that it is up to date and reflects the needs of the borough today. The review of the VCS Lettings Policy was also a commitment set out in the VCS Strategy 2019-2022.
- 1.2 The VCS Property Portfolio comprises a limited number of premises (46 currently). A key aim of the Lettings Policy is to ensure that this portfolio of properties is used to its full potential for the benefit of local communities.
- 1.3 The VCS Lettings Policy is just one component of the Council's wider response to the voluntary and community sector's need for premises and delivery spaces in Hackney. The new Policy is aligned with current strategies and policies including: *The Hackney Community Strategy 2018 – 2028; The Inclusive Economy Strategy 2019-25, and; the VCS Strategy 2019 – 2022.*
- 1.4 The Policy aims to:
 - Provide continuity and ongoing positive use of these assets in venues accessible for local residents.
 - Emphasise partnerships and collaborative approaches in order to facilitate wider access to these premises and the facilities for more community groups and organisations. In turn this should result in a richer and more varied service offer from these premises and help to address the key inequalities in the borough.
 - Ensure that applications and allocations processes are accessible for smaller organisations and groups, including those who support vulnerable communities.
 - Allow flexibility over time in order to vary criteria and emphasis so that the policy can reflect the needs of the borough at a particular moment in time.
 - Enable better communication between tenant and council and clearer way of monitoring and reporting benefits and impacts arising from the use of the buildings

2. Who are the main people that will be affected?

- 2.1 Local communities and residents that use services delivered by VCS organisations occupying premises within the Council's VCS portfolio.
 - 'Community Agreements' that all VCS tenants are required to sign up to will help to ensure organisations make full use of the property and deliver services that address borough priorities and community needs, and achieve positive impacts and benefits for service users.
 - By working closely with organisations through monitoring and continuous learning we will have a better idea of who services are reaching and where there are gaps. Although gaps cannot be addressed through the portfolio alone, this is an opportunity to develop partnerships with other organisations and work with other parts of the Council, such as the grants team and other commissioned services to take a more strategic approach

- 2.2 Voluntary and Community Sector (VCS) organisations in Hackney who occupy and/or deliver services from premises within the Council's VCS portfolio:
- The new Policy represents an incremental change from the 2011 Policy. This recognises the current challenges facing the voluntary sector and the Council and the consequent need for stability and continuity of arrangements for many of our VCS property tenants. The new policy aims to improve the use and management of the VCS properties by making sure that the VCS Lease terms, and supporting processes such as lease applications and monitoring requirements, all support the effective use of these assets in order to deliver local benefits.
 - The flexibility allowed in the new Policy will facilitate subletting and hiring of spaces which will support the viability and sustainability of those services and the VCS tenants through the opportunities to generate additional income to contribute to running costs.
 - Although many VCS organisations focus on partnership working already, the renewed focus on working across the sector and sharing space where appropriate will allow organisations to better serve diverse communities. It is recognised that this will require a culture change for some organisations and the Council will work collaboratively with organisations to support them.

STEP 2: ANALYSING THE ISSUES

3. What information and consultation have you used to inform your decision making?

- 3.1 The VCS Lettings Policy forms part of the Council's wider strategy to support a strong accommodation offer for VCS organisations in Hackney. The Policy and the way that the property portfolio is managed will align with the Council's aims, priorities, principles, and its Corporate Plan, and with borough-wide strategies including: *The Hackney Community Strategy 2018 – 2028*; *The Inclusive Economy Strategy 2019-25*, and; *the VCS Strategy 2019 – 2022*.
- 3.2 The review of the lettings policy was informed by the local context including the following:
- Inequality is a key issue and therefore the use of VCS premises must address and support equalities, inclusion, and community cohesion objectives. The new lettings policy contains measures which are designed to ensure that groups who are tackling local inequalities are valued and prioritised when opportunities arise to let properties in the VCS portfolio.
 - The pandemic has intensified pressures on the VCS, it has increased demand for services and accelerated the need for organisations to adapt the way they reach and serve residents.
 - Factors such as the development of new technologies and ongoing financial challenges are all impacting on the way that VCS organisations operate.
- 3.3 **Key inequalities-** The following groups have been identified as facing inequalities. these have been exacerbated by the pandemic:
- 3.4 **Age 55+** 15% of people in Hackney are over 55 years old (42,219) and 7.6% of people in Hackney are over 65 years old (21,105). The number and proportion of older people aged 65 and over in Hackney will rise steadily over the coming years reaching 23,426 by 2025 and 32,249 by 2037. Hackney has proportionally more older people of White British and Black Caribbean origin, but fewer from Other White, Asian or Black African communities. Nearly two thirds of older people in Hackney live in social housing, while 7% live in the private rented sector but this is expected to increase in the future ([Hackney Council's Ageing Well Strategy 2020](#)). Unemployment:

the number of unemployed 50-64 year olds doubled to 4055 last year (NOMIS 2021).

- 3.5 **Age:Children and young people in poverty:** An estimated 48% of children under 18 were living in poverty after housing costs (i.e. on household incomes of £14,000) (CPAG). Child poverty is more common in families where children are younger. The Free School Meals register is up from 32.2% to 35.2% - an increase of 777 to 12,064 in total in the October 2020 school census. The long term impact of the pandemic on children and young people is not, as yet, fully understood but we know more disadvantaged children likely to be more greatly impacted, and we have seen an increase in referrals to mental wellbeing services, particular tier 3 and crisis support.
- 3.6 **Disability:** 14.5% of Hackney residents have a long-term condition or disability
Mental health: The prevalence of depression in GP practices in Hackney was 10.25% (20,898 individuals) in 2011-12. Severe mental illness (SMI): Primary care data reports a prevalence of SMI of 1.3%, or 3,597 individuals. Special educational needs: 13.4% of pupils in Hackney in January 2016 received SEN support – this is slightly above the national average of 11.6% .
- 3.7 **Ethnicity:** Black Caribbean (7.8%), Black African (11.4%), Other Black groups (3.9%), Turkish Kurdish (5.6%) and White lower income groups face key inequalities in education, health and employment. (% of population in brackets from Census 2011).
- 3.8 **Religion-** Orthodox Jewish community-In 2011 the Orthodox Jewish community was estimated to comprise 7.4% of the Hackney population or around 17,600 persons. Interlink estimates growth of the Stamford Hill community at between 4% and 5% annually. 44% of the community are under 14 and 46% are in poverty.
- 3.9 **Social landlord/council tenants-**Nearly 45% of all households in Hackney rent from a social landlord. They tend to have higher unemployment and lower average incomes than people living in other tenures.
- 3.10 **Refugees and migrants-** We are responding to a global refugee crisis and London has seen an increase in asylum seekers even before the current refugee crisis.
- 3.11 The Council is aware that not all communities can be served through the VCS property portfolio. A relatively small number of VCS organisations have access to the portfolio and existing properties are not always used in the most effective ways.
- 3.12 The revised Policy cannot address all of these issues and it should be recognised that there is no statutory duty or requirement for the Council to provide or subsidise property for the VCS and that property is provided at a substantial cost to the Council.
- 3.13 The revised Policy does allow through the community agreement and the allocations criteria (which includes a focus on partnership working and using space more flexibly) for this investment to maximise the benefit for those communities that it is reaching. It puts a renewed focus on working with the most vulnerable in our communities and in addition, a focus on the role they play in the community that extends beyond the services they deliver.
- 3.14 Working more closely with the VCS tenant will give a better understanding of who organisations are reaching and identify the gaps. This will give the opportunity to advertise and let new properties in a targeted way.

- 3.15 Extensive engagement informed the VCS Strategy 2019 including a day-long workshop attended by a range of local VCS organisations followed by four open invite focus groups. A series of discussion papers were then developed and a series of five further workshops were held. Five key themes were then incorporated into the strategy, one of which is Property. The property section of the strategy has underpinned and informed this review of the VCS Property Portfolio and Lettings Policy review.
- 3.16 The VCS Strategy highlights the need for change in the way in which local organisations operate and work in partnerships with others. The Lettings Policy aims to encourage more collaborative and shared use of premises through flexible lease terms permitting subletting and hire of space, and by valuing collaborative arrangements when considering lease allocations. This approach, in what is a limited number of properties, will provide greater access to space for more VCS organisations and help enhance the financial sustainability of VCS tenants.
- 3.17 During the course of developing the new Lettings Policy document, consultation meetings have taken place with current tenants occupying VCS properties and with the wider sector via the sector's VCS Leadership Group coordinated by Hackney CVS with membership comprising senior managers of local VCS organisations. Within the Council, consultation has taken place across all council departments involved in asset management and those who commission services from VCS organisations.

4. Equality Impacts

What positive and negative impacts could there be overall, on different equality groups, and on cohesion and good relations?

- 4.1 The portfolio is occupied by VCS organisations that are making a significant contribution within Hackney. Our tenants include organisations such as East End Citizens Advice Bureau, Hackney Foodbank, Age UK East London, Hackney Caribbean Elderly Organisation, Literacy Pirates, Hackney Marsh Partnership, Beis Chana, Day Mer and Hackney and City MIND. Continuity and ongoing positive use of these assets in venues that are accessible for communities - contributes to cohesion and good relations.
- 4.2 **Benefits to the community**-VCS leases are allocated and agreed on the basis that the tenant will deliver services that benefit the local community and address local priorities and needs. This includes:
- Taking preventative and holistic approaches, for example working with families in poverty and affected by inequality, particularly racism
 - Building resilience and developing networks and pathways to support and independence, acknowledging when people need a lot of help as well as when to support them to develop support through their own networks
 - How they work with other community organisations to deliver preventative approaches for vulnerable people within their communities
 - How they play a role in their communities that extends beyond the services they deliver.

- How they address key inequalities, have 'reach', and are trusted by residents and communities and have the expertise to work with them, so that the most vulnerable people in our communities are protected and supported
- 4.3 **Partnership working-** Emphasis on partnerships and collaboration should facilitate wider access to these premises and the facilities for more community groups and organisations. In turn this should result in a richer and more varied service offer from these premises. This will also enable organisations to work together for greater reach and the ability to meet more of a person's need from one premises reducing the need for signposting and referrals.
- 4.4 The policy provides the ability to tailor applications and allocations processes so that they are more accessible for smaller organisations and groups when properties are available to let. This will help in attracting more applications from organisations who serve key vulnerable groups.
- 4.5 Better communication between tenant and Council and clearer way of monitoring and reporting benefits and impacts arising from the use of the buildings will benefit the community. It will support the viability and sustainability of VCS organisations and help them secure funding from other sources.
- 4.6 Policy allows flexibility over time to vary criteria and emphasis so that over time the policy can reflect the needs of the borough at a particular moment in time.
- 4.7 All of this activity will contribute to cohesion and fostering good relations between different groups by understanding and taking action on key inequalities and targeting groups that reach these communities in future lettings. This will help the Council's investment to maximise the benefit for Hackney communities.
- 4.8 The VCS Property Portfolio comprises a limited number of buildings (currently 46) and this therefore limits the space available to VCS organisations within the portfolio. There are a number of factors that limit the availability of space to VCS organisations who do not currently have access to accommodation and delivery space within the portfolio:
- The Council is committed to maintaining a portfolio of properties available to VCS tenants only. But the Council's ability to expand the portfolio is limited by the availability of properties and because this portfolio is maintained at a significant cost to the council.
 - Only 29 of the VCS properties are occupied on the basis of a VCS Lease, which is generally of up to 5 years in length. Others are generally occupied on the basis of a longer lease agreed prior to the introduction of the first VCS lettings policy in 2011. The latter group of properties are therefore unlikely to be available to let to new tenants during the lifetime of the Lettings Policy.
 - Under the new Lettings Policy existing VCS lease tenants, most of whom have been in occupation for over 10 years, will generally be offered a new lease. This reflects the need for stability and continuity of service delivery in a very challenging operating environment for the sector.
- 4.9 The factors in 4.8 above restrict the number of new VCS letting opportunities that might arise for VCS organisations who would like to secure a VCS Lease. However, the new Policy includes provision to widen access to space within the portfolio for more VCS organisations and groups.
- The Policy promotes shared, curated and collaborative use of premises and tenants approach to using the buildings in this way will be addressed in the allocations assessment process.
 - The Policy's allocations criteria and applications processes stress and value equalities impacts and inclusive approaches.

- The approach to marketing vacant premises will target smaller local VCS organisations when suitable properties are available to let.
- New community agreements and monitoring processes will give the Council a better understanding of what services and community impacts or benefits are being delivered from VCS portfolio premises. This Information can also be used to identify gaps in provision which in turn can be used to inform the focus of marketing and new lettings when new opportunities arise, in order to try and address those gaps.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

- 5.1 The recommended decision is to adopt and implement the new policy from April 2022.
- 5.2 The new Policy represents an incremental change from the 2011 Policy. This recognises the current challenges facing the voluntary sector and the Council and the consequent need for stability and continuity of arrangements for many of our VCS property tenants. The new policy aims to improve the use and management of the VCS properties by making sure that the VCS Lease terms, supporting processes such as lease applications and allocations, monitoring and reporting, all support the effective use of these assets in order to deliver local benefits.
- 5.3 Building upon the previous policy, the proposed new VCS Lettings Policy addresses the following issues:
- The Policy is clearly set within the context of wider strategic work to support VCS accommodation needs in Hackney.
 - The standard VCS Lease terms have been updated and also provide greater clarity regarding landlord and tenant responsibilities, for example in relation to maintenance and health and safety compliance. Lease terms include provision for rent reviews of the standard discounted VCS rent (currently £4 per sq.ft.).
 - The lease allocations processes have been updated and streamlined and the allocations criteria (see below) have been revised to ensure they will reflect the needs and priorities for the borough.
 - The Policy will promote and facilitate collaboration and partnerships and more shared use of our VCS premises. Flexibility will be provided through the lease terms so that tenants are able to sublet and to hire space on a sessional basis.
 - New Community Agreements between the Council and the VCS tenant will be introduced for all VCS Leases. These agreements will set out the purpose for which the building will be used and the community benefits to be delivered, they will form the basis of annual reporting and monitoring arrangements and regular communication between the tenant and landlord (the Council). This will allow us to better understand the impact of this investment on Hackney residents.
 - The Policy provides clarity on exceptional circumstances in which longer leases (over 5 years) may be considered.
- 5.4 All organisations seeking to secure a Standard VCS Lease will be required to demonstrate that they meet the *Lease Allocations Criteria* listed below before a lease is granted.

Lease Allocations Criteria:

- I. Demonstrate that services address local needs and priorities and align with ways of working as set out in the Council's Corporate Plan and the Voluntary and Community Sector Strategy 2019-2022.

- II. Set out why the building is required and show how it is suitable for the organisation and the delivery of the services described.
- III. Demonstrate a successful track record of managing and delivering services that have impacted positively on your service users and on the local community.
- IV. Show how you proactively promote equality, inclusion and diversity through your approach to governance, management and delivery of services.
- V. Evidence of a strong commitment to partnership working, and show how collaboration and partnerships will enhance the scope and quality of services.
- VI. Show that the organisation operates sound governance and management practices and set out a viable financial plan for the operation of the building and services.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	Maximising the community impact of what is delivered	Organisations to sign a community agreement which will set out the work they will do and the way of working that will bring benefits to the community	Maximise investment and use of space. Better services to the most vulnerable in Hackney. This will form part of the annual monitoring/continuous learning process.	Annual meetings starting in 2023. The community agreement contains a communications protocol which sets out when communication should happen outside of these meetings.	Joanne Blackwood
2	Improve information and evidence of the communities we serve	Ensure organisations have a good understanding of who they are reaching and how to maximise that, for example through partnership working.	Better understanding of who organisations are reaching and where the gaps are which will enable a targeted approach to future lettings. This will form part of the annual monitoring/continuous learning process. Closer working with Council and VCS colleagues will enable us to address these gaps as part of other strategic work	Annual meetings starting in 2023.	Joanne Blackwood

3	Targeting underserved communities	<p>Through encouraging partnership working and sharing space.</p> <p>Targeting underserved communities when new lettings arise</p>	<p>VCS portfolio over time will be more representative of Hackney's diverse communities.</p> <p>This will be monitored as part of the annual review process and inform how new lettings are marketed</p>	<p>Start collecting data and dialogue with tenants as part of setting community agreements.</p> <p>20 Community agreements to be concluded in June 2022.</p>	Joanne Blackwood
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<p>TITLE OF REPORT - Hackney's Poverty Reduction Strategic Framework</p> <p>Key Decision No - CEDSO63</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>CABINET MEMBERS</p> <p>Philip Glanville, Mayor of Hackney Cllr Carole Williams, Cabinet Member for Employment, Skills and Human Resources</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Affects two or more wards</p>	
<p>GROUP DIRECTOR</p> <p>Mark Carroll, Chief Executive</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Life in Hackney can be a very different experience, depending on who you are and what resources you have. Despite visible affluence, there remains a high proportion of residents who live on lower incomes, and at the time of finalising this framework, even more people are falling into this group.
- 1.2. Poverty can have a very damaging effect on individuals and families. Poverty can cause poor physical and mental health, affect a child's development and educational attainment and lead to a person feeling excluded from society. Poverty affects everyone, leading to higher public spending on the benefits system and health service. Poverty limits economic performance because of lower productivity and reduced demand for goods and services. It can also contribute to wider social problems such as crime and reduced social cohesion.
- 1.3. This strategic framework sets out the Council's approach to poverty reduction and how we aim to do this. The framework is the first time Hackney Council has developed a poverty reduction strategic framework for residents of all ages in recent years and builds upon previous work focussed on child poverty¹. The Council is ambitious about poverty reduction and doing what we can to improve people's lives, however, we recognise there are limits to what we can do alone. As well as working with partners we will be clear about what we need from others, including central government, to make progress and hold others to account for the impact of their decisions. The benefit cap, two-child limit for tax credits and adequate funding to provide free childcare entitlement at the local level are all examples of this. We will also measure our actions to understand their impact on poverty reduction and learn from what we do. We will make sure that the actions we take are based on the best available evidence² and contribute to wider learning about what works for residents.
- 1.4. Before the pandemic, the Council was concerned about the ways that the benefits system, housing costs and low wages had driven up levels of poverty and specifically in-work poverty. In 2018, tackling poverty was adopted as a priority for the new administration, alongside shaping a more [inclusive economy](#). By the time the pandemic had started, improvements were underway to provide a more co-ordinated approach to those in poverty. We had just worked with the Hackney Food Justice Alliance to adopt a [Food Poverty Action Plan](#), we were working closely with advice providers to make sure their support was more connected and person centred and we had committed £500,000 in 2020/21 to develop poverty related support. This gave us the preparedness, during the pandemic, to support residents in poverty impacted directly and indirectly by the pandemic. In 2021/22 a further £500k was invested to develop the work further and this framework summarises how we have used this investment.

¹ Child and Family Wellbeing Plan 2016-18, Hackney Council, 2016 [Link](#)

² UK Poverty: Causes, costs and solutions, JRF, 2016 [Link](#)

- 1.5. Throughout this time, the Council has kept in mind how we developed the long term cross sector partnerships we know we will need as we come out of the pandemic. This practical, granular work has been used to develop the poverty reduction framework; throughout the framework, case studies are used to bring to life what we have done.
- 1.6. It has now been two years since the pandemic began and leading organisations like the Resolution Foundation³ and Institute for Fiscal Studies⁴ are predicting further reductions in household income when it is already estimated half of children are already in poverty after housing costs. In Hackney 48% of children are estimated to be in poverty, after housing costs are taken into account. The challenge is considerable but must be addressed and we believe with the right action in both the immediate and longer term we can make a real difference to the lives of our residents.
- 1.7. It is not the responsibility of one cabinet member or department to progress this framework. The Cabinet Member for Employment Skills and Human Resources who is also the lead for Policy and Equality has worked alongside a number of cabinet members throughout the development of the framework. This has ensured close oversight from cabinet members responsible for Finance; Health, Adult Social Care, Voluntary Sector and Leisure; and Families, Early Years, Parks and Play.
- 1.8. The Government has recently launched a White Paper on Levelling Up. The paper focuses on regional inequality, and on levelling up other regions to be more economically successful. Hackney and London may fare better economically, relative to other parts of the country, but London has a higher proportion of people living in poverty than any other region. Although the White Paper does reference the need to look at London's unique situation, it also signals changes to housing and resourcing that could make poverty and inequality far worse. The detail behind the White Paper is yet to be shared, and specific consultations will follow on the Shared Prosperity Fund, Levelling Up Advisory Committee and the missions and measures that will become enshrined in law. The Poverty Reduction Framework provides the evidence base and business case to advocate for the needs of Hackney and London, for fair levels of resourcing and for an approach that looks at people in poverty as well as more deprived places.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. Poverty Reduction has been a key priority throughout this administration, and was identified in the development of our long term vision, as articulated in the Community Strategy 2018-2028 and it is one of the Equality Objectives adopted in the Single Equality Scheme.

³ The Big Squeeze, Resolution Foundation, September 2021 [Link](#)

⁴ The Cost of Living Crunch, Institute for Fiscal Studies, January 2022 [Link](#)

- 2.2. The poverty reduction strategic framework is closely related to Hackney's Inclusive Economy Strategy 2019-2025 which aims to create a strong and more inclusive local economy. The strategy takes a broader approach to more traditional approaches to local economic development, for example by focussing exclusively on job creation and investment, and looks at the quality of such jobs such as paying the London Living Wage, who can access them and how residents feel about the local economy. The poverty strategic framework being developed in the wider strategic context is recommended as best practice by Joseph Rowntree Foundation.
- 2.3. The development of the strategic framework started just before the pandemic began in acknowledgement of the scale and worsening of the problem. For example, there was evidence that both child poverty and pensioner poverty had risen in recent years. The issue of in-work poverty also represented a significant change in the nature of poverty. The most obvious examples of financial difficulties were demonstrated through a growing demand for food support. In 2019 Hackney Council worked in partnership to develop a food action plan to respond to this particular issue.
- 2.4. The effects of the pandemic make the need for action even more urgent. The impacts have not been evenly distributed and that lower income families and individuals are more likely to have lost their jobs and to have got into household debt. There is also evidence that children and young people from lower income families will be more affected by school closures caused by the lockdowns which could lead to longer term and even lifetime disadvantage.
- 2.5. At the start of 2022 there is widespread expectation that this year will see a squeeze on living standards due to rising inflation as well as tax and national insurance changes. As a result more residents are likely to find themselves struggling to pay their bills and make ends meet.
- 2.6. This framework identifies **the importance of early years** to improve life chances for children. It advocates for **an early help approach for all ages**, so that the Council can work with others to try to prevent crisis points and needs becoming more complex. The framework identifies how the Council will work with partners to improve **the crisis support** that is available when things go wrong, because people on low incomes have no financial safety net. It **makes the connection between crisis support and early help**, because the request for help is likely to be an indication of greater need. It does this by providing frontline workers with the resources to offer follow up help and support. The framework highlights the impact of the **external drivers of poverty**, including low wages and housing costs, which drive up the cost of living. It sets out what the Council is doing to intervene in these markets, whilst being honest about the limitations. It sets out how the Council will firstly support **residents on low incomes to maximise their income and secure better jobs. It makes the case for shaping the labour market by** attracting sectors that offer better quality jobs and creating more inclusive and accessible pathways into these jobs, as well as

working with local employers to improve terms and conditions and pay London Living Wage. The framework sets out what we are doing to **increase affordable housing supply**, but is honest about what is possible, given the local housing market and national policy.

- 2.7. This is all underpinned by a focus on **improving ways of working** and valuing and supporting frontline workers, so that, whenever the Council comes into contact with someone on a low income, we work with empathy and compassion and support the whole person. We work with all of their needs, not just the presenting issue, but also all of the strengths and resources they have around them.
- 2.8. The framework sets out five interconnecting areas of focus that allow us to mitigate the immediate impacts of poverty through better crisis support, whilst putting in place the longer term work needed. This focuses on early years and early help and addressing the external drivers of poverty, like low wages and housing costs. The framework is underpinned by ways of working which can have an immediate positive impact on crisis support, whilst also helping us work more preventatively in the longer term.
- 2.9. The framework has been developed through a comprehensive poverty evidence base. The framework and its outcomes have been informed through close collaboration with frontline staff, council services and partners. Analysis of poverty strategies from other local authorities, the Scottish and Welsh Government and Hackney's previous work on child poverty has also contributed to the development of the framework.
- 2.10. Once approved the framework will be accompanied by a delivery plan with council services and a range of strategic partners including local community groups. This will highlight the key milestones and what needs to be prioritised in the first year. There are a set of measures in the framework which will help us understand poverty and the impact the framework is having. The action plan will take these measures of impact as its foundation.

3. RECOMMENDATION(S)

- 3.1. **That Cabinet adopts the Hackney Poverty Reduction Strategic Framework**

4. REASONS FOR DECISION

- 4.1. The Poverty Reduction framework has five areas of focus. Through these areas, the framework addresses both the immediate needs of people in poverty now and longer term actions which will prevent poverty for people in the future. Focusing exclusively on responding to the needs of those in poverty today would lack the ambition to reduce poverty while focussing only on longer term factors would neglect the needs of people in the here and now who are struggling financially.

The areas of focus

1. Prevention, early years and early help

Aim: to focus on prevention, early years and early help for all ages, as a key way to improve life chances and tackle poverty.

2. Tackling low wages and cost of living

Aim: to take actions to address low wages and the cost of living, as key drivers of poverty in London.

3. Responding to the material needs of poverty

Aim: to better meet people's immediate material needs and offer more preventative help.

4. Prioritising poverty reduction across the system

Aim: to ensure poverty reduction is a priority across the system

5. Ways of working

Aim: to help people on low incomes address all the issues which matter, not just the presenting issue.

Why the Council has developed a poverty reduction strategic framework

- 4.2. Poverty Reduction has been a key priority since 2018, and was identified in the development of our long term vision, as articulated in the Community Strategy 2018-2028 and it is one of the Equality Objectives adopted in the Single Equality Scheme. As well as there being a clear evidenced case for tackling poverty residents from all backgrounds have consistently told us, over the last five years, that they wanted there to be more of a focus on poverty and responding to those struggling to access the benefits of London's economy.
- 4.3. The poverty reduction strategic framework is closely related to Hackney's Inclusive Economy Strategy 2019-2025 which aims to create a strong and more inclusive local economy. Hackney's Inclusive Economy Strategy 2019-2025 was approved in November 2019. The Strategy sets a new direction for local economic development by combining a focus on economic performance with community development and social inclusion. This shows that as well as creating a strong economy we want to ensure that residents are able to benefit from the local economy, access opportunities, and shape decisions.
- 4.4. The poverty reduction strategic framework is an opportunity to provide a focus and sharpen our attention on the needs of lower income residents. The Joseph Rowntree Foundation recommends as good practice that local authorities develop a local economic development strategy, focussing on

inclusion as well as economic performance, alongside a poverty reduction strategy.

- 4.5. In addition to the Inclusive Economy Strategy the poverty reduction strategic framework also interacts with and builds off a number of other areas of work. For example, the current framework is the first poverty strategic framework for all ages in Hackney but has been informed by previous work on child poverty, as set out in the Child and Family Wellbeing Plan 2016-2018. The poverty reduction strategic framework has also been informed by and will support Hackney's food action plan developed in 2019.

How the Council developed the poverty reduction strategic framework

- 4.6. The first step in the strategy development was agreeing a set of key lines of inquiry for the poverty reduction strategic framework. This was done by drawing on the Local Economic Assessment which had been carried out for the Inclusive Economy Strategy, existing work on poverty reduction, including the Child and Family Wellbeing Plan 2016-18, a review of other poverty strategies from other organisations including Salford Council, Cambridge City Council, Tower Hamlets, the Scottish Government, and the Welsh Government. We also undertook a brief literature review of the best available evidence on poverty reduction in the UK. This drew heavily on work from organisations like the Joseph Rowntree Foundation (JRF)
- 4.7. Key lines of inquiry were developed that were firmly based on a framework used by JRF which looked at poverty according to the following drivers:
- Market forces (e.g. labour market, housing market, childcare)
 - The State (e.g. benefits system)
 - Individual risk factors (e.g. disability)
 - Socio-economic factors (e.g. ethnicity, gender)
 - Life events (e.g. retirement, bereavement)
 - Protective factors (e.g. family support, strong communities)
- 4.8. These drivers were agreed by Directors and Cabinet leads in October 2018, along with a paper setting out the case for a "multi-dimensional approach". This proposed we should have a focus on mitigation and alleviation of poverty as well as tackling the long term drivers of poverty, for the following reasons:
- Taking a singular approach that seeks to lift a specific cohort out of poverty, for example, can be practical and tangible, but it can lead to simplistic responses which are ineffective or unsustainable on their own.
 - The proposed approach can strengthen existing activity that seeks to tackle specific inequalities, adding a strong poverty reduction focus to this existing work e.g. to address labour market disadvantage for disabled people, to tackle inequalities for young black men.

- Given limited resources and the limited impact the Council can have within a wider system, this work will help determine what we prioritise to have an impact.
- The approach helps instil a culture and approach which embeds poverty reduction and economic wellbeing, as well as new ways of working. This includes with regards to those who are in contact with multiple services, and are in a cycle of homelessness and destitution.

The paper highlights the interdependency with inclusive growth, and identifies the opportunity to consider how growth and change might bring benefits but also exacerbate poverty and lead to higher rates of stress, anxiety and mental illness. The approach encourages looking to the future, given the trend in the labour market towards insecure employment, wage stagnation, the growth in the private rented sector and the income and housing inequalities experienced by younger generations.

- 4.9. We then developed a full evidence base for Hackney in 2019 according to these key lines of enquiry. We also agreed on our working definition for poverty based on the 2014 JRF definition: 'When a person's resources (mainly their material resources) are not sufficient to meet their minimum needs (including social participation)'
- 4.10. During this time, the Council also worked with Hackney Food Justice Alliance to undertake a review of Food Poverty and completed a Food Poverty Action Plan early in 2020. The plan synthesised data on need with residents' lived experience of poverty and stakeholder perspectives and highlighted the need for greater coordination of emergency support and advice and joined up with preventative work. The actions in the plan are now reflected in this framework.
- 4.11. In early 2020 we completed a comprehensive mapping and gapping of what the Council was already doing (including with partners) against these lines of enquiry. This was informed by staff engagement, as well as attending senior management meetings.
- 4.12. The start of the pandemic in the UK in March 2020 affected the course of development of the framework as the first national lockdown was implemented. The research and engagement we had completed up to this point helped the council understand the issues which might affect people beyond the primary health and economic impacts and this informed the Council's pandemic response from the very beginning as well as the Community Impact Assessment which was updated on a weekly basis during the first six months of the pandemic.
- 4.13. An early working version of the framework was agreed in September 2020. A Poverty Reduction Network was established to drive the work needed within Council services further. The intention was always to keep the framework

flexible and adaptive to the changing circumstances of the pandemic.
Drafting of a full written framework began in October 2021.

The areas of focus

Long term prevention	Tackling market drivers	Mitigation
1. Prevention, early years and early help	2. Tackling low wages and cost of living	3. Responding to the material needs of poverty
Aim: to focus on prevention, early years and early help for all ages, as a key way to improve life chances and tackle poverty.	Aim: to take actions to address low wages and the cost of living, as key drivers of poverty in London.	Aim: to better meet people’s immediate material needs and offer more preventative help.
Strategic objective: to support children and families in a child’s early years and to provide early help to prevent crisis points and needs becoming more complex as someone gets older.	Strategic Objective: to maximise opportunities for affordable housing and good quality employment, making the case for national policy change when needed.	Strategic Objective: to develop a more coordinated emergency support and advice offer, with more preventative help, and to make the case for a better benefits system.
We will focus on identification and prevention of harm, escalation of need and crisis by strengthening our early help offer for residents of all ages.	We will take long term action to address what is driving poverty in London, specifically low wages, housing costs and the cost of living.	We will take action in response to the direct material needs of people already experiencing or at risk of experiencing poverty and destitution.
Cross cutting		
<p>4. Prioritising poverty reduction across the system Aim: to ensure poverty reduction is a priority across the system Strategic objective: to ensure the needs, drivers and impacts of poverty are understood and that responses are embedded into key strategy We will influence the whole system so we are better able to tackle poverty because poverty is a complex issue which cuts across many other areas.</p>		

5. Ways of working

Aim: to help people on low incomes address all the issues which matter, not just the presenting issue.

Strategic Objective: To offer training, support and resources to all staff across sectors so they can work with residents in a strengths based way.

We need to look at how all services that come into contact with residents understand the impact of poverty and the approaches that are needed to work preventatively and in a strength based way. This work has already started during the pandemic and will be a priority to continue in the first year of this framework to build momentum, and because it underpins the other areas of focus.

Outcomes Measures

- 4.14. Our approach to measurement and evaluation has three parts to it:
- Direct measures of poverty and our aspirations for poverty reduction
 - Wider contextual indicators
 - Success measures for delivery for the council and partners
- 4.15. In addition to monitoring direct measures of poverty and wider contextual indicators we will also measure and evaluate how our own activities are reducing poverty. These outcomes will need to be linked to those who are most in poverty and explain how actions respond to their needs.

Delivery

- 4.16. The framework is designed to be a live document which is flexible and adaptive to changing circumstances. Although accountability for the framework will sit within the Council, the framework will also guide partnership working.
- 4.17. The framework will be driven by Hackney's Corporate Leadership Team, which includes the Chief Executive and Group Directors. Directors will report to Cabinet Leads identified as leads for poverty reduction, who directly report to the Mayor.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 There is no legal requirement on local authorities to develop a poverty reduction strategy or framework. There used to be a legal requirement focused on child poverty but this is no longer the case.
- 5.2 Poverty Reduction has, however, been a key priority throughout this administration, and was identified in the development of our long term vision, as articulated in the Community Strategy 2018-2028 and it is one of the Equality Objectives adopted in the Single Equality Scheme. As well as there

being a clear evidenced case for tackling poverty base, consultation for the Community Strategy and Equality Scheme showed that residents from all backgrounds have consistently told us, over the last five years, that they also wanted there to be more of a focus on poverty and responding to those struggling to access the benefits of London's economy.

5.3 JRF (Joseph Rowntree Foundation), a leading organisation on poverty and low income in the UK, recommends that local government develops a local economic development strategy with a focus on inclusion and accompanies this with a focus on poverty reduction which we have sought to do through this framework and the Inclusive Economy Strategy adopted in 2019.

5.4 The other options which were considered were to:

Do nothing: this was rejected because poverty reduction is an identified priority based on a clear evidence base about levels and impacts of poverty

Rely on delivery of the inclusive economy strategy, focusing on building prosperity through education, skills and good employment: this was rejected because we wanted to respond to the clear evidence base around taking action in early years to improve life chances and earlier help for people of all ages. We also wanted to improve support that responds to material impacts of poverty because people struggling with money today cannot benefit from any of the wider actions if they are struggling to meet basic needs, and the risk is that they become more vulnerable.

Adopt a more singular focus, for example prioritising early help and intervention, or employment and skills or lifting one group out of poverty. This was rejected because a decision was taken in October 2018 to take a more multi-dimensional approach and the reasons for this are set out under 4.9.

Adopt a full strategy rather than a framework. This was considered and rejected in 2020. The reason was because we were in the midst of a second wave of the pandemic and had consciously decided to build a pandemic response for those in poverty who were impacted directly and indirectly by the pandemic, that would develop the longer term system of support needed in communities to tackle poverty. This was adopted as a principle in the pandemic response plans for wave 2. By developing a framework, we were able to draw on an agile, responsive framework to deliver the pandemic response that could be tested and developed further during the pandemic. A decision was then taken in summer 2021 to develop the framework further and publish it as a working policy framework for 2022 onwards.

6. BACKGROUND

6.1. Policy Context

- 6.2. In 2010 the Government, with cross-party support, made it a legal requirement as part of the Child Poverty Act 2010 for governments to have a child poverty strategy. This legal requirement was accompanied with a set of targets to reduce child poverty by 2020.
- 6.3. In 2016 the Government abolished the legal requirements set out under the Child Poverty Act 2010 with the Welfare Reform and Work Act 2016. This removed targets for poverty reduction and set new statutory measures associated with the number of children living in workless households and educational attainment at GCSE for disadvantaged young people (this includes young people eligible for Free School Meals).
- 6.4. Despite the changes to child poverty, from a statutory perspective, data is published annually which gives estimates of children living in poverty as part of the Households Below Average Income data release from DWP.
- 6.5. The Scottish Government replicated similar statutory targets to the Child Poverty Act 2010 in its Child Poverty Act (Scotland) 2017. The Welsh Government has similarly maintained a focus on child poverty and continues to have a strategy and publish progress updates against overall targets. Consequently, England is in the unusual position of having some related measures on statute (e.g. workless households) but having no overall statutory poverty targets, even for child poverty, and reporting quite comprehensive poverty data on an annual basis for all ages.
- 6.6. The recent Levelling Up White Paper is grounded in a wide understanding of what is needed in communities to bring about economic prosperity-including the social as well as economic dimensions (safety, health and wellbeing). Tackling poverty, or focusing on people in poverty (as opposed to places) is not part of the missions or measures proposed and there is a concern that policies proposed around housing and resources could disadvantage Londoners.
- 6.7. At a regional level the London Recovery Board is taking a lead in recovering from the effects of the pandemic. The Board is chaired jointly by the Chair of London Councils, Georgia Gould and Mayor of London, Sadiq Khan. The aims of the board are to reverse the pattern of rising unemployment and lost economic growth, support communities, including those most impacted by the virus, help young people to flourish with access to support and opportunities, narrow social, economic and health inequalities and accelerate delivery of a cleaner, greener London. One mission set out by the London Recovery Board relates to the creation of a Robust Safety Net. This mission sets out that: By 2025, every Londoner is able to access the support they need to prevent financial hardship. This mission specifically makes

reference to local welfare assistance, food support and debt services as services key to achieving this mission.

- 6.8. At the local level Hackney Council has previously set out a strategic approach to child poverty. In 2014 Hackney Council undertook an extensive evidence needs assessment at the local level. This informed strategy development and a set of principles for child poverty reduction. This approach was refreshed in 2016 with the publication of the Child and Family Wellbeing Plan 2016-2018.
- 6.9. In 2019 Hackney Council adopted its [Inclusive Economy Strategy 2019-2025](#) which sets out its approach to building a strong and inclusive local economy. This strategy sets out how the council sees overall economic performance and social and community inclusion as integral to economic success.
- 6.10. The Council's [Community Strategy for 2018-2028](#) sets out a vision for Hackney over the ten year period. Residents from all backgrounds and income groups are concerned about the fact that some sections of the community are excluded from the economic changes that we have seen in the borough and are concerned about poverty and the growing inequality. Our response was to focus Hackney's Community Strategy on five cross-cutting priorities:
- A borough where everyone can enjoy a good quality of life and the whole community can benefit from growth
 - A borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life
 - A greener and environmentally sustainable community which is prepared for the future
 - An open, cohesive, safer and supportive community
 - A borough with healthy, active and independent residents

6.11. **Equality Impact Assessment**

Supporting Hackney's equality objectives

- 6.12. Before the pandemic, the Council was focused on tackling key inequalities by making this front and centre of the way services were delivered, as well as through work that focused on specific groups facing inequality. The [Single Equality Scheme 2018-2022](#) was developed to identify the proactive work needed, informed by a [detailed analysis of demographics and of inequality](#).
- 6.13. The analysis considered inequality by socio economic disadvantage. This is in line with the Council's voluntary adoption of the socio-economic duty, when it was dropped from the Equality Act by central government, before the Act was adopted in 2010. It is also in line with the intersectional,

structural and systemic approach that we take to tackling inequality, considering all of the drivers of inequality in the round. The scheme responds to this approach by articulating how poverty was a key driver of inequality. A significant part of progressing the scheme, and of tackling inequality, is therefore through the commitment to poverty reduction and to shaping a more inclusive economy

- 6.14. The scheme also recognises that poverty is linked to structural disadvantage and discrimination and the actions needed to build tolerance and understanding of diversity. This is underpinned by the final priority to build a cohesive and inclusive borough. The scheme adopted two enabling objectives to embed prevention into service delivery and promote a culture of inclusive leadership. The focus on both of these enabling objectives has sharpened during the pandemic. The framework builds on the objectives in the single equality scheme, progressing actions needed under the first objective, focusing on those who are structurally disadvantaged and most likely to be in poverty, promoting cohesion as a result of this , because tackling poverty and key inequalities are cornerstones of how you build cohesive communities. The Ways of Working area of focus in the framework strongly supports the two enabling objectives of the Single Equality Scheme, focusing heavily on how we embed prevention into service provision and making a strong connection between the way we work and the positive impact we can have on residents.

The poverty reduction framework highlights the groups who are most at risk of poverty so that we can take a strengthened focus across the system to supporting these groups

- 6.15. The poverty reduction framework is underpinned by a detailed evidence base considering the groups who are most likely to be at risk of poverty and the drivers of poverty. As this evidence base was already under development at the beginning of the pandemic, we were able to use this analysis to shape the pandemic response. In March 2020, a [Community Impact Assessment](#) was established, so that the likely direct and indirect impacts of the pandemic in the short, medium and long term could at least be understood, in advance of the official data. This has been informed by national, regional and local intelligence, both quantitative and qualitative. This assessment has helped us understand likely impacts and actions needed and informed our pandemic response and what is needed in the longer term to tackle poverty and inequality.
- 6.16. This has led to the development of more extensive and inclusive ways to reach and support communities. The pandemic has, as we expected, had a differential impact on communities, nationally and locally, and groups whose outcomes were more likely to be worse have been hit hardest. It is too early to reliably look at data and assess the full impact that the pandemic might have had on outcomes, and whether the actions taken, have, in any way, mitigated against this. This work gives us a much better understanding of the

preventative work needed and of how to work in partnership to best deliver this work. The framework now takes this work forward.

The Poverty Reduction Framework is informed by a strengthened position on anti-racism

6.17. The commitment to anti-racism, adopted in July 2020, was an important public statement that responded to the impacts of the pandemic, the murder of George Floyd and the growing Black Lives Matter movement. It was built on the foundation of Hackney's Improving Outcomes for Young Black Men Programme. Being an anti-racist organisation is about tackling much more than conscious hatred and grappling with racism that is far more embedded in society. By structural racial inequality, we mean the inequality that is created by the social structures that disadvantage some groups more than others, now and historically. We need to continue to work with partners proactively to redress this balance. This does not mean always treating everyone equally, it means that sometimes people need more support or focus because they are more disadvantaged. By systemic racism, we mean the ways that systems can discriminate through often covert and unchecked prejudice, assumptions, ignorance, thoughtlessness and stereotyping about people from different ethnic minority backgrounds. The poverty reduction framework is informed by this approach. It sets out the need to identify groups who are most likely to need early help and intervention, to improve life chances. It sets out a way to continue to build partnerships to respond to material impacts of poverty that have good reach into all sections of the community.

6.18. Sustainability

6.19. Climate change will impact residents in poverty more than others, globally and locally. Most of the major changes that are needed to avert the climate crisis require structural changes to be achieved. Moving to a climate neutral economy, protecting biodiversity and transforming local food systems has the potential to rapidly deliver jobs, growth and improve the way of life of all citizens. The Poverty Reduction Framework has been developed in parallel to the early development of a new climate action plan which is due to be adopted later in 2022. We are ensuring that the understanding of poverty in Hackney is centred in the approach to climate change:

- through the mitigating actions that will be needed in response to the impacts of climate change, for example rising fuel and food costs, the costs of adapting homes for decarbonisation and the changing labour market
- through changes that improve air quality and quality of life, and counter the urban heat island effect. These changes will particularly benefit those in overcrowded housing with no outdoor space, who are more likely to be on low incomes.
- through shaping a green economy which is also an inclusive economy and creates new job opportunities

- through taking action to develop a local food system which is accessible and affordable and healthy, including making the local food poverty response as sustainable as possible by using local organisations and volunteers, co-ordinating food waste and developing local food systems, by working with local growers and developing food cooperatives.

6.20. Consultations

There is no legal requirement to produce a poverty strategic framework and has been a choice made by Hackney Council. As a strategic framework rather than a full formal strategy we have not run a formal public consultation. However, the framework has been shaped through extensive engagement with relevant partners and services and engagement events.

External

2019/2020 Formative work that shaped the framework:

- Lived experience interviews with residents in food poverty as part of developing the food poverty plan in 2019
- Stakeholder engagement to develop the food poverty action plan in 2019
- Sessions with frontline staff and management teams
- Ongoing community partnership and food network meetings throughout the pandemic

2021/2022 Discussion of the framework:

Hackney's Food Network which has a membership of around 60 organisations providing the local food poverty response

Advice Network with a membership of leading local advice providers

Council Poverty Network of around 30 key council services and some partner organisations working on poverty and related issues including adult social care, children's social care, housing management, and financial inclusion.

The work has also been shared with members of the Audit Committee and this was reported on in a public report in January 2022. The work was discussed at the Scrutiny Chairs Panel in February 2022.

As a result of this engagement, we have made the following changes and amendments:

Focus and needs

- Referenced more specifically, the needs of rough sleepers and single homeless men Explaining and framing the work

- Referenced Hackney's past work on poverty more fully, particularly child poverty
- Referenced evidence base for what works in terms of programmes and social policy
- Included case studies for each focus area to illustrate the work with practical examples Developing the delivery plan
- Developed a timeline for delivery over the eight years and broken this down into immediate, medium term and long term timeframes and how these will relate to one another
- Moved the delivery and governance section higher in the document

6.21. **Risk Assessment**

The term poverty can be interpreted as too technical, especially when referring to 60% of median income which is the standard international measure. This can be limiting in terms of the open conversation we want to have about such issues. As a result, we also refer to residents on a lower income and struggling financially.

There is a related risk that talking about poverty reduction could be seen as too negative and not focussing on prosperity and a good standard of living. However, it should be noted that the focus on poverty reduction was in acknowledgement to consultation with residents and residents explaining they thought that Hackney was sometimes too positive and not open about some of the difficulties many residents face.

There is a risk that the framework is seen as not fully addressing issues such as housing supply and employment and skills adequately as well as area regeneration. These are issues that already have delivery structures attached to them and strategies such as the Housing Strategy and Inclusive Economy Strategy. Explaining the relationship between the framework and these structures and the added value of the framework for work going on in other areas is key to this and why we have a section specifically on links to other strategic areas.

There is an overall risk that poverty will worsen locally because of the way structural inequality and market forces are making lives worse, increasing living costs and driving down wages. What we can influence locally is limited and so adopting a framework can build expectations or make the Council seem naive .

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 The recommendation of this report is to approve the Hackney Poverty Reduction Strategic Framework . The proposed Strategic Framework sets out the Council's approach to poverty reduction and builds upon previous work focussed on child poverty.

7.2 There are no direct financial implications emerging from the approval of the Hackney Poverty Reduction Strategic Framework. However, it is planned that once approved the framework will be accompanied by a delivery plan with Council services and a range of strategic partners including local community groups. Actions arising from the development of this plan will need to be developed in the context of the significant financial challenges facing the Council and contained within existing budgets.

8. VAT Implications on Land & Property Transactions

None

9. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE SERVICES

9.1 As has been stated earlier in this report, there is no legal requirement placed on the Council to produce a poverty strategic framework.

9.2 The recommendation in paragraph 3.1 of this Report is a key decision under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it is an executive decision, which is likely (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority. Key decisions can be made by Cabinet under Article 13.6 of the Constitution. Therefore this Report is being presented to Cabinet for approval.

APPENDICES

Appendix 1 - Poverty Reduction Framework

EXEMPT

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

HMT Cover note Poverty Reduction October 2018

Poverty Evidence Base - 201

Strengths and Gap Analysis - Feb 2020

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Poverty Reduction: Strategic Framework 2022-2026
February 2022

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Introduction: Poverty in Hackney

Life in Hackney can be a very different experience, depending on who you are and what resources you have. Despite visible affluence, there remains a high proportion of residents who live on lower incomes. At the time of finalising this framework, leading organisations like the Resolution Foundation¹ and Institute for Fiscal Studies² are predicting further reductions in household income, when it is already estimated that a third of Hackney households and half of children are already in poverty after housing costs.

Poverty can have a very damaging effect on individuals and families. It can cause poor physical and mental health, affect a child's development and educational attainment and lead to a person feeling excluded from society. Poverty affects everyone, leading to higher public spending. Poverty limits economic performance, because of lower productivity and reduced demand for goods and services. It can also contribute to wider social problems such as crime and increased community tensions.

This strategic framework sets out the Council's approach to poverty reduction and how we aim to do this. This is the first time in recent years that Hackney has developed a poverty reduction strategic framework for residents of all ages and builds upon previous work focussed on child poverty.³ The framework was designed based on the best available evidence of what works⁴ and on a detailed review of needs which will be published alongside the framework.

Before the pandemic, we were already concerned about the ways that the benefits system, housing costs and low wages had driven up levels of poverty and specifically in-work poverty. In 2018, tackling poverty was adopted as a priority for the new administration, alongside shaping a more [inclusive economy](#). By the time the pandemic had started, improvements were underway to provide a more co-ordinated approach to those in food poverty and to improve support offered by advice providers. We had also committed £500k in 2020/21 to develop poverty related support and tackle key inequality. This meant we were better prepared to support residents in poverty who were impacted directly and indirectly by the pandemic. In 2021/22 a further £500k was invested to develop the work further and this framework summarises how we have used this investment.

Throughout this time, we have kept in mind how we developed the long term cross sector partnerships we know we will need as we come out of the pandemic. This practical, granular work has been used to develop the poverty reduction framework; it is not theoretical and throughout the framework, case studies are used to bring to life what we have already done.

Whilst we are ambitious about doing what we can do to have an impact on people's lives, we recognise there are limits. We are also realistic about whether we can impact on overall poverty rates in the face of so many external forces working against residents, including the

¹ The Big Squeeze, Resolution Foundation, September 2021 [Link](#)

² The Cost of Living Crunch, Institute for Fiscal Studies, January 2022 [Link](#)

³ Child and Family Wellbeing Plan 2016-18, Hackney Council, 2016 [Link](#)

⁴ UK Poverty: Causes, costs and solutions, JRF, 2016 [Link](#)

emerging cost of living crisis. Moreover, we do not want to bring poverty rates down by seeking to change the tenure mix, when Hackney has worked so hard to protect its social housing stock. Any available social housing goes to residents who are in greatest need. This alone means Hackney will, in the near future, be home to a large proportion of people on low incomes. The framework sets out measures of success based on an honest assessment of what is possible and where we can have an impact.

As well as working with partners we will be clear about what we need from others, including central government, to make progress and hold others to account for the impact of their decisions. The benefit cap, two-child limit for tax credits and adequate funding to provide free childcare entitlement at the local level are all examples of this. The Government has recently launched a White Paper on Levelling Up. The White Paper focuses on regional inequality, and on levelling up other regions to match London's economic success. London, however, has a higher proportion of people living in poverty than any other region so we need a Levelling Up approach that does not disadvantage Londoners. This framework will provide the evidence base and business case to advocate for the needs of Hackney and London, for fair levels of resourcing and for an approach that looks at people as well as places.

Summary of Hackney's approach

The causes and effects of poverty are varied and complex and the Council's response reflects this. For example, Hackney has high rates of both child and pensioner poverty, however, the causes of this and therefore the solutions needed will be different.

Similarly, the framework strikes a balance between meeting the immediate needs of people already in poverty whilst working towards preventing poverty for future generations. Early in the development of this framework, a conscious decision was taken to adopt this multi-dimensional approach. This was based on the nature of poverty in the borough and on evidence of what works and a review of the approach being taken in other areas. Focusing solely on actions that lift the next generation out of poverty would have ignored the impacts of poverty now, on a very significant proportion of residents. Actions to improve lives will be ineffective if people's basic needs are not met, and we miss opportunities to intervene before a crisis. Conversely, focusing resources solely on those in material needs now is unsustainable, and would fail to have the wider impact and influence we need to have across the system. It would also miss opportunities to take action that shapes a better future, either through focusing on early years, preparing people for the jobs of the future or coming up with housing innovation. How we work is also important. We need to support frontline workers so that they can take a more holistic and compassionate approach to meeting a person's needs in order to offer more effective help.

What we can do locally cannot however match the scale of the challenge. We will also continue to make the case for a benefits system which provides an adequate safety net and helps people into work; ensuring children have access to early years education and care; calling for investment in social housing; and an end to unfair no recourse to public funds conditions which mean many many long term residents live very precariously.

Overview of Poverty Reduction Framework

This framework identifies **the importance of early years** to improve life chances for children. It advocates for **an early help approach for all ages**, so that the Council can work with others to try to prevent crisis points and needs becoming more complex.

The framework identifies how the Council will work with partners to improve **the crisis support** that is available when things go wrong, because people on low incomes have no financial safety net. It **makes the connection between crisis support and early help**, because the request for help is likely to be an indication of greater need. It does this by providing frontline workers with the resources to offer follow up help and support.

The framework highlights the impact of the **external drivers of poverty**, including low wages and housing costs, which drive up the cost of living. It sets out what the Council is doing to intervene in these markets, whilst being honest about the limitations. It sets out how we will firstly support **residents on low incomes to maximise their income and secure better jobs**. It **makes the case for shaping the labour market by** attracting sectors that offer better quality jobs and creating more inclusive and accessible pathways into these jobs, as well as working with local employers to improve terms and conditions and pay London Living Wage. The framework sets out what we are doing to **increase**

affordable housing supply, but is honest about what is possible, given the local housing market and national policy.

This is all underpinned by a focus on **improving ways of working** and valuing and supporting frontline workers, so that, whenever we come into contact with someone on a low income, we work with empathy and compassion and support the whole person. We work with all of their needs, not just the presenting issue, but also all of the strengths and resources they have around them.

A summary of the framework is set out below, indicating what will be prioritised in the short term, to address pressing needs or to put the foundations in place for longer term work.

The areas of focus

Long term prevention	Tackling market drivers	Mitigation
1. Prevention, early years and early help	2. Tackling low wages and cost of living	3. Responding to the material needs of poverty
Aim: to focus on prevention, early years and early help for all ages, as a key way to improve life chances and tackle poverty.	Aim: to take actions to address low wages and the cost of living, as key drivers of poverty in London.	Aim: to better meet people's immediate material needs and offer more preventative help.
Strategic objective: to support children and families in a child's early years and to provide early help to prevent crisis points and needs becoming more complex as someone gets older.	Strategic Objective: to maximise opportunities for affordable housing and good quality employment, making the case for national policy change when needed.	Strategic Objective: to develop a more coordinated emergency support and advice offer, with more preventative help, and to make the case for a better benefits system.
We will focus on identification and prevention of harm, escalation of need and crisis by strengthening our early help offer for residents of all ages.	We will take long term action to address what is driving poverty in London, specifically low wages, housing costs and the cost of living.	We will take action in response to the direct material needs of people already experiencing or at risk of experiencing poverty and destitution.
Cross cutting		
4. Prioritising poverty reduction across the system Aim: to ensure poverty reduction is a priority across the system Strategic objective: to ensure the needs, drivers and impacts of poverty are understood and that responses are embedded into key strategy We will influence the whole system so we are better able to tackle poverty because poverty is a complex issue which cuts across many other areas.		
5. Ways of working Aim: to help people on low incomes address all the issues which matter, not just the presenting issue. Strategic Objective: To offer training, support and resources to all staff across sectors so they can work with residents in a strengths based way. We need to look at how all services that come into contact with residents understand the impact of poverty and the approaches that are needed to work preventatively and in a strength based way. This work has already started during the pandemic and will be a priority to continue in the first year of this framework to build momentum, and because it underpins the other areas of focus.		

Detailed framework

1. Prevention, early years and early help

Aim: to focus on prevention, early years and early help for all ages, as a key way to improve life chances and tackle poverty

Strategic objective: to support children and families in a child's early years and to provide early help to prevent crisis points and needs becoming more complex as someone gets older

We will invest in early and integrated education and support for under 5s and families with particular support for those in greatest need. We will focus on identification of need and prevention of harm, escalation of need and crisis by strengthening our early help offer for residents of all ages.

Rationale:

48% of children live in poverty after housing costs. There is a body of research that shows experience of adversity in the earliest years of life relates closely to poverty, unemployment, homelessness, and poor mental, emotional and physical health later in life and to complex needs. Poverty is itself a form of childhood trauma. We have seen an increase in numbers of residents presenting with complex needs in housing needs, in Education and Children's Services, Adults, as well as in partners' services. See the [Who is Affected by Poverty](#) section for more details.

An inclusive and relentless focus on the early years help us to tackle poverty in the long-term by giving children the best start in life. Our approach starts with a focus on early years when we can make the biggest difference to someone's life chances but we cannot stop there. We need to identify and respond to key points in a resident's life when they might experience disadvantage. For example, key points in education and entering the world of work when a young person. An increasing number of residents face multiple and compounding disadvantages - impacted by poverty, poor quality and insecure housing, mental and physical health, language barriers and immigration issues. Without the right co-ordinated support these issues can combine over time and escalate to crisis. Crisis is not only the worst outcome for residents - it also creates challenging work for staff and pressure on budgets.

Early help is not a service, it is an approach that relies on changes to practice, but also to the culture, systems, collaboration and leadership. There is therefore a strong link to the focus on ways of working and also to more coordinated emergency support, as this can help identify risks.

Many of the resources to provide early help will be in families, communities and community based organisations, so we need to ensure we value the strengths, assets and resources in communities that can support residents. This means understanding the best ways to reach residents, through trusted organisations and by working in specific localities. The Council

and health partners are progressing work on prevention, creating an integrated health and social care system delivering services locally, in non-institutional settings if possible (the Neighbourhoods Programme). We have identified the importance of aligning this framework with the Neighbourhoods Programme.

Success measures:

We will develop metrics based on service outcomes data and mapping customer journeys to understand if we are making a difference:

- There is no delay to getting support for children and families, with a single point of access, and the quality of support is consistent.
- Early help offers children the support needed to reach their true potential and develop the strengths and skills that can prepare them for adult life.
- Residents are receiving help at an earlier stage and reducing demand for more acute services and avoiding crisis situations.

We will also look at data across the life course by different groups who are most likely to be in poverty and disadvantaged to understand if, over time, the gap is narrowing in education, employment and income.

Immediate priority	Medium term work
<p>Developing children and family hubs to help to provide more holistic help to families in closer partnership with other frontline services to broaden and connect support for children and families in the community.</p> <p>Ensuring a renewed focus on 'parents as experts' in every intervention recognising that sustained outcomes for a child start with the parents and carers</p> <p>Delivering early help through the lens of trauma-informed, attachment aware and strength based practice that recognises the impact of poverty on a parents capacity</p> <p>Working with families and carers to understand and support their child's development from pregnancy, build resilience and promote wellbeing. Improving our approach and focus to early years and early help ensuring that children have the best possible start in life,</p>	<p>Focussing on holistic support for families in communities in the early years through the development of Children and Family hubs. Working with the early help partnership system to improve residents living conditions to give children the best possible start at the time that can have the greatest impact</p> <p>Developing closer working between family services through the family hub model with wider services like employment, training and skills. There is also potential to take a more structural approach to strategic issues like income maximisation services.</p> <p>Embedding tackling child poverty, early years and early help in a new Children's Partnership plan and underpins a shared approach across all partners to improving the lives of children in Hackney.</p> <p>Developing a holistic approach to get it right for residents first time and prevent</p>

<p>particularly in the critical first 1,001 days, with a refreshed Early Years Strategy.</p>	<p>those with multiple and complex needs being referred to a multitude of services.</p> <p>Developing community based and place-based approaches more consistently, as a way to better reach residents and develop solutions with communities to tackle poverty.</p>
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How we are already putting this into practice

Early years

Investment in the development of the approach to early help recognises the importance of early intervention in early years by improving life chances and tackling poverty. The early help hub and the development of a number of children's centres into family hubs for children and families supporting parenting from 0-19 will help improve reach to those experiencing poverty. We work with Peabody on the Pembury Children's Community on the Pembury Estate, and this is a good example of the ways in which holistic and place-based approaches working in partnership with communities. Findings from the independent evaluation of the project have demonstrated the importance of helping children be better prepared for school, supporting parents to maximise their income and creating supportive and active networks of residents.

Early help in Education to support inclusion and belonging

A sense of belonging in school has been identified as a key part of children and young people being happy and achieving well educationally. The Re-engagement Unit is a team within Hackney Education that delivers targeted social, emotional and mental health support to schools and families that need it; it is a multi disciplinary team (with an embedded CAMHS clinician) that works systemically to deliver lasting, positive change to children's lives when they are at risk of exclusion from education. The team has a proven track record of delivering positive impact, and in September 2022 the service will become available to all schools (primary and secondary phase) in the borough free of charge. The service has many practitioners from various different backgrounds (clinical, education, social care and more), and this allows the child, family and school to receive holistic and consistent support across a range of areas, strengthening their stability and improving the likelihood of positive outcomes for the child and their family.

Early help across the life course

Mental health and social work professionals have been embedded within the Benefits and Housing Needs service in 2020 - 2022 to support staff to support residents. This has been in place because Housing Needs are seeing residents with increasingly complex needs. The social workers have received 120 referrals in total, averaging four enquiries a day. They are focused in particular on building the confidence of officers to support their clients, supporting the discharge from hospital process and seeking to prevent crises in temporary

accommodation (that can lead to vulnerable people being evicted and ending up in a cycle of homelessness). They work with the resident and other services to ensure a joined up understanding of residents' circumstances with clearly defined responsibilities for each service in the residents journey to sustain their accommodation in the long term.

2. Tackling low wages and cost of living

Aim: to take actions to address low wages and the cost of living, as key drivers of poverty in London.

Strategic Objective: to maximise opportunities for affordable housing and good quality employment, making the case for national policy change when needed.

We will take long term action to address what is driving poverty in London, specifically low wages, housing costs and the cost of living. In order to achieve this we will focus efforts on increasing local housing affordability and improving housing standards and improving high quality employment, training and skills for those most at risk of poverty.

Rationale:

In Hackney, a focus on prevention, intervention and early help will improve life chances, but it is not enough. Neither is getting people into employment a guaranteed route out of poverty. This is because the high cost of housing and low and insecure wages mean many people in Hackney are struggling on low incomes, even when they are in work and this can make it difficult to move from benefits into work. The unfolding cost of living crisis will push more residents into poverty. Demand for genuinely affordable social housing outstrips supply and for many the private rental sector is the only option, despite high rent levels. See [Markets- the Labour market, childcare and the housing market](#) for more information.

We are taking action to intervene in this crisis and increase affordable housing supply. That approach has already delivered one of the biggest direct delivery programmes of any council in London and we are close to fulfilling our commitment to build nearly 2,000 homes between 2018 and 2022. We are, however, honest about the limitations of any actions, given the local housing market and national policy. We also take action to improve the private rented sector offer and have adopted a more transparent social lettings policy. There is a strong link between this area of focus and what we can do to offer early help because people in housing need, whether single households or families, are coming to us with increasingly more complex needs.

Good quality employment is one of the best forms of protection from poverty but many residents are disadvantaged in the labour market for reasons including health conditions, caring responsibilities and lack of development opportunities. Even when people do well educationally they may still encounter barriers and end up underemployed.

Anchor institutions, organisations which have a stake, in the long term, in the local community, like the Council and local hospital have significant resources that could be put to work benefiting the community and tackling poverty. We will work with local anchor institutions together to maximise this collective impact through the job opportunities we create and the contracts we let.

Success measures:

We will use the Council's housing and planning data to track progress on:

- An increase in affordable housing options across all tenures.
- A housing offer that is of good quality (that then costs less to keep warm and keep in a state of repair)
- Improved energy efficiency in the Council's housing stock

We will use local insight to understand if we are making a difference on local landlord behaviour with regards to:

- Residents in the social and private rented sector are not being forced to spend even more of their income on things such as tenancy agreement charges, excessive deposit schemes and pay for insurance and repairs which are the landlord's responsibility.

We will use the Council's employment support data to understand if we are:

- Creating accessible pathways into good quality employment for groups most at risk of poverty and most disadvantaged from these higher skilled jobs
- Increasing the number of local jobs that pay London Living Wage
- Creating good quality employment as a Council and as partners

We will use local economic data to understand:

- If our area Inclusive Economy activity is bringing better quality jobs to Hackney

Housing

Immediate priority	Medium term work
<p>Continuing on our current programmes to increase the supply of high quality genuinely affordable new homes for rent and low cost home ownership, through our own delivery, working with social landlords and through a planning system that prioritises developer contributions going towards affordable homes. These homes will be well-designed and well-insulated so as to minimise maintenance costs and energy bills.</p> <p>Continuing to be as innovative and creative as possible in how we increase housing supply.</p> <p>Supporting private renters and residents living in shared accommodation or houses in multiple occupations which are more likely to be overcrowded and unsafe to improve housing standards.</p>	<p>Developing a new housing strategy that resets our approach to affordable housing in the current context, where we are faced with greater needs and greater challenges to house building.</p> <p>Raising the energy efficiency of Council homes and private rented homes to help reduce fuel poverty and integrate fuel poverty reduction with the wider support</p>

Employment, training and skills

Immediate priority	Medium term work
<p>We will work with employers to make the case for the benefits of better quality jobs and will use the Hackney Business Toolkit to work with larger businesses in priority areas which sets out how we expect to work together to secure benefits for the local community including good quality jobs.</p> <p>We will work with employers, training providers and schools to develop skills pathways for better quality employment outcomes for residents.</p> <p>We will continue to proactively engage with and encourage the local businesses community to become London Living Wage (LLW) employers and require our contractors to pay LLW.</p> <p>Addressing some of the barriers which prevent people being able to access employment, skills and training services and puts them at high risk of poverty. Specific groups include disabled residents and lone parent households.</p> <p>Addressing the barriers faced by residents who have good educational attainment and skills but are not reaching their potential in employment.</p> <p>Collaborating with anchor Institutions to create well paid quality employment opportunities, particularly for those most at risk of poverty and facing disadvantages in the labour market.</p>	<p>Supporting the development of quality employment opportunities, and pathways into these opportunities, with a focus on reaching those most at risk of poverty</p> <p>Developing the role and potential of anchor institutions to tackle poverty through the collective impact they can make in employment and skills development.</p>

How we are already putting this into practice

Innovation to increase affordable housing supply

- [A self-build pilot](#) has been developed, focusing on two sites within council ownership, the first is in Balcorne Street, and we are expanding funding to housing associations to build even more genuinely affordable homes using income from homes that we are forced to sell under the government's Right to Buy policy.
- Although impacted by the pandemic, Hackney Council continues to crack down on illegal subletting and enforce tenancy conditions to make sure all residents are getting a fair deal and not have their health and wellbeing, finances and family life impacted by poor quality housing. Up to March 2020 Hackney Council completed just under 2,500 tenancy audits and recovered just under 90 properties. This also acts as a deterrent to landlords in creating a fairer private rented sector.
- We have bought back twenty-five former Council homes, which were lost to the Government's Right to Buy policy but through the actions of the Council will now be available again so they can be rented to families on Hackney's housing waiting list.

Addressing barriers to good quality jobs

We are focused on access to quality jobs in what we call STEM careers (jobs that require knowledge of Science, Technology, Engineering and Mathematics). A [Commission](#) has been set up to understand the intersecting barriers facing residents looking to launch their careers in the digital tech economy and how we can work with local employers to overcome these challenges. We are working with schools to strengthen links with STEM employers and improve careers advice by benchmarking their work against set standards. The [Leading Inclusive Futures through Technology \(LIFT\)](#) programme is a partnership with the boroughs of Camden, Hackney, Islington and Tower Hamlets which aims to help residents into jobs in the tech, digital, sciences, and creative production sectors, and to support businesses and start-ups in these sectors. The Commission collaborates with the LIFT programme to help address the underrepresentation of some communities in the digital tech economy, applying the insight and findings to the practical support offered.

Alongside this, we run apprentice programmes to tackle the barriers as an employer. 59 digital apprentices have been employed since the programme launched. 24 apprentices have successfully completed their apprenticeships so far and 15 apprentices have now secured jobs on successful completion with a further six either going on to a high apprenticeship or external employment. 48% of the current digital apprentices are women and the same percentage of those who declare come from Asian, Black, or Mixed heritage backgrounds. We will recruit again in Summer 2022, continuing to develop the offer.

3. Responding to the material needs of poverty

Aim: to better meet people's immediate material needs and offer more preventative help.

Strategic Objective: to develop a more coordinated emergency support and advice offer, with more preventative help, and to make the case for a better benefits system

We will take action in response to the direct material needs of people already experiencing or at risk of experiencing poverty and destitution.

Rationale:

This framework balances long term work and work to develop economic opportunity with the need to respond to pressing material needs that people face now. Focusing resources solely on these material needs is unsustainable, and would fail to have the wider impact, but ignoring these needs, which are faced by a very significant proportion of residents, would ignore the devastating impact that poverty has now and missing opportunities to intervene before a crisis and offer the early help outlined in this framework. See the [Who is Affected by Poverty](#) section and the [Effects of the pandemic](#) section for more information.

Independent advice providers have a key role to play in the work we develop. Since 2019, we have been working closely with them to develop a new personal centred advice model. During the pandemic, we started to develop the advice model further as well as a more coordinated approach to emergency support. In 2020, a Food Poverty Action Plan was developed which considered data on need with residents' lived experience of poverty and stakeholder perspectives. The plan highlighted the need for greater coordination of emergency support and advice and join up with preventative work.

This framework takes this work further. All of this is underpinned by the way we work because if we want people to seek emergency help and to take up further help beyond that, we have to be trusted, keep people engaged and have partnerships in place to support them.

Success measures:

We will develop metrics based on service outcomes data and mapping customer journeys to understand if we are making a difference and building a more effective system of support:

Emergency Support

- Residents are accessing effective emergency support which meets immediate needs, including culturally specific needs
- Residents who apply for emergency support are provided flexible longer term support

Income maximisation and debt services

- Residents income is maximised

- Debt situations are stabilised
- Levels of access to affordable finance are increasing

Community Partnerships

- There is a community based network of provision that is accessible and meets their specific needs and these organisations can work together to offer more preventative support as well.

Immediate priority	Medium term work
<p>Emergency support We will improve access and co-ordination of emergency support for people experiencing or at risk of destitution and hardship. We will do this by:</p> <p>Improving awareness and access to emergency forms. This includes the Council’s own schemes as well as support available from other organisations such as national charities and local charities.</p> <p>Ensuring that residents who receive emergency forms of support are supported to access other services, for example housing and welfare advice, to address underlying causes</p> <p>Community Partnerships Network</p> <p>The Community Partnerships Network is a broad network of community organisations which was developed during the pandemic response as a way of building local systems of support which make the best use of available resources when responding to the needs of residents. By</p>	<p>Emergency support Learning and evaluation of emergency support to better understand the issues which are affecting residents and make system improvements.</p> <p>We will develop this support to seek to meet the immediate needs of residents as well as offer longer term solutions, by integrating emergency support with wider support to address the causes of a resident reaching crisis. We will make sure that we learn how to address where the current system is failing residents.</p> <p>Supporting the development of a poverty-aware workforce to identify and respond to the needs of residents on lower incomes. This can be done by training frontline staff to have conversations about personal finances and knowing what support is available be that through hardship funds, the benefit system or employment support.</p> <p>Community Partnerships Network</p> <p>Developing and enabling community partnerships as a longer term system of support, working across partners to meet material needs and better pick up vulnerability and develop pathways of support.</p>

<p>working together in partnership the Community Partnership Network is better able to understand and respond to the needs of residents with material needs. We will do this by :</p> <p>Developing the Community Partnership Network to support community organisations to work in partnership to most effectively support residents</p> <p>Providing strategic and operational support to the local food response</p> <p>Learning from the Community Partnership Network about the issues affecting residents and communities and how we can best respond</p> <p>Advice model, income maximisation and debt support services</p> <p>We will develop the support available for people to maximise their incomes and access debt support service. We will do this by:</p> <p>Mapping the current service offer for income maximisation and debt services to create a more joined up system of support for residents.</p> <p>Working in partnership with local DWP and others to deliver Universal Credit as effectively as possible for all claimants</p> <p>Collaborating with Registered Providers to encourage them to put in place income maximisation strategies and make link them with wider services</p> <p>From 2022/23, spend a greater share of the Community Grants budget, £1m out of a £2.5m budget in recognition of the impacts of the pandemic that has increased demand.</p>	<p>Advice model, income maximisation and debt support services</p> <p>Developing the advice model further for 2023/24.</p> <p>Building mutuality and shared responsibility for advice work, rather than seeing themselves as separately funded organisations.</p> <p>Further development of advice providers ability to map the journey their clients make through a system, in order to understand impact and improvements needed.</p> <p>Developing a more strategic approach to income maximisation and debt services which responds to the needs of residents</p>
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How we are already putting this into practice

Improving awareness of emergency-hardship support

We have included the Council's main forms of financial and hardship support on the Better Conversations tool which is a digital tool built to support council staff and partners to make more effective referrals for residents. By including these forms of support on the tool we aim to improve awareness and access to these schemes. We have held information briefings with the Advice Network to inform local advice providers of the main schemes available and there has been regular communication about what support is available to residents in response to the direct impacts of the pandemic and general schemes. We are looking to build on this engagement and a workshop we held with partners to improve how we make emergency forms of support and hardship schemes more accessible to residents.

Community Partnerships Network

The Community Partnerships Network is a broad network of community organisations which was developed during the pandemic response as a way of building local systems of support which make the best use of available resources when responding to the needs of residents. The Community Partnership Network includes Hackney's Food Network and wider Hackney Food Justice Alliance which leads the local food response and the development of a more sustainable food system. The Community Partnership Network also includes the Advice Network which brings together local advice providers to address shared issues. Beyond these formal groups the Network plays a key role in supporting a range of community organisations accessing resources, problem solving and organisational development. We will support the local Community Partnerships Network to better pick up vulnerability and develop pathways of support.

Food Network

The food network is a network of local partners providing immediate food support to residents. The network formally developed in Summer 2020 after the beginning of the pandemic and the end of the first lockdown. Many groups were already providing food support before the pandemic and others were new to providing food support. The network has grown in membership and become a more diverse group of organisations representing different communities and with different ways of providing food (e.g. food banks, hot meals and food deliveries). There are currently three food hubs in the borough which receive large donations of food and where smaller organisations can go to collect food for residents. The food network is mainly voluntary and community sector led with some council operational and strategic support due to the high importance of meeting the immediate needs of residents for food support.

Developing a new model for advice

Since 2019, we have been working closely with advice providers to make sure their support is more connected, and focuses on resolving people's issues (not counting appointments given) and this has made for much more effective working during the pandemic, although demand is growing. This is long term culture change across funders, advice providers and the statutory sector, but based on self assessment and case studies we can demonstrate that :

- There is now a much stronger working relationship between Council departments and advice partners.
- Advice providers are thinking beyond the presenting issue to tackle the root problem and take a person centred approach
- Providers are mapping customer journeys to form a stronger picture of impact

4. Influencing the wider system

Aim: to ensure poverty reduction is a priority across the system

Strategic objective: to ensure the needs, drivers and impacts of poverty are understood and that responses are embedded into key strategy

We will influence the whole system so we are better able to tackle poverty because poverty is a complex issue which cuts across many other areas.

Rationale: Poverty is a key driver of inequality and so the actions to tackle poverty and to shape a more inclusive economy are integral to tackling inequality. Poverty is concentrated in some groups more than others, in part because of the way social structures disadvantage some groups more than others, now and historically. We need to ensure a focus on groups that are more likely to be disadvantaged, and take an intersectional, structural and systemic approach to poverty, considering all of the drivers in the round. There is a complex interrelationship between poverty and health⁵. This is also the case for children and young people experiencing poverty and the long term disadvantage they can experience in terms of educational attainment and employment⁶.

Ensuring all residents have access to a good education system and that all residents are treated the same through that system can be one of the most powerful interventions we make in improving life chances for the next generation. Disadvantage can accumulate for specific groups of children and young people, such as residents who have had experience of care⁷. See [Individual Risk factors - Taking a structural, systemic and intersectional approach for more information](#).

This section of the framework identifies the key strategic areas that need to embed poverty reduction. This section also identifies the key asks of central government including a more generous benefit system, more affordable childcare to support parental employment and educational allowances for young people to continue in further education. The actions outlined under Prevention, Early Years and Early Help and Tackling Low Wages and the Cost of Living will be ineffective if we cannot influence the wider long term strategies for tackling inequality, health, education, area regeneration, local economic development, employment, climate change, planning and housing. The Council and health partners are progressing work on prevention, creating an integrated health and social care system delivering services locally, in non-institutional settings if possible (the Neighbourhoods Programme). Through this programme, GP practices have joined with residents and partners to create eight "Neighbourhood" areas. Over time, it is intended that services become more person-centred, working with residents to help manage their own health and care needs as well as supporting them to look at and access local support. Ensuring join up between this preventative work and the poverty reduction framework is key.

⁵ Psychological perspectives on poverty, JRF, 2015

⁶ An evidence review of the drivers of child poverty for families in poverty now and for poor children growing up to be poor adults, DWP, 2014

⁷ The Child Welfare Inequalities Project: Final Report, Child Welfare Inequalities Project and Nuffield Foundation, 2020

Success measures:

- There is a substantive focus on poverty reduction across the wider system, that is reflected in all key strategies and policy frameworks
- Performance data tracks whether strategies and policies are having an impact on lower income groups
- There is a clear ask of central government about policy and funding needed to tackle poverty, as evidenced in public affairs and communications work

Immediate priority	Medium term work
<p>Ensuring a focus on poverty reduction and addressing the needs of lower income residents in key strategies.</p> <p>Establishing strong working relationships and partnerships, formal and informal, with other key strategic areas in order to support one another to achieve our shared priorities:</p> <p>Prevention, early years and early help</p> <ul style="list-style-type: none"> - Health and Wellbeing - Children’s Partnership Plan - Education (and reducing school exclusions) - Reducing Harm and the Community Resilience Partnership - Neighbourhoods Programme <p>Cost of living and low wages</p> <ul style="list-style-type: none"> - Inclusive Economy - Housing Strategy - Homelessness Strategy - Rough Sleeping Strategy - Area Regeneration - Planning frameworks, policy and guidance <p>Making the case through public affairs of the need and evidence for funding to</p>	<p>Ensuring that this ultimately leads to a whole system getting behind poverty reduction rather than broad alignment of priorities.</p> <p>Applying a poverty proof approach to service design and delivery to ensure that we are building in positive ways to tackle poverty and not taking actions which do not inadvertently impact on people’s income or ability to move from benefits to work.</p> <p>The Health and Wellbeing Strategy will have a priority on financial resilience which makes clear the intention to address the relationship between health and poverty. The actions under the Health and Wellbeing Strategy and Poverty Reduction Framework will be developed in tandem and closely aligned.</p> <p>There is a strong link between parental employment and poverty in the immediate term and educational attainment and poverty in adulthood in the longer term⁸. The development of Hackney’s Children Partnership Plan creates an opportunity for renewed focus on these important areas and tackling disadvantages amongst children and young people from lower income backgrounds. By working together with a shared understanding of these issues and what could improve life chances</p>

⁸ Poverty in the UK: Statistics, House of Commons Library, 2021 [Link](#)

<p>support policies which support poverty reduction and improve life chances.</p> <p>Leading public affairs campaigns which highlight the need and evidence for national policies which support poverty reduction and improve life chances. This includes arguing for a benefits system which provides an adequate safety net and helps people into work; ensuring children have access to early years education and care; calling for investment in social housing; and an end to unfair immigration conditions.</p>	<p>we will have a greater chance of success.</p>
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5. Ways of working

Aim: to help people on low incomes address all the issues which matter, not just the presenting issue.

Strategic Objective: To offer training, support and resources to all staff across sectors so they can work with residents in a person centred, strengths based way.

We want to see those who work with lower income residents taking a whole person approach which goes beyond the presenting need to address the issues which matter most to a resident. If someone is struggling financially this should go beyond immediate forms of support to support residents with what might be causing money problems in the first place. This could cover employment support, debt issues, poor quality housing and problems accessing the benefit system.

Rationale:

We need to ensure services that come into contact with residents understand the impact of poverty and the approaches that are needed to work preventatively and in a strength based way. This means working with empathy and compassion to support the whole person. It means working actively with a resident to identify what matters to them, build confidence and take action together as equal agents. This recognises that residents who may have been marginalised, traumatised or discriminated against and those with multiple and complex needs need to be given every opportunity to engage in ways that offer choice and control and help build resilience. In Hackney the level of complex need is increasing, so we could increasingly miss opportunities to intervene with good help before issues escalate because of the fragmentation of services that are difficult to navigate and focus on one 'problem' with high thresholds. See [Individual Risk factors - Taking a structural, systemic and intersectional approach](#) for more on the level of need in the borough.

By working in this way, offering what is sometimes called "Good Help," we are more likely to engage residents positively and we can help improve residents' lives now and support them to thrive, prevent crises and adversity and help us to break intergenerational patterns of deprivation. This work has already started during the pandemic and will be a priority to continue in the first year of this framework to build momentum, and because it underpins the other areas of focus. This means making sure that the early help and employment support outlined earlier in the framework is guided by the ways of working outlined in this section.

Success measures:

Hackney residents are heard and responded to in the most helpful way however they come into contact with us, strong referral pathways underpinned by strong relationships. We will develop metrics based on service outcomes data and mapping customer journeys to understand if we are making a difference in:

- The way we can resolve issues with good help that leads to fewer repeat requests for help
- Residents are receiving help at an earlier stage and reducing demand for more acute services and avoiding crisis situations.

We will also track the impact on the confidence of frontline workers.

Immediate priority	Medium term work
Working across the whole system to share learning and develop shared approaches and deliver more consistent good help	<p>Developing a workforce that is aware of the extent and impact of poverty in Hackney and can identify and respond to needs that relate to low income or financial difficulty</p> <p>Developing a poverty aware workforce which helps all people working with residents to identify and respond to needs</p> <p>Enabling the development of sustainable partnerships between frontline services working to support the most vulnerable residents and facilitating the sharing of assets and resources</p>
Roll out support, shared learning and reflective spaces to develop their practice and support wellbeing. This recognises that supporting residents with multiple and complex needs takes its toll on frontline staff and that better support can lead to better interactions and support.	Embedding reflective practice and peer support in teams and services to enable trauma-informed and anti-racist practice to support residents with complex needs and work in a holistic way

How we are already putting this into practice

Investment in ways of working that supports poverty reduction

The Council has used some of its limited resources and budget to invest in ways of working which support poverty reduction. We have brought frontline staff together from a range of council services and partner organisations to talk about cases, identify issues, reflect on what works for residents and identify ways to improve ways of working. It has also created more ways for us to understand poverty from a resident perspective and hidden drivers of poverty. This has been extremely valuable for frontline practitioners who often don't have the time or resources to do this kind of reflective work. The work has been independently evaluated by UCL and found to be highly beneficial for practitioners and residents and

there is a recommendation that if possible such work continues and becomes a permanent way of working.

Governance and delivery

The framework indicates what will be prioritised in the short term, to address pressing needs or to put the foundations in place for longer term work. Once approved a full delivery plan linked to the measures of success will be developed.

The framework is designed to be a live document which is flexible and adaptive to changing circumstances. Although accountability for the framework will sit within the Council, the framework will also guide partnership working.

The framework will be driven by Hackney's Corporate Leadership Team, which includes the Chief Executive and Group Directors. Directors will report to Cabinet Leads identified as leads for poverty reduction, who directly report to the Mayor.

Contextual indicators

The measures of success are incorporated into each of the five areas of focus, We will also track the following indicators to ensure that delivery of this framework and measures of success are understood in this wider external context.

Direct measures of poverty

- Outcome: Poverty is reducing
- Current rate: 17.9% of households before housing costs and 36.3% of households after housing costs
- Aspiration: Reducing to Inner London average after housing costs of 30% after housing costs⁹
- Measure: Relative poverty, 60% of median income, before and after housing costs for the total household population
- Source: Poverty estimates before and after housing costs at MSOA-level in Hackney, ONS, 2017
- Update: TBC from ONS

- Outcome: Child poverty is reducing
- Current rate: 25.4% before housing costs and 47.9% after housing costs
- Aspiration: Reducing to Inner London average after housing costs of 42%¹⁰
- Measure: Relative poverty, 60% of median income, before and after housing costs for children aged 0-16/19 using population estimates for 0-18 year olds
- Source: (i) Children in low income families: local area statistics: FYE 2015 to FYE 2020, DWP, 2021 (ii) Population estimates - local authority based by single year of age, ONS, 2021 (iii) Local child poverty indicators 2019/20 – estimates of rates, after housing costs, End Child Poverty, 2021
- Update: Annual for all three sources

- Outcome: Pensioner poverty is reducing
- Current rate: 41% of older people (60+) are in income deprivation
- Aspiration: Reducing to Inner London average of 28%
- Measure: Percentage of of the population aged 60+ who receive income support, income based job seekers allowance, pension credit or child tax credits
- Source: Income Deprivation Affecting Older People Index, DLUHC, 2019
- Update: Expected in 2023

⁹ Poverty in London 2019/20, London Datastore/GLA, 2021 [Link](#)

¹⁰ Ibid

Context and drivers of poverty

The framework has identified a number of causes and effects of poverty including low levels of formal qualifications, high housing costs, and labour market disadvantage due to disability. It is important for the delivery of the framework that we maintain a good understanding of the wider context affecting the overall aim of poverty reduction. As part of Hackney Council's Inclusive Economy Strategy a set of core measures have been developed to provide a contextual analysis for this strategy across a number of areas. The framework can benefit from this contextual analysis to inform its own development and delivery. There are a number of indicators contained within the core measures which are highly relevant to poverty reduction. These include:

- Employment rate
- Unemployment rate
- Employment rate for disabled vs non-disabled residents
- Long term unemployment rate
- Employment in lower pay occupations
- Low qualifications (Level 1 or no formal qualifications)
- Attainment 8 scores for pupils eligible for FSM and not
- Proportion claiming Universal Credit
- Proportion claiming Universal Credit in employment
- Proportion claiming Free School Meals in primary and secondary school
- Food bank use
- Total rent arrears to Hackney Council
- Households living in Temporary Accommodation
- Difference between Local Housing Allowance and the mean private rent for a two bedroom property

The core measures are updated every year with a complementary analysis. It is recommended that the poverty reduction strategic framework make use of this analysis to inform its own delivery with particular focus on the indicators listed above. In addition we will monitor the following indicators:

- Households not in work (available at Local Authority level)
- Fuel poverty (available at Local Authority level)
- Median gross weekly earnings for full-time employees (available at Local Authority Level)
- Healthy Start uptake (available at Local Authority level)
- Poverty levels by ethnic groups (regional only)
- Lone parent households in poverty (regional only)
- Disabled parents in poverty (regional only)
- Disabled children in poverty (regional only)
- Age of children in poverty (regional only)
- Working status of households in poverty (regional only)

Building on what we have learnt during the pandemic and Council investment in poverty reduction

Up to March 2020, we were concerned about the ways that the benefits system, housing costs and low wages had driven up levels of poverty and specifically in-work poverty. This was why the Council was committed to poverty reduction and shaping an inclusive economy and was looking at what was needed, beyond creating routes to good quality jobs, training and enterprise. This formed a part of the Council's 2020 budget and by 2023 a total £840k of investment will have been made to the development work needed to be better able to support residents in poverty and a further £160k will have supported engaging with residents on solutions to tackle key inequalities.

We have designed a way to help people impacted directly and indirectly by the pandemic whilst also building a partnership with many across the system including, critically, a diverse range of voluntary and community sector organisations that is sustained in the long term. This work was always intended to lay the foundations for a more coordinated and sustainable way to respond to the material impacts of poverty in the longer term. The investment made and impact so far is summarised in the table below. The outstanding budget for 2022/23 is £127k.

Objective	Impact	Investment
<p>Ways of working</p> <p>Support over 100 frontline workers to work differently, so we offer more effective “good help”, developing digital tools, arranging staff development so staff can offer good help, that respects and empowers residents.</p>	<p>An independent evaluation has found that staff have increased knowledge and are working more closely and collaboratively with other services and partners organisations. There is greater trust and empathy between colleagues and with residents. The work culture was also found to have developed positively.</p>	<p>£75k</p>
<p>We invested in the development of the approach to early help, recognising the importance of early intervention in early years in improving life chances and tackling poverty.</p>	<p>Early help routes were in place as part of Hackney’s First Access and Screening Team and improving links with partners, including schools.</p> <p>We are now developing a number of children’s centres into hubs for children and families to support parenting from 0-19 (or 0-25 with SEND) and again, this</p>	<p>£60k</p>

	will help improve reach to those experiencing poverty.	
<p>Prevention, early intervention and early help</p> <p>We have invested in changing the way we help people with housing needs secure and sustain tenancies. Social workers have been embedded into the Benefits and Housing Needs services to offer holistic, wraparound and psychologically-informed services for the most vulnerable residents.</p>	<p>Social workers have received 120 referrals in total, over the last two years, averaging four enquiries a day. They are focused in particular on building the confidence of officers to support their clients, supporting the discharge from hospital process and seeking to prevent crises in temporary accommodation.</p>	£320k
<p>Responding to the material needs of poverty</p> <p>We have invested staff time and partnership development, ensuring that we have a more coordinated approach to meeting material needs across a system that has been too disjointed and fragmented:</p>	<p>We have improved the way food surplus is distributed, maximising take up by diverse organisations.</p> <p>We have developed local food networks that can start to work together independently from the Council and helped food partners connect with wider support.</p> <p>We have funded Alexandra Rose to develop their fresh food voucher scheme, which can be collected from local hubs and children's centres, working with affordable and independent retailers mainly in markets, thus also boosting the local economy.</p> <p>By working together, to maximise our collective impact, we have sought to make the best use of all funding coming into the borough and to cater to diverse cultural and dietary needs. Through this, we have continued to deliver several thousand hot meals and parcels to</p>	£258k

	<p>residents in poverty, despite organisations also opening up their usual services again and have supported over 2000 people who needed to shield or self isolate. We joined other local authorities in successfully campaigning for the continuation of poverty related funding after the initial Winter Grant was set up in 2020. We have made sure that this support reaches groups most affected by poverty during holiday periods including over 20,000 children, people struggling with fuel bills and those who are in temporary accommodation and hostels.</p>	
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Background and data

What we mean by poverty

‘When a person’s resources (mainly their material resources) are not sufficient to meet their minimum needs (including social participation)’¹¹

How poverty is measured

There is no universally accepted definition of poverty with organisations using different measurements to understand and explain the concept of poverty. The recognised international measurement and the one used by the UK Government in its official statistics defines poverty as households with an income below 60 percent of the national median household income before and/or after housing costs¹². This measure of poverty understands poverty as a relative measurement of household income between middle and low income households. Historically poverty has been measured by the UK government both before and after housing costs and for its effect on different groups of people - normally focussing on different age groups (e.g. child poverty, working age poverty and pensioner poverty).

We have complemented official measurements of poverty with other indicators to build a fuller picture of poverty and life on a lower income in line with our working definition. For example, by using measures like Free School Meals (FSM) and Pension Credit. We have worked with community partners to reach those pupils who are not registered for FSM, for example the Charedi communities in Hackney with pupils in independent (non-Hackney Education maintained) settings. We have also looked at available information on personal debt and rent arrears to understand issues which might affect what resources someone has available to them beyond income and costs.

¹¹ A Definition of poverty, JRF, 2014 [Link](#)

¹² Poverty in the UK: Statistics, House of Commons Library, July 2019

Who is affected by poverty

In Hackney latest estimates (mainly pre-pandemic) find that:

- **1 in 3 households in poverty after housing costs:** Just under 20% (17.9%) of Hackney households live in poverty before housing costs and this rises to over a third (36.3%) after housing costs - Hackney is ranked the third highest out of all London boroughs for poverty after housing costs¹³. This represents 39,000 households¹⁴.
- **Almost half of children in poverty after housing costs:** In 2021 it was estimated that 48% of children in Hackney were living in poverty after housing costs¹⁵. This represents just under 28,000 children¹⁶. Child poverty affects all age groups but especially younger families with children aged under 10 and larger families with more than two children¹⁷.
- **Around 40% of secondary school pupils and 30% of primary school pupils claiming free school meals:** For the 2020-21 school year 38% of secondary school pupils¹⁸ and 30% of primary school pupils were entitled and claiming free school meals¹⁹.
- **2 in 5 older people in income deprivation:** A total of 41% of residents in Hackney aged 60 and over live in income deprivation²⁰. This represents just under 12,000 people²¹. This compares to a London average of 22% and makes Hackney the Local Authority with the second highest level of income deprivation affecting older people²².
- **In London one third of disabled people are in poverty after housing costs compared to one quarter of non-disabled people in London:** Poverty and disability are closely associated. In London poverty after housing costs is 35% for households in which someone is disabled compared to 26% for households in which no one is disabled²³.
- **In London 2 in 5 residents from non-White backgrounds are in poverty after housing costs compared to 1 in 5 White Londoners:** At regional level poverty is significantly higher amongst the non-White population than the White population. Poverty is 39% after housing costs for non-White Londoners and 21% for White Londoners²⁴.
- **Poverty is relatively evenly distributed in all areas of Hackney:** Poverty is relatively evenly distributed across the borough with some concentration in the

¹³ Small area model-based households in poverty estimates in England and Wales, ONS, 2017 [Link](#)

¹⁴ Household estimates by local authority, Annual Population Survey, ONS, 2021

¹⁵ End child poverty website accessed November 2021 [Link](#)

¹⁶ Population estimates, ONS, June 2021 (for 0-15 year olds)

¹⁷ Child poverty and family wellbeing needs assessment, Hackney Council, 2015 [Link](#)

¹⁸ Schools, Pupils and their Characteristics, DfE, 2021

¹⁹ Ibid

²⁰ Income Deprivation Affecting Older People Index, MHCLG, 2019

²¹ Population estimates, ONS, June 2021 (for 60+ year olds)

²² Income Deprivation Affecting Older People Index, MHCLG, 2019

²³ Households below average income, DWP, 2019

²⁴ Poverty rates by demographic characteristics in London (3 years to 2019-20), Trust for London, accessed January 2022 [Link](#)

centre and east of the borough. Hackney is one of only two London boroughs with all its middle-super output areas being in the poorest fifth nationally²⁵.

- **A total of 40% of people claiming Universal Credit are in some form of employment in Hackney:** In September 2021 of those people claiming Universal Credit just under 40% (39.6%) of claimants were employed and 60% were not in employment²⁶. This shows that work alone is not protecting people from life on a lower income.

Please refer to the [Poverty Evidence Base](#) prepared in 2019 for more details.

Groups of residents most at risk of poverty

The poverty reduction framework has been developed to respond to the needs of all residents, however, there are some groups of residents we would like to focus on account of them being at higher risk of experiencing poverty. These include:

Child poverty

- Lone parent households²⁷
- Households with a disabled child²⁸
- Larger families (2+ children)²⁹
- Households with younger children - particularly multiple children aged under 10 years old and when the youngest child is under 4 years old³⁰

Working age adults

- Households not in work³¹
- Households with only one working adult³²
- Households with a disabled adult, including carers³³
- Adults with low formal qualifications³⁴

Other groups

- Older residents³⁵
- Tenants in the private rented and socially rented sectors³⁶
- Non-White households, particularly Black and Other ethnic households³⁷

²⁵ Small area model-based household sin poverty estimates in England and Wales, ONS, 2017 [Link](#)

²⁶ Stat-Xplore, DWP, November 2021

²⁷ Child poverty needs assessment, Hackney Council, 2014 [Link](#)

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid

³¹ Estimates of in-work poverty by region: three year averages for 2014/15 to 2016/17, DWP, 2018

³² In-work poverty in the UK: Problem, policy analysis and platform for action, Cardiff University, 2017

³³ Poverty profile 2017, Trust for London, 2018

³⁴ An evidence review of the drivers of child poverty for families in poverty now and for poor children growing up to be poor adults, DWP, 2014

³⁵ Income Deprivation Affecting Older People Index, MHCLG, 2019

³⁶ London Poverty Profile, Trust for London, 2017

³⁷ UK Poverty 2017: A comprehensive analysis of poverty trends and figures, JRF, 2017

- Households with the condition 'No Recourse to Public Funds' attached to their immigration condition³⁸
- We recognise the specific needs of the rough sleeping population and the framework will support ongoing work in this area. We know that single men who often make up a significant proportion of the rough sleep population.
- The needs of those provided accommodation in Temporary Accommodation outside of the borough also remain a key group.

The delivery plan and outcomes will explain how the needs of these groups of residents are being responded to across the five focus areas. For example, its actions will support employment amongst disabled residents and therefore respond to the needs of this group.

Effects of the Pandemic

- **Universal Credit claims:** In September 2021 there were just under 34,250 people claiming Universal Credit in Hackney, this has increased from 13,700 at the start of the pandemic in March 2020³⁹. This represents just under 17% of the population aged 16-64 years old and is an increase from 6.8% in March 2020⁴⁰.
- **Unemployment:** In Hackney the unemployment rate has risen from 4.9% at the start of the pandemic (Q1 2020/21) to 7.6% (Q2 2021/22)⁴¹
- **Food support:** In 2020 the number of clients served by Hackney Food Bank increased to just over 19,000 from just under 8,400 in 2019⁴².
- **Destitution and falling under the radar:** Many households with the condition 'No recourse to public funds' attached to their immigration status may have had paid employment. With the loss of jobs during the pandemic, and no recourse to welfare support, many would have found themselves in very difficult and unsupported positions.

Lived experience insight

The lived experience of residents living on a lower income helps us to understand:

- the people behind the policy, who can often feel dehumanised by systems of support
- the importance of tackling poverty by understanding the impact of poverty on wider outcomes
- the way services need to be organised to make sense to people who need them
- what people do to cope and the networks they already draw on, so we take account of these
- what "[good help](#)" looks like as opposed to well-intentioned but poor quality advice or short term handouts.

³⁸ Reflecting on Early Help with Migrant Families: A View from Practice, Begum, Flint, Hunt, Jolly & Amy Stringer Practice: Social Work in action, 2021

³⁹ Stat-Xplore, DWP, November 2021

⁴⁰ Ibid

⁴¹ Annual Population Survey, NOMIS, October 2021

⁴² Through grants reporting (private source)

Before the pandemic we started to gather insight from those with lived experience of food poverty and this [analysis](#) informed the food poverty action plan and the development of this framework. We have also reviewed primary and secondary research in the [community impact assessment](#) that has gathered indirect and direct impacts of the pandemic since March 2020. It seemed insensitive to gather more first hand lived experience directly during the pandemic, when people may be at crisis point, but we have gathered a range of frontline experiences and captured these in videos to support awareness and understanding of poverty from a resident perspective.

We plan to undertake focus groups and survey work to understand what did help people in crisis during the pandemic, by working with schools and other partners who distributed the Covid Local Support Grant.

The current context - January 2022

The effects of the pandemic mean that the framework is being developed in an even more uncertain context than usual. The economy recovered reasonably well in 2021 and unemployment has not reached the heights some feared but there are many challenges remaining. Some of the main forms of covid employment support ended in Autumn 2021 such as furlough for employed people and the self-employment support scheme. Policy changes like the eviction ban ended in May 2021 and the end of the £20 weekly uplift for Universal Credit at the end of September 2021 is even more recent. Similarly, increases in inflation, partly due to rising energy prices, have only just started and we are yet to see their full effects and tax and National Insurance contributions are due to rise for most earners in April 2022. Further policy changes relating to the Levelling Up agenda for regional economic development in England pose different challenges as policy and resources are potentially moved away from London which could further disadvantage residents. At a local level the effects of the pandemic and the cyber attack in October 2020 on how we operate as a council are still with us. The challenge of recovering our systems and correcting customer accounts is a significant and unprecedented challenge for the organisation. The framework is designed to be a flexible and responsive document. As noted in the introduction, the challenge of poverty reduction is even more challenging than normal and we will remain open to the changing situation and adapt our approach as and when we need to.

The causes of poverty

The causes of poverty are varied, complex and often interconnected. When combined these causes can lead to a resident experiencing multiple forms of disadvantage. This section gives an overview of some of these causes. We have selected some of the leading causes of poverty which include: Market forces: Labour market, childcare and housing, the State: inadequate benefit system, Individual Risk factors: Disability and Socio-Economic factors: ethnicity and immigration status. Many residents experience a number of these causes at once and the way in which they interact in a person's life demonstrates the complexity of poverty and the need for person-centred holistic support.

Markets - The labour market, childcare and the housing market

Worklessness

The majority of households in which no one is working experience poverty⁴³. Worklessness is therefore a significant risk factor for experiencing poverty. However, worklessness has decreased significantly in the ten years leading up to the start of the pandemic. In Hackney the number of workless households fell from 16,500 in 2010 to 12,100 in 2020⁴⁴. Although a significant factor, worklessness alone does not explain the levels of poverty experienced by residents in Hackney.

In-work poverty

A majority of people in poverty now live in a working household. This is a significant change in the nature of poverty. In London it is estimated that 60% of households in poverty were working households which is an increase from 44% fifteen years ago and 24% twenty five years ago⁴⁵. Hackney has experienced a similar change. In 2011 28% of housing benefit claimants were employed rising to 44% in 2019 and in September 2021 40% of people claiming Universal Credit were in some form of employment. At the end of 2021 we also found that of those residents living in Temporary Accommodation claiming Housing Benefit a third of residents or their immediate partner was in some form of employment. One of the highest risks of in-work poverty (just under 34%) is to live in a household with only one person in employment⁴⁶. These households make up a substantial proportion of those experiencing in-work poverty at 60%, more than double their population size⁴⁷.

Low pay

Low pay is one reason why we are seeing more working households experiencing poverty. A national study has shown that for all households experiencing in-work poverty just under half of these households include someone who is low paid⁴⁸. However, only one in five households with a low paid person experience poverty overall because often these lower

⁴³ Estimates of in-work poverty by region: three year averages for 2014/15 to 2016/17, DWP, 2018

⁴⁴ Annual Population Survey, NOMIS, 2020

⁴⁵ Poverty Profile 2017, Trust for London, 2018

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ In-work poverty in the UK: Problem, policy analysis and platform for action, Cardiff University, 2017

paid people live with higher earners⁴⁹. Despite the change at the household level, low pay remains a significant factor contributing to in-work poverty. In Hackney between 2008 and 2018, the percentage of employees being paid below the London Living Wage has more than doubled from just under 10% in 2006 to just over 22% in 2018⁵⁰. For 2008 the London Living Wage was £7.20 per hour (2007 rate) and in 2018 it was £10.20 per hour (2017 rate).

Insecure employment

Insecure employment is another factor contributing to the increase in in-work poverty. Insecure employment is when someone is on a zero-hours contract, in temporary employment, working for an agency, or some combination of these. In London around 1 in 10 working age adults are at risk of insecure work with young people (aged 16-24 years old) particularly affected⁵¹. For some people this type of employment offers flexibility which they value and benefit from but for others it can create significant problems. For example, the number of workers on temporary contracts reporting that they were in this form of employment because of being unable to find a permanent position has increased in recent years from just under a quarter in 2004 to almost a third in 2016⁵². We also saw how this group was impacted at the start of the pandemic and was not entitled to employment support schemes.

Childcare costs

Childcare cost is another market driver for poverty as parents and carers are unable to fully participate in the labour market or address skills and educational needs. The Nuffield Trust reports that 'it is no surprise that families with children are represented amongst those who struggle to exit poverty as they enter work⁵³'. In the past ten to fifteen years childcare costs have increased above the rate of inflation. In England the weekly cost of childcare for an under two year old in 2017 was £154 compared to £71 in 2005 - if costs had risen with inflation the cost in 2017 would have been £93⁵⁴. Recent research has shown that in Inner London the cost is even higher at £175 per week⁵⁵. As well as involving high costs the childcare market can also be unsuited to parents and carers working atypical hours, does not offer day care and has limited holiday provision⁵⁶.

Housing costs

Poverty is not only driven by low income but also by the high cost of living and specifically the cost of housing.. In Hackney the poverty rate more than doubles after housing costs from 17.9% to 36.3%⁵⁷. This is also the case when looking at child poverty which rises from

⁴⁹ Ibid

⁵⁰ Living wage, Annual Population Survey, 2019

⁵¹ London Poverty Profile, Trust for London, 2017

⁵² Ibid

⁵³ In-work poverty in the UK: Problem, policy analysis and platform for action, Nuffield Trust, 2017

⁵⁴ Childcare costs, JRF, 2017

⁵⁵ Childcare Survey 2019, Coram Family and Childcare, 2019

⁵⁶ Creating an anti-poverty childcare system, JRF, 2016

⁵⁷ Households in poverty estimates for middle layer super output areas in England and Wales, ONS, 2017

25.7% before housing costs to an estimated 48% after housing costs⁵⁸. In London it has been estimated that households in poverty spend 56% of their take home income on housing costs⁵⁹.

The housing tenure of people living in poverty has been another significant change in the past decade. In London by 2015-16 the private rented sector had become the most common tenure for people living in poverty at 43%, followed by social housing at 36% and owner occupiers at 22%⁶⁰. In 2005-06 the social rented sector was the most common tenure for people living in poverty at 45%, followed by owner occupiers at 32% and 23% in the private rented sector⁶¹. Hackney has experienced a considerable change in its housing tenure with the proportion of households living in the private rented sector almost doubling between 2001 and 2011 from 15% to 29%⁶². In Hackney, 44% of households live in the social rented sector, 29% in the private rented sector and 26% are owner-occupiers⁶³.

Growth in private rents in London increased by 20% between 2010 and 2015 compared to the rest of England⁶⁴. In Hackney for 2015-16 the average rent for a two-bedroom property in the lower quartile (lowest 25%) was £1517 a month representing 73% of the gross full-time earnings for the lower quartile (lowest 25%) of earners in the borough⁶⁵. The impact of the benefit cap and the freezing of Local Housing Allowance between 2016 and 2020 has further impacted the affordability of housing in Hackney for lower income residents.

In Hackney the rise in the number of households in temporary accommodation further demonstrates the impact of unaffordable housing. In the decade leading up to the pandemic the number of households in temporary accommodation more than doubled from just under 1,300 in 2010-11 to just under 2,900 in 2017-18⁶⁶.

State

Inadequate benefit system

The welfare system offers essential support to individuals and households on low incomes through tax credits and benefits for those working, out of work and unable to work. The support available through the benefit system is often very limited and designed to only meet someone's basic needs. Universal Credit, the main benefit for working age adults, offers very low income protection compared to the support available in other comparable countries and is at the lowest real terms level since the early 1990s⁶⁷. The inadequacy of the benefits system can be further demonstrated by the number of households claiming Universal

⁵⁸ End child poverty website accessed June 2019 [Link](#)

⁵⁹ Estimates of in-work poverty by region: three year averages for 2014/15 to 2016/17, DWP, 2018

⁶⁰ London Poverty Profile, Trust for London, 2017

⁶¹ Ibid

⁶² Census 2011, ONS, 2012

⁶³ Ibid

⁶⁴ London Poverty Profile, Trust for London, 2017

⁶⁵ Rents and affordability, Trust for London, 2017

⁶⁶ Statutory homelessness tables, DLUHC, 2019

⁶⁷ Half Measures: The Chancellor's options for Universal Credit in the Budget, Resolution Foundation, February 2021 [Link](#)

Credit who are already in financial difficulties. It was reported in February 2021 that 1 in 5 families on Universal Credit were behind on essential bills (excluding housing costs) and almost half of new claimants of the benefit reported a fall in income of over 25%⁶⁸. The main welfare system is also not accessible to households with No Recourse to Public Funds.

Individual Risk factors

Taking a structural, systemic and intersectional approach

“Almost anyone can experience poverty, but some groups face higher risks. This is because they face greater barriers to increasing their income, or have higher costs, or both. Racism and discrimination can hold back ethnic minority groups from progressing in work, and illness or fluctuating health conditions can make training and work difficult to manage in the absence of flexibility and good support from employers. Lone parents, and parents of children with disabilities, may struggle to find quality part-time work and affordable childcare. Disabled people often face extra disability-related costs, which are only partly compensated through benefits. They also face barriers in employment. Almost half (48%) of people in poverty in the UK are either themselves disabled or living in a household with a disabled person.”⁶⁹

In line with the approach advocated by the Joseph Rowntree Foundation, this framework identifies the groups who are most likely to be in poverty, but advocates a structural, systemic and intersectional approach. This means that we understand that some groups are more likely to be disadvantaged (ie structural inequality), that this is linked to prejudice and discrimination in society (ie systemic inequality), that they can face multiple, compounding disadvantage because of this and that we have to look at all the reasons together to come up with the right solutions (ie take an intersectional approach).

Complex needs

Complex needs can lead to people being in poverty and keep people in poverty, destitution and homelessness. By complex needs we mean people who have high support needs because they experience difficulties in their daily lives and in their relationships with other people and social institutions.⁷⁰ Research over the last decade has shown how people with complex needs who have mental health conditions, homelessness, experiences of violence, substance misuse or involvement in the criminal justice system are likely to have experienced an adverse childhood experiences.⁷¹ Poverty is itself a form of childhood trauma⁷².

⁶⁸ The debts that divide us: flash findings from a survey of families claiming Universal Credit, Resolution Foundation, February 2021 [Link](#)

⁶⁹ We can solve poverty, Joseph Rowntree Foundation, 2016 [Link](#)

⁷⁰ NICE Guidelines Scope for Complex Needs, 2020 [Link](#)

⁷¹ Hard Edges, Mapping Severe Multiple Disadvantage, Lankelly Chase, 2015, [Link](#) and [Research and resources](#) from Early Intervention Foundation

⁷² <https://cpag.org.uk/child-poverty/effects-poverty>

We have seen an increase in numbers of residents presenting with complex needs in housing needs, in Education and Children's Services, Adults, as well as in partners' services. As the number of children with higher needs increases, this is also leading to requests to rehouse families that cannot be met. Out of nearly 2000 homeless approaches from single people, nearly 60% declared multiple needs (mental health, physical health needs, substance misuse and domestic abuse). City & Hackney has the fifth highest rate of psychotic and bipolar disorders in England, with 4,500 on the Serious Mental Illness register and 11,000 people diagnosed with a personality disorder (linked to childhood abuse and neglect).

Disability

Disabled people are more likely to be in poverty because of a number of societal barriers which may create multiple disadvantages. At a national level, poverty is significantly higher amongst households in which at least someone in the family is disabled. In London it is estimated that after housing costs over a third (35%) of households in which someone has a disability are in poverty compared to just over a quarter (26%) for non-disabled households⁷³. Disabled people are more likely to experience poverty compared to non-disabled people because of difficulties accessing employment⁷⁴ and lower pay when in employment⁷⁵. They may also face higher costs for adjustments and adaptations and the benefits intended to help often don't fully cover them so there is an unfair penalty that may further disadvantage them. These issues can also affect carers supporting disabled family members and friends. In Hackney, in 2018 51% of the disabled working age population were employed and 14% were unemployed compared to 74% and 4% of the non-disabled population⁷⁶.

Ethnicity

At the London level poverty is significantly higher amongst the non-White population compared to the White population. In London in the three years leading up to 2019-20 poverty rates after housing costs were 39% for the non-White population and 21% for the White population⁷⁷. There are several reasons why this might be the case including direct and indirect discrimination, higher rates of people not in paid work, larger household size, younger demographics and underemployment. In 2020-21 it was estimated that in London 41% of Pakistani/Bangladeshi working age residents were not in paid work, 35% of Black residents, 33% of Other ethnicity residents, 31% of Mixed ethnicity residents, 22% of White residents and 21% of Indian residents⁷⁸. It should be noted that worklessness has decreased significantly for all people in the past ten years. At a London level, the unemployment rate is higher for the the non-White population. In March 2020 at the start of the pandemic the unemployment rate for people aged 16 years and over of White ethnicity was 3.5% compared to 7% for the non-White population⁷⁹. There was considerable

⁷³ Households below average income 2015-16 to 17-18, DWP, 2019

⁷⁴ Disability, long-term conditions and poverty, New Policy Institute, 2014

⁷⁵ Disability and poverty, New Policy Institute, 2016

⁷⁶ Employment status by disability status, Annual Population Survey, 2019

⁷⁷ Poverty rates by demographic characteristics in London 2019/20, Trust for London, accessed January 2022 [Link](#)

⁷⁸ Worklessness by ethnicity group, Trust for London, accessed January 2022 [Link](#)

⁷⁹ Unemployment rate by ethnic groups, London Datastore, accessed January 2022 [Link](#)

difference amongst different ethnic groups. The unemployment rate in London was highest for Black residents at 8.9%, 7.4% for Other ethnicity residents, 7.2% for Mixed ethnicity residents, 5.5% for Pakistani/Bangladeshi residents and 4.6% for Indian residents⁸⁰. National research before the pandemic has shown that Black-Caribbean residents in Hackney may be even more likely to experience unemployment than the Black population⁸¹.

In Hackney the considerable Orthodox Jewish population in the north of the borough will also mean there are higher rates of economic inactivity due to religious and cultural practices. At a national level higher rates of economic inactivity amongst women from non-White ethnic groups has also been identified as a driver for higher poverty rates⁸². There is also evidence to suggest that non-White groups are more likely to experience underemployment compared to the White population with higher rates of part-time employment for certain groups⁸³. There is also some evidence at the national level that overqualification is more prevalent amongst the non-White ethnic groups. In 2016 a total of 40% of Black-African and 39% of Bangladeshi employees were found to be overqualified for their roles compared with 25% of White workers⁸⁴.

Women

Women face significant challenges which increase their risk of experiencing poverty. Lone parents are particularly at risk of poverty in the UK and 9 in 10 lone parents are women meaning that the overwhelming number of lone parents at risk of poverty will be women⁸⁵. As noted in the previous section, higher rates of economic inactivity amongst women has been identified as a cause of poverty. This is often linked to unpaid caring responsibilities and cultural barriers. Part-time work and low pay are more prevalent among women because of gender discrimination and caring responsibilities⁸⁶. The quality of the local labour market, transport and childcare provision are particular issues for women.

Immigration status

Migrants have a higher and long-term risk of poverty compared with the rest of the population⁸⁷. Driving factors for higher risk of poverty for migrants include living in the private rented sector, being younger adults and living in a couple where only one person is earning as well as having no recourse to public funds status⁸⁸.

In Hackney research into the experience of vulnerable migrants found that migrants can experience several challenges that make them particularly vulnerable to living on a low

⁸⁰ Ibid

⁸¹ Poverty and ethnicity in the labour market, JRF, 2016

⁸² Ibid

⁸³ Ibid

⁸⁴ Ibid

⁸⁵ Office for National Statistics, Families and Households: 2014 [Link](#)

⁸⁶ Poverty through a Gender Lens: Evidence and Policy Review on Gender and Poverty, University of Oxford, 2014

⁸⁷ Foreign-born people and poverty in the UK, JRF, 2016

⁸⁸ Ibid

income. For example, due to lack of understanding or distrust of public institutions and the government, some migrants do not claim the benefits that they are entitled to⁸⁹. Migrants may also be given the wrong information and advice about their entitlements to services meaning they pay for services when they don't need to do so or decide not to do something because of prohibitive cost⁹⁰. Those migrants with No Recourse to Public Funds (NRPF) status can find themselves destitute and unable to access the main forms of support⁹¹.

A review into poverty amongst refugees and asylum seekers in the UK has found that poverty has become more severe due to a reduction in welfare entitlements and restrictions in access to the labour market in the past ten years⁹². The review found that the UK's asylum process itself and the insufficient level of financial support is the main cause of poverty for this group⁹³. London has also seen [an increase in asylum seekers](#) even before the current Afghan refugee crisis (from 700 to 5000 in 5 years).

⁸⁹ Understanding vulnerable migrants and how they access services in Hackney, Hackney Council, 2017

⁹⁰ Ibid

⁹¹ Ibid

⁹² UK Poverty 2018, JRF, 2019

⁹³ Ibid



<p>TITLE OF REPORT - Residents Charter</p> <p>Key Decision No - NH Q78</p>	
<p>CABINET MEETING DATE</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>CABINET MEMBER</p> <p>Mayor Philip Glanville Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Affects two or more wards</p>	
<p>GROUP DIRECTOR</p> <p>Ajman Ali, Group Director for Neighbourhoods and Housing</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Hackney's Council housing provides a safe, stable and affordable place to live for more than 20,000 families in the borough. As the demand for homes has grown and house prices and private sector rents have increased, the availability of Council homes has become more important than ever.
- 1.2. Hackney Council, since 2011, has led on its pioneering, not-for-profit approach to building new homes. This approach has directly delivered more than 1,400 new homes in the borough. More than half the homes built are for social rent, shared ownership or for Hackney Living Rent, and the rest are sold outright to help pay for them – a model now followed by other Councils across London and the UK.
- 1.3. Building new homes can cause huge disruption to local residents and we believe it's only fair that local residents should always be the first to benefit from a new Council development. That's why the Council is committed to always put local residents first, which means guaranteeing the right to return for any affected residents or giving first preference for new Council homes to local neighbours in housing need, or putting Hackney residents ahead of others when marketing homes for sale.
- 1.4. The Residents Charter sets out the Council's commitment to ballot residents whose homes are to be directly affected by a proposed new development and guarantees the right to return and support protocols that residents are entitled to if their homes are impacted by Council-led regeneration involving demolition. This report sits alongside the ballots policy also on the agenda at March Cabinet.
- 1.5. I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. Our successful, award-winning estate regeneration programme is helping transform unmodernised estates into new thriving, mixed tenure communities, with high standards of design and community facilities. We are building thousands of new homes, over half of which will be for social rent and shared ownership and Hackney Living Rent.
- 2.2. We fully recognise, however, that our regeneration plans cause major disruption for local people affected by the changes taking place and for existing tenants who have to move out of their homes in order for redevelopment to take place. The Residents Charter helps address this by clearly setting out the Council's principles underpinning building homes and the key promises Hackney makes to residents involved in regeneration proposals. These principles and promises include, for instance, ballots of directly affected residents on whether the proposals should go ahead, close

collaboration with local residents from start to finish, and first dibs for local people.

- 2.3. The Residents Charter is an essential way of ensuring that existing residents, particularly those directly involved in redevelopment projects, are aware of their rights and guarantees.

3. RECOMMENDATION(S)

- 3.1. That the Cabinet approves the Residents Charter attached as Appendix 1.**

4. REASONS FOR DECISION

- 4.1. As Hackney is facing an unprecedented housing crisis, the Council is building new genuinely affordable homes across a range of sites in the borough to help meet housing demand, engaging and consulting with the local community and putting residents at the heart of any proposals for redevelopment.
- 4.2. To ensure that regeneration brings real benefits to local communities and opportunities are given to existing tenants, the Council has already developed and adopted Local Lettings Policies as well as the Leaseholder and Freeholder Options Document. Moreover, the Council follows the guidance provided in the 'Better Homes for Local People', the Mayor of London's Estate Regeneration Good Practice Guide. The latter sets out good practice and principles to deliver better homes for local communities, and encourages housing providers to openly engage with residents affected by a regeneration project, from its inception. Among the recommended principles of good practice is introducing a residents charter to set out specific and deliverable commitments.
- 4.3. The proposed Residents Charter clearly sets out the Council's principles underpinning its not-for-profit and Council-led approach to regeneration, and its key promises to the community, such as introducing ballots of directly affected residents and making decisions in response to residents' feedback.
- 4.4. The Residents Charter sets out Hackney Council's commitments to its community if a redevelopment proposal involves the demolition of existing residents' homes. The charter presents the Council's commitments toward specific groups of residents (Council tenants, resident leaseholders or freeholders, and non-resident leaseholders and freeholders) in a transparent and specific way, identifying each group's rights and options, by tenure, in case of regeneration projects involving the demolition of their homes.
- 4.5. There are no direct financial implications of introducing the Residents Charter, although among the Council's key promises is organising ballots of residents directly affected by a demolition proposal. Ballots may generate some additional costs because independent bodies may have to be procured to give

more independence to the votes. However, Hackney Council already invests in extensive engagement with residents and wider stakeholders when developing regeneration schemes and the costs of arranging ballots as part of this engagement process would not result in a relevant increase in costs.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1. The alternative option would be not introducing the Residents Charter. However, this would:
 - a. disregard one of the best practice principles set out in the Mayor of London's regeneration guide that Hackney Council embraces;
 - b. deprive residents of an opportunity to see their rights and the Council's key promises and commitments to them clearly set out together in an accessible document.

6. BACKGROUND

- 6.1. Resident Charters form part of the good practice examples and principles set out by the Mayor of London in his 'London Estate Regeneration Good Practice Guide: Better Homes for Local People', which recognises Hackney Council's arrangements for consultation with residents as an example of best practice.

6.2. Policy Context

In the Hackney's year-long consultation with residents in 2015/16 - 'Hackney: a place for everyone', that informed the Hackney Housing Strategy 2017-22, the surveyed residents expressed concerns about housing availability and affordability in Hackney and suggested that building more social housing and other genuinely affordable housing formed part of the response to their concerns. 'Building high quality, well-designed and genuinely affordable new homes' became the first key theme of the 'Delivering the homes Hackney needs' Housing Strategy.

In combination with other policies, the Residents Charter reinforces Hackney's commitment to build new, genuinely affordable homes for the local communities, taking into account the views of local residents particularly of those directly involved in redevelopment projects, and ensuring that local communities benefit from the regeneration taking place in the borough.

6.3. Equality Impact Assessment

The Residents Charter is a transparent and accessible document that will facilitate engagement with residents and early discussions over estate regeneration proposals. It clearly sets out the Council's promises and commitments to its residents involved in regeneration projects, and reiterates the importance of Council-community collaborative work.

Residents in a variety of tenures (secure Council tenants, leaseholders, and freeholders) as well as non-resident leaseholders or freeholders will all benefit from this document that clearly sets out their rights and options in case of Council-led regeneration proposals involving their homes.

6.4. Sustainability

There would be no new impacts on the physical and social environment from proceeding with the recommendations of this report.

6.5. Consultations

There is no requirement for statutory consultation in relation to developing the Residents Charter which clearly sets out the rights and guarantees of residents affected by regeneration proposals. Through the process of developing the charter, however, officers have engaged with:

- officers from relevant council services,
- groups representing residents of regeneration projects.

The responses of these groups have been taken into account in finalising the Residents Charter for consideration by the Cabinet.

6.6. Risk Assessment

Balloting residents directly affected by a demolition proposal is one of the key promises set out in the Residents Charter. Ballots may generate additional costs as, for instance, independent bodies may have to be appointed to give more credibility to the vote. However, adequate and effective project and cash flow management will ensure that additional costs for ballots-related engagement are manageable.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

There are no direct financial implications from this report, however the commitments made in the Residents charter may limit the viability of schemes and therefore ultimately impact on the quantity of affordable homes that can be delivered.

8. VAT Implications on Land & Property Transactions

Not applicable.

9. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE SERVICES

- 9.1 The Mayor's Scheme of Delegation provides that the Mayor and Cabinet shall approve all corporate policies and strategies, which includes the Residents Charter exhibited as Appendix 1.
- 9.2 Once formally adopted, the Residents' Charter will give residents certain legal rights to hold the Council to account in terms of its contents and application.
- 9.3 The Hackney Housing Strategy 2017- 2022 is referred to at paragraph 6.2 above and careful consideration should be given by Officers to ensure that the proposed Residents Charter is complementary to that Strategy and to the Council's other Housing and Regeneration policies.

APPENDICES

Appendix 1 - Residents Charter

EXEMPT

Not applicable.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (or None)

None

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Appendix 1

Residents Charter

Hackney is building. On dozens of sites across our borough, Hackney Council is building a new generation of Council housing to help meet demand and replace homes that are beyond repair.

Our house building programme isn't about luxury flats or overseas investors – it's about building genuinely affordable homes for those most in need of somewhere to live, with priority going to local people first.

We know you'll judge us by what we actually do. That's why this charter sets out the promises the Council will make to you, and the rights and guarantees you are entitled to if new homes are to be built where you live.

How we're building homes

Not for profit

Hackney is building Council homes, great outdoor spaces and new community facilities. With little government funding for social housing and increasing demand for Council services, building some homes for outright sale is the only way of paying for the new Council homes. We never sell homes to make a profit and all income received is reinvested into the Council's building programmes.

Council-led

Hackney is building homes via direct delivery. That means that the homes and developments are built, owned and managed by the Council, and any homes that we need to sell to pay for this are done through the Council's sales and marketing team, Hackney Sales.

Council land

Hackney is building on Council-owned land to help tackle the housing crisis and build new community facilities for residents. Rather than selling Council owned land, it means repurposing the land for new homes by reusing underused car parks and garages and demolishing old properties that have become too costly to repair. By taking this approach new, modern homes can be built alongside schools, leisure centres and community spaces to make the most of the spaces the Council owns to provide much needed public facilities as well as good homes.

Principles underpinning building homes

First dibs for local people

Hackney is building for local people, and it's only fair that those who are most affected by the changes taking place are the first to benefit. That's why we always put local people first in our new developments, whether it's guaranteeing the right to return for any affected residents, and giving first preference for new Council homes to local residents, or putting Hackney residents ahead of others when marketing homes that are for shared ownership or for sale.

Working together

Hackney is building together with the local community. All of Hackney's projects are delivered through close collaboration with local residents from start to finish, whether through resident steering groups on the larger regeneration projects or through a meaningful engagement on the smaller projects - your thoughts will always be sought and listened to.

Our Key Promises

1) We will hold meaningful engagement on our proposals and where appropriate, we will change our ideas in response to residents' feedback, and explain how we have done this	2) If the plan requires the demolition of any Council homes, we'll hold a ballot of the residents living in those homes
3) We will regularly communicate with residents about our plans in a clear, accessible and transparent way, and make it easy to find out more detailed information	4) We will ensure Council tenants whose home is demolished will be guaranteed a new, modern Council home on their estate that better meets their needs, at the same type of social rent and with the same tenancy conditions they have now
5) The new Council rented homes we build will be at a genuinely affordable social rent – not what the government calls 'affordable' rent. Annual rent increases for Council homes will be limited at CPI +1%, or other Regulator of Social Housing formula in force at the time.	6) Local Council tenants in housing need will have first dibs on any remaining new Council homes before they are then offered to families on the Council's Housing Register
7) We will only sell homes to cover the cost of building new Council homes, not to make a profit, and we'll market these locally first – not to overseas investors or buy-to-let landlords	8) Resident leaseholders and freeholders will be guaranteed the right to purchase a new, modern home from the Council on their estate, and will never be financially worse off as a result of redevelopment

Our Commitments To You

If we plan to build new homes on your estate, whether you rent or own your home, we promise that:

- We will be open and transparent with you from the beginning about the proposals and clearly explain how they affect you and your neighbours
- We will give you the opportunities to have your say on the proposals and design of the new homes, and we'll act on your feedback and tell you what we have changed
- We will keep you informed and updated about the progress of the proposals

- If our proposals involve the demolition of existing Council homes, we will hold a ballot of directly affected residents as part of a wide-ranging consultation and engagement plan, which will include access to independent advice for residents

If our proposals include the demolition of your home, these are the promises we make to you if you are a;

Council tenant

- Be able to vote in a ballot about whether redevelopment should go ahead
- Have access to independent advice and support to help you make a decision
- Have the right to return to a new, modern Council home on your existing estate, at the same type of social rent you pay now
- Receive compensation for the disruption of moving, and there will be no financial disadvantage for you or your family because of redevelopment
- Have support to move home and dedicated support to help with any issues for the first year of living in your new home
- Have a single named Council officer to guide you through the process
- Be entitled to timely repairs and maintenance of your existing home until it is demolished, if the proposals go ahead
- Have a transparent and fair complaint handling process in place in case of dissatisfaction

Resident leaseholder or freeholder

- Be able to vote in a ballot about whether redevelopment should go ahead
- Have the right to return to a new, modern home managed by the Council on your existing estate, on a shared equity basis – or another option of your choosing set out in our Leaseholder and Freeholder Options Document
- Receive compensation for the disruption of moving, and not be financially disadvantaged by the redevelopment
- Have support to move home and dedicated support to help with any issues for the first year of living in your new home, if you choose to remain a Council leaseholder
- Have a single named Council officer to guide you through the process
- Have a transparent and fair complaint handling process in place in case of dissatisfaction

Non-resident leaseholder or freeholder

- Receive a statutory payment for the loss of your home, subject to certain conditions
- Receive the agreed market value from the Council to purchase your home

The policies that underpin this charter:

- Resident Ballots for Regeneration Projects in Hackney
- Local Lettings Policy for Woodberry Down
- Leaseholder and freeholder options document
- Existing Council Local Letting Policies (these are currently subject to review)

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<p>TITLE OF REPORT - Resident Ballots for Regeneration Projects in Hackney</p> <p>Key Decision No - NH Q91</p>	
<p>CABINET MEETING DATE</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>CABINET MEMBER</p> <p>Philip Glanville, Mayor of Hackney Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy</p>	
<p>KEY DECISION</p> <p>Yes</p> <p>REASON</p> <p>Affects two or more wards</p>	
<p>GROUP DIRECTOR</p> <p>Ajman Ali, Group Director for Neighbourhoods and Housing</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Hackney's Council housing provides a safe, stable and affordable place to live for more than 20,000 families in the borough. As the demand for homes has grown and house prices and private sector rents have increased, the availability of Council homes has become more important than ever.
- 1.2. Hackney Council, since 2011 has led on its pioneering, not-for-profit approach to building new homes. This approach has directly delivered more than 1,400 new homes in the borough. More than half the homes built are for social rent, shared ownership or for Hackney Living Rent, and the rest are sold outright to help pay for them – a model now followed by other Councils across London and the UK.
- 1.3. Building new homes can cause huge disruption to local residents and it's only fair that local residents should always be the first to benefit from a new Council development. That's why the Council is committed to always put local residents first in its new developments, which means guaranteeing the right to return for any affected residents or giving first preference for new Council homes to local neighbours in housing need, or putting Hackney residents ahead of others when marketing homes for sale.
- 1.4. The Council's priority is to deliver affordable new Council homes without impacting on existing homes. The focus of the most recent house building programme has been on repurposing underused Council-owned land such as unused garages or car parks. Yet in instances where existing homes do not meet residents' needs or replacing existing homes through redevelopment can deliver significant benefits for residents and the wider community, it is vital that this is delivered through close collaboration with local residents from start to finish.
- 1.5. In 2018, the Council made a promise that it would only ever proceed with proposals to demolish any Council home if the proposal had the support of the residents living there. A residents' ballot is the simplest and most transparent way for everyone to understand the level of support for a proposal to build new Council homes.
- 1.6. This approach has been tested with the residents of Trinity Court on the De Beauvoir Estate, where a strong majority of residents supported the offer of a brand new, high quality new Council home on the estate as part of a wider package of support – plans that also facilitate additional new Council homes for those who need it and further investment in the wider estate.
- 1.7. The 'Resident Ballots for Estate Regeneration in Hackney' commits to holding a ballot for every single eligible regeneration project and will ensure any secure Council tenant whose home is demolished will be guaranteed a new, modern Council home on their estate. It will not apply retrospectively to Council-led regeneration schemes that were subject to formal approval prior

to July 2018. This sits alongside the new Resident's Charter which is also on the agenda at March Cabinet.

- 1.8. We commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. Our successful, award-winning estate regeneration programme is helping transform unmodernised estates into new thriving, mixed tenure communities, with high standards of design and community facilities. We are building thousands of new homes, over half of which will be for social rent and shared ownership and Hackney Living Rent.
- 2.2. We fully recognise, however, that our regeneration plans cause major disruption for local people affected by the changes taking place and for existing tenants who have to move out of their homes in order for redevelopment to take place. For this reason, we are committed to listen to and collaborate with existing residents affected by regeneration proposals from start to finish.
- 2.3. The 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement is an essential way of ensuring that existing residents directly affected by regeneration proposals have their say on whether redevelopment involving the demolition of their homes should go ahead.

3. RECOMMENDATION(S)

- 3.1. **That the Cabinet approves the 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement attached as Appendix 1.**

4. REASONS FOR DECISION

- 4.1. As Hackney is facing an unprecedented housing crisis, the Council is building new genuinely affordable homes across a range of sites in the borough to help meet housing demand, engaging and consulting with the local community and putting residents at the heart of any proposals for redevelopment.
- 4.2. To ensure that regeneration brings real benefits to local communities and opportunities are given to existing tenants, the Council has already developed and adopted Local Lettings Policies as well as the Leaseholder and Freeholder Options Document. Moreover, the Council follows the guidance provided in the 'Better Homes for Local People', the Mayor of London's Estate Regeneration Good Practice Guide. The latter sets out good practice and principles to deliver better homes for local communities, and encourages housing providers to openly engage with residents affected by a regeneration project, from its inception. The Mayor of London's Guide encourages the use of ballots when demolition is involved in a regeneration scheme in receipt of

GLA funding (specific requirements for ballots are set out in the GLA's Capital Funding Guide).

- 4.3. If a regeneration scheme is in receipt of GLA funding, the Mayor of London introduced requirements for resident ballots in circumstances where there is large-scale regeneration and proposed demolition of any homes. The 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement (Appendix 1) defines how the Council intends to undertake voluntary resident ballots for future regeneration projects not in receipt of GLA funding and therefore not subject to the Mayor of London's requirements. It provides guidance for regeneration projects developed by the Council itself and will be promoted as a good practice example - via a Hackney Council-Registered Providers Compact - for regeneration projects undertaken by Registered Providers within the borough.
- 4.4. The 'Resident Ballots for Regeneration Projects in Hackney' Policy Statement sets out the Council's commitment to carrying out ballots of residents on future regeneration schemes that involve large-scale demolition where a formal decision was made after 18 July 2018. It reinforces Hackney Council's commitment to placing residents at the heart of decision-making on regeneration projects.
- 4.5. Organising the ballots may generate some additional costs. For instance, independent bodies may have to be procured to give more independence and credibility to the vote. However, Hackney Council already invests in extensive engagement with residents and wider stakeholders when developing regeneration schemes and arranging ballots as part of this engagement process would not result in a relevant increase in costs.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1. The alternative option would be not introducing the 'Resident Ballots for Regeneration Projects in Hackney' policy. However, this would be a missed opportunity to:
 - a. set out clarity on Hackney Council's approach to voluntary ballots on schemes not in receipt of GLA funding and therefore not subject to the Mayor of London's requirements (as defined in the GLA Affordable Housing Capital Funding Guide);
 - b. provide a policy recommendation on voluntary ballots to Registered Providers proposing to carry out regeneration projects in Hackney;
 - c. fulfil a commitment within the Mayor of Hackney's 2018 Manifesto.

6. BACKGROUND

- 6.1. Resident ballots form part of the good practice examples and principles set out by the Mayor of London in his 'London Estate Regeneration Good Practice Guide: Better Homes for Local People', that recognises Hackney Council's arrangements for consultation with residents as an example of best practice.
- 6.2. The Mayor of London's requirements for resident ballots for estate regeneration projects were introduced in 2018 and are contained within the GLA's Capital Funding Guide, a live document that defines how ballots are implemented and describes them as a milestone in an estate regeneration project.
- 6.3. Undertaking resident ballots, as part of a wide-ranging consultation and engagement plan, is one of the commitments within the Mayor of Hackney's 2018 Manifesto ('Building A Fairer, Safer and More Sustainable Hackney'). The ballots policy was trialled in the De Beauvoir Phase 2 project. A pilot resident ballot for Trinity Court was agreed by the Cabinet in July 2020; the majority of residents voted in favour of the redevelopment of the building.

6.4. Policy Context

In the Hackney's year-long consultation with residents in 2015/16 - 'Hackney: a place for everyone', that informed the Hackney Housing Strategy 2017-22, the surveyed residents expressed concerns about housing availability and affordability in Hackney and suggested that building more social housing and other genuinely affordable housing formed part of the response to their concerns. 'Building high quality, well-designed and genuinely affordable new homes' became the first key theme of the 'Delivering the homes Hackney needs' Housing Strategy.

In combination with other policies, the resident ballots policy statement reinforces Hackney's commitment to build new, genuinely affordable homes for the local communities, taking into account the views' of local residents particularly of those directly involved in redevelopment projects, and ensuring that local communities benefit from the regeneration taking place in the borough.

6.5. Equality Impact Assessment

An Equality Impact Assessment is not required to introduce the resident ballots policy for regeneration projects in Hackney. However, when carrying out voluntary ballots any special needs of residents eligible to vote will be considered to ensure that all eligible voters can cast their vote. The question posed in the ballot will be as direct and unambiguous as possible.

6.6. Sustainability

There would be no new impacts on the physical and social environment from proceeding with the recommendations of this report.

6.7. Consultations

There is no requirement for statutory consultation in relation to introducing the policy on resident ballots for regeneration projects in Hackney. Ballots are themselves a means of engagement to ensure that residents affected by a redevelopment proposal have their say on whether their homes should be demolished. They are a tool to engage with residents and take their views into consideration. However, officers have engaged with:

- officers from relevant council services,
- groups representing residents of regeneration projects.

The responses of these groups have been taken into account in finalising the policy on regeneration ballots in Hackney for consideration by the Cabinet.

6.8. Risk Assessment

Organising and undertaking the ballots may generate additional costs as, for instance, independent bodies may have to be procured to give more independence and credibility to the vote. However, adequate and effective project and cash flow management will ensure that additional costs for ballots-related engagement are manageable.

Ballots may generate delays to projects delivering much needed new homes or even frustrate them. However, extensive consultation with residents involved in the regeneration proposal and engagement with residents whose homes are due to be demolished as part of the redevelopment plans will allow the Council to collect people's views and make decisions taking these into account, thus increasing residents' support. Putting residents at the heart of shaping proposals is an important condition for delivering successful regeneration schemes.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

There are no direct financial implications from this report, however the commitments made in the residents ballot may limit the viability of schemes and therefore ultimately impact on the quantity of affordable homes that can be delivered.

8. VAT Implications on Land & Property Transactions

Not applicable.

9. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE SERVICES

- 9.1. The Mayor's Scheme of Delegation provides that the Mayor and Cabinet shall approve all corporate policies and strategies, which includes the Resident Ballots Policy exhibited as Appendix 1.
- 9.2. Once formally adopted, the Resident Ballots Policy will give residents certain legal rights to hold the Council to account in terms of its contents and application.
- 9.3. The Hackney Housing Strategy 2017- 2022 is referred to at paragraph 6.4 above and careful consideration should be given by Officers to ensure that the proposed Resident Ballots Policy is complementary to that Strategy and to the Council's other Housing and Regeneration policies.

APPENDICES

Appendix 1 - Policy Statement - Resident Ballots for Regeneration Projects in Hackney

EXEMPT

Not applicable.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (or None)

None

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Appendix 1

Policy Statement

Resident Ballots for Regeneration Projects in Hackney

1. Purpose

- 1.1 The Mayor of London has introduced a requirement to undertake resident ballots in the case of 'Strategic Estate Regeneration Projects' that are in receipt of GLA funding (as defined in section 3.1 below). The requirements came into force from 18 July 2018.
- 1.2 This paper sets out how the Council intends to implement resident ballots for future regeneration projects that are not in receipt of GLA funding, and are therefore not subject to the Mayor of London's requirements.
- 1.3 It is recommended that Registered Providers use this paper as policy guidance for any regeneration projects that they propose to carry out in the borough.

2. Context

- 2.1 In his 2018 manifesto, the Mayor of Hackney pledged that: "*Where any new regeneration schemes involves the large-scale demolition of residents' homes, we will support the use of ballots as part of a wide-ranging consultation and engagement plan which includes independent advice, building on existing Hackney best practice.*"
- 2.2 The Mayor of London's detailed requirements regarding Resident Ballots for Estate Regeneration are set out as a condition of GLA funding. They are contained in Section 8 of the GLA's Capital Funding Guide¹, which is a 'live' document, and is subject to periodic changes and updating.

3. Definition of Strategic Estate Regeneration Projects

- 3.1 The Mayor of London's requirement for resident ballots applies to 'Strategic Estate Regeneration Projects', part-funded by the GLA, where *both of the* following criteria are met:
 1. demolition of any affordable or leasehold homes on an existing social housing estate; AND

¹ GLA Affordable Housing Capital Funding Guide:
https://www.london.gov.uk/sites/default/files/3_cfg_section_8_resident_ballots_-_18_june_2021.pdf

2. construction of at least 150 new homes, regardless of tenure, within the boundaries of the estate.
- 3.2 A summary of some other key points from the GLA's funding guide are attached as an appendix to this paper.

4. Implementation of Estate Regeneration ballots in Hackney

- 4.1 The GLA's guidance will apply to all strategic estate regeneration projects that are part-funded by the GLA. The guidance below therefore only applies to projects that are not in receipt of GLA funding.
- 4.2 The Council is committed to carrying out ballots on any new council regeneration scheme that involves large-scale demolition of residents' homes, irrespective of whether GLA funding has been secured for the scheme.
- 4.3 In carrying out ballots for projects not in receipt of GLA funding, the Council will generally seek to conform to the guidance contained in the GLA's Capital Funding Guide at the time a formal decision is made to proceed with the project. However, the following will also apply:
- (i) ***Where a formal decision had been taken prior to July 2018:*** Ballots will not apply where a formal decision had already been taken by the Council to proceed with a regeneration project prior to the Mayor of London's requirements coming into force (18 July 2018).

In these cases, a decision had already been taken to proceed with the regeneration and extensive engagement and consultation with residents had already taken place. Hackney Council's arrangements for consultation and engagement with residents have been acknowledged as an example of best practice in the Mayor of London's Good Practice Guide to Estate Regeneration.

- (ii) ***The number of demolitions is small in relation to the estate regeneration project as a whole:*** In these cases, only those residents whose homes are being demolished would be balloted. There may be projects where, to enable the effective delivery of a larger project, a small number of demolitions may be necessary. Where such proposals would increase housing supply (helping to deliver desperately needed genuinely affordable homes), make improvements to the wider estate, or involve minimal disruption to other residents, only those directly affected by the loss of their home should be balloted.
- (iii) ***Infill projects on estates, where there is no demolition of occupied homes:*** Ballots will not be carried out in these circumstances. However, it will remain a key feature of the Council's approach that all proposals for new

housing and related development on estates are subject to extensive consultation and engagement with the residents who may be affected, for example by the disruption caused as a result of the construction of new homes. Joint working with local residents and councillors is vital to ensure that local issues and views are heard, and that these views constructively contribute towards achieving the best outcomes.

APPENDIX

Summary of some of the key points of the GLA's Capital Funding Guide

Please note that the Funding Guide is a 'live' document and is subject to change.

1. **Estate boundary:** The guidance acknowledges that there may be cases where the boundary of an existing estate is unclear, and agreement should be reached with the GLA in these cases.
2. **Landlord Offer:** Providers must produce a Landlord Offer to eligible residents, which must contain sufficient information for residents to make an informed decision about the future of their estate. The GLA guidance lists the minimum information that must be provided.
3. **Eligibility:** Ballots must be open to social tenants who are resident at the time the Landlord Offer is published; to leaseholders and freeholders who have been living in their properties as their principal home for at least one year; and to any resident whose principal home is on the estate and who has been on the Council's housing register for at least a year. There is no limit to the number of eligible voters per household, but only residents aged 16 or above are eligible to vote.
4. **Timing:** Ballots should be carried out prior to the procurement of a development partner and/or to finalising the specification of works.
5. **Independent Body:** A suitably qualified Independent Body must be appointed to undertake the resident ballot.
6. **Voting:** Ballots must offer a 'yes' or 'no' vote to eligible residents on the Landlord Offer. There is no minimum threshold for turnout. In the event of a 'no' vote, the GLA places no limit on the number of subsequent ballots.
7. **Exemptions:** There are a number of tightly defined exemptions, including current Strategic Estate Regeneration Projects that secured full or outline planning permission prior to 18 July 2018 where that permission has not lapsed. However, where the permission is later varied to include additional demolitions of social housing not included in the original decision notice, then the ballot requirement would apply.



<p>TITLE OF REPORT - Keeping Communities Together: Updated Local Lettings Policies For Woodberry Down</p> <p>Non Key Decision No - NH Q79</p>	
<p>CABINET MEETING DATE (2020/21)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>Woodberry Down</p>	
<p>CABINET MEMBER</p> <p>Philip Glanville, Mayor of Hackney Councillor Sade Etti, Mayoral Advisor Homelessness, Housing Needs and Rough Sleeping</p>	
<p>KEY DECISION</p> <p>No</p>	
<p>GROUP DIRECTOR</p> <p>Ajman Ali, Group Director for Neighbourhoods and Housing</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Council housing is at the heart of Hackney, providing a safe, stable and genuinely affordable place to live for more than 20,000 families and helping to keep the borough a place for everyone despite huge challenges and changes in recent years. As demand for housing has grown and house prices and private rents have increased, Council homes are more important than ever.
- 1.2. That's why Hackney is building. Since 2011, our pioneering, not-for-profit house building approach has directly delivered more than 1,000 new homes in Hackney. More than half the homes we build are for social rent, shared ownership and Hackney Living Rent, and the rest are sold outright to help pay for them in the absence of sufficient government funding. This is so that as many people as possible who need one can enjoy a new Council home - a model now followed by other councils across London and the UK.
- 1.3. While we'll continue to build homes ourselves where we can, it's vital that we use every option available to get more social housing built for our residents – and our unique partnership at Woodberry Down is doing just that. It started at a time when Councils were unable to build our own homes nor could they invest in modernising all their estates. At Woodberry Down, since 2009, with our partners we've built over 2,000 new homes, of which so far 533 are for social rent and 281 shared ownership, alongside a new secondary school, community facilities, new parks, youth hub and the reopening of the stunning Woodberry Wetlands. The phase currently on site will deliver 117 much needed social rented homes, including options for all council tenants currently living in Phase 4.
- 1.4. Crucially, this is all done together in a close partnership with residents through the Woodberry Down Community Organisation (WDCO), and our partners Berkeley Homes and Notting Hill Genesis, alongside social economic regeneration with partners like Manor House Development Trust and now Hackney Cooperative Developments. From the start this project has been co-produced, shaped and steered by local residents working across this close partnership, firmly focused on building the new social rented homes they have long been promised.
- 1.5. The same is true of the policies that govern the regeneration, including the original 'Local Lettings Policy for Estates Approved for a Regeneration Programme' was approved by Cabinet in November 2011 and The Woodberry Down Secure Tenants' Offer Document (November 2014). Through these policies the Council has worked hard through every phase to keep the community intact at Woodberry Down, ensuring a clear right to return, minimising the number of decants and off estate moves, and firmly offering every secure tenant and resident leaseholder a new home on the new estate.
- 1.6. The regeneration of Woodberry Down is well underway - construction of Phase 3 of the redevelopment commenced in Autumn 2021, and detailed

designs are currently being prepared for Phase 4, with the 'Woodberry Down Phase 4 - Proposed Serving Of Demolition Notices, Suspension Of Right To Buy And CPO Preparatory Work' being approved by Cabinet only last month. Combined with this report and the updates to policy we are refreshing the principles and policies that shape the regeneration at Woodberry Down and ensuring they incorporate changing circumstances and needs on the estate and are fit for purpose.

- 1.7. We know that building new homes, and especially complex long term estate regeneration, can cause huge disruption and we believe it's only fair that local people should always be the first to benefit from the new developments. The updated Local Lettings Policy for Woodberry Down, alongside other policies, will ensure we always put local people first in our new developments, whether it's guaranteeing the right to return for any affected residents, giving first preference for new social rented homes to local neighbours in housing need, or putting Hackney residents ahead of others when marketing homes for sale. Every new home that Hackney is building with our partners at Woodberry Down is an opportunity for a local family to have safety, security and long-term roots in the borough, keeping it a place for everyone.
- 1.8. Our partnership at Woodberry Down is already transforming the lives of residents who live there, providing modern, high-quality social housing for families who need it most. This report seeks to update the promises and commitments on lettings we made to existing tenants and residents and support the next stages of this journey and I recommend this paper to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. Our successful, award-winning estate regeneration programme is helping transform unmodernised estates into new thriving, mixed tenure communities, with high standards of design and community facilities. We are building thousands of new homes, over half of which will be for social rent, shared ownership and Hackney Living Rent.
- 2.2. We fully recognise, however, that our regeneration plans cause major disruption for existing tenants who have to move out of their homes in order for redevelopment to take place. The local lettings policy for Woodberry Down helps address this by enshrining existing tenants' right to return to the new homes on the estate and giving opportunities to their adult children to move to a home of their own that meets their needs.
- 2.3. We know from consultation with Hackney residents that many feel that economic and housing growth in the borough is not benefiting them or their families and that they are being left behind. A key aim of our Corporate Plan is keeping Hackney as a place for everyone. Similarly, our Community Strategy, which sets the direction for the Council's other local plans and strategies, aims to make Hackney a fairer, safer and more sustainable place for everyone, and to protect Hackney's open, inclusive community spirit for future generations.

As part of this, the Council wishes to ensure that the whole community can benefit from housing and economic growth.

- 2.4. The local lettings policy for Woodberry Down is an essential way of ensuring that local tenants and their children can benefit from the regeneration that is taking place on their estate and in their communities. It helps keep communities together, so that Hackney's residents and future generations can continue to live in the borough and that existing family and friendship networks can thrive.

3. RECOMMENDATION(S)

3.1. That the Cabinet approve:

The Local Lettings Policy for Woodberry Down, attached as Appendix 1, which includes the following policy changes:

- **that adult children (over 18) of tenants in future phases of a regeneration scheme are offered the opportunity to move to a home of their own that meets their needs ('split household moves'), and that a quota of moves is agreed annually for this purpose.**
- **In the final phase of the Woodberry Down regeneration programme or in a future phase built after all those eligible to be decanted or have a Right to Return have been housed, then split households who have already moved off the estate will be offered the Right to Return.**
- **Tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to give up to three preferences for the new properties on the estate they would like to be offered, subject to availability and the other rules set out in the Local Lettings Policy.**

4. REASONS FOR DECISION

- 4.1. The existing 'Local Lettings Policy for Estates Approved for a Regeneration Programme' was approved by Cabinet in November 2011 and is still in force. One of the key priorities of the Council is to complete the regeneration of these housing estates in the borough and this document sets out the rehousing policies that apply to council tenants who have to move from their homes to enable demolition or refurbishment as part of an estate regeneration scheme.
- 4.2. The LLP for Woodberry Down is an update of the existing LLP to reflect current practice on this estate, in order to avoid possible confusion and misinterpretation. It has been drafted in a way that gives greater clarity, which should be more helpful to tenants and their advisers, Council officers, and Members.

- 4.3. In most cases, the updates are simply changes in wording, intended to clarify matters or to set out current practice in as clear a way as possible. However, a small number of policy changes have been made in the policy document for Woodberry Down, and these are listed in the recommendations to this report. In particular, the policy changes are intended to give the adult children of tenants who will be decanted in the course of these regeneration schemes additional opportunities to move to a home of their own (known as 'split household' moves). This reflects the length of time it will take to complete the regeneration, which began when many of these children were younger and would have been expected to remain in single family households, but now they are more likely to be young adults starting families of their own.
- 4.4. The existing LLP and the LLPs for Woodberry Down reflect the historical policy commitments that have been made to the residents so policy differences already exist between the LLP and the main Hackney Lettings Policy.
- 4.5. Under legislation governing the allocation of housing accommodation, the Council may choose to approve local lettings policies, as part of a wider regeneration strategy, provided that such policies do not dominate the overall allocations scheme (i.e. the Council's main Lettings Policy). Further details are provided in Section 9 of this report.
- 4.6. There are no direct financial implications of introducing the recommendations of this report. However, if more adult children are given the opportunity to move to their own home, this could put further pressure on the number of social housing lettings available to applicants on the Housing Register. This, in turn, could have implications for the additional provision / cost of temporary accommodation required for homeless households. To limit the potentially high demand for split household moves, it is proposed that there will be an annual quota of moves available to the adult children of tenants in future phases of the regeneration scheme, the size of which will be agreed annually.
- 4.7. An Equalities Impact Assessment of the proposed policy changes has been carried out. The full EqIA is attached as Appendix 2 and summarised in section 6.4.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5.1. Alternative options include:

1. No change. Continue to apply the existing policies on the Woodberry Down estate. If the Local Lettings Policy for Woodberry Down is not agreed by the Cabinet, the existing policies would continue to be in force on this estate. However, the updated Local Lettings Policy for Woodberry Down is written more clearly and better reflects current practice and commitments made to tenants on this estate.

2. Remove the current local lettings policies and apply the main Hackney Lettings Policy to tenants being decanted from the Woodberry Down estate. This action would not recognise that tenants' homes in many cases are being demolished, tenants are being moved from their homes and that they are facing significant life-changing disruption that may last a number of years. Support for the regeneration programme would fall. This option would not achieve the aim of keeping communities together during the important regeneration of this estate nor recognise the demographic shift in recent years.

6. BACKGROUND

- 6.1. Under legislation governing the allocation of housing accommodation, the Council may choose to approve local lettings policies, as part of a wider regeneration strategy, provided that such policies do not dominate the overall allocations scheme (i.e. the main Hackney Lettings Policy).
- 6.2. The existing Local Lettings Policy for tenants being decanted from regeneration estates was agreed by Cabinet on 21 November 2011. Subsequent to this report, commitments were made to tenants on Woodberry Down estate, which meant that slightly different policies apply to Woodberry Down estate, a scheme being delivered by Berkeley Homes and Notting Hill Genesis in partnership with the Council. The commitments to tenants at Woodberry Down were made in The Woodberry Down Secure Tenants' Offer Document (November 2014).

6.3. Policy Context

As set out in the Corporate Plan 2018-22, keeping Hackney as a place for everyone is our shared vision for the Council. The Community Strategy 2018-2028 sets the direction for the Council's other local plans and strategies, and aims to make Hackney a fairer, safer and more sustainable place for everyone, and to protect Hackney's open, inclusive community spirit for future generations. As part of this, the Council wishes to ensure that the whole community can benefit from housing and economic growth.

The Local Lettings Policy for Woodberry Down is a key way of ensuring that tenants and their children can benefit from the regeneration that is taking place on their estate and in their communities. They help keep communities together, so that residents and future generations can continue to live in the borough and that family and friendship networks can thrive.

The Community Strategy was informed by Hackney's year-long consultation with residents in 2015/16 - 'Hackney: a place for everyone'. Some of the key findings were that, because of housing affordability and the wider housing crisis, residents surveyed who had children were worried that their children will not be able to afford to live in Hackney when they are older. There were

people who felt increasingly excluded and left behind by the regeneration that is taking place in the borough. Some of our long-standing communities feel they are unable to access the new homes, jobs and other opportunities that have resulted from Hackney’s housing and economic growth and regeneration.

The Local Lettings Policy for Woodberry Down will contribute to helping keep communities together within the borough and, in combination with other policies, help them to benefit from the regeneration and economic growth taking place.

The following table shows the policy changes that are being recommended to Cabinet in this report:

	LLP for Woodberry Down
Split household moves for adult children	<p>Compared to the LLP 2011, the LLP for Woodberry Down (2022) makes minor changes and clarifies the criteria for moving adult children and extend split household moves to ‘out of phase’ adult children:</p> <p>If there are adult children over 18 who have lived continuously in the home for 10 years or longer, <i>in any phase of the regeneration scheme</i>, they will be offered the opportunity to move to a home of their own that meets their housing needs. (Note: the proposed change is highlighted in italics). (2.5.1 and 2.5.2 LLP for Woodberry Down)</p> <p>In the final phase of a regeneration scheme, after all those eligible to return have been housed, then split households who have already moved off of the estate will be offered the Right to Return. Priority will be given in line with the provisions of the main Hackney Lettings Policy. (4.1.1 v LLP for Woodberry Down)</p>
Choice	<p>Compared to the LLP 2011, the LLP for Woodberry Down (2022) introduces a section on “Choice” (5. LLP for Woodberry Down):</p> <p>Tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to give their preference for the new property that they would like to be offered, by naming up to three addresses in order of preference, subject to the other rules set out in the policy document. (5.1 LLP for Woodberry Down)</p> <p>Wherever possible, the Council will seek to meet a tenant’s preferences, though this is not guaranteed and is dependent on the properties available for letting, and the priorities for allocating new homes (as set out in section 4.1 of the updated LLP document) (5.2 LLP for Woodberry Down)</p>

For clarity, differences exist between the Local Lettings Policy and the main Hackney lettings policy:

	Hackney Lettings Policy	LLPs for Woodberry Down
Adult children	The Hackney Lettings Policy does not include 'split household' move	If there are adult children over 18 who have lived continuously in the home for 10 years or longer, they will be offered the opportunity to move to a home of their own that meets their housing needs. This is known as a 'split household' move. One direct offer will be made to a property on the estate, subject to availability.
Bedroom standard	Children and young people of the same sex are expected to share a bedroom until the oldest is 21. Children and young people of different sexes are expected to share a bedroom until the oldest is 10.	Each child under 18 will be allocated a separate bedroom.
Under-occupying	Appendix 1 'Under-occupation scheme': "The tenant must downsize to their assessed room need [...]" Tenant will not be accepted onto the scheme if they required a spare room and they have not been medically assessed as needing an extra bedroom"	The Council's policy on under-occupation is set out in the Hackney Lettings Policy. People over 55 who are under-occupying - Where there are older tenants (a single person who is over 55 or, in the case of couples, where one of the tenants is over 55) living in a home with two or more bedrooms and they have requested a two-bedroom home but their assessed need is for a one bedroom, their request will be accepted (subject to the exceptions set out in the LLP).

6.4. Equality Impact Assessment

Local authorities need to ensure that their allocation schemes are compliant with the full range of duties under the equality legislation, such as elimination of unlawful discrimination, the promotion of equality of opportunity and good relations. Any alterations to the allocation scheme and policies must therefore be subject to an equality impact assessment.

Although the existing Local Lettings Policy and the Local Lettings Policy for Woodberry Down do result in differential treatment between those in similar situations, prioritising existing tenants for new accommodation does not act as a bar to those on the housing register or from outside of the area accessing

housing. This is because of the 'churn' effect, which means that every time a tenant with a right to return moves into a newly built social rented home on a regeneration estate, an existing social home is freed up which would be allocated in accordance with the general provisions of the Hackney lettings policy.

There is, however, an exception to the above, i.e. split household moves for adult children, which will result in a net loss of lettings available to applicants on the housing register. However, to limit demand for these moves, it is recommended that the Council sets an annual quota of such moves. Under these circumstances, the number of lettings each year to adult children of tenants in future phases of a regeneration scheme would be limited by an annual quota of lettings.

A full Equality Impact Assessment (EqIA) of policy changes to the LLP, for Woodberry Down, is attached as Appendix 2 to this report. The EqIA concluded that the main groups that would be affected by the policy change are: tenants, in particular 'out of phase' adult children over 18 who have lived continuously in the home for 10 years or longer; and applicants on the Housing Register with a significant need for housing.

To assess the impact of the policy change within the LLP for Woodberry Down, the protected characteristics of applicants on the housing register are compared to the protected characteristics of tenants on the estate (phases 4-8) and their children, where data available.

Overall, there are some similarities in the demographic profile of Woodberry Down estate tenants and Housing Register applicants with a significant need for housing, though the tenants on the Woodberry Down estate tend to be older than Housing Register applicants and a considerable number reported a health condition. The EqIA describes the positive impacts that could result from the introduction of the policy, particularly on community cohesion and social inclusion of existing residents on the estate.

The EqIA also describes potential negative impacts in terms of additional time spent by applicants on the housing register, additional costs for the Council to provide additional temporary accommodation, and delaying access to social housing of groups traditionally less represented in social housing and regeneration estates. Finally, the EqIAs also describes the actions that can be taken to mitigate the negative impacts, such as limiting the number of 'out of phase' split household moves and monitoring protected characteristics.

Lettings Data

	2018/2019	2019/2020
LBH Lettings	640	409
WD LLP Lets	23	24
Regen lets as %	3.5	5.9

Comparative lettings data for the period 2018 - 2020 is set out in the above table. Across these two years, a total of 47 lets were made through the existing Woodberry Down LLP - 23 in 2018/19 and 24 in 2019/20. With the LBH Lettings Policy at 640 and 409 lets for the same period, the simple percentage impact from the regeneration programme comes in at 3.5% and 5.9% respectively.

The impact does need to be treated with caution in that it only represents a figure for the Woodberry Down lets. The wider regeneration programme will need to be factored in to provide the full context. Unfortunately lettings data is not currently available in order to assess the impact (or not) of the wider regeneration programme. Officers will undertake research and analysis of lettings policy data but any findings will not be available until late 2022.

6.5. Sustainability

There would be no new impacts on the physical environment from proceeding with the recommendations of this report. The local lettings policy for Woodberry Down Estate would have a positive impact on social sustainability by helping keep communities together ensuring that, through regeneration, the borough maintains its diverse communities.

6.6. Consultations

The Council may suspend, vary or withdraw the Local Lettings Policy for Woodberry Down at any time. There is no requirement for statutory consultation in relation to updating or adding to Local Lettings Policies. Through the process of developing the LLPs, however, officers have engaged with:

- officers from relevant council services,

- groups representing residents of Woodberry Down,
- Lead members and ward councillors.

The responses of these groups have been taken into account in finalising the LLP for Woodberry Down for consideration by the Cabinet.

Once the LLP is in place, its impact will be monitored recording the key characteristics of each letting (e.g. priority band, case type, ethnicity) and ongoing engagement will take place with tenants.

6.7. Risk Assessment

In the last few years, demand for social housing has been rising rapidly while supply has been decreasing. Only 409 lets were made available in council and housing association homes in 2019/20 in the borough, compared with 1,229 in 2016/17 and 1,638 in 2010/11. In this context of decreasing availability of lets, there is a risk that high demand for the extended policy of split household moves for adult children in future phases of regeneration schemes could have a significant impact on rehousing opportunities for applicants on the Council's housing register. This, in turn, could have implications for the additional provision/cost of temporary accommodation required for homeless households.

Exact records are not currently available because of a cyberattack but the officers' knowledge indicates that just under 50 split household moves took place in Woodberry Down over the last 12 years. To limit the potentially high demand for split household moves, it is proposed that there would be an annual quota of moves available to the adult children of tenants in future phases of the regeneration schemes, the size of which would be agreed annually.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1. There are no direct financial implications of this report, particularly to the Housing Revenue Account and the letting of properties. However, with a significant demand for affordable housing in the borough, the continuing increase of families in temporary accommodation and extended waiting times for those in highest need, the recommendation to prioritise split households on regeneration estates will only increase these pressures, demands and waiting times.
- 7.2. It should be noted that the social housing that is provided in the regeneration programme only replaces that which has been demolished and therefore any split households may reduce the availability of existing stock to be offered to the 8,000+ on the housing waiting list. This then increases the length of time and cost of the provision of temporary accommodation.

8. VAT Implications on Land & Property Transactions

Not applicable.

9. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 9.1. Section 166A(1) of the Housing Act 1996 provides that, in England, local housing authorities must have an "allocation scheme" for determining priorities in allocating housing accommodation. Section 166A(6)(b) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that, overall, the authority is able to demonstrate compliance with the requirements of s.166A(3). This is the statutory basis for 'local lettings policies' which may be used to achieve a wide variety of housing management and policy objectives.
- 9.2. A local letting scheme is permitted by both the primary legislation contained in Part 6 of the Housing Act 1996 and the Code of Guidance published under it. Where such a scheme applies it is permissible for the local authority to earmark properties and/or deviate from the provisions of the borough-wide lettings policy strictly for the purposes of the local scheme. The local scheme must, however, be foreshadowed in the borough-wide lettings policy and it must not be permitted to dominate the allocation process. Furthermore, the local scheme must not be discriminatory on equality grounds; it must be monitored regularly; its terms must be published and made available to applicants and it must be revoked once its aims have been achieved.
- 9.3. The proposed adjustments to the Hackney Local Lettings Scheme will not require amendments to the Lettings Policy. The Local Lettings Policy must comply with Part 6 of the Housing Act 1996 which sets out the criteria for a Lettings Policy. The proposed adjustments do not appear to conflict with Part 6.
- 9.4. There are no additional legal implications of concern with the proposed Local Lettings Policy, as the proposals are in line with our published Lettings Policy 2021.
- 9.5. In line with the Council's Corporate plan, Hackney has engaged with the tenants affected by the updated Regeneration Local Lettings Policy. There are no legal implications arising from the proposed changes and there is a provision that the Council may suspend/revise/change the local lettings policy in the future, which Hackney Council is legally entitled to do subject to the usual legal process consultation with Stakeholders.

APPENDICES

Appendix 1 - Local Lettings Policy for Woodberry Down

Appendix 2 - Equality Impact Assessment - Woodberry Down

EXEMPT

Not applicable.

BACKGROUND PAPERS

In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

Description of document (or None)

None.

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Appendix 1

Keeping Communities Together Local Lettings Policy for Woodberry Down

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Date: March 2022

1. Introduction

1.1 Scope of the policy

- 1.1.1 The Council is required to have an allocations scheme for determining the priorities and procedures for the allocation of social housing. The Council must publish the rules it follows in deciding who to offer housing and how offers are made, and it must follow these rules.
- 1.1.2 One of the key priorities of the Council is to regenerate housing estates in the borough. The regeneration of Woodberry Down involves the demolition and re-building of the whole estate over multiple phases and requires rehousing tenants from their homes within a set timescale. To ensure fairness, consistency and transparency, the rules guiding the assessment and rehousing of tenants and the letting of new homes is set out in this Local Lettings Policy.
- 1.1.3 To ensure that the Council has the flexibility to both facilitate the smooth decanting of tenants as well as the ability to address wider housing needs on the estate, it has been agreed that this Local Lettings Policy should be adopted at Woodberry Down.
- 1.1.4 The Local Lettings Policy will operate within the broad framework of the Council's existing allocations scheme, but with variations to reflect historic commitments made to tenants affected by the redevelopment of Woodberry Down. The Policy sets out the criteria and processes for lettings on the estate.
- 1.1.5 This updated Policy will come into force from the date of Cabinet approval, from 14 March 2022.

2. Moving tenants to allow for regeneration

2.1 Home Loss and Disturbance Payments

- 2.1.1 Statutory Home Loss and Disturbance Payments (payable under sections 29 and 37 of the Land Compensation Act 1973 and reviewed annually in accordance with The Home Loss Payments (Prescribed Amounts) (England) Regulations) will be paid to tenants who are displaced from their homes due to the regeneration programme if they meet the statutory criteria. In instances where tenants choose to return to new homes on the estate under the Council's 'Right to Return policy', they will qualify for a second Disturbance Payment but will not qualify for a second statutory Home Loss payment.

2.2 Right to Return certificates

- 2.2.1 Right to Return certificates will be issued to tenants being decanted from the Woodberry Down estate, subject to the following conditions:
- the tenant was a secure tenant of the property on the date that the Council took a formal decision to demolish it;
 - the tenant either has no rent arrears at the time they are due to move back to the estate, or they have made arrangements to pay off any arrears and have been complying with those arrangements for at least six months;

- the tenant has not moved to a housing association property or to another borough; and,
- There is suitable accommodation available for the tenant. If there is not, the tenant will be offered an equivalent home elsewhere within the borough, or the opportunity to return at a later date whenever a suitable home becomes available. In either case the home the tenant will be offered will be suitable for their needs at the time of rehousing.

2.3 Criteria for moving households off the estate

2.3.1 There are circumstances where a household may need to be moved off the estate as part of the decanting process. These are:

- Where it is not possible to offer a single move into a new property on the estate, and there are no available voids on the estate.
- Where a household is assessed as requiring a particular type of home (such as ground floor level access or a wheelchair accessible home to meet health needs) and there are no suitable homes available on the estate.
- Where a household has requested permanent rehousing off the estate.

2.4 Overcrowding

2.4.1 If a secure tenant being decanted on a temporary basis is assessed as overcrowded, attempts will be made to move the household into a property on the estate that meets the household's needs. Where this is not possible, the tenant may choose to move to a temporary home of a suitable size off the estate. On the tenant's return to a permanent home, they will be moved into a suitably sized property.

2.5 Criteria for moving adult children

2.5.1 In the case of 'in-phase' tenants, if there are adult children over 18 who have lived continuously in the home for 10 years or longer, in any phase of the regeneration scheme, they will be offered the opportunity to move to a home of their own that meets their housing needs on the estate, subject to the availability of suitable homes available for letting on the estate, or otherwise an offer will be made off the estate (time spent away to attend university or unavoidably spent in hospital, care home, or analogous institutions will count towards the residential qualification). This is known as a 'split household' move. In addition:

- The tenant must state their intention to apply for a 'split household' move by the point at which Council formally assesses their household's needs.
- The new household must apply to join the housing register and be rehoused before the tenant named on the original tenancy.
- One suitable direct offer will be made to adult children.
- The tenant named on the original tenancy will retain a Right to Return to the estate, or they can choose to move off the estate. In both instances they will be allocated a property based on the housing needs of the remaining household members.

2.5.2 In the case of tenants in future phases of the regeneration scheme, a limited number of 'split household' moves will be available to adult children over 18 who have lived continuously in the home for 10 years or longer (time spent away to attend university or unavoidably spent in hospital, care home, or analogous institutions will count towards the residential qualification). An annual quota of such moves is available each year. Subject to the provisions below, adult children may be offered the opportunity to move to a home of their own that meets their housing needs within the estate, subject to the availability of suitable homes available for letting on the estate.

- The new household must express an interest in moving and must apply to join the housing register.
- One suitable direct offer will be made to adult children, within the estate, subject to the availability of suitable homes available for letting on the estate.
- The tenant named on the original tenancy will remain in the home until the decanting programme for their phase is implemented.
- Prioritisation for the additional annual quota of moves would then be according to the following criteria:
 - adult children in households in housing need, for example overcrowding,
 - adult children in the next earliest phase of regeneration and so on until the last phase,
 - subject to the above, a lottery will be held to make decisions between adult children with equal priority.
- An assessment will be carried out of the adult child's ability to afford to pay the rent in a new home, including with welfare benefit support if relevant.

3. How many bedrooms?

3.1 Bedroom Standard

3.1.1 Newly built homes will meet the exemplary space standards set out in Policy D6 Housing Quality and Standards of the London Plan 2021. In allocating properties, the following standard will be used in assessing how many bedrooms a household needs:

- a) Single bedroom accommodation such as a studio or bedsit is considered to be suitable for a single person.
- b) A couple with no children is considered to need one double bedroom.
- c) Each child under 18 will be allocated a separate bedroom. However, tenants should be advised that the Government has placed restrictions on levels of Housing Benefit that are linked to the number of bedrooms and the assessed housing need of the household (commonly referred to as the 'bedroom tax'). The effect is to place a limit on the amount of benefit that can be claimed¹.

¹ For more information please see the Council's website: <https://hackney.gov.uk/ctr-rent-restrictions>

3.2 Under-occupying households

3.2.1 The Council's policy on under-occupation (where a household is living in a larger property than their assessed need) is set out in the Hackney Lettings Policy.

3.3 Over 55s who are under-occupying

3.3.1 Where there are older tenants (a single person who is over 55 or, in the case of couples, one of the tenants is over 55) residing in a home with two or more bedrooms but whose assessed need is for a one bedroom, they will be entitled to a two-bedroom home subject to the following:

- a) The tenant(s) have been satisfactory tenants of a Council or Registered Provider for at least 10 years. In considering whether a tenant's conduct has been satisfactory the Council will take into account any action taken by the landlord in response to a breach of tenancy conditions, any rent arrears, and whether the tenant(s) have been the subject of any court action by their landlord.
- b) If a split household move has already taken place, the remaining household with a tenant who is over or approaching 55 will not be eligible for an additional bedroom.

4. Letting of new homes

4.1 Criteria for allocating new homes

4.1.1 The following criteria will be applied in the letting of new homes to ensure fairness, transparency and consistency:

- i. Highest priority will be given to those tenants who have been moved to alternative homes on a temporary basis as part of the regeneration programme and have been issued with a Right to Return certificate.
- ii. Next, priority will be given to 'in phase' tenants on the estate
- iii. Next, priority will be given to those tenants on the estate who will need to be decanted to facilitate subsequent phases of the regeneration programme ('out of phase' tenants).
- iv. Where the demand for new homes on the estate is greater than the number of available new homes, then priority for new homes will be determined by the earliest 'band date' (which is the date that decant status was awarded, or, in the case of tenants with a Right to Return, the date that they were decanted from their original home). If more than one tenant has the same 'band date', then priority will be given according to the earliest tenancy start date.
- v. In the final phase, after all those eligible to return have been housed, then any split households who have already moved off of the estate will be offered the Right to Return. Priority will be given in line with the provisions of the Hackney Lettings Policy.

- vi. Any remaining homes will then be let through the Council's Choice Based Lettings system.

4.2 Re-lets

- 4.2.1 The criteria in 4.1.1 will also be applied to re-lets that occur on the estate while the regeneration is in progress.

The policies in this paper apply to all lettings that take place under 4.1.1 (i) to (iii) above.

4.3 Intra-Estate Moves

- 4.3.1 An Intra-Estate Moves scheme will also be offered on individual regeneration estates, as summarised in Appendix 1. This scheme enables tenants to move to a home that meets their housing needs while they are waiting for the regeneration scheme to be completed.

5. Choice

- 5.1 Subject to the other provisions in this Local Lettings Policy, tenants with the Right to Return who have been decanted or who are in the current phase of regeneration will be able to express their preference for the new property that they would like to be offered, by naming up to three addresses in order of preference. Priority for making offers will be determined according to 4.1.1 above.
- 5.2 Wherever possible, the Council will seek to meet a tenant's preferences, though this is not guaranteed and is dependent on the properties available for letting at the time, and the priorities for allocating new homes (as set out in 4.1.1 above).

6. Refusals

- 6.1 If a suitable offer of accommodation under this Policy is rejected by a tenant with the Right to Return who has been decanted or who is 'in phase', then they will be placed in the 'band B' on the Housing Register and given the choice of two options:
 - i. an offer of the property where they are living (for tenants who have been moved off the estate), and,
 - ii. the opportunity to bid for a new home off the estate through Choice Based Lettings, for a period of up to six months.

In the case of option (ii), if the tenant has not successfully bid for a property within the six-month period, then one direct offer that meets the household's housing need will be made of the property where they are living (for tenants who have moved off the estate) or otherwise to a council or housing association property elsewhere in the borough.

- 6.2 Rejection of an offer by an 'out of phase' tenant, a tenant who has decant status but is not 'in phase', or a tenant of another regeneration estate will not be penalised.

7. Monitoring

- 7.1 The Council will monitor the impact of the Local Lettings Policy, recording the key characteristics of each letting, e.g. priority band, case type, ethnicity.

8. Suspension, variation and withdrawal

- 8.1 The Council may suspend, vary, or withdraw the Local Lettings Policy at any time. We will always aim to engage and consult with residents on any changes to policies.

March 2022

Appendix 1

Intra-Estate Moves – guidance

- 1.1. The introduction of an Intra-Estate Moves scheme is considered on individual regeneration estates, to enable tenants to move to a home that meets their housing needs while they are waiting for the regeneration scheme to be completed.
- 1.2. In circumstances where there are insufficient empty properties available for letting on an individual estate for tenants being decanted who wish to return to the estate, the Intra-Estate Moves scheme will be suspended temporarily until such time as sufficient lettings become available.
- 1.3. The scheme is voluntary and tenants who choose to participate will receive only one offer, and will not receive any financial assistance with the move.

2. Intra-estate moves waiting list

- 2.1. Where an Intra-Estate Moves scheme is in operation, the Council will inform all tenants on the estate.
- 2.2. Secure tenants on the estate will be invited to submit an Expression of Interest if they consider that their current home does not meet their housing needs.
- 2.3. Tenants who request a move due to overcrowding or under-occupation will need to complete a transfer form and provide relevant documentation in order to join the Waiting List.
- 2.4. Tenants with an active transfer application will only require a verification check to be completed. If there is a change in circumstances, a new transfer form must be completed.
- 2.5. Tenants who have either submitted an Expression of Interest or completed a transfer form will be placed on the Waiting List.
- 2.6. Tenants are prioritised for moves under the Scheme in line with the provisions of the Hackney Lettings Policy.
- 2.7. Tenants will be notified when their priority has been awarded.

3. Acceptance onto the waiting list

- 3.1. Tenants will be sent a letter advising they have provisionally been accepted onto the Waiting List, pending satisfactory checks.
- 3.2. The letter will notify the tenant of their assessed bed size need, the reason(s) they have been accepted on to the Waiting List, and will make tenants aware of the following:

- That if they accept the home offered, they will take on the decant phase of the block/property they move into and will not retain the decant phase of their old block/property unless it is in the same phase.
- That if they are offered a property in a block in a later phase than their current home and they accept the property it will put back their offer of a new build home until their current block is decanted.
- Tenants will receive a new tenancy start date in their new block/property. For the purpose of allocating a new build home, the new tenancy start date will be used.
- No enhancement works will be carried out to the property they move into under the Scheme.

4. Offers

- 4.1. Tenants will be entitled to one offer only unless they can show the offer made was unreasonable/unsuitable.
- 4.2. Moves under the Scheme are not decants and so when the tenant accepts the offer the property will become their permanent home.

5. Sign up and rehousing

- 5.1. Tenants are signed up on secure tenancies.
- 5.2. Moves under the Scheme are treated as a standard transfer and the tenant is responsible for all issues relating to the move.
- 5.3. No Home Loss or Disturbance Payments will be made under the Scheme.
- 5.4. Tenants downsizing under the Scheme are not entitled to any under-occupation incentive payments.

Appendix 2

Glossary

Bedroom Tax	The 'bedroom tax' is an informal name for a reduction in a household's housing benefit if they live in a council or housing association home and are classified as having a spare bedroom. An assessment is made of the number of bedrooms in the home and the size and type of the family living there. The bedroom tax is also known more formally as the under-occupancy charge.
Choice Based Lettings	The choice based lettings scheme allows applicants on the housing register to bid for council and housing association properties that the Council advertises.
Decant	Decant is the process of moving residents out of their current homes and rehousing them to allow for demolition or refurbishment.
Disturbance Payments	Disturbance Payments are made to compensate for reasonable expenses incurred in moving home during a regeneration process, for example removal expenses, reconnecting movable fixtures and fittings, telephone reconnection charges.
Hackney Lettings Policy	The Hackney Lettings Policy sets out Hackney Council's policy and procedures for allocating homes within the social sector (Council housing and housing association nominations) to those people registered on the Council's Housing Register, and the legal framework within which Council must operate.
Home Loss Payment	Home Loss Payments are made in recognition of the personal distress and inconvenience suffered by people who are permanently displaced from their homes as a result of the regeneration process, compulsory purchase, or under other qualifying circumstances.
In phase tenants	Tenants whose accommodation is in a current phase of regeneration and has been given decant status.
Out of phase tenants	Tenants whose accommodation has not yet been given decant status because it is not in a current phase of the regeneration programme but in a future one.
Overcrowding	Overcrowding is normally based on the number of rooms relative to the size and needs of a household.
Policy D6 'Housing Quality and Standards', London Plan 2021	The London Plan, published in March 2021, is the Mayor's spatial development strategy for Greater London. Policy D6 in the London Plan provides guidance on qualitative aspects and minimum space standards of housing developments.

Secure Tenant

Secure tenancies are usually granted following an introductory tenancy of at least 12 months. By law, a secure tenant has the right to live in their property indefinitely, as long as tenancy conditions and the tenancy agreement are adhered to.

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Appendix 2

London Borough of Hackney Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with the Equality Duty when making and implementing decisions which affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision making process.

All the information needed in this form should have already been considered and should be included in the documentation supporting the decision or initiative, e.g. the delegate powers report, saving template, business case etc.

Equality Impact Assessments are public documents: remember to use at least 12 point Arial font and plain English.

The form must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance. Guidance on completing this form is available on the intranet.

<http://staffroom.hackney.gov.uk/equalities-based-planning-and-decision-making>

Title of this Equality Impact Assessment:

Local Lettings Policy for Woodberry Down Estate

Purpose of this Equality Impact Assessment:

To assess the impact of the policy change that extends the split household policy to out of phase tenants in the Local Lettings Policy for Woodberry Down Estate.

Officer Responsible: *(to be completed by the report author)*

Name: Erica Moresco	Ext: 2582
Directorate: Neighbourhoods and Housing	Department/Division: Regeneration and Capital Programme Delivery - Climate, Homes and Economy

Director: James Goddard

Date: 17/02/2022

Comment : When the Local Lettings Policies are in place, the EqIA will be kept under review.

PLEASE ANSWER THE FOLLOWING QUESTIONS:

In completing this impact assessment, you should where possible, refer to the main documentation related to this decision rather than trying to draft this assessment in isolation. Please also refer to the attached guidance.

STEP 1: DEFINING THE ISSUE

1. Summarise why you are having to make a new decision

One of the key priorities of the Council is to regenerate housing estates in the borough. This involves the demolition and re-building of the whole estate or selected blocks and often requires rehousing tenants from their homes within a set timescale.

The Local Lettings Policies ensure fairness, consistency and transparency of the lettings process on regeneration estates. They set out the rules guiding the assessment and rehousing of tenants as well as the letting of new homes in order to decide who to offer housing and how offers are made.

The current Local Lettings Policies, agreed by the Council in November 2011, include a policy on 'in phase' split households. This gives the opportunity to adult children who have lived continuously in the home for 10 years or longer to move to a home of their own that meets their housing needs. A policy change is proposed for Woodberry Down to extend the opportunity for split household moves to adult children of 'out-of-phase' tenants.

Concerns about housing affordability and the social inclusion of existing residents emerged in the 2015/16 'Hackney: a place for everyone' consultation. The proposed policy for Woodberry Down helps local people to benefit from, and makes them feel more included in, Hackney's regeneration and economic growth process and will help to keep communities together at a time of social change and regeneration in their local area.

A quota of such moves for the Woodberry Down Estate would be made available each year. However, this means that, each year, a number of void properties available in the borough may be allocated to 'out of phase' adult children in Woodberry Down, thus reducing the availability of void properties that can be allocated to applicants on the Housing Register.

To assess the equalities impact of the policy that extends the split household policy to 'out of phase' adult children in the Local Lettings Policy for Woodberry Down, an Equality Impact Assessment (EqIA) is required. In particular, this EqIA assesses whether there are any equalities implications in respect of protected characteristics arising from the re-housing of an annual quota of 'out-of-phase' adult children into void properties that would have otherwise been allocated to applicants on the Housing Register.

This is particularly important considering the unprecedented housing crisis that Hackney is facing. In recent years, demand for social housing has been rising rapidly while supply has been decreasing thus extending the average time that applicants spend on the waiting list. Only 409 lets were made available in council and housing association homes in 2019/20 and 640 lets in 2018/19, compared to 1,132 in 2017/18, and 1,229 in 2016/17.

2. Who are the main people that will be affected? Consider staff, residents, and other

The main people that would be affected by the policy change are:

1. tenants on the Woodberry Down Estate, in particular 'out of phase' adult children over 18 who have lived continuously in the home for 10 years or longer,
2. applicants on the Housing Register with a significant need for housing.

STEP 2: ANALYSING THE ISSUES

3. What information and consultation have you used to inform your decision making?

To assess the impact of the policy change, the protected characteristics of applicants on the Housing Register with a significant need for housing are compared to the protected characteristics of tenants and their children in Woodberry Down.

The following data sources were used to inform the assessment:

- Woodberry Down Housing Needs survey (phases 4-8, 2021¹).
- Council records, Housing Register (2020)

There is no requirement for statutory consultation in relation to updating or adding to Local Lettings Policies. Through the process of developing the LLP, however, officers have engaged with:

- officers from relevant council services,
- Woodberry Down Community Organisation

Once the LLP is in place, their impact will be monitored recording the key characteristics of each letting (e.g. priority band, case type, ethnicity) and ongoing engagement will take place with tenants.

Equality Impacts

4. Identifying the impacts

Woodberry Down Estate (phases 4 to 8)

Age

Data collected shows that approximately 31% of main tenants are aged 55-64. This is the highest represented age group, followed by age groups 45-54 (25.3%) and 65-74 (17%). 9.2% of main tenants are aged 35-44, the same percentage are aged 75-84. 4.4% are aged 85+. The least represented age group is 25-34 (3.9%).

With regards to children, 12.9% are aged 0-9, 24.4% are aged 10-20, and 62.7% are aged 21 and over.

¹ Figures and statistics were extracted from responses received on and prior to 8 February 2022.

Gender

Women make up the majority of the tenants (67.2%).

52.9% of children on the estate are female. Amongst children within households that would consider for their adult members to be rehoused separately, 55% of the children are female.

Ethnicity / Race

Just over one third (35.3%) of the tenants are Black/Black British. This is the most represented ethnic group, with the next most significant ethnic groups being White or White British (24.9%) and Turkish (21%). The least represented group in the estate is the Mixed/Multiple background (1.3%). The Other ethnic group represents 9.2%. The Asian/Asian British represents 8.3%.

Information on the ethnicity of children is not available but analysing the information on the ethnicity of the main tenant of households that expressed the wish for their children to be rehoused separately, 35.9% are Black/Black British, 26.9% are Turkish, 23.1% are White/White British, 7.7% represent the Other ethnic group, and 6.4% are Asian/Asian British. There are no households where the main tenant is from a Mixed/Multiple ethnic background.

Disability

66.4% of tenants declared that they, or a member of their household, have a health condition.

Almost one third (31.9%) of main tenants declared that they, or a member of their household, registered as disabled.

With regards to households that would consider for their adult members to be rehoused separately, 74.6% declared that they, or a member of their household, have a health condition. 39.7% declared that they, or a member of their household, are registered as disabled.

Carers

29.7% of tenants on the estate receive care for their day-to-day needs. Of this 29.7%, 92.6% receive care from family or friends. 3.5% provide day-to-day care for neighbouring residents on the estate.

No information is available on religion/faith, sexual orientation, gender reassignment and identity, or pregnancy and maternity.

Housing Register (applicants with a significant need for housing²)

Age

Data shows that approximately 33.4% of applicants are aged 26-35. This is the highest represented age group, followed by age group 36-45 (27.4%). The least represented age

² Urgent, priority/homeless bands of the system in force until September 2021, approximating band B in the system introduced in October 2021.

groups are people over 65, in particular 3.7% of applicants are aged 65-74, 1.8% are aged 75-84, and 1.2% are aged over 85%.

Gender

Women make up the majority of the applicants in the three high priority bands (70.5%).

It is worth noting here that data collected since 2018 shows an increase in the number of homelessness approaches from single males in Hackney (37.1% in 2018/19, 47.8% in 2020/21).

Ethnicity / Race

Almost one third (32.1%) of the applicants did not provide information on their ethnicity ('not recorded/refused/unknown').

Among those who revealed their ethnicity on the application, 30.6% are White. This is the most represented ethnic group, with the next most significant ethnic group being Black/African/Caribbean/Black British (24.6%). Approximately 5.9% are from an Asian or Asian British background. The least represented group is Mixed/Multiple Ethnic Groups (1.9%). 4.9% are from an 'other ethnic group background'.

In Hackney, according to the 2011 Census, the largest ethnic group is the White group (54.7%), the second largest is Black/Black British (23.1%), the third largest is Asian/Asian British (10.5%), followed by Mixed Ethnic Groups (6.4%), and Other Ethnic Groups (5.3%). The Other ethnic group increased by 222% between 2001 and 2011. In terms of single ethnic groups, White British is the largest one (36.2%), followed by the Other White group (16.2%) and Black African group (11.4%). Despite being the single largest ethnic group, the White British group has decreased (-1%) between 2001 and 2011. The White Other population instead grew considerably (+60%). One of the most significant causes behind the increase in the White Other group is likely to be the accession of Eastern European countries in 2004 and resultant immigration from these countries, in particular Poland.³

The Other ethnic background increased not only within the White broader ethnic group but also within all other broader ethnic groups: Black Other (+101%), Asian Other (308%), Mixed Other (+122%). A reason for the increase in mixed ethnicities may be increased diversity and multiculturalism in the borough since the 2001 Census.⁴

Religion

Although no information is available on religious belief, according to the 2011 Census in Hackney Christianity is the leading belief (38.6%), followed by residents with no religion (28.2%), Muslims (14.1%), Jewish (6.3%) and lastly Buddhists, Sikhs, Hindus and residents of other religions which together make up approximately 3% of the borough's population. Almost 10% of Hackney's residents did not state their religion on their Census form.⁵

In terms of 2001-2011 trends, the Christian population decreased, passing from 46.6% to 38.6% of the total population. The proportion of residents with no religion increased, passing from 19% to 28.2%. This mirrors a local, regional and national trend towards multiculturalism. The Jewish, Muslim and Buddhist communities saw modest increases.⁶

³ Census 2011: Ethnicity, Identity, Language and Religion in Hackney, May 2013

⁴ Ibid

⁵ Ibid

⁶ Ibid

Disability

10% of applicants need housing with a type of medical classification, ranging from A-B to F. Within this medical classification range, 1.2% would require a wheelchair standard property, while 3.7% could be housed on any floor and would not require any adaptation to the property.

Analysing data of applicants in Band B of the banding system introduced in October 2021, 4.4% of the Band B applications included a medical need. 23.8% of applicants in Band B need a 1 bedroom flat, out of these applications 5.9% include a medical need. 48.2% of applicants in Band B need a 2 bedroom flat, out of these applications 2.2% include a medical need.

No information is available on sexual orientation, gender reassignment and identity, pregnancy and maternity, and carers.

Comparing data from Woodberry Down Estate to data from the Housing Register it emerges that:

- The majority of the Woodberry Down Estate tenants are middle aged/older people, the most represented age group being 55-64 (31%). The majority of the Housing Register applicants are young (approximately 69.8% are aged 18-45).
- In both Woodberry Down (main tenants and children within households that would consider for their adult members to be rehoused separately) and the Housing Register, there is a higher proportion of women than men.
- In both Woodberry Down Estate and the Housing Register, the highest represented ethnicities are White and Black/Black British, while the least represented ethnic group is the Mixed ethnic group. On the basis of the data available, Woodberry Down Estate has a somewhat higher proportion of Black or Black British representation. Woodberry Down also has a high representation of the Turkish population.

Information on ethnicity provided by the main tenant of households that would consider for their adult members to be rehoused separately shows that the most represented groups Black/Black British, Turkish, and White/White British. While the least represented groups are Other, Asian/Asian British. The Mixed/Multiple ethnic background is not represented within this category.

- With regards to disability, the Woodberry Down Estate dataset and Housing Register dataset are not easily comparable, but Woodberry Down Estate has a high percentage of residents that declared a health condition and a quite significant percentage of residents registered as disabled.

At the time the EqIA was written there were on the Housing Register (band B) 64 applicants/households with a medical need, in need of a 1 bedroom.

Overall, there are similarities in terms of ethnicity and gender between Woodberry Down tenants (phases 4-8) and Housing Register applicants with a significant need for housing. In terms of disability, from the data analysed it seems that a considerable percentage of Woodberry Down households have a health condition and/or are registered as disabled. It

is also important to note that recent housing register figures show that 64 households in Band B on the Housing Register, with a medical need, are in need of a 1 bedroom flat (the type of flat most likely to be allocated to adult children).

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

(i) Keeping communities together - Existing residents' inclusion

Extending the split household policy to adult children of 'out of phase' tenants in the Woodberry Down Estate responds to concerns about housing affordability in the borough and existing residents' social inclusion emerged in the 2015/16 - 'Hackney: a place for everyone' consultation.

From the consultation with Hackney's residents that informed the Community Strategy 2018-2028 it emerged that people who had children were worried that children would not be able to afford to live in Hackney when they are older.

The split household policy within the Local Lettings Policy for Woodberry Down would have particularly positive impacts for adult children who have lived continuously in the home for 10 years or longer as they have the opportunity of moving to a new home of their own that meets their housing needs, with the perspective of a secure tenancy within the estate where they grew up. This would contribute to avoiding the displacement of young generations out of the borough, a high proportion of whom are from culturally and ethnically diverse communities. This is particularly important in Hackney where the cost of buying or privately renting a home has risen more sharply than in other boroughs.

(ii) Keeping communities together - Intergenerational community cohesion

Extending the split household policy to 'out of phase' adult children fosters social cohesion and strengthens intergenerational community links. It would not only benefit 'out of phase' adult children but would also have a broader positive impact on residents on the estate.

Social links between the older and younger generations would be maintained and reinforced. This is particularly important considering that, according to the data analysed, tenants on the estate tend to be middle aged/older people so they could benefit additionally from having their younger generation living locally.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

Where you identify potential negative impacts, you must explain how these are justified and/or what actions will be taken to eliminate or mitigate them. These actions should be included in the action plan.

The potentially negative impacts of extending the split household moves policy to adult children of 'out of phase' tenants in Woodberry Down are identified below. The action plan in section 6 describes the actions that will be taken to eliminate or mitigate them.

As of 8 February 2022, 34% of households who responded to the survey would consider for their adult members to be rehoused separately. The number of households with adult

children (or children that will turn 18 in the coming years and may become eligible for a split household move in the remaining phases of the regeneration) in Woodberry Down is higher and may result in a higher demand for split household moves than the demand collected in the survey. Demand for split household moves in phases 4 to 8 is likely to be significant.

As split household moves for adult children would result in a net loss of lettings available to applicants on the housing register, applicants (including applicants with medical needs, particularly those in need of a one bedroom property - the type of flat most likely to be allocated to adult children) may have to spend additional time on the housing register and, if homeless, in temporary accommodation. This would result in the Council having to procure and provide additional temporary accommodation with consequent cost implications.

To mitigate the impacts described above, the number of moves made available to adult children in future phases of the regeneration scheme would be monitored and agreed annually.

In addition to the above, although the Black/Black British, Turkish and White/White British, ethnic backgrounds seems to be well represented amongst households on Woodberry Down that would consider for their adult members to be rehoused separately, nobody is from a Mixed/Multiple ethnic background (as of 8 February 2022) and a low percentage are from the Other and Asian backgrounds. Low representation of Other and Mixed/Multiple ethnic groups in the estate does not seem to reflect the increasing multiculturalism of the borough.

As explained above, on page 5 (“Ethnicity/Race”), the Other ethnic group alone and the Other ethnic background within broader ethnic groups (White, Black, Asian, Mixed) have grown considerably in Hackney in recent years. This is likely to be due in part to recent immigration, such as in the case of people moving to Hackney from Eastern European countries following the 2004 enlargement of the EU. Recent migrants (particularly those who spent less than 10 years in the UK) are less likely to be represented in the social rented sector and more likely to be represented in the private rented sector⁷. Ethnic groups who have grown in the borough in recent years are less likely to be represented on regeneration estates, such as Woodberry Down, and likely to be more represented in private rented housing thus making them more likely to be at risk of illegal evictions, poor housing conditions, unstable tenancies and high rents.

Extending the split household moves to ‘out of phase’ adult children in Woodberry Down would not contribute to increasing the representation of recent migrants and their ethnic groups on regeneration estates and may delay access of recent migrants to social housing, while they may have to spend more time in the private sector housing, such as Houses in Multiple Occupation (HMOs).

The impact above is mitigated by the Council’s ongoing work around: providing advice on housing options to prevent homelessness and help find settled housing; and making rent in Hackney fairer, by working with landlords to create a more professional rented sector, supporting private sector tenants, challenging rogue landlords, tackling those who fail to provide a good, safe home to their tenants.

⁷ The Migration Observatory at the University of Oxford, Migrants and Housing in the UK: Experiences and Impacts, Figure 3: Housing Accommodation: Recent Arrivals vs. Longer-Term Residents, 2018, October 2019

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

The recommended decision is to adopt the Local Lettings Policy for Woodberry Down.

This would help adult children access social housing that meets their needs within the estate and would broadly benefit residents, especially older generations who may benefit additionally from the assistance and support that adult children could provide living locally.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/ actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/ actions you will take to mitigate against the negative impacts identified in section 4 (b)
- Steps/ actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team (equalityanddiveristy@hackney.gov.uk).

All actions should have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegate powers report, saving template or business case.

The potential negative impacts are listed in the action plan below, together the actions that will be taken to mitigate them.

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescale s/ Milestones	Lead Officer
1	Mitigate potential negative impact - Extending the split household policy to 'out of phase' adult children could result in additional time spent by applicants on the housing register, including applicants with medical needs	Limit the demand for split households moves to an annual quota of moves available to 'out of phase' adult children	The number of moves made available to adult children in future phases of regeneration would be agreed annually by Regeneration and Benefits and Housing Needs	Annually	Head of Housing Strategy and Policy / Head of Benefits and Housing Needs
2	Mitigate potential negative impact - Extending the split household policy to 'out of phase' adult children could result in additional costs for the Council to provide additional temporary accommodation	As above	As above	As above	As above

3	Mitigate potential negative impact - Extending the split household policy to 'out of phase' adult children could result in delaying access to social housing of groups traditionally less represented in social housing and regeneration estates such as Woodberry Down	As above Provide advice on housing options Keep working to make the private rented sector better and fairer as per the Hackney Better Renting Campaign	As above Provide advice on housing options to prevent homelessness and help find settled housing Monitor property licensing schemes; campaign for better renting	As above Ongoing Ongoing	As above Head of Benefits and Housing Needs Head of Private Sector Housing
4					
5					

Remember

- Assistant Directors are responsible for ensuring agreed Equality Impact Assessments are published.
- Equality Impact Assessments are public documents: remember to use at least 12 point Arial font and plain English.
- Make sure that no individuals (staff or residents) can be identified from the data

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<p>TITLE OF REPORT - Response to the Children and Young Scrutiny Commission's Exclusions Review</p> <p>Key Decision No - CE S068</p>	
<p>CABINET MEETING DATE (2021/22)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>CABINET MEMBER</p> <p>Councillor Anntoinette Bramble, Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care</p>	
<p>KEY DECISION</p> <p>No</p>	
<p>GROUP DIRECTOR</p> <p>Jacque Burke, Group Director of Children and Education</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. This report sets out Hackney Education's response to the Children and Young People Scrutiny Commission's Exclusions Review, which was started in 2018, and published December 2021, after it was found that exclusions from secondary schools in Hackney remained high. This followed the Commission's previous review on this issue in 2016. I have often talked about the good work of our family of schools and also commented that our exclusion rates are too high. I welcome the review as addressing the high exclusion rate and this is something I continue to want to see change in the borough, and it remains a priority. I want to acknowledge the work of our Primary Schools who have maintained no exclusions for a number of years. Particular focus is required on addressing the disproportionately high numbers of exclusions among particular groups of pupils, such as black pupils and those pupils with SEND. We have a strong record of good and outstanding schools in the borough and aim to also be recognised for our work on reducing exclusions.
- 1.2. Through a range of work overseen by the Hackney Education Reducing Exclusions Board, officers have been working in partnership with schools over the past three years to reduce exclusions in the borough. This report outlines some of the work already happening in this area, and additional work that will be instigated in response to the Children and Young People Scrutiny Commission's Exclusions Review.
- 1.3. In order for Hackney to make schools a place for everyone, and to be inclusive for all pupils, the numbers of pupils being excluded from secondary schools in Hackney need to decrease. There is a range of work underway, both working with schools and working with individual young people: both levels of work involve a range of partners. Work to involve and support Alternative Providers is underway and being further developed. Hackney Education's work in this area is making progress, and with the proposed actions detailed in the response to the Exclusions Review, it is hoped that these aims can be achieved.
- 1.4. I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. This report is being presented to Cabinet so that officers can take forward the proposed actions and responses to the Children and Young People Scrutiny Commission's Exclusions Review, to further reduce exclusions in Hackney schools.
- 2.2. While exclusions in primary schools are very low, exclusions in secondary schools have often been above the national and inner London averages. Exclusions have decreased in the last two academic years; it is likely that this is partly due to the Covid-19 pandemic and the resulting school closures and

remote learning. Therefore, further work is needed to reduce exclusions in secondary schools.

- 2.3. As the review noted, work on reducing exclusions in Hackney has already begun, and the review itself began in 2018. However, it also highlighted the poorer outcomes experienced by excluded pupils, which is reflected in national and local data, as well as the impact exclusion can have on pupil wellbeing. We recognise exclusions as serious incidents that can have critical outcomes for children's safety and wellbeing. Hackney Education has therefore proposed the responses set out in Appendix 1, in order to build upon the work already underway.
- 2.4. While there is a particular recommendation about tackling inequality and disproportionality, our approach to inclusion, antiracism and promoting equality will permeate all our responses and work.

3. RECOMMENDATION(S)

- 3.1. **That Cabinet agrees to Hackney Education's response, found in [Appendix 1](#), to the Children and Young People Scrutiny Commission Review on Exclusions. Officers have responded to all the recommendations, indicating how the council is able to move these forward.**

4. REASONS FOR DECISION

- 4.1. Hackney Council is required to produce a response to the Children and Young People Scrutiny Commission Review on Exclusions. The response draws on work underway and is in line with principles, values and priorities held by Hackney Council.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Hackney Education, with partners in Children's Services, had a number of activities underway to understand and reduce exclusions. The broad outline of recommendations in the Scrutiny Commission's review were discussed with officers.

6. BACKGROUND

- 6.1. The Children and Young People Scrutiny Commission Review on Exclusions
 - 6.1.1. The Children and Young People Scrutiny Commission Review on Exclusions was instigated in 2018, following its previous review in 2016. The review was carried out as rates of exclusions in Hackney's secondary schools have remained high. The full review report can be found in Appendix 2.

- 6.1.2. The review highlights local and national data, which show that between 2010/2011 and 2018/2019, rates of both permanent and fixed term exclusions in secondary schools in Hackney remained consistently above both national and regional averages. It also shows that, between 2015/2016 - 2018/2019, the rates at which children of black Caribbean heritage were permanently excluded from secondary schools in Hackney were increasing while national and regional rates were declining.
- 6.1.3. As part of the review, the Children and Young People Scrutiny Commission reviewed national data and trends, academic research and legislative and policy frameworks relating to school exclusion. It also held focus groups with children and families affected by school exclusions and met with senior officers from Hackney Education and the Council's Skills and Employment Team. Visits were also made to the borough's Pupil Referral Unit (New Regent's College) and alternative provision providers both within and outside of the borough, as well as special schools in the borough. Other local authorities and specialist contributors were also consulted.
- 6.1.4. The review found that the significantly poorer outcomes experienced by excluded pupils as outlined in national data and research are reflected in local data.
- 6.1.5. The review also found that post-exclusion education provision (both Pupil Referral Units and Alternative Provision) within the borough varies significantly depending on the setting, in terms of staffing, contact time and provision.
- 6.1.6. The review noted the efforts that Hackney Education, working with school leaders, had already put in place to address a number of the issues identified in the report.
- 6.1.7. The review made 18 recommendations. These can be found, with their responses, in Appendix 1.

6.2. Policy Context

- 6.2.1. Legislation and regulations relating to behaviour in schools, exclusions and alternative provision place various duties upon schools and local authorities.
- 6.2.2. The Department for Education issues guidance that provides further details upon how those duties should be implemented.

This includes but is not limited to:

- [Behaviour and discipline in schools - advice for headteacher and school staff](#)
- [Behaviour and discipline in schools - guidance for governing bodies](#)
- [Exclusion from maintained schools, academies and pupil referral units in England](#)

- [Mental health and behaviour in schools](#)
- [Alternative Provision](#)

- 6.2.3. The most recent national review of exclusions was The Timpson Review of School Exclusion. Commissioned by the Department for Education and published in 2019 the review has informed both the scrutiny report and has informed work underway by Hackney Education, including the proposed further emphasis on early help and the improved offer via the Reengagement Unit, as well as the forming of the Reducing Exclusions Board, which brings together Headteachers and key officers in Hackney Education.
- 6.2.4. The Department for Education has recently launched a [consultation](#) on revisions to their Behaviour Guidance and Exclusions Guidance.
- 6.2.5. Since 2016/17 the rate of permanent exclusion from secondary schools has been significantly above comparable rates for England as a whole and Inner London local authorities. In 2018/19 the rate was 0.3%, which was almost twice the rate for Inner London, which was 0.16%. Hackney's rate was the second highest in Inner London and was the highest of our statistical neighbour local authorities.
- 6.2.6. The rate of exclusion, particularly from secondary schools, is, was and remains a cause for concern for Hackney Education and as such reducing rates of exclusions has been a strategic priority for the local authority.
- 6.2.7. This work has been led by the Director of Education, who has chaired a Reducing Exclusions Executive group. This group has implemented a range of initiatives to improve whole school inclusive practice and offer alternatives for pupils who are at risk of permanent exclusion.
- 6.2.8. The group is overseen by a Reducing Exclusions Board, which consists of representatives from primary and secondary school headteachers and governors.
- 6.2.9. 2019/20 and 2020/21 saw reductions in the rates of permanent exclusion in Hackney, though these years were impacted by Covid-19 so it is not possible to state with confidence at this stage that this reduction was down to Covid-19 or the measures introduced to support inclusion in schools.
- 6.2.10. Reducing exclusions remains a priority for Hackney Education and the work is on-going.

6.3. **Equality Impact Assessment**

- 6.3.1. The proposals reflect Hackney Education's commitment to inclusivity and reducing gaps in exclusions between different groups of pupils. In deciding on the proposals, the service has worked with officers who lead on the Council's Young Black Men programme and the Diverse Curriculum, to ensure the

proposals and policies do not discriminate and that they seek to reduce racism in and outside of schools.

6.4. Sustainability

Not applicable.

6.5. Consultations

Not applicable.

6.6. Risk Assessment

- 6.6.1. There is an ongoing risk of harm to young people if exclusions remain high; although we recognise that exclusions are a lawful approach used by schools. We endorse proportionate use of exclusion as a last resort.
- 6.6.2. Therefore work must move forward to promote inclusion and reduce exclusions: providing early help and positive options as alternatives to exclusion.
- 6.6.3. The scrutiny report is a significant review of the situation and the Council has a duty to respond to the recommendations.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1. This report seeks Cabinet approval of Hackney Education's response to the Children and Young People Scrutiny Commission Review on exclusions. This outlines what happens when a child is at risk of permanent exclusion or has been excluded, scrutinises the outcomes of excluded pupils, and identifies those policies and practices which best help to ensure excluded children and those at risk of permanent exclusion have the same opportunities as their peers in mainstream education.
- 7.2. The recommendations from the review and the corresponding responses from Hackney Education can be found in Appendix 1. Any financial implications that arise from the recommendations and corresponding responses requiring further changes to policies and practices will need to be implemented via the governance process with detailed business cases developed including financial implications.

8. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 8.1. Section 51A of the Education Act 2002 (EA 2002) enables head teachers of maintained schools, principals of Academies and teachers in charge of pupil referral units (PRU) to exclude pupils from school for a fixed period or permanently.

- 8.2. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (2012 Regulations) are made under section 51A of the EA 2002 and apply to all maintained and academy schools, alternative provision academies and maintained pupil referral units. These limit the head teacher's power to exclude pupils under section 51A of the EA 2002 and provide detailed procedures for head teachers to follow when excluding pupils. These were amended during the pandemic to extend certain timeframes and allow for remote hearings.
- 8.3. The DfE publication "Exclusion from maintained schools, academies and pupil referral units in England, statutory guidance for those with legal responsibilities in relation to exclusion September 2017" applies to all schools and alternative provision, as above, and is statutory guidance. This means that head teachers, principals, governing bodies, local authorities, Academy Trusts, independent review panel members and clerks must have regard to it when carrying out their functions. The guidance should be followed unless there is good reason not to do so in a particular case.
- 8.4. The local authority has certain duties when a pupil is excluded, including a duty to arrange alternative education for that pupil (s19 of the Education Act 1996).
- 8.5. The Equality Act 2010 (EqA 2010) imposes at s149 the public sector equality duty (PSED), which requires public authorities to have "due regard" to:
- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010.
 - The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.
 - Compliance with the PSED (public sector equality duty) may involve treating some people more favourably than others, but this does not mean that conduct that would otherwise be prohibited by or under the EqA 2010 is permitted.

APPENDICES

Appendix 1 - Hackney Education response to the Children and Young People Scrutiny Commission's Exclusions Review's recommendations.

Appendix 2 - Children and Young People Scrutiny Commission's Exclusions Review Report

BACKGROUND PAPERS

None.

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Recommendation	Response
<p><u>Recommendation 1</u></p> <p>That school exclusion data is published and reviewed annually by the Children & Young People Scrutiny Commission. This annual review will require Hackney Education Service to publish demographic data (age, gender, ethnicity) on:</p> <ul style="list-style-type: none"> a) the number of permanent and fixed term school exclusions; b) the number of ‘managed moves’ to other schools; c) the number of children moving to (and totals within) Elective Home Education; and d) the number of children receiving education through Alternative Provision e) Other unexplained pupil exits from school. <p>Hackney Education Service should continue to monitor and review the level of all exclusions and ‘unexplained’ pupil exits, and to provide challenge to school leaders where this exceeds locally agreed thresholds</p>	<p>Hackney Education agrees with this recommendation in full: the significant part of this recommendation is already standard practice for the service.</p> <p>Hackney Education holds data on the number of exclusions, managed moves, children being electively home educated and attending alternative provision.</p> <p>Roll movement is monitored annually and where the level of roll movement in a school is a concern, the School Improvement team investigates that with the school.</p> <p>Hackney Education provided a report to the Commission on this topic in May 2021.</p> <p>A report covering the range of data set out here will now be produced for the Commission annually. The optimum time for such a report would be in the Autumn term of each academic year. Data will be produced and provided externally in alignment with reporting timelines set by the Department for Education (DfE).</p> <p>Additionally, school-level exclusion reports are provided to schools annually, along with the Risk of NEETs (Not in Education, Employment or Training) report that includes exclusion data alongside a range of other contextual information, and which goes to secondary schools annually. Risks of NEETs reports are also shared across the Children & Families teams, including the Virtual School.</p> <p>Hackney Education is looking to secure agreement from all schools to share data electronically with the local authority (LA).</p>

Recommendation	Response
<p><u>Recommendation 2</u></p> <p>1) It is recommended that the Council reaffirms commitment to the principles, purpose and value of the ‘inclusive school’ in which schools are actively supported to help maintain children’s placements in mainstream education particularly in relation to:</p> <ul style="list-style-type: none"> a) The maintenance of a broad and balanced curriculum which keeps children and young people engaged and motivated with learning and school life and culture, and which recognises the needs of those children with SEND and or other learning challenges. b) The maintenance of a positive and inclusive Behaviour Management Policy which is reflective, and which aims to identify and address young people’s unmet needs (as detailed in Rec 3) c) A broad programme of behavioural, emotional and wellbeing support is provided as a wraparound service provided in tandem with other statutory (CAMHS, SEND) and other providers (e.g. Young Hackney, WAMHS and other early help services). d) A local education system which rightly celebrates inclusion alongside educational achievement and progress; e) Ensure that inclusion is reflected in the training and support provided to Governors. <p>2) It is recommended that a conference for schools, colleges and alternative provision to support policies and practices which promote inclusivity.</p>	<p>Hackney Education agrees with this recommendation in full: this inclusive approach is already policy and practice for the service and the recommendation outlines a development of this.</p> <p>Hackney Education and the lead members for Education will review and recommit to their statement encompassing the aim for schools in Hackney to be inclusive, including the role of the broad and balanced curriculum, recognising the needs of children with SEND (Special Educational Needs and Disabilities) and/or other learning challenges.</p> <p>Hackney Education will revisit the Hackney guidance (produced November 2019) on behaviour policies, including these underlying principles, and how these will be executed within primary and secondary settings. This will be reviewed in partnership with schools and disseminated to settings. This guidance will affirm the importance of identifying and addressing unmet needs of children and young people.</p> <p>Hackney Education will further develop a recognition system for schools, showing excellent practice in inclusion. This will generate a list of schools with best practice in key areas of inclusion, relationships, behaviour management and the principles of inclusive practice.</p> <p>SIPs (School Improvement Partners) and other partners, through their regular visits, will support schools to implement/quality assure a differentiated, challenging, relevant and stimulating curriculum for all groups of pupils.</p> <p>The Children and Education team, working with New Regent’s College and WAMHS (Wellbeing and Mental Health in Schools project), will develop a cohesive early help approach which complements the early help and supportive work provided by schools.</p> <p>The Re-engagement Unit offers SEMH</p>

Appendix 1

	<p>(Social Emotional and Mental Health) support, promoting, modelling and embedding inclusive practice in commissioning primary schools. It has an embedded CAMHS (Child and Adolescent Mental Health Services) clinician in its operational model, allowing for direct CAMHS work with children, families and schools, as well as clinical oversight within the team as a whole and strong integration between the services. The plan to expand this service to offer further support across all school phases is under consideration currently, with a view to this being delivered in September 2022.</p> <p>The WAMHS programme will continue its work with partner schools in helping them become settings that support young people's mental health and wellbeing through their ethos, leadership and inclusive approaches to behaviour. CAMHS clinicians in schools will build capacity in early identification and early help among school staff. Provision of WAMHS support for those schools without CAMHS workers will be developed.</p> <p>Hackney Education will continue to support schools to implement best practice in transition from primary to secondary school. A primary/secondary transition policy is due to be published Spring 2022.</p> <p>Training for school staff and aspiring school staff on inclusion and supporting pupils with SEND will be provided, and knowledge and experience of these issues will be included as recommended areas of expertise in the recruitment advice we provide to schools.</p> <p>Inclusion is a key theme in governor training: this will continue with a particular emphasis on reaching governors and trustees of all Hackney schools.</p> <p>With regards to the second part of this recommendation, a conference will be held in Spring 2023 to promote inclusivity.</p>
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Recommendation

Response

<p><u>Recommendation 3</u></p> <p>To help identify and extend best practice in positive behaviour management it is recommended that:</p> <p>a) Hackney Education Service establishes a conference for schools, colleges and alternative provision which can explore the principles and best practice applications of positive behaviour management strategies and the benefits this confers for an inclusive school.</p> <p>b) That Hackney Education Service works with local schools in auditing local school policies in particular school behaviour policies to ensure that these are inclusive, comply with equalities duties, do not disproportionately impact on certain groups and make necessary adjustments for young people with SEND</p>	<p>Hackney Education agrees with this recommendation in full: this approach is underway.</p> <p>Hackney Education and partners will affirm the key principles underpinning an inclusive school/ behaviour policy e.g. restorative, trauma informed, solution focused. These principles are to be promoted by all services and included in relevant support, guidance and training.</p> <p>The Behaviour and Wellbeing Partnership of secondary schools will continue to develop and share best practice in understanding young people's behaviour and supporting their wellbeing.</p> <p>In their programme of visits, school improvement partners will look at behaviour policies and highlight where rates of exclusion are well above local and national figures, and where disproportionality is entrenched. They will encourage school leaders, governors and trustees to regularly examine whether approaches are really working to ensure that more students are included.</p> <p>Best practice from Hackney schools on helping pupils affected by the lack of socialisation during Covid-19 and tackling the impacts on their social, emotional and mental wellbeing will be shared.</p> <p>WAMHS forums and universal training will continue to be offered to all schools to share best practice in understanding young people's behaviour.</p> <p>With regard to recommendation 3b, opportunities will be identified for Hackney and other partners to review behaviour policies in primary and secondary schools.</p> <p>The SENCO (Special Educational Needs and Disabilities Coordinator) forum will include training sessions regarding the inclusion of SEND pupils in the school approach to managing behaviour.</p> <p>The 'Exclusion Review' process will be offered to additional secondary schools to help them understand best practice in their</p>
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	<p>individual context to reduce exclusions.</p> <p>Guidance for behaviour policies will include links to teaching and learning and personal development.</p> <p>A conference will be held in Spring 2023 to promote inclusivity.</p>
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Recommendation	Response
<p><u>Recommendation 4</u></p> <p>a) It is recommended that Hackney Education Service continue to:</p> <ul style="list-style-type: none"> - Ensure that Schools leaders and Governing Bodies continue to be aware of their equalities duties and that necessary adjustments are put in place for young people with SEND; - Should review the support available to local SENCO's and ensure that there is supporting infrastructure linking them to local SEND and CAMHS services; - Ensure that there are appropriate systems for reviewing and keeping EHCPs up to date <p>b) It is recommended that additional advice, information and guidance is provided for parents of children with SEND who are seeking alternative or specialist provision for their child.</p>	<p>Hackney Education agrees with this recommendation in full: this approach is underway.</p> <p>a) - Inclusion and equalities are discussed regularly at the governors forum and governors are informed of their responsibility and ways to support and challenge schools in this work. Hackney Education already offers training which focuses on the Hackney Young Black Men Initiative – understanding Cultural Competency, Racial Identity and Unconscious Bias. We will now also offer specific training on Equality Duties, and ensure we make Equality Duties a feature in all training sessions.</p> <p>- SENCO Forums are run regularly and include advice and guidance around inclusion. The new SEND operating model will allow for further targeted support on a locality basis which will further signpost, advise and guide SENCOs.</p> <p>- The new operating model will allow for greater transparency, oversight and guidance around reviewing and keeping EHCPs (Educational Health and Care Plans) up to date.</p> <p>- Additional capacity is being created in the SEND Service to support EHC planning.</p> <p>- Joint work across the Children and Education Directorate to form children and family hubs, alongside</p>

Appendix 1

	<p>a central early help hub, will ensure greater linking between referrals for behaviour which could be an indicator of any one or a combination of mental health issues, learning difficulties or emotional distress.</p> <p>b) - Work is going on to strengthen the SENDIAGS (Hackney SEND Information, Advice & Guidance Service) offer to parents/carers.</p>
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Recommendation	Response
<p><u>Recommendation 5</u></p> <p>It is recommended that Hackney Education Service should support the development of a third party intervention in secondary schools similar to the Re-Engagement Unit which is already established to support primary settings. This intervention could be piloted with a number of participating secondary schools:</p> <ul style="list-style-type: none"> a) To assess the efficacy of this approach in providing coordinated early intervention support to children at risk of exclusion to reduce the risk and incidence of school exclusion; b) To link with Young Hackney and other early help support; c) To assess how such service can be financially viable as either directly commissioned service (via the high needs budget) or as a traded service to schools. 	<p>Hackney Education agrees with this recommendation in full: this approach is underway.</p> <p>The secondary arm of the REU (Re-engagement Unit) support has been in various stages of its pilot since September 2019. There is a universal (although limited) offer in 21/22 and a proposal for significant expansion has been agreed, which will bring the level of support available in line with our primary offer.</p> <p>Efficacy is assessed via our quality assurance cycle, and this informs our service development and ongoing learning.</p> <p>Established links with Young Hackney, WAMHS and other early help support are being strengthened within the secondary landscape through joint working, shared support plans and regular multi agency TACs (Teams Around the Child): this is also part of the REU approach.</p> <p>Hackney Education has affirmed funding of the extension of the REU by repurposing some of the High Needs Budget.</p>

Recommendation	Response
<p><u>Recommendation 6</u> It is recommended that the Education Service and wider Council places a trauma-based approach at the centre of its approach to tackling school exclusions. As part of this approach, it is suggested that:</p> <ul style="list-style-type: none"> a) School leaders, teaching staff and Governors are provided with training to further understand adverse childhood experiences and vulnerability to develop and support trauma informed practice. b) School leaders (including those within alternative provision) should be encouraged to share learning in supporting vulnerable young people to help develop and extend good practice in a trauma informed approach. 	<p>Hackney Education agrees with this recommendation in full: this approach is underway.</p> <p>With regards to recommendation 6a, a one day conference was provided for 200 schools and settings' staff on Trauma Informed practice in February 2019.</p> <p>40 members of Hackney Education staff have been trained in Trauma Informed practice. Training is offered to schools free of charge and in a format that suits them. A total of 27 sessions have taken place so far. This work is ongoing and schools continue to be encouraged to take up this offer.</p> <p>All schools were offered whole school training provided by Kate Cairns Associates, and 6 schools have taken up this offer.</p> <p>A one hour webinar was commissioned and provided to all schools in relation to Trauma and the pandemic in the summer of 2020 and supported discussions were provided on request.</p> <p>The Childhood Adversity, Trauma and Resilience Programme (CHATR) works in the City of London and Hackney to reduce the risk and impact of childhood adversity and trauma, and give children the best possible opportunity for a healthy future. Training for professionals has been developed and a portal of resources is available to all. Training for perinatal staff has been delivered and this work led to the piloting of trauma-informed approaches to Child Protection Conferences to enable professionals to understand how parents' past trauma might impact their current behaviour, and how best to support them to break the cycle of trauma by supporting their children to build resilience.</p> <p>The 76 schools in the borough are part of the WAMHS programme and have access to clinicians and training around attachment-aware practice.</p> <p>Governors are offered training on Wellbeing</p>

Appendix 1

	<p>and how governors ensure the development of emotional, mental health and wellbeing of children. We recognise the need to bring a greater focus to governors' understanding of adverse childhood experiences and vulnerability.</p> <p>Guidance was sent out in Autumn 2019 to all schools to support them to review their behaviour policies with an Attachment and Trauma lense.</p> <p>Going forward, Hackney Education will re-run Attachment and Trauma training; we will focus SIPs, advisers and consultants onto monitoring how settings and schools are using this provision.</p> <p>Schools with continuing high levels of Fixed Term Exclusions will be asked to participate in training.</p> <p>With regards to recommendation 6b, best practice in attachment and trauma will be shared via networks and symposia.</p>
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Recommendation	Response
<p><u>Recommendation 7</u> It is recommended that Hackney Education Service, with City & Hackney Safeguarding partners, ensure that there are robust systems in place to coordinate effective support and risk mitigation for all pupils at the point of permanent exclusion and/ or at the point of repeat fixed term exclusion. This should include:</p> <ul style="list-style-type: none"> a) That specific guidance and information for local schools is developed to help them assess safeguarding risks within school exclusion decisions; b) That schools are encouraged to undertake an independent multidisciplinary safeguarding assessment prior to any final decision to permanently exclude a child; c) That training is developed and implemented for school governors and other school leaders about the safeguarding risks and implications of permanent exclusion from school; 	<p>Hackney Education agrees with this recommendation: this approach is being developed and shaped.</p> <p>Hackney Education will produce local supplementary guidance for schools, utilising the tools and processes developed through Hackney's Contextual Safeguarding programme, to assist them in assessing extra familial safeguarding risks in relation to exclusion from school.</p> <p>Alongside this a protocol will be developed that will</p> <ol style="list-style-type: none"> 1. encourage schools to draw upon wider professional expertise prior to making a decision to exclude a pupil permanently; and 2. Improve information sharing and understanding of risk around permanently excluded pupils. <p>The purpose of this protocol will be to support head teachers in their decision</p>

Appendix 1

<p>d) That City & Hackney Safeguarding Children Partnership (or appropriate subgroup) is notified of any permanent school exclusion 'in real time' to enable a full safeguarding assessment of the child/young person, and the ability of parents to effectively safeguard that young person at home;</p> <p>e) That systems are developed to support effective and timely sharing of safeguarding and other welfare information for excluded children moving from school to alternative provision;</p> <p>f) That all alternative provision at which young people are in attendance (both internal and external to the borough) is routinely included in safeguarding information distributed by Hackney Education Service, CHSCP, Gangs Unit or other relevant bodies;</p> <p>g) At point of exclusion Children and Families Service are notified for Children in Need or other Family Support.</p>	<p>making. It will allow them to consider alternatives and ensure that all safeguarding factors are taken into account prior to it being made. Should a child go on to be permanently excluded, the improved systems for sharing information will assist any new education setting in managing risk. This will form part of the work of the new expanded REU offer and the work of Young Hackney in reducing exclusions.</p> <p>A programme of events will be developed for leaders and governors to support the guidance and protocol, which will be rolled out alongside these.</p> <p>As part of the protocol, CHSCP (City of London & Hackney Safeguarding Children Partnership) and MASH (Families Services Multi Agency Safeguarding Hub) will automatically be notified of all permanent exclusions. Upon receipt of a permanent exclusion notification, EHH (Early Help Hub) will gather information from partners in order to assess the risk. They will consider whether the significant harm threshold has been met and whether a Children & Families Assessment is triggered as a consequence of the permanent exclusion. If the pupil already has a social worker, details of the permanent exclusion will be shared with the social worker so they can review the child's plan.</p> <p>Hackney Education will work with the CHSCP, Police and IGU (Integrated Gangs Unit) to ensure alternative provision settings are included in any safeguarding information that is disseminated.</p>
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Recommendation	Response
<p><u>Recommendation 8</u></p> <p>It is recommended that Hackney Education Service, Children and Families Service and Young Hackney and other welfare support services should improve information sharing and coordination to help identify and support children at risk of exclusion and to create and deliver effective preventative</p>	<p>Hackney Education agrees with this recommendation: this approach is being developed jointly.</p> <p>The expanded universal REU will have a remit to work across all primary and secondary schools, thus providing equitable access to early help support services for those vulnerable to exclusion.</p>

interventions. Partners should work collaboratively to identify those risk factors which place local young people at risk of exclusion and target preventative services accordingly.

The REU will look to work collaboratively with Young Hackney and other elements of Hackney's early help provision to ensure young people and their parents/carers can access support. Referrals for support from the REU will be made via the Early Help hub, thus allowing needs to be considered in the whole.

The Early Help Review will enact changes to existing early help practice. This will include the implementation of one form and pathway that can be used by a professional working with a family to request support from the Council, with all requests going to the Early Help hub established within the MASH.

Requests for early help services will be screened by this hub and a decision will be made on the right level of support (according to the Hackney Wellbeing Framework) and the right service to help a child and family. This process will often include early help workers talking to referrers and families about the request.

The single online form will be used to request support from:

- Safeguarding Services
- SEND Services, with reference to the Graduated Response for SEND
- Targeted Youth Support
- Family Support for younger children
- Family Support for older children
- Education early help services

Additionally, a telephone 'Consultation line' has been established for professionals or members of the public who are worried about a child, or are unsure about what support a child and family needs, or whether you should make a request for support.

As part of this, a response to pupils at risk of PEX (permanent exclusion) protocol will be developed to ensure information is shared and actions coordinated for those at risk of permanent exclusion.

Recommendation	Response
<p><u>Recommendation 9</u></p> <p>1) Hackney Education Service should ensure that:</p> <ul style="list-style-type: none"> i) There is adequate infrastructure in place to enable educational settings to meet, collaborate and share good practice to support young people across the local education system. ii) In particular, HES should consider how best alternative provision can engage and be involved in local systems to ensure that their expertise and learning is shared more widely. iii) There is effective communication across local education systems to ensure that the transfer of pupil information in supporting excluded children moving to AP. iv) The engagement and involvement of alternative provision is supported locally, given their relative size and operational capacity. <p>2) It is also recommended that Hackney Schools Group Board should actively engage and involve alternative provision to further bring these settings into the wider family of schools.</p> <p>3) Hackney Education Service should consider how it can improve links between individual alternative providers and other local schools and share best practice from both schools and AP in supporting children at risk of exclusion.</p>	<p>Hackney Education agrees with this recommendation in full: this approach is being developed.</p> <p>Hackney Education runs regular half-termly forums for secondary school leaders on behaviour. This is chaired by a Headteacher and provides a means of exchanging best practice, collaborating and shaping approaches across the system to reduce exclusions.</p> <p>A pupil panel, chaired by the Lead for Wellbeing and Safeguarding, meets regularly to coordinate and disseminate information regarding excluded pupils.</p> <p>Hackney Education has clarified its vision for the NRC (New Regent’s College) and the role and functions, under newly appointed leadership, it is expected to undertake. There will be a refreshed SLA (Service Level Agreement) between NRC and Hackney Education.</p> <p>With regard to part 2, Hackney Education will extend the role of a school improvement officer from the secondary team, to provide systems leadership for quality assurance and communication.</p> <p>A key function of this post will be to run a termly network meeting for Alternative Provisions. This will be developed with NRC under the existing quality assurance framework. This will ensure that their expertise and learning is shared with mainstream settings and with secondary headteachers, enabling this to be seen as integral to local provision.</p> <p>The adjustment in roles will require funding. We estimate this to equate to a resource equivalent of one day/week.</p> <p>The 14-19 team maintains a directory showing local providers of alternative pathways for 14-19 year olds. This is updated annually and will be extended to include Alternative Provisions outside of</p>

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	<p>Hackney. The directory will be a key tool for the above post.</p> <p>We will propose a revised process for quality assuring alternative provisions that includes settings commissioned independently of NRC. The renewed system will be designed to facilitate identification of strong provision and the transfer of information in supporting children moving from mainstream education. This process will be jointly implemented by school performance and improvement, wellbeing and attendance, SEND and NRC.</p> <p>The 14-19 team maintains a directory showing local providers of alternative pathways for 14-19 year olds. This is updated annually.</p> <p>With regard to part 3, a new annual schedule of meetings/sessions for AP (Alternative Provision) leaders will be set up and led by a Hackney Education officer with NRC. This will require resource equivalent to a day a week.</p>
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Recommendation	Response
<p><u>Recommendation 10</u></p> <p>1) It is recommended that Hackney Education Service review local commissioning strategy of AP to ensure that there is sufficient provision (capacity, quality, and diversity) to meet the needs of young people not in mainstream education. This role should be developed alongside:</p> <ul style="list-style-type: none"> - The local SEND team who share similar strategic objectives to develop local service options for AP; - Other local authorities who share commissioning need for AP in the sub-region. <p>2) To help maintain the stability and sustainability of the local AP sector, it is recommended that Hackney Education Service should explore how additional</p>	<p>Hackney Education agrees with this recommendation in general although the second part needs exploring further in terms of responsibilities.</p> <p>With regard to part 1, the commissioning strategy has been reviewed by Hackney Education and will be reviewed annually, in liaison with NRC and neighbouring boroughs.</p> <p>The directory of AP is regularly monitored/reviewed to ensure capacity and assess match to need.</p> <p>We will develop a clear process to receive input from, and reporting to, Secondary Schools on AP and the providers' capacity, quality and diversity.</p> <p>Any changes to commissioned providers will be reflected in the Alternative Pathways Directory.</p>

<p>business support can be made available to local alternative providers to assist with business modelling and financial planning. HES might consider options for utilising the skills and experience of the Business Support Function (used to support Early Years sector) as either a direct or traded service.</p>	<p>With regard to part 2, Hackney Education is not able to provide business support directly to small, independent AP settings. However, the local community has access to the Council's Business Portal/Hackney Business Network.</p>
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Recommendation	Response
<p><u>Recommendation 11</u></p> <p>i) It is recommended that Hackney Education Service reviews the Service Level Agreement with New Regents College to ensure that the following standards underpin the sub-Commissioning of Alternative Provision, in which young people are:</p> <ul style="list-style-type: none"> - Provided with education, training and learning support in a therapeutic environment which seeks to recognise and address learning needs and maximize their opportunities; - Have access to a varied and accessible curriculum; - Have access to qualified teachers in all settings and explicitly for the teaching of Maths and English; - Supported in educational settings which are of a high standard, safe and have access to learning resources comparable to young people in mainstream settings; - Given equal access to other educational and statutory health and welfare support services to young people in mainstream settings. <p>ii) It is also recommended that HES should consider whether School Improvement Partners can also work with AP settings to provide quality assurance, including independent challenge, and to agree and support the development of improvement priorities for individual settings.</p>	<p>Hackney Education agrees with this recommendation in full: this approach is being developed.</p> <p>Young people may be placed at APs via NRC or directly from schools.</p> <p>The role indicated above in Recommendation 9 will be a key leader, who alongside the Head of High Needs and School Places, will set standards for APs used by NRC and Hackney schools.</p> <p>Both the Hackney Education officer and the Head of NRC will work with APs. A protocol for this work will be developed by December 2022.</p>

Recommendation	Response
<p><u>Recommendation 12</u></p> <p>a) It is recommended that HES review and assess the longer-term destination and outcomes of those young people leaving alternative provision and consider whether additional transitional support is necessary to help AP students adjust to new learning environments.</p>	<p>Hackney Education agrees with this recommendation: this approach is already well underway.</p> <p>Hackney Education holds data on pupils attending New Regent’s College and their commissioned providers, if they are on roll there or dual registered.</p> <p>Hackney Education produces an annual Risk of NEET indicator (RONI) for all Hackney pupils on roll in Hackney mainstream schools in KS3, 4 and 5. This includes published data (e.g school moves) on individual pupils. This could help identify additional factors affecting our defined cohort. This is currently shared with schools (their institution only) and Council officers (all schools). Bespoke versions are created on request e.g. Virtual School.</p> <p>Hackney Education hosts the Alternative Pathways Directory on its website. This is updated annually but the content and format is due to be reviewed as part of Hackney Education changes around AP.</p> <p>All students at NRC are supported via Prospects to find suitable post 16 places. We will review the success of this work to ensure it meets the needs of these pupils.</p> <p>The September Guarantee process is a statutory annual data collection of the Post 16 destinations of Year 11 students. This is carried out in Hackney by Prospects on behalf of the Council. This dataset could be used to identify destinations of previous cohorts to assess trends, and to identify former AP students aged 16-18. Any students aged 16-18 who are identified as Not in Education, Employment or Training (NEET) are tracked and supported by Prospects into EET destinations in partnership with Young Hackney and youth support partners.</p>

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	<p>However, as we only have a duty to track 16-17 year olds (25 for those with SEND) under the September Guarantee, we do not have access to any reliable destination data for any young people older than this.</p> <p>Data could, in theory, be shared with local institutions taking AP leavers, to allow them to provide the extra support they might need for a successful transition. However, this may involve additional data sharing arrangements and young people do have the right to opt out of the process.</p>
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Recommendation	Response
<p><u>Recommendation 13</u></p> <p>It is recommended that Hackney Education Service, in partnership with other agencies, should ensure that there are robust systems in place to plan, coordinate and deliver effective welfare support equally to all children in AP irrespective of its location.</p>	<p>Hackney Education agrees with this recommendation: this approach is being developed jointly.</p> <p>AP providers have equal access to MASH and early help. When students are placed at alternative providers they are discussed at a multi-agency panel at which welfare support officers are present.</p> <p>A review will take place during 2022/23 of the welfare and additional support provided to all pupils at AP, with specific recommendations to be set out.</p>

Recommendation	Response
<p><u>Recommendation 14</u></p> <p>It is recommended that Hackney Education Service should explore what support (either through national or local schemes) can be provided to assist AP settings to develop their physical estate and or amenities.</p>	<p>Hackney Education agrees with this recommendation: this approach is being developed.</p> <p>Many APs are small and bespoke. The renewed quality assurance process could be adapted to include the quality of the physical estate and its amenities. This process can highlight strengths and areas for improvement, including security. Advice on access to capital funds will be provided.</p>

Recommendation	Response
<p><u>Recommendation 15</u></p> <p>It is recommended that Hackney Education Service should lead on recognising and sharing best practice in the Alternative Provision sector among other education providers:</p> <ul style="list-style-type: none"> - Making sure that alternative provision is seen and recognised as an integral part of the local education system and has a valued contribution to education to young people, and that best practice in the sector is highlighted and shared amongst other education providers; - That the attendance, progress and success of young people attending alternative provision is rightly celebrated alongside those young people in mainstream settings; - Facilitate an AP fair each year which provides an opportunity for alternative provision to showcase their education and support offers and to enable young people to make a positive and informed choice when their needs are unlikely to be met in mainstream education. 	<p>Hackney Education agrees with the steer in this recommendation and will take forward developments linked to this.</p> <p>This is covered in the response to recommendation 9.</p> <p>Hackney Education will extend the role of a school improvement officer from the secondary team, to provide systems leadership for quality assurance and communication.</p> <p>A key function of this post will be to run a termly network meeting for Alternative Provisions. This will be developed with New Regent’s College under the existing quality assurance framework. This will ensure that their expertise and learning is shared with mainstream settings and with secondary headteachers, enabling this to be seen as integral to local provision.</p> <p>The adjustment in roles will require funding. We estimate this to equate to a resource equivalent of one day/week.</p> <p>The cycle of meetings for AP leads set out in response to Recommendation 9 will enable the recognition and sharing of best practice. In addition, Hackney Education will include discussion of AP provision and practice in the regular cycle of meetings with mainstream headteachers.</p> <p>The attendance and progress of young people attending alternative providers will be celebrated by their host institutions. Success will also be celebrated alongside that of other pupils in the summer results period.</p> <p>A discussion will move forward with AP providers about the fair and best ways to reach young people in a timely way about the AP offer.</p>

Recommendation	Response
<u>Recommendation 16</u>	Hackney Education agrees with this

<p>It is recommended that the Education Service set out details for the further development and implementation of an Anti Racist Action Plan and how local education policies and practice will address local inequalities</p> <p>It is recommended that Hackney Education Service should continue to work with schools, AP and other educational settings to provide:</p> <ul style="list-style-type: none"> - Training on unconscious bias, diversity and inclusion to all staff; - Support the development of improvement plans for local schools which encompass equality and inclusion aims; - Monitor and review school behaviour and policies; - Audit and monitor and cultural representation of the workforce in HES and wider school network; - Promotion and uptake of the Black Curriculum. 	<p>recommendation: this approach, including training, has been in place for some time and further work is planned..</p> <p>Hackney Education has had an Equalities/anti racism plan for some time, informed by wider schools, stakeholders and Hackney Education staff consultation meetings, and continues to be developed.</p> <p>The Children and Education Directorate is developing a joint anti-racist plan which will bring common themes together. This approach also reflects the ambition for greater synergy within the Directorate approach to ensure joined-up work that has the widest impact.</p> <p>HR policy development has begun to focus on the implementation of the workplace retention and recruitment policy, with clear guidelines for schools about how to ensure an inclusive approach.</p> <p>All maintained schools will have the unconscious bias training fully funded for their school staff teams.</p> <p>All settings and schools have access to unconscious bias training and Hackney Education also offers further training to develop cultural competence and inclusive schools. There will be additional work to reach out to APs regarding this.</p> <p>Over 50% of primary schools and 70% of secondary school staff have received the training and funding will ensure that all schools can access the training.</p> <p>SIP partners visit schools each term and every school has articulated their journey to an inclusive curriculum, the areas of need, and next steps. Schools will also have to identify the impact of unconscious bias training and next steps at a Spring term visit.</p> <p>All Hackney Education teams have received unconscious bias training to ensure we can meet the needs of the community and staff.</p> <p>A large number of staff in Hackney have accessed the Black Contribution curriculum</p>
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	<p>resources and inclusive curriculum training has been delivered in some schools in Hackney.</p> <p>Currently (Jan 2022) 63 schools and settings in Hackney have downloaded the Hackney Diverse curriculum resources (including APs, Special Schools, Children's Centres).</p> <p>Planning has begun for part two of initial inclusive training, which will measure impact within schools and ensure it remains on a school/setting agenda, so that they develop deeper understanding and identify ongoing steps in equality and inclusion.</p> <p>Governors Services offer training which focuses on the Hackney Young Black Men Initiative. They will now also offer specific training on Equality Duties, and ensure we make Equality Duties a feature in all training sessions.</p> <p>All schools will be engaged on the issue of inclusions, with the School Improvement process renewing its emphasis on assessing school's inclusivity and SEND provision when monitoring school performance and conducting visits. A more targeted approach will further develop.</p>
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Recommendation	Response
<p><u>Recommendation 17</u> It is recommended that Hackney Education Service develop opportunities for the voice of children and young people, particularly in relation to the following:</p> <ul style="list-style-type: none"> - When children and young people have been identified as at risk of exclusion; - When children are going through the exclusion process; - Where children have been excluded from school and in identifying an AP that best suits their needs and aspirations; - In assessing and monitoring the quality of AP. 	<p>Hackney Education agrees with this recommendation: this approach is being developed jointly.</p> <p>We will identify existing practice in settings regarding collecting pupil voice and using this feedback to shape school policy. We will develop best practice guidance based on this research so that all schools in Hackney can see how pupil voice can positively impact the school and contribute to more effective policy.</p> <p>Exclusion reviews will be offered to all schools to help leaders understand better the causes and factors that lead to exclusion, and the steps that can be taken to disrupt this trajectory.</p>

	<p>School improvement partners will focus visits on assessing the effectiveness of mechanisms for facilitating pupil voice.</p> <p>Through governors training and support provided for PDCs (Pupil Disciplinary Committees), we will ensure that school leaders and governors understand the legal duties under the Equality Act, the Human Right to fair hearing and the legal requirements of the exclusion process, which all make provision that the voice of the individual should be considered.</p>
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Recommendation	Response
<p><u>Recommendation 18</u></p> <p>It is recommended that Hackney Education Service should:</p> <p>a) Commission and/or develop access to independent advice, guidance and support for parents who have experienced exclusion (or other school move) which is available to them at the points of critical need;</p> <ul style="list-style-type: none"> - liaising with the school at the point at which a child has been identified as at risk of exclusion; - liaison and advocacy to support parents when the child has been excluded and wishes to appeal or challenge the decision; - finding the right alternative provision for their child. <p>b) That families experiencing permanent school exclusion are sign-posted and offered family support to manage experiences of trauma and family disruption.</p> <p>c) Work with local parent groups and other voluntary sector organisations to help develop and maintain peer networks that can engage and support parents and families of children excluded from school.</p>	<p>Hackney Education agrees with this recommendation: this approach is being developed jointly.</p> <p>It is envisaged that parent representatives will work with schools to support, advise and relay information around exclusion. Some parents have received training from Young Hackney and CORAM.</p> <p>With regard to part a, SENDIAGs (Special Educational Needs and Disabilities Information, Advice and Guidance Service) are a statutory SEND specialist free impartial information and advice service. They can support parent-carers and young people with SEND who are at risk of or are experiencing exclusion.</p> <p>There is a help and advice article on school exclusion on the Local Offer website here. Schools should signpost to this for contact details of helpful services e.g. <i>Just for kids Law</i> - who provide legal advice around exclusions for parents and carers - this could be related to parent-carers prior and at the point of exclusion here.</p> <p>With regard to part b, as we review the Hackney Education and Hackney Council websites, we will ensure information for parents is high profile and easy to access.</p>

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	<p>Over the next year, Hackney Education will create a network led by the System Leader for Parental Engagement. It is envisaged that best practice and strategies will be shared at these forums.</p> <p>An action plan for Parental Engagement has been created and guidance on setting up forums in schools to capture parents' voices is being written.</p> <p>We will ensure that the brochure and guidance for parents, once an exclusion has been given, is accessible. The document, 'My child has been excluded - the process', is on the Hackney Education website and parents are both able to access and navigate the information clearly. Schools could ensure that parents are signposted to this brochure to parents upon an exclusion.</p> <p>With regard to part c, we will ensure that schools are made aware of local voluntary organisations available to support parents and this information is shared at the point of exclusion.</p> <p>The Family Information Service regularly updates the information in its brochure which includes this information.</p>
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Glossary of terms

AP	Alternative Provision
CAMHS	Child and Adolescent Mental Health Services
Childhood Adversity, Trauma and Resilience Programme	CHATR
CHSCP	City of London & Hackney Safeguarding Children Partnership
EHCPs	Educational Health and Care Plans
EHH	Early Help Hub
IGU	Integrated Gangs Unit
MASH	Families Services Multi Agency

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	Safeguarding Hub
NEETs	Not in Education, Employment or Training
NRC	New Regents' College
PDCs	Pupil Disciplinary Committees
PEX	Permanent exclusion
REU	Re-engagement Unit
RONI	Risk of NEET indicator
SEMH	Social Emotional and Mental Health
SENCO	Special Educational Needs and Disabilities Coordinator
SEND	Special Educational Needs and Disabilities
SENDIAGs	Special Educational Needs and Disabilities Information, Advice and Guidance Service
SIPs	School Improvement Partners
SLA	Service Level Agreement
TACs	Teams Around the Child
WAMHS	Wellbeing and Mental Health in Schools

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**REPORT OF THE CHILDREN & YOUNG PEOPLE SCRUTINY
COMMISSION**

Title	Classification	Enclosures
Outcome of School Exclusion in Hackney	Public	

CHAIR’S FOREWORD

The attainment of children educated in Hackney schools has improved significantly over the past two decades. The Borough has gone from being one of the worst performing to one of the top performing Local Authorities in the country in terms of educational attainment. Hackney’s sustained efforts to improve the educational attainment of our children has been fuelled by a recognition and commitment to the positive impact that a good education has on improving the life chances of children. However, alongside this story of significant improvements in the educational outcomes of our children is another story of the children who are excluded from our schools and whose outcomes are significantly poorer than their peers who remain in mainstream education.

I have personal experience of school exclusion and spent 11 months out of school in the middle of my secondary education. I had to retake my exams and had to spend longer in Further Education making up for this lost time. I still remember the feeling of being left behind while watching my friends progress and move forward with their lives in a way that I had been unable to. While I was able to make up for my time out of school, the evidence clearly shows that, on average, the outcomes for children who are excluded are significantly worse than their peers who remain in mainstream education. These poor outcomes can include significantly lower educational attainment, increased likelihood of not being in education, employment, or training upon leaving formal education, being a victim of criminal exploitation, entering the criminal justice system and being imprisoned as adults.

The evidence also shows that some children are significantly more likely to be excluded from school - boys, children from black and mixed heritage backgrounds, children from travelling backgrounds, children with special educational needs, children in receipt of free school meals, children from single parent families and looked after children.

Local and national data also shows that between 2010/2011 and 2018/2019 (when we began researching for this review) rates of both permanent and fixed term exclusions in secondary schools in Hackney had remained consistently above both national and regional averages. Additionally, between 2015/2016 - 2018/2019 the rates at which children of black Caribbean ethnic origin were permanently excluded from secondary schools in Hackney were increasing while national and regional rates were declining. These figures have been of huge concern to the Commission and are why school exclusion and the broader issues of inclusion and disproportionality remain priorities for the Commission.

In 2016 the Commission did an in-depth review on school exclusions. This review focussed primarily on the Council's 'No Need to Exclude' policy and involved speaking to schools about their views and commitment to a wellbeing approach to reducing school exclusions. However, exclusion levels in secondary schools remained high and in 2018, after consultation with key stakeholders, it was decided that the Commission would revisit the topic of school exclusions in an in-depth review.

The Commission decided that in this review scrutiny would be shifted away from focussing on schools and their efforts to prevent exclusions to instead looking at what happens post exclusion and alternative provision placements - the places of education for young people who can no longer attend mainstream settings. The overarching aim and objectives agreed by the commission were "to identify and assess what happens when a child is at risk of permanent exclusion or has been excluded, scrutinise the outcomes of excluded pupils and to identify those policies and practices which best help to ensure that excluded children and those at risk of permanent exclusions have the same opportunities as their peers in mainstream education".

During the lifetime of the review there were two tragic events that pulled the necessity for a further review into school exclusions in the borough into an even sharper focus namely the fatal stabbing of a 15-year-old boy in the borough in 2019 and the murder of George Floyd in 2020.

In May 2019 a 15-year-old boy from Hackney was fatally stabbed. In the serious case review (SCR) into his death it states that his permanent exclusion from school served as a "*catalyst to the deterioration in his behaviour, and a decision that exposed [him] to a new more challenging environment[.]*" The SCR also notes that:

"Professionals had less influence on Child C's behaviour after his [permanent exclusion] from mainstream education. The 'un-structured' environment at the AP combined with new peer relationships were likely to have been significant contributory factors in Child's C escalating risky behaviour."

It is also noted in the SCR that the decision taken by the school Governors to uphold his permanent exclusion, despite this having been judged to be unlawful, was taken “...without consideration of the wider implications to his well-being or his safety”.

The tragic death of this 15-year-old boy, the SCR into his death and its multiple references to the impact of his exclusion from school serves as a sobering example of how permanent exclusion from school can increase a child's risk of being victim of crime and criminal exploitation and the potentially devastating consequences of this.

Additionally, the murder of George Floyd and the resulting ground swell of support for the Black Lives Matter movement shone a light on the impact of racism directed at people of black heritage. This resulted in renewed commitments to anti-racism and provided the impetus for increased challenge of the racism and unconscious bias that underpins the poorer outcomes in education, health and employment – experienced by people of black heritage.

For the review, the Commission reviewed national data and trends, academic research and legislative and policy frameworks relating to school exclusion. We held focus groups with children who had experienced school exclusion and their families. We also met with senior officers from Hackney Education Service and the Skills and Employment Team. We made site visits to the borough's Pupil Referral Unit (New Regents College) and alternative provision providers both within and outside of the borough as well as our specialist schools in the borough. Supplementary to this we heard from other Local Authorities and consulted with specialist contributors such as the specialist school exclusions charity, *The Difference*.

The review found that the significantly poorer outcomes experienced by excluded pupils as outlined in national data and research are reflected in our local data. The local data also shows that these detrimental outcomes are disproportionately experienced by the groups outlined above. The Commission therefore recommends greater public oversight of exclusion rates in the borough, including the demographics of the children who are excluded from schools and their longer term destinations. The Commission also recommends that the Education Service set out details for the further development of an Anti Racist Action Plan to provide robust challenge to the reasons that have been shown to underpin disproportionality. The Commission also recommends that Hackney Education Services ensures that School leaders and Governing Bodies continue to be reminded of their equalities duties and that they work together with schools to further ensure that, up to date and necessary adjustments are put in place for young people with SEND.

The review also found that post exclusion education provision (both Pupil Referral Units and Alternative Provision) within the borough varies significantly depending on the setting. Some settings are staffed entirely by qualified teachers and offer a varied curriculum similar to that of mainstream schools whereas others have more

limited access to qualified teachers and a narrower curriculum. The settings also vary in terms of their hours of contact time, cost and specialisms with some offering specialist support to children with Autistic Spectrum Disorder and others incorporating into their curriculum a focus on a particular sport. The Commission found that children and their parents often felt that they were not always suitably matched to an AP equipped to meet their needs and aspirations. This was to some extent echoed by the settings who reported feeling inadequately resourced to meet the needs of children with diagnosed and suspected special educational needs. The Commission therefore recommends that alternative provision is more carefully commissioned and quality assured to ensure that there is sufficient quality, capacity and diversity to meet the needs of young people not in mainstream education. The Commission also recommends that all commissioned APs are recognised as a part of the educational offer in the borough and are supported to deliver an inclusive and sufficiently challenging education and to share best practice on how best to achieve this.

The children and young people and their families we spoke to clearly communicated the shock, distress and trauma they experienced after being excluded from school. One young person said *"I was crying as I was so upset. I was upset at not being able to see my friends no more, not being in contact with them, not being able to learn nothing."* The families we spoke to also told us about the range of challenges they faced. One parent told us *"...I was a single parent at the time working full time, but I still had to reduce my hours all the time to help support my son and deal with the exclusion."* The Commission therefore recommends increased efforts to hear the voice of the children both when they are identified as being at risk of exclusion and after they have been excluded from school when important decisions are being made about their futures. The Commission also recommends that greater efforts are made collectively to identify the well-being needs and safeguarding risks to children who have been excluded from school or have been identified as at risk of exclusion. Lastly, the Commission recommends that the Children and Education Directorate improves information sharing to coordinate and deliver effective preventative interventions aimed at promoting wellbeing and mitigating risk.

Some of the families also spoke about feeling ill-equipped to navigate the exclusion process. Families spoke of the challenges they faced having to support their children when they were at risk of exclusion and through the exclusion process. One parent told us *'My son has had a number of fixed term exclusions before being excluded....I didn't understand what any of this meant and what I needed to do and how I should approach it.'* The Commission therefore recommends that there is greater access to independent advice, guidance and support for parents whose children have experienced exclusion or have been identified as being at risk of exclusion.

It is worth noting at this point that whilst the review sought to explore children and young people's experiences post-exclusion from school, we kept returning to an

unavoidable truth - given the lower levels of attainment, poorer economic and social outcomes of excluded children, and the role that schools play in keeping our children safe, the best way we can improve the life chances for our young people is that wherever possible, school exclusion should be avoided. Our research found that the majority of permanent exclusions from schools in the borough are for persistent rule breaking as opposed to a single, serious, one off incident. National evidence also suggests that cultural and racial bias and stereotyping may impact school behaviour codes and the identification and support provided to children with SEND. This was echoed by the children and families we spoke to when they spoke of their experiences of the school behaviour policies and for example the reasonable adjustments made for children with SEND in mainstream schools. One parent of a child with SEND said that *"...If children are being excluded for the same thing every time, this is a failure of the school and the system to support him properly."* The commission therefore recommends that Hackney Education Service continues to identify and promote best practice examples of inclusive and evidence based, positive behaviour management approaches to all mainstream schools.

Hackney is a borough that prides itself on its commitment to diversity and inclusion. For these values to be promoted and upheld by every facet of the work of the Council, efforts must remain focussed on reducing social exclusion and marginalisation. While the rates of school exclusion at secondary level and the disproportionality in these exclusion rates remain significantly above both national and regional averages our commitment to inclusion is undermined.

The Commission hopes that these recommendations, when implemented, will go some way towards supporting the Council in its efforts, working with schools, children, young people and families, to reduce levels of exclusion within the borough, to challenge the issues that underpin disproportionality and to reassert its commitment to inclusion by improving the outcomes for all our children.

It is worth noting that this report was started in 2018. Local data on school exclusions looks very different now from the data in the report, mainly as a direct result of the Covid-19 pandemic. However it must also be noted that the Commission is aware of efforts that Hackney Education Service working with school leaders has begun already made to address some of the issues identified in the report. Additionally, Deputy Mayor Bramble, Lead Member for Education, Young People and and Children's Social Care has been vocal about her commitments to reducing the rates of school exclusions in the borough. The Commission welcomes any progress that might have already been made against some of the recommendations. The Commission hopes that this report and its recommendations will support the Council in its efforts to reduce the rates of exclusions in the borough and achieve the broader ambitions of the report to tackle disproportionality and engage a greater number of services to improve the outcomes of excluded children.

Through its work, the Commission will aim to keep school exclusion at the forefront of local education policy, planning and decision making to ensure that the needs of all our young peoples are equally served by our local education system.

I would like to thank all who contributed towards this review – and a special thanks to the children and young people and their families who spoke so candidly to us about their experiences of exclusion, the alternative provision who opened their doors for us to visit and spoke to us about the challenges they face in trying to support their pupils. I would also like to thank the Scrutiny Officer, Martin Bradford and the broader Scrutiny Officer team for their work to make this review happen.

Cllr Sophie Conway
Chair of Children & Young People Scrutiny Commission

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Children and Young People Scrutiny Commission

Outcome of School Exclusions

1. Introduction

- 1.1 School exclusion continues to be an ongoing point of concern in Hackney with higher rates of both permanent and fixed term exclusions being recorded in the borough compared to national and regional averages. In 2018/19, 44 young people from Hackney were permanently excluded from school which equated to a rate of 0.13 of the whole school population, which exceeded both national (0.1) and regional (0.07) comparisons. A similar picture was also recorded for fixed-term exclusions from school, where 2,450 were issued in 2018/19 in Hackney equivalent to a rate of 7.06, which was significantly higher than both national (5.36) and regional (4.45) averages. This pattern of data is a confirmed trend in which higher rates of both permanent and fixed term exclusions have been recorded in Hackney for the past 4 years (2015/16-2018/19).
- 1.2 Exclusion from school continues to have a disproportionate impact among different groups of young people. National data indicates that young people who have a special educational need or disability (SEND) are five times more likely to be permanently excluded from school than those children without SEND (DfE, 2020). There are also strong and consistent associations between ethnicity and school exclusion, where children from Gypsy Roma/Irish Traveller and Black Caribbean communities are three times more likely to be permanently excluded from school than their white British peers (DfE, 2020). Social and economic disadvantage also intersects with school exclusion, where young people entitled to free school meals (FSM) are five times more likely to be excluded than those children whose families are not in receipt of this assistance (DfE, 2020). The disproportionate impact of school exclusion is not only a national issue but also a local issue, as all these inequities are replicated within Hackney school exclusion data.
- 1.3 Alongside data on the disproportionalities within school exclusion, there is also a growing body of evidence which points to the detrimental long-term impact that permanent exclusion from school has on young people and their families. Children who remain in mainstream education are twice as likely to be entered for key exams (in English and Maths) than excluded children in alternative provision and they are 15 times more likely to achieve grades 9-4 GCSE in these subjects. Relatively low levels of achievement mean that excluded young people also had poorer educational outcomes with just 6 in 10 sustaining any form of education, training, apprenticeship or employment after KS4 and as many as $\frac{1}{3}$ going on to become NEET (not in education, employment or training) (DfE, 2019). Such poor educational outcomes can increase the likelihood of longer-term socio-economic disadvantage and social exclusion of young people.

- 1.4 School exclusion not only impacts on educational attainment and outcomes however, but it can also impact on young people's health and wellbeing. With the loss of personal and social support networks, young people excluded from school can often experience trauma which can lead to (or compound existing) emotional or mental health problems. Permanent exclusion can result in long periods of time out of school which can also increase the risk of young people becoming involved in antisocial or criminal activity, particularly as local gangs or other criminal organisations may seek to exploit any disengagement or disaffection experienced by these young people. There is also consistent data associating young people who have been excluded from school and the likelihood that they are a victim or perpetrator of crime, and where school exclusion has been reported to be the single most common denominator among young offenders. Of course, this does not mean that school exclusion is the direct cause of such problems, but it undoubtedly contributes to those conditions and circumstances which increase young people's risks.
- 1.5 There have been wide ranging responses to school exclusion at both the national level and local level. The Timpson Review (2019) provided a comprehensive and detailed analysis of school exclusions and why some groups of young people were disproportionately affected. The review produced 30 recommendations which on the whole have been accepted by the government. In its response, the government has pledged action in a number of areas not only to help reduce exclusions, but also to provide additional support and guidance to help children who have been excluded. Specifically, the government has pledged to:
- Further develop and improve guidance to schools and local authorities around exclusion,
 - Support the extension of positive approaches to behaviour management in schools;
 - Make schools more financially and academically accountable for those children they permanently exclude;
 - Encourage greater collaboration and partnership working in local education systems for more effective support of children at risk of exclusion and those who are excluded;
 - Additional help to support improvement in quality, range and outcomes of alternative provision.
- 1.6 More locally, Hackney's approach to reducing school exclusion had centred on the 'No Need to Exclude' policy which was introduced in 2015. This strategy put children's wellbeing and a whole school approach at the heart of the council's bid to reduce school exclusions. The strategy emphasised the range of educational, behavioural, and therapeutic initiatives which are available to schools which could be used to support the wellbeing of children in their care. The strategy acknowledged that permanent exclusion should be a last resort and only taken in response to

serious breaches of school behaviour codes and after all the wellbeing needs of young people had been addressed.

- 1.7 Additional impetus to reduce local school exclusions in Hackney has since been provided through the development of an Reducing Exclusions Strategic Plan in 2018. The Plan, which is overseen by the newly established Reducing Exclusions Executive Board, which whilst endorsing the wellbeing approach set out in the No Need to Exclude policy, detailed 10 new priority actions which included the need for better data collection and improved research to inform local approaches to prevent school exclusion as well as t improvements needed for the governance framework for school exclusions. This plan is being put into effect by an Officers Group (Chaired by the Director of Education) which includes the Schools Exclusion Team, the Re-Engagement Unit, EHCP Team, Young Hackney, and of course, New Regents College, the local Pupil Referral Unit (PRU).
- 1.8 In 2016, the CYP Scrutiny Commission undertook a scrutiny review of school exclusions which focused on the No Need to Exclude Policy, and assessed local head teachers' views on the wellbeing approach to help reduce school exclusions. This review made 9 recommendations in total, which centred around a number of key themes:
- The need for improved data collection on the disproportionate impact of school exclusions which should also provide a framework for local prevention;
 - Additional independent advice and support required to help parents navigate the school exclusion process;
 - Further support to schools to help prevent school exclusions particularly in relation for children with SEND and other vulnerable learners, but also to provide stronger challenges where exclusions were felt to be unlawful or unfair.
- 1.9 However, against a backdrop of continuing high rates of school exclusion in Hackney and growing concerns around the poor academic, social and economic outcomes of excluded young people, the Commission agreed to conduct a further review of school exclusion in 2018-19. In this review the Commission sought to build on the findings of its previous work and assess how the outcomes and life chances of young people excluded from school could be improved. In this sense, the Commission sought to shift scrutiny from schools to alternative provision, those places of education for young people who can no longer be taught in mainstream settings with a view to assessing:
- The nature, level and quality of alternative provision;
 - Levels of attainment, progress and outcomes achieved by young people in alternative provision;
 - Collaboration and partnership working among local services in supporting excluded young people and their families.

- 1.10 Given the aims above, this review sought to provide a voice to three key stakeholders namely young people, their parents and carers and of course alternative providers. Qualitative data from all contributors to this review has helped to provide a rich and detailed insight into the experiences of young people who have been excluded from school, the challenges that they face and how they are subsequently supported by local education and other support services. The Commission is thankful not only for these submissions and contributions, but for all submissions to this review including leaders and staff at Hackney Education, New Regents College (Hackney PRU), Children and Families Service and other local education and welfare providers.
- 1.11 In practice in conducting this latest review, it is acknowledged that it has been difficult to avoid ongoing scrutiny of the exclusion process that takes place in mainstream school settings as this remains fundamental to young people's experiences and their education journey after exclusion. The nature of alternative provision in which children are placed after they have been excluded is also shaped by decisions taken in mainstream settings; not just the reason for their exclusion, but also in how children's needs have been identified and supported (or not) leading up to the point of their exclusion. It is clear from the testimonies of young people and their families provided in this review, that the experiences of school exclusion and young people's subsequent placements in alternative provision are inextricably linked. For this reason, it has been necessary to analyse and reflect upon young people's exclusion experiences in mainstream settings alongside their experiences of alternative provision.
- 1.12 At the outset, it is important to raise an important event which has occurred since the review completed its data collection but which adds heightened importance and relevance to the work of the Commission in this policy area. The murder of George Floyd and the Black Lives Matter movement has brought to the fore the continued racial inequalities and injustices that people from black and other minority ethnic groups experience in their use of public services. This is of course pertinent to this review, as it brings into sharp focus the ongoing national and local racial disparities that exist for school exclusions which are highlighted in sections 4.28-4.31 of this report. These ongoing disparities necessitate that local policy and practice around exclusions is viewed through a lens of inequalities and where solutions are grounded in principles of inclusion and social justice.
- 1.13 It is hoped that this review and the recommendations contained within it, will add further weight and impetus to local work to reduce school exclusions and improve the outcomes of those children who are excluded.

2. Aims and Objectives

- 2.1 The overarching aim and objectives were agreed by the Commission:

'To identify and assess what happens when a child is at risk of permanent exclusion or has been excluded, scrutinise the outcomes of excluded pupils and to identify those policies and practices which best help to ensure excluded children and those at risk of permanent exclusions have the same opportunities as their peers in mainstream education.'

- 2.2 Within this overarching aim, a number of component objectives were also agreed by the Commission:
- a) To assess what provision or support is available to children and their parents at risk of and at the point of permanent exclusion.
 - b) To describe the nature of alternative provision available to children who have been excluded from Hackney schools and to assess:
 - (i) If provision meets the needs of excluded children and if there are any gaps in provision (e.g. for children with SEND);
 - (ii) The quality of support provided;
 - (iii) If there is sufficient capacity to meet rising rates of exclusions;
 - c) To identify the different educational pathways and opportunities of children who have been excluded from school and how these compare to their peers in mainstream education.
 - d) To acquire a better understanding of how schools, alternative provision settings and the local authority measure and track the attainment and outcomes of children who have been permanently excluded from mainstream school and to assess:
 - (i) If outcomes are related to pupil characteristics?
 - (ii) If there is any correlation between exclusion and youth crime, criminal exploitation and wider safeguarding issues?
 - (iii) Effective practices used to reintegrate excluded pupils back into mainstream school and/or into an alternative provision to complete their education.
 - (iv) How the outcomes of excluded children are being used to inform the commissioning of alternative provision for excluded children.
 - e) To assess the level of partnership and cooperation between mainstream schools, special schools and alternative provision: to help identify good practice in relation to exclusion policy, behaviour management strategies and support for pupils known to be at risk of exclusion.

3. Methodology

- 3.1 A range of methods were used to collect data to meet the aims and objectives of the review as set out in 2.0. The main elements of this data collection incorporated

contributions from a range of sources which are summarised below.

Desktop research and analysis

- 3.2 Desk based research was used to help establish the national legislative and policy framework for school exclusions and Alternative Provision and to establish key national data and trends using national education and attainment datasets. Desktop analysis was used to review academic research and policy analysis pertaining to school exclusions
- Analysis of national school exclusion policy and Alternative Provision as set out in, for example, *Creating Opportunity for All - Our Vision for Alternative Education (2018)* and the *Timpson Review of School Exclusion (2019)* and the *Government response to Timpson Review (2019)* and the provision of statutory guidance for School Exclusions (2017) and Alternative provision (2013);
 - Analysis of national data in respect of school exclusions, Alternative Provision and pupil attainment and outcomes of excluded children, for example DfE datasets on Permanent & Fixed-Term Exclusion, School Pupil & Characteristics, Pupil Absence, Destinations at KS4 and School Workforce.
 - Review of national research and policy analysis as produced by academics, educational specialists and national think tanks - for example *Warming the Coldspots of Alternative Provision (2020)* as produced by Centre for Social Justice and Exclusions from various reports on School Exclusion, Gang Violence as produced by the Office of the Children's Commissioner.

Consultation with local stakeholders

- 3.3 A range of local stakeholders were consulted as part of this review to establish local policy and practice in relation to school exclusions and alternative provision. As well as an opportunity to review more localised data, consultation with local stakeholders also facilitated more qualitative and detailed assessments of local school exclusion process and alternative provision.
- *Education Service* - this involved key education officers (Director of Education, Head of Wellbeing & Safeguarding) as well as contributions from the Exclusions Team, Re-Engagement Team, Admissions (Fair Access Panel) and School Improvement Partners;
 - *Other Council Services* - formal contributions were received from Young Hackney and the Skills & Employment Team and data was obtained from Educational Psychology Service (EPS), Child and Adolescent Mental Health Service (CAMHS) and the Youth Offending Team (YOT) (via the Education Service).
 - *Alternative Provision* - the local Pupil Referral Unit (PRU) and a number of local alternative education providers formally contributed to the review at a formal meeting of the CYPSC. In addition, a number of alternative education providers were selected for anonymised interviews.

- *Children & Parents* - One focus group was held with nine children who had experience of exclusion (permanent and fixed term), and a small group discussion and six interviews were held with children who had been permanently excluded and attended the PRU. Two focus groups were held with parents of children with SEND and had experienced school exclusion (one of which was Turkish speaking parents).
- *Other services* - two local special schools formally contributed to the review as did Islington Law Centre, which also provides advice to children and families in Hackney who have been excluded from school.

Local site visits

3.4 The Commission conducted a number of site visits to support members' understanding of the different pathways that young people may take upon being excluded from school. Site visits are beneficial as they give a more practical understanding of how services work and the issues at play in supporting excluded young people. In addition, site visits also provided an opportunity for the Commission to meet both practitioners and young people and obtain first-hand accounts of how effective services are in supporting young people.

- *New Regents College* - the local PRU was visited by members of the Commission and were able to speak to the Executive Head, Head of School as well as different Key Stage leaders. Members were also invited to tour the school and lessons in small groups and speak to children attending.
- *Alternative Provision* - six alternative education providers which support excluded children were visited (two of which were external to the borough, but which supported Hackney students). For all site visits members were offered the opportunity to view facilities, sit-in on lessons, talk to key members of staff and to children in attendance.
- *Special Schools* - an extensive tour of the Garden School was provided by the Head teacher and the head of Behaviour Management. Members were able to view and sit in on classes and talk to staff as they were escorted around the school.

Comparative contributions

3.5 To support comparative assessment and analysis a number of other local authorities were invited to contribute to the review. The involvement of other local authorities helps to compare and benchmark local policy and practice in supporting children excluded from school, and helps to identify additional good practice which can further inform local service provision.

- *LB Hammersmith* - the Director of Education contributed to the review via a formal meeting of the CYP Scrutiny Commission.

- *LB Waltham Forest and LB Tower Hamlets* - informal interviews were conducted with officers about the nature and level of support provided to children excluded from school and how alternative provision was commissioned, the outcomes from alternative provision and plans for improvement.

Specialist contributors

3.6 Expert independent analysis helps to provide further insight into the exclusion process and the nature and level of support provided to children excluded from school through alternative provision. This was provided through direct submissions to the Commission and through review of national research and policy analysis.

- The Difference - an education charity working to improve the outcomes of children who have been excluded from school through peer training and leadership programmes.

Data

3.7 In relation to reference data on the rate of permanent or fixed term exclusions this refers to the proportion of such exclusions against the whole school population.

4. National Policy and Data Context

4.1 The following section of this report sets out the national context and policy framework for school exclusion and the provision of alternative education. This section provides an overview of:

- Legislation and other government guidance on school exclusion;
- Timpson Review and government response;
- Data on the incidence of school exclusion;
- Legislation and other government guidance on alternative education provision
- Data on the nature of alternative provision, and the outcomes of young people attending;
- Funding of alternative provision;
- Other outcomes of exclusion.

National Policy Framework for Exclusion

4.2 Sections 51-52 of the Education Act (2002) sets out the conditions and circumstances in which a child may be excluded from school, either permanently or for a fixed term period. Together with the Department of Education guidance on the exclusion process detailed in *Exclusion from maintained schools, academies and pupil referral units in England (2017)*, this provides the statutory and legal framework for the school exclusion process in England.

4.3 Statutory guidance sets the following overarching conditions in which a child may be excluded from school:

- Only the Headteacher can exclude a pupil, and exclusion can only be made on disciplinary grounds;
- A pupil can be excluded for one or more fixed periods which total no more than 45 days;
- Exclusions must be lawful, in that the decision to exclude must be made in regard to wider legal duties (European Convention on Human Rights and the Equality Act 2010), and be rational, reasonable, fair and proportionate.

4.4 A school must comply with its statutory duties and obligations in relation to both the Equality Act (2010) and have regard to its public sector equality duties in eliminating discrimination, advancing equality of opportunity and fostering good relations with those who have protected characteristics. Headteachers also need to be mindful of those groups of young people with disproportionately higher rates of exclusion and should consider what additional support might be needed to identify and address the needs of these young people. Similarly, Headteachers must have regard to the SEND Code of Practice, and ensure that children are only excluded for disciplinary reasons and do not pertain to any additional learning needs or disabilities.

4.5 The statutory guidance makes clear that children and young people have a right to education, that disruptive or challenging behaviour could be an indicator of unmet needs. Where possible the school should try to identify the causes of poor behaviour when these become of concern, and utilise a multi-agency process to assess, identify and support these needs. The guidance does however reaffirm the right of Headteacher's to exclude as a last resort:

'The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.'

4.6 The guidance also requires the Headteacher to immediately notify both the Governing Body and the Local Authority where the exclusion is permanent or is for a fixed term which is longer than a period of 5 days.

- For fixed period exclusions the Governing body must arrange full-time education for excluded pupils from the 6th school day of the exclusion (Education and Inspections Act 2006).
- For permanent exclusions, Local Authorities must provide suitable full-time education (Pupil Referral Unit, Alternative Provision or New School) from the 6th day of exclusion (19 Education Act 1996)¹ and Governing Bodies must confirm exclusion (consider reinstatement) within 15 school days.

¹ If young person is in the care of the Local Authority or has an EHCP, the Local Authority must ensure education provision is available on day 1

4.7 Parents may appeal the exclusion decision of the school by an Independent Review Panel (IRP) within 15 school days of receiving the exclusion notice. The Local Authority (or Academy) will convene the Independent Review Panel (IRP) which should be made up of current/ ex-governors and headteachers (though not from the excluding school) and to be chaired by an independent lay member.

Following its review the IRP can decide to:

- Uphold the governing board's decision;
- Recommend that the governing board reconsiders reinstatement; or
- Quash the decision and direct that the governing board reconsiders reinstatement.

Timpson Review - and Government Response

4.8 Former Children's Minister, Edward Timpson, was commissioned to investigate the rising rates of school exclusion and in particular, how this was having a disproportionate impact on different ethnic groups. The *Timpson Review* (DfE, 2019) sought to balance the needs of Headteachers' right to exclude as a process to help maintain a safe, calm and positive learning culture, whilst recognising the profound impact that school exclusion has on young people and the need to ensure that these young people are not left behind.

4.9 Whilst highlighting that there was much good practice to note in relation to school exclusion, the review noted that local approaches to exclusion were wide ranging with significant variations in exclusion policy, practice and outcomes across the country. Such disparities in local policy and practice were underlined in key data from 2016/17 which was released with the review:

- 85% of all mainstream schools in England (94% of primary and 43% of secondary) issued no permanent exclusions, but 0.2% of schools (47 schools, all secondary) issued more than 10;
- 54% of the total number of permanent exclusions were in top quartile of highest excluding local authorities, yet only 6% in the bottom quartile of authorities that excluded the fewest;
- 78% of permanent exclusions were issued to pupils who either had SEN, were classified as in need or were eligible for free school meals; 11% of permanent exclusions were to pupils who had all three characteristics;
- Of those reaching the end of Key Stage 4 just 7% of children who were permanently excluded and 18% of those who had received multiple fixed period exclusions went on to achieve good passes in English and maths GCSEs and this was just 4.5% of pupils educated in alternative provision.

4.10 The *Timpson Review* set out 4 principles through which to reform exclusion policy and practice in England, which were:

1. Effective leadership and setting high standards for all young people;

2. Equipping schools to ensure that they can support all children more effectively;
3. Making schools more accountable for exclusions and incentivising inclusion;
4. Improved tracking and monitoring to help improve oversight and safeguarding of excluded children and others leaving school.

4.11 Using these principles, Timpson developed 30 recommendations for the government. The key recommendations from the review are summarised below (though all 30 are detailed in Appendix 1 of this report).

- That statutory guidance for exclusions should be updated to provide further clarity to the exclusion process, and to emphasise the Equalities duties of schools in supporting children with SEND in mainstream education;
- The need to provide additional training, support and investment to help extend the application of positive behaviour management programmes in schools;
- Additional help and support for schools to make them more inclusive and that inclusion should be recognised within the Ofsted inspection framework;
- Making schools responsible for the children they exclude and accountable for their educational outcomes whilst making sure that there are no financial incentives to exclude.

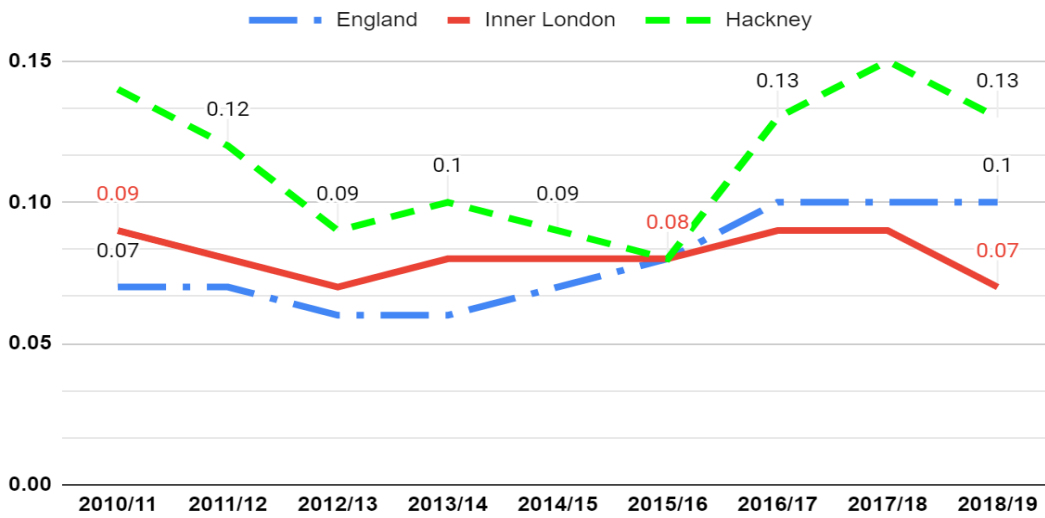
4.12 The government formally responded to the Timpson Review in May 2019 (DfE, 2019) and whilst confirming that the right of Headteachers to exclude children would be maintained, it accepted the need to update guidance to bring greater clarity and consistency to the exclusion process. The response also underscored the need for more collaborative partnerships between local authorities, schools and alternative provision to ensure that effective early help was in place to identify those at risk of exclusion and develop effective interventions to enable them to stay in mainstream education. Perhaps most importantly however, the government confirmed that it would make schools more accountable for the children that they permanently exclude.

4.13 Although the government planned to consult education specialists and the wider sector to help shape the planned changes to exclusion 2019 through to 2020, the election of a new government in December 2019 and the ensuing coronavirus pandemic has in effect stalled any changes to the legislative or policy framework for exclusions.

Incidence of School Exclusions - permanent and fixed term

4.14 Schools are statutorily required to report both permanent and fixed term exclusions and this data is collated annually by the DfE. In 2018/19 there were 7,894 permanent exclusions in England which equated to a rate of 0.1 of all school pupils. The national rate of permanent exclusions increased from 0.07 to 0.1 over the period 2010/11-2018/19, though this increase had levelled off in recent years (Figure 1).

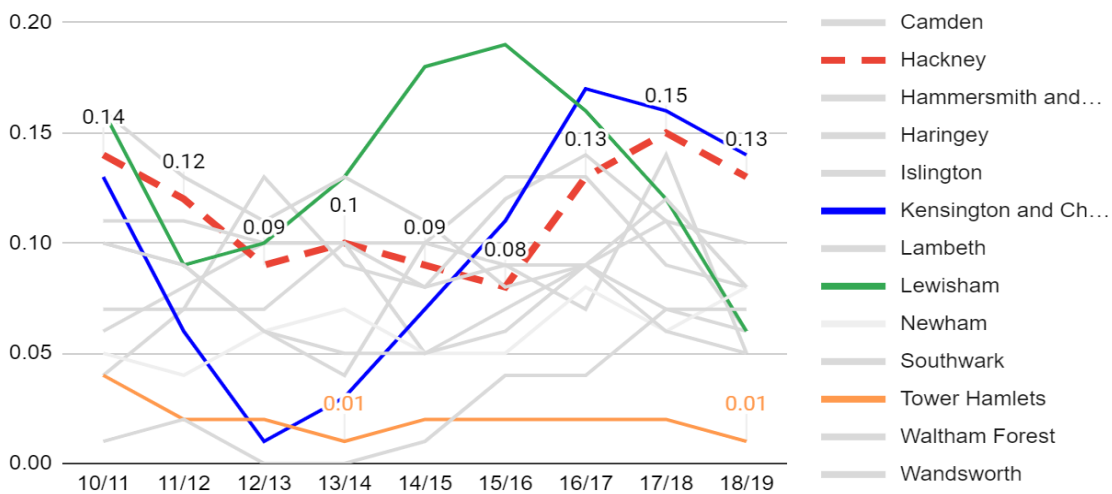
Figure 1 - Permanent exclusion rate 2010/11-2018/19



4.15 Permanent exclusion rates in Hackney fell from 0.13 in 2010/11 to 0.08 in 2015/16, but have risen sharply since peaking at 0.15 in 2017/18 (Figure 1). The rates of permanent exclusion are consistently higher in Hackney than in England or Inner London boroughs for the period 2010/11-2018/19. The current rate (at 2018/19 data) of permanent exclusions in Hackney (0.13) is almost twice that of the inner London average (0.07) (Figure 1).

4.16 Figure 2 shows that whilst Hackney's rate of permanent exclusions is currently higher than most other boroughs, overall trends are more fluid with wide variation in rates being recorded in the 8 year period to 2018/19 (Figure 2). It is noted that Tower Hamlets has recorded consistently low rates of permanent exclusion.

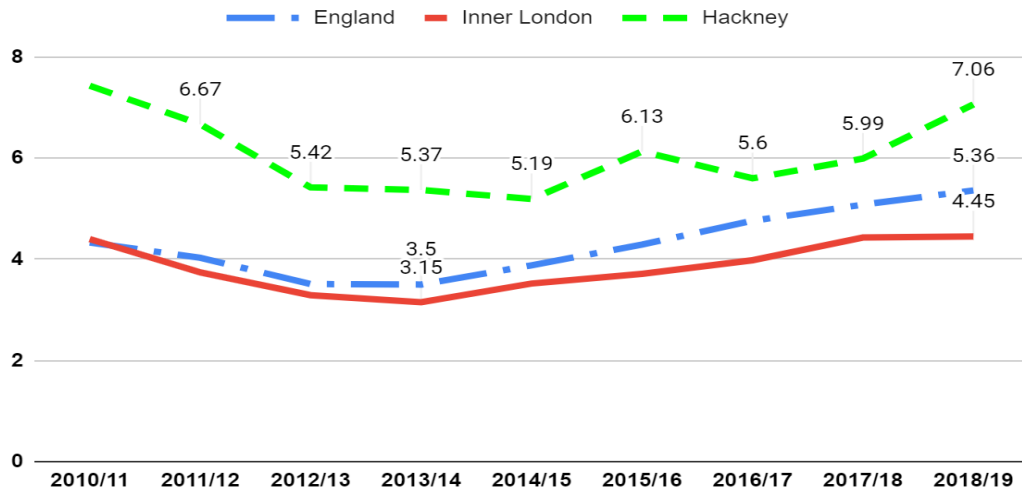
Figure 2 - Permanent exclusion rate Inner London boroughs 2010/11-2018/19



4.17 In 2018/19, there were 438,265 fixed term exclusions in England which equated to a national rate of 5.36 (of the school population). As was the case with permanent

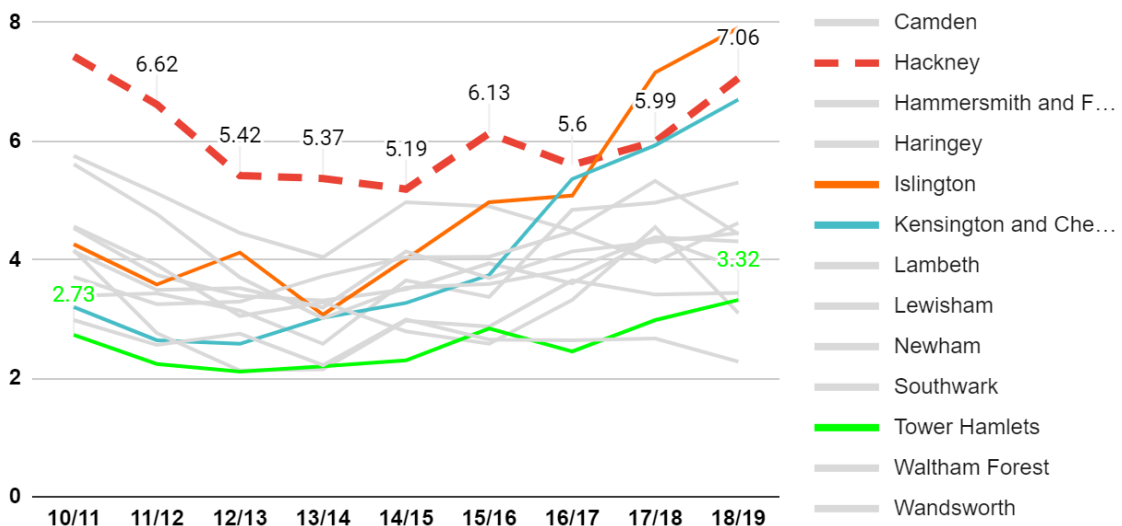
exclusions, the rate of fixed term exclusions was consistently higher in Hackney than compared to both national and regional averages for the 9 year period to 2018/19 (Figure 3). The fixed term exclusion rate has been rising in all areas for the past 3 years.

Figure 3 - Fixed term exclusion rate 2010/11-2018/19



4.18 The rate of fixed term exclusions in Hackney has been consistently higher than other inner London boroughs for the period 2010/11-2018/19, with only Islington more recently recording higher rates. Tower Hamlets recorded comparatively lower rates of fixed term exclusion than other most London boroughs over the same time period.

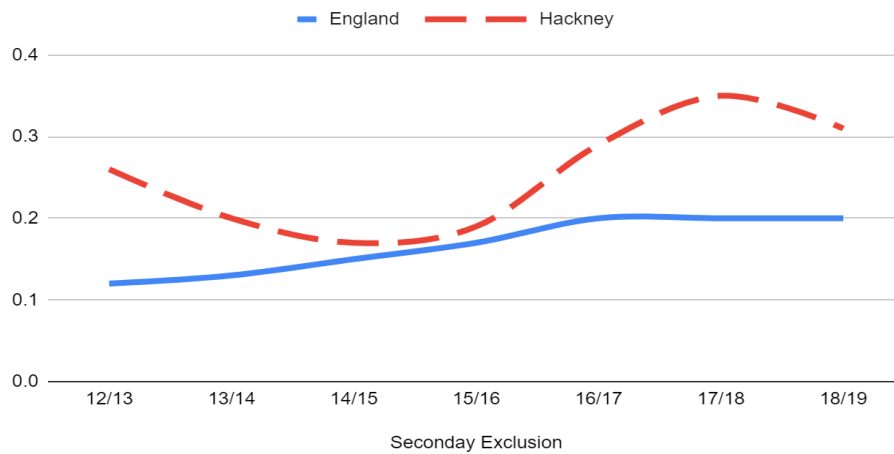
Figure 4 - Fixed term exclusion rate across inner London boroughs 2010/11-2018/19.



4.19 Permanent and fixed term exclusions occur among children more frequently in secondary school settings. In 2018/19, of the 7,738 permanent exclusions across primary and secondary 86% were in secondary school settings. Similarly, of the

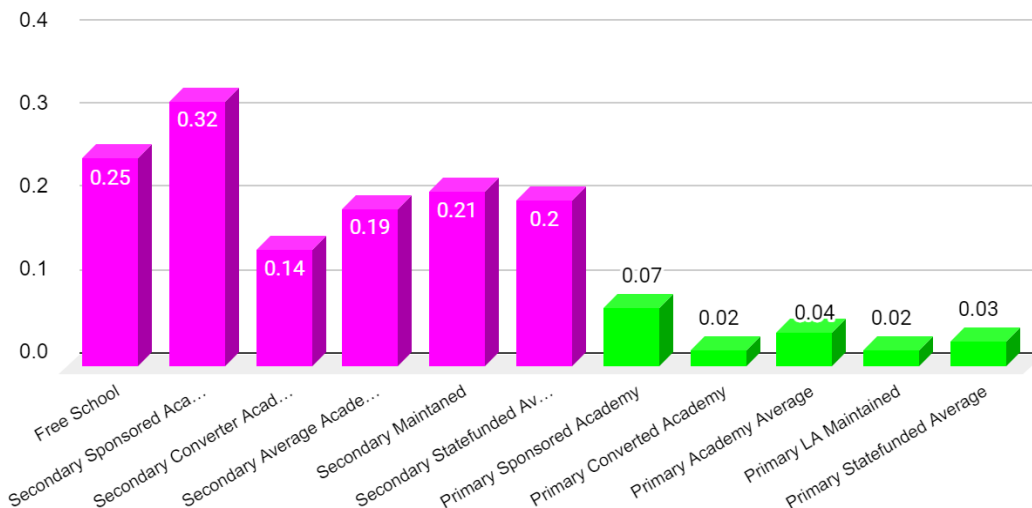
421,864 fixed-term exclusions taking place across both primary and secondary settings, 84% occurred in secondary school settings.

Figure 5 - Secondary School Exclusion rate 2012/13-2018/19



4.20 The national rate of permanent exclusions in primary settings has remained broadly unchanged at around 0.02-0.03 of all primary school pupils for a number of years. The national rate of permanent exclusions in secondary school settings has however increased from 0.12 in 2012/13 to 0.2 in 2018/19 (Figure 5). The rate of permanent exclusions in secondary schools in Hackney has been consistently higher than the national average peaking at 0.35 of all school pupils in 2017/18 (Figure 5).

Figure 5a - Permanent exclusion rate for type of school (LA maintained and Academies in both primary and secondary 16/17)



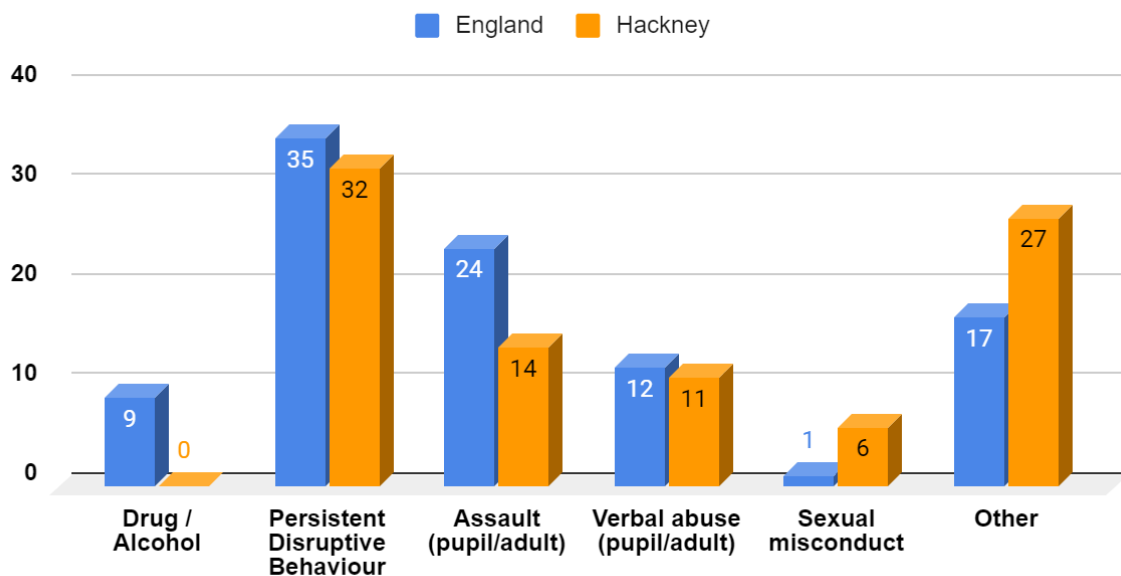
4.21 Figure 5a shows the national rates of permanent exclusion by the type of school (either maintained or Academy). Whilst higher rates of permanent exclusion are seen in Sponsored Academies, these typically have taken over challenging schools, where there may have been a history of failure and or poor discipline which may have resulted in higher levels of exclusion. Converter Academies, which make up

almost $\frac{2}{3}$ of all Academies reported lower rates of exclusion across both primary and secondary settings.

4.22 Persistent disruptive behaviour is the most common reason given for the permanent exclusion of children from school which was cited in 35% of all permanent exclusions in 2018/19 (Figure 6). Assault (of a pupil or a member of staff) and verbal abuse (of a pupil or a member of staff) were the next most common reasons why young people were permanently excluded, these reasons being cited in 24% and 12% of cases respectively (Figure 6).

4.23 The reasons why children are permanently excluded in Hackney are broadly similar to that recorded nationally with persistent disruptive behaviour being the most commonly cited reason (Figure 6). Over one quarter (27%) of permanently excluded children were excluded for 'other' reasons, which it is noted has been a growing trend for a number of years. Permanent exclusion for 'other' reasons has been highlighted by the *Timpson Review* and which urged the DfE to investigate this to further understand the reasons for exclusion and the need to reclassify data if necessary.

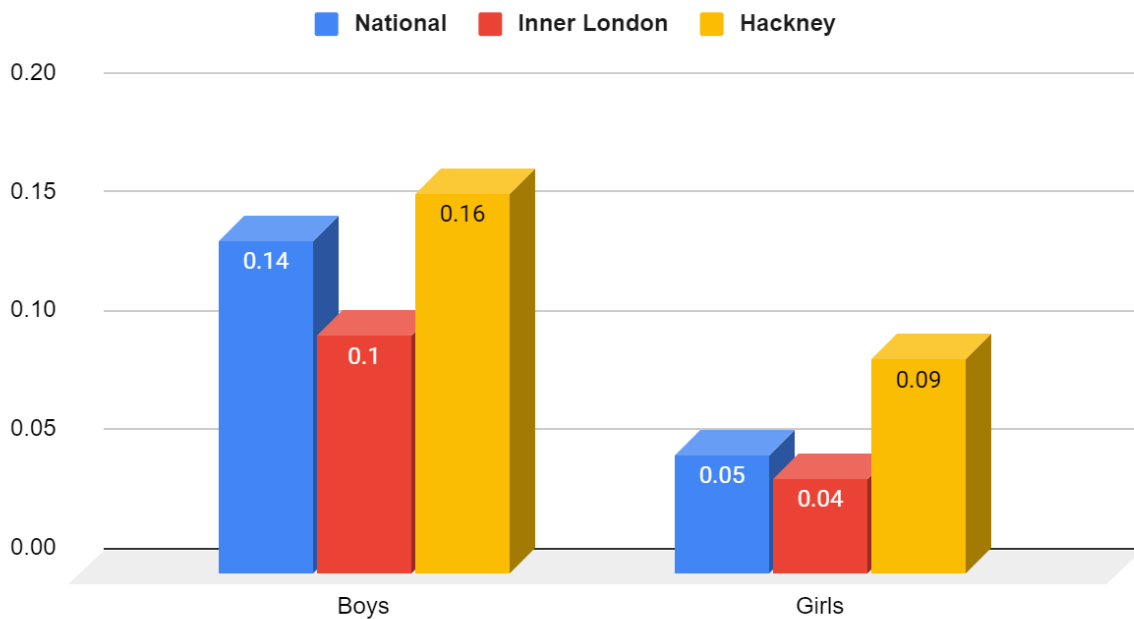
Figure 6 - Reason for permanent pupil exclusion (as % of exclusions) 2018/19



4.24 Of the 7,984 young people permanently excluded in 2018/19, just over 6,000 were boys, three times the number of girls who were permanently excluded. Nationally the permanent exclusion rate for boys is 0.14 per as compared to 0.05 for girls (Figure 7). Comparatively, the permanent excursion rate of both boys and girls in Hackney is higher than both national and regional averages, with the rate of permanent exclusions among girls being twice that recorded for England and across inner

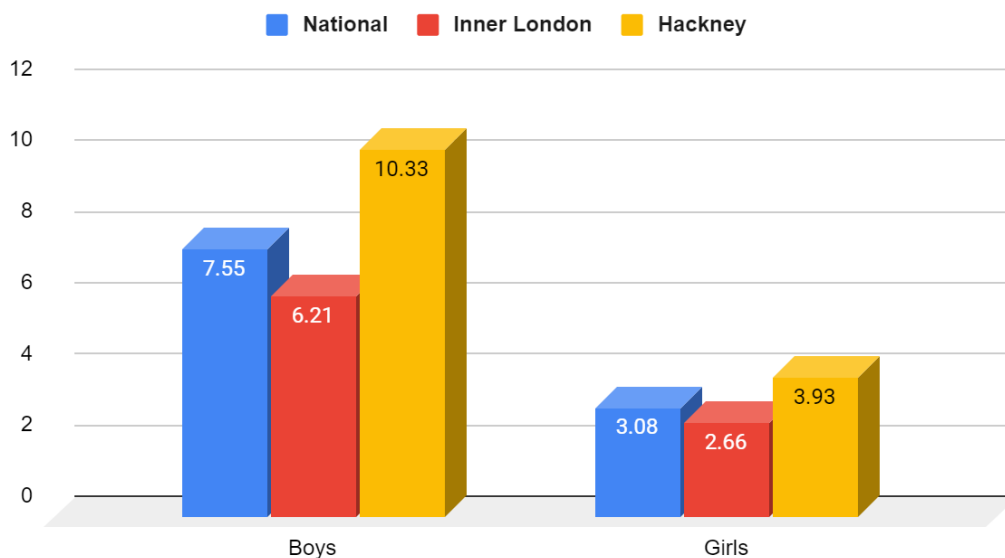
London boroughs (Figure 7).

Figure 7 - Permanent exclusion rate by gender 2018/19.



4.25 The number and rate of fixed-term exclusions amongst boys is also higher than for girls. Nationally, the rate of fixed-term exclusions amongst boys (7.55) is more than twice that of girls (3.08) (Figure 8). Although higher rates of fixed term exclusions are recorded amongst boys and girls in Hackney, the differences in rates for girls is not as pronounced as was recorded for permanent exclusions (Figure 8).

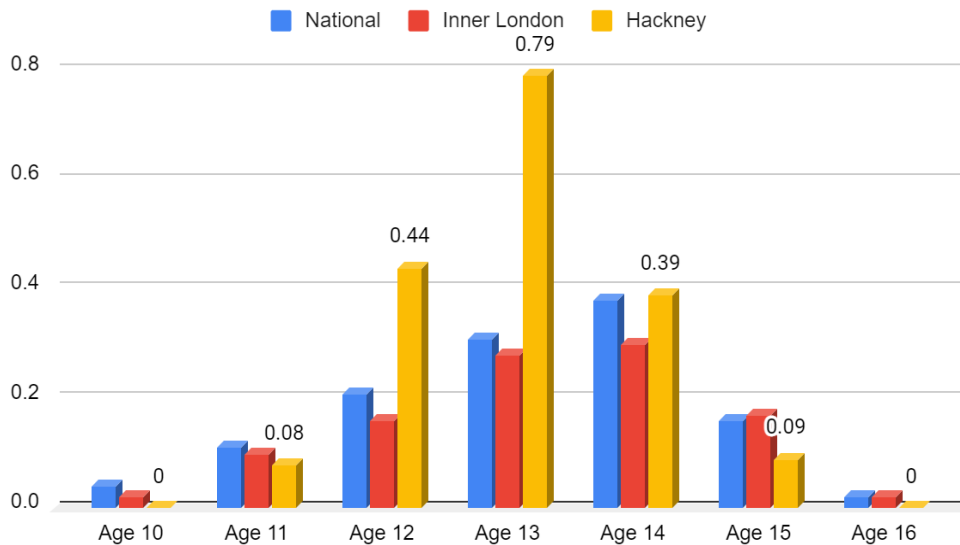
Figure 8 - Fixed term exclusion rate by gender 2018/19.



4.26 In 2018/19, the majority of permanent exclusions occurred during the ages of 12-14 years, with the national rate of permanent exclusions peaking at age 14 at 0.38 per

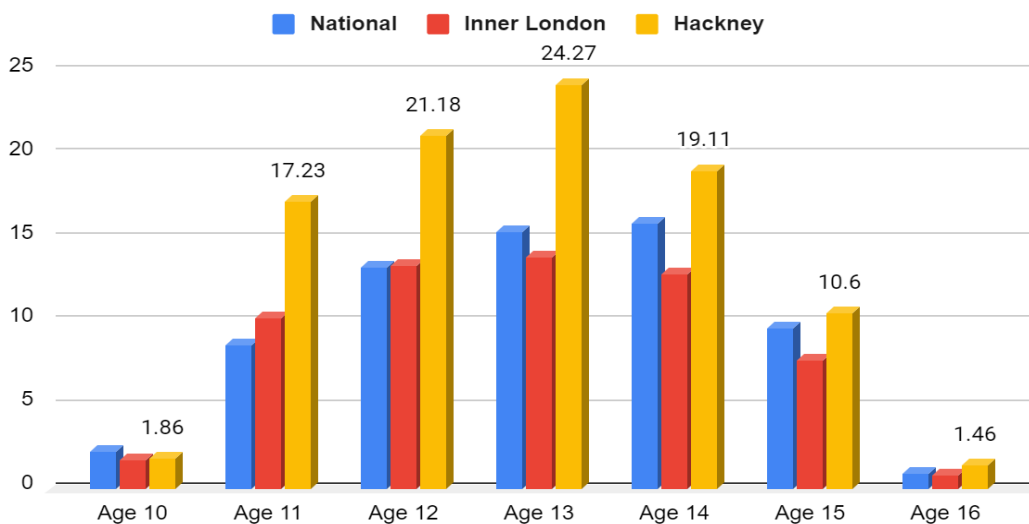
(Figure 9). Comparatively, the rate of exclusions in Hackney peaks earlier at an age 13, which is considerably higher than both national and regional averages (Figure 9).

Figure 9 - Permanent Exclusion Rate by Age 2018/19



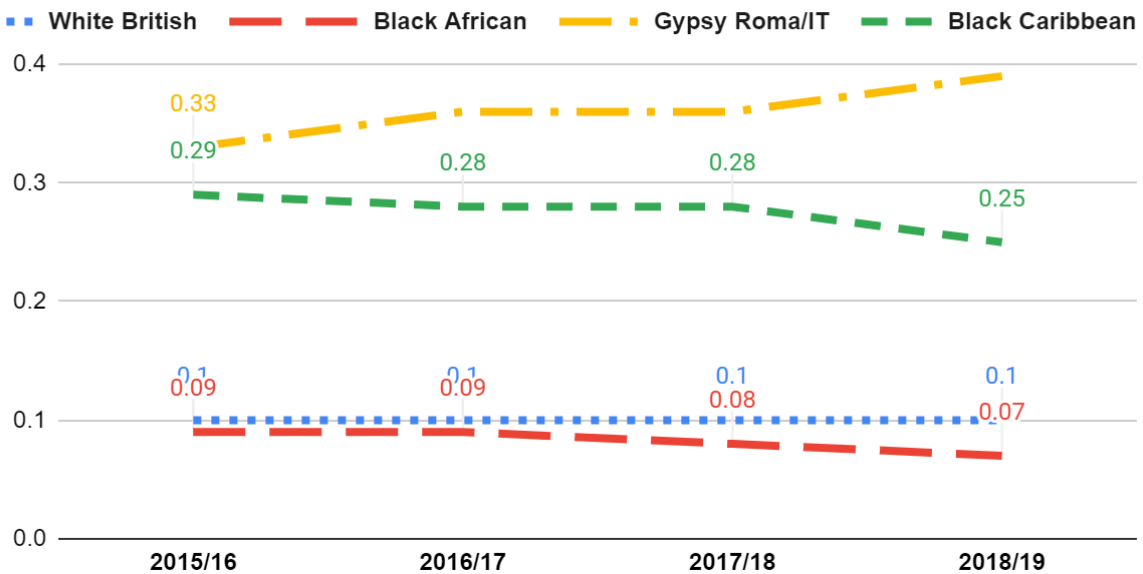
4.27 In 2018/19, the national rate of fixed term exclusions peaked at age 14 at 16.0 (Figure 10). Fixed term exclusion rates are highest (24.27) in Hackney peaked when children are at age 13 and were consistently higher for all age groups compared to national and regional averages (Figure 10).

Figure 10 - Fixed term exclusions rate by age 2018/19.



4.28 Wide variations in the rate of permanent exclusions among different ethnic communities are recognised and reported. Whilst some ethnic groups of young people (e.g. Indian, Chinese) experience lower rates of permanent exclusion, other ethnic groups report significantly higher rates (e.g. Black Caribbean, Gypsy Roma). This pattern of permanent exclusions for differing ethnic groups has been an established trend in permanent exclusion statistics for a number of years.

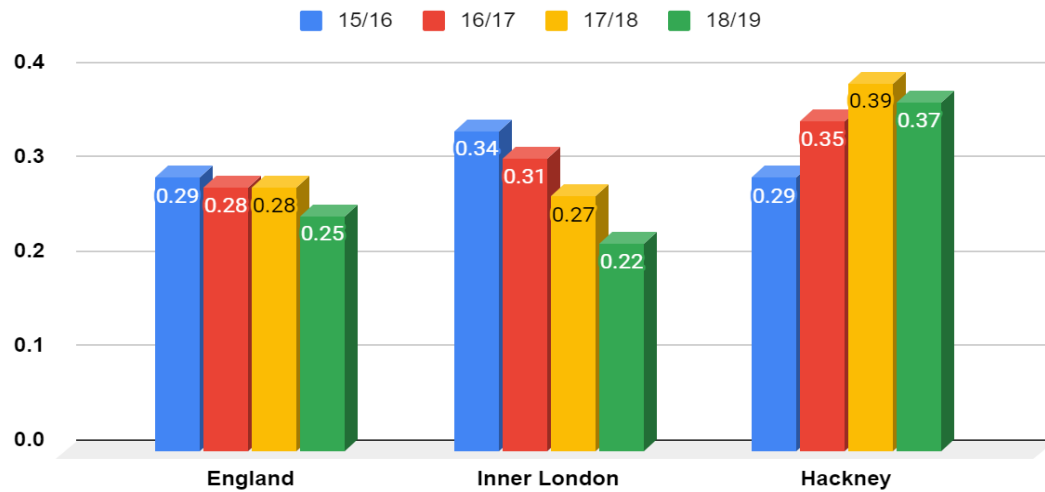
Figure 11 - Permanent exclusion rate by key ethnic groups
2015/16-2018/19



4.29 Over the 4- year period to 2018/19, the national rate in which young people were permanently excluded from Gypsy Roma and Black Caribbean ethnic groups was between three and four times that of young people of White British ethnic origin (Figure 11). The most recent national data suggests that the disproportionalities in permanent exclusions among these different ethnic groups persist; indeed this gap appears to be widening for children from Gypsy Roma communities (Figure 11).

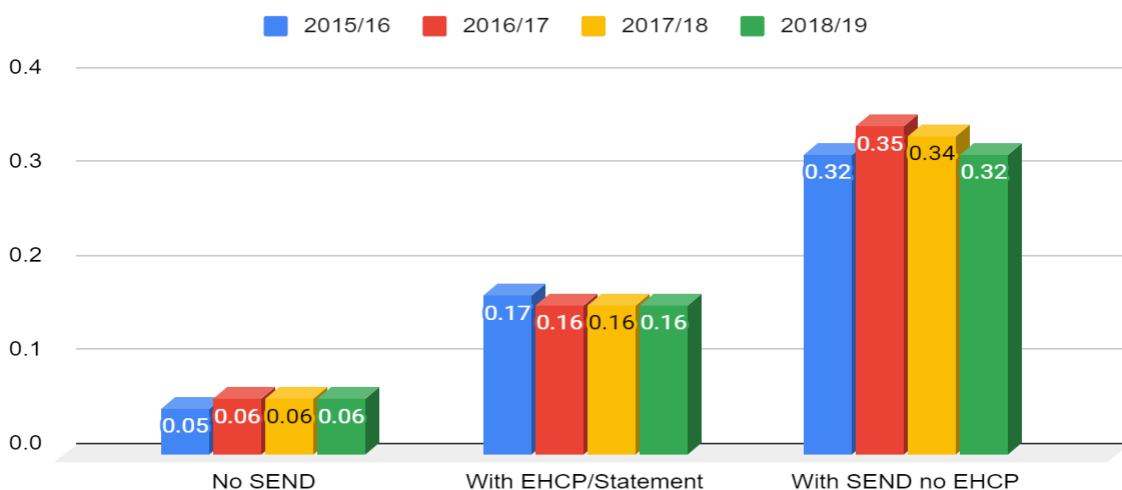
4.30 Data from Hackney’s deep dive noted that children from Black Caribbean ethnic origin made up approximately 2% of all young people permanently excluded over a 2-year period to 2018/19 (see 5.20). Of particular concern in Hackney is that the rate at which young people of Black Caribbean ethnic origin who are permanently excluded from school as this is not only higher than other ethnic groups but has also been increasing when national and regional rates have been declining (Figure 12).

Figure 12 - Permanent exclusion rate of children of Black Caribbean ethnic origin (2015/16-2018/19)



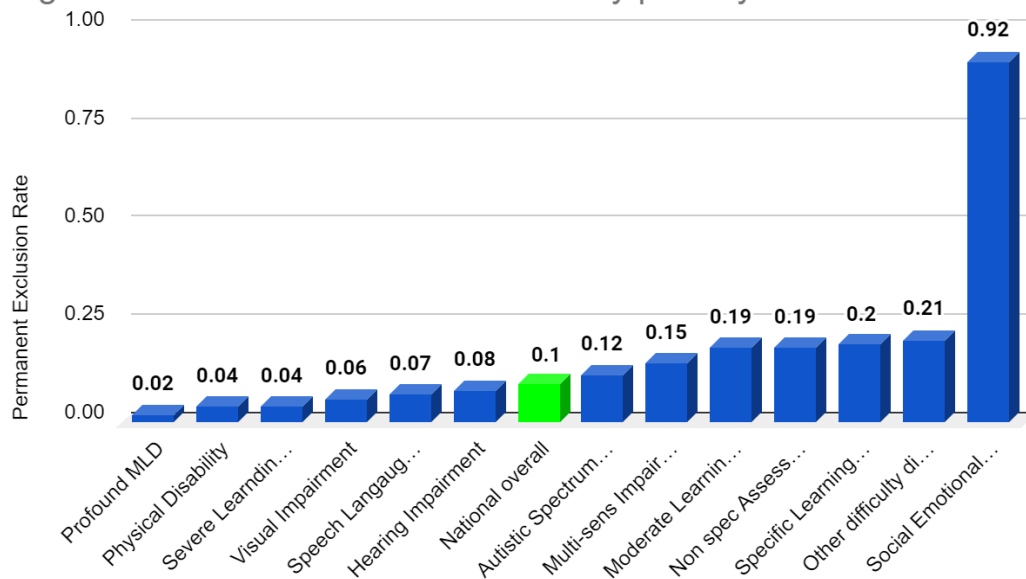
4.31 Young people with SEND are also more likely to be permanently excluded or receive a fixed term exclusion than those children without additional needs. National data from 2018/19 indicates that the rate of young people with an EHCP being permanently excluded was 0.16 which was almost three times that of young people without any additional needs (0.06) (Figure 13). However, those young people with a diagnosed SEND but without an EHCP the rate of permanent exclusion is far higher at 0.32 (Figure 13). This may reflect the strength of the exclusion guidance in asserting head teachers should avoid excluding children with an EHC plan, or this may be a reflection that those with specific support in place for their SEND needs are less likely to behave in a way that results in exclusion.

Figure 13 - Permanent exclusion rate of children with SEND 2015/16-2018/19



4.33 Closer examination of exclusion data by primary SEND needs provides further insight into the disproportionate distribution of school exclusion. The rate of permanent exclusion among children with Social Emotional Mental Health (SEMH) was 0.92 per 1,000, far higher than for any other primary need (Figure 14). Broadly and quite generally speaking, the data would suggest that young people with more acute primary needs appear to have lower rates of exclusion than those with 'less severe' primary needs. This pattern of responses is repeated with fixed term exclusion (though with high rates varying from 0.91- 46.29).

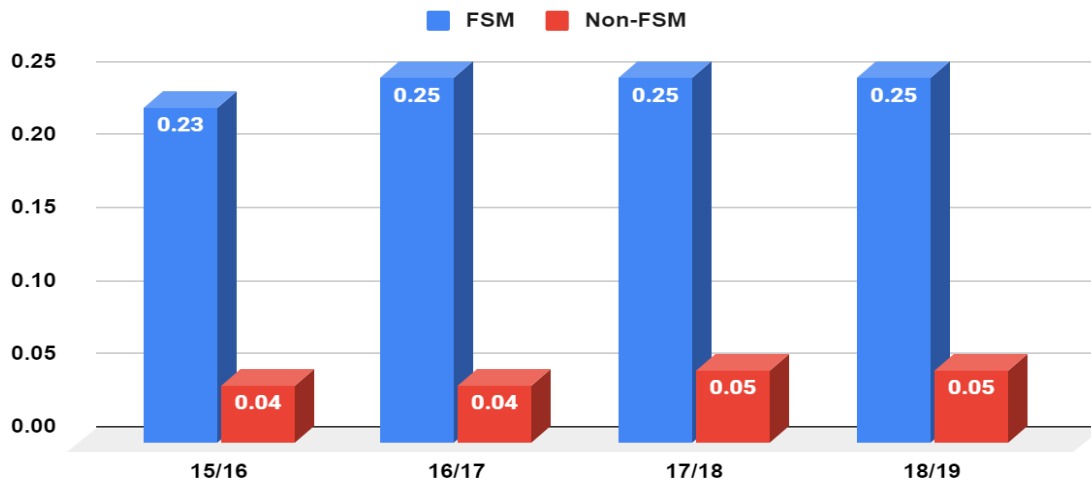
Figure 14 - Permanent exclusion rate by primary SEND need 20...



4.34 Similar patterns of exclusion for SEND are recorded locally in Hackney in which the deep dive analysis undertaken by the Education Service reported that 63% of young people excluded were diagnosed with SEND, and of this cohort the primary need was SEMH (60%) or a Moderate Learning Difficulty (20%) (see 5.20).

4.35 Given its link to social welfare benefits, free school meal entitlement (FSM) is sometimes used as an indicator of family disadvantage. In 2018/19, young people who were entitled to FSM had a permanent exclusion rate of 0.25 which was significantly higher than for those who were not eligible for FSM (0.05). Again, this pattern in the exclusion data has been evident for some years (Figure 15). Similar patterns and differentials are recorded for fixed term exclusions and eligibility for FSM (though again, with higher rates).

Figure 15 -Permanent exclusion rate and entitlement to free school meals (FSM) (2015/16-2018/19)



4.36 There are also notable trends in the exclusion – both fixed period and permanent – among children who have received statutory social care support; Children in Need of and Looked After Children. Whilst higher rates of permanent exclusion have historically been recorded among looked after children than those children not in receipt of social care, this gap has almost closed and now rates are almost comparable. Rates of permanent exclusion among those Children in Need however continue to be higher than those not in receipt of social care, and indeed, the gap appears to be widening. In respect of fixed term exclusions, large differences continue to be seen in the rates of Looked After Children or Children in Need when compared to those not receiving any social care.

4.37 The context for every school exclusion, be it permanent or for a fixed term, is of course individual which may depend upon a wide range of factors and influences relating to the school and of course the young person themselves. Thus, the data presented indicates broad associations and context for wider discussion on exclusion.

Alternative Provision - definitions and guidance

4.38 Depending on the needs of the young person, there are a number of possible destinations post permanent exclusion. In some instances, young people may be able to return to another mainstream school to continue their studies. Other children, whose needs cannot be met through mainstream education are more likely to end up with an alternative education provider, in a special school or other educational provision. National data (RSA, 2020) collected over a 4 year period suggest that young people's destinations post exclusion were²:

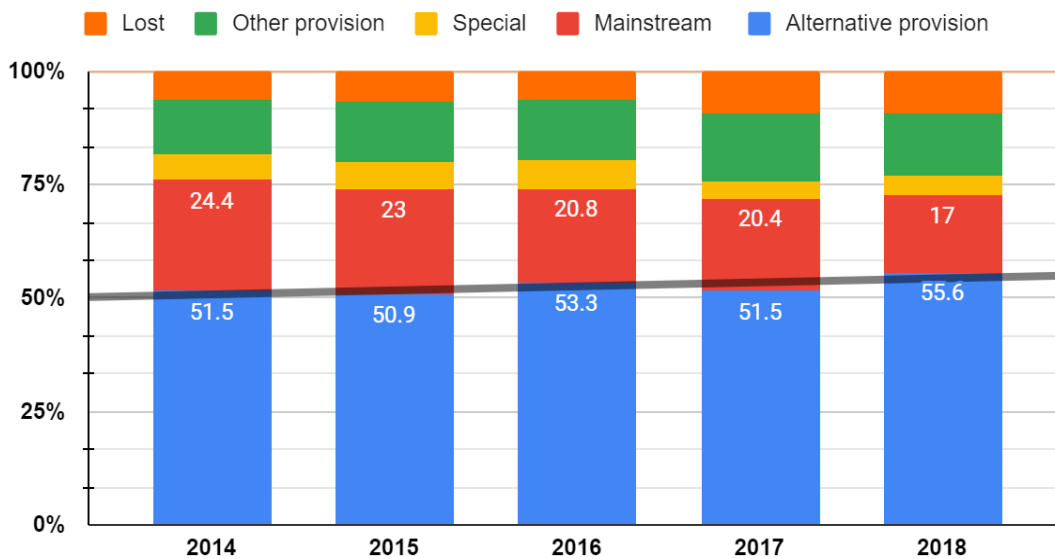
- Alternative Provision 52%
- Other provision 14%

² A number of commentators have noted however how difficult it is to track young people leaving the school roll in mainstream education. particularly in London where there is a highly transient population and mobile population.

- Back to mainstream 21%
- Unknown 8%
- Special school 5%

4.39 The four-year trend for this data would appear to demonstrate that permanently excluded children are now less likely to return to mainstream education and more likely to remain in alternative provision (Figure 16).

Figure 16 - KS4 Destination of Permanently Excluded Children at Year 11 (2014-2018)



Education DataLab

What is alternative provision?

4.40 Local authorities are responsible for arranging suitable education for permanently excluded children and their statutory duties in providing alternative provision are detailed in Alternative Provision Statutory Guidance for Local Authorities (DfE, 2013). The guidance defines alternative provision as thus:

'Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period of exclusion, and; pupils being directed by schools to off-site provision to improve their behaviour.'

4.44 Alternative provision can be provided through a number of different types of setting which include:

- Pupil Referral Units (PRU);
- Alternative Provision Academies;
- Alternative Provision Free Schools;
- Independent and Voluntary Sector Providers.

4.42 There are a variety of types of alternative providers which can provide both full and/or part-time places and can offer both short and longer-term placements. Given the wide-ranging needs of young people, the nature of the educational support offered through alternative provision varies widely. DfE guidance does however indicate that alternative provision must have a number of common elements:

- Good academic attainment on a par with mainstream schools, particularly in maths and English and Science;
- Specific personal, social and academic needs of pupils are identified in order to help them overcome barriers to attainment;
- Improved pupil motivation and self-confidence, attendance and engagement with education;
- Clearly defined objectives, including the next steps following the placement such as reintegration into mainstream education, or successful transition to further education or training.

Who attends alternative provision?

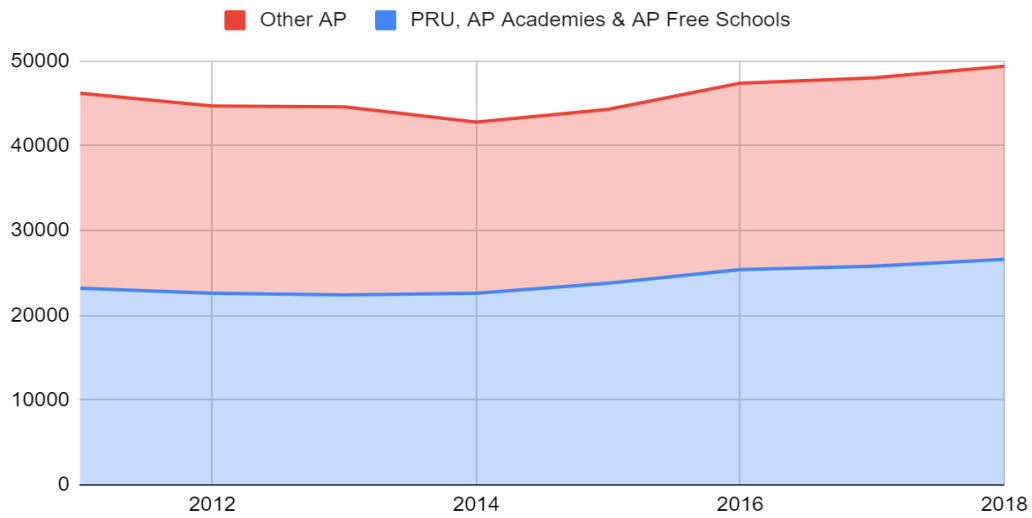
4.43 Alternative provision is for pupils who are unable to attend mainstream schools. This can include children who have been permanently excluded, children who have received a fixed term exclusion longer than 5 days, and children undertaking a preventative placement in the hope of avoiding permanent exclusion. Alternative provision can also be used for vulnerable young people whose physical, emotional or learning needs are more appropriately provided outside of mainstream education (e.g. acute anxiety, new arrivals, ESOL). Alternative provision may also include young people who:

- Need an alternative curriculum or study environment to what is available in mainstream school settings;
- Have become disengaged from school or have poor school attendance;
- Have experienced neglect, abuse or trauma and require more intensive support.

4.44 As of January 2018 there were 26,600 pupils being educated in state-supported alternative provision (PRUs, and alternative provision academies and free schools). It is estimated that approximately 45% of this cohort would have been permanently excluded from school (FFT Education DataLab 2019). In addition, there were 22,800 pupils being educated in other alternative provision settings such as independent schools and further education colleges (offering pre-16 provision). Children in alternative provision makeup 0.6% of compulsory school age children.

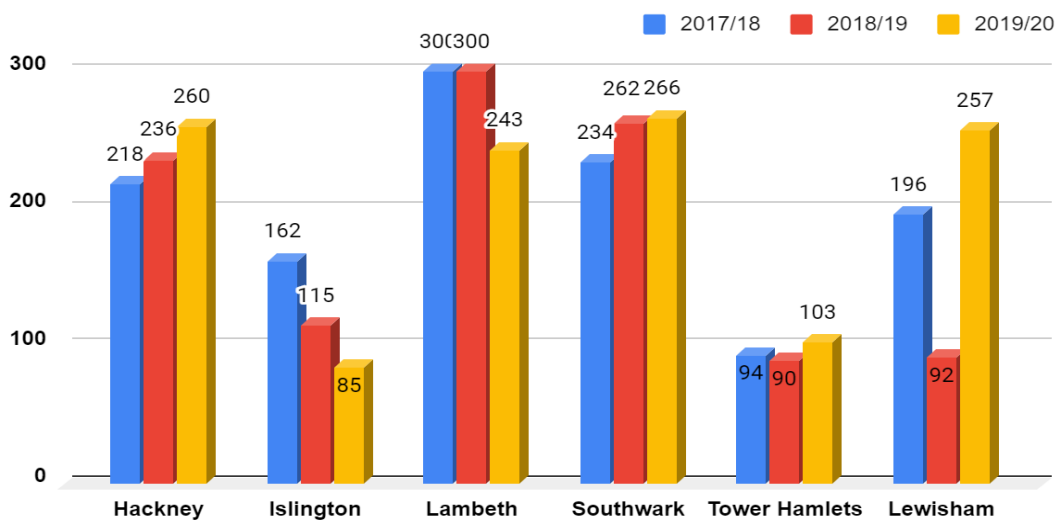
4.45 The number of pupils being educated in alternative provision has grown from 46,000 in 2011 to 49,000 in 2018, an increase of 7% which is greater than the increase in the whole school population (5%) (Figure 17). Whilst about 27,000 of young people were in alternative provision within a PRU, AP Academy or AP Free School, and equal number were educated within other independent AP settings (Figure 16).

Figure 16 number of pupils in alternative provision 2011-2018.



4.46 Use of alternative provision varies widely across local authorities reflecting the different structures and processes in place for exclusion and other pupil support services. The number of children in alternative provision in Hackney in the period 2017/18 to 260 in 2019/20 has risen from 218 to 260 (Figure 16).

Figure 17 - Children in Alternative Provision 2017/18-2019/20



4.47 Given the socio-demographic associations with permanent exclusions from school, it is not surprising to record similar trends within the population of young people attending alternative provision. Similar patterns are recorded in terms of the ethnic groups of young people attending alternative provision; as with exclusion, children and young people from Gypsy Roma, Irish Traveller and Black Caribbean are disproportionately represented within the alternative provision population. In addition, Children in alternative provision were:

- 6 x more likely to have a SEND than children in mainstream school;
- 3 x more likely to be entitled to FSM than children in mainstream school;

- 1.5 x more likely to be male than children in mainstream school.

What is taught in Alternative Provision

4.48 Although statutory guidance does not require alternative providers to adhere to the national curriculum, research has found that most do try to follow this as closely as possible, particularly as this may enable children to reintegrate back into mainstream education (IFF/DfE, 2018). This same research concluded that whilst most alternative providers focused on GCSE Maths and English, relatively few offered a broad range of GCSE subjects for young people to study. It should be noted that alternative provision also provides an opportunity for young people to study for different qualifications such as functional skills, arts-based provision and vocational subjects, and many offer some form of work based learning or placements, opportunities which may not always be available in mainstream settings.

4.49 It should be noted of course, that children in alternative provision may have significant additional learning and or behavioural needs which may require providers to adjust the nature of their curriculum to respond to these needs. In addition, this cohort of young people will most likely have missed significant parts of their education due to poor attendance, illness or other welfare issues and will therefore have significant gaps in their learning. In this context, alternative providers may also provide more intensive and therapeutic support to help young people develop and achieve.

Quality of Alternative Provision - Ofsted rating

4.50 If alternative providers are teaching more than 5 students for more than 18 hours a week, then they must be registered as a school with the DfE, and will therefore be subject to the Ofsted inspection and assessment framework. The Ofsted inspection outcomes therefore provides one indicator of the quality of alternative provision. National data from 2018 suggests that for this indicator, the proportion of alternative provision receiving a 'good' or 'outstanding' assessment was 82% compared to 86% for state funded schools. The proportion of alternative provision (7%) that was assessed to be inadequate however, was almost twice that recorded for mainstream (4%).

4.51 In Hackney in 2018/19, 12 individual alternative providers were commissioned by the PRU to support young people in alternative provision; 1 was assessed to be 'outstanding', 8 were assessed to be 'good' and 1 'required improvement'. A summary is provided below.

Provider	Number of places	Ofsted Rating (latest)
Queensgate / ESOL*	21	Disbanded/ Dereg.
Complete Works / Complete Works 1-1	18	Good

Inspire	13	Good
The Hub	7	-
NRC Reintegration	5	Good
NRC Blue Hut	5	Good
Footsteps	5	Good
School at Hackney City Farm	5	Good
Boxing Academy	4	Outstanding
BSix / Esol	4	Requires Improvement
Urswick	2	Good
Petchey Academy	2	Good

Quality of alternative provision - QTS

4.52 Qualified teacher status (QTS) is also used to assess the quality of alternative provision. Whilst QTS is a requirement to teach in mainstream schools, non-maintained alternative provision do not require QTS. Data from 2017/18 indicates that 87% of teachers in state funded alternative provision had QTS compared to 95% of teachers in the state funded sector as a whole. In addition, the House of Commons Education Committee found that young people in alternative provision were twice as likely to be taught by a supply teacher than children in mainstream education (HoC, 2018).

Quality of alternative provision - attendance

4.53 Maintaining pupil attendance at school or in AP is not only important to give children continuity to learn, progress and achieve, it is also key to effective safeguarding of children by ensuring that they remain in the protective oversight of an adult. This is particularly important for children in AP who may have a history of poor attendance, have a historically poor relationship with educational settings and who may be more likely to have additional support needs. Attendance is therefore critical not only to improve the outcomes of this group of young people and to reduce the risk of them becoming NEET, but also reduces the risk where absenteeism may lead young people to become involved in anti-social behaviour or be at risk of criminal exploitation.

4.54 Research by the Centre for Social Justice into attendance at alternative provision was published in 2020 which noted that three-year average for pupil absence from state funded education settings was 4% in the 3 year period to 2018/19. Over the same period, the pupil absence rate for children attending state funded alternative provision was 33%, over eight times greater (CFSJ, 2020). Pupil absence at state

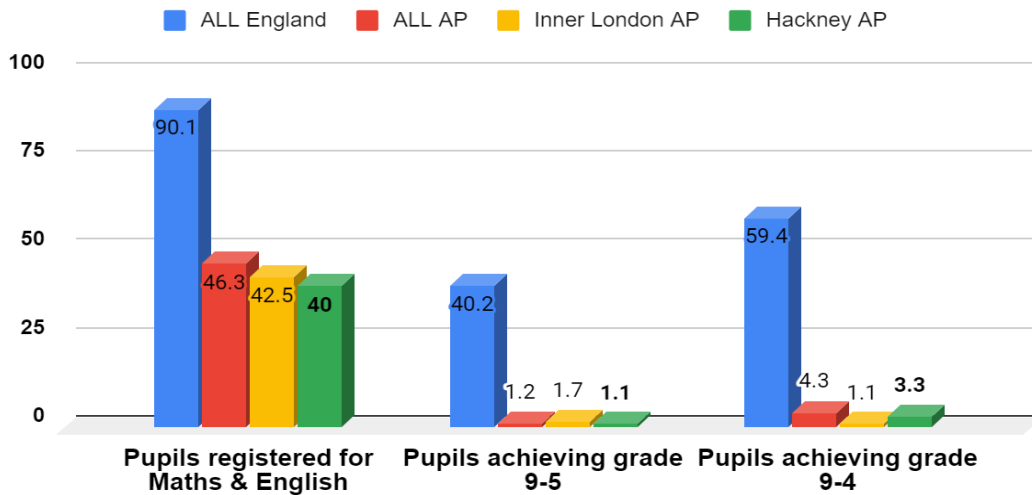
funded alternative provision ranged from just 16% in Leicestershire to 55% in Windsor & Maidenhead.

4.55 Pupil absence at state funded alternative provision in Hackney for the three-year period to 2018/19 averaged 22% which placed it 20th out of 140 local authorities and 6th out of 32 London boroughs (CFSJ, 2020). Pupil absence in state funded schools in Hackney as a whole for this period was just 4.2%. Attendance across individual alternative providers in Hackney does however vary, data provided to the Commission from one provider recorded that attendance for 2017/18 was 88%.

Alternative provision - educational attainment

4.56 In looking at the educational outcomes of young people attending alternative provision it should be remembered that this cohort of young people are more likely to have had a disrupted education which will have impacted on their learning and achievement. Many young people in alternative provision do of course have a diagnosed SEND, and whilst some may be high achieving, a significant proportion may have acute learning needs which may impact on their levels of attainment for formal qualifications (GCSE). This being said, given the importance of educational attainment for future outcomes for employment and socio-economic independence, it is important to benchmark local attainment against national data and other London boroughs.

Figure 18 - Percentage of Pupils in Alternative Provision being entered for GCSE Maths & English and their Grades (2017/18)

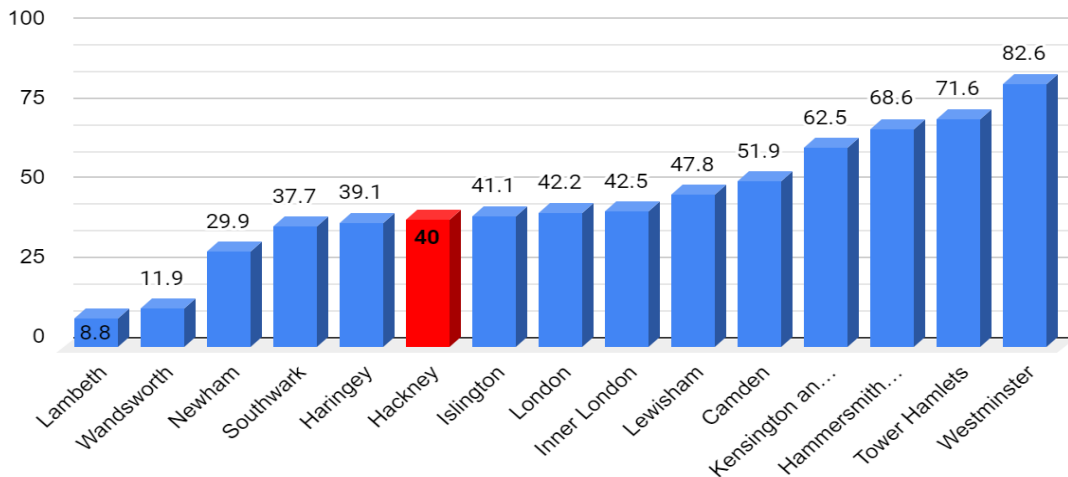


4.57 In 2018/19, whilst 90.1% of all pupils in England were registered for GCSE English & Maths at KS4, just under half (46.3%) of their counterparts in alternative provision were entered (Figure 18). In Hackney, 40% of pupils in alternative provision were registered for GCSE English and Maths, which was below both national (46.3%) and regional (42.5%) alternative provision averages (Figure 18).

4.58 It would appear that there are wide ranging approaches to entering young people in alternative provision for GCSE English and Maths across inner London boroughs

resulting in wide ranging levels of exam entrance; in Westminster 82.6% of young people in AP were entered compared to just 8.8% in Lambeth (Figure 19). 40% of young people in Hackney were entered for GCSE English & Maths which ranked the borough 10th out of 15 inner London boroughs (Figure 19).

Figure 19 - Alternative provision pupils (%) entered for GCSE Maths & English in inner-London boroughs (2017/18)



4.59 In 2017/18, the proportion of young people achieving a GCSE strong pass (grade 9-5) and pass (grade 9-4) in both Maths and English across all maintained schools was 40.2% and 59.4% respectively (Figure 18). Attainment levels were considerably lower among young people in alternative provision, where 1.2% achieved a strong pass and 4.3% attained a pass in GCSE Maths and English (Figure 18). In Hackney, 3.3% of young people in alternative provision achieved a pass in GCSE Maths and English, which was higher than the regional average (1.1%) (Figure 18).

4.60 Placing these levels of achievement against other inner London boroughs puts Hackney 11th out of 15 for the proportion of pupils achieving a pass (9-4) and 10th of 15th for a strong pass (9-5) (Figures 20 & 21).

Figure 20 - % of Pupils in Alternative Provision achieving a grade 9-4 pass in math's and English inner London borough...

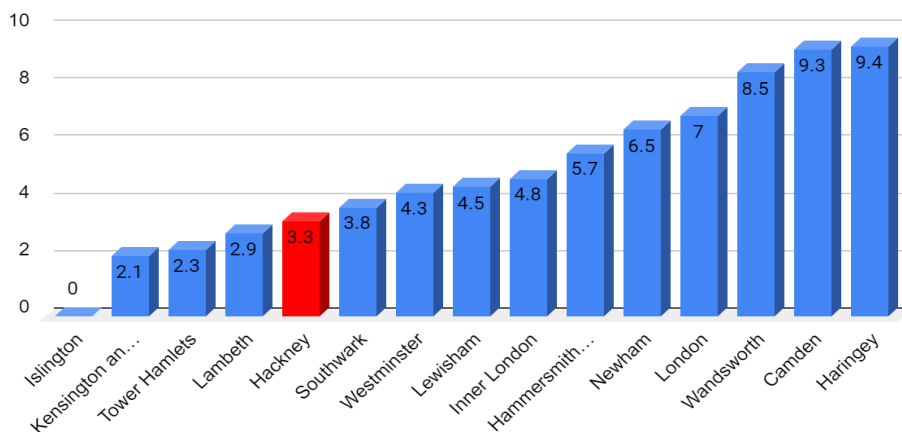
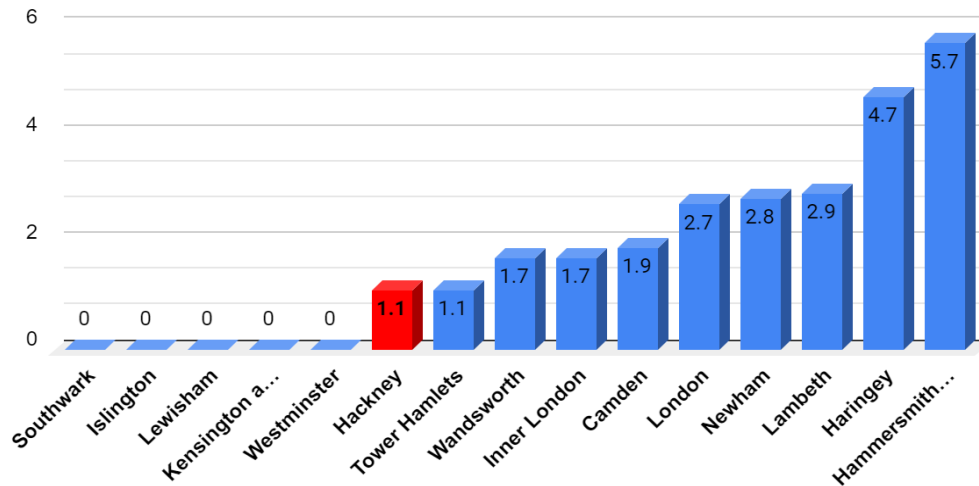


Figure 21 - % of Alternative Provision Pupils Achieving a Strong Pass (grade 9-5) in inner London Boroughs 2017/18



4.61 Attainment data collated by NRC is presented at 5.58 of this report which indicated on the whole, children in AP in Hackney perform better than AP nationally. Again, as would be expected, performance among individual providers varied given the nature of their provision and the young people that they support. (It was noted that in some local AP up to 11% of pupils obtained a pass in both Maths and English).

4.62 The Centre for Social Justice in its quality assessment research of alternative provision, extrapolated the levels of educational attainment and outcomes for children attending AP using a three-year average score to 2018/19 and found that:

- That in only 15/140 local authority areas did more than 10% of AP students achieve at standard pass (grade 9-4) in Maths and English;
- Solihull had the highest three-year average with 18% of AP students achieving a standard pass or above in Maths and English;
- In 16 LA's no child attending AP received a standard pass on Maths or English over the three-year period to 2018/19 (CSJ, 2020).

4.63 Using this same CSJ data, in Hackney on average 5% of students in alternative provision achieved a standard pass in Maths & English in the three-year period to 2018/19. This ranked Hackney 39th out of all 140 LA's in the study and 9th out of all 32 London boroughs (CSJ, 2020).

Alternative provision - educational outcomes

4.64 Statutory returns are required on the placement of all children at the end of the first term after they have completed KS4 (post 16). This is to assess whether young people have sustained education, training or employment outcomes after their studies. The table below indicates that nationally 94% of those young people leaving state funded mainstream school had a sustained education, training or employment placement, compared to just 59% of their counterparts in alternative

provision. Although over 1/3 of young people in alternative provision did not have a sustained destination at the end of the first term following KS4 study, 1 in 10 were in sustained employment.

Destination of ALL (national) students at KS4 in 2017/18			
	State Funded Mainstream Education.	Special Schools	Alternative Provision
Any sustained Education or Employment	94%	90%	59%
Any Sustained Education	86%	87%	46%
FE College	37%	30%	31%
6th Form	37%	1%	2%
6th Form College	11%	1%	2%
Other Education	2%	56%	11%
Sustained Apprenticeship	4%	-	3%
Sustained Employment	3%	2%	10%
Destination NOT Sustained	5%	9%	35%
Activity NOT captured	1%	2%	6%

Source DfE, *Destination of KS4 and KS5 Pupils 2018*

- 4.65 Using this same data to compare young people in alternative provision in Hackney against national and regional data would suggest that the borough performs consistently better for all measures. In 2017/18, 69% of young people leaving alternative provision as KS4 were at any sustained education, employment or training destination at the end of the following term as compared to just 59% of young people nationally and 58% of young people regionally. 1 in 5 young people were not in any sustained destination which was also lower than national (35%) and regional (30%) averages.

Alternative Provision outcomes for students at KS4 in 2017/18			
	England	Inner London	Hackney
Any sustained	59%	58%	69%

Education or Employment			
Any Sustained Education	46%	51%	58%
FE College	31%	35%	36%
6th Form	2%	2%	1%
6th Form College	2%		
Other Education	11%	7%	14%
Sustained Apprenticeship	3%	1%	1%
Sustained Employment	10%	6%	9%
Destination NOT Sustained	35%	30%	20%
Activity NOT captured	6%	10%	11%

Source DfE, Destination of KS4 and KS5 Pupils 2018

- 4.66 Relatively higher levels of young people from Hackney alternative provision having a sustained destination at the end of the first term after KS4 would appear to be a confirmed trend where higher levels of young people in any education or training were recorded for the period 2015/16-2017/18 in Hackney (table below). Similarly, fewer young people from within alternative provision in Hackney have not sustained any destination .

Destination of Alternative Provision students at KS4 in 2015-16 - 2017/18									
	England			Inner London			Hackney		
	15/16	16/17	17/18	15/16	16/17	17/18	15/16	16/17	17/18
Any sustained Education or Employment	57%	56%	59%	54%	56%	59%	72%	77%	69%
Any Sustained Education	46%	42%	46%	54%	56%	59%	64%	70%	58%
Sustained Apprenticeship	-	3%	3%	-	1%	2%	1%	-	-
Sustained Employment	11%	11%	10%	6%	6%	6%	8%	6%	9%

Destination NOT Sustained	37%	37%	35%	35%	32%	30%	18%	19%	20%
Activity NOT captured	6%	8%	6%	11%	12%	10%	9%	4%	11%

4.67 The Centre for Social Justice (2020) review of alternative provision noted that in terms of sustained destinations just over half (54 per cent) of all pupils who completed KS4 in state-maintained AP over the *last three years* were recorded as sustaining a positive destination, compared to 94 per cent of their mainstream peers. There were wide variations among local authorities however:

- High levels sustained destinations for young people in AP were recorded for North Lincolnshire (100%), South Gloucestershire (78%) and Waltham Forest (75%);
- Telford & Wrekin, South Tyneside, Newham and Luton were amongst the lowest performing local authorities where 50% or less of students in alternative provision had a sustained destination.

4.68 Although Hackney did not perform comparatively well in the proportion of young people in alternative provision entered for Maths and English, or in the levels of attainment that they achieve, it scored relatively highly for sustained education or training thereafter, where 70% of students were in sustained education or employment setting over the three-year period to 2018/19. This ranked the authority 6th out of 140 assessed local authorities and 2nd of 32 London boroughs (CSJ, 2020).

4.69 Timpson also undertook a wide-ranging review of alternative provision as part of the Schools Exclusions review. The review fully recognised that whilst much AP was of excellent quality, there were areas for improvement which should be considered to improve the outcomes for young people attending these settings. The Timpson review made a number of recommendations in relation to AP, which included:

- Greater recognition of the role of AP in local education systems, and how the skills and expertise of these settings can complement and support local schools;
- Improved staff training and development options for AP staff and ensure that AP is an attractive destination for qualified teachers;
- Ensure that there are sufficient resources for improving the AP estate and physical environment.

Funding for Alternative Provision

4.70 Since 2013/14, funding for local schools and education settings has been through three blocks within the Dedicated Schools Grant (DSG), these being Schools, Early Years and High Needs. The latter High Needs block is primarily used to fund:

- Children and young people with SEND from early years to age 25;

- Alternative provision (pre-16) for children who have been excluded, illness or other reason cannot be educated in mainstream school.

- 4.71 There are of course well documented pressures within the High Needs spending block of the DSG, particularly in relation to increased demand for SEND services. Whilst the number of young people with an EHCP has grown by 35% over the period 2012-18 central funding has remained broadly static. In addition, given the rising number of permanent exclusions from school since 2012/13, more children have been required to be educated in alternative provision. In this context, the National Audit Office concluded that high-needs funding per pupil fell by 2.6% in real terms between 2013/14 - 2017/18 and in which four in five councils were required to overspend their high needs budget (NAO, 2019).
- 4.72 These pressures within the High Needs block have been mirrored locally in Hackney:
- In the three-year period 2017/18-2019/20 the number of young people in Alternative Provision across Hackney rose by 20% from 216 to 260 (see Figure 17);
 - The number of children and young people with an EHC plan in Hackney rose from 1,236 children in 2011 to 1,926 in 2019, a 56% increase.
- 4.73 Thus whilst the council received £42.86m of funding through the High Needs block in 2019/20, it has needed to spend more than this allocation to meet local needs of children and young people. This has been particularly the case in respect of local SEND budgets where cost pressures of between £4-7m per annum are recorded.
- 4.74 Places in alternative provision are funded at £10,000 each (place funding) for local authority maintained provision and is funded through the High Needs Block. Places in Alternative Provision Academies are funded centrally from the Education, Skills and Funding Agency (who then deduct corresponding funding from the high needs block of the relevant local authority). Funding provided to Free School alternative provision will be similarly recouped from the High Needs Block (two years after the school opens).
- 4.75 In addition to 'place funding' alternative provision is supplemented by a system of "top-up" funding which may be paid in full, or pro-rata depending on how long the student spends at the alternative provision setting. For any pupils above the predicted number of student 'places' only the "top-up" amount is usually paid.
- 4.76 In Hackney, New Regents College (the Pupil Referral Unit and alternative provider) is commissioned to provide 240 places for alternative provision for pupils in Hackney. NRC has been funded to the level of £3,371,550 per annum for a three-year period to 2019/20. This agreement is managed through a Service Level Agreement by the Education Service on the following basis:
- (i) Place funding - £10k for 240 learners which is guaranteed income.

- (ii) Top up funding - £8k pro-rata length of stay at NRC (and there is an additional top up for children with SEND).
- (iii) NRC may also derive additional income from traded services for local schools.

4.77 The needs of young people in need of alternative provision are of course different, and unlikely to be met by a singular institution such as a PRU or individual alternative provider. In this context, NRC may commission additional alternative providers to help meet the needs of individual children whose specific needs may be best served elsewhere. In 2018/19, 12 additional alternative providers were commissioned to support young people who could not be supported on the NRC site, at an annual cost of between £6k-£16 per annum.

4.78 At this juncture, it should also be noted that the current system of funding for alternative provision may also present undesired incentives for schools particularly in relation to exclusion and “off-rolling”. At present schools have no financial accountability in relation to permanent exclusion, as when a child is permanently excluded the cost of alternative provision falls to the local authority. This issue has been raised in the Timpson Review (see sections 4.10-13) and the government is expected to consult to bring new accountability (both financial and academic) to schools for the pupils that they exclude.

Outcomes of School Exclusion

Outcomes from exclusion - education, attainment and employment

4.79 As the above data makes clear, the educational outcomes of young people attending alternative provision are significantly lower compared to their peers in mainstream education. Accepting that young people in alternative provision will have additional health, education and learning needs which may impact on their levels of attainment, the gap between them and their mainstream peers is significant; just 4.5% of pupils in alternative provision achieve a good pass in Maths & English compared to almost 60% of their peers in mainstream education (Figure 18). These qualifications are of course important to help young people access not only further education and training, but also future employment.

4.80 At the end of the first term after KS4 35% of young people leaving alternative provision were not in any sustained outcome (education, employment or training) compared to just 5% of their peers leaving mainstream settings. Nationally almost 1/3 young people leaving alternative provision were not in any education, training or employment at 3 months after, which can of course increase the likelihood of this becoming entrenched and them becoming NEET and the consequence that has for future employment. Youth unemployment is not only linked to long-term reductions in economic activity and income, but also increased chances of subsequent periods of future unemployment, and poorer health and social outcomes (PHE, 2014).

Outcomes from Exclusion - health and wellbeing

4.81 Qualitative data presented elsewhere in this report from both parents and children themselves note the devastating impact that school exclusion can have. The loss of friendships and other social support networks together with uncertainty about their future generated acute stress and anxieties for both young people and their families. The sense of loss, rejection and of being a failure at being excluded from school were all common among young people interviewed in this review (see section 7, all of which can only serve to instil or reinforce negative perceptions of themselves and undermine their own sense of emotional wellbeing. Similar conclusions have been drawn by other research by the Children's Society.³

4.82 These local findings are confirmed in the national literature, where parents reported that their child had lost confidence and self-esteem as a result of exclusion and had an overall adverse impact on their mental wellbeing (Coram Institute, 2019). In addition the clinical impact of exclusion from school has also been supported by other research which indicated that there was a 'bi-directional' relationship between school exclusion and psychological distress and poor mental health, as the latter was both a predictor *and* an outcome of school exclusion from school (Ford et al, 2018).

Outcomes from Exclusion - criminality

4.83 A number of research studies and investigations have also highlighted the association of exclusion from school and criminality. These include investigation by parliament into the relationship between school exclusion and knife crime (House of Commons, 2019), associations with gang membership and criminal exploitation (Children's Commissioner, 2019), prevalence within young offender population (Ministry of Justice, 2016), associations with serious crime (Edinburgh University, 2014) and in the analysis of serious safeguarding concerns (Child Safeguarding Practice Review Panel, 2020). It is of course important to emphasise that none of these studies identify school exclusion as a *causal factor* in criminality, and indeed, there is no evidence to suggest that (DfE, 2019a).

4.84 A number of studies have highlighted the association between school exclusion and later criminal conviction. A longitudinal study in Edinburgh found that pupils who were excluded were four times more likely to be jailed and associated with more serious crimes (University of Edinburgh, 2014). An analysis by the Ministry of Justice found that 23% of young offenders had been permanently excluded from school and 90% of those sentenced to custody had been persistently absent from school (MoJ, 2016).

4.85 Equally it is important to note that school exclusion may also increase the likelihood of young people of being a *victim of crime* as well as being a perpetrator (DfE,

³ Youth Voice on School Exclusions, Lamrhari et al, 2021, Children's Society.

2019a) and that organised criminals work to entrap, coerce and control young people in to their criminal activity (Child Safeguarding Practice Review Panel, 2020).

Research by the Office of the Children's Commissioner has identified how gangs exploit the vulnerabilities of young people (including mental health, problems at home and school exclusion) where such vulnerabilities make them susceptible to gang inducements or threats (Children's Commissioner, 2019). Other research suggests that criminal exploitation can also be a factor in young people's exclusion (Just for Kids Law, 2020). The local deep dive data analysis of local school exclusions would appear to further verify a connection between gang affiliation and school exclusion (see 5.20).

- 4.86 What the research also serves to highlight is the protective influence that schools have, and that exclusion from school creates real safeguarding risks for children who may have vulnerabilities. A national review undertaken by the Child Safeguarding Practice Review Panel analysed 21 cases of young people who had been referred to them who had experienced serious harm or who had died from July 2018 to March 2019. Firstly all these cases involved young males, the majority (15 out of 21) of whom were from Black and other ethnic minority backgrounds. In 17 out 21 of these cases, young people had been permanently excluded from school, and was identified as a trigger for a significant escalation of risk in that young person's life. Whilst it was acknowledged that schools and other services were working hard to maintain and support such children in school, the impact of permanent exclusion was nonetheless profound, which should prompt immediate assessment and support:

'Exclusion has a major impact on children's lives and if it is unavoidable then there needs to be immediate wrap-around support to compensate for the lack of structure, sense of belonging and rejection that exclusion from mainstream school can cause.'
(Child Safeguarding Practice Review Panel, 2020)

Social and economic costs of exclusion

- 4.87 Given the associated outcomes of school exclusion, young people who are excluded are likely to require considerable multi-agency support to manage the possible adverse outcomes set out above (additional education, training, unemployment, healthcare and criminal justice costs). IPPR research estimates that the cost of exclusion is around £370,000 per young person in lifetime (IPPR, 2017), which using the official figure from 2018/19 of 7,894 children permanently excluded from school, would amount to £2.9 billion for this cohort alone.
- 4.88 Further research into the financial and other impact of school exclusion has recently been commissioned among a consortium of Universities including the University of Oxford and the London School of Economics, which will undoubtedly make further contributions to the knowledge and understanding of not just the personal impact of school exclusion, but also the wider social and economic costs also.

5. Local Policy and Practice

5.1 This section sets out the local authority's approach to tackling school exclusion and the provision of alternative education for those children and young people who are excluded. It describes Hackney's:

- Strategy and action plan to reduce exclusions from school;
- Governance framework for overseeing exclusion reduction strategy;
- Key data from the Education Service's Deep Dive analysis of school exclusions;
- Education Support services which aim to reduce school exclusion, and assist children and young people (and their families) who are excluded;
- Children's Social Care support services
- Approach to alternative provision, including the commissioning of New Regents College (Pupil Referral Unit)

Local Exclusions Strategy

5.2 The local authority's approach to reducing school exclusion is set out in the 'No Need to Exclude' Strategy which was agreed in 2015. This approach places the development of the emotional, psychological and social wellbeing of children at the heart of efforts to reduce school exclusions in Hackney as these provide the essential foundation for positive behaviour and learning.

5.3 The No Need to Exclude Strategy aims to guide schools and teachers on the range of educational, behavioural and therapeutic initiatives available that can help to develop the wellbeing of young people in their care. The Strategy provides a toolkit to support schools to reduce school exclusion by:

- Ensuring that they have access to the most recent evidence and advice in promoting wellbeing and staff feel equipped and confident in this approach;
- Encouraging them to develop an emotionally secure environment which discourages bullying and supports children and families that may have problems;
- Ensuring that the schools adopt a whole school approach to improving wellbeing, which also recognises the wellbeing needs of staff.

5.4 The strategy emphasises that permanent exclusion from school is the ultimate sanction that it can impose on a young person, and should only be taken as a last resort in response to a serious or persistent breaches of the school's behaviour policy, and where allowing them to remain would harm the welfare of pupils in the school. The strategy also stresses that efforts to address the wellbeing needs of young people should have been exhausted prior to exclusion including:

- Allocation to a key worker/ Learning Mentor
- Application of a Restorative Justice Intervention
- Referral to a multi-agency panel or Alternative Provision Panel
- Consideration of managed school moves.

5.5 Whilst the strategy acknowledged that there may be exceptional circumstances where it may be appropriate to permanently exclude for a single serious one off offence (serious violence, assault, drug supply or carrying an offensive weapon) it emphasised that these should be stipulated in individual behaviour policies of schools. The strategy also discouraged head teachers from excluding children with SEND or who were looked after and encouraged them to consult the Exclusions Team before any permanent exclusion.

5.6 Whilst the ability of the local authority to directly influence exclusion policy and practice in local schools was acknowledged to be limited, the Education Service emphasised the importance of working with local Head teachers and School Governors to encourage and support change toward a more inclusive school approach.

Reducing Exclusion Strategic Action Plan (2018)

5.7 Despite the wellbeing approach set out in No Need to Exclude and the additional challenge and investment made by the authority, school exclusions continued to rise significantly in the secondary sector through to 2017/18. Furthermore, the Education Service acknowledged that there were growing concerns in respect to the disproportionate impact that school exclusions were having on young black boys and young people with SEND. In this context the Reducing Exclusions Action Plan was introduced in 2018 to bring additional urgency and focus to local efforts to reduce school exclusions.

5.8 The Reducing Exclusions Action Plan aims to build on existing partnerships with schools to support early interventions to reduce fixed term and permanent exclusions. Nine strategic priorities for action are detailed in the plan, with outcomes to be achieved by 2020.

1	Improved data collection, sharing and dissemination on school exclusions among stakeholders
2	Research to produce a 'deep dive' into exclusions to improve the local evidence base and facilitate action.
3	Further engagement of Children and Families Service to further enhance social care and multi-agency support for excluded (or at risk of exclusion).
4	Improved governance for oversight and monitoring of school exclusions including challenge to schools with high rates of exclusion, strengthening the use of Pupil Disciplinary Committees and training and support to School Governors.
5	Review of quality of alternative provision and the process of quality assurance currently in place.
6	Strengthen the use of managed moves to make this more independent and robust

	process as an alternative to permanent exclusion.
7	Promote wellbeing and inclusion with both pupils and staff and that schools develop approaches to behaviour which are informed by wellbeing.
8	Promote SEND inclusion within all settings (further guidance and commissioning of wraparound support)
9	Develop interventions to further support children through transition, particularly those where there is a risk of behavioural challenge.

- 5.9 Given the complexity of young people's needs in relation to exclusion and the multi-agency response to supporting these needs, the Education Service noted how the approach was inextricably connected to other strategic programmes supporting young people across the authority. These strategic connections were important to ensure that there is a coordinated, consistent and holistic approach to supporting young people in need. In this context, efforts to reduce exclusions were linked to the following corporate programmes:
- Young Black Men Project;
 - Wellbeing and Mental Health in Schools
 - Troubled Families;
 - Contextual Safeguarding.

Governance - Exclusions Board and Exclusions Executive Team

- 5.10 In 2018, improved governance for the oversight of school exclusions was developed through the creation of two new executive bodies:
- Reducing School Exclusions Executive;
 - Reducing School Exclusions Board.
- 5.11 The Reducing School Exclusions Executive is a corporate body which is responsible for ensuring that the organisational objectives in maximising school inclusion and reducing school exclusion are met. The Executive Team (which comprises the Director of Education, Assistant Director Education Services, Head of Wellbeing and Education Safeguarding as well as primary and secondary school improvement leaders and Young Hackney representatives) will approve and monitor the objectives set out in the Exclusions Action Plan. The Executive Team:
- Provides leadership and direction to meet the objectives in the Action Plan;
 - Engages and involves partners to help meet objectives in the plan and take action where necessary;
 - Provides a strategic link to other council strategies (e.g Wellbeing and Mental Health in Schools, Young Black Men Programme, Troubled Families & Contextual Safeguarding)
 - Brings additional knowledge and capacity to the wider community to address school exclusion.

- 5.12 The Reducing School Exclusions Board is a partnership body with representatives from Hackney Education Service (including Group Director Childrens, Director of Education), Social Care (Director of Children and Families), local schools (9 Head teachers from Primary and Secondary schools including Academies) and alternative provision (PRU and independent provider) and a young person's representative. The Board is also responsible for monitoring the exclusions action plan through:
- Holding executives and partners to account in fulfilling the plan;
 - Facilitating input from different partners in scrutinising the plan;
 - Analysing progress and propose developments to the plan;
 - Approving communication of progress to a wider audience.

Education exclusion Support Services

- 5.13 The Commission noted that a wide range of local services were available which provided support to children and young people who are either at risk of being excluded or have been permanently excluded from school. These included directly commissioned services and those provided through the High Needs Budget, traded services (which local schools purchase) and independent provision.

School Exclusions Team (Hackney Education)

- 5.14 Officers in the School Exclusion Team work to provide advice and guidance to schools and families on school exclusions to ensure that there is fairness and transparency in the process. In line with the No Need to Exclude Strategy, officers will also advise schools on the range of support and alternative strategies which may help to avoid exclusion and promote continuity of education and positive outcomes for young people. There are three officers in this team: a deputy Head of Service (who also manages Attendance and Children Missing Education) and two (0.5 WTE) officers supporting primary and secondary exclusions.

- 5.15 Exclusion Team officers also work with officers from the SEND Team where those children have a diagnosed SEND and are in receipt of an Education Health and Social Care Plan. A significant proportion of young people with SEND continue to receive their education in mainstream settings where there is an expectation that schools will take account of these needs and make reasonable adjustments (as legally required) and, for example, when applying their behaviour management policies.

Re-Engagement Unit (Traded Service, Hackney Education)

- 5.16 The Re-engagement Unit (REU) was established in 2013 as a school focused support service for behaviour and social and emotional needs of primary aged pupils in Hackney maintained schools. The REU works with children who are at risk of exclusion not only to help address challenging behaviours but also to improve learning and success. The REU is a traded service operated by Hackney Education Service and works to six agreed performance measures:

1. Effective support to schools to create, deliver and monitor improvement plans and dedicated Pastoral Support Plan.
2. Reduction in fixed term exclusions for targeted pupils.
3. Improved attendance or maintained good attendance for targeted pupils.
4. Improved learning outcomes for targeted pupils.
5. Improved behaviour and wellbeing outcomes
6. Improved partnerships between schools and families for targeted pupils.

5.17 Upon referral, the REU works with individual children through an attached case worker who meets regularly with the young person and the school to address those behaviours which may lead to exclusion. The REU works closely with CAMHS, Educational Psychology and children's social care to support education and wellbeing/behaviour targets agreed with the school and parents. In 2017/18 the REU worked with 93 children across 36 maintained primary schools:

- 26% of children were in contact with children's social care (as compared to 4% of whole primary population);
- 10.7% of children had an EHCP or statement of special needs (as compared to 2% of whole primary population);
- 31% of children were of Black Caribbean ethnic origin (as compared to 9% of whole primary population)
- 20% were re-referrals.

5.18 Data submitted to the Commission indicates that in 2017/18, 96% of children being supported by the REU improved their academic performance and 97% improved with their behaviour/ wellbeing. Whilst 35% of children with whom the REU worked had received a fixed-term exclusion in the previous year, this fell to just 5% whilst being supported by REU. Whilst fixed term exclusions rose to 21% after REU involvement, there were no permanent exclusions in this cohort. There were three permanent exclusions in primary schools in 2017/18 all of which were in non-maintained primaries (and with whom the REU does not support).

5.19 In the 5 years since it has been in operation (to 2017/18) the REU has supported over 480 children, 86% of which did not have any further contact after they were discharged. This would suggest that the interventions and support provided through the project are effective in changing the patterns of challenging behaviour of young children. It was therefore not surprising to note that high levels of satisfaction were recorded for the REU amongst both primary schools and parents within the annual evaluation submitted to the Commission.

Deep Dive

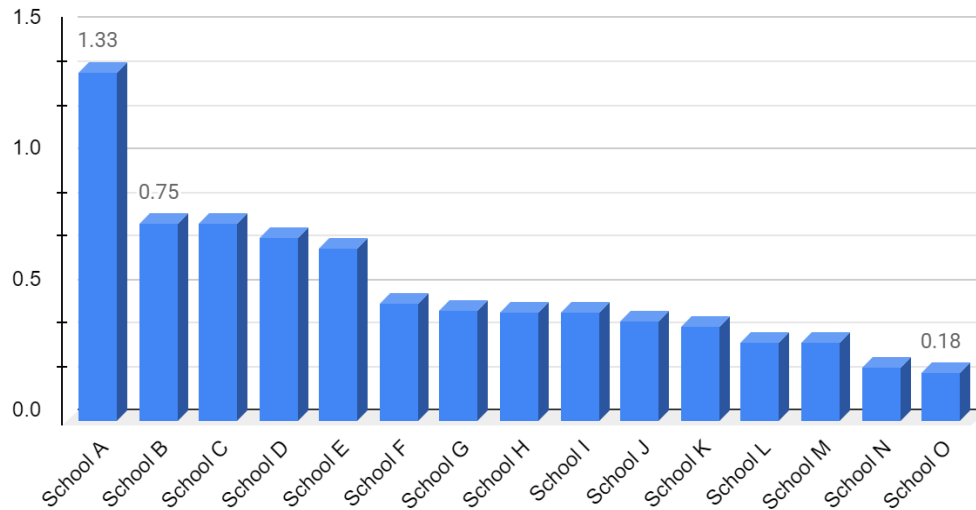
5.20 In 2018/19 the Education Service together with the Public Health Department undertook a 'deep dive' analysis of the young people who had been permanently excluded from school over the previous two-year period. The aim of this deep dive analysis was to provide further insight into the circumstances and context of children

who have been excluded from school, which could then inform service development and prevention work. A summary of the key data emerging from this deep dive is given in the table below.

Demographics of Permanently excluded children in Hackney 2017/18.			
Age (61)		Gender (61)	Male 74%
< 8 years	3%		Female 26%
8-10 years	5%	Ethnicity (61)	
11-12 years	20%	Black Caribbean (+ BC mix)	38%
13-14 years	61%	Black African (+ BA mix)	23%
15-16 years	11%	White English	11%
Reason for Permanent Exclusion (61)		Turkish	7%
Persistent disruptive behaviour	31%	Free School Meals (60)	
Physical / verbal assault - adult	14%	Eligible for FSM	58%
Physical verbal assault - child	16%	Non- FSM	42%
Drugs/ alcohol	8%	Parental status (61)	
Other	21%	Single parent household	74%
Year group at exclusion (61)		Non- single parent hse.	26%
Year 6 and below (Primary)	8%	SEND (60)	
Year 7 (Secondary)	10%	No diagnosed SEND	37%
Year 8-9 (Secondary)	57%	Diagnosed SEND	63%
Year 10-11 (Secondary)	25%	SEND Diagnosis (38)	
Previous Fixed Term Exclusion (60)		Social, Emotional & MH	60%
None	38%	Moderate Learning Difficulty	20%
1	22%	Speech, Language Comm.	11%
More than 1	40%	Special Learning Disability	7%
Previous School Move (57)		Autistic Spectrum Disorder	2%
None	39%	Gangs Unit (61)	
1	40%	Known to Gangs Unit	36%
More than 1	21%	Unknown	64%

- 5.21 This deep dive analysis confirmed a number of known associations from previous research and data which was available nationally in relation to age, year group, gender, disadvantage and reason for exclusion from school. The analysis also underscored the disproportionate impact that school exclusions have within the Black Caribbean community who made up over 38% of the cohort of excluded children, whilst only comprising 10% of local school children. The link between school exclusion and SEND is also confirmed further where 63% of excluded children over this period had a diagnosed SEND, almost two-thirds (60%) of which were assessed to have Social, Emotional and Mental Health needs.
- 5.22 Interestingly, the deep dive also makes a connection between previous school moves and permanent exclusion, where 61% of permanently excluded young people had moved school one or more times prior to their exclusion. It is not clear how many of these children would have been part of the formal Managed Move process, but it is possible that this is a similar cohort and should be investigated further to confirm.
- 5.23 Of further interest is the association the deep dive analysis brings between children who are permanently excluded from school and gang membership. From the data presented over $\frac{1}{3}$ (36%) of young people were known to the Integrated Gangs Unit in Hackney. It is of course impossible to determine from this data whether gang membership was a contributing factor in young people's exclusion from school or a resultant consequence of permanent exclusion from school. A more detailed examination of case data would be necessary to confirm the nature of this association.
- 5.24 The deep dive also assessed the number of permanent school exclusions as a percentage of the school population. Although the numbers involved are relatively small and some caution should be exercised in its interpretation, the chart below suggests that the rate of permanent exclusion in secondary schools varies widely in Hackney. The proportion of children permanently excluded varied from 0.18% through to 1.33% of all pupils on roll, a seven-fold difference. Five schools (A-E) accounted for 30 (56%) of the 54 exclusions in the secondary sector.

Percentage of school population excluded (secondary schools 2017/18-2018/19).



Fair Access Panel

5.25 Each local authority is required to have an agreed Fair Access Protocol which sets out the process in which young people can be admitted to school outside of the normal admissions process. Thus, the FAP is used to ensure that young people who are seeking to be admitted to a school (e.g. after a permanent exclusion, moving from EHE or new arrivals to Hackney or UK) are admitted proportionally across local schools). Fair Access Panels operate for both primary and secondary settings, at which heads attend on a rota basis and are chaired by one of the attending heads. All schools are required to comply with the FAP decisions, though schools can appeal decisions if new information comes to light not previously assessed by the FAP.

5.26 Children permanently excluded in Hackney are all placed on roll with New Regents College (the PRU) who will assess and support them back into mainstream education where this is possible (e.g. behaviour has improved). Permanently excluded children who have been assessed to be eligible to go back to mainstream settings are referred to the FAP and will be allocated at local school. The Commission received data which noted that 68 young people were referred to the FAP for assessment and allocation at a local school in 2017/18.

5.27 Of the 68 young people referred to the FAP in 2017/18, 12 (18%) were children seeking to return to mainstream education after being permanently excluded. Of these 12 children seeking to be readmitted to mainstream education:

- 11 were secondary and one was primary;
- 10 were boys and 2 were girls;
- All bar one were from years 8 and 9;

- Children were readmitted to Mossbourne Community Academy (3), City Academy (2), Urswick School (2), Petchey Academy (1), Skinners Academy (1), Stoke Newington School (1), Our Lady's School (1) and Mossbourne Victoria Park (1).

5.28 The Commission noted evidence that with a rotational chair decision making could be more consistent. In addition, with a number of Academy chains present in the borough and where head teachers may have more than one interest or role in a local school, it was noted that there might on occasion be a reluctance to reintegrate children who have been excluded into the same 'family' of schools. The Commission heard evidence that the appointment of an external chair could help to bring independence and consistency to this process (this has subsequently been adopted).

5.29 The Managed Moves process is organised bilaterally between schools in which children at risk of exclusion may be offered a transfer to another local school through the FAP. In 2017/18, the FAP successfully relocated 32 young people to alternative schools (up from 22 the previous year). The reasons why young people were at risk of exclusion were:

- 13 for persistent disruptive behaviour;
- 6 for physical assault;
- 3 for offensive weapon
- 3 for distributing sexual images.

Support to Parents

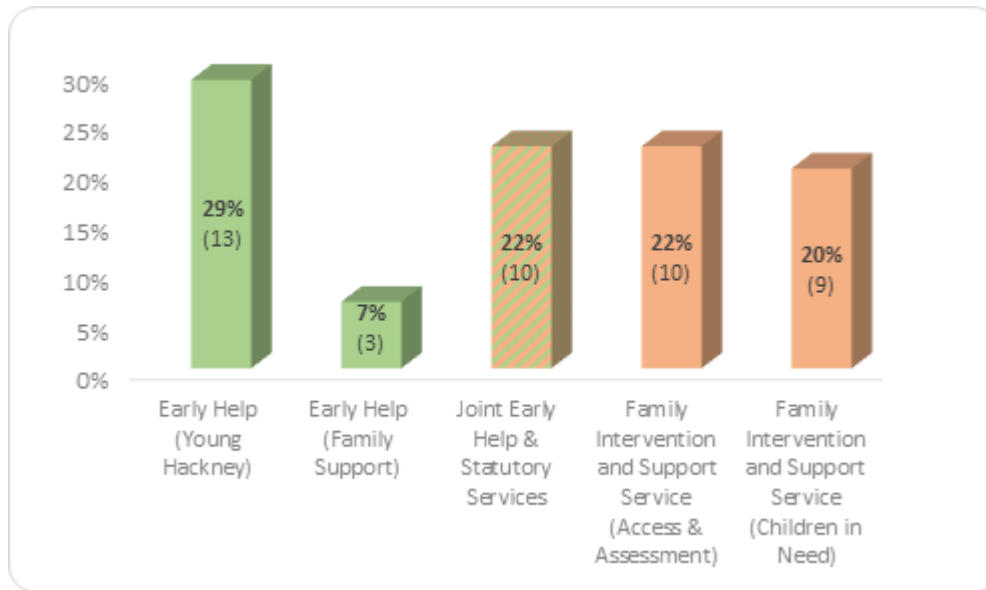
5.30 *The Education Service* noted that information and advice was available to support parents through the exclusion process, and in selecting alternative provision if they cannot return to mainstream education. The Education Service noted that there was wide ranging information about exclusions available on the council website, including two dedicated leaflets for parents '*Parental Promise*' and '*My child has been excluded*'. Whilst no services were commissioned locally, the Education Service noted that Exclusions officers routinely signpost children and families to third party organisations (e.g. Just for Kids Law) who require independent advice, advocacy or who wish to challenge exclusion decisions. It was noted that schools are required to provide sources of independent advice on exclusion within formal communications to parents.

5.31 *Islington Law Centre* provided evidence to the Commission on the work it was undertaking to support families in Hackney through the school exclusion process. Although the Law Centre was not funded by Hackney Council it was able to support children and families from Hackney through funds awarded through Children in Need. This funding, together with strong local service contacts enabled it to support families across Hackney as well as Islington.

- 5.32 The Centre had supported a number of children and families which were going through the process of school exclusion in Hackney. Most of the cases handled by the Centre required a holistic family assessment and intervention approach which required a range of legal advice and support including exclusions, SEND, Equalities Duties of school as well as employment. In many of the cases supported by the Centre, advocacy was needed as parents experienced real communication issues with the school and other agencies, and did not fully understand the school exclusion process.
- 5.33 Through its casework in supporting children and families through school exclusion in Hackney, the Centre observed a number of commonalities:
- Whilst challenging behaviour was often cited as grounds for exclusion, in many instances this was the result of unmet SEND needs;
 - A number of schools were failing to meet Equalities Duty by not ensuring necessary adjustments were in place to support children with SEND;
 - Children and parents being supported were often managing other family issues (e.g. domestic violence, poverty, homelessness, gang involvement);
 - Other children in the household were also identified to have problems with school during this process.
- 5.34 The Commission noted that with the exception of SEND, education is largely out of the scope of Legal Aid which can make it difficult for parents to access legal advice in relation to school exclusion and are therefore reliant on independent charitably funded organisations (e.g. Just for Kids Law, Law Centre). It would appear that there is a greater need for facilitated access to independent advice, advocacy and support may be needed for parents dealing with school exclusion.

Children and Families Service

- 5.35 A range of services located in the Children and Families Directorate also support young people at risk of exclusion and/or have been excluded from school ranging from early help and prevention through to statutory support and intervention.
- Young Hackney;
 - Troubled Families Programme;
 - Youth Offending Team.
- 5.36 Hackney Education produced a data list of 61 children (through the Deep Dive exercise) who had been excluded over a two-year period (2016/17-2017/18). When cross referenced with Children and Families Directorate data, 45 (74%) of these 61 children were noted to be in contact with and receiving an intervention. The chart below shows that 13 (29%) were using early help or preventative services provided by Young Hackney whilst 9 (20%) were receiving help from the Children in Need team.



Young Hackney

5.37 Young Hackney provides universal early help, prevention and diversion services for young people across Hackney. The service works with young people to support their development and transition into adulthood by intervening early to address adolescent risk, develop prosocial behaviours and build resilience. The service offers both universal and targeted interventions with young people. The work of Young Hackney includes:

- Attached workers to all secondary schools, special schools and alternative provision to deliver group work and one-to-one interventions for young people;
- PSHE programme available free to all schools;
- A broad-based universal programme of positive engagement and diversionary activities;
- Targeted interventions and support for young people;
- Parental support to help build relationships between parents and their children as well as between parents and their child's school.

Troubled Families Programme

5.38 The Troubled Families Programme (TFP) is a centrally funded programme which conducts targeted interventions for families experiencing multiple problems, including crime, anti-social behaviour, truancy, unemployment, mental health problems and domestic abuse. Two family triggers are required for support to be provided, of which children's exclusion, truancy or non-attendance can be included.

5.39 Using the same exclusion list identified in the Deep Dive process by Hackney Education Service, 33 (5%) of the 61 children were attached to the TFP were in receipt of a possible range of interventions (e.g. statutory social work support to help 'turn family around', supporting families in transition, one-to-one or group support, clinical support). It was noted that other factors which brought these families into

sight of the TFP support framework, may also have contributed to a child's exclusion from school (e.g. domestic violence, parental mental health).

Youth Offending Team

5.40 Young people under the age of 18 who have committed an offence are supported by the Youth Offending Team (YOT). Young people are offered wide ranging support to help address issues not only to address offending behaviours, but also to support underlying personal issues and provide diversionary activities (e.g. SLT, CAMHS, clinical services, drugs and alcohol support). In this context the YOT works with a range of statutory and other support services, both within and external to the local authority, to address the needs of these young people.

5.41 As of December 2018, the YOT was working with 183 young people up to the age of 18 and of which 51% were aged 16 years and under. Young people supported by the YOT had committed a range of offences, the most common being:

- Assault (22%)
- Possession of an offensive weapon (16%)
- Violence against a person (12%)
- Breach of an order (10%)
- Drugs (9%).

5.42 Whilst there is a growing body of evidence which links children who have been excluded to anti-social behaviour, crime and criminal exploitation, local connections were difficult to establish from the YOT data. Local school exclusion data could only be correlated with 17 children and young people attending the YOT, and this found that 5 (29%) had been excluded (either permanently or for a fixed period) from school. Whilst officers from CFS suggested some association between school exclusion and criminal activity/ exploitation, there was no local research to support this. It was also emphasised to the Commission, that exclusion from school may also be a result of criminal behaviour (e.g. drug misuse or possession) itself as well as a contributory factor. Similarly, this cohort may equally have been victims of criminal activity / violence themselves.

5.43 The Commission understood that for those children in the youth justice system there was a range of education, learning and training services to help improve the outcomes of young people including the Virtual School and the Employment, Training and Skills Service.

New Regents College and other Alternative Provision

5.44 All children and young people who are resident in Hackney and who are permanently excluded from school located in Hackney or out-borough will automatically be referred to New Regent's College (NRC), the Hackney Pupil Referral Unit. As both the PRU and an alternative provider NRC provides a range of educational support

services for young people excluded or at risk of being excluded from school which include:

- 6th day provision for any young person excluded from school (permanently or fixed term) for more than 5 days;
- Day one provision for any 'looked after child' by the local authority and who is subject to a fixed term exclusion;
- Primary Partnership Placements for primary pupils facing significant risk of exclusion;
- Respite placements to enable children in primary settings to reflect and develop positive behaviour changes for re-admittance to school/ new school;
- Restorative School for children who have been given a fixed-term exclusion.

5.45 NRC is commissioned by the local authority to provide statutory support for children excluded from school, vulnerable children and traded services to support local schools. Provision is set out in a Service Level Agreement which includes detailed service specifications and key outcome measures. NRC has been funded to the level of £3,371,550 per annum for three-year period to 2019/20, which is provided on the following basis:

(i) Place funding - £10k for 240 learners at the college which is guaranteed income which helps to fund staff and building costs.

(ii) Top up funding - £8k pro-rata length of stay at NRC – there is an additional top up for children with SEND.

5.46 NRC may also derive additional income from traded services with local schools for non-statutory services it is able to provide, for example, the Restorative Learning School which supports children who have been given fixed term exclusions by local schools (to reflect and adjust behaviour). The daily rate for this is £130-180 per child.

5.47 All children who have been permanently excluded are fully assessed on entry to determine not only to establish their level of learning and progression in the relevant key stage of their education, but also to determine if they have any additional needs. Children will undertake a PASS assessment (a psychometric assessment to determine attitudinal or emotional issues) to help assess what has gone wrong, what the underlying issues are and the child's attitude to learning. The children are also assessed for literacy and numeracy to obtain their reading and learning age. These assessments are used to develop a bespoke learning and objectives plan.

5.48 As statutorily required, children are taught for 5 hours, five days a week (25 hours in total). Children are taught English and Maths in the morning with a focus on more vocational subjects and learning in the afternoon. All teachers within NRC are qualified teachers (QTS). NRC works collaboratively with a range of partners (e.g. WAMHS, CAMHS, police) and other organisations (e.g. Street Doctors, Barnardo), to offer a broad range of extracurricular activities and PSHE driven sessions. At its

last inspection (2016), NRC was rated as 'good' for all assessment criteria by Ofsted.⁴

5.49 NRC is an all through provision, which supports children from both primary and secondary schools from KS1 through to and including KS4. Whilst NRC has capacity for approximately 280 students the ever on-roll number of students ranges between 200-270 per year given that it must maintain overhead capacity for children who have been excluded for whom it has statutory duty to provide education for. In 2017/18, 258 children were ever on roll at NRC, these were distributed across the following key stages of education:

- KS1 - 16
- KS2 - 19
- KS3 - 66
- KS4 - 157

Commissioned Alternative Provision (KS4)

5.50 In early 2019 children in KS1-KS3 (years 1-9) were generally supported on the NRC Ickburgh Road site. At that time there was no KS4 provision within NRC and this was all provided off-site by individually commissioned alternative providers. These children would however still remain on-roll at NRC who would therefore be responsible and accountable for the education and welfare of the child. In 2019 the NRC commissioned 12 external KS4 providers to provide educational services for excluded young people.

5.51 The Commission understood that there were two key determinants in the NRC approach to commissioning alternative provision for young people at KS4: quality and distinctiveness. All alternative provision, irrespective of its operational status (Free School, Independent School or stand-alone provision) is inspected and rated by Ofsted and this provides a measure of the quality of the educational support being provided and thus informs commissioning intentions. Given the individuality of young people's needs and the bespoke education and support often required, NRC also seeks to commission providers which have a distinctive offer which may match to the educational needs (e.g. 1-1 support) or interests of young people (e.g. sports, theatre/ performing arts, vocational skills). NRC reported that annual costs for such commissioned provision ranged from £6,000-£16,000 per annum.

5.52 Oversight of the commissioning arrangements for alternative provision is provided through the NRC Leadership team and board, which is made up of local primary and secondary school representatives, Hackney Education Officers and three independent members. The alternative providers commissioned by NRC in 2018/19 to support KS4 students were as follows:

⁴ It is noted that NRC has also been adjudged to be 'good' by Ofsted at a more recent inspection in July 2021.

Provider	Number of places
Queensgate / ESOL*	21
Complete Works / Complete Works 1-1	18
Inspire	13
The Hut	7
NRC Reintegration	5
NRC Blue Hut	5
Footsteps	5
School at Hackney City Farm	5
Boxing Academy	4
BSix / ESOL	4
Urswick	2
Petchey Academy	2

* It was noted that services had been decommissioned when they had failed to meet conditions set in a SLA by NRC.

- 5.53 Although day to day education and support is provided within alternative provision, NRC continues to monitor and review young people's progress and attainment whilst in their care. Attendance is routinely monitored and reported back to NRC, and where absences of two days or more are automatically notified. NRC reported that alternative providers are visited regularly.
- 5.54 NRC is part of the North London Children's Efficiency Programme (NLCEP) Alternative Provision Group, which is a quality assurance framework for alternative education provision for 14-16 year-olds. All alternative education providers in the North London boroughs of Haringey, Islington, Camden, Enfield and Hackney use the same self-evaluation document which provides the inspection framework for quality assurance visits by respective local authorities. The Commission noted that NRC will engage and involve alternative provision to support them in their work to maintain and improve service quality, and signpost to broader training programmes run through the Education Service.
- 5.55 From April 2019, NRC migrated services to new premises in Nile Street where it was able to increase the range of on-site provision to include KS4. A broader curriculum offer will be available from the Nile Street site which will include Science, improved ICT provision, Arts Courses as well as maths and English. Year 10 and Year 11 pupils will be on site from September 2019 and September 2020 respectively and

overall capacity (Year 1-11) for the site will be 150. Given that the site was commissioned in 2015/16 prior to the current increase in school exclusion, it is not clear whether this will present sufficient capacity.

- 5.56 Although on-site KS4 provision will increase at NRC once it migrates to new Nile Street premises, it was understood that there will always be a need for commissioned alternative provision as the NRC offer will not suit all children's needs. Children who have been excluded from school have such wide ranging needs which may be better catered for off-site or where more specialised provision may be more suitable (e.g. Hackney City Farm) . In addition, there are other legal reasons or bail restrictions which may prescribe the geographical limits where children may attend for education.

Outcomes

- 5.57 When a young person is assessed to be ready to re-entry into mainstream education, they are referred to the Fair Access Panel for consideration and allocation to a local secondary school. In 2017/18, 15 children who had been permanently excluded were successfully integrated back to mainstream education at KS2 (1 young person) and KS3 (14 young people). The Commission noted that the success rate for integration for children of primary school age is much higher than children in secondary, generally because issues are much more complex when children are older.
- 5.58 GCSE examination and other qualification assessments are coordinated by NRC for all KS4 young people in alternative provision. Data from NRC indicates that young people attending alternative provision in Hackney consistently perform better than the national and regional averages of young people in alternative provision for the period 2012/13-2016/17. In 2018 44 (49%) students in the KS4 cohort followed a GCSE only programme. 2018 GCSE results demonstrated that:
- 4 (4.5%) students achieved 5 GCSE (including English and Maths);
 - 10% obtained a grade 4-9 in both GCSE Maths and English;
 - 85 (95%) out of 89 students achieved a qualification - one or more GCSE or equivalent qualification;
 - 87% of students went on to further education and training;
 - 3 students were NEET.
- 5.59 A number of issues were raised by and discussed with the Commission at its site visit:
- Ongoing issues of obtaining pupil data from schools in a timely manner post exclusion;
 - Increasing numbers of pupils entering alternative provision with undiagnosed SEND;

- The need to address negative perceptions of alternative provision and the need to recognise how this sector can support young people unable or unsuited to mainstream education.

6. The views of children and young people excluded from school

6.1 The Commission conducted a number of focus groups and interviews with young people who had been excluded (both permanent and fixed term) from school in Hackney. Young people were recruited from New Regents College (the local pupil referral unit which supports all local excluded children) and Young Hackney, which also provides support to young people who have been excluded from school.

6.2 Data was collected among three groups of young people:

1. A dedicated focus group with nine young people who were identified and supported by Young Hackney who had either been permanently excluded or had received a fixed term exclusion;
2. A series of six one-to-one interviews (conducted by Young Hackney) with young people attending New Regents College who had been permanently excluded;
3. A small group discussion with a further three attendees at New Regents College all of whom had been permanently excluded.

6.3 Young people interviewed were between the ages of 13 and 17 and incorporated both male and female contributors. A range of ethnic groups were also represented including those of White British, Turkish and Black African ethnic origin, though a majority of young people were from Black Caribbean communities. All sessions were recorded, transcribed and analysed and the following provides a summary of the key emerging themes from this analysis. No demographic data has been assigned to any qualitative excerpts used to protect the anonymity of young people.

Process of Exclusion

6.4 While not directly pertaining to the focus of this review, it is important to record young people's perception of the exclusion process as it is clear that this dominated their feelings about their school, teachers and education in the immediate period after their exclusion and may impact on their choice of education pathways thereafter. Whilst young people were broadly aware of the circumstances behind their exclusion, they often felt that school investigations were unfair, and that the exclusion process itself was both confusing and intimidating.

6.5 A common theme running through many young people's experience of exclusion was that they felt they had not been listened to and were not given sufficient opportunity to fully explain their case or challenge the reasoning for their exclusion from school. This left many young people feeling that the exclusion process was in their eyes at least, unfair:

'They kept asking me what happened but nothing did happen so I wasn't sure what to say.... They didn't really listen, they just kept asking what happened?'

6.6 Most young people reported that they had been involved in formal meetings as part of their exclusion process, but indicated that such meetings often were attended by a large number of adults some of whom they did not know and that this made the process very intimidating. In such circumstances, young people did not feel confident or able to participate in the exclusion proceedings which compounded their feelings of confusion and frustration:

'There were six or seven adults [at the meeting]. Governors I think. No [I didn't speak]. I just kept quiet.'

'It would help if there were more one-to-one meetings instead of having lots of people in those meetings. There were just lots of meetings all at different times and it just became overwhelming. I had my mum there but there were so many adults there. So, it's hard.'

6.7 Given their confusion about the exclusion process and their perceived inability to influence exclusion proceedings, it is perhaps unsurprising to record that young people felt frightened and upset by this process. It was also clear that this made young people anxious about the potential impact of school exclusion and what this would mean for their current friendships and of course, their future education:

'I was crying as I was so upset. I was upset at not being able to see my friends no more, not being in contact with them, not being able to learn nothing.'

'... it was very stressful for me and it took a long time to sink in for me that I was permanently excluded. At first, I thought that this was a joke, but it wasn't, it was real.'

6.8 Anger was also a common feeling among young people who had been excluded. This anger was largely directed at the perceived unfairness of the exclusion process, at teachers who they felt they had trusted and who had let them down and to other young people who they felt were equally involved in transgressions but had not experienced the same level of punishment.

'I was angry. I couldn't do anything about it.'

'I'd not been in this situation before, I was shocked.'

6.9 What was also clear from the interviews and focus groups, was that the school exclusion process moved very quickly for young people and there was very little opportunity or time for them or their parents to absorb and understand this process they were required to participate in. It should be noted that none of the children consulted in this review reported that they had been assisted by any independent representative or advocate at any exclusion meetings and had relied solely on their parent(s) or other relatives for support.

6.10 Exclusion from school is clearly an incredibly challenging and difficult time for young people and of course their parent(s). Young people in this review indicated that whilst their parents were upset and sometimes angry about their exclusion, most remained supportive and positive through this process. Exclusion from school however, was clearly a strain on young peoples' relationships with their parent(s) because whilst parents were naturally supportive, some young people indicated that they didn't really know how their parents felt:

'My mum and dad, well I got excluded for something which was my fault, and they were both not happy about it.'

'My mum was supportive, but I don't know how my mum was feeling... I am not sure to be honest. I knew she was upset and disappointed but I don't know how she really felt.'

- 6.11 Not only do parental and other family relationships experience difficulties at this time, but young people's relationship with their school also undergoes fundamental change. Of course, school exclusion inevitably means that the relationship between the student and school will change, but for many young people it was evidently a shock as to how complete and how abruptly this separation took place. A number of young people felt brushed aside by their school upon exclusion:

'We were supposed to have a meeting since the exclusion but it hasn't happened and it's been a month now. Since I have been excluded, the school hasn't sent a letter to my house, they haven't spoken to my mum and they haven't set a meeting. Nothing.'

'It all happened so quick. One day I was at school, and the next week I was out. My school had a list of names of everyone [to contact], but there was no support there whatsoever, it was like here's your file and hand it over to them. I just felt that they pushed me over to the side and they just carried on with what they had to.'

- 6.12 Young people also expressed anxiety about the impact that exclusion would have on their immediate and future education. For those young people hoping to return to mainstream education, they were anxious about the time that they had missed from school and as a result fallen behind in their studies:

'It will have a big impact, because if I have been [at the pupil referral unit] for 6 weeks and I've missed out on a lot of school.'

- 6.13 Other young people were worried that their exclusion from school would mean that they might not be able to return to mainstream education, and were concerned on what impact that this would have on their future educational opportunities. In this context, young people recognised the enormity of the potential impact of their exclusion which made them feel like that they had failed:

'I felt like a failure to be honest.'

'I have really messed up, me being [at the pupil referral unit] though.'

- 6.14 It is quite clear that at the point of exclusion young people experience significant difficulties and challenges with many of their existing relationships with their friends, their families and their schools. These relationships in themselves are individually very important to young people, so experiencing challenges to all these relationships at the same time can potentially have a destabilising and possibly traumatic impact on those young people involved.

Reasons for exclusion

- 6.15 There was lots of discussion with young people around the circumstances of their exclusion from school. Whilst many young people acknowledged that their behaviour had been a significant factor in their reason for their exclusion from school, they were

open and reflective as to those underlying factors which may have contributed to this behaviour. These are presented here as they are clearly influential in the pathways that young people may take post school exclusion.

6.16 Analysis of the interviews and focus groups with young people identified a number of themes which young people noted were contributory to their exclusion. Many young people, for a multitude of reasons, were evidently not getting the help that they needed which led them to struggle educationally or personally, or both. Strictly enforced behaviour codes were often seen as a contributory factor in young people's strained relationship with school, whilst others had difficulty in connecting with the school curriculum which led them to become disengaged from school.

6.17 Many if not all of the young people that the Commission spoke to were evidently facing personal problems and challenges at the time of their exclusion from school. A number had been dealing with the challenges presented by SEND, coping with problems at home or trying to manage issues relating to their own behaviour. In some cases whilst the school may have been aware of the problems young people were facing, for one reason or another, support never materialised:

'When things break down and I get angry at school they needed to pull me aside and talk to me about how this is wrong but how to manage it as well. I didn't get that at school.... my teacher said she was going to get a therapist and a counsellor for me, but I never got any of them. This was promised in year 7... .'

6.18 Schools are of course very busy environments and it is clearly very challenging to provide support to numerous children who may require additional help or specialist input to help them deal with issues that they are facing. Thus, whilst in many cases children appeared to be getting help, it was not always consistently provided or perhaps insufficient to meet their needs:

'I got a mentor, but he just left me... they didn't leave the school, they were there every day but they were just supporting other people.... and just not consistent like a session every week..... this teacher was doing it every 2 or 3 weeks and you just didn't know if you were going to see them.when you do get into trouble, that's when you get to see them. It's like yes, I must remember to mentor that one.'

6.19 Where young people were receiving additional support this was often provided through a member of the teaching staff in a mentor capacity. Whilst clearly beneficial to some, to others the teacher-mentor role appeared to reinforce existing school structures and patterns of communication and therefore perpetuated poor relationships:

'In my school, they elected some teachers to be certain teacher mentors. They used to take me outside of class and they used to talk to me about why I was getting detentions. It was a weekly thing, I felt that this was pointless as this was a one-way thing. It was just a process through which my head of year could give out the criticism to me.'

6.20 Many of the young people that the Commission spoke to indicated that a counsellor or therapist would have been more beneficial as this would have been independent

of their school and would have allowed them to discuss their feelings openly and to reflect on their own behaviour.

'What [the school] should have done is to hire a counsellor so if someone is getting repeatedly expelled someone is there who can help them and guide them.... it could be that you have a problem or you have anxiety [or] if there are problems with your family, friends or something that's happening at home a counsellor can help show you the way, talk you through things showing you where you are going wrong and how you can improve to prevent you from being excluded.'

- 6.21 Many young people in this cohort of young people found relationships with teaching staff to be challenging and in some cases, it was clear that this relationship had broken down where there was little understanding or trust by either party. In this context, young people believed that external independent support could have helped to mediate or advocate when things have gone wrong, and help to improve communication and relationships within the school:

'[The counsellor should] keep updating with the teacher so you can help to fix things if you get into trouble.'

'.... a therapist or someone that you can talk to [would help], then they can go and talk to the teachers and take that message with them so they know exactly how you feel.'

School Behaviour Policies

- 6.22 Qualitative data analysis suggested that some of the young people who were excluded had difficulty in conforming to the behaviour policies in their respective schools. Young people felt that some schools operated overly strict behaviour policies in which a wide range of behaviour standards for which young people were sanctioned if they did not uphold them. The behaviour standards not only included issues pertaining to young people's studies, but also the way that young people behaved, dressed and appeared around school.

'Yes, there was this one time I was isolated because of my hair.'

'Yes, you can get isolation for the wrong hair colour, if it's not your natural hair colour. You can also get isolation for jewellery and the type of shoes you wear.... '

'I was put in isolation for a tram line in my hair. I had the choice of going home and having my head shaved or going into isolation until my hair grew.'

- 6.23 While young people understood that such behaviour codes were necessary to maintain an overall standard of behaviour expected of them, there was a concern that the penalties could be disproportionate particularly where schools used a 'totting up' process. In this context, young people felt that school behaviour policies could be unfair as a relatively minor transgression may lead to a very serious sanction under a cumulative nature of the process:

'Sometimes some institutions are so hellbent on their rules and they squeeze you for any reason. I know people who have been excluded for minor reasons.... I understand if you want to exclude someone for not doing their homework for a number of times but when it comes to little things.... '

6.24 It was also apparent that the administration of school behaviour policies in some schools might also have unintended consequences which may actually reinforce poor behaviour. The publication of behaviour 'league table' may of course encourage some young people to do well and to progress, but for those young people at the bottom of this list, it may reinforce and entrench poor behaviour;

'In my year, they had a list with everyone's name on it, and the top names would be those who were excelling and right at the bottom would be who isn't. It's a bit like a league table, the top kids are at the top and everyone knows who's at the bottom and this was mostly based on behaviour. It was put up in the hall and I got a text to say I was in the bottom 3. At break time everyone would come and look at the list and laugh at it. At the time, most of my friendship group were near the bottom so for us it was a bit of a laugh, but looking back on it now, I don't think it should have been on the wall.'

6.25 Similarly, report card systems (which are quite common among secondary schools) can help a school to maintain oversight of children's behaviour across the whole school. Undoubtedly, report cards may be of benefit for children who are able to conform to behaviour codes and standards, but for those who may struggle to conform (for whatever reason) the report card system can also reinforce or facilitate poor behavior:

'... you know who's been bad because of the report cards. You have to give the report card to every teacher every lesson and if you keep getting bad reports then that's when you get kicked out and that labels you as a poor behaviour student. ... if you know you are going to get a poor report card then you may as well just make use of it... and other people know it and it's also a problem as people then try and aggravate you and push you to the limit.'

6.26 It should also be remembered that for some groups of children, compliance with school behaviour policies in whatever form can be challenging. Children who have a diagnosed SEND or an underlying social, emotional or behavioural difficulty may of course find it more difficult to understand and safely navigate their school behaviour policy. Despite this young people felt that their school often interpreted the behaviour policy too rigidly without sufficient acknowledgement of potentially mitigating factors. Indeed, there was a perception that schools were too often preoccupied with managing behaviour rather than addressing the underlying causes of the behaviour:

'I was in year 9 when my [relative] passed away and that took its toll on me as I really loved him and I missed him but I was super angry all the time. If anyone said anything wrong to me I would just lash out. ...it just escalated to the point of when I was excluded..... . No one was trying to help me though.... , all they were trying to do was to calm me down.... they would send me out of the room for 20 minutes or 10 minutes to calm down but no one was helping me deal with the problem. No one took me aside to help me deal with it or to help me take my mind off it,.... they were just trying to manage your behaviour rather than helping... '

6.27 Throughout the interviews and focus groups it was evident that most young people who had been excluded were dealing with personal challenges or difficulties of some sort, some of which were diagnosed and others which were underlying problems, sometimes for which they were receiving little or no support. In this context, young

people wanted schools to adopt a more empathetic and understanding approach to the administration and enforcement of behaviour policies.

- 6.28 It is widely understood that for a range of reasons (such as SEND, or other learning needs) some young people will face problems in engaging with the school curriculum. Those young people who cannot connect with the curriculum may become disaffected in their studies, and without support, can lead to a wider disengagement with the school and learning. This was illustrated in some of the accounts of excluded young people:

'In year 8 I wasn't learning anything, I wasn't paying attention at lessons and not learning. I found it boring. I then started coming into lessons late, I was missing lessons and I was trying to take breaks all the time to chill with my friends,... You would also come in late and get sent out of the class so you'd miss a lesson, and then when you went back to class they'd be talking about a lesson that you'd missed and you didn't understand what was going on and when you asked the teacher to explain it to you they would say you were here, you shouldn't have got sent out and the teacher doesn't help you. So then I get bored and then I start disrupting the class.'

New Regents College

- 6.29 9 out of the 18 young people who gave their views about exclusion to the Commission were attending New Regents College (the local Pupil Referral Unit) at the time of the data collection, and most of the remainder of young people interviewed had attended at some stage previous or knew of the College. Young people were asked for their views of New Regents College (NRC), the nature and level of support they had received and how they had been helped to adjust outside of mainstream education.

- 6.30 Whilst it was apparent that young people were initially apprehensive about their transfer to NRC, these fears and anxieties appeared to dissipate upon arrival and their studies began:

'When I first came [to NRC] I thought it was going to be scary, but I started to get used to it very quickly as it was not really that bad. I was told before I came here that really bad stuff happens here and I was scared as I thought I might get hurt, but nothing has ever happened to me, so I am happy.'

- 6.31 Young people indicated that class sizes were much smaller at NRC than their mainstream school which meant that there were more opportunities to obtain more support from class tutors as well fewer distractions from other pupils. These conditions clearly helped children to access the support that they needed and better enabled them to focus on their studies:

'It's very different as there are less children in the classes and in my opinion I get more help and able to focus more in class. There were more children in my class before and it was harder for me to concentrate.'

'It's nice as there are fewer kids here, the staff are able to focus on us more so you get more time to fix up the problems that got you here.'

- 6.32 As a result, young people indicated that they felt more productive:

'I get more done here.... . It's easier for the teacher to make sure that everyone is doing their work as it's smaller.'

- 6.33 In addition to more individualised learning and support available at NRC, young people were also very positive about the support they received from mentors there. Young people are provided with one-to-one support through a learning mentor who can help them reflect on their behaviour which led to their exclusion from school and encourage them to develop more positive approaches to their behaviour and learning. Contributions from young people indicated that mentors were greatly appreciated and that they appeared to positively respond to the reflective approach which they adopted:

'They [mentors] are really useful as you get out of lessons and get time with them, they help you set targets for your work as that helps you to go forward.'

'It's different with the mentors than teachers.... My mentor has said just to learn from what's happened in the past and look toward the future and she has helped me to work out ways ahead which are positive not negative.'

- 6.34 As children tend to focus on maths, English and science, the curriculum at NRC may be somewhat narrower than children might have been used to in mainstream settings. Thus, whilst young people may have welcomed the opportunity to focus on these key subjects, there was a strong desire to return to a wider programme of study which encompassed more GCSE areas.

'... [at NRC] it is more fun, but in my old school there are different things to learn and more different lessons.'

'I want to get back to my GCSEs, and I want to do that at mainstream school as there are more subjects to choose from.'

'I just want to get back to my GCSEs.'

- 6.35 Young people also have the opportunity to engage in a more vocational programme of learning at NRC which can include a range of in-school and out of school activities. Young people indicated that they found these experiences to be enjoyable which they would miss if they returned to mainstream education.

'... I am going to miss some of the stuff we do here. We go on trips every week. On Monday, we went rowing in the docks near the city airport and we have a trip on Thursday this week also.'

- 6.36 Clearly, such vocational activities are instrumental in creating a less intense and academic driven learning environment, which some students may have found difficult in mainstream education. These activities help to create new opportunities for students to positively engage in a broader programme of learning which can assist them not only to re-engage with learning but support wider emotional and physical development.

- 6.37 While young people indicated that they benefited from their time at NRC and felt the positive effects of the dedicated support they had received there, many of those contributing to this consultation clearly wanted to return to a mainstream educational setting if they could. Most indicated that they really missed their friends and wanted

to re-establish personal and social networks they had in mainstream settings. Others felt that NRC did not offer the same level of social networking as mainstream settings:

'I want to go to another school and be happy. I don't want to be here [at NRC], it gets boring as there's not a lot of kids here. I want to go back to mainstream.'

6.38 When asked what NRC practices they would like to institute back in a mainstream setting to help maintain their placement there, the same key themes emerged:

'The one-on-one lessons would be good...'

'I think the mentoring would be good as this has helped me change a lot. So I think I will need one when I go back to mainstream.'

6.39 Understandably, the provision of one-to-one support from a mentor and more individualised teaching support are critical within this particular alternative provision setting as this can help to create a more accessible learning environment for unsettled students and those having difficulty engaging with the curriculum in mainstream settings. This approach also helps young people who have been excluded to reflect on their own behaviour and develop more positive and productive relationships:

'Yes, [NRC has] really helped. It's been better. It's taught me to speak to people if I need advice for anything which has helped.'

'This is a good school overall, it helps you change and reflect on your own behaviour.'

Alternative Provision

6.40 Although only a small group of young people within this cohort had direct experience of Alternative Provision, whilst clearly not representative of young people's experiences, the following analysis does provide an illustrative account of key issues which young people felt were important to raise with the Commission.

6.41 A range of alternative education provision is available to children who have been excluded from school and who are not able to attend mainstream education. As has been described earlier in this report, the nature, ethos and format of these providers vary widely to help meet the varying needs and support required by young people. Whilst numeracy and literacy studies are of course central to pupil learning, the pupil offer is often unique to individual providers and generally includes a varied programme of vocational studies and learning approaches to help engage and support young people.

6.42 As young people who have been excluded from school and unable to return to mainstream education will also have very specific education, learning and support, it is important that these needs are matched carefully to the educational offer of prospective alternative education providers. Although it would be expected that young people and their parents would be given additional guidance to help them make this decision, few if any young people referenced in-person support. Indeed,

there appeared to be a reliance on printed materials or on-line information to help young people make this important decision:

'We were given a booklet which said you can go to A, B, C, D or E you could pick and that was that. I just picked [Alternative Provider] in Hackney.'

- 6.43 Whilst there was some appreciation of the range of courses and activities that were on offer through some local Alternative Providers, among this small group of young people at least their experience suggested that education standards were not as high as mainstream settings:

'The standard was so low. To this day, I laugh about it but these things do go on. I remember a kid was just rolling cigarettes in class, it was just over their heads really. I don't think there is a realisation that things can get this bad.... . [standards] they are not as high, 1000%.'

- 6.44 The difficult relationship that this group of young people have with behaviour codes is once again demonstrated here. In mainstream settings young people struggled to comply with the rigidity and constraints of behaviour codes typical in mainstream settings, yet equally, young people seemed to struggle in alternative provision where behaviour codes were felt to be too lenient. For some young people this did not create a culture of aspiration in alternative provision:

'I used to go to a very strict secondary school, but now go to [alternative provider] which is too lenient. It's hard being around other kids who are not taking it seriously, it just feels like I am killing my brain cells.'

- 6.45 Not all young people entering alternative provision will have the same level of academic ambition, skills or aptitude as the young person above however, indeed, this group of young people are more likely to be demotivated and disengaged with academic study and education more generally. It is therefore not unexpected that some young people naturally took advantage of the more relaxed protocols to evade attending and receiving their education:

'When I went to [Alternative Provision], everything just changed for me. My school was quite strict but the [Alternative Provider] had this friendly approach and as time went on I thought there was no point coming in as they were too friendly and they were crossing boundaries. I realised I could work my way around them and I manipulated them so I didn't have to go in and that they wouldn't call my parents and they agreed to that. So that meant I had days off when my parents thought that I was in education.'

- 6.46 For this particular young person, non-attendance quickly escalated into more persistent absenteeism which then created additional personal risks. For any young person, the likelihood of getting into trouble or being exposed to risks or actual harm increases as the protective oversight and supervision of adults decreases. For this particular cohort however, where young people may be more likely to have some other vulnerability and may already be disengaged from education, such risks may be heightened:

'...things spiralled as I had the whole day to myself, and I got bored and then I got into mischief and was getting into trouble with the police and stuff. So this was a dramatic drop in things and I ended up not going for 2 months.... . Looking back now, I can see

that teachers did not have the boundaries that I needed and I exploited it and I didn't go in and this impacted on my GCSE results. I came out with nothing. This was such an important period for me but things just escalated so quickly.'

6.47 This of course may be an isolated example and not typical of young people's experiences, and indeed may not reflect alternative provision as it stands in Hackney at the current time. But what this account of one young person does demonstrate is that without the appropriate oversight and support, vulnerable young people can quickly become disengaged from education and lose the protective influence that this confers upon them.

6.48 This is not to say that all young people attending alternative provision settings always felt comfortable and engaged in these settings. In the focus group some young people noted that they did not feel connected or at ease in their AP, with the staff or with other young people attending. One young person suggested that they had very little connection with their alternative provider beyond formal lessons:

'I just don't feel comfortable there so as soon as my lessons finish, then I go straight home and read.'

7. The views of parents & carers of children excluded from school

7.1 As part of the review, the Commission held two focus groups with parents whose children had been excluded from school. The focus groups were supported by Hackney Independent Parents Forum (HiP) and involved parents whose children had a special educational need or disability (SEND). One focus group was held with Turkish speaking parents also via HiP, with the assistance of an interpreter. In total 26 parents participated in the two focus groups.

7.2 The focus groups were led by the Chair of the Commission and questioning within the focus groups sought to draw on parents' experiences of schools exclusion particularly in reference to the following areas:

- Experience of exclusion process;
- Factors leading to exclusion from school;
- School exclusion process;
- Information, advice and support provided to parents pre and post exclusion;
- Impact of school exclusion on the child and wider family;
- Destination and outcomes of children after post exclusions.

7.3 It is important at the outset to reiterate that all those who spoke to the Commission were parents of one or more children with SEND and that as a consequence, data collection and analysis of school exclusion is in the context of the needs and experience of children with SEND. It should be remembered however, that nationally children with SEND represent approximately one-half of all permanent exclusions in 2017/18 and almost two-thirds (38/61) of all local permanent exclusions. In this context, whilst not capturing the full breadth of parental opinions of local school exclusion, the following analysis does provide an illustrative account of the key issues affecting a greater part of young people excluded from school.

Experience of school exclusion

- 7.4 Children with special educational needs and with an Education Health and Social Care Plan (EHCP) generally receive their education in three main settings depending on the level of their needs. Broadly speaking these are:
- Local schools and other mainstream education settings for children with mild to moderate learning or educational needs;
 - Local Special Schools which offer a range of more specialised support which cannot be met in mainstream settings'
 - Highly specialised provision commissioned by the local authority for children with particularly acute needs.
- 7.5 For the most part, parents who participated in these focus groups were those whose children had been (before they were excluded) or were continuing to be educated in mainstream education settings.
- 7.6 Most parents participating in the focus group had direct experience of their child being excluded from mainstream school, either permanently or having received a number of fixed-term exclusions. There were however a small number of cases however, where while children had not been formally excluded, parents had been 'encouraged' to find alternative education settings as the school could no longer meet the needs of their child. Thus whilst these parents may not have undergone a formal exclusion process, their experiences of their child's removal from mainstream education were akin to that of formal exclusion.
- 7.7 A Turkish speaking mother of a child in year 9 with Autism Spectrum Disorder (ASD) with an EHCP explained that the school had presented her with two choices when the frequency of her child's emotional outbursts increased; formal exclusion or voluntary removal. Given the parents reluctance to challenge the school and the fear that formal exclusion might pose difficulties in securing a new placement, the mother felt under pressure to withdraw her child and authorised their removal and was initially tutored at home. Other parents felt obliged to home educate when similarly confronted by the school:
- 'My son was excluded in year 1, because the school said he was scratching and biting other kids. It was really stressful for him as he couldn't really understand why. In year 6 he was again excluded for 6 days, it was then the school said that they could not look after him and keep him safe and I ended up taking him out of school and he was home schooled.'*
- 7.8 It was also apparent that some parents had also agreed to 'off-roll' their child and to educate them at home on the understanding that more specialised educational support would be found to meet their needs. Given the specialist level of support that some children needed and the limited number of education options available, for a small number of parents this period was much longer than anticipated:

'I am a parent of a child with autism who had been through a series of internal exclusions and fixed term exclusions and was eventually off-rolled by mainstream provision just before their SATS. I happily had [them] off school to start with on the understanding that they would do something, but they did not do anything. So [they had] been out of school for 3 years and just had minor home education... [they have] just started again in a specialist provision run by [a national charity].'

Factors leading to exclusion

7.9 Qualitative analysis of focus group data revealed that there were three distinct themes which parents identified as contributing factors to their child's exclusion from school. In summary these were:

- Where the needs of their child not being met by the school;
- When school behaviour policies did not take into account the needs of a child with SEND;
- When the curriculum on offer was not accessible to the needs of children with SEND.

7.10 A significant number of children with SEND are able to access mainstream education with additional support provided which is specified within an EHCP. This additional support is commissioned by the SEND Team and provided by the school or another party (depending on the nature of the support required). Evidence from the focus group however, suggests that there are a number of ongoing problems with this process which meant that children were not always in receipt of the support they required which was leading them to struggle in mainstream settings.

7.11 A strong narrative among parents within the focus groups was that EHCP's were not routinely reviewed and updated to reflect the evolving SEND needs of their child. As a consequence, the nature and level of support provided by schools was either insufficient or inappropriate to meet the needs of their child:

'... [their] plan is outdated for over 8 years. There has not been a new assessment ahead of transition, [we] have asked for this many times but it has not happened so [we] have no option but to appeal..... Whilst there has been support, it's not been at the level he needs.'

7.12 In addition, parents also noted that even when an up-to-date EHCP was in place for their child, this did not guarantee that the school would follow the specifications in the plan and ensure that the necessary support was in place for their child. For example, parents described how dedicated one-to-one support for their child was used to help other children, or where specialist interventions were not provided as frequently as specified by the EHCP. Without the support detailed in the EHCP, parents noted that their children with SEND had difficulty engaging with lessons and in progressing their learning, and often struggled to conform to school behaviour policies. Indeed, this was instrumental to their child's exclusion from school.

'... we are again on a downward spiral because he is not having reasonable adjustments made. He will probably get excluded sometime again in the future because [the school] are teaching him as if he was independent and neurotypical, which he is not and his EHC plan stipulates that.'

'[Their exclusion] was all because the school refused to stick to the EHC plan. It has been a complete waste of money and resources, if the school just did what they were supposed to do then all this work by the Education Service, the Reintegration Unit and all these meetings has been wasted.... .'

- 7.13 Although EHCPs are legal documents and legally enforceable, parents acknowledged that these were often long, complex and legalistic which presented problems for all parties involved. Indeed, parents noted that these have become the point of considerable tension between themselves and the school and the Local Authority, who are ultimately responsible in ensuring that children receive an appropriate education. Of particular concern to parents however, was that there was a lack of accountability in the SEND system when provision fell short of what was required by the EHCP.

'We have our EHC plans and as parents we fight hard to get them right, but the schools do not read them and don't do what's required to support our children, and there is no way to hold schools to account for this. Not just academies, its other schools here as well and Hackney Education do not visit these schools and ask why? Schools are under a legal duty to make sure what's stipulated in an EHC plan is provided, if not, then the school needs to be challenged. If it's not then the Hackney Education needs to be held to account as it's their statutory duty. This isn't just in Hackney, this is London wide, everyone is fighting their LA because none of the schools are doing what is required.... .'

- 7.14 Not all children in mainstream education with SEND will have dedicated support and funding through an EHCP however, as some children may be supported through general school funding (i.e. SEND Support) or some may not yet have their needs fully assessed or identified. As assessment and eligibility is mainly driven by the school, ensuring that children have the correct support is largely determined by the level of knowledge and understanding of the Special Educational Needs Coordinator (SENCO), or the school more broadly. Here parents were of the view that improved training could help identify and support children with SEND:

'... there needs to be greater awareness of the Equality Act and training for SEND in school. in practice, with a class of 30 children, how can teachers make individual adjustments for children with SEND? It's a very skilled approach. We need to raise awareness and understanding.'

'There is a real training need here to upskill teachers and Teaching Assistant in the classroom as this will help them to understand, support and manage different types of behaviours in class which can help prevent exclusions.'

7.15 Without a detailed level of understanding of those conditions which contribute to a SEND diagnosis or the degree to which this may impact on a child's behaviour, parents felt that their child's behaviour was sometimes misunderstood to be unruly or disruptive. In the context of the school behaviour code, parents felt that this placed their child at greater risk of exclusion, especially when the school failed to make necessary adjustments or support in enforcing such behaviour codes:

'Children are being seen behaviourally and should conform to schools' own disciplinary procedures and rules, but this should not be the case for children with SEND. They need to have reasonable adjustments and more assessment for their needs. If children are being excluded for the same thing every time, this is a failure of the school and the system to support him properly.'

7.16 What was also evident in the focus groups however, was that parents were not always fully aware of the details of their child's school behaviour policy and how this may impact on their child with SEND. Parents noted that behaviour policies did not always actively take into consideration the needs and behaviour of children with SEND. Given that a number of children were not receiving the support detailed in an EHCP or other statement of their children's needs, this was considered to be unfair. Furthermore, those parents whose first language is not English or may have literacy difficulties themselves, may find such policy documents difficult to access and may not be able to meaningfully engage without support and guidance.

7.17 A third reason that parents cited as contributory to their child's exclusion from school was the inaccessibility of the mainstream school curriculum to the needs of their child with SEND. Despite more children with SEND being educated in mainstream schools, parents felt that schools had become increasingly academic with opportunities for vocational studies becoming more limited. Parents spoke of local schools becoming very competitive in terms of academic performance which was also driving the academic nature of local curricula.

7.18 Increasingly academic nature of the curriculum presented particular problems for some children with SEND as they may struggle to access traditional taught subjects which may lead to disengagement with learning and wider schooling if alternative programmes of study are not provided. This is exacerbated if insufficient support is in place for the child with SEND. Indeed, parents spoke of their children becoming frustrated and disengaged with learning due to the limited options available in the school:

'He can't cope with school, he is getting behind and he gets frustrated. He's denied the courses and activities which might help him...but the school refuses to acknowledge that he has special needs...'

7.19 Parents indicated that if schools adopted a more inclusive curriculum particularly with more arts, humanities and extracurricular activities, this would cater for a wider range of needs and aptitudes among children and young people, and possibly help those children with SEND to further engage with learning in mainstream settings.

School Exclusion Process

7.20 Analysis of data within the focus groups also suggests that parents of children with SEND frequently experienced problems in both understanding and navigating the exclusion process with their child's school. As outlined above, parents found school policies and other documentation difficult to access and were not always aware of the nature or extent of school behaviour policies and the possible impact and consequences that this may have for their child SEND.

'My son has had a number of fixed term exclusions before being excluded....I didn't understand what any of this meant and what I needed to do and how I should approach it.'

7.21 Parents also reported a lack of documentation provided by schools in relation to their child's exclusion, be it temporary or permanent, which made it difficult for them to understand what was happening and what action they needed to take. Furthermore, parents spoke of how quickly events seemed to move in regard to their child's exclusion which gave them little time to reflect or seek advice.

'Where is the documentation when the child is excluded? I just got a call to tell me my child has been excluded, can you please come and get them. I didn't even have a chance to speak to anyone..... I didn't have any paperwork, it was all verbal. I had to accept it was my child's fault.'

'In most cases, [parents] don't even get the right paperwork. If your child has been excluded for 5 days, it's hard to challenge as things have moved on so quickly and the damage has been done to your child's mental health to your own stress....'

7.22 These problems are compounded for those parents who spoke English as an additional language and who relied upon another family member to translate or interpret such complex policy documentation or facilitate meetings:

'Every time I would try to translate for my mum at these exclusion meetings and they would just say "no, you can't speak Turkish, you must speak English" even though my mum cannot speak English. What was I to do?'

7.23 For a significant group of parents however, it was clear that the school exclusion process was the culmination of a protracted 'battle' with the school to ensure that their child's SEND needs were being met and that additional help was being provided to enable them to maintain their placement with the school. In this context, parents indicated that exclusion was the point at which the school made clear that it could no longer meet the needs of their child and that alternative education would need to be found or they would be formally excluded.

7.24 There was considerable anger and frustration about the exclusion process for their children with SEND expressed within the parental focus groups. Central to this discontent was the perception that the voice of parents was not being sufficiently heard or recognised, not only by the school but other advice and support bodies. As a result, the valuable and long-standing knowledge and understanding of their child's needs was not given sufficient recognition in planning and decisions taken for their child with SEND.

'Parents are professionals of their own children, but our views are simply not heard and we are put to the side and dumbed down.'

Information, advice, guidance and support

- 7.25 As has been illustrated above, supporting children with SEND in mainstream settings can be a very complex and challenging process which can require parents to invest considerable time, money and effort to help obtain appropriate support for their child. It can also be a time of acute anxiety and stress, not only for children involved, but for parents and wider family also and the emotional stresses that family endure at this time should not be underestimated. It was also very apparent within the personal testimonies of parents, that extraordinary personal and career sacrifices have been made to ensure appropriate support for their child with SEND.
- 7.26 Evidence from the focus group suggests that parents of children with a SEND have a range of advice and information needs in supporting their children in mainstream education and in assisting when placements break down. Evidently, some of these information and support needs are well provided for locally and are valued by parents, whilst other needs are less well catered for. The Re-engagement Unit (REU) within Hackney Education Service is certainly among the former, where numerous parents highlighted the positive and successful contribution that this service made to sustaining their child's placement in mainstream education.
- 7.27 The REU is a school support service operated by Hackney Education Service which provides support to children at risk of exclusion across all maintained primary schools in Hackney. Numerous parents in the focus group had direct experience of the REU whilst their child was in primary education, and all provided a positive assessment of the support this service provided.
- 'My son was PEX from primary in year 4, and his experience up until then was dreadful. But we had the Re-integration [sic] team involved, who were very helpful.'*
- The Re-engagement Team were great, they turned it all around and said to the school "what can he do" rather than "what can't he do". They were coming to the school every week to monitor things which worked well....*
- 7.28 The REU involvement in some cases was clearly transformative, not only in their expert guidance and advice they provided, but also in the positive approach and oversight the service offered. Further qualitative analysis of the transcripts suggest that the expert and independent guidance the REU was able to offer was critical to its success, as this helped to build trust and confidence with both the school and parents and from which it was possible to broker a plan to help sustain their child's school placement.
- 7.29 Parents spoke positively about the contribution of REU officers and the support they were able to offer at meetings with schools. For a wide range of reasons (some of which are outlined above), parents noted that they were under a lot of pressure when their child was at risk of exclusion, therefore it was really helpful to have another interested and supportive professional at hand in meetings who was inquisitive and helped them to ask the right questions which could assist their child:

'The reintegration unit worked well, they were educationalist and psychology aware and were very curious, which was an approach which worked well. They find things to help us out.'

'The Re-engagement unit worker that we had was very good, especially as they spoke Turkish. This was really helpful for mum as it meant she could be present and be involved. The worker would come with us and attend meetings and help us to follow up things with mum and dad, and he got us linked to Young Hackney as well which was good.'

- 7.30 Given that the number of fixed term and permanent exclusions are far higher in secondary settings than in primary settings, parents were perplexed why there was no similar service to that provided by REU for local secondary schools. Parents in the focus group noted that such a service would have been helpful and beneficial in supporting their child if it had been available to them:

'It would be good if [Re-engagement Unit] work was linked to secondary as well, if things would have followed on for and we had the support worker there, things might have been different, in fact it would be quite beneficial.'

- 7.31 As had been noted earlier in this section, parents of children with SEND faced a number of difficulties in obtaining support to help their child maintain their placement in mainstream education (getting an EHCP, having support detailed in the EHCP being provided and EHCP being regularly updated). The EHCP remains a legal document however and critical to ensuring that children with SEND receive the correct support.

- 7.32 Parents acknowledged that the number of local children with an EHCP was over 2,000 and was continuing to rise which was creating local pressures. It was also understood that this was also a national issue, with pressures with local SEND services also being experienced elsewhere in other authorities. It was also noted in the focus groups that parents understood these pressures and were of course sympathetic to the challenges that local SEND services faced. Being the administrative body and overseer of EHCPs and the acute pressures that families faced themselves, it is unsurprising that the local authority was subject to criticism about the nature and level of support it was providing to parents with children with SEND.

- 7.33 As had been raised earlier (as in 7.13), the main focus of parental criticism of the local authority in relation to support for their child with SEND was its failure to hold schools accountable for the delivery of the EHCP and the specified support was provided. This was of significant concern to parents as they otherwise felt powerless to support their child in mainstream school settings and ensure that they were getting the best education and support that they could:

'... the LA refuses to take this on at all, this is my experience with them as well.'

'The LA doesn't do anything. The schools do as they want and no one cares.'

- 7.34 Parents felt that this was particularly problematic if their child was attending an Academy as local lines of accountability were felt to be weaker for these mainstream settings:

'We go through the EHCP process but even if you go through the process perfectly, no one makes the school deliver what's in the plan, and if it's an Academy they are not'

accountable to anyone at all. If you go to Hackney Education Service, they just tell you they have no jurisdiction over Academies and if you go to the school they laugh in your face... .’

7.35 Parents also noted that in many cases, obtaining an EHCP for their child was often a long and hard-fought process as in many instances, families had to convince the school that their child required additional support. Parents were therefore unhappy that despite there being a clear process for annual review, this was not always adhered to and that parents themselves felt that the onus was on them to push for and ensure an annual review took place. As a consequence, parents felt that provisions detailed in the EHCP were often out of date and did not reflect the real needs and the support required by their child.

7.36 Even when EHCP reviews were undertaken, this did not always fundamentally change the nature of the level of support provided. Indeed, some parents were disillusioned with the review process in that this did not bring additional support, and left families continuing to struggle:

‘What you must also remember is that despite us providing all this information for reviews, a lot of the time things remain the same which is very painful for us. No matter how much support I get before the meeting or how much preparation I do, whenever I leave the meeting I always come home and cry because nothing ever comes out of the meeting, everything stays the same. It’s a waste of time. Our education breaks down. Our care breaks down. I don’t know what else to say.’

7.37 Parents also noted that there were changes being planned to the way that annual reviews would be supported by the local authority which would see a reduction in the level of support. This was of concern to parents as could mean that accountability of schools was reduced further in adhering to EHCPs:

‘I have been advised that due to staff changes in EHC planning, it’s unlikely that there will be a coordinator attending annual review meetings for children with SEND. I think this is worrying as this gives more power to schools to direct this process more without any challenge....

‘...there won’t be a coordinator at every meeting as there are simply not enough coordinators to go around all the annual reviews. There are now 1930 EHC plans in Hackney.’

7.38 Whilst parents understood that local SEND services were under pressure, there was a concern about the responsiveness of local SEND services to their enquiries and requests for help.

‘Whenever you call the Hackney Education Service, the plan coordinator or whatever they are called, they never pick up the phone, it’s just not answered and they don’t respond to emails. ... I know there are so many young people with plans but there are only 5 officers dealing with this that they can’t keep up the workload. But the EHC plans are legal documents, I still have to try and get it sorted.... . This is not fair.’

7.39 Despite issues around the accessibility of local SEND services, parents on the whole seemed to be satisfied with the quality and helpfulness of officers when these were

reached. A number of parents remarked on the positive and beneficial support that their Plan Coordinator was able to provide.

Advice and Support Post Exclusion

- 7.40 For those children with a diagnosed SEND that were excluded from mainstream school, a number of options may ensue depending on the nature and level of SEND needs, or indeed if the SEND had even been diagnosed. Broadly speaking, the pathways available to children may lead them to another mainstream school who are able to support their SEND needs or a special school or other specialist educational setting that can support the assessed needs. For this cohort of children who already have an EHCP or other assessment of SEND, parents described a lack of information, advice and support in identifying suitable alternative options.

'The support was really poor. After a number of FTE in year 5, I was told by the school that they would not be able to meet his needs in year 6 and they would withdraw support. I had to find a school and I looked at specialist provision, we looked, but nothing was forthcoming. Hackney Education Service did a few consultations with local schools and they all said no. The LA allowed me to look by myself, but they didn't suggest any. I'd exhausted all schools in appropriate travel time and we had to even think about residential school, not what we wanted, but the only option. We approached over 50 schools....'

- 7.41 From the focus group analysis, it was apparent if their child was at risk of exclusion then the onus fell very much on the parents to find an appropriate school for their child, with Hackney Education Service unable or reluctant to take a lead role in this process. Parents found this lack of support incomprehensible, particularly as they were trying to make complex and challenging decisions for their children, which in their view, required expert guidance to assist them.

'By chance I had a meeting set up with the Hackney Education Service on the day my son was excluded, and they kept asking me "where do you want him to go?", "where do you want him to go?" But I didn't know what was out there and Hackney Education Service said it was not their role to give me advice on this.'

'When you are needing to look for another school [Hackney Education Service] will not give you any help whatsoever, they will tell you it is down to you. You then start to look around and ask and they all say no, I had to give up work as I was spending so much time looking for a school. I go places to have a look around, researching these places, but even when you find a place you still don't know whether [Hackney Education Service] will fund it. Why don't they get involved, it's so frustrating.'

- 7.42 The Local Offer is a directory of local educational settings and resources which are available to local children, including those with SEND. The local authority is obliged to maintain this and ensure information is up to date and accessible to parents locally. Whilst many parents were evidently directed towards this resource, matching up the needs of their child with SEND to prospective new schools was a complex decision which required expert guidance and support. Parents felt that a lack of guidance and support at this juncture had led children to some of their children being placed in inappropriate settings which had been damaging:

'A lot of time has been wasted in sending my brother to schools and settings which have been inappropriate for him, or just have not been able to meet his needs which has been very damaging for him.'

7.43 Parents were also at pains to make clear the context in which they were required to make such decisions about the future education of their child post exclusion. Many parents were under extreme pressure at the point of exclusion, not only in terms of supporting their child's needs, but also perhaps struggling to manage their own health or wellbeing issues at the same time. At this time of crisis, parents not only need expert information and guidance, but also advocacy and peer support to help them both navigate and access necessary support for their child.

7.44 Parents spoke of the need for additional support at meetings and in their dealings with professionals, to help them ask the correct questions and to help them obtain better information to guide their decision making. Parents felt that improved provision or signposting to local advocacy services might not only assist them in the selection of appropriate schools, but can also help to mediate between themselves and other stakeholders such as schools. It was suggested that improved access to advocacy services could help put parents and schools on a more equal footing and develop agreed solutions which may not only reduce recourse to expensive legal action, could also help to reduce exclusion in the first place:

'Without this advocacy or mediation, you either have to deal when it's in crisis or appeal at the tribunal. None of these are good for the family or the local authority.'

'A lot of exclusions are preventable, and I know what's done is done, but thereafter we need to look at how we stop these.... Schools and parents both need to be on the same page here, because if parents and schools are both knowledgeable then they will be less likely to exclude.'

7.45. Parents expressed a need for more informal support not only to help them better understand the situation they found themselves in, but also to help them manage the social and emotional upheaval that resulted from their child's exclusion from school. Informal opportunities to meet other parents and families experiencing similar situations was an opportunity not only to share information, but also possibly the opportunity to share experiences and learn from one another.

'Parents also need the opportunity to talk to each other, and support each other. Parents find out more from other parents than they do from Hackney Education Service.'

'There should be more support groups for parents for children who have been excluded to help them share information.'

Impact of Exclusion

7.46 Questioning within the focus groups sought to ascertain what impact exclusion from school had upon their child, and of course themselves and their wider family. As has been illustrated throughout this and other sections of the review, the impact of school exclusions on children and their families is wide ranging, the extent of which cannot be underestimated. Exclusion from school affects all areas of family life.

7.47 A constant theme throughout the parental focus groups was the enormous amount of time that parents devote to supporting their child not only through the school exclusion process itself, but also supporting their child in the challenges they faced in mainstream school and in finding suitable alternative education when that placement broke down. Parents spoke of the time taken to attend numerous meetings with the school, of appointments with other education and welfare professions, and of course to research and visit other education providers. This was all in addition to the time required parents were required to spend with their child whilst they were out of school.

7.48 Almost without exception, parents spoke of how the additional time needed to support their child through exclusion had impacted on their own working life, with many having to go part-time work or even give up work completely. As a consequence, income also suffered which created additional family problems:

'I know so few parents who can manage to work full time because as a parent of a SEND child you are constantly going to appointments and meetings, needing to find out things about your child and what they need.... this starts to affect your income and money coming in... I have never gone back to work full time. ... there needs to be something to help parents before their child gets excluded.'

I am a parent of 2 children with [SEND] the youngest of whom has been through a series of internal exclusions, fixed term exclusions and was eventually off-rolled by a mainstream provision..... As a result of his off-rolling I lost my job and it had a profound impact on our family. I have just started working again, but it's been a catalogue of incidents.'

'Post that exclusion... the relationship was completely severed with the school, I was a single parent at the time working full time, but I still had to reduce my hours all the time to help support my son and deal with the exclusion.'

7.49 Parents and families also spoke of the emotional costs to them and their families in supporting their child through exclusion, with many experiencing high levels of stress and anxiety.

'There were so many stresses with this at the time, I got depressed and ended up losing my job. The school kept calling for me to come and pick him up and come get your child. I couldn't take it. I was so depressed and everything.'

It's been so up and down, it was such a stressful time for me and him, and a lot of anxiety too.'

7.50 It is very difficult to encapsulate or fully reflect the nature or severity of the anxiety and stress that parents experienced in this short review, particularly as parents may be reluctant to share such information, but also parents naturally wanted to speak mostly about their children. Aside from Hackney Independent Forum and the ARK, very few, if any, parents noted the use of any other sources of advice⁵, and support to help them through this crisis which school exclusion presented. Of course, other parents of excluded children who do not have SEND will not even have the benefit of these services.

⁵ It is noted that both SENDIAGS and the Family Support Service operated by Children's Service also provide advice, but were not mentioned by parents.

7.51 Despite their own personal and family concerns, it was of course the impact that school exclusion had upon their child which troubled parents the most. Parents noted profound changes in their child upon their exclusion from school, not least the trauma which resulted from the exclusion process itself and the loss of personal and social networks. For young people with SEND, such feeling may be exacerbated however as exclusion can compound feeling of difference, separation and of being rejected:

'....my son has been through a lot.. I don't really know where to start. I feel for my son as he feels it, he asks why he is treated differently, it's upsetting for him and me...'

'There is the impact of the exclusion on young people's mental health and well-being to consider also. For many children with SEND, being excluded confirms their own sense of isolation and separation from the world, it can fit your own perception.... after being rejected from these schools they will say, 'I know they don't want me, no one wants me' this is how they see it. Trying to explain to a child that they don't fit in with that school but that does not make them a bad person is difficult. These kids already feel different and exclusion just reinforces that and they can feel they are doomed for failure.'

7.52 This may lead to longer terms problems and children requiring additional professional support:

'[My son] is involved in CAMHS because of the way the school has treated him. I have to keep fighting.'

'I feel my kids have emotional problems from this.'

'My son's self image is permanently damaged through these series of exclusions through primary school, going to trial days at schools and being rejected time after time, what is the impact on him? He is never going to have that carefree attitude toward life that you'd want for your child.'

7.53 Indeed, many parents indicated that therapeutic interventions should be as standard for children excluded from school to help them manage the anxiety and trauma which they experience and to help them adjust to new settings.

'A think what's needed after a child has been excluded is a decent therapeutic counsellor, and not where you have to go on a 6 month waiting list, but so they get a chance to reflect and rationalise what has happened to them.'

7.54 Parents also felt that their child with SEND was being unfairly penalised through their exclusion, as schools and other agencies then tended to view their child primarily through a behaviour management lens over and above their child's ability and potential to learn and achieve academically. Parents also felt that it was unfair that children with SEND had also lost out on a significant amount education through the process of exclusion, and often faced reduced study and learning options that some alternative education settings offered:

'The focus on his achievement has gone, and they have just been focusing on managing his behaviour, there's not a recognition that these things may even be connected.'

'But we are letting down a 14 year-old boy who is dying to go to a mainstream school as he's missing out on everything, his friends and the curriculum. There is a massive gap in his curriculum now at the AP site, it's just Maths, English, a tiny bit of science and physical education. So he can't achieve GCSEs as he does not have access to the curriculum.'

7.55 Whilst not validating the process of school exclusion for their child, a small number of parents did note a positive outcome, particularly for those children whose SEND had remained undiagnosed or unsupported in mainstream schools. A number of parents spoke very positively of New Regents College (Hackney PRU) as this was the point at which the SEND needs of their child were first diagnosed and a support plan put in place.

'They chucked my son out of school and into the PRU, he was there for 6 weeks. I thought that the PRU were excellent as they helped to get his ADHD diagnosed. Schools need to be educated on assessments.'

'My son got excluded... he had a lot of issues with violence and this stopped immediately at the PRU and then he went to [specialist provision] as the Education Service indicated that they had a contract with them and this worked out really well. This provision was for children with behaviour issues and my son slotted into that really well and it all worked out so smoothly. I know that this may not be commonly experienced by other parents, but in this case the exclusion did work out for him.'

8. The view of Alternative Provision

8.1 The views of alternative providers are of course central to this review, as this setting is the most likely route through which excluded children continue to receive their education, particularly those in KS3 and KS4. Around 10-12 alternative providers are commissioned by New Regents College (Hackney Pupil Referral Unit) to provide education and support to young people who have been excluded from school or who's needs cannot be supported within mainstream education.

8.2 In total, seven alternative provision settings gave evidence to the review through a number of mechanisms which included:

- Contributions at a formal meeting of the Commission;
- Informal meetings;
- Site visits.

8.3 Data collection with alternative providers focused on a number of areas of interest to the Commission, these included:

- The educational and support needs of young people entering alternative provision;
- The nature and level of support provided to young people within alternative provision;
- The curriculum, achievement, progression and post 16 outcomes of children in alternative provision;
- How alternative provision is commissioned, quality assured, monitored and supported in Hackney.

8.4 All interview data were transcribed and analysed alongside other submissions to the commission. To maintain anonymity of alternative providers that contributed to this review, the key themes presented below are provided without qualitative excerpts.

Nature of Alternative Provision

8.5 Alternative provision varies widely to meet varying needs of young people not in mainstream education in Hackney. The alternative providers consulted in this review catered for two broad categories of young people: those who have been permanently excluded from school and those children with an EHCP or SEND and who cannot be supported by a mainstream school (though there is some intersectionality between these groups). Whilst some children were attending on a temporary basis in the expectation of reintegration back into mainstream education, most would be in attendance until the end of Year 11 (KS4).

8.6 The consultation revealed that young people attending local alternative provision had a wide range of educational, health, social and emotional needs which were often complex and multiple. As a consequence alternative provision was supporting an incredibly diverse range of young people, all of whom had a very discrete set of needs including those with a diagnosed SEND (ranging from SEMH through to ADHD and ASD), with additional learning needs or those with other social, emotional or behavioral challenges. What all these children had in common however, is that they have missed significant periods of schooling and as a consequence had large gaps in their education.

8.7 The nature, scale and range of alternative provision is equally and necessarily wide to support such diverse needs of young people attending these settings. The scale of provision varied significantly; some settings were small which supported no more than 6 or so young people whilst at the other end of the spectrum, another setting supported up to 135 young people with 150 paid staff. Whilst some of these settings offered solely one-to-one educational support, the majority of settings offered small group based tutorials and lessons for between 4-6 young people. All settings were coeducational, though as you would expect given the demography of exclusions and those with an EHCP, the majority of young people in attendance were boys.

8.8 Whilst each alternative provision may have developed its own individual ethos and approach to supporting young people, the consultation identified a number of commonalities across the sector. The scale and style of support of alternative provision enabled a more nurturing approach to supporting young people than might be possible in mainstream settings. Learning support and care for young people also appeared to be more personalised, with support tailored to young people's individual needs. This was often supported by the provision of individual learning mentors.

Commissioning Alternative Provision

8.9 In 2018/19 approximately 12 different alternative providers were commissioned by NRC to provide KS3/4 learning and support for children excluded from mainstream school where off site provision was needed from the PRU. Alternative providers were commissioned to provide the required 25 hours of support per week. Costs for this provision ranged from approximately £6.5k per pupil per annum through to £16k per pupil per annum. (One alternative provider was commissioned at a higher rate of £23k per pupil per annum for 15 hours tutoring per week). It is clear that there is a

wide variation in alternative provision costs, which reflects the different nature and support provided to young people by individual providers.

- 8.10 It was apparent that the service and funding models employed by different alternative providers varied widely, which to some degree was influenced by the status of individual providers. Some were Free Schools, others were Independent Schools whilst other individual registered schools. All of the alternative providers that the Commission spoke to were reliant (to varying degrees) on the income derived from pupil fees from local authorities, PRUs or individual schools. In addition, many providers were also reliant (again to varying degrees) on additional income from charitable sources. Given these variations in funding models, it was apparent that local alternative providers were in different states of financial security and independence.
- 8.11 A number of alternative providers noted that their funding model was challenging, with providers having to carefully balance income from fee paying students against their model of provision. Also, given the ad hoc way in which alternative provision is commissioned this gave rise to additional financial uncertainty as it was often difficult to predict the future numbers of young people who may be using their service.
- 8.12 Many alternative providers had long standing and established relationships with Commissioners, many of which had been supporting children from Hackney and other boroughs for a number of years. Alternative providers reported a positive and productive relationship with NRC (a commissioner of alternative provision in Hackney). As with all public services there have been financial pressures in recent years, and alternative providers reported that they had been encouraged to reduce costs or slightly reconfigure services to reduce costs. Providers reported that sometimes this could be difficult without compromising their educational and service ethos.
- 8.13 In their drive to improve financially sustainable models of provision, there was a desire among some alternative providers to understand more about the different financial models in place in other alternative provision. Whilst alternative provision did meet regularly in Hackney, sharing financial information and modelling may be challenging given that to some degree, there is an overlap in some areas of provision and where in effect they are in competition with each other.

Placement of young people in alternative provision

- 8.14 Alternative providers were cognisant of the increase in the number of young people entering their settings in recent years and most reported that they were currently at or near their capacity. Alternative providers noted that the reasons behind this were complex, but suggested increasing academic and financial pressures within schools contributed to this increase.
- 8.15 Alternative providers were empathetic of the challenges faced by schools in seeking to support children with additional needs but with reduced resources. In the past, schools had tried to keep young people at risk of exclusion in mainstream settings through preventative placements in alternative provision. Years of budgetary restraint however, had limited schools' financial capacity to do this. Furthermore, as schools have no financial accountability for those pupils they exclude (this falls to the

local authority), there is no financial incentive for schools to maintain their placement in mainstream settings. As a consequence, alternative providers reported that they were now looking after more permanently excluded children rather than those in preventative placements.

- 8.16 Most children in alternative provision were in KS3 or KS4 of their education and had a variety of needs which would determine the range of settings which would ultimately be suitable to them. A number of alternative providers had been established for a number of years and had long standing experience of supporting children who had been excluded from school, and in this context generally knew which young people their provision would be suitable for. This being said, alternative providers emphasised that the decision as to which alternative provision was selected was very much a decision reached among all parties: parents, NRC, individual alternative providers and of course, young people themselves.
- 8.17 It is clear however, despite all parties being involved, not all initial placements work out for all parties involved. As has been recorded elsewhere in this report, parents and young people are under stress and intense pressure post exclusion from school, which may not be conducive to effective decision making. Similarly, at this point in time, a young person's needs may not be fully understood by the commissioner or alternative provider which may lead to placements with providers to which they might not be suited. Challenging behaviour, where children struggled to commit to the setting, academically or otherwise, was commonly cited as a reason that a placement did not work out.
- 8.18 Where a placement does not work out, the young person is generally referred back to NRC and their dedicated Placement Officer. The Placement Officer will then work with the young person and their family to agree on an alternative placement. In reality however, alternative providers noted that in such circumstances the choice of alternative provision available to young people could be very limited.
- 8.19 Alternative providers were at pains to highlight that they and indeed NRC (and other commissioners) had little control over the numbers of children excluded from school, or indeed when children are excluded in the academic cycle or year. As a consequence some placements are received mid-year which inhibits engagement with the young person and the progress that can be made. Whilst accepting the process of school exclusion is to some extent unplanned which can be triggered by an event or incident, alternative providers were keen to emphasise the need to place decision making on alternative provision in a much more positive and structured context. A number of providers noted that a number of neighbouring boroughs held Alternative Provision Fairs in which children at risk of exclusion were invited to view alternatives to mainstream schools which provided a more positive and affirmative experience for young people entering AP.

Registration with Alternative Provision

- 8.20 Most children who have been permanently excluded in Hackney in the secondary phase of their education will be held on the school roll at NRC and placed with an alternative provider if a mainstream school place is not appropriate. In this context the alternative provider where the child is placed will be the subsidiary institution, and whilst providing day-to-day educational support, NRC remains ultimately

accountable. Alternative providers working within this relationship reported that this arrangement generally worked well, with pupil monitoring data being regularly supplied to NRC and additional support being available to young people when needed.

- 8.21 What was apparent from the consultation however, is that some secondary schools from Hackney continued to place children directly with alternative providers. Some of these were evidently temporary placements, a preventative intervention to reduce the risk of exclusions from school. Other placements appeared to be longer term with children expected to continue to complete their KS4 education with that alternative provider. This practice appears to be widespread with at least 6 secondary schools referring pupils directly to local alternative providers. Whilst a number of alternative providers pointed out that these children were accepted on to their roll, they had no way of checking if that child was still on roll at their original school. This raises some concerns as to how effectively excluded children are tracked and monitored and how the destinations and outcomes are recorded.
- 8.22 The registration of pupils with alternative provision is however clearly complex with different arrangements being in place for excluded children in different local authorities and with individual alternative providers (to some degree at least) setting out how best they work with local PRU's, schools or other settings which may be commissioning places for children in their care. It is clearly difficult to disentangle some of these relationships given the range of factors involved (the status of the alternative provider, whether children have been permanently or temporarily excluded and whether this arrangement is made via the PRU or directly with the school). This would suggest that the complete picture of school exclusions may not be fully known or recognised, and further underlines the difficulty of tracking and monitoring mainstream pupils who may be receiving their education off-site.

Curriculum and programmes of studies

- 8.23. Young people entering alternative provision may have a wide range of learning and support needs which will determine the nature and level of the learning programme provided. Young people commonly were noted to face a wider range of challenges entering alternative provision:
- Poor school attendance record;
 - Significant gaps in learning and curriculum knowledge;
 - Social, emotional or mental health issues which impact on behaviour and learning;
 - Physical and or mental health issues.
- 8.24 All bar one of the settings offered a 25-hour programme of study for young people in their care which was provided over 5 days. Some settings also offered additional after school booster classes and half-term and other school holiday classes to help children further develop and progress their studies. One setting, however, was commissioned to provide 15 hours of tutorials per week, and it was not clear to the Commission as to how the additional required hours were made up for young people attending this setting.
- 8.25 Alternative providers noted how the needs and abilities of young people attending their settings varied and the need to structure learning programmes accordingly.

Some settings tended to focus on core subjects such as English and Maths within their curriculum with additional emphasis on developing functional skills and therapeutic interventions for those young people requiring a more nurturing model of support to help build their confidence and learning skills. Other settings were able to offer a more traditional programme of study in which young people were able to study up to 6 or 7 GCSEs in a small class teaching approach. Across all settings, alternative providers highlighted the individuality of young people's needs and the importance of personalising teaching and goal setting. Many alternative providers also offered a range of extracurricular activities to help young people engage with the curriculum and to enrich their learning.

Children with SEND

- 8.26 There are two distinct cohorts of young people entering alternative provision, those who have been permanently excluded from school and those children with SEND whose needs cannot be met within mainstream education. Alternative providers noted that children with a wide range of SEND diagnoses were supported in their settings ranging from children with mild Social, Emotional and Mental Health Needs (SEMH) through to young people with Attention Deficit Hyperactivity Disorder (ADHD) or Autism Spectrum Disorder (ASD). It should be noted that some settings were supporting young people with additional mental health needs.
- 8.27 It is apparent however, that a significant number of young people who have been excluded from school may also have additional education, learning or emotional support needs, many of which have not been diagnosed or fully supported whilst in mainstream school. Indeed, a recurrent theme throughout this review has been that school exclusion was often the precursor to the identification of SEND within this cohort of young people and the beginning of the process in which they began to receive the help they needed.
- 8.28 Alternative providers voiced a range of concerns as to how young people's special educational needs had not been diagnosed earlier, particularly as these additional needs may have been contributory if not the sole reason for their exclusion from school. As a consequence, alternative providers were often required to initiate those processes to ensure that young people were properly assessed and received the help to which they were entitled.
- 8.29 Obtaining an EHCP or otherwise making sure young people in alternative provision obtained appropriate SEND support was frequently described as a long and complicated process, particularly as young people were often required to undertake numerous professional assessments within this process. Whilst alternative providers understood the necessity for such assessments, there was frustration at the duration of this process, especially given the vulnerabilities of the young people involved. Some alternative providers questioned whether such a process was even viable given the length of time that some young people were likely to be in their care, and some noted that this process sometimes did not complete until children had left their care.
- 8.30 The EHCP process will of course help to identify special needs and what additional support may be necessary for young people, some of which may be accompanied by additional resources which may allow more personalised one-to-one support for

young people. Alternative providers however suggested that just between 20-30% of their students qualified for such an EHCP, and that a much larger group of young people with mild to moderate learning or social or emotional needs often did not reach the threshold for obtaining an EHCP or funding for additional support.

- 8.31 Whilst many settings had their own SENCO and would of course aim to deliver personalised and often therapeutic support to all young people in their care where they could, not all were commissioned and resourced at levels that enabled them to deliver one-to-one support that many children evidently needed. In this context it was more challenging for alternative providers to help children achieve and progress, particularly when such children may also have poor reading and literacy skills and have considerable gaps in their education.

Multi Agency Support

- 8.32 Children in alternative provision will have complex and multiple needs and complex needs, which require multi-agency support. Alternative providers are clearly alert to these needs and experienced in ensuring children have appropriate access from a range of statutory and other support professionals (e.g.SEND, SLT, CAMHS, Clinical Psychology, Children's Social Care). These services can be sourced directly through the alternative provider, or through the Commissioning service, which is New Regents College for most Hackney students in alternative provision.
- 8.33 Alternative Providers reported that they were able to access a range of support for young people in their care and reported that a range of services regularly attended to help support young people including Young Hackney, CAMHS, SLT and WAMHS (the wellbeing and mental health service. A number of providers did note however, that perhaps through general austerity, the responsiveness and overall level of support available to young people had deteriorated over time. As a consequence, alternative provision was 'plugging the gap' where some services were directly insourced if not provided by them themselves.
- 8.34 Given the high levels of emotional and mental health needs of young people, there was particular concern around the accessibility of CAMHS. A number of providers noted that the application of higher thresholds had appeared to limit access to mental health support services. In addition, given the often troubled and sometimes chaotic nature of young people they were supporting, there was a perception that CAMHS, with waiting lists and strict operation of appointment times was simply too difficult for this group of young people to access.
- 8.35 For safeguarding or personal safety reasons, a certain proportion of young people are placed in alternative provision located outside the borough, which based on 2017/18 figures estimates this to be about 20 or so young people. Being educated within alternative provision outside the borough means that children are a step further away from local statutory support services in the borough and may not benefit from borough wide programmes that aim to improve education, health and wellbeing of local children in Hackney, such as WAMHS. Furthermore, alternative providers located externally also noted that they were not always informed of important education, safety or safeguarding notices issued by the Hackney Education Service which may affect the health and welfare of students in their care.

8.36 Whilst a multi-agency approach is clearly the best way to support children and families with complex needs, this is not to say that this approach does not have its challenges. Alternative providers noted that up to 8-9 professionals may be involved in supporting young people in their care, which not only presents problems for coordination, but also for presenting a consistent plan and messaging to the children and families concerned. Alternative providers described how young people who were struggling to commit to education also found it difficult to trust and engage with other professionals supporting them. Providers also spoke of families being overwhelmed by the volume of meetings and decisions needed to support their child post exclusion.

Working with parents

8.37 Having gone through an often difficult and challenging exclusion process and with the relationship with the school probably having broken down, alternative providers reported that parents often initially presented in a very distressed and anxious state. Parents were also likely to be feeling confused or disorientated about the future options for their child and of course, frequently grappling with negative perceptions of alternative provision itself. As a consequence, alternative providers stressed the importance of working with parents alongside excluded children not only to help allay these anxieties and concerns, but to also help create a positive working partnership to better care and support for their child.

8.38 It was apparent from the consultation however that alternative providers' work to support parents goes beyond confidence and trust building, as they sometimes needed more practical advice and support. A number of contributors noted that parents sometimes had additional needs themselves, such as physical or emotional health issues, which inhibited their ability to effectively parent their child. In these circumstances, alternative provision played a more active role in supporting parents in which they might accompany children to appointments or interviews, or even attend the family home in the morning to ensure children were up and accompany them to their provision. Alternative providers noted how helpful NRC had been in supporting positive parental relationships.

8.39 Despite the best efforts of alternative providers and other support services, it was clear that many parents faced a 'perfect storm' when their child was excluded from school. Parents often felt a sense of guilt, failure or even humiliation because their child was excluded from school, and found it difficult to manage these feelings whilst continuing to support their child through the trauma of school exclusion. With relationships broken down with schools, providers indicated that sometimes parents just did not know which way to turn to get advice or help which to them felt like they were in a 'black hole'. In this sense, school exclusion is not only a personal trauma for the child, but it also creates a family trauma which in the views of a number of providers, was not fully recognised or supported locally.

Quality Assurance

8.40 Although there is no standard measure of quality for alternative provision a number of proxy indicators can be used including Qualified Teacher Status (QTS), Ofsted Inspection Outcomes, Attendance Rates and Post 16 Destinations. Within the consultation with local alternative providers, the commission focused on the QTS, pupil monitoring (including attendance) and the North London Children's Efficiency

Programme (NLCEP) Alternative Provision Group (Haringey, Islington, Camden, Enfield and Hackney).

- 8.41 It is sometimes necessary to place children in alternative provision located external to the borough in which they are resident, for example specialist provision is needed which is not available in the borough, or when there are safeguarding or personal safety reasons. Thus, as we have seen from this review, young people may be in attendance at an individual alternative provider who are resident in a number of different authorities. Quality Assurance of alternative provision is therefore undertaken collectively across North Central London through NLCEP where inspections are carried by participating authorities through an agreed quality assurance framework. Quality Assurance information is shared and monitored by participating bodies, including NRC.
- 8.42 The collaborative approach to quality assurance monitoring was appreciated by alternative providers as this was more efficient and less intrusive than if local authorities (or commissioning bodies) each undertook this separately. Prior to the establishment of NLCEP, one alternative provider described being inspected 7-8 times a year which was distracting for both staff and students. Although alternative providers generally welcomed the feedback on their provision, a number of providers indicated that the inspection process could be more robust. It was also noted that the localised inspection system may also benefit from greater independent input, as providers were generally inspected by those agencies which commissioned them. It was not clear to the Commission or to providers how often they should be inspected within the NLCEP framework, a small number reported that they had not been inspected for over 18-24 months.

Qualified Teacher Status (QTS)

- 8.43 Qualified teachers were present at all alternative providers which were visited or consulted by the Commission as part of this review. The ratio of qualified teachers to other teaching staff did however vary from setting to setting. It was apparent to the Commission that the number of qualified teachers present was greatly shaped by the ethos of individual alternative providers, the specific cohort of young people they were aiming to support and their model of educational support.
- 8.44 Given the above, the Commission noted a broad range of models in which both qualified and unqualified teaching staff were deployed to support children in alternative provision, which included:
- Provision which focused in the performing arts and theatre which offered a mainly one-to-one tutoring approach through unqualified teaching staff (though overseen by qualified teachers);
 - Provision which used a mixture of qualified and unqualified teaching staff to deliver project based teaching to children with challenging behaviour;
 - Provision in which all staff were qualified teachers.
- 8.45 It was emphasised however, even among those alternative providers where all staff were qualified teachers, that unqualified teachers can be equally as effective in this setting if they were able to develop positive and supportive relationships with young people and that interventions were delivered and overseen through a framework of qualified teachers. In addition, experience and knowledge of working with this

particular cohort of young people was also greatly valued. Assurance on the quality of teaching within alternative provision is provided through Ofsted, with whom all providers must be registered.

Student monitoring and attendance

- 8.46 Upon entering NRC (and alternative provision) a baseline assessment is undertaken with children to determine their progress in key curriculum subjects (e.g. maths and English) and learning aptitudes and abilities. This assessment informs the development of personalised learning plans for young people with individual alternative providers. Performance data is monitored by NRC each-half term (every 6 weeks) via an assessment submitted by providers. NRC also meets with all providers together at a half-termly meeting where broader monitoring and support can be provided.
- 8.47 Alternative providers noted that attendance was of critical importance, not only in helping young people to engage and progress with their learning, but also from a safeguarding perspective ensuring that regular oversight of children was maintained. Given the importance of this issue, most alternative providers noted that they reported attendance to NRC on a daily basis. Although one provider noted that it could improve its own monitoring and support for children not attending, and a further provider indicated it had an issue with punctuality of its students, no significant attendance issues were identified to the Commission. Alternative provision also noted that any safeguarding issues identified with the young person in their care together with any other significant information (e.g. referrals) were automatically notified to NRC.
- 8.48 In addition to regular monitoring by NRC itself, many of the alternative providers that were consulted for this review also developed their own development plans and reporting systems which were also shared with NRC. Where this was the case, it was felt that there was potential benefit in harmonising this process with NRC and in sharing such practice more widely among providers. The degree to which both parents and children are included in regular reporting and monitoring was also unclear, but a number of providers felt that young people should be further involved in monitoring and review processes.

Achievement and Outcomes

- 8.49 Whilst alternative providers acknowledged that academic achievement was significantly below what young people achieve in mainstream settings, it was emphasised that they were often working with young people with acute learning needs and who had already missed considerable parts of their formal education. Nonetheless, alternative providers noted that many young people progressed and some achieved GCSE level qualifications (these are discussed in more detail in sections 4.65-4.66 and 5.58 in this report). Alternative providers also noted that whilst important, the academic achievement data for young people does not fully capture the advancement that many young people have made in addressing underlying issues, developing confidence and learning skills.
- 8.50 Many young people and their parents have a strong desire to return to a mainstream school whilst in alternative provision. As the data from NRC demonstrates however, just 15 young people in total were returned to mainstream education from the PRU or

other AP in 2018/19, all of which were young people in K2 and KS3 (and none from KS4. This situation was reiterated in the consultation with alternative providers with relatively few children moving back into mainstream education before the end of KS4. Providers noted that considerable support is provided to young people to help them to nurture future aspirations and begin to rebuild their education and training pathways post 16 and hopefully enter mainstream education again post 16.

Destination and transfer post 16

- 8.51 The proportion of young people in Hackney (69%) who have managed to sustain a place in education, employment or an apprenticeship 6 weeks after leaving alternative provision compares favourably with both national (59%) and regional averages (59%) (see 4.65-4.66). Furthermore, the proportion of young people leaving alternative provision in Hackney (20%) who do not manage to sustain any education or employment destination after 6 weeks is also significantly lower than national (35%) and regional (30%) averages.
- 8.52 This data was verified in consultation with local alternative providers who reported up to a 95% success rate in securing young people with a place in college, in education or an apprenticeship after leaving their care. Alternative providers detailed a wide range of interventions to help young people find an appropriate education or training destination, including assisting in completing applications and in accompanying them to open days and interviews. Alternative providers noted that they also received support from NRC in this process, particularly in relation to careers advice and careers guidance.
- 8.53 Whilst alternative providers generally appeared confident that young people would secure an education or training placement, there were broad concerns that young people may not be able to sustain these placements beyond the 6-week progression point. Alternative providers reported that young people often struggled to adapt from the nurturing and personalised care they received in alternative provision to more formal and self-directed study regimens of colleges. Similarly, given the vulnerabilities of this cohort, young people sometimes lack the social and emotional skills and confidence that can help them to adapt to new environments.
- 8.54 As a consequence, a significant proportion of young people leaving alternative provision fail to build on early connections and fail to sustain their placement. In instances, this level of attrition can be significant, one provider noted that the proportion of young people sustaining their placement fell from 95% at 6 weeks to 45% by the end of the first term. This led to criticism of the evaluation framework for alternative provision which focused too much on the destination rather than the outcome for young people.
- 8.55 Alternative providers felt powerless to help or support young people after the 6 weeks progression point, for unless young people actually came to them for help they simply had no way of knowing how they were progressing. There was a broad consensus that this group of young people would benefit from additional transitional and mentoring support to help them adjust and adapt to new environments and study conditions of onward places of education. Such additional support may help young people sustain placements and avoid becoming NEET.

Relationship with Schools

- 8.56 Alternative provision noted that with permanent exclusion, the young person and families' relationship with the school often had broken down irretrievably and there was very little, if any, communication beyond formal notifications from thereon. Whilst it is clearly important to have as much information about the young people now in their care, alternative providers reported that there were significant problems in the flow of information from schools to both NRC and themselves.
- 8.57 Given that NRC itself has reported difficulties in obtaining information from local schools, alternative providers frequently were trying to support children with incomplete or missing data not only on their attainment, progress or learning skills but also on the personal and individual support needs of that child. Alternative providers emphasised that they were often supporting some of the most vulnerable children in the community, therefore getting the right support in place quickly was of critical importance.
- 8.58 Whilst individual alternative providers had relationships with those schools which continued to commission services with them directly, there appeared to be little other direct contact with schools. A number of alternative providers reported that they had attempted to make contact with local schools to help support young people in their care, but this proved to be unfruitful.

Behaviour management

- 8.59 As would be expected, young people were accessing alternative provision with a range of behavioural issues, many of which needed additional help and support in order to address these. Whilst young people may have been excluded from school for contraventions of school behaviour policies, alternative providers stressed the importance of maintaining robust behaviour codes as this helped to maintain discipline and consistency for young people, but also helped to ensure a safe and positive environment for both staff and other children.
- 8.60 A number of alternative providers noted that they operated behaviour management strategies which were both positive and reflective. These approaches begin from the premise that poor behaviour results from unmet needs, and that an analytical approach can help identify patterns and trends in young people's poor behaviour which can guide a more positive response. Whilst this approach was seen to be very positive in the settings in which it was adopted, it was clear that behaviour management in alternative provision is clearly complex, particularly given the vulnerabilities and needs of young people in their care and they often drew on more

Gang affiliation (or association)

- 8.62 A number of young people in alternative provision may have become involved in anti-social behaviour or associated with criminal activity and thus require additional oversight and support. In this situation, alternative providers worked alongside Youth Offending Team (YOT), Gangs Unit and Drug and Alcohol Services to support and provide effective safeguarding for these and other young people in their care.
- 8.63 Alternative providers were very mindful of any gang affiliation or associations of young people in their care as this required detailed and careful planning to ensure that the young people concerned, staff and other young people attending remained

safe. To reduce risks, such gang affiliated young people were sometimes required to be educated off-site, through one-to-one approaches and even out of the borough. To ensure that they had safe and appropriate provision in place, alternative providers emphasised how they were dependent on information and intelligence provided by relevant authorities (Hackney Education, Gangs Unit and Police). Feedback from alternative providers would suggest that at times, they have been missed from safeguarding communiques and that engagement with the Gangs Unit particularly for those young people being cared for out of the borough, could be developed further.

- 8.64 As well as effective partnership working, ensuring that young people who are gang affiliated are safeguarded and that education and support can continue to be provided to others at minimal risk is also resource intensive. Alternative providers noted that such young people may require one-to-one off-site education and pastoral support on a temporary or sometimes longer-term basis, and that in some instances additional on-site security has had to be provided. Alternative providers also noted the difficult balance that they and others were trying to achieve with this group of young people, which is providing a positive sense of socialisation and community (as part of their support) whilst maintaining their safety and security as well as others.

9. Comparative Assessment

- 9.1 To support comparative assessment and to help benchmark local policy and practice, the Commission consulted three other London boroughs during the course of this review. Questioning within this consultation loosely focused on the following areas:
- Models and approaches to school exclusion and alternative provision;
 - How alternative provision is quality assured;
 - Achievement and outcomes for young people in alternative provision
 - Preventing exclusion.

Models of AP

- 9.2 Consultation with just three other boroughs confirmed the wide range of approaches and models of support for children excluded from school. In just this small sample which the Commission consulted it was apparent that these varying approaches, all of which are agreed within the local school system, result in a varying number of children who are permanently excluded from school and subsequently required to be educated in alternative provision.
- One borough was able to maintain permanent exclusions to just 10 or fewer per year through an enhanced Fair Access Panel process which offered multi-agency support to young people at risk of exclusion.
 - One borough also had a very low (<12) number of permanent exclusions and in which alternative provision was used predominantly to support young people at risk of exclusion.
 - One borough which had relatively high rates of permanent exclusion (40+) and in which all alternative provision was commissioned to a third party.
- 9.3 Given that all local authorities operate within the same statutory framework for school exclusions and alternative provision, the reasons behind these variations were not always clear. In some authorities it was acknowledged that there were historical agreements within the local education system which agreed that where possible, young people were best served in mainstream education and had developed

systems to ensure that permanent exclusions remained low. Other boroughs noted the presence of a significant number of academies and academy chains in particular, which resulted in little influence being able to be exerted over local exclusions policy and practice and which necessitated a more reactive approach to alternative provision.

- 9.4 Given the wide-ranging approaches to school exclusion, this led to different varying structures of and supported provided through alternative provision support.
- One borough with very few permanent exclusions predominantly used just two alternative providers; one providing more academic support the other more vocational support;
 - One borough which also has very few permanent exclusions had contacted provision to an independent provider which provides support (mainly to young people at risk of exclusion) through a number of settings and cohorts (primary, secondary, therapeutic PRU, new students and individually commissioned alternative providers);
 - One borough contracted all alternative provision to an academy chain through which education and support were monitored through a Service Level Agreement.

- 9.5 In terms of costs of supporting school exclusion and alternative provision, boroughs reported similar patterns and costs of commissioning recorded in Hackney with costs for individual providers ranging from £6k to £22k per annum per child. The total cost for commissioning alternative provision was noted in one borough to be approximately £3.7m which was broadly comparable to the totals spent in Hackney (in commissioning NRC). It was acknowledged that good outcomes for this cohort of vulnerable young people required considerable investment, yet there were growing pressures on this budget which is funded through the Higher Needs Funding block to local authorities.

- 9.6 With such varying approaches to school exclusion and models of alternative provision it is clearly difficult to compare and contrast provision across boroughs. The following provides some commentary on broad commonalities of the boroughs approach to alternative provision and to highlight areas of different and possibly more beneficial practices.

Quality Assurance

- 9.7 Two out of the three boroughs that were consulted within this review operated a collaborative approach to quality assurance, in which inspection and assessment of alternative provision was undertaken in partnership with other boroughs. This was felt to be the most effective and efficient way in which to maintain quality, particularly as local authorities may be working with numerous individual providers. Again, this approach helped to avoid duplication and was less intrusive for individual providers who may be providing services for multiple authorities. In a number of cases, this QA work was supplemented by regular meetings with AP to discuss issues of common interest and concern across the sector (e.g. attendance monitoring, prevention of children becoming NEET).
- 9.8 Whilst qualified teacher status (QTS) was an agreed marker of the quality of teaching provision, it was acknowledged that this was sometimes difficult to monitor and

oversee particularly when authorities were working with multiple providers across borough boundaries. One borough, which worked with a relatively small number of alternative providers, had established a commissioning policy stipulating QTS of AP staff, and were therefore confident that all young people in alternative provision were being taught by qualified teachers with QTS. Another authority adopted a more flexible approach in which qualified teachers were just required for core subjects (English and Maths).

- 9.9 Whilst it was acknowledged that quality alternative provision would always require additional levels of resourcing, it was also noted that a clear and transparent commissioning framework could contribute to improved quality of provision in this sector. Consistent levels of funding and support were important not only to bring financial stability to the sector, but also to assist in quality service planning and the recruitment and retention of high-quality staff.

Achievement and Outcome Monitoring

- 9.10 Whilst all of the boroughs noted the comparatively lower levels of achievement among young people within their alternative provision when compared to their peers in mainstream settings, one borough in particular recorded high levels of achievement in this cohort. In this one borough all (100%) alternative provision pupils were entered for core subjects of GCSE English and Maths of which 75% achieved a graded result. It was acknowledged that this model of provision was achieved in a local education system which produced relatively few exclusions and in which the level of investment in alternative provision was comparatively higher than in other boroughs.
- 9.11 Understanding that this cohort of young people were among the most vulnerable group of learners, other boroughs expressed their concern about the proportion of young people in alternative provision who may go on to become NEET. There were clear expectations in commissioning processes that would make sure that young people are supported in developing education and training pathways for young people in their care and ensure that where possible they got the appropriate qualifications for them to progress.
- 9.12 As has been recorded in the consultation with alternative providers in section 8 of this report, there were genuine concerns around young people transitioning out of alternative provision and their ability to sustain positive education or training outcomes. Other boroughs noted that young people with social and or emotional health needs found it difficult to transition from the nurturing learning environment in alternative provision to more independent modes of study and support in colleges and further education. One borough reported that young people who are not able to sustain a placement until the statutory monitoring point (end of the first term of year 12) are referred back to a Social Inclusion Panel for multi-agency support.
- 9.13 It was recognised that young people sometimes required more nurturing and intensive learning than was sometimes available in post 16 educational settings. In this context, one borough had funded a pilot 6th form within its main alternative provision provider to give children additional time to achieve in a more supported learning environment and to facilitate transition to other educational settings.

Prevention Exclusions

- 9.14 A number of boroughs noted that the numbers of children continuing to be excluded were of concern. Of particular cause for concern was the rising number of young people with an undiagnosed SEND who were now appearing within their cohort of excluded (or at risk of exclusion) children. In this context, some boroughs noted the additional advice, guidance and support provided to schools to help schools identify and assess children with SEND, but to help schools be more inclusive in relation to young people with SEND to help them maintain their placements in mainstream education.
- 9.15 Supporting schools to be more inclusive as a means to preventing exclusion was also noted in relation to the breadth and accessibility of the taught curriculum, and in the adoption of more positive behaviour management strategies. Indeed, it would be fair to say that the principle of the inclusive school was central to a number of boroughs strategies to reduce school exclusion: one borough had sought to encourage all schools in its area to adopt the Inclusion Quality Mark, a nationally recognised and accredited scheme which provided validation of the inclusive educational policy and practice within schools.
- 9.16 Another theme to emerge from the discussions with other local authorities was the role of providing challenge to local schools in helping to contain school exclusions. One borough described a data informed approach, in which the number and nature of school exclusions had guided and informed engagement and challenge provided to individual schools. Another borough compiled a detailed annual exclusion monitoring report which not only set out exclusion guidance and prevention best practice, but also provided a summary (or 'league table') of all schools' exclusion numbers. There was also a general inquisitiveness in some boroughs as to why some schools were excluding more pupils, to provide challenge but also to help improve exclusion practice.

10. Conclusions and recommendations

- 10.1 The Commission has grouped its conclusion recommendations for improving the outcomes of children and young people excluded from school into three themes:
- Improved support for schools to help prevent exclusions;
 - Improved support for Alternative Provision;
 - Improved support to excluded children (or at risk of exclusion) and their families.
- 10.2 Improving the outcomes for young people who are excluded from school should explicitly focus on providing additional support to schools to help them address the needs of more young people to help them sustain their place in mainstream education. Supporting more children to stay in school removes the trauma and stigma of school exclusion, but also can help more young people to achieve and progress given that the outcomes of children in mainstream settings are considerably better than those alternative provision.

10.3 Schools are facing increased demands and expectations in supporting the education, health and welfare needs of young people in their care, and need additional support to help address these. The review makes a number of recommendations for a number of areas for schools to identify and help more young people at risk of exclusion, these include:

- Improved oversight and monitoring;
- Support for inclusive school approaches (wraparound services);
- Behaviour management strategies;
- Extension of the Re-Engagement Unit;
- Developing a trauma informed approach;
- Improved SEND support for young people in mainstream schools;
- Improved Prevention & Early Help offer;
- Improved safeguarding
- Increasing and coordinating support for parents.

10.4 The review recognises however, that young people do have varying needs and in extreme cases these can be complex and cannot be supported within the mainstream school setting without compromising the learning environment or safety of other pupils. In this context there will be an ongoing need for high quality and effective AP which is embedded in the local education system which recognises the important role it plays in supporting in need young people. The review makes a number of recommendations in this respect:

- Integration of AP within the local education system;
- Commissioning strategy for AP;
- Assessing and monitoring the quality and outcomes of AP;
- Transitional support for young people leaving AP;
- Improved interagency support for AP;
- Improved Image for AP;
- Tackling disproportionalities in exclusions.

A. Improving support for Schools

Improved Oversight and monitoring of all school moves

10.5 Improved public oversight and scrutiny of school exclusion is necessary to ensure that this important metric remains at the forefront of local education policy, planning and decision making. Regular publication of data will not only improve monitoring of trends and patterns in school exclusion in Hackney, but will also ensure that there is improved transparency and accountability for those policies and practices aimed to prevent them.

10.6 Given the associations with school exclusion, improved oversight should also extend to other pupil exits from school such as 'managed moves' and those children moving into Elective Home Education. It will also be important to retain oversight of the destinations of those children moving from mainstream education and the numbers

of local young people attending alternative provision (including the Pupil Referral Unit) should also be published annually.

- 10.7 As recommended in previous work of the Commission in relation to 'Off-rolling' in schools, Hackney Education Service should continue to monitor levels of 'unexplained' school moves and to provide challenges to local school leaders where these exceed local thresholds (currently 4%). In addition, given the variance in permanent exclusion rates among local secondary schools as detailed within the 'deep dive', it is further recommended that where these rates exceed local averages, that Governing bodies and School Leaders are also challenged accordingly.

Recommendation 1

That school exclusion data is published and reviewed annually by the Children & Young People Scrutiny Commission. This annual review will require Hackney Education Service to publish demographic data (age, gender, ethnicity) on:

- a) the number of permanent and fixed term school exclusions;
- b) the number of 'managed moves' to other schools;
- c) the number of children moving to (and totals within) Elective Home Education; and
- d) the number of children receiving education through Alternative Provision
- e) Other unexplained pupil exits from school.

Hackney Education Service should continue to monitor and review the level of all exclusions and 'unexplained' pupil exits, and to provide challenge to school leaders where this exceeds locally agreed thresholds.

Support for Inclusive Schools

- 10.8 There is now a growing body of evidence which suggests that school attendance not only has a positive impact on a child's educational, social and emotional development, but can also help to keep children safe and protected. Regular adult engagement and oversight ensures that children have daily supervision where they feel safe to learn, and protected from antisocial or criminal exploitation. Schools are an important setting for children and young people to safely explore and to build social and emotional support networks with other young people and other adults which are essential which not only help to keep them safe, but also help to maintain their wellbeing and assist them on their journey to adulthood.
- 10.9 Children's engagement in mainstream education also keeps children in contact with adults who generally know and understand their needs. Teachers often develop long established relationships with pupils and their families and are usually well placed to identify children's educational needs together with any learning or other pastoral support that may be needed. Being in mainstream school also ensures that children remain firmly in the sight of other statutory support services and have equal access

to development and support programmes which can assist in their education, health and welfare development (e.g. Wellbeing and Mental Health School).

- 10.10 In recognising that schools have a protective influence on children and young people, the Council should reaffirm its commitment to the principles, purpose and value of the inclusive school. The principles of inclusivity should not only encompass educational attainment and progression but also recognise and respond to the wider needs of young people to help them actively contribute to the local communities in which they live. As the Timpson review has highlighted, the inclusivity of schools is a shared endeavour, in which schools should be able to draw upon a wide range of statutory, community and voluntary services to help increase schools wraparound support for children and to help maintain their place in the protective space of mainstream education.
- 10.11 At present there are few financial or academic incentives for schools to be more inclusive. When a young person is permanently excluded, the Local Authority bears all the financial costs and for all those young people excluded their GCSE and other qualifications are not reflected in the overall academic performance of the school. Similarly, whilst the Ofsted inspection framework includes schools compliance with Equality Act (2010, its Public Sector Equality Duty and Human Rights Act (1998) there is no formal assessment or specific judgement around the inclusivity of school. The Commission therefore welcomes the government's acceptance of the Timpson Review's recommendations to make sure that schools are held more accountable for the children that they permanently exclude and to consult on proposals to ensure this. Whilst the Commission also welcomes the government's response in respect of increased scrutiny of exclusions, off-rolling and managed moves within the Ofsted inspection framework, there is as yet no response to ensure that recommendations that inclusion is reflected in that framework.

Recommendation 2

- 1) It is recommended that the Council reaffirms commitment to the principles, purpose and value of the 'inclusive school' in which schools are actively supported to help maintain children's placements in mainstream education particularly in relation to:
 - a) The maintenance of a broad and balanced curriculum which keeps children and young people engaged and motivated with learning and school life and culture, and which recognises the needs of those children with SEND and or other learning challenges.
 - b) The maintenance of a positive and inclusive Behaviour Management Policy which is reflective, and which aims to identify and address young people's unmet needs (as detailed in Rec 3)
 - c) A broad programme of behavioural, emotional and wellbeing support is provided as a wraparound service provided in tandem with other statutory

(CAMHS, SEND) and other providers (e.g. Young Hackney, WAMHS and other early help services).

- d) A local education system which rightly celebrates inclusion alongside educational achievement and progress;
- e) Ensure that inclusion is reflected in the training and support provided to Governors.

2) It is recommended that a conference for schools, colleges and alternative provision to support policies and practices which promote inclusivity.

Supporting Behaviour Management

- 10.12 Whilst the majority of school children are aware of and are able to conform to behaviour codes set by their school, a small number of children evidently struggle. It is clear from evidence presented in this review and elsewhere that children and young people who have additional behavioural or learning needs or those that have experienced childhood or family trauma are more likely to struggle to adhere to school behaviour policies and may sometimes fail to fully understand and therefore comply with school behavior policies. Where these needs are not fully supported, or indeed not recognised or known this may place the child at risk of school exclusion.
- 10.13 Whilst there may be a need for schools to retain the ability to exclude pupils particularly when children's behaviour presents a real and present risk to other children and school staff, permanent exclusion should continue to be the last resort. Schools should however be encouraged to develop behaviour management strategies that are fair, positive and inclusive and which can help to maintain children within the protective school environment and help to reduce the incidence of school exclusions. All schools should also be encouraged to regularly review their behaviour policies to ensure that these comply with public sector equality duties and do not disproportionately impact certain groups of students.
- 10.14 The Timpson Review (2019) identified the role that positive behaviour management strategies can play to identify and address the unmet needs of young people, and which can help to create a more supportive and inclusive school environment. It is therefore encouraging that this review identified a number of positive and innovative behaviour management strategies in use in a range of local education settings, including the Positive Behaviour Support model. This approach starts from the assumption that 'poor behaviour' is often as a result of children's unmet needs, and where a reflective and analytical approach to the incidences of poor behaviour can help determine what additional support may be necessary to facilitate behavioural compliance. It is suggested that this approach, together with other local best practice from across schools and alternative provision could inform wider approaches to behaviour management which are therapeutic, inclusive and help reduce the incidence of permanent and fixed term exclusions.

- 10.15 Schools are required to set down and publish all school policies, including those pertaining to the behaviour expected by their pupils. Schools should be supported to ensure that such policies meet equalities duties and do not intentionally discriminate against particular groups of young people (particularly those known to be at risk of exclusion).

Recommendation 3

To help identify and extend best practice in positive behaviour management it is recommended that:

a) Hackney Education Service establishes a conference for schools, colleges and alternative provision which can explore the principles and best practice applications of positive behaviour management strategies and the benefits this confers for an inclusive school.

b) That Hackney Education Service works with local schools in auditing local school policies in particular school behaviour policies to ensure that these are inclusive, comply with equalities duties, do not disproportionately impact on certain groups and make necessary adjustments for young people with SEND

Supporting young people with SEND

- 10.16 The incidence of young people being permanently excluded from school with SEND is alarming. National data indicates that the rate of permanent exclusion among young people with an EHCP was three times that of those without additional needs. This disproportionality is exacerbated further in relation to young people with SEND but without an EHCP, where rates were five times higher than those with no additional needs. Furthermore, the rate of permanent exclusion would appear to be related to severity of primary SEND needs, with significantly higher rates of exclusion among those young people with less acute SEND. These disproportionalities are entrenched within the permanent and fixed term exclusion data at both national and local level.
- 10.17 A consistent theme in the data for this review was the increasing number of young people who had been excluded and entering alternative provision with SEND. Alternative providers noted that school exclusion was often the precursor of the identification of SEND in young people, and that increasing numbers of young people were entering their care with an undiagnosed or supported SEND. This position was validated by the experiences of parents in this review, who described the significant challenges they experienced in getting appropriate support for their children in mainstream school particularly in relation to:
- Getting an appropriate diagnoses;
 - Ensuring required additional support provided / adjustments made;
 - EHCPs not being updated;
 - Holding schools to account for EHCP requirements.

- 10.18 This is clearly a complex issue and national issue. High Needs funding within the Direct Schools Grant (DSG) has failed to keep pace with needs and demand for SEND support which has created acute service and financial pressures for local authorities. Whilst it may not be the only cause, government underfunding of local SEND services has contributed to a system which is failing to adequately identify and support children and young people with SEND. Whilst parents who contributed to this review understood the pressures that schools and local authorities faced, ultimately the failure of schools to adequately support the SEND needs of their child increased the likelihood of their exclusion, and detrimental to their child's ability to sustain their place in mainstream education.
- 10.19 The Timpson review underlines the importance of ensuring that schools are fully equipped and trained to support young people with SEND in their care. In particular Timpson highlighted the need to ensure that schools were supported in developing training and development opportunities for SENCOs and Mental Health leads so that appropriate support links were developed with local statutory support services (SEND and CAMHS).
- 10.20 Parents of children with SEND who gave evidence to this review also described the challenges that they faced in identifying and placing children in alternative or specialist education for their child. Matching SEND needs of their children to appropriate educational settings was challenging for parents, not only for the complexity of this decision, but also knowing which services were available and funded by the Education Service.

Recommendation 4

- a) It is recommended that Hackney Education Service continue to:
- Ensure that Schools leaders and Governing Bodies continue to be aware of their equalities duties and that necessary adjustments are put in place for young people with SEND;
 - Should review the support available to local SENCO's and ensure that there is supporting infrastructure linking them to local SEND and CAMHS services;
 - Ensure that there are appropriate systems for reviewing and keeping EHCPs uptodate
- b) It is recommended that additional advice, information and guidance is provided for parents of children with SEND who are seeking alternative or specialist provision for their child.

Extended Re-Engagement Unit Support for Schools

- 10.21 The Re-Engagement Unit is a traded-service which offers support to children at risk of exclusion in local maintained primary schools across Hackney. Evidence

presented in the review would suggest that the Unit's approach of identifying and coordinating a response to children's needs, providing advice and support to parents and effective liaison support between the school and families has been successful in helping to maintain low levels of exclusions from local primary schools. Data submitted to the review underscored this success, where it was noted that interventions not only helped to reduce exclusions, but also contributed to educational progression and improved behaviour. Furthermore, testimonies from local parents and carers also reinforced the positive contribution of this service in supporting the continued primary placement of their child.

- 10.22 The evidence from young people in this review notes how the deteriorating relationship between teachers and themselves contributed to their exclusion, and how in many instances felt powerless to change or influence this decline. Many young people noted how it would have been beneficial for advice and support from a third party at this time, particularly as this could have helped them to communicate and re-engage with their teachers and to rebuild relationships with the wider school. Therefore, with additional third party support to help mediate and broker additional support may help to improve communication and improve between children, families and the school which is fundamental placement stability.

Recommendation 5

It is recommended that Hackney Education Service should support the development of a third party intervention in secondary schools similar to the Re-Engagement Unit which is already established to support primary settings. This intervention could be piloted with a number of participating secondary schools:

- a) To assess the efficacy of this approach in providing coordinated early intervention support to children at risk of exclusion to reduce the risk and incidence of school exclusion;
- b) To link with Young Hackney and other early help support;
- c) To assess how such service can be financially viable as either directly commissioned service (via the high needs budget) or as a traded service to schools.

Support for a Trauma Informed Approach

- 10.23 Evidence presented within the review and elsewhere indicates that children who experience exclusion may experience a catastrophic breakdown in their educational, social and emotional networks which can leave them feeling isolated from the support of their friends, wider peer groups and of course, their school. Excluded children also feel a sense of failure and of being rejected and undermine their sense of belonging. In this context it is clear that the school exclusion process can be a very traumatising experience for the children and their families, indeed, it can often be symptomatic of a deeper trauma or some other Adverse Childhood Experience.

- 10.24 A trauma-informed response can help create an environment where children who have experienced trauma or other adverse childhood experience can feel safe, can emotionally regulate and are able to engage with learning and life. Such an approach may help inform exclusion reduction strategies as this may contribute to a lessening of the marginalisation that many young excluded people may feel and increase engagement with education and other supportive networks.

Recommendation 6

It is recommended that the Education Service and wider Council places a trauma-based approach at the centre of its approach to tackling school exclusions. As part of this approach, it is suggested that:

- a) School leaders, teaching staff and Governors are provided with training to further understand adverse childhood experiences and vulnerability to develop and support trauma informed practice.
- b) School leaders (including those within alternative provision) should be encouraged to share learning in supporting vulnerable young people to help develop and extend good practice in a trauma informed approach.

Improved safeguarding

- 10.25 There is now a growing body of evidence which links school exclusion and young people's susceptibility and involvement in antisocial behaviour, criminal activity or indeed in becoming a victim of crime themselves. Children who have been excluded from school are known to have a range of vulnerabilities some of which may increase their risk of being involved in youth crime and which are actively exploited by local gangs and other criminal associations. National data suggests that $\frac{1}{4}$ of young offenders had been permanently excluded and that of the 21 serious case reviews considered by the National Child Safeguarding Practice Review in 2018/19, 17 young people had been permanently excluded from school. Local data also underlines these associations where $\frac{1}{3}$ of young people permanently excluded from school were known to the local Integrated Gangs Unit.
- 10.26 Given these associations, it further serves to underline the protective influence that schools have over young people and that additional consideration should be given to the safeguarding risks of permanent exclusion from school. Although a defined legal process underpins the exclusion process it is suggested that additional local guidance could be helpful to schools to help them assess safeguarding risks of young people at the point of exclusion and to ensure that adequate safeguarding controls and systems are in place to support children who are excluded.
- 10.27 Given these increased safeguarding risks and the vulnerabilities of children permanently excluded from school, in line with the recommendations of the Timpson Review, it is also recommended that the Local Safeguarding Children Partnership is informed (real time) of all permanent exclusions from school for the partnership to be

able to identify and address any safeguarding concerns. Similarly, also in line with recommendations from the Timpson review, it is suggested that local protocols should confirm that Social Workers are notified when a Child In Need is permanently excluded from school or undergoes any school move (managed move or transfer to EHE).

- 10.28 Evidence within the review would suggest that the PRU and alternative provision are alert and understand the safeguarding risks for individual children placed with them and report these to the PRU as necessary (as commissioner). Effective safeguarding is however dependent on effective information sharing across the education and broader welfare partnership (e.g. social care, criminal justice), and is particularly important to alternative provision which has limited ability to determine who or when young people are permanently excluded and therefore placed in their care. The Commission noted how conflicting gang affiliations had caused difficulties in alternative provision, and that improved information sharing would help improve understanding and help to identify and manage risks in the way they operated services (e.g. avoiding confrontation with rival gangs).

Recommendation 7

It is recommended that Hackney Education Service, with City & Hackney Safeguarding partners, ensure that there are robust systems in place to coordinate effective support and risk mitigation for all pupils at the point of permanent exclusion and/ or at the point of repeat fixed term exclusion. This should include:

- a) That specific guidance and information for local schools is developed to help them assess safeguarding risks within school exclusion decisions;
- b) That schools are encouraged to undertake an independent multidisciplinary safeguarding assessment prior to any final decision to permanently exclude a child;
- c) That training is developed and implemented for school governors and other school leaders about the safeguarding risks and implications of permanent exclusion from school;
- d) That City & Hackney Safeguarding Children Partnership (or appropriate subgroup) is notified of any permanent school exclusion 'in real time' to enable a full safeguarding assessment of the child/young person, and the ability of parents to effectively safeguard that young person at home;
- e) That systems are developed to support effective and timely sharing of safeguarding and other welfare information for excluded children moving from school to alternative provision;
- f) That all alternative provision at which young people are in attendance (both internal and external to the borough) is routinely included in safeguarding information distributed by Hackney Education Service, CHSCP, Gangs Unit or other relevant bodies;
- g) At point of exclusion Children and Families Service are notified for Children in Need or other Family Support.

Prevention and Early Help

- 10.29 A driver behind increasing rates of young people being excluded, is the inability of schools to manage the increasingly complex needs of children and young people, and that many of the young people being excluded have multiple support needs relating to disruptive behaviour, mental health issues, special educational needs, unsafe or unstable home situations and other adverse childhood experiences. It is apparent that exclusion may not only exacerbate these needs as not only are children's personal, social and emotional support networks severed, removal of the child from mainstream settings may inhibit the coordination of help available.
- 10.30 In this context, the Council should review how early help and support services are provided to children who are both at risk of exclusion and those who have been permanently excluded. As the Timpson review has set out, improved collaboration and information sharing across local education and welfare systems can not only help to identify young people at risk of local exclusion but also help to improve the way prevention services are coordinated and targeted to help meet the needs of these young people, and to help them sustain their school placement. (It is noted that CFS and Hackney Education have recently established a jointly held list of vulnerable children to facilitate joint oversight and coordinate support could represent the kernel grouping of such an intervention).
- 10.31 Whilst Timpson has made the case that Children's Social Care should be notified when a Child in Need is permanently excluded, there is also a case for a more systematic system of referral given the increased safeguarding risks and associated personal and family trauma that permanent exclusion may trigger. This may help to coordinate support where this was assessed to be needed.

Recommendation 8

It is recommended that Hackney Education Service, Children and Families Service and Young Hackney and other welfare support services should improve information sharing and coordination to help identify and support children at risk of exclusion and to create and deliver effective preventative interventions. Partners should work collaboratively to identify those risk factors which place local young people at risk of exclusion and target preventative services accordingly.

B. Improved support for Alternative Provision

Improved integration of AP in the local education system

- 10.32 A collaborative local education system underpinned by shared principles, effective communication and working practices and shared learning and expertise, is one that best supports local children. Maintained schools, Academies, Special Schools, local colleges and of course Alternative Provision all possess a different range of expertise, skills and understanding in supporting local children and young people. All

local settings need to work cooperatively and collaboratively for more effective support of local young people and to ensure smooth transition across and within the local education system.

- 10.33 As one would expect, there appears to be good communication and liaison between New Regents College (the PRU) and the alternative provision as the former commissions many of the children placed with them. Partnership working between alternative provision and the wider local educational community however, would appear to be limited, and therefore there are few opportunities to share expertise, learning and best practice across the wider education partnership (e.g. behaviour management strategies used in alternative provision, or the inspirational curriculums that are being taught across local schools).
- 10.34 Evidence to the Commission would appear to underline this lost opportunity, where the participation of alternative provision within the Hackney Schools Group Board (HSGB) has been reported to be low. This would suggest that there are missed opportunities for learning and sharing good practice and better supporting local children and young people, particularly as inclusion and belonging have been such an important theme in initial work programming of the HSGB.
- 10.35 Furthermore, a recurrent theme within many of the contributions from alternative providers was that communication with local schools was poor, particularly in relation to obtaining and sharing information of children between these sectors. Alternative providers noted numerous incidents when it had been difficult to obtain information from schools about young people (their learning and support needs, their programmes of study) information which would greatly assist in the smooth transfer and continuous support for this vulnerable group of young people. There were also examples of where attempts by alternative providers to actively reach out to local schools to better support children in their care had been rebuffed.
- 10.36 Without effective communication and collaborative working across the local education system the needs of young people cannot be effectively supported, or indeed properly safeguarded (see below). As the Timpson review has concluded, whilst there is considerable expertise across local education systems this is not always used to best effect to support in need young people, and that improved systems to support collaboration and sharing of good practice can help to improve outcomes of young people.

Recommendation 9
1) Hackney Education Service should ensure that: i) There is adequate infrastructure in place to enable educational settings to meet, collaborate and share good practice to support young people across the local education system.

- ii) In particular, HES should consider how best alternative provision can engage and be involved in local systems to ensure that their expertise and learning is shared more widely.
- iii) There is effective communication across local education systems to ensure that the transfer of pupil information in supporting excluded children moving to AP.
- iv) The engagement and involvement of alternative provision is supported locally, given their relative size and operational capacity.

2) It is also recommended that Hackney Schools Group Board should actively engage and involve alternative provision to further bring these settings into the wider family of schools.

3) Hackney Education Service should consider how it can improve links between individual alternative providers and other local schools and share best practice from both schools and AP in supporting children at risk of exclusion.

AP Commissioning strategy

- 10.37 Alternative provision plays an important role in local education systems by supporting children who, for a range of reasons, cannot be supported within mainstream school settings. As has been demonstrated throughout this review, the needs of these young people are multiple and complex which will sometimes require an almost bespoke placement within alternative provision. Therefore it is in the interest of local authorities (or other commissioning bodies) that there is a diverse range of high quality alternative providers within any locality which is able to respond to the varying and complex needs of young people.
- 10.38 Alternative providers are of course independent agencies which can operate, for example, as colleges, Free Schools, Independent Schools or other schools registered with the DfE and as they may take commissions from multiple local authorities (and sometimes directly from schools), there is a quasi-market for their services. Whilst there may be local commissioning relationships, with any such market there is bound to be a degree of uncertainty which may influence the nature and quality of alternative provision available and to support subsequent placement of children. Commissioning therefore is to some degree based on 'what is available' as well as how well particular AP settings will meet young people's needs.
- 10.39 With increasing numbers of young people requiring alternative provision there is undoubtedly a strong demand for high quality placements which inevitably creates competition for places. Alternative providers which have a strong demand for their places will of course have greater ability to influence those decisions on which children it provides placements for compared to those providers for who have less demand for their services. The differing size and financial security of alternative provision can further accentuate AP ability to influence placement decisions, which

may precipitate some element of a 'numbers game' within alternative provision as a whole. With this in mind, commissioning strategies need to be mindful to ensure that there are no disparities in this process in which young people with more multiple or more complex needs are more likely to be placed in AP less able to influence placement decisions.

10.40 Given the nature of permanent school exclusion it is clearly difficult to determine the number of AP places required and when these may be needed in the academic year. In this context, spot purchasing is the main process through which AP is commissioned as it can be more responsive to demand and cheaper than bloc purchasing arrangements. It should be acknowledged however that such a commissioning process does not provide AP with financial certainty, which is essential for them to plan provision, and more importantly recruit and retain key staff.

10.41 There is clearly some market uncertainty in alternative provision as is illustrated by the withdrawal of a key local provider in 2018, which supported 20+ placements for young people. Furthermore, contributors to this review requested additional support to assist in business planning. Given its statutory duties to provide alternative provision for children not able to be educated in mainstream school, the local authority (or commissioning agency) therefore has an interest in maintaining the range, quality and financial sustainability of providers within the alternative provision landscape to ensure there are sufficient places to meet the needs of local young people. A more active role in maintaining the range and quality of providers across the alternative provision landscape is also in the interests of local SEND services and other local authorities (both of whom use local alternative provision), and to this end should be a collaborative undertaking.

Recommendation 10

- 1) It is recommended that Hackney Education Service review local commissioning strategy of AP to ensure that there is sufficient provision (capacity, quality, and diversity) to meet the needs of young people not in mainstream education. This role should be developed alongside:
 - The local SEND team who share similar strategic objectives to develop local service options for AP;
 - Other local authorities who share commissioning need for AP in the sub-region.
- 2) To help maintain the stability and sustainability of the local AP sector, it is recommended that Hackney Education Service should explore how additional business support can be made available to local alternative providers to assist with business modelling and financial planning. HES might consider options for utilising the skills and experience of the Business

Support Function (used to support Early Years sector) as either a direct or traded service.

Commissioning Quality Standards

10.42 Additional alternative providers are commissioned by New Regents College to ensure a sufficient range of alternative provision is available to meet the needs of local young people who have been permanently excluded from school. This role is undertaken by New Regents College on behalf of Hackney Education Service (accountable authority) and is underpinned by a Service Level Agreement. New Regents College has been the commissioned provider for AP for HES for a number of years and has extensive knowledge and experience of the local alternative provider landscape.

10.43 Given that children who have been excluded from school are often among the most vulnerable in the community and have multiple and complex needs, clear quality standards should underpin commissioning to ensure that alternative provision delivers the outcomes that young people need. Such quality standards will also ensure that these children, their parents and the community at large have confidence in the service quality and outcomes that alternative provision provides. Such standards should underpin the principle that young people in AP should have parity in relation to access to quality education and support services for young people.

Assessing and monitoring the quality and outcomes of Alternative Provision

10.44 Given the diverse range of provision and varying range of educational support and interventions that they provide, there is no one standard measure of quality in the AP sector. As this review has made clear there are a number of proxy indicators which when taken together, give an overall picture of the quality of services within AP which include:

- Ofsted Inspection Outcomes;
- Other local Quality Assurance Processes;
- Qualified Teacher Status of staff of AP staff;
- Education attainment and outcomes of young people attending AP.

10.45 As with all schools, Ofsted inspections are undertaken as standard across the whole AP sector. With the exception of just one provider (which 'required improvement') all alternative providers in which young people from Hackney were placed in 2017/18 were rated as 'good' or 'outstanding' after an inspection by Ofsted. Most notably, New Regents College (the local PRU) which also commissions other AP, was rated as 'good' by Ofsted at its last inspection.

10.46 In addition to national service inspections, Hackney is part of the The North London Children's Efficiency Programme (NLCEP), a multi borough process through which the quality of AP across north central London. As this collaborative process helped

to overcome inspection overload by multiple commissioning authorities it was broadly welcomed by local alternative providers. There was a perception however that this process could be more systematic and robust. It was also not clear how peoples assessments of these services were incorporated into this process.

- 10.47 Given that all KS4 AP placements commissioned by New Regents College (PRU) in Hackney were with other providers, this meant that the College had to manage and oversee relationships with a large number of different providers; in 2018 this was 12 different AP settings. In this context, oversight, outcome monitoring and quality assurance is undoubtedly more challenging, especially when these settings are both internal and external to the borough and supporting upwards of 40 young people at any time. Whilst the number of commissioned alternative providers may be expected to fall as more KS4 provision becomes available within the PRU (within its new premises), it is likely that a significant number of externally commissioned places will remain given the varying needs of young people requiring AP.
- 10.48 It was noted within the review that a number of AP settings, compared to mainstream schools, are relatively small-scale charitable operations with fewer numbers of paid staff. Given the scale of such AP operations there is some question as to how practically and realistically that they can engage and participate in local training, development and quality assurance opportunities available within the borough. This is perhaps illustrated by the low engagement by the AP sector with the work of the Hackney Schools Group Board. The AP sector should be further encouraged and supported to engage and be involved in local training, development and quality structures.
- 10.49 Qualified Teachers were present in every AP setting that the Commission heard from or visited during the review, though the ratio of QTS to young people did vary from setting to setting. The model of AP provision varied widely in this respect, in some settings virtually all staff had QTS, whilst in others young people were predominantly supported and mentored by non-QTS staff (though the programmes of study were overseen by QTS staff). Whilst the Commission recognised that unqualified staff can be equally effective in supporting and developing young people in AP settings, there was some concern that in some venues young people did not have developed access to QTS staff as in other settings.
- 10.50 In terms of attainment children in AP significantly underperform when compared to their peers in mainstream; nationally just 46% of young people in AP are entered for Maths and English compared to 90% of pupils in mainstream education and just 4.3% achieved a pass (grade 9-4) in these subjects compared to 59% of mainstream pupils. Whilst acknowledging that young people entering AP are likely to have a number of mitigating circumstances that may explain this discrepancy (e.g. missed education, undiagnosed SEND or other welfare needs) the differences in academic outcomes between these two groups is stark.

- 10.51 Data for 2017/18 indicated that proportionally fewer Hackney AP students were entered for benchmark English and Maths GCSE when compared to similar national and sub-regional cohorts of young people. 3.3% of young people attending AP in Hackney achieved a strong pass in Maths and English, which whilst higher than regional average (1.1%) was still below national figures (4.3%). Given that Hackney ranked 11th out of 15 inner London boroughs in terms of the proportion of young people in AP obtaining a pass in Maths & English (see 4.6), this would suggest that there are other more successful approaches in operation from which the borough may learn and improve.
- 10.52 In terms of AP outcomes (sustained education or training post AP placement), national data indicates that young people attending AP in Hackney perform comparatively better than similar national and sub-regional cohorts. Research by Centre for Social Justice (2020) concluded that 70% of young people leaving AP Hackney at KS4 were in sustained education or training placement for the three year period to 2018/19 which ranked the authority 6th out of 140 local authorities nationally, and 2nd amongst all London boroughs.
- 10.53 Whilst the above is clearly an encouraging assessment of local alternative provision it should be acknowledged that there are limitations on the attainment and tracking data for this cohort of young people and contributors to this review questioned whether this data gave the whole picture of outcomes for young people in AP. As has been noted elsewhere in this report (8.51-8.55) there is concern about what happens to pupils after the formal statutory tracking point and whether their ability to sustain subsequent placements after AP. As outcomes should guide and inform any commissioning strategy it is apparent that there should be a drive to develop more localised evidence of effective interventions for young people in AP together with more effective tracking of the impact and outcomes that they have on young people.
- 10.54 Alternative provision locally is provided through New Regents College (the local PRU) under a Service Level Agreement with the Local Authority (and is therefore a devolved education provision rather than maintained). Both young people and their parents consulted within this review were appreciative of the support that the College and its staff provided. Qualitatively, young people noted that the College offered a supportive environment with good mentor support. A number of parents consulted within this review noted that the College was the first institution to diagnose their child's special educational needs.

Recommendation 11
i) It is recommended that Hackney Education Service reviews the Service Level Agreement with New Regents College to ensure that the following standards underpin the sub-Commissioning of Alternative Provision, in which young people

are:

- Provided with education, training and learning support in a therapeutic environment which seeks to recognise and address learning needs and maximize their opportunities;
- Have access to a varied and accessible curriculum;
- Have access to qualified teachers in all settings and explicitly for the teaching of Maths and English;
- Supported in educational settings which are of a high standard, safe and have access to learning resources comparable to young people in mainstream settings;
- Given equal access to other educational and statutory health and welfare support services to young people in mainstream settings.

ii) It is also recommended that HES should consider whether School Improvement Partners can also work with AP settings to provide quality assurance, including independent challenge, and to agree and support the development of improvement priorities for individual settings.

Improved transitional support post 16

- 10.55 Data indicates that 69% of young people leaving alternative provision at the end of KS4 have sustained a placement in education, employment or training by the end of the following term, which is higher than both national and regional averages and has been consistently so for a number of years. As a result, just 1 in 5 young people leaving alternative provision were not in any sustained activity.
- 10.56 Alternative providers consulted within this review highlighted the work that they undertook to secure post 16 placements in education or training for children in their care, working in partnership with NRC and other statutory support services to do so. Alternative providers noted that whilst a high proportion of young people in alternative provision were able to gain a place in college or other place of education after they leave, a considerable number of young people dropped out after the statutory monitoring point. One provider reported that whilst initial success on securing placements was very high (circa 95%), this had substantially reduced (to less than half) some weeks after. Alternative providers indicated that young people often struggled to transition from the nurturing and supportive environments provided within their services, to more independent and self-directed study in colleges and further education settings.
- 10.57 Given their susceptibility to becoming NEET, further work is needed to clarify the longer-term outcomes and destinations of young people leaving alternative provision to ensure that there is sufficient transitional support and appropriate education, employment and training support programmes to guide them on their chosen career pathway post AP.

Recommendation 12

- a) It is recommended that HES review and assess the longer-term destination and outcomes of those young people leaving alternative provision and consider whether additional transitional support is necessary to help AP students adjust to new learning environments.

Interagency support for children in Alternative Provision

- 10.58 Children receiving education in Alternative Provision by definition have multiple and complex needs. Whilst alternative provision is alert to these needs and experienced in supporting them, individual providers cannot meet these needs alone and require input from a range of statutory and other support professionals to support children in this setting (e.g. SEND, CAMHS, Clinical Psychology, Children's Social Care, Young Hackney, Employment & Careers Advice).
- 10.59 Whilst alternative providers who gave evidence to the Commission noted that they were able to access support, it was noted that there were sometimes delays in accessing support, which was predominantly attributed to long assessment processes (i.e. SEND) and long waiting lists (i.e. CAMHS). In addition, it was also noted that this cohort of young people often needed additional help to enable them to access support services, particularly when they have multiple vulnerabilities and might need to engage with multiple services. Given the acute level of needs and vulnerability of this particular group of young people, further consideration is needed to ensure access to support interventions to children and young people in alternative provision if provided in both an effective and timely manner.
- 10.60 For safety and safeguarding reasons, it is likely that a certain proportion of young people will always be in alternative provision located outside the borough, indeed, during 2017/18 nearly 30 young people were in alternative provision outside of Hackney. Being educated within alternative provision outside the borough means that children are a step further away from local statutory support services in the borough, and also may not benefit from borough wide programmes that aim to improve education, health and wellbeing of local children (e.g. WAMHS).
- 10.61 As has also been identified within this review, alternative provision located externally may not always be consistently informed of education, safety or safeguarding notices issued by the Hackney Education Service. In addition, staff working in alternative provision outside Hackney, may also not have the same level of understanding, awareness of support services or knowledge of provider contacts in Hackney as they do in the borough in which they are located, or indeed, be comparable to alternative provision which is based in Hackney.

Recommendation 13

It is recommended that Hackney Education Service, in partnership with other agencies, should ensure that there are robust systems in place to plan, coordinate and deliver effective welfare support equally to all children in AP irrespective of its location.

Alternative provision estate and facilities

- 10.62 Children and young people attending alternative provision are entitled to feel that the quality of physical estate and facilities in which children are taught are equal to that provided to children in mainstream educational settings. In this context, Hackney Council has made significant capital investment in developing a new site for New Regents College (and PRU), which as a result will mean that more young people in alternative provision will receive education in modern new facilities from its Nile Street site. Not all young people's needs can be met through the Nile Street site however, and a range of off-site provision will still need to be commissioned.
- 10.63 The nature and quality of the estate and resources available within alternative provision does of course vary, which is of course influenced by individual providers' access to capital resources to help maintain physical upkeep and development of their facilities. Capital investment may also be needed to develop and expand where demand for provision is high. These same issues have been raised at the national level through the Timpson review, and through individual providers' contributions to this review.
- 10.64 Whilst it is clear that the commissioning process for alternative provision should clearly set out the expectations about the quality of estate and facilities for young people, additional consideration should be given to how best the locality can support such providers who are part of the educational system to make the necessary investment to improve buildings where needed. Whilst it is acknowledged that this is the responsibility of alternative providers, individual providers will have different levels of access to capital to enable them to undertake repairs and improvements. Whilst the Council's ability to directly support such capital improvement is limited, it should consider what support it can provide to the AP sector to enable them to access funds where needed (particularly for those settings for where there is an ongoing commissioning relationship with providers).

Recommendation 14

It is recommended that Hackney Education Service should explore what support (either through national or local schemes) can be provided to assist AP settings to develop their physical estate and or amenities.

Positive Image of Alternative Provision

- 10.65 Alternative provision has to contend with negative public perceptions and misconceptions about its role in local education systems and is often, intentionally or otherwise, held up as a deterrent and a sanction to poor behaviour. As a consequence, alternative providers have to work hard to dispel myths and misconceptions about their role and ensure that they are seen as a positive and affirmative option for young people in local education pathways.
- 10.66 Hackney Education Service should ensure that alternative provision is both recognised and supported in the integral role it plays within the local education system by supporting those children, who for whatever reason, cannot sustain their place in mainstream education. AP settings make a significant contribution to young people's lives and this should be widely recognised and celebrated alongside the achievements of young people in mainstream and other educational settings. The positive presentation and promotion of alternative provision should of course be underpinned by clear quality standards which are reflected in the Commissioning Strategy for this sector (see recommendation 11 at 10.54)).

Recommendation 15

It is recommended that Hackney Education Service should lead on recognising and sharing best practice in the Alternative Provision sector among other education providers:

- Making sure that alternative provision is seen and recognised as an integral part of the local education system and has a valued contribution to education to young people, and that best practice in the sector is highlighted and shared amongst other education providers;
- That the attendance, progress and success of young people attending alternative provision is rightly celebrated alongside those young people in mainstream settings;
- Facilitate an AP fair each year which provides an opportunity for alternative provision to showcase their education and support offers and to enable young people to make a positive and informed choice when their needs are unlikely to be met in mainstream education.

Tackling disproportionalities

- 10.67 The murder of George Floyd and the Black Lives Matter movement, brings additional focus on disproportionalities that exist among those young people who are excluded from school, and necessitates a sense of urgency for action to help tackle issues of fairness and equality of opportunity within local educational systems. Such racial disproportionalities are clearly evident in national and local exclusions data already presented in this review:
- The national permanent exclusion rate of children and young people from Gypsy Roma/Irish Traveller and Black Caribbean communities are four and three times greater than the national average respectively;

- The permanent exclusion rate of young Black Caribbean children in Hackney in 2018/19 (0.37) is three times the average rate for the borough (0.13);
- Hackney has recorded rising rates of permanent exclusion among Black Caribbean young people against a national and regional backdrop of falling exclusion rates among this same ethnic cohort.

- 10.68 How racial disproportionality materialises within school the exclusion data is undoubtedly a compound and systemic issue. It is apparent that racial and cultural stereotyping at both an institutional and personal level can influence decisions taken about young people in school and other related settings which may give rise to such disproportionalities in exclusions. Nationally there is evidence to suggest that cultural and racial bias and stereotyping may impact school behaviour codes, the identification and support provided to children with SEND and even to the educational expectations of young people - the interplay between these and other intersecting issues can ultimately influence decisions to permanently exclude.
- 10.69 Schools and other services that support young people should be encouraged and supported to assess how their policies, protocols and practices are inclusive, do not discriminate or unfairly impact on particular groups of young people. Education sector should ensure that all existing practitioners have a robust understanding of the causes of structural racism and how this intersects with poverty, and that this may affect children's behaviour and their lives more generally.
- 10.70 The Commission acknowledges that work is already in train within the authority within both HES and Children and Families Service developing an Anti-Racist and unconscious bias action plans and training within their directorates. black curriculum, inclusive leadership in education settings locally. The Commission has been encouraged by work to develop the racial literacy of staff so that they understand how race and culture may impact on the educational experience and outcomes of young people across a range of education and welfare settings. Given the continued disproportionate impact of school exclusion locally it is clear however, that further priority and urgency needs to be given to this work.
- 10.71 Understanding that exclusion from school disproportionately impacts certain ethnic groups and Black Caribbean young people in particular, it is evident that the majority of young people excluded in Hackney are from Black Caribbean and other ethnic backgrounds. In this context, the approach within AP settings cannot be 'colour blind' but must recognise the racial and cultural identity, experiences and needs of this group of young people not only in respect of the curriculum taught, but also within staff representation and leadership, and the development of positive aspirational models and learning experiences.

Recommendation 16

It is recommended that the Education Service set out details for the further development and implementation of an Anti Racist Action Plan and how local education policies and practice will address local inequalities

It is recommended that Hackney Education Service should continue to work with schools, AP and other educational settings to provide:

- Training on unconscious bias, diversity and inclusion to all staff;
- Support the development of improvement plans for local schools which encompass equality and inclusion aims;
- Monitor and review school behaviour and policies
- Audit and monitor and cultural representation of the workforce in HES and wider school network;
- Promotion and uptake of the Black Curriculum.

C. Support for children, young people and their parents

Voice of young people

- 10.72 It is apparent from the interviews with young people in this review that the voice of the children in exclusion proceedings is not sufficiently heard within the exclusion process and that not enough is done to help children understand and participate in decisions being taken about them. As a consequence, children are not always able to understand or accept these decisions being taken about their exclusion which has left many of the children interviewed in this review with heightened sense of feeling disaffected, disengaged and angry.
- 10.73 There is clearly a broader piece of work needed to further develop the 'youth voice' across a range of educational settings. School Improvement Partners could work with schools and other settings to ensure that there are appropriate mechanisms in place which facilitate and support the voice of young people in their respective educational settings.
- 10.74 Young people's assessments of AP should also be further encouraged and supported.

Recommendation 17

It is recommended that Hackney Education Service develop opportunities for the voice of children and young people, particularly in relation to the following:

- When children and young people have been identified as at risk of exclusion;
- When children are going through the exclusion process;
- Where children have been excluded from school and in identifying an AP that best suits their needs and aspirations;
- In assessing and monitoring the quality of AP.

Support for Parents

- 10.75 From the evidence presented in this review, it is apparent that parents experience multiple and complex challenges when their child is permanently excluded from school. In addition to having to support their child through the personal trauma of exclusion, parents also grapple with a sense of feeling judged by their child's school and other statutory services for not providing effective parenting support which, as many have described in this review, left them with a sense of having failed their child.
- 10.76 Analysis of focus group data in this review, also suggests that parents were also often struggling with wider family issues or challenges, or indeed, dealing with their own physical or mental health problems whilst also trying to support their child through exclusion. In many instances parents faced these challenges alone and without recourse to independent advice, guidance or support. A number of contributors to this review spoke of parents of excluded children as experiencing 'a perfect storm' or of being in a 'black hole' cut-off from support and not knowing which way to turn.
- 10.77 There is a very strong and consistent narrative throughout the review of inadequacy of support available for parents whose children have been permanently excluded from school. Despite having to make incredibly complex and important decisions about their child's future education, many parents noted the paucity of independent, authoritative and timely advice to support and guide them through this process. As a consequence, parents often described feeling bewildered, confused and overwhelmed by the decisions they were required to make particularly when dealing with multiple-agencies and services.
- 10.78 In terms of the nature of support that parents needed, the review has highlighted five main areas where additional information, guidance and support;
- Independent advice, information and support the point of (and at events leading up to school exclusion);
 - The appraisal, selection and negotiated access to alternative provision which is suitable to the needs of their child;
 - Family support to help parents and young people manage the trauma and disruption associated with exclusions from school and deal with underlying issues;
 - Peer support to help parents make and develop connections, receive advice and help to help manage the impact of school exclusion and pathway into AP;
 - The availability of key school policies such those on behaviour and SEND support in community languages relevant to the school.

Recommendation 18

It is recommended that Hackney Education Service should:

a) Commission and/or develop access to independent advice, guidance and support for parents who have experienced exclusion (or other school move) which is available to them at the points of critical need;

- liaising with the school at the point at which a child has been identified as at risk of exclusion;
- liaison and advocacy to support parents when the child has been excluded and wishes to appeal or challenge the decision;
- finding the right alternative provision of their child.

b) That families experiencing permanent school exclusion are sign-posted and offered family support to manage experiences of trauma and family disruption.

c) Work with local parent groups and other voluntary sector organisations to help develop and maintain peer networks that can engage and support parents and families of children excluded from school.

Financial Comments

The aim of the report is to identify and assess what happens when a child is at risk of permanent exclusion or has been excluded, scrutinise the outcomes of excluded pupils, and to identify those policies and practices which best help to ensure excluded children and those at risk of permanent exclusions have the same opportunities as their peers in mainstream education.

The report makes a number of recommendations and at this stage it is not possible to identify the direct financial implications that will arise. The recommendations will be implemented via the governance process with detailed business cases developed including financial implications. All the recommendations will have to be met from existing resources.

Legal Comments

This report makes 18 recommendations. Under section 111 of the Local Government Act 1972 the Council has a general power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any its functions. The recommendations within this report come within this power.

All schools and academies are bound by the statutory framework relating to school exclusion. Section 51A of the Education Act 2002 (EA 2002) enables head teachers

of maintained schools, principals of Academies and teachers in charge of pupil referral units (PRU) to exclude pupils from school for a fixed period or permanently. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 are made under this provision and apply to all maintained schools, academies, alternative provision academies and PRUs. They prescribe limits on the head teacher's power to exclude and provide detailed procedures that must be followed when excluding pupils. There is statutory guidance, "Exclusion from maintained schools, academies and pupil referral units in England" that must be followed and other guidance including non-statutory guidance on mental health and behaviour in schools. The exclusion guidance states that exclusion is a last resort and that head teachers should as far as possible avoid excluding permanently any pupil with an Education Health and Care Plan and engage proactively with parents in supporting the behaviour of children with additional needs.

The Governing Body of maintained schools have powers under s29A of the Education Act 2002 to direct a pupil off site for the purposes of receiving educational provision which is intended to improve the behaviour of the pupil. Academies have powers under the funding agreements to do this too. It has recently been confirmed in case law that these powers can be used to direct a pupil off-site for other purposes, such as safeguarding.

The Council has various duties under the Education Act 1996 to secure educational provision. These include a duty to secure that efficient primary and secondary education are available to meet the needs of the population in its area, in order to contribute to the spiritual, moral, mental and physical development of the community (s13, the general responsibility for education). It has a duty to promote high standards and fulfilment of potential, ensuring that its relevant education functions are exercised with a view to promoting high standards, ensuring fair access to opportunity for education and training and promoting the fulfilment of learning potential by its resident children and young people.

The duties owed by the Council are owed to those "in its area". Generally, this means pupils who are resident within the borough. Wherever we place a child, inside our borough or in another borough, we owe the child the same duties.

S19 imposes a duty of "exceptional provision of education in pupil referral units or elsewhere," to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age, who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. This education is required to be full-time or on such part-time basis as the authority considers to be in the child's best interests. Such a decision can be made because of the child's physical or mental health or because it would not be in the child's best interests for

full-time education to be provided for the child. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion. There is no statutory requirement as to when suitable full-time education should begin for pupils placed in alternative provision for reasons other than exclusion. In all cases local authorities should ensure that such pupils are placed as quickly as possible. See also comments on the duties imposed under the Equalities Act 2010.

There is guidance, Alternative Provision Statutory Guidance for Local Authorities January 2013 that should be followed for commissioning alternative provision.

S 27 Children and Families Act 2014 (CFA 2014) imposes a duty to keep under review educational provision, training provision and social care provision made both in and outside their area for children and young people with SEN or a disability and for whom they are responsible.

S175 of the Education Act 2002 imposes a duty on the Council, governing bodies of schools and the proprietors of academies to exercise their functions with a view to safeguarding and promoting the welfare of children.

S 1(1) Local Government Act 1999 imposes a duty 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 Council has fiduciary duties towards residents.

The Equality Act 2010 (EqA 2010) is concerned with discrimination against specific protected characteristics, which for education providers are: disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The EqA 2010 does not prohibit schools from excluding pupils with particular protected characteristics, but does prohibit schools from excluding pupils because of their protected characteristics or from discriminating during the exclusions process. Schools also have a duty to make reasonable adjustments to the exclusions process for disabled pupils. This covers all types of exclusion, including informal exclusions, fixed-term exclusions and permanent exclusion. No distinction is made between the different types of exclusion. Excluding a pupil because of a protected characteristic is direct discrimination. Behaviour and exclusions policies that result in a higher proportion of pupils with a particular protected characteristic being excluded are likely to result in indirect discrimination unless their application can be justified as being a proportionate means of achieving a legitimate aim. The definition of disabled under the EqA 2010 is wide. Most if not all pupils with an EHC plan will be disabled under the EqA 2010. If a disabled pupil is excluded for behaviour connected to his or her disability, this could be discrimination arising from disability unless the school can justify the exclusion as being a proportionate means of achieving a legitimate aim. An exclusion is unlikely to be justified in circumstances

in which the school has not complied with its duty to make reasonable adjustments for that pupil. The Act requires schools to make reasonable adjustments for disabled pupils both to the exclusions process and to the disciplinary sanctions imposed. This might mean applying different sanctions, or applying them in a different way, to avoid putting a disabled pupil at a substantial disadvantage in relation to non-disabled pupils.

The EqA 2010 applies also to the Council and will be relevant in, for example, its functions of making s19 provision under the Education Act 1996, as discussed above.

S149(1) Equality Act 2010 (EqA 2010) imposes the Public Sector Equality Duty on the Council.

The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010.
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.Compliance with the PSED may involve treating some people more favourably than others, but this does not mean that conduct that would otherwise be prohibited by or under the EqA 2010 is permitted.
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

This duty should be considered at all levels of decision making.

In taking decisions the Council must act lawfully, including acting within its powers, following its own procedures as well as those required by law, such as those relating to the opening and closures of schools and guidance.

It must make rational, evidence based decisions, take into account all relevant considerations and for a proper purpose, be compliant with the European Convention on Human Rights and make proportionate decisions that are properly reasoned.

It must seek detailed legal advice where required, for example in revisiting the SLA terms of the contract with New Regents College.

Contributors, meetings and site visits

Hackney Council	Hackney Education Service, Children and Families Service, Young Hackney, LBH Employment & Skills Team
Other Local Authorities	LB Hammersmith, LB Tower Hamlets, LB Waltham Forest.
Schools in Hackney	The Garden Special School, Ickburgh Special School
Alternative Provision	New Regents College, Boxing Academy, The School at Hackney City Farm, BSix, Inspired Directions, ELATT, Footsteps, The Complete Works,
Young People	Parents of excluded children Children who had been excluded from school (including attendees at NRC)
Other Contributors	The Difference, Islington Law Centre, Hackney Independent Parents Forum

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PHE, 2014	Public Health England/UCL Institute of Health Equity, Local action on health inequalities: Reducing the number of young people not in employment, education or training, September 2014
RSA, 2020	Pin-Ball Kids - Preventing School Exclusion
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Glossary

ADHD	Attention deficit hyperactivity disorder
AP	Alternative Provision
ASD	Autism Spectrum Disorder
BESD	Behavioural, Emotional and Social Difficulties
CAMHS	Child & Adolescent Mental Health Services
CAF	Common Assessment Framework
CBT	Cognitive Behavioural Therapy
CYPSC	Children & Young people Scrutiny Commission
DfE	Department for Education
EHCP	Education, Health and Care Plan
FAP	Fair Access Panel
FGC	Family Group Conference
FSM	Free school meals
FTE	Fixed-term exclusion
GRT	Gypsy, Roma and Traveller
HIP	Hackney Independent Forum
IAP	Independent Appeal Panel
IRP	Independent Review Panel
LAC	Looked after child/children
NEET	Not in education, employment or training
NICE	National Institute for Health and Care Excellence
NQT	Newly Qualified Teacher
NRC	New Regents College (Hackney Pupil Referral Unit)
PASS	Pupil Attitude to School and Self (scale)
PEX	Permanent Exclusion
PGCE	Postgraduate Certificate in Education
PRU	Pupil Referral Unit
QTS	Qualified Teacher Status
REU	Re-engagement Unit
SEAL	Social and Emotional Aspects of Learning
SEMH	Social, emotional and mental health needs
SEND	Special educational needs and disabilities
SLT	Speech & Language Therapy
YOT	Youth Offending Team

Appendix 1 - Timpson Review Recommendations (summary)

1. DfE should update statutory guidance on school exclusions to provide further clarity to the exclusion process, particular in relation to upholding of Equalities duties
2. DfE should set an expectation that ALL schools are expected to participate in local school forums which identify and support best practice.
3. DfE should encourage and support the development of positive behaviour cultures and programmes in schools.
4. DfE should provide additional funding and support for equality and diversity hubs to help develop more inclusive leadership.
5. Teacher training should prioritise positive behavior management and help new teachers to understand issues underlying poor behaviour
6. DfE, local authorities and schools should ensure that SENCO and Mental Health Leads in schools are appropriately trained, supported and connected to statutory support services
7. DfE should ensure that in-school exclusion units are used constructively and there are effective governance arrangements in place to support these.
8. There should be local systems to ensure that children in need are effectively targeted for early intervention and preventative initiatives.
9. Differing expertise across local education systems should be encouraged and best practices shared.
10. DfE should ensure that alternative provision is an attractive and positive place to work, and ensure that staff are supported with appropriate training.
11. DfE should work to reduce stigma associated with Pupil Referral Units and alternative provision, and work to create a more positive public perception of these parts of the local education system.
12. DfE needs to invest in the alternative provision estate and ensure that building and facilities are on a par with children in mainstream settings.
13. Multi-disciplinary teams need to be built around schools to ensure that schools have access to professional advice and support for children in their care.
14. Schools should be responsible for the children that they permanently exclude and accountable for their educational outcomes.
15. Adjustments should be made to local funding arrangements which should not incentivise a school to permanently exclude children or disincentivize a school from taking on a child who has been excluded from school.
16. Ofsted should ensure that the principle of inclusion is reflected in its inspection framework.
17. Governors should be trained to provide effective challenge to head teachers and schools to ensure that exclusion is used effectively.
18. Local Authorities should ensure that there is sufficient information and advice detailed in the Local Offer to help parents and families dealing with exclusion.

19. There should be improved cooperation and planning within the school system to identify patterns and trends in exclusions and other school moves and ensure that local systems meet the needs of all young people.
20. DfE should publish the number and rate of previously looked after children who have left care and or been adopted and who have been excluded.
21. DfE should consult on use of Fixed Term Exclusions and to reduce the 45 day max threshold.
22. DfE should review the reasons for exclusion criteria to make sure that these reflect the genuine reasons for exclusion (and remove 'other' option).
23. New guidance should be issued around the use of managed moves to ensure that local systems conform with best practice.
24. DfE should ensure that there is sufficient monitoring of schools use of alternative provision to ensure that there is full understanding of the needs and circumstances of when this is commissioned.
25. DfE should ensure that there is improved tracking and transparency of pupils moving from school.
26. That patterns of school exclusion, off-rolling and removal of pupils to alternative provision should be analysed and assessed in school inspections. Where offrolling has been identified, this should lead to an 'inadequate' assessment of school leadership.
27. DfE should be mindful of the unintended impact of improved oversight of exclusions and that schools do not use other means to remove children from school roll and close legal gaps.
28. Regulations should be changed so that Social Workers are notified when a child in need is moved from school either through exclusion, managed move or into EHE.
29. Real time data on exclusions should be shared with Local Safeguarding Partnerships so that they can assess and address safeguarding issues such as young person's exposure to CSE or criminal exploitation.
30. Youth Endowment Fund which provides £200m for initiatives to prevent children becoming involved in crime should be open to schools.



<p>Trinity Court N1 5TH - Assignment of Decant Status</p> <p>Non Key Decision - CE S045</p>	
<p>CABINET MEETING DATE (2021/2022)</p> <p>14 March 2022</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>De Beauvoir</p>	
<p>CABINET MEMBER</p> <p>Councillor Guy Nicholson, Deputy Mayor for housing supply, planning, culture and inclusive economy</p>	
<p>KEY DECISION</p> <p>No</p> <p>REASON</p> <p>This report is not a key decision as it only affects one ward and does not have a significant impact on spending or saving.</p>	
<p>GROUP DIRECTOR</p> <p>Ajman Ali, Group Director for Neighbourhoods and Housing</p>	

1. CABINET MEMBER'S INTRODUCTION

- 1.1. Hackney's Council housing provides a safe, stable and affordable place to live for more than 20,000 families in the borough. As the demand for homes has grown and house prices and private sector rents have increased, the availability of Council homes has become more important than ever.
- 1.2. Hackney Council, since 2011 has led on its pioneering, not-for-profit approach to building new homes. This approach has directly delivered more than 1,400 new homes in the borough. More than half the homes built are for social rent, shared ownership or for Hackney Living Rent, and the rest are sold outright to help pay for them – a model now followed by other Councils across London and the UK.
- 1.3. Hackney's priority is to deliver affordable new Council housing without impacting on existing residents and their homes. The focus of the most recent Council led house building programme has included the repurposing of underused Council-owned land such as empty garages and underused car parks. Where existing homes are unsafe or unable to be repaired or are no longer meeting the housing needs of the community then it is vital that all residents whose home is proposed to be demolished on a Council estate to enable the new homes to be built, has the right to a binding ballot to vote on the proposals.
- 1.4. In the De Beauvoir Estate, the Council is making the most of the opportunities to build new homes on underused land and has been developing plans with residents for more than 300 new homes in two phases – more than half of which would be affordable. The Council is also undertaking a number of estate wide regeneration initiatives that are focussed on improvements to some existing homes, better public spaces and new affordable workspace. In the second phase, plans are being developed for the building of new Council homes and a new neighbourhood office facility on the sites that include the existing Queensbridge and De Beauvoir neighbourhood housing office.
- 1.5. Trinity Court sits within the second phase and is currently home to six households and five commercial units. In the summer of 2021 the Council, working to its commitment to ballot residents directly affected, began the process of balloting the residents of Trinity Court on the proposals. The response was unequivocal, showing a clear majority of residents in favour of the redevelopment proposals.
- 1.6. As the resident backed ambitious development and landscaping plans progress for the De Beauvoir Estate it will include Trinity Court and will also enable the Council tenants living there to move, if they so wish, directly to a purpose-built, high-quality new Council home on the estate.
- 1.7. I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 In February 2016 Cabinet authorised the delivery of the Housing Supply Programme (HSP) to provide around 400 new mixed tenure homes on previously developed land within existing council housing estates (February 2016 Cabinet approval - key decision no: HS K57).
- 2.2 Cabinet subsequently approved an update of the Regeneration Strategy in April 2019, which set out a revised delivery plan aiming to develop 600 homes across 14 sites. The Cabinet paper included a second phase of development on the De Beauvoir Estate.
- 2.3 The Housing Supply Programme is based upon the delivery of mixed tenure developments. It is intended that the programme is self-funding.
- 2.4 The Trinity Court resident ballot was conducted with Cabinet authority (NH Q88, July 2020) and fulfilled a policy commitment in the Mayor's 2018 Manifesto. The majority of eligible residents voted in favour of the redevelopment proposals.
- 2.5 The granting of decant status to Trinity Court residents and serving the Initial Demolition Notice will enable the redevelopment project to proceed, to meet Hackney's affordable housing programme commitments.
- 2.6 This report seeks Cabinet authority to assign decant status to Trinity Court households, to place an Initial Demolition Notice on the block and to place a Final Demolition Notice on the block in the event of planning consent being granted for the redevelopment proposal.

3. RECOMMENDATION(S)

Cabinet is recommended to:

- 3.1. Award decant status to all secure tenants living at Trinity Court, as shown in the plan at Appendix 1, and to start the decant process for those residents.**
- 3.2 Agree to serve and publish an Initial Demolition Notice for Trinity Court and to publish and serve a Final Demolition Notice in the event of securing planning consent for the redevelopment proposals.**
- 3.3 Authorise the preparation and service of any necessary legal and ancillary documentation required to secure possession of the residential dwellings and business units at Trinity Court in accordance with Schedule 2 of the Housing Act 1985 and Section S30(1) of the Landlord and Tenant Act 1954.**

3.4 Authorise the Director, Regeneration and the Director of Legal & Governance to deal with all necessary arrangements to enable the serving and publication of the Notices set out in this report and to complete the resident decant and demolition process.

4. REASONS FOR DECISION

- 4.1 Trinity Court comprises six maisonette flats and five business units (two of which have been knocked into one), as shown in the plan at Appendix 1. One maisonette has recently been bought back from the leaseholder, returning it to council ownership. The remaining five households are Hackney Council tenants. Redevelopment of the Trinity Court site will enable the Council to provide around 40 new homes and nearly 600 square metres of non-residential space in its place, as part of the second phase of development at the De Beauvoir Estate (DB2). This would result in an improved scheme, as it will replace a tired building at the entrance of the estate and facing directly on to Downham Road.
- 4.2 The new building will make more efficient use of space through provision of a new, modern block that will provide an anticipated additional 34 homes compared to the current one. It will also create a new, live frontage to the entrance and internal route through the estate by replacing the current row of blank rear yard walls, with new commercial space and a communal entrance and glazed hallway at ground floor level.
- 4.3 Assigning decant status to Trinity Court will enable the Council to continue to engage with the households impacted by this proposal through the established decant (rehousing) process. This includes: carrying out a future housing needs assessment, discussion of the range of rehousing options available and access to an independent tenant advisory service throughout the process. Residents will also receive home loss payment and be reimbursed for their reasonable moving costs. The terms of the Council's offer were set out to residents in a Landlord Offer document, attached for information at Appendix 2, prior to conducting the ballot.
- 4.4 Placing an Initial Demolition Notice (IDN) on Trinity Court will suspend any current and future Right to Buy (RTB) applications by the five Council tenant households living in Trinity Court. Tenants can still make a RTB application, but the Council is not obliged to take the application forward during the Notice Period, and the tenant's claim ceases to be effective if a Final Demolition Notice (FDN) is placed on the block. The Council can set the IDN period up to a maximum of seven years. Schedule 5A of the Housing Act 1985 as inserted by clause 182 of the Housing Act 2004 and amended by the Housing and Regeneration Act 2008 provides the Council with the authority to place the IDN and FDN on the block.

- 4.5 A Final Demolition Notice will be issued to secure tenants and business occupiers if planning permission is granted for the redevelopment scheme. This notice can last up to two years.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1. The Council's Housing Supply Programme was approved by Cabinet in 2016. The HSP will be delivered directly by the Council to provide new council homes for social rent, shared ownership and outright sale, the latter in order to generate cross subsidy for the construction of the former.
- 5.2 The De Beauvoir New Homes Phase 2 (DB2) project is identified within this programme and includes the redevelopment of Trinity Court. Residents eligible to vote were balloted on the redevelopment proposal, and the majority of residents (75%) voted in favour. This enables the Council to include the block as part of the DB2 scheme, providing additional homes and non-residential space.
- 5.3 A 'do nothing' approach has been rejected, as not assigning decent status to the households within the block and not placing an Initial Demolition Notice and subsequent Final Demolition Notice, if planning consent is granted for the scheme, would delay the redevelopment and expose the Council to additional costs.

6. BACKGROUND

6.1. Policy Context

- 6.1.1 The Council's Sustainable Community Strategy 2018-2028 has five priorities. The DB2 project, which includes the Trinity Court redevelopment, assists in meeting these priorities in the following ways.
- 6.1.2 The first priority is centred around creating an area where everyone can enjoy a good quality of life and where the whole community can benefit from growth. The DB2 project will provide a mix of homes with differing levels of affordability, which caters to all ages and accommodates people's changing needs over time. The new community places and spaces have been designed for and in consultation with the existing community to contribute to meeting their needs whilst also being inclusive, welcoming and accessible to incoming residents.
- 6.1.3 The construction of the DB2 development will create jobs, training and apprenticeship opportunities for local people, which will allow local residents and businesses to fulfil their potential and enjoy the benefits of increased prosperity, in line with the second priority.

- 6.1.4 The architectural, mechanical and electrical and public realm designs for the development are centred around creating a greener and more environmentally sustainable community as per the third priority of the Sustainable Community Strategy 2018-2028.
- 6.1.5 The fourth priority of creating an open, cohesive, safer and supportive community will be achieved through the provision of improved landscaping and enhancement of a key north/south route through the estate. It also provides new play space as part of the development, as well as offering employment and training. Further, the scheme will provide new commercial space that will be let to businesses in accordance with the Council's economic development strategy.
- 6.1.6 The proposed improvements to the public realm will help create a healthy and safer neighbourhood which is pedestrian, cyclist and child friendly, to support the fifth priority relating to promoting healthy and active residents.

6.2. Equality Impact Assessment

- 6.2.1 The Council is committed to building new homes that are adaptable to the varying needs of occupiers over time, and that will enable people to live independently in their homes for longer. Of the anticipated 40 new homes to be built on the Trinity Court site, six of these would meet Part M4(3) of the Building Regulations - 'wheelchair user dwellings and adaptable dwellings'. All the other homes are designed to M4(2) standards, which refer to accessible and adaptable dwellings.

6.3. Sustainability

- 6.3.1 The architectural, mechanical and electrical and public realm designs are driven by the sustainability goals of the project. The proposal has been carefully considered in terms of performance and carbon footprint. The resulting proposal exceeds the minimum building standards, providing a holistic environmental scheme. The project goes beyond the minimum regulations and practices, achieving high performance facade, quality indoor spaces, new public realm and enhancements to the existing landscaping which has both social and environmental benefits.
- 6.3.2 The DB2 proposal comprises redevelopment of four sites currently occupied by poor quality, low rise and low density buildings. The scheme will provide high quality housing and soft landscaping to enhance the appearance and the ecological value of the environment. A number of environmental benefits will arise from the project. The development includes enhancements to the existing public realm, along with improved access to the existing estate, which will help integrate new and existing buildings.

- 6.3.3 The new buildings will provide high quality energy efficient homes that meet current regulatory requirements relating to sustainability including Building Regulations, the Mayor's London Plan and the Council's Housing SPG. The new homes have been designed to achieve the required energy levels in accordance with current London Plan energy targets, and to support the transition from fossil fuels to renewable energy.
- 6.3.4 Recycling construction waste and the development of a Site Waste Management Plan are mandatory. The principal contractor will be required to minimise construction related disruption to residents and other neighbouring buildings.
- 6.3.5 In line with Hackney's Cycle Parking and Storage Standards, the scheme encourages sustainable transport through the provision of around 266 new cycle spaces within the ground floor of the blocks.
- 6.3.6 The DB2 development will fall under the Ultra Low Emission Zone (ULEZ) when construction commences. In order to reduce the impact on air quality during the construction phase, development proposals must demonstrate how they plan to comply with the Non-Road Mobile Machinery Low Emission Zone and reduce emissions from the demolition and construction of buildings following best practice guidance.

6.4. Consultations

- 6.4.1 The redevelopment of Trinity Court is part of the wider DB2 scheme to provide around 118 new homes and approximately 1,300 square metres of non-residential space.
- 6.4.2 An extensive consultation and communication programme has been undertaken and is ongoing consisting of: public drop-ins, in person, online and video information and consultation events, face to face meetings where Covid protocols allowed, a dedicated webpage, newsletters and other forms of correspondence. The engagement and consultation to date has targeted local residents, businesses and key elected and community stakeholders. The aim is to ensure that as many people as possible are engaged, understand the proposals and are able to shape the designs for the new homes and public spaces
- 6.4.3 Between April 2019 and May 2021 the Council held 22 different events for local residents and stakeholders about the proposals for the DB2 project. In addition, the proposals were reported through the established De Beauvoir Resident Steering Group (RSG) from April 2019.
- 6.4.4 The project engagement included events and information specifically for the six households and four business occupiers in Trinity Court. An Independent Tenant and Leasehold Adviser (ITLA) was also commissioned to provide advice and support to Trinity Court occupiers, that was entirely separate to

the Council's project team. Events and communications for Trinity Court residents included:

- March 2019 - letters to Trinity Court residents and businesses introducing the DB2 proposals that included redevelopment of the block
- April 2019 - open meeting for Trinity Court occupiers
- April 2019 - first public consultation event that introduced the DB2 proposals to the estate and other stakeholders
- June 2019 - meetings with Trinity Court residents and businesses
- February 2020 - drop-in event for Trinity Court residents
- July 2020 - letter to residents advising that the Council will conduct a Resident Ballot on the redevelopment proposals
- December 2020 - Trinity Court residents' video call introducing the ballot process and initial details of the Landlord Offer
- January 2021 - Trinity Court residents' video call confirming the ballot process and further details of the designs for the new block
- June 2021 - Landlord Offer document delivered to Trinity Court households
- Ballot open from 14 July to 11 August 2021
- August 2021 - Letter from the independent ballot services provider advising households of the ballot outcome
- October 2021 - Letter from the DB2 project lead advising on next steps.

6.4.5 Alongside the project team's engagement directly with residents regarding the redevelopment proposals and ballot process, the project team and Strategic Property Services team has liaised with the business occupiers throughout the design and consultation process.

6.4.6 The project team and ITLA will continue to engage with residents and business occupiers throughout the decant and development process.

6.5. Risk Assessment

6.5.1 A risk register, scheduling project and technical risks, is maintained, updated and reported on a quarterly basis. Any major risks are escalated as appropriate. One such risk contained within the DB2 project risk register is that not obtaining vacant possession (VP) of the Trinity Court block could result in an adverse cost and programme impact to the regeneration scheme.

6.5.2 The Council owns both Trinity Court and the land it occupies. The project team has engaged extensively with both Trinity Court residents and business occupiers, and relationships are currently positive.

6.5.3 The five remaining households occupy their homes on secure council tenancies. If decant status is granted to the block, the project team will continue to work with each household to identify suitable alternative

accommodation for either temporary or permanent rehousing. If all residents agree to move while the works are carried out, then there would be no need to secure vacant possession through a legal process.

- 6.5.4 In the event of a resident being unwilling to move, the Council can follow a formal legal route to gain possession. Schedule 2 of the Housing Act 1985 sets out the Grounds for possession of secure tenancies that are available to local authorities where the landlord intends to demolish the property and needs possession in order to do so. While, for a larger estate regeneration scheme, it would be appropriate for the Council to use its Compulsory Purchase powers to acquire both tenanted and leasehold/freehold properties, this would be disproportionate for the five occupied homes at Trinity Court. It is therefore proposed to use the Grounds for possession, as set out in recommendation 3.3, should it not prove possible to move residents on mutually agreeable terms.
- 6.5.5 The project team is actively liaising with business occupiers to identify suitable temporary workspace to enable them to continue operating during any redevelopment. The business tenants have agreements granted on individual terms which can be terminated on notice or, in the extreme, the Council can apply for possession through a formal legal process if required.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 There are no direct financial implications from the report's recommendations. The recommendation to grant decant status to the tenants will result in them requiring alternative accommodation during the development of the scheme. The regeneration scheme is currently unviable, mainly due to the current construction and housing market, however there is further work and time to fully develop the scheme to tender phase where the viability will be reassessed and changes may be required to develop the scheme. This scheme and work can only progress with the decant status of the block and therefore the report's recommendations are supported.

8. VAT Implications on Land & Property Transactions

- 8.1 On the basis that the existing property will be demolished and a new building constructed, there should be no VAT charged on the construction of the residential units. VAT should only be charged on the construction of the commercial units. It may also be possible to apportion the demolition costs between the residential and commercial so that VAT is only charged on the proportion attributable to the commercial part, with the remainder zero rated.
- 8.2 The lease of the new commercial property will be an exempt supply so any VAT that the Council does incur in relation to this element will need to be included in the Council's partial exemption calculation.

- 8.3 The HRA will be a non business supply so any VAT that is incurred on this part will be recoverable in full. Assuming the sales will be the grant of a long lease in excess of 21 years, the sale will be zero rated, so any VAT incurred on the private sale dwellings should be recoverable in full.
- 8.4 The shared ownership will incorporate a long lease in excess of 21 years, so the sale part will be zero rated, followed by an exempt rent. Any VAT incurred up to the point of sale will relate to the zero rated element and hence recoverable in full, but VAT on ongoing costs will be exempt input tax and will need to be included in the Council's partial exemption calculation.

9. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE SERVICES

- 9.1 The Council's Housing Supply Programme was approved by Cabinet in 2016.
- 9.2 Cabinet subsequently approved an update on the Regeneration Division's programme in April 2019, which set out a revised delivery plan. This included a second phase of development on the De Beauvoir Estate. Within the De Beauvoir Estate is Trinity Court.

Initial and Final Demolition Notice

- 9.3 Section 182 of the Housing Act 2004 provides a statutory procedure for the service of Initial and Final Demolition Notices by authorities. Broadly, the effect of the service of Initial Demolition Notices on secure tenants is to suspend the requirement for the Council to complete right to buy applications for as long as the notice remains in force. The Initial Demolition Notice is required to contain certain prescribed information including a statement that the landlord intends to demolish the property, the reasons for this and the period within which the demolition will take place, which must be a reasonable period expiring not more than seven years after the date of service of the Notice on the tenant.
- 9.4 The Notice does not prevent tenants from making right to buy applications. However, the effect of the notice is that the Council is not obligated to complete any right to buy applications within the period specified in the Notice.
- 9.5 In the event that the Notice expires before the demolition has taken place, the consent of the Secretary of State would be required to serve a further Initial Demolition Notice.
- 9.6 Tenants with existing right to buy claims at the time the Initial Demolition Notices are served are entitled to claim compensation for legal and other

fees, costs and expenses incurred prior to the Initial Demolition Notices coming into force. At the time of writing there was no right to buy applications at Trinity Court.

- 9.7 Once the proposed demolition date is actually known, the Council can then serve a Final Demolition Notice which renders all existing right to buy applications ineffective and prevents any further right to buy applications being made. Again, compensation will be payable to Tenants with existing right to buy claims at the time the Final Demolition Notices are served.

Secured tenancies and Commercial Units

- 9.8 Schedule 2 of the Housing Act 1985 sets out grounds for possession of secure tenancies
- 9.9 Ground 10 of Schedule 2 of the Housing Act 1985 provides a process whereby the Council may obtain vacant possession subject to the Council meeting certain criteria as set out in Ground 10 of Schedule 2 of the Housing Act 1985.
- 9.10 Section 30(1) of the Landlord and Tenant Act 1954 sets out 7 grounds upon which a landlord can oppose the grant of a new lease therefore obtaining vacant possession.

APPENDICES

Appendix 1 - Location plan showing Trinity Court footprint outlined in red

Appendix 2 - Trinity Court Landlord Offer document

BACKGROUND PAPERS

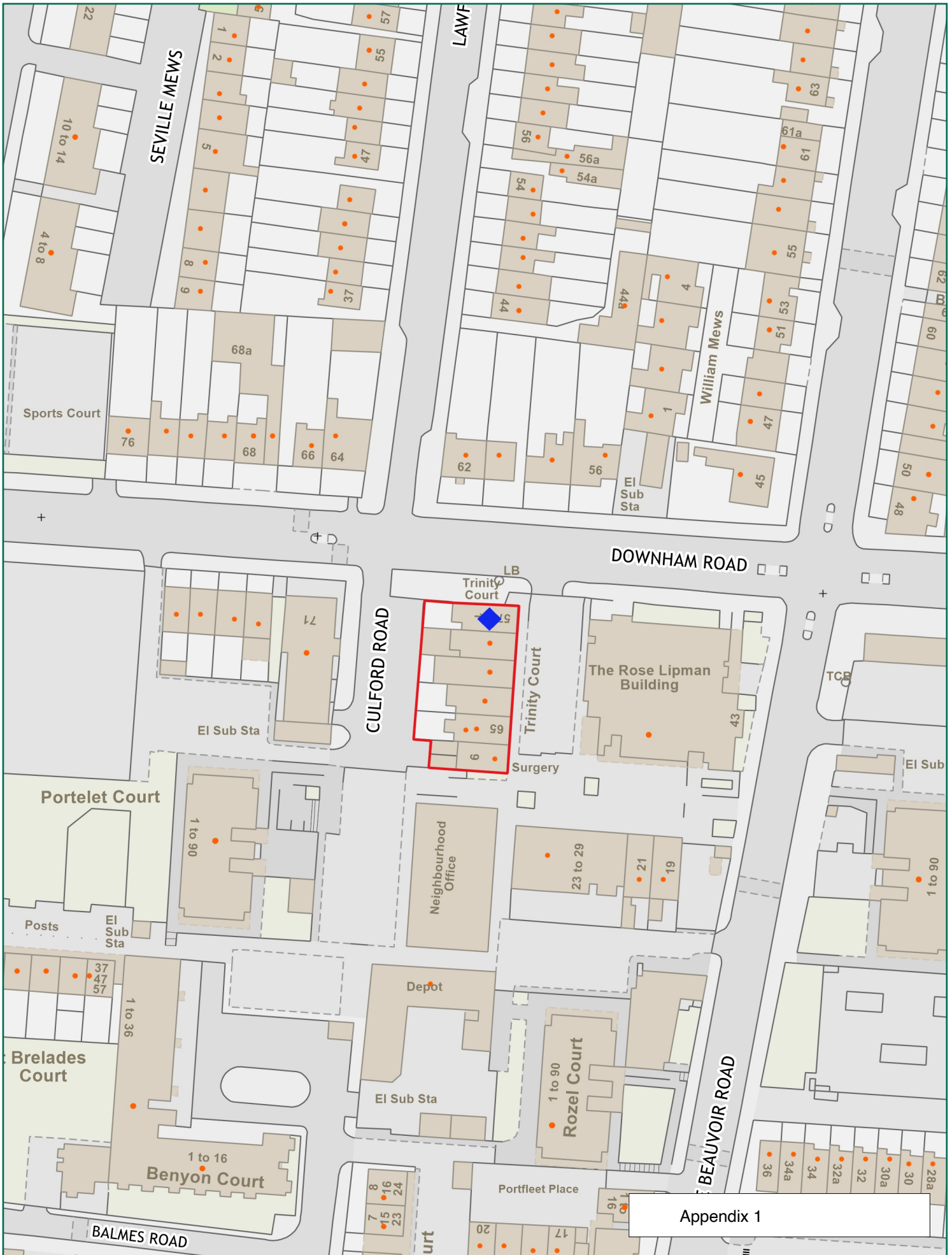
In accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 publication of Background Papers used in the preparation of reports is required

None

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Appendix 1

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Trinity Court

Our offer to you

#HACKNEYISBUILDING



Dear resident,

I'm pleased to present our updated proposals to you for the redevelopment of Trinity Court as part of our wider regeneration plan for the De Beauvoir Estate.

We believe these plans will be of huge benefit to De Beauvoir and the local community – providing much-needed new genuinely affordable homes for you and other local people, as well as improvements to community spaces, commercial facilities and public areas.

We've consulted local people throughout this process and our architects have made changes to respond to your feedback. But, as we promised in 2018, we think if we're proposing to demolish your home, it's right that you should have the opportunity to vote in an open and transparent ballot about whether the proposals should go ahead.

This booklet sets out what our plans are, how you would benefit from a new, modern, high-quality Council home with the same rights, guarantees and type of rent you have now – as well as compensation for the disruption of moving. It also sets out the voting process and what will happen if you and your neighbours vote in favour or against the proposals.

We don't build homes to make a profit – we build them to give more families an affordable place to call home. That's why we're building them ourselves, on Council land, with and for local people.

I know that this will be a big decision that will affect you and your family, and you will want to consider these proposals in detail before voting. Council officers will be available to answer any questions you may have, and impartial advice and support is available from your Independent Tenant and Leaseholder Advisors, PPCR.



Philip Glanville

Philip Glanville

Mayor of Hackney

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Introduction

The Residents' Ballot

In 2018, we made a promise that we would only ever proceed with proposals to demolish any home that we own and manage if we had the support of the people living there. A residents' ballot is the simplest and most transparent way for everyone to understand the level of support for our proposal to redevelop Trinity Court.

This booklet is your offer, explaining our promise to you.

If there is a 'yes' vote we will go ahead with building modern, high quality homes for you, and you will get our guaranteed offer in this booklet.

This booklet covers:

- Our proposals for Trinity Court and the wider De Beauvoir Estate
- How our plans would affect you, your family and your community
- Our promise to you
- The ballot process and how to vote

To be eligible to vote, you must live in Trinity Court on the De Beauvoir Estate, and you must be one of the following:

- a Council tenant named as a tenant on a tenancy agreement;
- a resident homeowner (leaseholder or freeholder) who has been living in the property as your only or principal home for at least one year; or
- a resident over the age of 16 whose principal home is in Trinity Court and has been on Hackney Council's housing register for at least one year (i.e. since May 2020).



Aerial photo of the existing De Beauvoir Estate

Our promise to you

We will:

- Offer all Trinity Court residents a new home on the estate
- Keep the community together
- Increase the number of Council homes for social rent on the De Beauvoir Estate
- Offer financial compensation for you and pay your reasonable moving costs
- Support you to move to your new home
- Guarantee parking permits for current permit holders
- Work with you to minimise all disruption



An artist's impression of the proposals for Downham Road West, viewed from Southgate Road

What's happening on the De Beauvoir Estate?

Over the past few years, we have shared plans with you showing what the De Beauvoir Estate could look like in the future. Your feedback throughout this time has helped us to develop our designs.

We are planning to build around 308 new homes in two phases across the De Beauvoir Estate. Trinity Court, which includes the only homes we are proposing to replace as part of these plans, is in Phase 2 of these proposals.

At least half (50%) of new homes will be for social rent or shared ownership (30% social rent and 20% shared ownership).



View across Lanresse Court podium towards Rozel Court

Across the Phase 1 and Phase 2 sites, our plans include:



New one, two and three bedroom homes



Retail and commercial spaces for existing and new businesses



Improved streets and routes through the estate



More trees and landscaping in public spaces



Modern, energy efficient homes



Private outdoor space for each new home



More outdoor seating



A new garden square



New play facilities across the estate

Your voice

Keeping the community together

We are proposing to include Trinity Court in our wider plans for the De Beauvoir Estate. Our Keeping Communities Together policy means that local residents directly impacted by our plans will have priority for the new homes that we build.

How will this affect you?

We are already planning to build new homes on the De Beauvoir Estate within Phase 1 and a planning application was submitted in April 2021. This means that if there is a 'yes' vote in this ballot, you would be able to move into a new home in either Phase 1 or Phase 2 (subject to planning permission). We expect to start work on the Phase 1 new homes in Spring 2023.

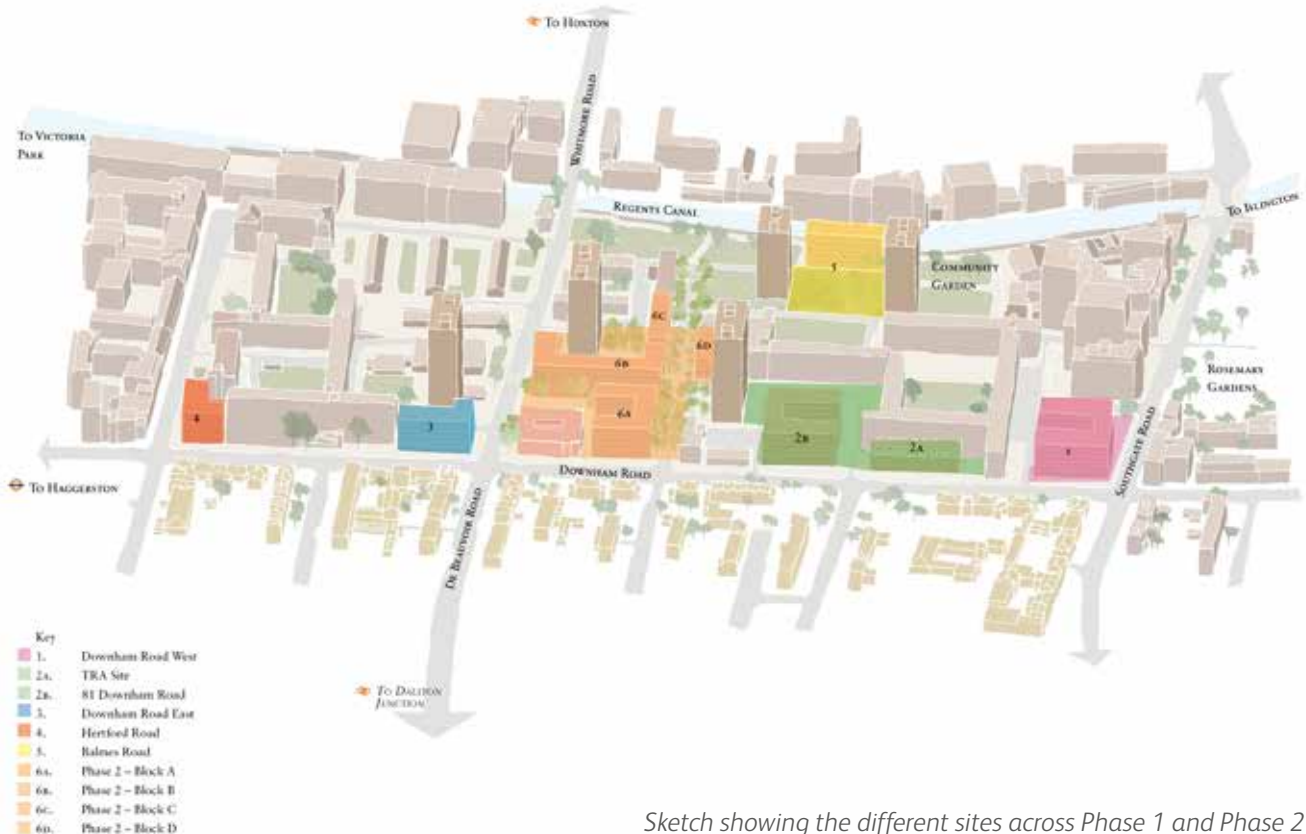
If there is a yes vote, we will submit a planning application that includes the demolition of Trinity Court and the building of new homes in its place. We would then expect to start construction on Phase 2 in 2023 (subject to planning permission). This means that your new home on the De Beauvoir Estate could be ready to move into from 2025. You will be able to move into a new home on either the Phase 2 site (where Trinity Court is located) or the Phase 1 sites.

The future of the De Beauvoir Estate

Over the last few years, we have had lots of conversations with De Beauvoir residents and encouraged everyone to get involved as we have developed our plans.

Our plans for new homes on the De Beauvoir Estate include approximately 308 new, well-designed homes across six sites:

- the depot located at the corner of Downham Road and Southgate Road
- 81 Downham Road (formerly the temporary site of Hackney New Primary School) and the adjacent ball court and Tenants and Residents Association building
- Balmes Road podium garages
- the depot located at the corner of Downham Road and De Beauvoir Road
- the car parking spaces on the corner of Downham Road and Hertford Road
- Trinity Court, Neighbourhood Housing Office, Housing Depot and current project hub building



Sketch showing the different sites across Phase 1 and Phase 2

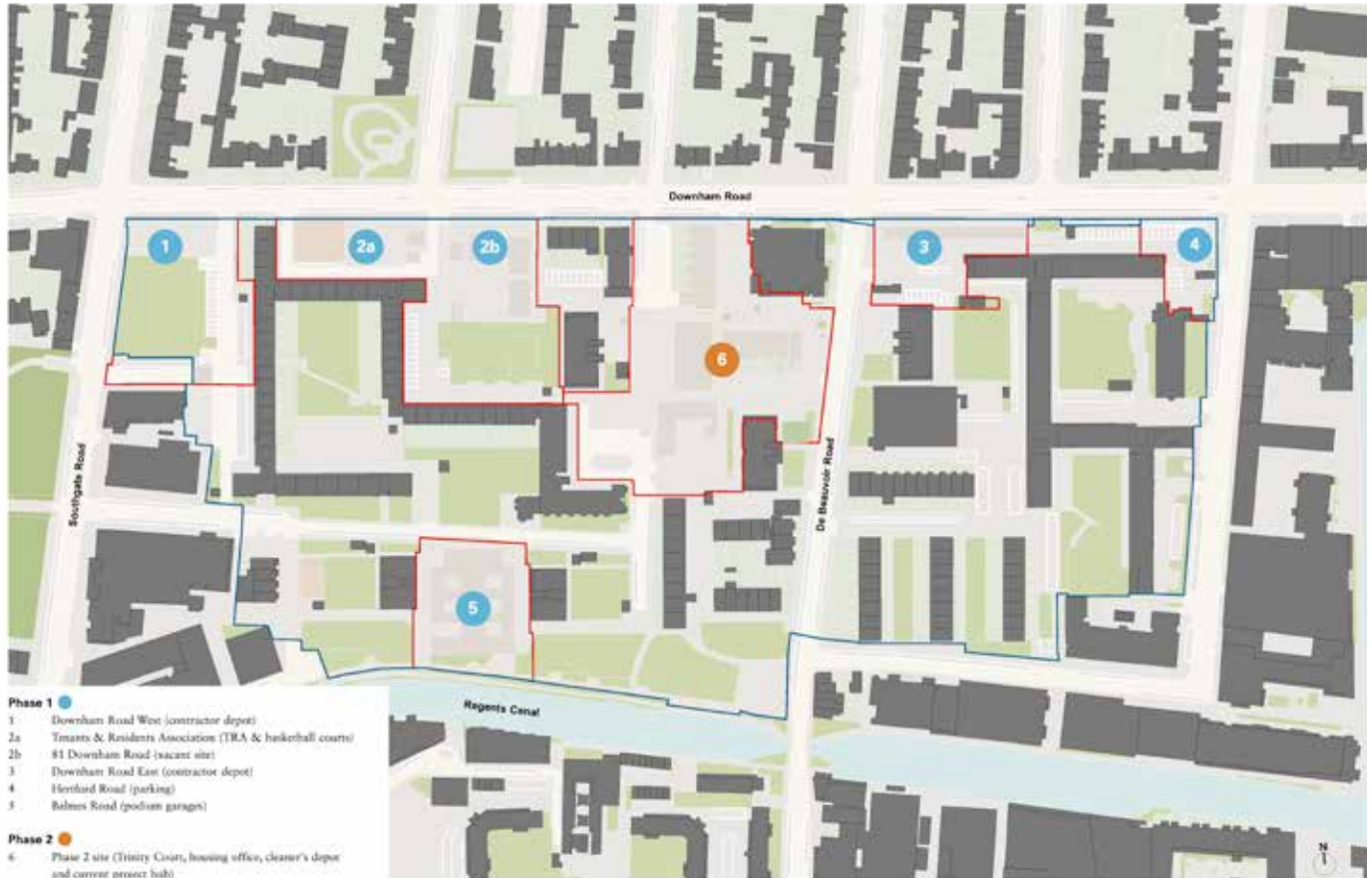
The difference between Phase 1 and Phase 2

Phase 1 includes the following sites:

- the depot located at the corner of Downham Road and Southgate Road and part of the adjacent land
- 81 Downham Road (formerly the temporary site of Hackney New Primary School) and the adjacent ball court and Tenants and Residents Association building
- Balmes Road podium garages
- the depot located at the corner of Downham Road and De Beauvoir Road
- the car parking spaces on the corner of Downham Road and Hertford Road

Phase 2 includes these spaces:

- Trinity Court
- Neighbourhood Housing Office
- Housing Services depot
- Current project hub
- The joinery and upholstery business spaces



A plan showing the Phase 1 sites (in blue) and the Phase 2 site (in orange)

Across the Phase 1 and Phase 2 sites, half (50 %) of the new homes we deliver will be for social rent and shared ownership (30 % social rent and 20 % shared ownership) with the remaining homes for outright sale to help pay for them. If we are able to, we will increase the number of social rent and shared ownership homes.

Proposed number of homes in Phase 1 and Phase 2:

	Number of Homes	Percentage of Homes
Social Rented	92	30 %
Shared Ownership	62	20 %
Outright Sale	154	50 %
Total	308	100 %

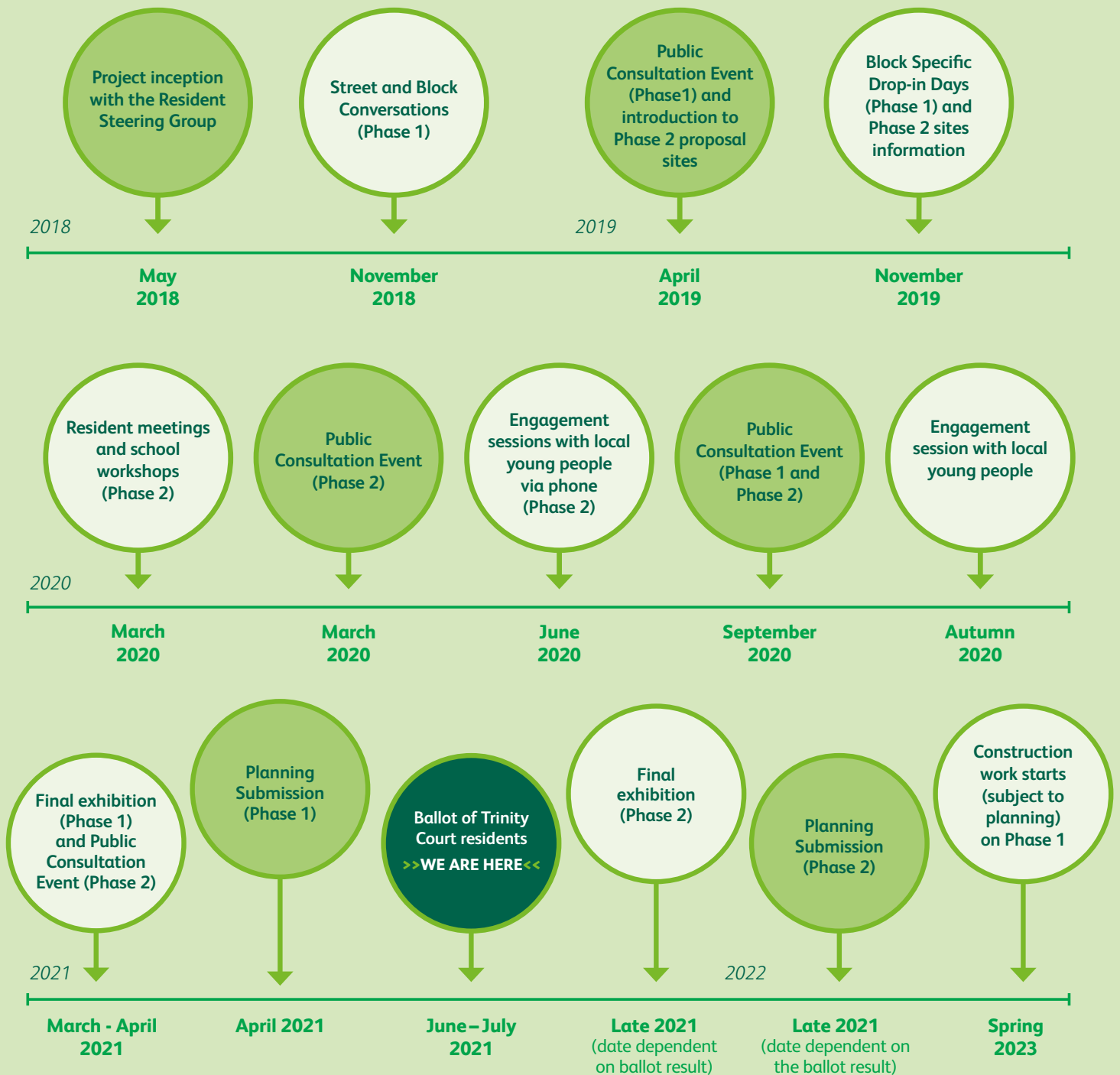
If there is a 'yes' vote and the development goes ahead, you will be able to move into one of the homes in Phase 1 or Phase 2, depending on what you prefer. This is dependent on Phase 1 and Phase 2 both receiving planning permission.

If you were to move into one of the Phase 1 sites, it may be possible to only move once from your current home, into your new home. However, we understand that you may prefer to remain on the Phase 2 site, closer to where you currently live. If you would like to remain on the Phase 2 site, you will need to move twice - the first time away from the Phase 2 site so that building work can take place, and the second time back to the Phase 2 site, into your new home.



An artist's impression of the proposal for the Balmes Road site

De Beauvoir Estate Phase 1 and Phase 2 timeline



How you have shaped our proposals

This table explains how the feedback that we have received about our plans for both Phase 1 and Phase 2 has shaped the proposals.

What you have told us	How your feedback has been incorporated
People felt that there should not be additional parking on the north side of Benyon Road.	We have taken this feedback on board and the additional parking has been removed, and provided nearby instead.
Residents were keen to relocate the multi-use games areas (MUGA) either in front of Fermain Court or next to the Crib. Young people tended not to use the existing ball courts, as they are felt to be unclean and unsafe.	We are not able to replace both MUGAs but we are proposing to relocate one of the MUGAs to the front of Fermain Court. We will also improve the MUGA, providing a wider range of activities in a space that feels clean and safe.
Some people were concerned that the Balmes Road proposals will overshadow the Grow Your Own area, and that the garden may be damaged during construction.	In response to this feedback we developed the designs of the Balmes Road site, making the building lower to help reduce overshadowing. We have also moved it away from the garden area and the builders will erect protection for the garden during construction.
Some people were worried that the closed doughnut-shaped block (at the corner of Downham Road and Southgate Road) would make the new building feel closed-off from the rest of the estate.	The doughnut-shaped block has been redesigned to a u-shaped block, with views in and out from the central courtyard at higher levels, improving the visual connection to the rest of the estate.
We have heard that the public spaces on the Phase 2 site could feel more welcoming, safer and greener.	We will make improvements to the space outside the Rose Lipman building to make it greener and more inviting. We will also include better lighting with good sight lines and overlooking from shops and homes. We have also added more benches and planting.
Young people we spoke with said that the space outside the Rose Lipman building is inclusive and relaxing because it is used by both adults and young people.	We have incorporated a variety of new benches into the design which are comfortable for all ages. Some will be good for one or two friends to have a conversation, others for small groups of people to gather and hang out.
It would be useful to have clearer routes, including from De Beauvoir Road to the playground and St Brelades Court.	We have added clear routes from the Phase 2 site towards the wooden playground near St Brelades Court. We want people of all ages to feel safe in these areas. We also aim to make a better entrance into the estate and a safe pedestrian route towards Clifford Road.
Residents also asked us to incorporate more materials that encourage biodiversity, such as bird boxes and wildlife gardens.	We also want to make the estate greener and more biodiverse. The designs include green roofs, sustainable landscape design and our tree planting programme.

How you can continue to shape the plans

If there is a 'yes' vote, we will keep on working with the local community, by continuing to meet with Trinity Court residents, our Resident Steering Group (RSG) and through further resident engagement.

The RSG is a group of residents that regularly meet with local ward councillors and Council officers to input and feedback on the design proposals. The group ensures that the perspective of existing residents is considered throughout, and members work with the architects to give advice from residents' viewpoint.

Our Independent Tenant and Leaseholder Adviser (ITLA), PPCR, also attend the RSG meetings to provide independent and impartial advice to residents, to ensure that they can play an informed role in the regeneration of the estate.

If you would like to join our Residents Steering Group, please do get in touch with James Mollosos, using the details at the back of this booklet. It would be great to have Trinity Court residents involved in the group!

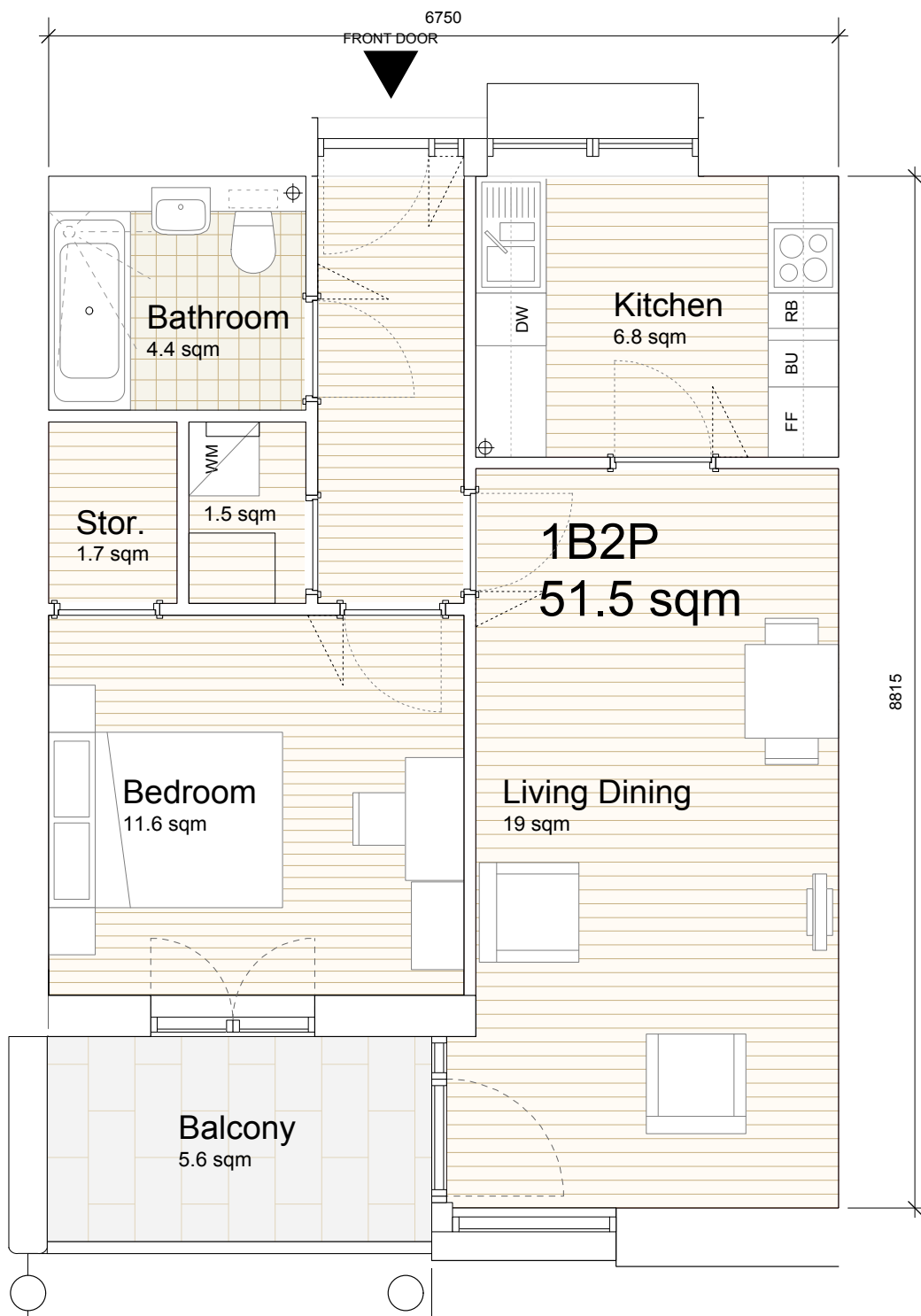


An image taken at our September 2020 public consultation event

Your new home

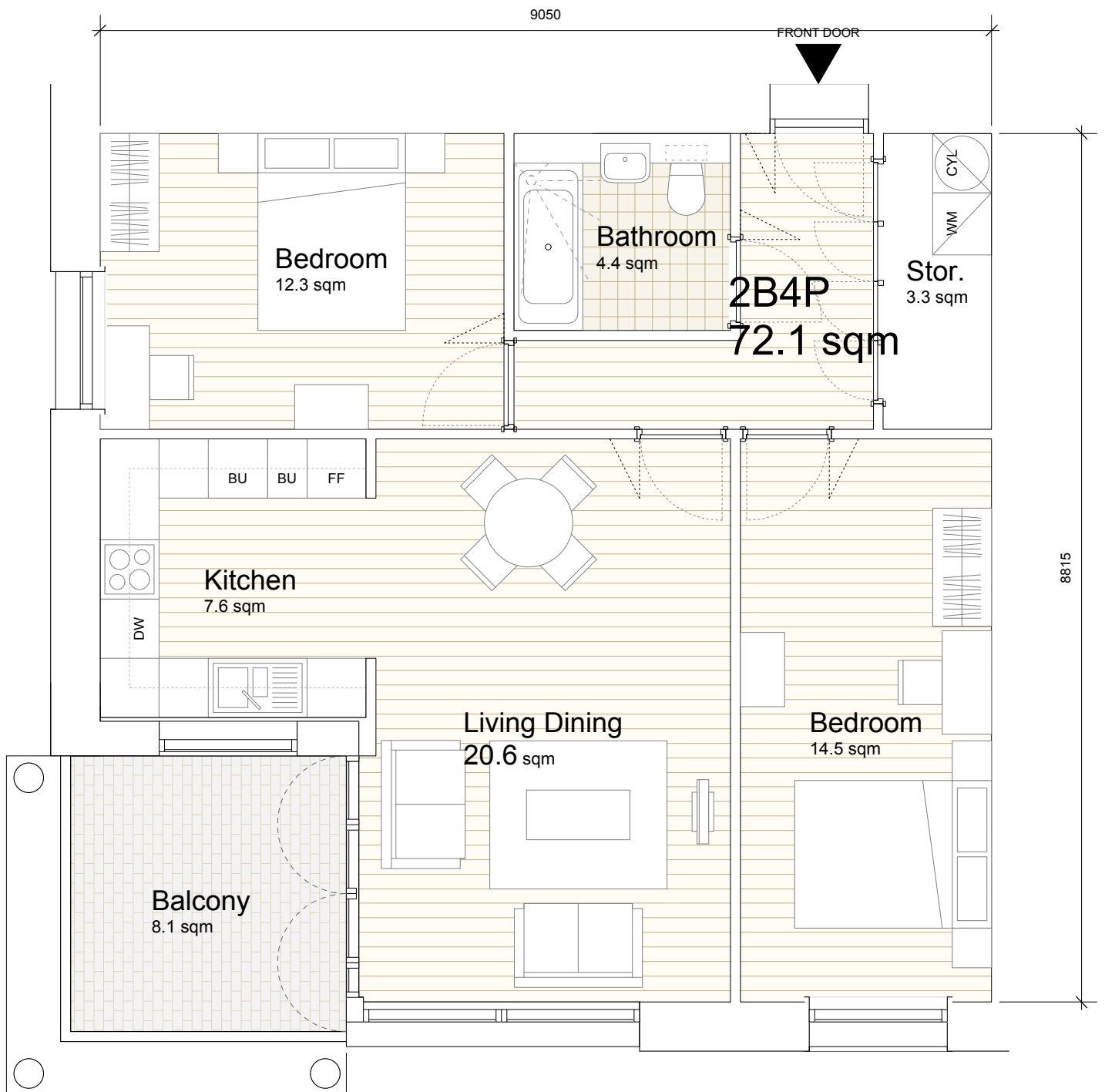
Over the next couple of pages you can see some floor plans which show how the different sized homes would be laid out. We have also recently held events about the plans for the Phase 1 and Phase 2 sites, and you can see more details of the proposals for both phases on our website hackney.gov.uk/de-beauvoir-estate.

Example 1 bedroom home

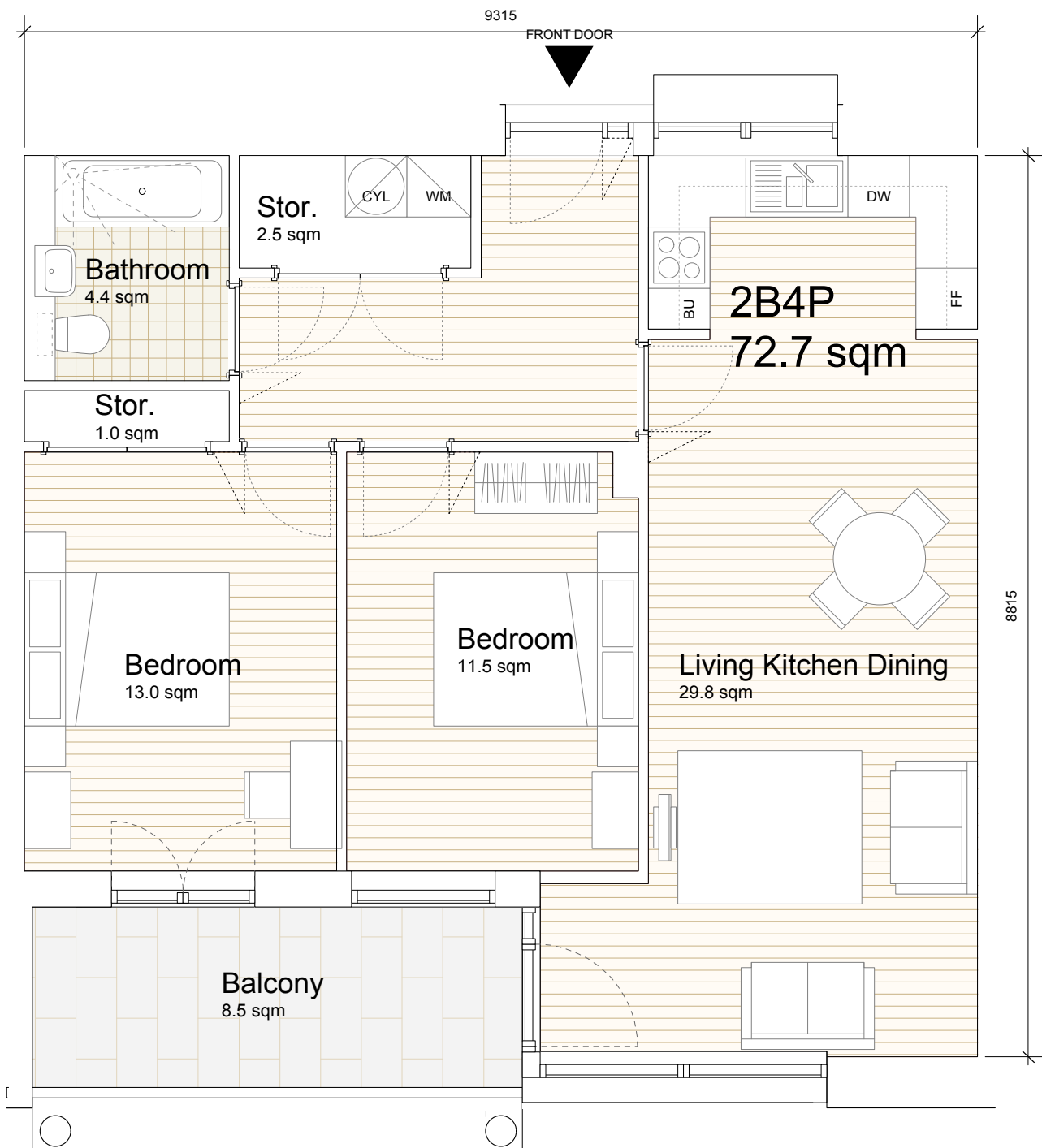


KEY
 DW = DISHWASHER FIXING POINT BU = BASE UNIT
 WM = WASHING MACHINE FF = FRIDGE FREEZER
 RB = RUBBISH BIN

Example 2 bedroom home type A



Example 2 bedroom home type B

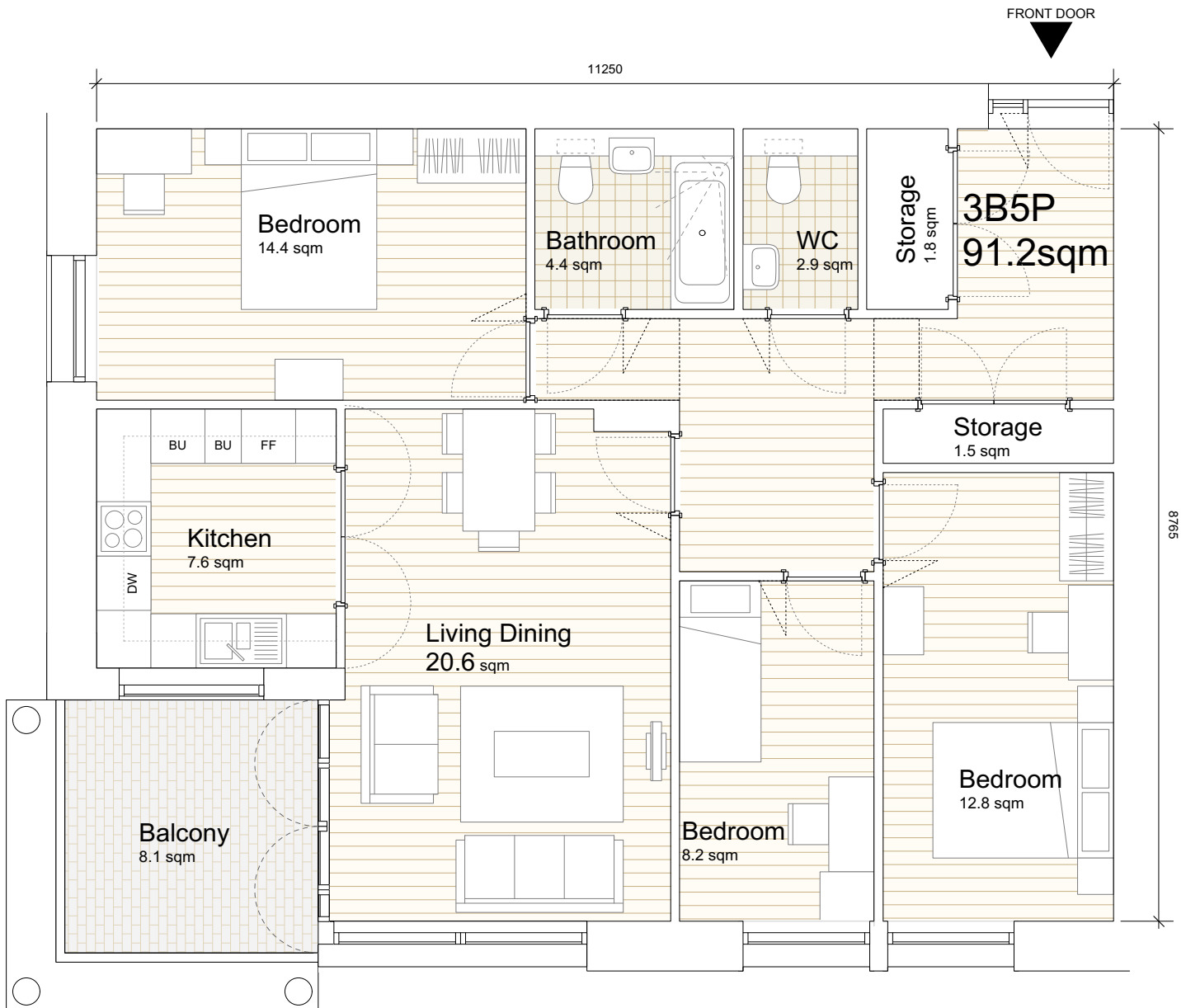


KEY

DW = DISHWASHER FIXING POINT
WM = WASHING MACHINE
RB = RUBBISH BIN

BU = BASE UNIT
FF = FRIDGE FREEZER
CYL = HOT WATER CYLINDER

Example 3 bedroom home



KEY

DW = DISHWASHER
FIXING POINT

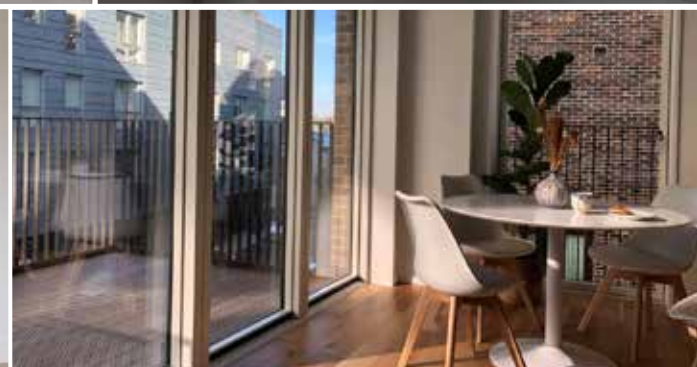
BU = BASE UNIT
FF = FRIDGE FREEZER

The new homes being built on the De Beauvoir Estate will have:

- **Modern finish** - new homes will be modern and finished to a high quality
- **Space** - all rooms are generously sized and meet the 2016 London Plan space standards
- **Outdoor space** - all new homes will have either a balcony or terrace
- **Storage** - the new homes are designed with built in storage
- **Efficient** - more energy efficient than existing homes



Images showing recently completed social rented homes developed by Hackney Council. The new homes at De Beauvoir would be designed to the same specification.



Council tenant offer

You have a right to a new home in either Phase 1 or Phase 2 of the new homes at De Beauvoir. Your tenancy rights won't change. The Council will remain your landlord and you will remain a secure tenant. You will receive financial compensation and help with moving.

Compensation

You are entitled to a £6,500 home loss payment for moving if you have lived in your home for 12 months or more when you move out. If you are a joint tenant, you will receive one shared payment. These home loss payments are set by the government and reviewed annually, so the amount may have increased by the time you move.

Decant process

If you do have to move temporarily (because your new home is not ready for you) we will provide a temporary home for you in Hackney, as near to De Beauvoir as possible. We expect that if we did need to provide you with a temporary home for a short period, this would be on the De Beauvoir Estate.

Moving costs

The Council will pay your reasonable moving costs and full details are included on the next page of this booklet.

A home that meets your needs

Your new home will meet your housing needs, including any disability or mobility needs that you have. Everyone will be fairly assessed under our Lettings Policy.

If you need more bedrooms than you have now and are assessed as overcrowded, you will be able to move into a new home that is the right size for you. If you are under-occupying, you will be fairly assessed under our Lettings Policy and offered a home that is the right size for you and your family.

Help to move

You will be given all the help and support you need with moving - this will include financial assistance as well as support and advice from your dedicated officer.

Parking

If you have a vehicle and a parking permit, and you remain living on the estate, you will be allocated a parking space as part of the new development.

Pets

If you currently have a pet, they can move with you to your new home on the estate.

Staying with your neighbours

You have told us how much you value your neighbours and friends at Trinity Court. If you wish, you will have the option to remain as close as possible when you move to your new homes.

Moving elsewhere in the borough

If you do not wish to remain on the De Beauvoir Estate, you can choose to move to a different council home in Hackney instead.

Tenancy rights

You will have all the same tenancy rights as you have now, including any preserved right to buy.

Rent

Your rent will be calculated and regulated in the same way it is now. The amount of rent you are charged will depend on the size, type and location of your new home, in accordance with the government formula that determines how social rents are set.

The Council reviews rent levels across all Council homes in advance of each financial year.

Resident homeowners offer

Market value and compensation

We will offer to buy your home for its market value, assessed by an independent RICS surveyor.

You will also receive an additional payment equivalent to 10% of the market value of your current home.

Financial help to move

You will have access to independent mortgage advisors, financial advisors and resident advisors, at no cost to you.

You will also be entitled to a disturbance payment, which is additional compensation designed to pay for certain costs that you may incur as a result of having to move home. This includes all reasonable costs associated with the sale of your home such as legal costs, removal costs and utility disconnections and reconnections.

Buying a new home

We hope that you will want to buy a new home on the De Beauvoir Estate and there are a number of different options available to you (each of these are covered in more detail below):

- Leasehold swap
- Buying a new home in the new development:
 - Outright
 - Shared equity
 - Shared ownership
- Open market elsewhere

Leasehold Swap

We will offer you the option of moving from your home to a new build property on the De Beauvoir Estate. To do this, you would need to have the full value of the new property. If your new home is worth less than the value of your existing property, we would pay you the difference.

Buying a new home outright on the De Beauvoir Estate

This option is the straightforward purchase of your property for the agreed market value. You would then make your own arrangements to find a suitable new home. You can purchase a new home on the De Beauvoir Estate through our in-house sales team, Hackney Sales (hackneysales.org). This would be an outright sale without any funding from the Council.

Shared Equity

We can help you buy your new home if the market value of your current property is less than the market value of your new property and you are unable to afford the difference.

To be eligible for this option, you will need to invest the full market value of your existing property into the purchase of your new home to buy a proportion of the equity of your new home (with the same number of bedrooms or smaller). The Council will then own the unpurchased proportion. You can buy the remaining portion at any future point. No rent is charged on the unpurchased proportion.

Shared ownership

Shared ownership is a part-buy, part-rent scheme under which you buy a proportion of the property and pay rent on the unpurchased proportion, which the Council would continue to own.

If you choose, for whatever reason, not to invest the full market value of your current property (or the maximum that you can afford to), then you will be offered the shared ownership option. After an initial period, you will be able to purchase additional proportions of equity in the property up to 100%, which is known as staircasing.

Open market elsewhere

After we have purchased your home, you would be free to buy a property elsewhere.

Non-resident homeowners

If you are a non-resident homeowner (you own the property but do not live in it) you are entitled to the following.

Market value

We will offer to buy your investment property for market value as assessed by an independent RICS surveyor.

Compensation

You will also receive an additional 7.5 % of the property's market value and all reasonable costs associated with the sale and the purchase of a replacement investment property such as legal fees and stamp duty (up to the value of the initial investment property).



An artist's impression of the proposed east-west walkway through the Phase 2 site

Moving to your new home

We know that moving can be disruptive, so we want to make the process as easy as possible for you. We will be here to help and advise every step of the way. This applies whether you want to stay on the estate or move to another home in the borough.

We can also offer additional help and support if you have special needs or a disability. You will have an officer from the Council to support you who will work with you all the way through your move.

We will cover costs of:

- Removals (including packing and unpacking)
- Reconnecting telephone, TV and broadband
- Disconnecting and reconnecting appliances
- Redirecting mail
- Replacing major appliances if they don't fit in your new kitchen

Removals

You can book your removals by contacting your Decant Officer, who will arrange for a contractor to do your removals free of charge. If you would prefer, you can arrange your own removal and we will arrange payment.

Telephone

We will reimburse you the cost of the disconnection and reconnection of your telephone landline and any existing extension.

Satellite dish

Our new builds have a central television system. However, if you decide to move to another estate with older buildings, we will arrange payment for the disconnection and reconnection of your satellite dish.

Cable TV

We will reimburse you for the disconnection and reconnection of cable television.

Redirection of your mail

We will reimburse you for the redirection of your mail for three months following your move.

Kitchen appliances

We will provide white goods such as a new cooker, fridge freezer and washing machine, but we can also arrange disconnection and reconnection of your existing cooker and washing machine or reimburse you for the cost of reconnection.



Residents recently moved into new homes at King Edward's Road

The De Beauvoir Estate ballot

Hackney's ballot policy


In 2018, we promised that all residents whose homes we are proposing to demolish would get to vote on whether those proposals should go ahead. The principle of balloting residents at Trinity Court was then agreed by the Council's Cabinet in July 2020.

The ballot is a critical part of ensuring that residents are at the heart of our proposals for the De Beauvoir Estate. We think it's right that if we are proposing to demolish your home, you should be able to vote on whether the proposals should go ahead.

Voting process

Civica Election Services (CES), an independent body, will organise and manage the ballot to make sure it's run fairly. CES is used by hundreds of organisations every year to manage their ballot, election, vote, survey or referendum. This will be an anonymous ballot and CES will not tell us, or anyone else, how you have voted. Voting in the ballot is voluntary, however we encourage everyone to take part and use their vote.

If you have any questions about the ballot or if you are not sure if you are eligible to vote please contact the CES team on:

 **020 8889 9203**
support@cesvotes.com

You can also contact the CES team if you have any issues with your ballot paper or your pack has not arrived.

How to vote

In order to be eligible you must be:

- a Council tenant named as a tenant on the tenancy agreement
- a resident homeowner (leaseholder or freeholder) who has been living in the property as your only or principal home for one year, or
- a resident over the age of 16 whose principal home is Trinity Court and has been on the housing register for one year.

Voting packs will be posted out on Wednesday 14 July 2021. You can vote as soon as your pack arrives and by no later than 5pm on Wednesday 11 August 2021. Inside the pack, there will be a ballot paper with this question:

Are you in favour of the proposal for the regeneration of Trinity Court?

You will be asked to answer YES or NO.

There are a number of different ways to vote. These are:

- Pre-paid envelope
- Phone
- Online

Details will be included within the voting pack that will be sent to you by CES.

Useful information

What a 'YES' result means

If there is a majority 'yes' vote, you will be able to move into one of the new homes that we are building at De Beauvoir. We will continue to involve you at every step of the planning process.

If there is a majority 'yes' vote, you can move into a new home in one of the Phase 1 sites or in Phase 2.

We will continue to be in touch with you regularly through our newsletter and meetings. We will also make sure that you are given plenty of notice of your move.


What a 'NO' result means

Should there be a majority 'no' vote, we would need to stop our plans for Phase 2 including redevelopment of Trinity Court and understand the reasons why.

The new homes we are building in Phase 1 would be allocated to new residents. We would continue to maintain the homes at Trinity Court and a new proposal for Phase 2 that excludes Trinity Court would be put together with feedback from residents.

Key ballot dates

Voting packs will be posted out to eligible voters on Wednesday 14 July 2021. You can vote as soon as your pack arrives.

 **Voting closes at 5pm on Wednesday 11 August 2021**

Any votes received outside of this period will not be counted. If you choose to vote by post, you must make sure that your ballot papers have arrived with CES before the deadline.

Announcing the ballot results

The result will be available seven days after the ballot has closed. CES will write to you to let you know the outcome and we will also update our website:

 hackney.gov.uk/de-beauvoir-estate

Do you have any questions?

We will be keeping you updated with our plans as they progress through our website and newsletter and also through the De Beauvoir Estate Resident Steering Group (RSG). If you would like to join the RSG, please do get in touch using the details below.

If you have any questions or concerns please talk to us:

 James Molloson - Project Manager
James.molloson@hackney.gov.uk
07483 909146

Support and advice

PPCR are your Independent Tenant and Leaseholder Advisor (ITLA) and they can also help you with any questions.

If you have any questions, please contact

 Abraham Nomafo
ANomafo@ppcr.org.uk
07508 108116, 020 7407 7452
or by freephone **0800 317066**



An artist's impression of the proposals for the Balmes Road site, viewed from the canal



Appointment of Local Authority Governors	
CABINET MEETING DATE (2021/2022) 14 March 2022	CLASSIFICATION: Open
WARD(S) AFFECTED Hackney Wick	
CABINET MEMBERS N/A	
KEY DECISION No	
REASON The appointment of Local Authority Governors do not impact two or more wards, and do not incur expenditure over £1 million.	
Jacquie Burke , Group Director of Children and Education	

1. BACKGROUND

- 1.1 The School Governance Constitution (England) Regulations 2012 (the Constitution Regulations) require that for each maintained school the Governing Board has one Local Authority Governor (LA Governor). LA Governors are nominated by the Local Authority and appointed by the Governing Board.
- 1.2 The Governing Board must provide the Local Authority with eligibility criteria for a vacant LA Governor position. These must include the credentials and skills candidates should possess. The school may wish to put forward an individual to be considered by the Local Authority for nomination. The Governing Board decides first if the proposed candidate meets the specified criteria and is eligible to be an LA Governor. The Local Authority then nominates the candidate. The Governing Board then appoints the nominee at a meeting of its full Governing Board. Once appointed, LA Governors must govern in the interests of the school.

2. RECOMMENDATIONS

2.1 Cabinet is recommended:

To approve the following nominations:

Governing Body	Name	Date Effective
St Dominic's Catholic Primary	Wayne Brennan	14 March 2022

3. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 3.1 There are no budgetary implications to these nominations.

4. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 4.1 Legal comments have been incorporated into the body of the report.

Report Author	Madalina Brockmann Hackney Education Governor Services Manager madalina.brockmann@hackney.gov.uk Tel: 020 8820 7377
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Comments for the Group Director of Finance and Corporate Resources	Sajeed Patni Head of Finance (Children & Education) sajeed.patni@hackney.gov.uk Tel: 020 8356 4347
Comments for the Director of Legal and Governance Services	Lucinda Bell Education Lawyer lucinda.bell@hackney.gov.uk Tel: 020 8356 4527

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