

Merton Council

Cabinet Agenda

Membership

Councillors:

Ross Garrod (Chair)
Eleanor Stringer
Stephen Alambritis MBE
Billy Christie
Caroline Cooper-Marbiah
Brenda Fraser
Natasha Irons
Andrew Judge
Sally Kenny
Peter McCabe

Date: Monday 17 July 2023

Time: 7.15 pm

Venue: Committee Rooms DE, Merton Civic Centre, London Road, Morden
SM4 5DX

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact
democratic.services@merton.gov.uk or telephone [020 8545 3357](tel:02085453357).

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Cabinet Agenda

17 July 2023

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	
4	Review of Building Control and Proposed Increase to Building Control Fees	1 - 18
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10	The Provision of Educational Occupational Therapy for Children and Young People of The London Borough of Merton	125 - 138
11	Quarter 1 Financial Monitoring Report	To Follow
12	Exclusion of the public To RESOLVE that the public are excluded from the meeting during consideration of the following report(s) on the grounds that it is (they are) exempt from disclosure for the reasons stated in the report(s).	
13	Exempt Appendix - Item 11	Exempt Agenda

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

Committee: Cabinet
Date: 17th July 2023

Wards: All

Subject: Update on the Building Control Service and Proposed Increase to Charges

Lead officer: Lucy Owen, Executive Director of Housing and Sustainable Development

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development

Contact officer: Lesley Barakchizadeh, Lead Programme Consultant – Corporate Projects Ext: 3099

Recommendations:

- A. Note the ongoing Review of the Building Control Service to make it fit for purpose.
 - B. Approve an increase to Building Control Fees as set out in the report and detailed in the Appendix.
 - C. Note the current position with regard to legislative changes affecting the Building Control Service, following the outcome of the investigation into Grenfell and Dame Judith Hackitt’s Independent Review of Building Regulations and Fire Safety.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an overview of the review of the Building Control Service (the BC Service) and seeks approval to increase the fees and charges for the Service. It also provides an update on the latest legislative changes affecting the Service.
- 1.2 Under Section 91 of the Building Act 1984 local authorities have a duty to “carry [the] Act into execution in their areas” and “It is the function of local authorities to enforce building regulations in their area..”.
- 1.3 The BC Service deals with a range of functions aimed at securing the health, safety, welfare and convenience of people in and around buildings and structures and receives applications for internal changes to buildings, whereas Development Management is more concerned with external changes.
- 1.4 Since 2009, Local Authority Building Control teams have been in competition with the private sector, in the form of Approved Inspectors. Approved Inspectors were introduced to provide an alternative to using a local authority service. This has resulted in an increasingly reduced amount of income for

the BC Service, with its market share slowly reducing over the years. Due to changes being made as part of the review, this is now improving.

- 1.5 Whilst part of the BC Service is income generating and is responsible for householder and commercial applications, another important function of is dealing with dangerous and neglected structures. This is a key statutory function and Building Control undertake a vital role, not only in advising the Fire and Rescue Service on matters of structural stability and their safety in relation to entering premises but also in specifying remedial works, and temporary works to make structures safe.
- 1.6 It is this aspect of the BC Service's work that has increasingly come under the spotlight as it had to respond to and manage an increasing number of incidents which are highly visible and can have a major impact upon affected residents and communities. It is essential for local authorities to ensure the provision of a 365 days a year, 24/7 responsive and resilient service, able to safeguard the public.
- 1.7 The most recent of these incidents has been Galpin Road, which was caused by a gas explosion resulting in the death of a child and the loss of homes for a number of others. The fallout from this incident is still ongoing. Other incidents have included the possible collapse of a house and part of the highway due to a deep unsupported excavation next door; as well as large panes of glass falling from a tower block and another high-rise building.
- 1.8 The BC Service has a separate financial account for dealing with dangerous and neglected structures and wherever lawful all expenses incurred by the Council in connection with such matters are recharged to the property owner. Although currently any recharges for works on Galpin Road have stopped.
- 1.9 Legislative changes impacting upon the BC Service have come in following the Grenfell tragedy, including the Fire Safety Act 2021 (FSA) and the Building Safety Act 2022 (BSA), as well as a new Building Safety Regulator (BSR) for the service. There have also been other changes such as updated Building Regulations to take account of climate change and other required improvements to the structure of buildings.
- 1.10 A good Building Control service makes a difference to the quality of the built environment, ensuring minimum standards are met, and buildings are safe and well designed.
- 1.11 Due to the importance of the BC Service, and the number of changes taking place, it was decided to undertake a Review to ensure that it was fit for purpose and to enable the BC Service to operate more effectively. This has already started to show benefits.
- 1.12 Financial assessment is part of the Review, and as the fees for the chargeable part of the service have not been increased for 4 years, there is a need to increase them by 15% to ensure they cover costs and are broadly in line with other London Boroughs.

2 BACKGROUND AND CURRENT SITUATION

- 2.1 The BC Service is part of the Development Management and Building Control Section, within the newly formed Housing and Sustainable Development Department.
- 2.2 Building Control covers the safety of buildings, dealing with things such as the structural integrity (amongst other issues) of changes during extensions and new builds, as opposed to the external appearance, which comes under Development Management (Planning). Ideally, the two teams should work closely together, complementing each other. The Review is looking at this aspect.
- 2.3 In the same way that householders or developers have to pay to submit planning applications, it is also necessary to pay to submit a building control application or notice. However, in this case, there is the option to use either a council's building control team or to make use of a private Approved Inspector.
- 2.4 Other work includes commercial premises (to a lesser degree); contracts with affordable housing providers; safety at sports grounds which includes not only football grounds and matches but also works at the All England Lawn tennis & Croquet Club (ALETTC). This work includes the review and issue of safety certificates and the annual survey of the grounds to ensure that standards of maintenance are maintained. It also involves inspection of the premises whilst the events are taking place
- 2.5 The BC Service also provides a 24/7 urgent response to notifications of dangerous structures. This can be any structure, including a building or wall, which is considered to be in a dangerous state and liable to cause injury to persons or property. The danger may arise from an accident; severe weather; inadequate construction etc. For such instances, which may involve engaging contractors to tackle issues or the use of private structural engineers, the cost incurred by the Council is subsequently recharged to the owner of the structure. Merton also provides this service, at a cost, to Sutton LBC.
- 2.6 Recently there have been a number of significant dangerous structures incidents which have impacted upon the community to differing degrees, been highly visible, and highlighted on social media, including:
- Lewis Road: - a developer excavated a basement without supporting the surround land rendering the house next door and the highway (footway and carriageway) liable to collapse and representing a clear danger. The highway was closed for several weeks due to the danger of collapse;
 - 8 South Park Road: - (an approved inspector project) - an additional storey for extra flats was being constructed with no weather protection for the existing flats leading to water ingress, electrical malfunction, and resultant danger for tenants/residents;
 - Milner Road: - (an approved inspector project) - again, an extra storey for additional flats with inadequate weather protection led to water ingress, electrical malfunction, and danger as well as cover sheeting blowing off in a storm causing danger to people in the street;

- Britannia Point: - a tower block in which an extremely large window failed and fell to the ground leading to the suspicion that further failures may occur. Protective temporary scaffolding was erected leading to the partial closure of Colliers Wood High Street to make room for the scaffolding;
- Spur House: - Where a glass panel in a balcony balustrade spontaneously shattered and fell to the ground probably likely due to improper fixing. This again caused concern about the remaining balconies, leading to the pavement and road closure and the provision of a temporary bus stop. Further inspections were required to ensure that change to the balustrade supports/fixings had been properly undertaken and the balconies were no longer dangerous before the road was considered safe to re-open and the bus stop used;
- Galpin Road: - a gas explosion which caused the death of a child; demolished 1 house and partially demolished 2 others leaving approximately 20 other unstable and unable to be inhabited until being made safe.

2.7 With Dangerous Structure incidents, if the structure is dangerous it must be certified as such and the BC Service (on behalf of the Council) must then serve a dangerous structure notice (DSN) requiring the Owner or occupier of the structure to forthwith take down, repair, or otherwise secure it. The BC Service may also shore up or otherwise secure the structure and may erect a proper hoard or fence for the protection of the public. If the Owner engages with the BC Service and is willing to execute the required works in a timely fashion then the BC Service can work with the Owner to secure a satisfactory resolution.

2.8 The serving of a DSN is not always straightforward. Working with the Owner usually means that they (the BC Service) will directly incur costs themselves but any expenses incurred by the BC Service in removing the immediate danger will be recharged back to the Owner. This is usually the preferred course of action.

2.9 If the Owner does not undertake the works required by the DSN as speedily as the case permits, the BC Service may apply to the magistrates' court for an order that the Owner, within a specified period, take down, repair or otherwise secure, to the satisfaction of the BC Service's surveyor, the structure. If the Owner does not comply with such an order, then the BC Service is permitted to enter the land or structure and execute the required works, recovering its expenses in so doing from the Owner. The exercise of the Council's default work powers is usually as a last resort where the Owner refuses to do the required works.

2.10 Ensuring the borough has well-built and safe buildings falls within the Administration's strategic aims of:

- Nurturing Civic Pride
- Building a Sustainable Future

- 2.11 In recent years, the BC Service has gradually been losing market share to the numerous Approved Inspectors, many of whom operate either across London or nationally. It has fluctuated between 37 to 40%, lower than the national average at approximately 67% and below that of other London Boroughs. This has recently improved as a direct result of the Review.
- 2.12 The reduced market share has resulted in income targets not being achieved, and as a result, the size of the team has gradually dwindled, as savings from not filling posts have been used to make up the shortfall in income. This has then impacted in a number of ways:
- The reduced team size has made it even more difficult to generate income/retain or increase market share
 - The team still has to keep records of work undertaken by Approved Inspectors and complaints about the standard of such work usually come back to the Council as residents are unaware that a private company has undertaken the work. Work that has not been checked correctly can also lead to dangerous structure incidents (see Para 2.6)
 - The Dangerous Structures part of the work is difficult to undertake due to too few staff – for instance, the Council had to pay to use BC Surveyors from Croydon LBC for the Galpin Road incident
- 2.13 Following the Grenfell tragedy, legislative changes impacting upon Building Control have come in, including the FSA and the BSA, as well as a new Regulator for the service. There have also been other changes such as updated Building Regulations to take account of climate change and other required improvements to the structure of buildings.
- 2.14 These changes require the team to adapt their way of working to ensure that they comply with the new requirements. It also requires all of the team's surveyors to register and become accredited if they are to continue to operate as building control surveyors. The Register is due to open in October 2023 and is likely to become a mandatory requirement for those seeking to continue operating, by Spring 2024.
- 2.15 Whilst part of the legislation is specifically in relation to high rise buildings, which Merton currently does not have a large number of, due to Merton's ambitions, this situation will change in future. For instance, 2 new high-rise buildings were granted planning permission at the April meeting of the Development and Planning Applications Committee (DPAC).
- 2.16 It should also be noted that whilst much of the publicity is around high risk (high rise) buildings, the BSA actually covers the safety and standards of all buildings and not simply high-rise buildings. Additionally, the Building Safety Regulator (BSR) will be responsible for overseeing the safety and performance systems of all buildings. The BSR will be given powers to enforce the statutory requirements and take enforcement action against those that break them.

- 2.17 The Council has an ambition to build 400 affordable homes on Council owned sites, and to having these underway by 2026. It is important that there is a fully resourced and skilled Building Control team within the Council to support this ambition.

3 INCREASE IN BUILDING CONTROL FEES

- 3.1 The fees charged by Building Control have not been reviewed or increased for 4 years. These now need to be increased to ensure that they are covering the cost of chargeable work undertaken whilst also remaining competitive, given that there is a choice of using the Council or private Approved Inspectors.
- 3.2 It should be noted that the BC Service is not permitted to make a profit and is expected to be cost neutral. However, should a surplus be generated, it would be acceptable (and desirable) for such surpluses to be kept in a ring-fenced account for re-investing in the BC Service.
- 3.3 Work on dangerous structures is not part of the BC Service's revenue account, nor is other public safety work such as supervising demolition works or dealing with Disabled Facilities Grants. There is a duty to deal with such work and it is classed as statutory non-chargeable work, which is a corporate cost.
- 3.4 After reviewing the fees, and those of neighbouring boroughs, an increase of 15% is proposed. This will bring Merton in line with other boroughs.
- 3.5 Corporate Services are currently reviewing the mechanism for increasing fees and charges and in the interim whilst the process is reviewed, it is necessary for Building Control to receive approval from Cabinet for any increases.
- 3.6 Once the fees have been increased, it is then recommended that they be reviewed and increased each April, in line with inflation.
- 3.7 Table 1, below, indicates the current fees and those of neighbouring boroughs for Full Plans and Building Notices for small domestic dwellings, to enable a comparison, although there are other fees set out in detail in Appendix A. As can clearly be seen, Merton's fees are quite a bit lower than neighbouring boroughs.

Table 1

Charges for Small Domestic Building Full Plan Submission and Building Notice						
No of Dwellings	Merton	Sutton	Wandsworth	Kingston	Croydon	Richmond
<i>All fees include VAT</i>						
	Total Fee £	Total Fee £	Total Fee £	Total Fee £	Total Fee £	Total Fee £
1	880.00	1,080.00	1,248.00	1,290.00	1,080.00	1,218.00
2	1,175.00	1,248.00	1,874.40	1,550.00	1,284.00	1,626.00
3	1,466.00	1,440.00	2,500.80	1,995.00	1,620.00	2,034.00
4	1,761.00	1,608.00	3,127.20	Contact Council	1,896.00	2,442.00
5	2,200.00	1,764.00	3,753.60		2,100.00	2,850.00
6-10	2,490.00 to 3,806.00	Contact Council	Contact Council		2,376.00 to 3,684.00	Contact Council
11-20	4,100.00 to 6,755.00				3,888.00 to 5,940.00	
21-30	7,050.00 to 9,705.00				Contact Council	

3.8 Table 2, below, indicates Merton’s current fees for Small Domestic Building Full Plan submission and Building Notices, as well as the proposed fees after a 15% increase is applied. This enables a comparison with the fees for other boroughs in Table 1. The full range of fees to be increased are detailed in Appendix A.

Table 2

Charges for Small Domestic Building Full Plan Submission and Building Notice						
	Full Plans Staged Fees (incl VAT)				Full Plans Total Cost (incl VAT)	
	Full Plans Charge £		Full Plans Inspection £		Building Notice Cost £	
No of Dwellings	Current	+ 15%	Current	+ 15%	Current	+ 15%
1	220.00	253.00	660.00	759.00	880.00	1,012.00
2	295.00	339.25	880.00	1,012.00	1,175.00	1,352.00
3	365.00	419.75	1,100.00	1,265.00	1,466.00	1,685.00
4	440.00	506.00	1,320.00	1,518.00	1,761.00	2,025.00
5	550.00	632.50	1,650.00	1,897.50	2,200.00	2,530.00
6	620.00	713.00	1,870.00	2,150.50	2,490.00	2,864.00
7	694.99	799.24	2,090.00	2,403.50	2,785.00	3,203.00
8	770.00	885.50	2,305.00	2,650.75	3,075.00	3,537.00
9	880.00	1,012.00	2,635.00	3,030.25	3,515.00	4,043.00
10	950.00	1,092.50	2,855.00	3,283.25	3,806.00	4,376.00
11 to 30 Plus see below	1,023.80	1,177.37	3,075.00	3,536.25	4,099.00	4,714.00
11-30 + each dwelling Over 11	75.00	86.25	220.00	253.00	295.00	340.00

4 THE BUILDING SAFETY ACT 2022 (the BSA)

4.1 The BSA takes forward the Government’s commitment to fundamental reform of the building safety system. The BSA gives effect to policies set out in the Building a Safer Future consultation response.

- 4.2 This detailed how the Government intends to deliver the principles and recommendations of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety and are a direct result of the Grenfell tragedy which killed 72 people.
- 4.3 The BSA introduces new duties for the management of fire and building safety in high-rise residential buildings from 1st April 2023. It is one of several pieces of legislation and guidance being implemented by the Government to enhance Building Safety, including the FSA. Importantly, the BSA will help people be and feel safer in their homes and will change the way buildings are designed, constructed, and managed.
- 4.4 The BSA is also the vehicle for wider improvements including changes to the Architects Act 1997; the Housing Act 1996; and provisions to establish a National Regulator for Construction Products and a New Homes Ombudsman. It also takes forward further changes to the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order of FSO), building on the FSA. In particular:
- Part 1 provides an overview of the Act
 - Part 2 establishes a new Building Safety Regulator as the Health & Safety Executive and its functions
 - Part 3 (amongst other things) provides for the registration of building inspectors and building control approvers (currently Approved Inspectors) to better regulate and improve competence levels in the building control sector
 - Part 4 is concerned with higher-risk residential buildings when occupied and defines and places duties on the *Accountable Person* in relation to building safety risks in their building
 - Part 5 details other provisions about safety, standards etc.
 - Part 6 contains general provisions including Crown application, provision of liability for officers and a general regulations making power
- 4.5 From October 2023, the BSR will become the Building Control Authority for High-Risk Buildings. All Building Regulation applications will go directly to the BSR and not to the local authority or private Building Control Inspectors. The BC Service was selected to participate in a pilot and has been supplying information to the BSR.
- 4.6 Under Section 13 of the BSA, the BSR can request assistance from a local authority and fire and rescue authorities regarding a relevant function. (BSR can also 'Direct' a relevant authority to do anything to facilitate the exercise by the BSR of a relevant function).

- 4.7 For London, a Hub has been set up (under the London District Surveyors Association – LDSA) and the BSR will send all applications to the Hub. In turn, the Hub will send applications to the host authority. If the host authority cannot undertake the work or does not respond within 72 hours, the Hub will offer the work to all adjacent authorities.

5 THE FIRE SAFETY ACT 2021 (FSA)

- 5.1 The FSA has made amendments to [the Regulatory Reform \(Fire Safety\) Order 2005](#). It requires a building owner or the *Accountable Person* to be aware of these amendments and have a clear understanding of what's included in the FSA.
- 5.2 The FSA focuses on fire risk assessments. It is now law for the external walls of a building, the fire doors to individual flats and those located in common areas to be assessed as part of the requirement for a fire risk assessment on any given building.
- 5.3 It is also important to note that this applies to all multi-occupied buildings and is not dependent on the height of the building.
- 5.4 The FSA clarifies that the *Accountable Person* for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies, windows, and entrance doors to individual flats that open into common parts. It is the responsibility of the *Accountable Person* to undertake the fire risk assessment. Building Control have no part in checking if a fire risk assessment has been undertaken.
- 5.5 The FSA works in conjunction with the new Fire Safety (England) Regulations 2022 as well as the BSA.

6 REVIEW OF BUILDING CONTROL

- 6.1 Due to the impact of the new legislation upon the BC Service; as well as the need to strengthen and ensure the team was able to generate income to cover their costs; have the ability to respond to the increasing number of dangerous structure incidents arising within the borough; and to respond to issues picked up by Internal Audit, it was decided to conduct a Review of the Service.
- 6.2 The Review was, and is, covering a number of issues/areas, including:
- considering the requirements of the BC Service taking into account changes impacting upon the team
 - Considering the possibility of a shared service with another borough

- Producing an Action Plan to take the team forward
 - Producing a new team structure, including reviewing job descriptions and posts required, as well as advising on recruitment
 - Assessment and organisation of training to ensure team meet the competent person requirements/impact of new legislation
 - Arranging Away Days for the team to inform; brainstorm; and boost morale
 - Undertaking a Marketing Analysis of the service
 - Advising on best ways to increase market share to generate the required income
- 6.3 As the Review is already underway, some progress has been made, including production of a draft structure; review of Building Surveyor JDs and the role(s) advertised; a successful growth bid to assist in the new structure and in particular to create a new post of Admin Officer to assist in the efficient charging and collection of income; the appointment of 2 new building surveyor trainees for a period of 3 years, at no cost to the Council (other than expenses); 2 Away Days for the team.
- 6.4 The surveyor role has been advertised 3 times with limited success. This is the case for a number of specialist officers across a range of professions within local authorities. However, the appointment of two trainees, following a successful bid to the Local Authority Building Control (LABC) will enable the Council to 'grow its own' if it continues to be unsuccessful in recruiting to the full range of officers it requires.
- 6.5 The Review is already having a positive impact upon the team, the appointment of an additional junior surveyor has increased the capacity and whilst initially team members were concerned about having to take on two trainees, this has reaped benefits in that they have needed to take them on site, and follow specific processes, which has impressed builders, from whom a large amount of work is sourced.
- 6.6 Team Morale has improved due to changes being made and Away Days and Market Share is now also increasing, due to the positive external impression of changes made, and the slightly increased capacity. It is intended to build upon this. Market share has now increased from 32% in March to 43% in April and May.
- 6.7 With regard to shared services, this has been explored with a number of adjacent boroughs but due to the different requirements and timescales of other teams, no progress has been made. However, this is an option that can still be considered in future. In particular, having a shared Dangerous Structure response team is something being looked at.
- 6.8 For a number of reasons, including some of the legislative requirements still being finalised, recruitment difficulties, and other project work taking priority, the Review has not made as much progress as expected. However, it is now anticipated that the Review will be largely completed in October 2023.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 Building Control Fees have not been increased for 4 years and it is recommended that a 15% increase is now applied to bring them in line with other London Boroughs.
- 7.2 A successful growth bid to increase the number of posts slightly was made in the last financial year (2022/23) and this will assist in the provision of a changed staff structure which in turn will enable the team to increase its market share and meet its income targets.

8 LEGAL AND STATUTORY IMPLICATIONS.

- 8.1 Following the Grenfell tragedy, new legislation been enacted which has a significant impact upon BC Service, including the FSA; Fire Safety (England) Regulations 2022; the BSA. A summary of the very detailed provisions is set out elsewhere in this report.
- 8.2 A BSR for the service is also due to take effect from October 2023, based within the Health and Safety Executive. Amongst the various functions of the BSR it is required to establish and maintain a Register of all building inspectors (across public and private sectors) and a register of building control approvers (formerly approved inspectors). All the Council's surveyors will be required to register and be accredited by May 2024.
- 8.3 The Council has a statutory duty to carry the London Building Acts (Amendment) Act 1939 (the 1939 Act) into execution and to enforce the provisions of Part VII which relates to dangerous and neglected structures.
- 8.4 The 1939 Act applies to outer London Boroughs by virtue of Section 45 of the London Local Authorities Act 2000, as amended by Section 10 of the London Local Authorities Act 2004.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1 The Service provided to Merton will ensure that it continues to be accessible to all residents especially those with protected characteristics. The Council will continue to maintain the resources necessary to assist vulnerable people by taking action against unscrupulous building owners and landlords and will provide advice to people with disabilities.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1 Any contravention of the Building Regulations is a criminal offence. Under Section 35 of the Building Act 1984, as substituted by Section 39 of the BSA, the Council can prosecute anyone who fails to comply with the Regulations and on conviction the court may impose a maximum of two years imprisonment and/or an unlimited fine.

10.2 The BSR's activities to achieve building safety and performance outcomes include formal enforcement and sanctions where necessary.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1 The new statutory provisions provide significant improvements in regard to fire and building safety.

11.2 There are a number of potential risks for the BC Service, including its current team members not being able to gain accreditation as required by the BSR. Other risks are not being able to recruit enough skilled staff to maintain the BC Service and, in particular, to fulfil the Council's statutory duties and functions in relation to the Building Act 1984 and dangerous and neglected structures under the 1939 Act.

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

A. Current & Proposed charges including 15% increase.

13 BACKGROUND PAPERS

Fire Safety Act 2021

Building Safety Act 2022

Appendices: Update on the Building Control Service and Proposed Increase to Charges

Appendix A: Current & Proposed charges including 15% increase.

Table 1: [Charges for small domestic buildings](#)

Table 2: [Charges for certain small buildings and extensions](#)

Table 3: [Charges for works other than that covered in table 1 & 2](#)

[Notes](#)

Table 1: Charges for Small Domestic Building Full Plan Submission and Building Notice

Table showing current fees and the proposed 15% increase relating to charges for Small Domestic Building Full Plan Submission and Building Notice. All costs are in GBP (£).

Number of Dwellings	Full Plans Staged Fees (inc VAT)				Full Plans Total Cost			
	Full Plans Charge		Full Plans Inspection		Building Notice Cost			
	Current	Proposed	Current	Proposed	Current	Proposed		
	Total	Total	Total	Total	Total	Total	Net	VAT
1	220.00	253.00	660.00	759.00	880.00	1012.00	809.60	202.40
2	295.00	339.25	880.00	1012.00	1175.00	1351.25	1081.00	270.25
3	365.00	419.75	1100.00	1265.00	1465.00	1684.75	1347.80	336.95
4	440.00	506.00	1320.00	1518.00	1760.00	2024.00	1619.20	404.80
5	550.00	632.50	1650.00	1897.50	2200.00	2530.00	2024.00	506.00
6	620.00	713.00	1870.00	2150.50	2490.00	2863.50	2290.80	572.70
7	694.99	799.24	2090.00	2403.50	2784.99	3202.74	2562.19	640.55
8	770.00	885.50	2305.00	2650.75	3075.00	3536.25	2829.00	707.25
9	880.00	1012.00	2635.00	3030.25	3515.00	4042.25	3233.80	808.45
10	950.00	1092.50	2855.00	3283.25	3805.00	4375.75	3500.60	875.15
11 & over	1023.80	1177.37	3075.00	3536.25	4098.80	4713.62	3770.90	942.72
11-30 + each dwelling over 11	75.00	86.25	220.00	253.00	295.00	339.25	271.40	67.85
30+	Charges are negotiable.							

Table 2: Charges for certain small buildings and extensions

Table showing current fees and the proposed 15% increase relating to Charges for certain small buildings and extensions. All costs are in GBP (£).

	Full Plans Staged Fees (inc VAT)				Full Plans Total Cost			
	Full Plans Charge (inc VAT)		Full Plans inspection (inc VAT)		Building Notice Cost			
	Current	Proposed	Current	Proposed	Current	Proposed		
	Total	Total	Total	Total	Total	Total	Net	VAT
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m ² in total and intended to be used in common with an existing building and which is not an exempt dwelling.	295.00	339.25	-		295.00	339.25	271.40	67.85
2. Any extension excluding a conversion of the existing roof space into habitable rooms the total floor area of which does not exceed 10m ² including means of access and work in connection with that extension.	515.00	592.25	-		515.00	592.25	473.80	118.45
3. Any extension excluding a conversion of the existing roof space into habitable rooms the total floor area of which exceeds 10m ² but does not exceed 40m ² including means of access and work in connection with that extension.	165.00	189.75	495.00	569.25	660.00	759.00	607.20	151.80
4. Any extension excluding a conversion of the existing roof space into habitable rooms the total floor area of which exceeds 40m ² but does not exceed 60m ² including means of access and work in connection with that extension.	220.00	253.00	660.00	759.00	880.00	1012.00	809.60	202.40
5. Any conversion of an existing roof space into habitable rooms the total floor area of which does not exceed 40m ² .	145.00	166.75	440.00	506.00	585.00	672.75	538.20	134.55
6. Any conversion of an existing roof space into habitable rooms the total floor area of which exceeds 40m ² but doesn't exceed 60m ² .	220.00	253.00	660.00	759.0	880.00	1012.00	809.60	202.40

Table 3: Charges for works other than that covered in table 1 & 2

Table showing current fees and the proposed 15% increase relating to works other than that covered in table 1 & 2. All costs are in GBP (£).

ESTIMATE COST OF WORK (£)	Full Plans Staged Fees (inc VAT)				Full Plans Total Cost			
	Full Plans Charge (inc VAT)		Full Plans Inspection (inc VAT)		Full Plans Total Building Notice Cost			
	Current	Proposed	Current	Proposed	Current	Proposed		
	Total	Total	Total	Total	Total	Total	Net	VAT
0 – 2K	295.00	339.25		-	295.00	339.25	271.40	67.85
2K – 5K	440.00	506.00		-	440.00	506.00	404.80	101.20
5K – 10K	130.00	149.50	385.00	442.75	514.99	592.24	473.79	118.45
10K – 15K	145.00	166.75	440.00	506.00	585.00	672.75	538.20	134.55
15K – 20K	165.00	189.75	495.00	569.25	660.00	759.00	607.20	151.80
20K – 25K	185.00	212.75	550.00	632.50	735.00	845.25	676.20	169.05
25K – 30K	200.00	230.00	605.00	695.75	805.01	925.76	740.61	185.15
30K – 35K	220.00	253.00	660.00	759.00	880.00	1012.00	809.60	202.40
35K – 40K	240.00	276.00	715.00	822.25	955.00	1098.25	878.60	219.65
40K – 45K	255.00	293.25	770.00	885.50	1025.00	1178.75	943.00	235.75
45K – 50K	275.00	316.25	825.00	948.75	1100.00	1265.00	1012.00	253.00
50K – 60K	295.00	339.25	880.00	1012.00	1174.99	1351.24	1080.99	270.25
60K – 70K	330.00	379.50	990.00	1138.50	1320.00	1518.00	1214.40	303.60
70K – 80K	365.00	419.75	1100.00	1265.00	1465.01	1684.76	1347.81	336.95
80K – 90K	405.00	465.75	1210.00	1391.50	1615.00	1857.25	1485.80	371.45
90K – 100K	440.00	506.00	1320.00	1518.00	1760.00	2024.00	1619.20	404.80
100K – 120K	475.00	546.25	1430.00	1644.50	1905.00	2190.75	1752.60	438.15
120K – 140K	515.00	592.25	1540.00	1771.00	2055.00	2363.25	1890.60	472.65
140K – 160K	550.00	632.50	1650.00	1897.50	2200.00	2530.00	2024.00	506.00
160K – 180K	585.00	672.75	1760.00	2024.00	2345.00	2696.75	2157.40	539.35
180K – 200K	625.00	718.75	1870.00	2150.50	2494.99	2869.24	2295.39	573.85
200K +	Charges are Negotiable							

Notes

1. Full Plan - Staged fees
 - a. First stage - Plan charge is payable on deposit of submission
 - b. Second stage - Inspection charge is invoiced to the applicant after the first inspection
2. Building notice charge is payable when the application is submitted
3. Regularization fees are the equivalent of the total charge including VAT charge for each type of works as per the tables above; however the actual fee does not attract VAT.

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Cabinet

Date: 17th July 2023

Agenda item:

Subject: Merton's Civic Pride Fund – Investing in Neighbourhoods and Merton's Community Climate Action Fund

Lead Director: Dan Jones, Executive Director of Environment, Civic Pride & Climate; Lucy Owen, Executive Director of Housing and Sustainable Development

Lead Officer: Dominique Hill Climate Change Officer, Amy Mallett Climate Engagement Officer, Tim Catley Planning Contributions Manager

Lead Member: Councillor Natasha Irons, Cabinet Member for Local Environment, Green Spaces and Climate Change (for Community Climate Action Fund), Councillor Eleanor Stringer, Deputy Leader and Cabinet Member for Civic Pride (for Investing in Neighbourhoods Fund)

Recommendations:

Cabinet to

1. approve the proposed approach to launching and administering Merton's new Community Climate Action Fund alongside Merton's Civic Pride Fund – Investing in Neighbourhoods.
 2. approve the amended assessment criterion B set out at para 2.13 for Merton Civic Pride Fund – Investing in Neighbourhoods so that it refers to the Council Plan – “Building a Better Merton Together” which confirms the context for the council's strategic objectives.
 3. approve the proposed criteria for Merton's new Community Climate Action Fund.
 4. note the new prioritisation guidance for both funds, as well as the additional information requirements for projects which have already received council funding.
 5. approve the proposed timetable set out in Section 5 of this report.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Cabinet to approve the creation of a new funding scheme called “Merton's Community Climate Action Fund” which will be administered alongside the Civic Pride Fund – Investing in Neighbourhoods.

- 1.2 On 20th February 2023, as part of Merton’s Climate Delivery Plan for Year 3, [Cabinet approved the allocation of £500k to a community climate action fund to continue supporting the development and delivery of community-led climate projects](#). This was funded through the £2million in climate funding allocated by Cabinet in June 2022.
- 1.3 The intention is to administer grants under this fund using the same framework as the existing *Civic Pride Fund – Investing in Neighbourhoods*. This report sets out how the grant funding under the *Community Climate Action Fund* and *Civic Pride Fund – Investing in Neighbourhoods* will be allocated, what criteria and prioritisation guidance will be applied, and what additional information will be required for existing projects which have already received council funding.
- 1.4 Officers intend to hold bidding rounds for this Fund once a year for the next three years, alongside the *Civic Pride Fund – Investing in Neighbourhoods*, with the first round expected to launch in autumn 2023. Section 5 of this report sets out the proposed timetable for the first round of bidding, assessments and decision making.
- 1.5 Since Cabinet approved this funding allocation in February 2023, the relevant Cabinet Members (Cllr Eleanor Stringer for the *Civic Pride Fund – Investing in Neighbourhoods* and Cllr Natasha Irons for the *Community Climate Action Fund*) have worked closely with officers in Future Merton (climate and community infrastructure levy) to develop the approach set out in this report.

2. DETAILS

Background & context

- 2.1 In 2019, Merton declared a Climate Emergency and committed to becoming a net zero carbon borough by 2050 and a net zero carbon council by 2030. Merton’s Climate Strategy and Action Plan, which was informed by extensive stakeholder engagement and adopted by full Council in November 2020, highlighted the importance of community-led grassroots action in achieving net zero carbon as a borough.
- 2.2 Merton’s annual Climate Delivery Plan tracks council progress against these 2030 and 2050 targets, which includes encouraging and facilitating wider behaviour change and climate action across the borough where emissions sit outside the council’s direct control.
- 2.3 In January 2021, the council launched Merton’s Climate Action Group, to support the development and implementation of community-led projects,

events and knowledge exchange that reduce Merton's greenhouse gas emissions, where joint efforts are more effective than the actions of individuals or the council alone. Since inception, the group has developed and received Neighbourhood Community Infrastructure Levy funding from the council to run three projects with delivery partners Sustainable Merton and the Centre for Sustainable Energy. These projects are Merton Garden Streets, The Wheel and Energy Matters.

- 2.4 These projects align with core themes of Merton's Climate Strategy and Action Plan and have led to the employment of two local residents to deliver the Merton Garden Streets and the Wheel projects; have reached thousands of residents to deliver a number of co-benefits for local residents including physical and mental wellbeing benefits, improved community cohesion and helping tackle fuel poverty in Merton.
- 2.5 The intention is for the new Community Climate Action Fund to support the roll-out of more community-led climate action projects using the same model. This could include established organisations in Merton bidding for funding to deliver new climate projects themselves or with other delivery partners, or residents working with local delivery partners to develop and deliver new community climate action projects.

The mechanism

- 2.6 It is proposed that decisions on allocating Community Climate Action Funding will be considered under the council's overarching aim/strategic priority of rebuilding pride in Merton, alongside [Merton's Civic Pride Fund – Investing in neighbourhoods](#).
- 2.7 The objective of this approach is to embed decision-making in line with the vision that the administration has for the borough and the legacy of pride that they are committed to leave for our communities, which includes a sustainable future and becoming a net zero carbon borough by 2050.
- 2.8 This approach also maximises the opportunities for residents and community organisations to access funding – if one fund is exhausted there may be opportunities to fund projects across both funds (if they qualify) or using the fund with resources.
- 2.9 Similarly to Community Infrastructure Levy (CIL) funding the intention is that the funding must be spent on local projects to support the demands development places on areas and can be applied to both capital and revenue costs.

- 2.10 In order to encourage residents to continue engaging in local climate action and developing new project ideas over the next few years, officers are proposing to split this Community Climate Action Funding evenly across three years (i.e. circa £166k per year). This will allow residents who aren't ready to bid, or who aren't successful with their bid this year, to bid in future years once they've had a chance to refine their proposal.
- 2.11 Communications and outreach to raise awareness of the funds will begin in late July to generate interest and allow ample time for bidders to develop and submit project proposals.
- 2.12 The intention is to use the same web page and bidding form for both pots of funding to minimise the burden on residents, community groups and organisations looking to bid for council funding. Where bidders specify that they would like to be considered for both pots, and have provided the relevant information, this approach will enable officers to consider bids holistically and decide which fund is most appropriate.

Assessment criteria

- 2.13 All bids to the *Investing in Neighbourhoods Fund* and the *Community Climate Action Fund* will be assessed against the following criteria, to ensure that any projects which cannot be progressed through the Community Climate Action Fund could be progressed through the Investing in Neighbourhood Fund if appropriate:
- A. Bids must clearly (in terms of demonstrable outcomes) address the demands that development (such as new homes, shops and offices) place on the borough and the public the council represents.
 - B. The proposal must comprise an appropriate use of the funds; be consistent with government rules and London Borough of Merton Council Plan 2023-26 - "Building a Better Merton Together" delivering the council's main ambition of rebuilding pride in Merton, supported by three strategic objectives namely:
 - I. Nurturing civic pride
 - II. Building a sustainable future
 - III. Creating a borough of sport.
 - C. The proposal must be an appropriate use of the funds and should not have any unacceptable financial implications (either capital or ongoing revenue funding) on the council or any other body.
 - D. Estimated cost of the proposal should aim to be over £20,000.
 - E. The proposal should be deliverable and capable of being started within the year ahead.
 - F. Proposals should be endorsed by at least one Merton ward councillor who is not a member of the Cabinet.

- G. Proposals will be assessed as to how they meet neighbourhood priorities. We will be looking for proposals that align with one or more of the priorities favoured by the neighbourhood where the proposal would be located (or neighbourhood that would benefit most from the proposal) as demonstrated by the results of the Neighbourhood CIL public consultation (Nov 2016-Jan 2017).
- 2.14 Criterion B is being updated so that it refers to the Council Plan – “Building a Better Merton Together” approved by Council on 19th April 2023 which confirms the context for the council’s strategic objectives which were added as criteria by Cabinet on 19th September 2022.
- 2.15 In order to be considered for the Community Climate Action Fund, in addition to meeting the above criteria, bidders will need to complete the additional Community Climate Action Fund questions on the bidding form and demonstrate that the proposal:
- H. is grassroots-generated and community-led; the project will need to be delivered by residents, community groups, and/ or their delivery partners, and cannot be delivered by the council.
 - I. helps reduce carbon emissions or adapt and build resilience to the impacts of climate change as set out in the [United Nation’s definition of Climate Adaptation](#).
 - J. aligns with one or more of the four themes of Merton’s Climate Strategy and Action Plan (Buildings and Energy, Green Economy, Transport, or Greening Merton).
- 2.16 Each bid will be assessed by considering how it performs against the above criteria overall, with the assessment recorded and used to inform the prioritisation process.

Prioritisation guidance

- 2.17 If there is high demand for the funding and not all proposals can be funded, officers will prioritise the following projects for both funds:
- Projects which add most value to the Merton community.
 - Projects which demonstrate how the bidder has considered alternative funding sources and that the market is currently failing to provide a solution to this challenge.
 - Projects that engage audiences which haven’t connected with the council before or hardly reached audiences.
- 2.18 In addition to the above general priorities, officers will prioritise the following for the Community Climate Action Fund:
- Projects which have a higher carbon impact (i.e. save more carbon)

- Projects which help address climate vulnerability in areas of high climate risk as per the [Greater London Authority's Climate Risk Map](#).

Projects which have already received council funding

- 2.19 Officers will only consider funding existing projects which have already received council funding where the bidder can:
1. demonstrate the value of the project;
 2. demonstrate that other funding streams have been pursued;
 3. secure funding from non-council sources in addition to the contribution requested from the council – the amount of council funding required for relevant existing projects will need to decrease over time; and
 4. demonstrate a long-term funding plan for the project without council funding.

3. ALTERNATIVE OPTIONS

Option 1 - No Community Climate Action Fund

- 3.1 £500k was allocated by Cabinet in February 2023 to set up and launch Merton's new Community Climate Action Fund in 2023. This commitment was also secured under workstream 1 of [Merton's Climate Delivery Plan for Year 3](#). Not having a Community Climate Action Fund is therefore not an option.

Option 2 – Standalone Community Climate Action Fund

- 3.2 Setting up a new mechanism to administer the *Community Climate Action Fund*, separate to the existing Investing in Neighbourhoods framework, would not be an effective use of council resources. If the two pots were completely separate, residents, community groups and local organisations would likely bid to both funds to maximise their chances of securing funding, thereby duplicating efforts for the local community and officers.

- 3.3 The proposed approach of coordinating the *Community Climate Action Fund* with the *Civic Pride Fund – Investing in Neighbourhoods* was approved by Cabinet in February 2023. This approach will also help maximise the benefits to Merton's community, by ensuring that projects which provide best value for money are supported across both funds.

Option 3 – Absorbing the funding into the Investing in Neighbourhoods pot

- 3.4 Legal advice was sought from the South London Legal Partnership in autumn 2022 to inform the 2022 Climate Funding Allocation which was

taken to CMT on 22nd November 2022. SLLP advised that it should be clear that funding under the Community Climate Action Fund should be separate from grant funding under NCIL and should be identified as such. It is therefore not possible to add the £500k in climate funding directly to the Investing in Neighbourhoods Fund.

- Option 4 – Different criteria for the Community Climate Action Fund**
- 3.5 Using completely different criteria for the Community Climate Action Fund would mean that any projects which do not meet the climate criteria, but still add value to the local community, could not be progressed under the Investing in Neighbourhoods Fund. This could lead to missed opportunities for supporting community-led projects with other benefits in Merton.
- 3.6 Officers are proposing to apply the Investing in Neighbourhoods criteria and additional specific climate criteria to the Community Climate Action Fund, to ensure that any projects that don't meet the additional climate criteria could still be progressed through the Investing in Neighbourhoods Fund if appropriate.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.4 The targets and actions set in Merton's Climate Strategy and Action Plan and Merton's Climate Delivery Plan for Year 3 were developed with consultation across the council, and the wider community, including but not limited to Merton's Climate Action Group. The proposals in this report have been developed by or with the relevant teams.
- 4.5 Government guidance states that local authorities should engage local communities and agree with them how to best spend Neighbourhood CIL, and that administration of it should be proportionate to the level of receipts.
- 4.6 As part of the preparations for spending Merton Neighbourhood CIL funding public consultation was carried out over the winter 2016-17 when neighbourhoods were asked for their investment priorities in accordance with statutory government guidance. The findings of this consultation informed the assessment criteria approved by Cabinet in September 2017 that is used in the decision making on allocations. Respondents were supportive of investing in a wide range of project typologies across all areas of the borough, with no one typology standing out significantly.
- 4.7 For the Council Plan approved by Council on 19th April 2023, which confirms the context for the council's strategic objectives, extensive internal consultation was undertaken through Directorate Management

Teams, the Corporate Management Team and Cabinet Member briefings. The development of the plan was also informed by a resident engagement programme carried out over 2021 and collaborative engagement work with our voluntary sector and community groups.

5. TIMETABLE

- 5.1 The indicative timetable for the first round of bidding under the *Community Climate Action Fund* and the second round of the *Civic Pride Fund – Investing in Neighbourhoods* is set out below, based on the 2022 timescale:

Table 1 – Indicative timetable for the 2023 bidding round

Milestone	Timescale
Communications and outreach to generate local interest	Late July to November
Applications open	5 weeks in autumn 2023 (September – November 2023)
Application review	November 2023 – January 2024
Cabinet sign-off on allocations	February 2024
Grant agreements and programming with successful bidders	From March 2024 (can take up to 6 months)

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 On 20th February 2023, as part of Merton’s Climate Delivery Plan for Year 3, [Cabinet approved the allocation of £500k to a community climate action fund to continue supporting the development and delivery of community-led climate projects](#). This was funded through the £2million in climate funding allocated by Cabinet in June 2022 and agreed with CMT on 22nd November 2022.
- 6.2 Appendix A to the February 2023 report profiled the spending on this scheme to £300k in 2024-25 and £200k in 2025-26, the proposals contained in this report change this profile to £166.6k in 2024-2027. It is envisaged that the revenue budget will be adjusted via the financial monitoring report as bids are approved (reflecting the approach taken with NCIL bidding).
- 6.3 The fund was originally envisaged to be related to revenue expenditure, from the additional detail provided in this report it is anticipated that some

schemes may be capital in nature. As capital bids are approved, they will be added to the capital programme via the financial monitoring report.

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 Officers are recommending approval of the recommendations in paragraphs 1-5 of this report. As to recommendation 1, the Council must ensure that in administering the scheme, it adheres to all relevant requirements of the Subsidy Control Act 2022, and related Statutory Guidance and to the principles of transparency, fairness and equality. As to recommendations 2-5, no legal implications arise.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 None for the purposes of this report. Projects will be selected against the criteria set out above which include matters addressing equalities and community cohesion.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None for the purposes of this report.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 None for the purposes of this report.

11. APPENDICES – the following documents are to be published with this report and form part of the report

- None for the purposes of this report.

12. BACKGROUND PAPERS

Merton's Climate Strategy & Action Plan November 2020 [Climate change : Climate Strategy and Action Plan | Merton Council](#)

Merton's Climate Delivery Plan for Year 3 2023 [Appendix - Climate Delivery Plan.pdf \(merton.gov.uk\)](#)

Cabinet meeting 22 February 2023: Climate Delivery Plan – Year 3 [Decision - Climate Delivery Plan - Year 3 - Merton Council](#)

Building a Better Merton Together – London Borough of Merton Council Plan 2023-26 [Building a Better Merton Together: London Borough of Merton Council Plan 2023-26 | Merton Council](#)

Cabinet Meeting 19 September 2022: Merton's Civic Pride Fund – Investing in Neighbourhoods using Neighbourhood Community Infrastructure Levy funding [2022-09-19 Civic Pride NCIL report - Cab v1.0.pdf \(merton.gov.uk\)](#)

Cabinet 19th September 2022: Merton Civic Pride Fund – Supporting the Voluntary and Community Sector 2023/26 [Final Cabinet report 19 September Civic Pride VCS.pdf \(merton.gov.uk\)](#)

Committee: Cabinet

Date: 17 July 2023

Wards: All

Subject: The role of Merton's Libraries as Community Hubs

Lead officer: Dan Jones – Executive Director of Environment, Civic Pride and Communities Department

Lead member: Councillor Caroline Cooper-Marbiah – Cabinet Member for Sport & Heritage

Contact officer: Anthony Hopkins – Head of Library, Heritage & Adult Education Service

Recommendations:

- A. For Cabinet to note the progress made with establishing Merton's libraries as community hubs.
 - B. For Cabinet to agree the direction of travel for Merton's libraries as community hubs and the kinds of services and partnerships that will be provided through them.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. This report provides an overview of Merton's public library network and the role they play as community hubs in the borough.

1.2. Merton's network of 7 public libraries and a Heritage and Local Studies Centre, are well used and highly regarded by residents. Over 1.1 million physical visits are made to them each year and they are some of the most well used libraries in the country. Customer satisfaction is very high as measured via the recent Library Customer Survey (October 2022), with 100% of residents satisfied with their library service and 99% rating them as either excellent or very good.

1.3. The current operating model is based on a community hub model and hosts a range of services delivered by partners, with strong representation from the community via volunteering. Section 2 explains in more detail the current community hub offer and how this could be stretched over the next few years. All the proposals are an enhancement to the current offer and do not impact on the existing high-quality offering.

2 DETAILS

Merton's Libraries as Community Hubs

2.1. Merton has some of the most well used libraries in the country with very high customer satisfaction rates. Over 145,000 residents are library members, which equates to over 68% of residents, and 32% have used their library card at least once in the last year to either borrow a book, use the computer facilities, or use the libraries online services (*KPI SP08 – Active Usage*).

2.2. Over 650 events are delivered via libraries each month and support a range of interests that are described further in this report. The events are delivered in collaboration with community partners and volunteers.

2.3. The current Merton library operating model is routed in the community hub approach. The current offer has been summarised under the following 5 headings:

- Information and Digital
- Culture and Creativity
- Children's Services
- Health and Wellbeing
- Reading

2.4. An extensive opening hours offer is in place across the 7 libraries with 4 libraries recently increasing their opening hours via new self-access technology called Libraries Plus. Our libraries are now open for 448 hours per week, which is a 16% increase in opening hours prior to the pandemic. Unlike some other authorities Merton has maintained all its libraries over the last 10 years, improved the service offering and extended the opening hours at all of them.

Information and Digital

2.5. Merton libraries provide high quality information and digital support. Libraries enable individuals and communities to develop learning skills to find answers and to inform life choices. The offer helps children and adults to engage and feel safe online. It ensures resources and opportunities are accessible and embraces creative and innovative technology.

2.6. The service focusses its support on those most in need who potentially have limited access or knowledge of the Internet and other IT applications. In order to support residents, it provides a broad range of one to one and group IT support.

Cost of Living

2.7. During the current Cost of Living crisis libraries have been an invaluable resource both in providing warm spaces and as places of information, hosting a range of information for residents on how they can manage their budgets more effectively. Partnerships with services such as the Citizens Advice Bureau and the Springfield Law Centre also mean that residents can get first-hand information and guidance from trusted organisations. An ongoing programme of Cost of Living events, drawing together a wide range of organisations, continues to be delivered.

IT Access

2.8. All of Merton's libraries provide residents with free access to computers with Internet access. This is delivered via a network of 147 computers. All sites provide free WiFi and on site training is provided for residents in digital skills via one to one and class sessions, delivered by volunteers and partners such as Merton Adult Learning.

Connecting Merton

2.9. Connecting Merton is the borough's very own computer equipment lending and training scheme and is open to any resident aged 18 years and over. The scheme not only provides good quality IT equipment such as laptops and tablets but advice,

guidance and training on how to get the equipment set up and how to get online safely. Library staff and volunteers support residents by providing training in person or via the telephone. Participants are also linked into a range of free IT learning courses provided by Merton Adult Learning and other providers. So far over 1,200 residents have been supported to get online with 100% of participants reporting improvements in their IT skills as a result of borrowing a device.

2.10. Connecting Merton has also been highlighted as an area of good practice in the recently published 'Digital Inclusion in London' report published by the London Office for Technology and Innovation (LOTI) on behalf of the Greater London Authority.

Employability, Skills and Training

2.11. Libraries provide a range of employability support services working with training providers and the Job Centre Plus. Examples include CV writing workshops, job clubs and other skills training. The use of library services is integral for a number of community based courses and in a more informal way through sessions such as one to one IT support and other activities delivered by partners and volunteers.

2.12. The service works closely with the council's Adult Learning service and provides venues for a number of their courses and collaborative work such as pathways onto courses for volunteers and coordinated family learning courses.

2.13. As part of the development of its assisted digital offer staff and volunteers have been trained in supporting customers with Universal Credit and other government services. Libraries play an important role in supporting customers with online council and other government services.

Business Support

2.14. Business start-up support and flexible office space is provided for residents via the Wimbletech / Workary offer at Wimbledon and Mitcham libraries. Since launching in 2014, Wimbletech has supported over 5,000 residents with affordable local space to help grow their businesses and work locally.

2.15. As part of the offer, a number of events are delivered to support members and their businesses to develop and grow with over 500 events being delivered so far. Providing this offer locally enables members to invest back into their local community and estimated member spend in Merton since launching is over £1,000,000, which goes directly into the local economy.

2.16. Over 200 jobs have been estimated to have been created as a result of the project and the value of these jobs is estimated at almost £4,000,000 to the local economy. It currently has over 150 resident members with a community digital platform recently launched.

Community Banking Services

2.17. To help remedy the loss of banking services from local branch closures Barclays provide a community banking offer via Merton's libraries. Barclays provides residents with the usual non-cash banking and management advice services and deliver free community services around digital skills and employability. Barclays also work with Merton libraries to enhance its offer to local schools, and are currently operating for 4 days a week across Mitcham, Pollards Hill and Colliers Wood libraries.

Online Services

2.18. The use of online services has increased significantly during the pandemic and the Library & Heritage Service has responded by developing its online platforms to cater for a range of online events for all ages. Usage levels continue to remain high and a new online platform for residents recently launched. All transactional services are available via the website and a free e-book service is available that has over 100,000 items available for residents to borrow and over 60,000 items were borrowed in 2022/23.

Merton Heritage Strategy

2.19. Merton's Heritage Strategy was refreshed in 2021 and is focussed around four objectives:

- Raise Merton's profile by increasing public access to the borough's unique and diverse cultural heritage;
- Safeguard the borough's varied heritage sites and resources, protecting and conserving them for the benefit of future generations;
- Ensure that Merton's heritage provision is inclusive by working collaboratively to widen public engagement and participation;
- To recognise the important contribution of social enterprise and secure ongoing funding and investment in Merton's heritage through partnership work, external funding and sponsorship.

2.20. The Heritage Service provides information and resources on the local area as well as displays and exhibitions. The annual Heritage Discovery Day is very popular and attracts over 1,000 visitors. Throughout the year a calendar of events is delivered to mark important local and national events.

2.21. Merton Memories is a unique web portal that hosts over 17,000 images of the borough online and enables residents to add content to the resource.

Culture and Creativity

2.22. Merton's libraries work with cultural providers to deliver a range of events and activities via libraries. This includes access to high quality arts and cultural activities. The offer celebrates diversity, promotes inclusivity, values identity and contributes to an active local cultural economy.

Merton Arts Space

2.23. Merton has two established Arts Spaces in Wimbledon and Mitcham libraries. These spaces enhance the cultural offer through libraries and have flexible lighting, sound and stage facilities to enable professional productions in community settings. A wide range of cultural events across different artistic disciplines has been delivered. A music recording studio has also been installed at Wimbledon Library and has supported residents to develop their song writing and music production skills along with producing high quality music and podcasts.

National Portfolio Organisation (NPO)

2.24. Merton's libraries have also recently been successful in applying to be a National Portfolio Organisation (NPO) and will receive almost £360,000 in funding to invest directly into cultural activities and events. The funding will mean that a high-quality cultural offer can be delivered via libraries utilising professional performers. A

significant portion of the funding will be used to extend the cultural offer in the east of the borough and to attract audiences that have previously only experienced limited cultural opportunities. The funding will run for 3 years with the opportunity to reapply on an ongoing basis.

Library of Things

2.25. The Library of Things is an equipment loaning scheme that loans popular items that residents may not have the space or money to purchase for their homes. Examples of items loaned include garden equipment such as hedge trimmers along with things such as projectors, carpet cleaning machines and other home DIY equipment.

2.26. Evidence from the scheme shows a range of benefits. It enables residents to feel better connected with their community and reduces spend and waste on equipment with users more likely to repair or recycle items.

Tuned In

2.27. Tuned In launched in 2019 and is a project which aims to combat some of the issues of loneliness in the borough with funding from the Winter Pressures Fund. Tuned In works with professional musicians who facilitate fortnightly musical jam sessions at Merton Arts Space, Wimbledon library. The sessions share and develop musical skills and build knowledge, as well as helping individuals build social connections and friendship groups. They create an environment for people from all walks of life to come together and enjoy mutual support.

2.28. The project targets men, particularly those in the age group 50+, where loneliness is at its highest. However, the project is open and accessible to all. The sessions work on a drop-in basis and regularly see 30+ individuals attend.

2.29. The project works with several partners in the borough to help promote healthy lifestyles, including One You Merton, GLL, AFC Wimbledon and Fulham Football Club. They help raise awareness of the social and health benefits of organisations in Merton and this combined with the musical jam session aims to help reduce isolation, loneliness and build social connections and communities. Over 1,000 people have participated in Tuned In sessions. Participants are tracked through their participation and asked a range of questions on their health and wellbeing with good outcomes reported.

Children's Services

2.30. Merton's libraries welcome children from the very earliest months of life, helping parents and carers to support them as they grow and learn. Working with schools and other partners, libraries provide a range of activities, programmes and initiatives which introduce, extend and refresh the library experience for children.

Sensory Libraries

2.31. Via Arts Council funding sensory equipment has been installed at all libraries and a SEND (special educational needs and / or disabilities) stock and equipment offer is in place with trained staff and volunteers.

2.32. There is a dedicated resource library (Learn, Play, Grow Resource Library) with specialist communication technology, specially adapted toys and switches and story bag books, which can be borrowed free of charge and are used for activity sessions

Schools and Libraries Membership Scheme

2.33. Merton has a unique schools and libraries membership scheme that all school age children aged 5 - 14 are signed up to. The scheme is an invaluable way of promoting reading for pleasure amongst children and the improved life chances it brings. Merton has some of the highest usage rates of libraries amongst children and young people in the country.

Bookstart

2.34. Bookstart gives free books to every child in Merton at two key stages before school, as well as free packs for children with additional needs, tips and guidance on reading together, resources and activities, and much more. Bookstart aims to encourage a love of books, stories and rhymes in children from as young an age as possible.

Family Hubs

2.35. Merton's Family Hubs are places where families can get information, help and support from a range of important services. They will bring together staff working across a range of different services, including the council, health services and voluntary and community organisations.

2.36. They offer support from conception up until the age of 19, or 25 for young people with special educational needs and disabilities. All of Merton's will be classified as Family Hubs.

Health and Wellbeing

2.37. Merton's libraries play an important and visible role as the 'High Street presence' of the council and play a vital role in supporting and signposting residents towards obtaining appropriate information and accessing council services.

2.38. Our seven libraries already host a range of groups and services that support our communities, including health and wellbeing services covering subjects such as healthy eating, sexual health, diabetes, mindfulness and smoking cessation. A year-round approach to promoting healthier lifestyles through libraries is in place and links in with national and local initiatives.

2.39. Collaboration has been strengthened with partners to provide better support to assist people in living healthier and happier lives. This has included the introduction of new standards of service to make our buildings more dementia and autism friendly whilst enhancing the information offer.

2.40. The service works collaboratively with Public Health, social care, health providers and Adult Learning colleagues to promote a range of initiatives to link in messages around good personal health.

Health and Wellbeing Zones

2.41. Through external funding Merton's libraries have made adaptations to the buildings and purchased new equipment to create a multi-sensory experience that enhances resident's digital, education and health outcomes. Each library has a designated Health & Wellbeing Zone.

2.42. As well as books and information the Health & Wellbeing zones provide facilities to assist residents to better manage their health including technology to support

relaxation like massage chairs and weight, height and blood pressure monitors that will record a resident's figures and load directly into a customer's GP records should they request this. Bounce pads provide access to a range of high quality and NHS approved apps to support health and wellbeing.

Be Well Hubs

2.43. Be Well Hubs help tackle the cause of mental ill-health, promote access to mental health services and support people in the community.

2.44. All our libraries are accredited Be Well Hubs. Organised by Citizens UK the hub's main purposes are to de-stigmatise mental health, to use community organising principles to build strong relationships with local health services, and to organise leaders to listen and take action on the barriers and systemic problems impacting mental health. They will report back on key themes and trends from their communities.

2.45. Be Well hubs are a key initiative of the South London Listens programme, launching in community organisations where members have had mental health training to become Be Well Champions. Through this training and ongoing supervision, the Champions are equipped to listen to people in the community, provide information, resources, and signposting to mental health support.

Volunteering

2.46. Merton has a sector leading volunteer initiative that sees over 750 residents contribute over 28,000 hours each year to their local library. Volunteers support in a range of different roles including meeting and greeting, IT support and events delivery and new roles continue to be developed.

Reading

2.47. Reading for pleasure is a key life skill and research by the National Literacy Trust demonstrates that children who develop a love of reading at an early age are likely to have better life outcomes. Reading and borrowing books remains the highest used customer channel provided by Merton's libraries with 69% of customers borrowing an item in the last year.

Reading Promotions and Campaigns

2.48. The Library & Heritage Service has a year-round programme of events and activities that link into key local and national initiatives. A significant proportion of the 650 events delivered each month in libraries support reading and literature.

2.49. An annual calendar of events and promotions is drawn together, and events are promoted widely through all available channels such as social media, the libraries e-newsletter, the libraries website and the libraries themselves and feed into corporate communications plans.

Library Connect

2.50. Library Connect is Merton's very own pop-up library solution. It is used in localities to drive up library usage and raise awareness of the offer. It is delivered predominantly in areas where customer usage is lower than average. The offer links into wider council initiatives such as Health on the High Street.

E-books Service

2.51. The Library Service's e-books offer has seen significant increases in usage during the pandemic as customers shifted to new digital solutions whilst library access was restricted. The service hosts a collection of over 100,000 titles and is continuing to invest in its e-books platform. Other forms of digital content, such as e-magazines and e-audio have also seen significant increases in usage and are continuing to increase even with library buildings now being fully reopened. During the pandemic an 84% increase was reported in the use of e-content and usage levels continue to increase.

Home Visits Library Service

2.52. For residents who cannot make it to a library for any reason a Home Visits Library Service is available that delivers books and other materials to a resident's home and can cater for all interests and preferences. During the pandemic this service was a vital lifeline to some residents who were shielding or unable to leave their homes with limited contact with other people. The service currently supports just under 200 residents and is undertaking a marketing campaign to further increase numbers.

Stretching the existing Library Offer

2.53. Following research and engagement with customers, officers and members the following areas have been identified as stretch areas for the existing community hub offer via libraries:

- Digital Maker Spaces
- Council meetings
- Staff touchdown space
- Hosting more partners and voluntary groups
- Increasing the heritage presence in libraries
- Community cafes
- Further developing the culture offer
- Extending the network and future proofing the existing network

Digital Maker Spaces

2.54. A makerspace is a physical location where people gather to co-create, share resources and knowledge, work on projects, network, and build. They help intermediate and advanced users develop their skills and creativity, particularly inspiring younger generations to engage with the STEM agenda - Science, Technology, Engineering and Mathematics (or STEAM as it is now sometimes becoming referred to, by also including the Arts). Their activity promotes development of high-end technology skills needed for prosperity and social mobility. Makerspaces in libraries feature strongly in the UK Digital Strategy in recognition of their value and impact.

2.55. All libraries currently provide coding facilities and clubs to support residents to better understand this important subject. Merton Libraries have also recently been successful in applying for £74,000 from Arts Council England as part of their Libraries Improvement Fund (LIF) to install top of the range 3D printing and virtual reality

equipment in Mitcham Library to create the first borough digital maker space. Further work will be undertaken to stretch this offer across all libraries over the next few years.

Council / community meetings

2.56. Many of the borough's Community Forums are already held in libraries and there is a desire to further expand the amount of Council meetings held in libraries. This could include full Council and scrutiny meetings. The stretch would be to enable facilities for full Council meetings to take place at libraries where there is suitable space (e.g. Wimbledon and Mitcham) and to be able to provide facilities at all other libraries for smaller Council and community meetings to take place.

Staff touchdown space

2.57. With the increasing need for staff to work in a more mobile way libraries are an excellent space for Council staff to work. The IT infrastructure is already in place and some staff already use library space for meetings and work. Through the stretch offer the library service will seek to create designated office and private space for Council staff to undertake their duties where there is suitable space available.

Hosting more partners and voluntary groups

2.58. Over 60 community organisations already deliver services in libraries. Some organisations such as Wimbledon Bookfest and Attic Theatre Company also have their offices based in libraries and new services have recently been rolled out such as the Citizens Advice Bureau (CAB) and Springfield Law Centre advice surgeries. It is proposed that the service will further engage with local community and voluntary organisations to maximise co-location and service delivery options where practical.

2.59. The meeting room offer will also be further promoted to community groups as a cost-effective alternative to some other options in the borough.

Increasing the heritage presence in libraries

2.60. Merton libraries will increase access for residents to the Merton Heritage & Local Studies collections via the library network including increasing the number of exhibitions and information available in them along with delivering more activities. The service will maximise digital access to the collections to further promote a deeper understanding for residents of their local area and to increase civic pride.

Community Cafes

2.61. There are two community cafes already established at Wimbledon and Colliers Wood libraries. As part of the stretch offer the service will seek to further expand the offer across all libraries where the cafes are commercially viable and there is suitable space available.

Further developing the cultural offer

2.62. Utilising the National Portfolio Organisation (NPO) funding the service will significantly increase its arts and culture offer via libraries and embed high quality arts and cultural events at all our libraries that respond to resident and cultural needs.

2.63. Separate business cases for all of the stretch offers will be produced where additional funds be required to implement them.

Extending the network and future proofing the existing offer

2.64. There is strong Cabinet commitment to retain and improve the existing library network with a commitment to looking at development opportunities where it will

improve access to community hub / library services. As part of this Cabinet have requested that officers continue to scope out opportunities for new sites to increase access for residents. Any proposals will be brought to Cabinet for consideration.

3 ALTERNATIVE OPTIONS

3.1. Merton has some of the most well used libraries in London with very high customer satisfaction rates (*source: CIPFA Public Library Statistics 2021/22*). This paper explores how libraries can be further embedded in the community. The paper summarises the existing and stretch offers. Therefore, the do nothing option is to maintain the offer summarised in section 2.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. Cross Council discussions have taken place regarding the proposals and input into the report has come from finance, properties, IT and facilities colleagues.

4.2. The report also draws in the feedback from over 1,600 customers who completed the Library Customer Survey in October 2022.

5 TIMETABLE

5.1. The aim is to have all the stretch proposals regarding the community hub offer established by April 2026.

5.2. Timetables for investment will need to link into the annual budget setting plans. Some of the stretch offer proposals will require revenue and capital investment for them to happen. For any items included in the stretch community hub offer that require additional resources a separate business case will be developed. With regards to these items the request from Cabinet is to initially agree the direction of travel and for officers to then develop the plans further.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. The Library & Heritage Service has 7 libraries and a Heritage & Local Studies Centre based on the second floor of Morden Library. All libraries have either seen significant redevelopment works or new libraries have been built since 2005 apart from West Barnes Library.

6.2. With regards to West Barnes Library and following discussions with Network Rail on the impact of any potential Cross Rail 2 line in the Mostpur Park area, the redevelopment scheme that was approved by Cabinet in 2014 can progress should suitable funding be agreed. The proposals are linked into the Asset Strategy Review.

6.3. The Library & Heritage Service has a controllable budget of £2,216,150. The current library offer is benchmarked as being the most efficient of any London library service.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. The Council is required under section 7 of the Public Libraries and Museums Act 1964 to provide a 'comprehensive and efficient' library service for all persons who live, work or study in the area, and addressing the 'needs of adults and children'. Local authorities have a statutory duty to make provision for a library service but may decide on how this is to be done.

7.2. Certain aspects of the service must be provided for free including free lending of books, free access to information and free library membership. The proposals in this report will enhance the public library offer in the borough.

7.3. In drawing up and delivering their library strategies and plans, Councils should consider a number of legal obligations, including under:

- The Equality Act 2010 including the Public Sector Equality Duty
- Best Value Duty 2011 guidance
- Localism Act 2011
- The Human Rights Act 1998

7.4. Department of Culture, Media and Sport (DCMS) guidance encourages Councils considering changing their library service to inform the DCMS Libraries team about their proposals before public engagement or consultation. This helps provide early sight of proposals and assist DCMS in the superintendent role and giving the Council an opportunity to talk through its early thinking or proposals in order that the service adheres to the statutory obligations of both parties. Officers have confirmed there are no proposed changes to the existing library provision and the proposals in the report are all enhancements to the offer and will improve access for residents to library, Council and community services.

7.5. Library authorities should be able to demonstrate:

- Plans to consult with local communities alongside an assessment of their needs (including any projections of need).
- Consideration of a range of options (including alternative financing, governance or delivery models) to sustain library service provision in their area.
- A rigorous analysis and assessment of the potential impact of their proposals.

7.6. In coming to a decision about future library provision, DCMS, in its statutory role as Superintendent to government will expect the Council to act reasonably and rationally. A Council looking to introduce changes to their library service provision should consider a number of things, including the following.

- That proposals would continue to meet local needs.
- Strategic planning of any change so that there is a clear vision for the library service and what is intended to achieve and deliver, which reflects consideration of consultations and alternative strategies/changes arising out of consideration of the responses from local communities.

7.7. No procurement related legal implications arise from the recommendations in this report, however, should the need arise to procure any supplies, services or works,

this must be done in accordance with the Public Contracts Regulations 2015 and the Council's Contract Standing Orders.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. The development of the community hub offer will increase access for residents to vital services. Libraries play an important role in social cohesion and will enable more partner services to be delivered in the community.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None identified for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. A separate risk register will be developed to incorporate the agreed actions.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

1. None included.

12 BACKGROUND PAPERS

12.1. None included.

Committee: Cabinet

Date: 17 July 2023

Agenda item:

Subject: Private Sector Housing Assistance Policy

Lead officer: Lucy Owen, Executive Director, Housing & Sustainable Development; John Morgan, Executive Director, Adult Social Care, Integrated Care & Public Health

Lead member: Councillor Andrew Judge, Cabinet Member for Housing and Sustainable Development; Councillor Peter McCabe, Cabinet Member for Health and Social Care

Recommendations:

- A. Cabinet approve the adoption and publication of the Housing Assistance Policy
-

1. Purpose of report and executive summary

- 1.1 Borough and District Councils have a statutory responsibility, under the Housing Grants, Construction and Regeneration Act (HGCR) 1996 to award Disabled Facilities Grants (DFGs) and provide a service which delivers these in line with the legislation. These means tested grants enable people with disabilities to have adaptations installed in their homes to improve access into and around their homes. The maximum grant is set at £30,000 by legislation.
- 1.2 Council's obligations and powers extend beyond the mandatory provisions of HGCR 1996 in relation to DFGs. The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 (RRO 2002) introduced powers for local housing authorities to provide discretionary financial assistance for vulnerable and elderly residents to carry out essential repairs and home improvements, to keep their home environment safe and to provide advice about other support services. The assistance may take the form of a grant, loan, equity release or practical method of assistance, but only in accordance with an adopted Housing Assistance Policy which has also been published.
- 1.3 The policy has been produced to enable the Council to implement the discretionary assistance provisions. As the Council is a non-stock holding authority, the Policy relates primarily to the private sector,

although some provisions relate to social housing stock in the borough. The Policy is defined as Private Rented Sector Housing Assistance Policy referred to as the Housing Assistance Policy (HAP) and is set out at Appendix 2.

- 1.4 The Council receives an annual grant from government to fund DFG services. The DFG allocation is ring-fenced within the Better Care Fund (BCF) which was established to join up NHS, social care, and housing services to enable older people, and those with complex needs, to manage their own health and wellbeing and live safely and independently in their communities. In 2023/24 the DFG income available within the BCF is £1,452,224, out of the total BCF income of £21,519,476.
- 1.5 The purpose of the DFG grant is to provide support for local authorities in England for capital expenditure lawfully incurred in meeting their statutory duty in relation to provision of disabled adaptations.

2. Details

2.1 The Private Sector Housing Assistance Policy (HAP) is the product of a strategic work stream relating to the Council's provision of the statutory Disabled Facilities Grant service. The work stream has consisted of two preceding strands, The 2021 DFG Review project was completed and led to the process to procure a new supplier arrangement for delivering a more effective DFG service, which is currently underway. Although the Council's obligations and duties are set out in relation to the statutory DFG provision, it has not approved and published a discretionary policy, which is required by law to enable discretionary assistance to be provided. The HAP addresses this gap, as well as taking into account recent relevant government guidance and regulations. In particular the HAP has been developed taking into account:

- The need for the Council's service to have regards to the White Paper published by the Department for Levelling Up, Housing and Communities (DLUCH) on 16th June 2022, titled 'A Fairer Private Rented Sector'.
- The 2022 DLUCH and DSC White Paper Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England.
- Potential impact of the new Minimum Energy Efficiency Standards (MEES) in the residential and commercial private rented sector.

2.2 The overall aim of the policy is to address the needs of elderly, disabled and vulnerable residents living in inappropriate or inaccessible housing, where adaptations can improve accessibility of the

accommodation, and improve health and wellbeing of disabled persons in homes that do not meet their needs. The discretionary provisions in the policy enable the Council to provide assistance to applicants that are unable to meet their contribution requirements where a mandatory DFG may be awarded but be insufficient to meet the needs of the applicant. Other groups that would benefit include those that do not qualify for DFGs and those on low incomes that are unable to meet means test requirements and have insufficient resources to enable their properties to be adapted to meet their needs.

- 2.3 Government provides ringfenced DFG funding to Better Care Fund (BCF) budget holders. Funding must be spent in accordance with BCF Plans which are agreed between the Council and local health commissioners and overseen by the Health and Wellbeing Board.
- 2.4 A key focus of the discretionary policy provisions will be to support the BCF Plan objectives, in relation to the priorities aimed at reduction in delayed discharges from hospital and avoidance of admission to hospital or residential care. Service areas that would assist in addressing those priorities include:
- Hoarding support to enable discharge
 - Dementia support (have use of the handyman service)
 - Deep clean services to enable safe return to property
 - Relocation Assistance
 - Energy efficiency and warmth services to enable hospital discharge
- 2.5 The key significant value discretionary grants proposed are:
- Discretionary DFG top-up funding £15,000
 - Relocation Assistance Grant £15,000
 - Energy Efficiency Prevention Grant £8,000
- 2.6 Summary criteria for accessing the discretionary grants are set out in Appendix 2 of the Policy document. Further work is ongoing to develop the detailed assessment and approval processes involving the relevant teams.
- 2.7 As the Council has not provided grants under the relevant regulations there is no accurate information on likely numbers of qualifying applicants, and this will be developed as part of the financial modelling.
- 2.8 Anticipated DFG expenditure for 2023-24 is £879k. Merton's DFG allocation from the DLUCH for 2023/24 is £1.42m. The grant funding has been at this level for a number of years, apart from an additional allocation of £172k in 2020-21. This one-off allocation provided councils with support to deliver more home adaptations for people with disabilities under the Support for Health and Social Hospital Discharges scheme.

- 2.9 Merton's DFG allocation has been underspent annually for a number of years and has acquired a reserve of over £2m.
- 2.10 For expenditure to qualify for funding under the DFG it must comply with the DLUCH guidance set out in Annex A of The Disabled Facilities Capital Grant (DFG) Determination 2022-23 [31/6092]. The Annex is set out in Appendix 1 of this report.
- 2.11 Although the DFG regulations apply strict capital expenditure requirements some forms of expenditure will be able to be treated as capital expenditure as indicated in paragraphs 6.2 and 6.3. Some discretionary assistance proposed under the policy will not qualify as capital expenditure, and legal advice may be required to clarify whether some expenditure may be charged as capital to the DFG. The latest Guidance for local authorities in England includes the caveat that the guidance reflects government departments' understanding of the law, and authorities are advised to seek their own legal advice.
- 2.12 Initial estimates based on previous data indicates that around half of the approximate 160 annual applications proceed to a referral to the Council's DFG service supplier. Assuming that the cases not referred to the service supplier would qualify for a discretionary grant assistance, the following figures and estimated spend have been produced.

Application Type	No. Applications	Max Cost / Case £	Total £
DFG Top-up	20	15,000	300,000
General Discretionary	35	8,000	280,000
Emergency Adaptation	1	30,000	30,000
Energy Efficiency	15	8,000	120,000
Relocation	3	15,000	45,000
Total Estimated Discretionary Spend			775,000

- 2.13 The ongoing underspend and the reserves acquired are expected to be significantly in excess of the increased spend likely to result from the additional discretionary spend. The estimated spend will be updated once the financial modelling has been completed. However, once reserves are utilised the basic DFG allocation received will need to be managed in relation to increasing demands. It is important that realistic expectations are held in relation to the impact that the discretionary HAP provisions can deliver, in the longer term, taking account of the DFG budget limits and qualifying capital expenditure constraints.

- 2.14 Currently disabled adaptations minor works expenditure of up to £1,000 is considered de minimis in capital terms and not chargeable to DFG grant. Going forward the de minimis threshold will be removed and qualifying minor works will be charged to the DFG as capital expenditure. In order to support the new policy aims, and to increase the scope of discretionary provision.
- 2.15 Expectations need to be managed in that some of the aspirational increase in the range of discretionary services may relate to works that are the responsibility of, for example, private landlords with repairing obligations, or registered providers such as housing associations, which have obligations to their residents.
- 2.16 An inter-departmental Task & Finish Group has been established to review the HAP governance arrangements, decision-making process, structure and authorisation levels.

3. Alternative options

- 3.1 The Council could consider not to provide discretionary assistance; however, such a stance would be inconsistent with good practice and the recent updated government guidance. By not providing discretionary assistance residents that are not entitled to DFGs or who are on low incomes and fail to meet the means test may be unable to access adaptations that improve accessibility of the accommodation, and improve health and wellbeing, where homes do not meet their needs. Support for social care and hospital discharge objectives would be impeded.

4. Consultation undertaken or proposed

- 4.1 The following consultation has been undertaken:

- Head of Housing Needs & Strategy C&H
- Head of Direct Provision C&H
- Head of Business Planning
- Service Financial Adviser CS
- Legal Advisor SLLP
- Assistant Head of Transformation – Integrated Care (Merton)
- Housing Environmental Team C&H
- Occupational Therapy Manager C&H
- Foundations

5. Timetable

- 5.1 Policy publication and go live is expected to be achieved by September 2023. The key next steps are:

- LSG / Cabinet Approval - July 2023
- Task & Finish Group – guidance, process and procedure framework finalised - August 2023.
- HAP governance, decision-making process, structure, and authorisation – August 2023.
- Policy Document accessibility and website compliant formatting – September 2023.
- Publish Policy and operational commencement – September 2023

6. Financial, resource and property implications

- 6.1 Merton’s DFG allocation from the DLUHC for 2023-24 is £1.4m, the same sum as for the 2022-23. However, the DFG has been underspent annually for a number of years and has acquired a reserve pot of over £2m.
- 6.2 The purpose of this grant is to provide support towards capital expenditure lawfully incurred or to be incurred by the authority. Any money paid under this grant determination must only be used for the specific purpose of funding adaptations for disabled people who qualify for a Disabled Facilities Grant made under the Housing Grants, Construction and Regeneration Act 1996 or under the Regulatory Reform (Housing Assistance) Order 2002 (or any other social care capital projects where otherwise agreed as above).
- 6.3 Technically this expenditure is classified as “Revenue Expenditure Funded from Capital under Statute (REFCUS)”. Expenditure is charged to the capital programme but as this expenditure relates to assets the Council does not own, it cannot be added to the balance sheet resulting in the expenditure and the grant funding being charged through to revenue at year end. Utilising the REFCUS classification and the guidance from the Department for Levelling Up, Housing Communities and the Department of Health and Social Care it is possible to remove or reduce the de-minimis threshold as the assets will not need to be accounted for on the Authority’s Balance Sheet.
- 6.4 The Section 151 officer will need to amend accounting policy so that qualifying minor works may be charged to the capital programme (meeting the grant conditions detailed in the report) and funded from the DFG.
- 6.5 If the authority fails to comply with any of the conditions and requirements stipulated by grant conditions, DLUHC may reduce, suspend, or withhold grant or by requirement in writing to the authority, require the repayment of the whole or any part of the grant.
- 6.6 The current capital programme has an approved budget of £879k funded from DFG.

- 6.7 In Implementing this scheme it is envisaged that there will be no additional impact on revenue budgets that fund activity contained within it.

7. Legal and statutory implications

- 7.1 The report sets out the primary and secondary legislation governing the obligations the Council has in administering a Disabled Facilities Grant. The report also notes the relevant Guidance that the Council need to consider in implementing the Policy and any relevant application for assistance.
- 7.2 By adopting a Housing Assistance Policy and therefore the ability to consider the discretionary power offers the Council some flexibility in utilising Government funding for DFG's, but the Council remains under a statutory duty to approve an application for a DFG where that application meets all the relevant statutory requirements.
- 7.3 Members will be aware that as with any Policy where the Council exercises a discretion that attention must be had to all relevant factors to avoid any challenges in public law.

8. Human rights, equalities and community cohesion implications

- 8.1 The proposed policy will directly benefit individuals within the disability protected characteristic group. The policy will also benefit certain qualifying households within low income groups.

9. Risk management and health and safety implications

- 9.1 N/A

10. Appendices – the following documents are to be published with this report and form part of the report

- 10.1 Private Sector Housing Assistance Policy 2023-26

11. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

- 11.1 DFG Review and Procurement Project Report 2021
- 11.2 Department for Levelling Up, Housing Communities and Department of Health & Social Care – Disabled Facilities Grant (DFG) delivery: Guidance for Local Authorities in England – March 2022

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Appendix 1: Identifying capital expenditure for DFG purposes

(Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England: Appendix A); Department for Levelling Up, Housing and Communities (DLUHC) and Department of Health and Social Care (DHSC))

Type of Expenditure	Is it Capital Expenditure?	Reason
Construction of an extension to an existing dwelling	yes	Creation of an asset, which will provide benefit for more than one accounting period.
Major adaptations to existing facilities such as a shower adaptation, ramp or stairlift	yes	A major adaptation, which will increase the economic benefits offered by it – e.g. Increased independence / reduced care costs.
Replacing a floor covering or repairing a shower unit	no	Repairs only maintain the asset; they do not increase the life of the dwelling.
New replacement stairlift	yes	Creation of an asset, which will provide benefit for a period of more than one accounting period.

Type of Expenditure	Is it Capital Expenditure?	Reason
Repairs to stairlift after breakdown	no	Repairs only maintain the asset; they do not materially increase the life of the stairlift.
Extended warranties for lifts and hoists	sometimes	Can be considered for capitalisation as part of the overall project costs of a new adaptation, as it will ensure that an asset that will provide benefit for more than one accounting period
Slings for hoists and shower seats	sometimes	Can be considered for capitalisation as part of the overall project costs of the new adaptation, which results in the creation of an asset that will provide benefit for more than one accounting period
Smart lighting, smart thermostats	sometimes	Can be considered for capitalisation as part of the overall project costs of the new adaptation, which results in the creation of an asset that will provide benefit for more than one accounting period

Type of Expenditure	Is it Capital Expenditure?	Reason
Hoists, shower tables, etc.	yes	New assets that provide benefit for more than one accounting period.
Refurbishment of existing adaptations	sometimes	<p>The repair of broken or worn-out adaptations is not capital. However, costs could be capitalised if adaptations are being replaced with a better product (enhancement).</p> <p>For example, flush floor shower replacing a tray with a step would qualify as betterment.</p>
Conversion of a garage into a habitable room	yes	Enhancement of an existing asset which will last for more than one accounting period.
Installation of a new kitchen including new cooker, dishwasher, microwave	yes	Enhancement of an asset that will extend its useful life.
Internal decoration of an existing property	sometimes	Decoration only maintains the asset; it does not increase the life of the building. Can be

Type of Expenditure	Is it Capital Expenditure?	Reason
		considered as capital expenditure if included as part of the whole project costs of the adaptation
Purchase of materials only for a major adaptation project	yes	<p>If the materials will be used for enhancement/betterment of the property the purchase of materials is classed as capital.</p> <p>Materials for routine repairs and maintenance are classed as revenue costs.</p>
Purchase of materials for repairs and maintenance (e.g. a new shower hose, replacement sections of fencing, parts for equipment etc)	no	Purchases associated with routine maintenance and repairs would be classed as revenue expenditure.
Agency fees - for a major adaptation. Applies to other fees such as planning etc.	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation – see services and charges order below.

Type of Expenditure	Is it Capital Expenditure?	Reason
Staff costs for supporting the delivery of major adaptations	yes	Can be considered as capital expenditure for direct support to clients/applicants (including advice) linked to the activities in the services and charges order (below)
Occupational therapy assessment fees	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation and carried out and invoiced by a private OT (see services and charges order as below)
Funding other temporary accommodation when residents need to move out during the execution of building works	yes	Can be considered as capital expenditure if included as part of the whole project costs of the adaptation
Training of staff	no	No, as no asset is being created.
Funding towards purchase of a new dwelling?	yes	Acquisition of an asset, which will provide benefit for more than one accounting period. Be careful around leases. Can also

Type of Expenditure	Is it Capital Expenditure?	Reason
		include cost of advising and supporting someone to move.
Assessment and approval of grant applications	no	No, as no asset is being created.
Developing policies and strategies on home adaptations	no	No, as no asset is being created.
Supervision of staff	no	No, as no asset is being created.
Monitoring of the program	no	No, as no asset is being created.
Delivering a handy person service	sometimes	Yes, where new adaptations are being fitted that will last longer than a year and support someone to live independently. But not if the service is predominantly carrying out repairs



**PRIVATE SECTOR
HOUSING ASSISTANCE POLICY
2023 – 2026**

Image Placeholder

Images Under Review

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1 INTRODUCTION

Disability in the UK

- 1.1 Across the UK the population is ageing and combined with greater life expectancy generally, there are increasing numbers of disabled working age and older adults. The numbers of families with disabled children are also increasing. Most people with a disability live in ordinary housing. Research has shown that most homes are not well designed for disabled people. The Ministry of Housing and Local Government (MHCLG) English Housing Survey 2014 to 2015: Housing for Older People report indicated that in 2014 only 7% of homes (around 1.7 million) had all four basic accessibility features of level access, flush threshold, downstairs toilet, and sufficiently wide doorways and circulation space.
- 1.2 The Disabled Facilities Grant (DFG) is a means tested capital grant which can contribute towards the cost of providing equipment in or adapting a home, for example by installing a stairlift, creating a level access shower room, widening doorways, providing ramps and hoists, or creating a ground floor extension. However, delivery of the grant is changing. DFG funded services are increasingly being used to provide a wider range of solutions to the problems people face in their home and to prevent the need for those affected by disability to go into care or require other statutory service interventions such as hospital services. The maximum limit of £30,000 applies to mandatory Disabled Facilities Grants. The grant is tenure neutral and available to owner occupiers and tenants.

Statutory Context and National Policy

- 1.3 Borough and District Councils have a statutory responsibility, under the Housing Grants, Construction and Regeneration Act (HGCR) 1996 to award Disabled Facilities Grants (DFGs) and provide a service which delivers these in line with the legislation. These grants enable people with disabilities to have adaptations installed in their homes to improve access into and around their homes. Provision of improved access to use bathing facilities and bedrooms and enabling people with disabilities to remain independent in their own homes for longer are key objectives of the legislative and grant making framework. Grants are means tested.
- 1.4 Councils' obligations and powers extend beyond the mandatory provisions of HGCR 1996 in relation to DFGs. The Regulatory Reform Order 2002 (RRO2002) introduced powers for local housing authorities to provide discretionary financial assistance for vulnerable and elderly residents to carry out essential repairs and home improvements to keep their home environment

safe and to provide advice about other support services. The assistance may take the form of a grant, loan, equity release or practical method of assistance. The assistance cannot be given unless a policy for a provision of assistance has been adopted and published.

- 1.5 In 2018 the MHCLG commissioned an independent review of the DFG, which recommended new guidance setting out expectations for local authorities in administering the DFG and the rights of disabled persons applying for the grant. In March 2022 the successor to MHCLG, the Department for Levelling Up, Housing and Communities (DLUHC), published new guidance for local authorities in England on how they can effectively and efficiently deliver DFG funded adaptations to residents. The guidance did not make policy changes, and instead brought together existing policy frameworks, legislative duties, and powers, along with recommended best practice.

Policy Aims and Objectives

- 1.6 The aim of the policy is to address the needs of elderly, disabled and vulnerable residents, including children, living in inappropriate or inaccessible housing, where adaptations can improve accessibility of the accommodation, and improve health and wellbeing of disabled persons in homes that do not meet their needs.
- 1.7 The older population is increasing in Merton and whilst many people will age in good health, others will live with long-term conditions that will cause both minor and severe impacts on their mobility, health, and care needs. The 2021 census indicates that in England, there has been an increase of 20.1% in people aged 65 years and over, an increase of 3.6% in people aged 15 to 64 years, compared with the 2011 census data.
- 1.8 In Merton there has been an increase of 17.2% in people aged 65 years and over, an increase of 6.0% in people aged 15 to 64 years. A key focus of this policy is ensuring that the Council uses its discretionary powers under the Regulatory Reform Order 2002 (RRO 2002) to provide assistance for vulnerable and elderly residents, including children, in a way that meets needs, and supports integrated partnership work, for example, enabling NHS hospital discharge and provision of community adaptations related support.
- 1.9 Each year the council prioritises funding to enable works and adaptations to be carried out in the home to help older and or vulnerable residents to:
- Remain independent in their own home for longer
 - Keep safe from crime and the fear of crime
 - Live in decent and safe housing

The overall objective is to improve the quality of life for residents, reduce unnecessary admissions to hospitals and care homes, and prevents

homelessness. This policy therefore supports the Council's overarching strategic theme of Sustainable Future.

Policy Review

- 1.10 This policy will be kept under review and updated in line with any changes to legislation or council finances. A full review of the policy will be undertaken no later than 5 years and will be dependent on sufficient financial resources being available.

Policy Context

- 1.11 The overarching ambition of the current administration is to build pride in Merton with four strategic themes that are currently in development and broadly as follows:
- Creating a borough of sport
 - Clean streets and environment
 - Sustainable future
 - High Streets and communities
- 1.12 This policy supports the Sustainable future strategic aims by enabling residents to remain independent in their accommodation where practicable and enables the sustainability of housing stock to meet the needs of residents.
- 1.13 To assist in the application of its statutory obligatory and discretionary powers, the Council has published this policy setting out how it will use them to help our residents remain independent and safe in their own home. The policy is effective from 1st April 2023. The Assistance approved prior to this date will be subject to the terms of the policy existing at the time approval was granted.
- 1.14 The Housing Assistance Policy also supports aims of the White Paper published by the Department for Levelling Up, Housing and Communities (DLUCH) on 16th June 2022, titled 'A Fairer Private Rented Sector'. The White Paper sets out the government's commitment to a decent homes standard for the private rented sector and halving the number of non-decent rented homes by 2030. Ensuring that residents in the private rented sector with disabled adaptation related needs and who may not qualify for a mandatory DFG adaptation will benefit from the Housing Assistance Policy.
- 1.15 The policy also has regard to the 2022 DLUH and DSC White Paper Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England. The guidance set out how councils can effectively and efficiently deliver DFG funded adaptations to residents. The guidance did not make policy changes, and instead brought together existing policy frameworks, legislative duties, and powers, along with recommended best practice.

Housing Assistance Policy

- 1.16 This policy describes the Council's provision of disabled adaptations and other services for individuals in need of such services, and who qualify under the relevant criteria. The Council is a non-stock holding authority and therefore the Policy primarily relates to the private sector and covers owner occupiers, tenants in private rented accommodation and tenants living in Housing Association or a Registered Social Landlord (RSL) property. Conditions apply to grants to residents of RSLs and these landlords are expected to provide alternative accommodation where they are unable to undertake works to the stock, or make a contribution to the costs of grants provided by the Council.
- 1.17 The Council provides support to individuals to help them remain living independently, confidently, and with dignity and privacy, within their homes. Private Sector Housing Assistance can help to reduce the effects of a disabling environment and thus maximise independence. Home adaptations are changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks such as cooking and bathing.
- 1.18 Assistance may also be provided to vulnerable people requiring assistance with maintaining warm housing, through provision of support for heating and insulation improvements. It can furthermore help to prevent the need for care and support or delay the need for further support, which are central themes of the Care Act 2014.
- 1.19 Home adaptations are changes made to the fabric and fixtures of a home to make it safer and easier to get around and to use for everyday tasks like cooking and bathing. Adapting a home environment can help restore or enable independent living, privacy, confidence and dignity for individuals and their families. Adaptations may also provide quick and effective solutions to enable rapid discharge of people from hospital, or to prevent admission to hospital or residential care.
- 1.20 The Housing Assistance Policy covers a range of household types and circumstances arising in the community, where there is a need for home adaptations to support individuals to live safely and be able to manage everyday tasks. Household types covered by the policy include:
- Owner occupiers with household members with disabilities
 - Private Sector Tenants
 - Housing Association (Registered Social Landlord) tenants

Temporary Accommodation is excluded although support may be provided in exceptional circumstances and cases may be reviewed on a case by case basis.

1.21 Except for mandatory Disabled Facilities Grants (DFG's) all funding for assistance in the private sector is "discretionary" and will be governed by the annual budget set by the Council. The Council will, subject to applicants meeting the requisite eligibility criteria and conditions, make the following grants available:

- Mandatory
- Discretionary

2 MANDATORY GRANTS

Disabled Facilities Grants (DFG's)

2.1 Disabled Facilities Grants are available to owners or tenants of properties (including those in permanent residential mobile homes) under Section 23 of the Housing Grants Construction and Regeneration Act (as amended) to provide physical adaptations to dwellings to meet the needs of a disabled person. Since April 2015 the Disabled Facilities Grant Funding has been an integral part of the Better Care Fund (BCF). The BCF pools several funding streams to support the development of integrated pathways between health, housing and Adult Social Care.

2.2 The following types of work when recommended for a disabled person (usually by an occupational therapist) are eligible for a grant provided they are necessary, appropriate, reasonable, and practical, having regard to the age and condition of the property.

- Making the building or dwelling safe.
- Facilitating access to and from the building.
- Facilitating access to or providing a bedroom.
- Facilitating access to the principal family room.
- Provision of a room containing a bath or shower or facilitating the use of such a facility.
- Provision of a room containing wash hand basin or facilitating the use of such a facility.
- Facilitating the preparation and cooking of food (only if used by the disabled person).
- Facilitating the use of power, light or heat by altering the same or by providing additional means of control.
- Facilitating access and movement around the dwelling to enable the disabled person to provide care for another person.

- 2.3 The applicant (who may not be the disabled person) must either own the property or be a tenant, and occupy the property as their principal or only residence. Nationally the maximum limit of £30,000 applies to mandatory Disabled Facilities Grants. The amount of grant paid is based on a financial assessment of average weekly income in relation to outgoings. There is no means testing for disabled adaptations for children under 19 years old. Depending on the outcome of this assessment, the amount of financial assistance offered can vary from zero to 100% of the work up to the statutory maximum amount that is payable under the scheme. Applicants will normally bypass the means test (passporting) if they are already in receipt of a means tested benefit that is relevant under legislation.
- 2.4 Registered social landlords are expected to contribute towards the costs of the works. Separate rules apply to tenants of Clarion Housing Association who are the Council's stock transfer Landlord.
- 2.5 Where the recipient of a grant has a qualifying owner's interest in the premises on which works are to be carried out, the Council may require repayment of part of the grant as set out in the regulations. Under the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, the local housing authority may require the repayment by the recipient of part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000). The repayment would be required if the recipient disposes of the premises such as via sale or transfer within 10 years, subject to the Council considering that reasons for the transfer and that repayment is a reasonable requirement. Further details appear in Appendix 1.

Right to choose a contractor

- 2.6 DFG applicants have the right to choose which contractor to use to undertake their adaptations. This option will apply once the application process is complete, and the grant agreed by Council. Where an applicant chooses the contractor to carry the works as opposed to using the Council's contracted supplier, the following conditions will need to be met:
- Three independent quotes for the agreed works will be required to be submitted to and approved by the Council.
 - All work completed must fully comply with all relevant standards, legal requirements and have all certification necessary to ensure the Council can satisfy itself as to its integrity and compliance.
 - Works must be completed to the satisfaction of an approved building surveyor and be agreed as meeting the client's disability need by the Council's Occupational Therapist (OT).
 - On completion the scheme of work must fully meet the client's disability need. The Council's OT will be required to approve this criterion.

- On completion the scheme of work must fully comply with all relevant standards and legal requirements and have all the certification necessary to ensure the Council can satisfy itself as to its integrity and compliance. Work must be completed to the satisfaction of the Council's building surveyor.
 - Where an applicant asks a contractor to carry out any additional work on-site, or in addition to works approved by the Council, the applicant will become fully responsible for both the cost and quality of that work.
 - Contractors must be made aware that any additional work or agreements to alter an approved scheme must be approved by the Council.
 - Professional technical fees, up to a maximum of 10% of the total value of the adaptation/building work requested, can be included in the grant application. This amount can cover items such as the production of technical drawings, completing applications for any additional permissions that are needed (such as Planning or Building Control applications) and other professional fees for surveys etc. that are agreed in advance with the council.
- 2.7 Under the terms of the grant there are limitations on the amount of grant that can be awarded if the applicant wishes to use a family member to complete the work for them. Applicants must discuss this with the council before any work commences and obtain consent in writing if they wish to appoint a family member, to complete the work for them. Failure to do this may result in a grant offer being refused or withdrawn.

DFG Works to Communal Areas

- 2.8 In general works in communal areas are not normally covered by DFG's as they are normally the responsibility of the freeholder and in some circumstances can interfere with the means of escape in case of fire e.g. stair lift blocking the stairs.

3 DISCRETIONARY GRANTS

- 3.1 The following policy conditions will apply:
- Assistance under the discretionary policy, is not obligatory and the Council is not bound to approve any application where there is no legal entitlement to assistance.
 - Assistance under this policy is provided subject to the availability of council financial resources.
 - Where demand for this assistance exceeds the available resources, the Council will take into account the risk to health posed as a result of not providing the assistance; the length of time that persons have waited for assistance, and other factors that appear relevant.

Financial Assistance

- 3.2 The general power under Article 3 of the regulatory Reform (Housing Assistance, England & Wales Order 2002) enables the Local Authority to give assistance in any form for adaptations (e.g. grant, loan or equity release). There is no restriction on the amount of assistance that the Local Authority may provide. The discretionary funding may be awarded in addition to the mandatory Disabled Facilities Grant.
- 3.3 Assistance can be given under Article 3 for a wide range of purposes, for example:
- To provide small scale adaptations to either fulfil needs not covered by Mandatory DFG's or by avoiding the procedural complexities of mandatory DFG's to deliver a much quicker remedy for urgent adaptations.
 - To provide top up assistance to mandatory DFG's where the local authority takes the view that the amount of assistance under the DFG is insufficient to meet the needs of the disabled person and their family, and
 - To assist with the acquisition of other accommodation (whether within or outside of the Local Authority's District) where the Council is satisfied that this will benefit the occupant at least as much as adapting his/her existing accommodation
- 3.4 The Article 3 power may not be used unless the Council has published a Housing Assistance Policy, such as this one, setting out how it intends to make use of the power. As part of this Policy to provide support for disabled residents living in private sector housing, Merton will provide discretionary Disabled Facilities Grants. This funding is designed to top-up DFG's in exceptional circumstances where a major adaptation involves work exceeding the £30,000 DGF ceiling.
- 3.5 Discretionary support may be given to the resident where the Council considers that such assistance will enable him/her to retain his/her home and will significantly reduce the costs or delay the future costs of care and support funded by Adult Social Care.
- 3.6 Merton will offer a Discretionary DFG of up to £15,000 where the works exceed the mandatory DFG limit. This reflects an increase on the previous level of £10,000. This additional funding will not be subject to the DFG test of resources where the works are for children.
- 3.7 As part of the assessment to determine an applicant's eligibility advice and information will be provided to explore other sources of funding where works exceed the mandatory DFG limit. This may include Equity Release, Charitable Funding, etc. The Council will need to be satisfied that the applicant and or their family where relevant has no financial ability to service

the additional costs from these sources before agreeing to a Discretionary DFG.

- 3.8 Where the applicant for a Discretionary grant is a tenant of a RSL, or a member of the tenant's family, and the grant ceiling is exceeded, the RSL on is expected to either offer a Tenant Transfer to more appropriate property or to provide the top-up of funding itself.
- 3.9 For Homeowners, the Grant will be placed as a Land Charge against the property in question and will be repayable on the sale of the property within 10 years.

Hospital to Home Assistance

- 3.10 To prevent bed blocking in hospital and to assist with preventing admission or re-admission to hospital, funding for adaptations will be available to a maximum of £5,000 per case. Applications for such works and related assessments will be referred to and be administered by the Council's OT service.

Type of works may include:

- Blitz cleaning
 - Moving furniture
 - Basic equipment such as beds and bedding
 - Minor repairs and adjustments in the home (eg Handyman or Helping Hand Technician service)
- 3.11 Referrals must be made by a professional acting on the applicant's behalf e.g. social worker, occupational therapist, mental health team professional, or hospital discharge worker.
- 3.12 This grant is intended to speed up the discharge process to enable residents to return to a home that is suitable for their needs and prevent a return to hospital. It must be supported by the hospital discharge team or social worker.

Relocation Assistance

- 3.13 In cases where a home adaptation would not be practicable the legislation allows Merton to offer Relocation Assistance. This can be granted in situations where an adaptation has been:
- (a) Identified as being required in a home that is privately owned or privately rented (excluding Housing Association/Registered Social Landlords who should access the housing register via Choice Based Lettings Scheme).

and

(b) The adaptations cannot be reasonably carried out for reasons of expense, disruption, feasibility, or inability to agree with the proposed scheme.

- 3.14 Assistance can be given up to a limit of £15,000 in the form of a DFG type grant. Funding requests above £15,000 to support relocation would require a case conference and need to demonstrate a clear cost benefit, along with an improved customer outcome. Approval will be required by the Director of Adult Social Care, and the Head of Housing Needs & Strategy.

Relocation Assistance is required to be recommended by the occupational therapist, in conjunction with the Council's DFG service supplier (Home Improvement Agency), having confirmed adaptations are not feasible or are prohibitive due to cost. Eligibility would only apply in situations where the applicant would normally have qualified for a DFG.

- 3.15 Assistance may include one or more of the following

- Estate agents' fees for selling current home.
- Solicitors' fees for selling the existing home and buying a more suitable property.
- Removal costs.
- Survey and valuation costs.
- Reconnection of services, for example electricity, gas, and telephone.

- 3.16 Approval is only given if the following criteria have been met.

- The applicant would have qualified for a DFG, but it was not reasonable or practicable to carry out the work.
- The home to which the disabled person is moving is suited to their needs (as assessed by the Occupational Therapist and approved by the Council as being suitable without the need for further major adaptations).
- They are financially eligible. Financial eligibility is determined on the same basis as eligibility for the DFG.
- If a subsequent DFG is applied for at the new property, the relocation grant sum will be considered as being part of the overall mandatory DFG.
- Standard statutory grant conditions will be applied if the alternative property is sold or transferred as part of a relocation or DFG grant.

Emergency Adaptations

- 3.17 The Council can use its discretion, in certain cases, to fund emergency adaptations. This will only be used in urgent cases for applicants who for example:

- Cannot sustain living, or life, at home unless essential adaptations are undertaken.
- Cannot access essential hospital admissions, dialysis, or day care without adaptations.
- The current situation is placing the applicant and his/her carers at considerable risk of injury e.g., from unsafe moving and handling.

3.18 The type of works that could be funded are:

- Stair lifts for access to the property.
- Stair lifts where living on the ground floor is not possible.
- Ramping.
- Other works which in the opinion of the Occupational Therapist would facilitate hospital discharges or are needed urgently.

3.19 Approval will be required by the Director of Adult Social Care, and the Head of Housing Needs & Strategy. For adaptations funded via the emergency adaptations scheme, the normal adaptations process will be by-passed to install the adaptations as speedily as possible. However, the means test will still apply as with mandatory DFG's for owner occupiers, private sector tenants and Housing Association tenants.

Processing Emergency Adaptations

3.20 Emergency referral to the Housing Grants Officer from the Occupational Therapist (OT) and confirmation that the applicant is in receipt of a passport benefit. Housing Grants Officers refer cases to Home Improvement Agency (HIA) who will ensure applicant signs a consent form confirming they own the property or in the case of private and housing association tenants that the landlord agrees to the adaptation. The HIA must also obtain proof of a passport benefit. The works will be ordered and overseen by the HIA in consultation with the Occupational Therapist. The upper limit for works under this scheme will be £5,000.

Dementia Friendly Aids and Adaptations Grant

3.21 This will provide aids and adaptations in the home designed to enable people with a diagnosis of dementia to manage their surroundings, retain their independence and reduce feelings of confusion and anxiety. The maximum grant will be £2,000 and will be non-means tested. Access to the Grant must be supported by a professional i.e. social worker, occupational therapist, mental health team, or hospital discharge professional.

3.22 The Grant can be a combination of standard products and bespoke products based around individual need, including:

- Easy to use phone.
- Day clock
- Carpet strips
- Toilet seat of a contrasting colour
- A bed settee for a relative to stay and look after someone who lives in a one- bedroom flat.

Helping Hand Service for Low Level Hazards

- 3.23 A resident contacting Adult Social Care may be referred to the Handyperson service when they are having functional difficulties managing everyday tasks such as getting in/out of the bath safely or difficulty managing the stairs or getting in/out of their home where they have steps. The Helping Hand Technician will assess the home situation and where applicable will adjust and install equipment such as rails and banisters to improve the safety, support, and confidence of the applicant.
- 3.24 The Helping Hand Technician is also permitted to undertake a low-level repair or minor adjustment to remove a hazard to the applicant. Excluded works include those that are the responsibility of the landlord, or which amounts to significant disrepair work. The types of low-level repairs carried out includes.
- Fixing down the edge of loose carpets or rugs.
 - Rehangng curtains.
 - Tightening loose grab rails or banister.
 - Changing batteries.
 - Changing light bulbs.
 - Installing a grab rail/key safe.
 - Make safe trailing wires.

Assistive Technology

- 3.25 Grants of up to £2,000 will be available for assistive technology to enable applicants to live safely and independently in their homes. Assistance may include:
- Smart heating, power, lighting, and temperature control systems that can be remotely controlled
 - Dementia friendly remote control devices for domestic appliances and voice task reminder systems
 - Wearable monitoring and alarm devices
 - Facilitating access to and movement within the dwelling such as sensors triggered by movement or a timer.
 - Technology to assist with household chores, such as robot vacuum cleaners and lawn mowers

- Smartphone and table devices integrated with household systems such as video doorbells and electronic curtain controls.

Energy Efficiency Assistance for the Home

- 3.26 There is a link between a cold home and poor health. The statistical evidence shows that there is a continuous relationship between indoor temperature and vulnerability to cold-related death. The percentage rise in deaths in winter is greater in dwellings with low energy efficiency ratings. This is particularly the case for persons aged over 65.
- 3.27 The Council will provide information, advice and guidance in relation to enabling disabled people to improve thermal energy efficiency in their homes, and maintain the recommended indoor temperatures i.e. within rooms. Using the powers under the RRO, Merton can offer a “Prevention Grant” funded by the DFG. This grant would assist vulnerable owner-occupier or tenants with repairing obligations to undertake essential repairs. To qualify an applicant would need to meet the following policy criteria for vulnerability:
- Have a disability and meet the general requirements that would be applicable were a DFG application made.
 - Be in receipt of a passported benefit.
 - An OT assessment confirms that the applicant would be unable to remain in the accommodation safely or require hospital admission or significant medical or care related intervention without the required works.
- 3.28 The maximum grant is £8,000 (excluding any architectural fees). The property must have a Category One Hazard assessed by the Housing Act 2004 or be significantly non-decent as assessed by an Environmental Health Housing Officer. Examples of works which could be eligible are:
- Heating system to replace one which is beyond repairs or inefficient, or
 - An overhaul of the electrical installation.
 - Roof repairs and/or loft insulation.

Minimum Energy Efficiency Standards (MEES)

- 3.29 Central government have introduced regulations to improve the quality of private rented buildings and reduce the overall CO2 emissions in accordance with the UKs targets for decarbonisation. In 2016, The Energy Efficiency (Private Rented Property) Regulations 2015 established the new Minimum Energy Efficiency Standards (MEES) in the residential and commercial private rented sector. From 1st April 2018, phase one of the MEES regulations came into force. These have significant implications for landlords of private rented property as they state that it is now deemed unlawful to let properties with an Energy Performance Certificate (EPC) rating below an 'E' rating. Further

legislation has now been passed to further raise the EPC standards to a D rating by 2025 and a B rating by 2030.

- 3.30 The Council expects private landlords to address poor energy efficiency in their rented homes, especially where conditions impact on the health and well-being of residents.
- 3.31 Sustainable warmth funding is currently available for a limited period for qualifying low-income households in London. The Mayor of London secured £40.2m in funding from central government to upgrade around 3,200 fuel poor homes, to be delivered through the Warmer Homes scheme from 1st April 2022 until 31st March 2023. Grants are available between £5000 - £25,000 (depending on the EPC rating, tenure, and current fuel type) for heating, insulation, and ventilation improvements to low-income Londoners (below £20k after housing costs) who own their own homes or rent privately. The scheme ends in March 2023 and there is no current indication that a further a scheme or further funding will be available thereafter. However, there may be future grants available from government or other sources that could help to improve the energy efficiency of homes by installation of insulation, heating systems, or other services. The Council's website (www.merton.gov.uk/council-tax-benefits-and-housing/warm-green-homes) should be checked to see whether there are any sources of grant funding or other support measures available.

4 APPLICATION INFORMATION

- 4.1 This Policy, or any part of it, may be amended or withdrawn at any stage, due to for example changes in legislation, or government policy or guidance. Existing applicants whose individual applications have yet to be approved, would remain eligible for the existing Disabled Facilities Grant, subject to meeting the existing criteria at the time of application.

How to make an application

- 4.2 Applicants wishing to apply for assistance who live in the London Borough of Merton should contact the Occupational Therapy Service to request an OT assessment and start the DFG application process, via the following contact options:

Occupational Therapy Service
Civic Centre
London Road
Morden
SM4 5DX
Email: ssotduty@merton.gov.uk
Tel: 020 8545 4477 / 4428 (available 9am – 5pm Monday to Friday)
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4.3 An application must be submitted in writing by applicants or their representatives with all the relevant and required information to support the application. A completed application is one which must include: -

- Completed and signed application forms.
- Completed and signed certificates of future occupation where required.
- Evidence, where necessary to demonstrate the applicant's ability to meet their share of the costs.
- At least two competitively priced estimates for grants of less than £1,000 one estimate would suffice.
- The Council will confirm the exact works that are eligible for assistance.

DFG Grant Application Appeals Procedure

4.4 An appeal submission must include the specific grounds on which the appeal is based. Appeals will only be considered on the following grounds:

- That the policy has not been applied correctly
- That there is an exceptional case for providing assistance which is not within the Council's existing policy.
- There has been some error or excessive delay in the processing of a grant.

In such cases the applicant should write to:

The Head of Housing Needs & Strategy
The London Borough of Merton
Civic Centre
London Road
SM4 5DX
Or via Email: ehhousing@merton.gov.uk

4.5 The Council will acknowledge the appeal request within 5 working days and respond within 28 days. Any written comments and complaints about the Policy may also be considered under the Council's complaints Policy.

APPENDIX 1: REPAYMENT CONDITIONS – DISABLED FACILITY GRANT DISPOSAL OF THE DWELLING

The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008:

Where a grant is for a sum exceeding £5,000, the Council may demand repayment of such part of the grant that exceeds £5,000 (but may not demand an amount in excess of £10,000) if:

- The recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- The Council, having considered:
 - i. the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant.
 - ii. whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment.
 - iii. whether the disposal is made for reason connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises.
 - iv. whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity. is satisfied that it is reasonable in all the circumstances to require the repayment.

Notes:

1. Repayment will not be required immediately where a joint owner(s) dies, and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s), but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force.

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions:

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:
 - i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7: General Guidance on the operation of the housing assistance policy.

Insurance and compensation claims

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG, C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party, we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest. As claims can be protracted there is no time limit attached to this provision.

In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

APPENDIX: 2 SUMMARY OF DISABLED FACILITIES GRANT RELATED ASSISTANCE AVAILABLE

Assistance	Funding (Maximum Sum)	Eligibility Requirements	Objective	Land Charge Applicable	Other Information
Mandatory Disabled Facilities Grant (DFG)	£30,000	Means tested – contributions may be required	To provide physical adaptations to dwellings to enable disabled persons to remain in their own home.	Max £10,000 for grants over £5,000. Charge period 10 years	The applicant (who may not be the disabled person) must either own the property or be a tenant and occupy the property as their principal or only residence. Occupational Therapist (OT) Assessment required.
Discretionary DFG	£15,000	Means tested assessment	To provide top-up funding in exceptional circumstances such as meeting the policy vulnerability criteria, where major adaptations required will exceed the £30,000 DGF ceiling	Max £10,000 for grants over £5,000. Charge period 10 years	Other sources of funding will be explored e.g. Equity Release, Charitable Funding, etc.
Hospital to Home Assistance	£5,000	Occupational Therapist (LBM) assessment &	Funding for adaptations to prevent bed blocking	None	Occupational Therapist (LBM)

		approval required. No financial assessment required.	in hospital and to assist with preventing admission or re-admission to hospital		assessment & approval required.
Helping Hand Technician (MASCOT)	N/A	Referral by Adult Social Care Team, Hospital to Home Team	To improve safety in accommodation.eg by adjusting or installing equipment such as rails and banisters, fixing loose carpets or rugs, installing a grab rail or key safe.	None	Not applicable to works that are the responsibility of a landlord
Handyperson (MASCOT)	N/A	Referral by Adult Social Care Team	Minor repairs and adjustments to enable independence and safety in the home	None	
Dementia Friendly Grant	£2,000	Referral by OT, Adult Social Care,	To provide aids and adaptations to enable people with a diagnosis of dementia to manage their surroundings, retain independence and reduce feelings of confusion an anxiety	None	Access to the Grant must be supported by a professional i.e. social worker, occupational therapist, mental health team, or hospital discharge professional
Assistive Technology	£2,000	Referral by OT, Adult Social Care,	Provision of assistance to enable applicants to live safely and	None	Access to the Grant must be supported by a professional i.e. social worker,

			independently in their homes. Assistance may include remote controlled systems for heating, lighting, sensors, and appliances.		occupational therapist, mental health team, or hospital discharge professional
Relocation Assistance Grant	£15,000	Meets DFG criteria but not practicable to carry out works on current property.	To enable move to suitable accommodation where adaptations unable to be made to existing home.	Max £10,000 for grants over £5,000. Charge period 10 years	Home is privately owned or privately rented (excluding Housing Association/Registered Social Landlords who should access the housing register via Choice Based Lettings Scheme). OT and Home Improvement Agency recommendation required. OT Assessment of the alternative property required, and Council approval required to ensure applicant needs will be met without further major adaptations.

Emergency Adaptations	£30,000	DFG mandatory criteria to be met and financial assessment test	To enable emergency works where a person cannot sustain living, or life, at home unless essential works are undertaken. E.g. cannot access essential hospital admissions, dialysis, without adaptations.	Max £10,000 for grants over £5,000. Charge period 10 years	
Energy Efficiency Prevention Grant	£8,000	DFG criteria to be met and financial assessment test	To assist vulnerable owner-occupiers or tenants with repairing obligations to undertake essential repairs such as heating system replacements if beyond repair, or overhaul of the electrical installation. or loft insulation.	None	Excludes architect /surveyor fees. Excludes works which are a landlord's responsibility. Vulnerability criteria apply as set out in para 3.27 of the policy.

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Committee: Cabinet

Date: 17 July 2023

Agenda item:

Wards: All

Subject: Modernising our approach to Community Engagement

Lead officer: Polly Cziok, Executive Director for Innovation and Change

Lead member: Cllr Eleanor Stringer, Deputy Leader and Cabinet Member for Civic Pride

Contact officer: Kris Witherington, Engagement and Consultation Manager x3896

Recommendations:

- A. That Cabinet agrees the proposals for a more resident-facing approach to community engagement, through a new model for community forums as well as additional support for resident associations
 - B. That Cabinet agrees to the proposals to supplement the biennial residents survey with a new digital engagement platform that includes a citizens panel
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Following the findings from the previous engagement there was a clear desire from participants to see improvements in how the Council engages with them on decisions that affect their community.
- 1.2. Following a review of existing corporate engagement structures, this report sets out a case for change which will provide a new approach for engaging with residents and other stakeholders, making the most of new digital tools and through refreshing some of our existing structures.
- 1.3. It also forms part of a wider review of Communications & Engagement, with External & Internal Communications forming the other elements of the service.
- 1.4. The proposals also include plans to improve coordination of consultation and engagement across the organisation and in conjunction with other partners.
- 1.5. The report recommends investment in capacity to deliver a step-change in how residents can engage with the organisation.
- 1.6. This new approach includes re-formatting the Community Forums; building on our relationship with local communities; replacing the biennial residents survey and improving our digital engagement offer.
- 1.7. These proposals will link with the plans set out in the *How We Work With Communities* report, being considered by Cabinet and will support the Council ambition to nurture Civic Pride.

2 DETAILS

- 2.1. Currently the three main areas of focus for the Community Engagement team includes servicing the existing engagement infrastructure, delivering corporate projects, and providing support and assistance to service teams in delivering time-limited consultations.
- 2.2. Corporate activities include:
- Administering the five community forums
 - Delivering the biennial residents survey
 - Managing the council's e-petition system
 - Maintaining the online consultation hub
 - Managing the Healthwatch Merton contract.
 - Time-limited corporate priorities, often delivered in conjunction with other teams across Council.
- 2.3. The team also provides advice and support to services across the organisation to assist with statutory and non-statutory consultations.
- 2.4. The level of support will vary considerably depending on the project and the capacity and skills of the service team, but will usually cover issues such as stakeholder mapping, consultation design and delivery, and analysis of results.
- 2.5. This can include internal consultations as well as public or projects targeted at a defined stakeholder group. The team will also support the delivery of consultations by partner organisations that impact on Merton, for example Government Departments, the Boundary Commission, the Mayor of London, Transport for London, and NHS organisations. Recent examples have included the Ultra-Low Emission Zone, the Review of Parliamentary Boundaries and Your London Fire Brigade.
- 2.6. Just under 250 such projects have been registered on our consultation hub since April 2018, with some receiving significant levels of support, such as the Parking charges reviews in 2018 and 2020 and Waste services consultation in 2022.
- 2.7. In 2021 Merton Council undertook a large-scale engagement exercise, that aimed to identify priorities for the borough's COVID recovery programme. As part of this exercise residents identified a desire to be engaged in the decisions that would determine how the borough recovers from COVID-19:
- “An inclusive community that all age groups and people from different backgrounds could feel part of – and that offered opportunities to engage with each other – was a key part of many respondents’ ambitions for the future. They wanted to use the recovery from Covid-19, for instance, for reopening community centres or investing in activities to engage children and young people and bring different generations together. This was seen as an opportunity to rekindle a sense of community that many had valued in the spirit of mutual aid during the lock-downs”. Pg 33*
- Our engagement showed that residents were passionate about the potential of their local area and were keen to be involved in decisions around its strategic direction. Pg 77*

- 2.8. Delivering regular activities on the scale of the 2021 project would involve substantial resources and increased capacity but the project also offered an opportunity to test models of working that can be incorporated into our ongoing offer to residents. This includes improving the digital routes for engagement and adopting a more open approach to resident engagement.

Nurturing Civic Pride

- 2.9. The plans set out in this report aim to improve channels for resident engagement, ensuring that successful engagement is supported, and gaps are identified and address.
- 2.10. By building trust and communications with residents and key stakeholders the proposed programme will aim to support the Council's ambition to nurture Civic Pride in Merton.
- 2.11. The proposals include reforming the Community Forums, strengthening face-to-face engagement, improving our digital offer, and strengthening our coordination of work across the organisation.

Reforming the Community Forums

- 2.12. From 21 February to 4 April 2022 residents were invited to complete a survey on their experience of the community forums. The survey covered residents experience of remote meetings during the pandemic, their experience of forums overall and their views on alternative models of resident engagement. In addition, responses were received on behalf of both the then Conservative and Liberal Democrat groups on the council.
- 2.13. Among the 70 responses more than half had not attended a community forum meeting during the pandemic when meetings were held online; and more than a third had never attended a community forum at any time. Among those who had never attended a meeting, two-thirds said they did not know when the meetings were taking place.
- 2.14. Of those who had attended an online meeting less than half said they found the meeting useful, although two-thirds of those who had ever attended a forum said agreed they were useful.
- 2.15. More than half of previous attendees also agreed that meetings are generally interesting, they were able to raise local issues, and that they preferred in person to online meetings but found it useful to be able to watch the meetings online. 85% agreed they were more likely to attend if there was an item they were interested in and 81% said they were more likely to attend if they could ask questions of elected officials.
- 2.16. However, two-thirds disagreed that they could influence local decisions by attending meetings. Less than half were satisfied with the community forums overall.
- 2.17. Respondents were asked if any alternative options would be better or worse than the current community forums. The choices were based on research into other face-to-face structures across London boroughs. Amongst respondents the most popular alternative was ***public question time sessions with the Leader and Cabinet Members***. Other alternatives that

were also rated better than the current format were: **more support and contact with existing residents groups; ward meetings arranged by local councillors;** and **resident workshops** where groups of residents discuss and recommend solutions to a particular issue.

- 2.18. Attendance at the Community Forum meetings varies across the areas and dropped significantly for the online only meetings that took place during the pandemic. Attendance at in-person meetings have yet to return to pre-pandemic levels. However, we have seen additional viewers on YouTube after the meetings took place in the region of 70-100 views per meeting. The range of attendance at each forum is set out in the table below:

Forum	Pre pandemic attendance	Online only attendance	Post pandemic attendance
Colliers Wood	5-15	Less than 10	10
Mitcham	20-25	Less than 10	10
Morden	15-25	10	15
Raynes Park	50-60	10-20	20-30
Wimbledon	30-40	Less than 10	15-20

Face to Face engagement

- 2.19. A new approach to delivering face-to-face engagement is now being recommended, and suggests the following features:
- a) High-profile ‘Leader’s Question Time’ sessions; with the ability for one-off, issues-based sessions as necessary through a mix of online, in-person or on-street engagement approaches
 - b) An annual community forum meeting in each area, based on themed workshops that focus on resident engagement
- 2.20. The Question Time events would be widely advertised as high-profile events, *chaired by an independent facilitator* and the panel could include members of the cabinet or other local public services such as the Police or NHS. The events would also be available online, either through recording or live streaming.
- 2.21. The annual Community Forum meetings would be facilitated by Council officers and invite residents and local businesses to participate in a collaborative workshop. Several relevant local themes could be covered by using techniques such as a Citizen’s Assembly or Knowledge Café. The findings and recommendations from these events would be reported into Council meetings, with the option of creating motions for Council to consider.
- 2.22. The team would also be able to support other engagement events as directed by senior officers. This could include topic specific meetings, either online or in-person or on-street roadshows in high streets or other locations.

Supporting existing local engagement structures

- 2.23. In addition to reforming the community forums to improve the quality of resident engagement the proposal is to ***increase the engagement and support to resident associations and other local engagement groups*** that bring together residents and local businesses. This support will include:
- a) Support for those groups who wish to continue delivering community forum-style meetings in their area
 - b) A point of contact for resident associations and other groups
 - c) A regular e-newsletter aimed at resident associations
 - d) An annual event that brings together resident associations and other groups from across the borough
- 2.24. The support for groups or councillors that may wish to continue holding additional meetings along the lines of community forums could include venue hire and support with marketing for the meetings through Council channels. The groups would also need a point of contact within the Engagement team to arrange invitations for speakers or to raise issues of concern.
- 2.25. This same point of contact in the Engagement Team would be extended to resident associations and other resident groups. The support would not include providing an additional customer service channel but would include an offer to answer questions, signpost to relevant information and connect groups with other council services.
- 2.26. There is variable coverage of formal and informal resident groups across the borough. In parts of the borough there are well established formal structures holding well-attended regular meetings and with an active digital presence. In other areas there are successful informal groups using Whatsapp or other tools to communicate within a community.
- 2.27. The Engagement Team would work with Councillors and other stakeholders to build an understanding of what groups are functioning in each area, and how effective their reach is within their community. This would allow us to understand over time if there are gaps in provision and if local groups could be provided with support to develop their activity.
- 2.28. Working with the wider Communications Team we would also provide regular e-newsletters to organisations who sign-up through the Granicus system. The e-newsletter will focus on information about events, services, and activities that resident associations can cascade to wider audiences.
- 2.29. The Engagement Team would also deliver an annual event for resident associations that brings together these groups in a setting that mirrors other partnership structures.

Improving digital engagement

- 2.30. Currently our digital engagement offer consists of an online consultation hub that lists all our consultation projects and an attached survey design tool that allows to build questionnaires to support our consultations.

- 2.31. The recommendation is to procure a new system or systems that will also include additional options:
- a) A digital citizens panel where residents can be recruited and participate in regular online surveys
 - b) Discussion boards that can be used for more dialogue-based approaches but that includes automated analysis to avoid the impact on officer's time
 - c) Mapping options to enable consultations that are focused on geographical themes, as used in the Your Merton programme
 - d) A survey design tool that includes analysis of open text questions
- 2.32. The digital citizen panel will supplement the need for regular feedback from a representative sample of residents. As a result, we will continue to deliver a biennial residents' survey that provides a benchmark for trends over time and against national or regional surveys. We will then be able to use the Citizen's Panel to address issues raised by the resident's survey in more detail.
- 2.33. During the pandemic Zoom, Teams and other platforms were used to facilitate several engagement sessions on specific topics including the climate emergency and school streets. Digital engagement sessions should continue to be an option for delivering consultation and engagement.

Improving corporate coordination

- 2.34. Consultation and engagement is delivered across the council and by its partners through a wide range of mechanisms. Some of these are focused on specific population groups, such as our Youth Participation team, others focus on service user groups like Looked After Children or users of Adult Social Care services and others have a specific topic focus such as the Metropolitan Police's Ward Panels.
- 2.35. The expanded Engagement and Consultation Team will also lead on steps to improve coordination of activity across the council and with its partners. This will include developing a new internal network, identifying opportunities for improving skills and sharing knowledge and coordinating or supporting external events.

Changes to staffing

- 2.36. To meet the capacity demands of the new engagement model set out in this report we recommend increasing the Engagement and Consultation team by 2.5FTE from the current 1.5FTE to 4FTE.
- 2.37. An Events Officer would take responsibility for delivering the Question Time and Community Forum events.
- 2.38. A Community Development officer would be recruited to support the engagement with resident associations and support additional community forum meetings.
- 2.39. A 0.5FTE Engagement and Consultation and Engagement Officer would also be recruited to support the existing 0.5FTE role to oversee the new digital consultation package including a new resident panel.

- 2.40. An increase in the budget for supporting events would also be required to ensure events are marketed effectively and delivered successfully.

3 ALTERNATIVE OPTIONS

- 3.1. Improvements could be made to our engagement programme without the investment requested. This could be done through the reformatting of the Community Forums but with significantly less activity than recommended and by replacing the residents survey with an improved digital offer.
- 3.2. Alternatively further investment could create a community development approach to engaging with residents. This approach would involve community development officers working in local geographical areas to develop trust and clear lines of communications with residents' groups,

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. In 2022 a review of the community forums received 70 responses to an online survey and responses from both the then Conservative and Liberal Democrat groups.
- 4.2. As set out in 2.5 Your Merton identified a need to improve the routes for residents and other stakeholders to engagement the council.
- 4.3. Further discussion took place at the Wimbledon, Raynes Park, Mitcham and Morden Community Forum meetings. The proposals were considered by the Overview and Scrutiny Commission, the Merton Partnership Executive Board and the Joint Consultative Committee with Ethnic Minority Organisations.
- 4.4. Feedback from all groups was broadly positive with a recognition that new approaches were needed to better engage residents. The Wimbledon and Raynes Park Community Forums have decided to continue additional meetings in the current format, managed by local councillors and the Raynes Park Association.

5 TIMETABLE

- 5.1. Once approved by cabinet, officers will begin the recruitment and procurement necessary with a view to starting the new approach in autumn 2023 and consolidating it for the 2024/5 Council calendar.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. The additional posts requested would cost in the region of £120,000 in addition to the current budget of £98,000.
- 6.2. Currently the budget for delivering the community forum meetings is £2,000 covering venue hire and marketing materials. The proposal is to increase this to £15,000 so that Question Time sessions, community forum and resident association events will have sufficient funding for venue and marketing costs.
- 6.3. This increase in budget forms part of the Communications Team growth bid for 2023/4 that has already been approved.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The constitution of the council sets out a requirement for community forums to be delivered and this proposal would continue to meet this requirement.
- 7.2. Failure to consult residents, stakeholders, and representative groups appropriately exposes decisions made by the council to the potential of Judicial Review. Increasing the organisations capacity, and tools for consulting with residents reduces this risk.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. Attendance at Community Forum meetings is more likely to be from older age groups and not include a balance of black and minority ethnic groups that reflects the wider population. The approach recommended is intended to attract a wider audience and help the council reach seldom heard communities.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no crime and disorder implications. It is likely and crime and disorder issues will be raised by participants, helping inform the Safer Merton partnership.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There is a risk to the reputation of the council from poorly delivered engagement and consultation. This proposal is intended to improve the quality of engagement delivered.
- 10.2. Health and safety considerations will need to be addressed in the planning and delivery of public events.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

12 BACKGROUND PAPERS

- 12.1. [Your Merton Report](#)

Committee: Cabinet

Date: 17 July 2023

Agenda item:

Wards: All

Subject: Equality Diversity and Inclusion Strategy 2024 - 2026 – draft for consultation

Lead officer: Jane McSherry, Executive Director for Children, Lifelong Learning and Families

Lead member: Cllr Eleanor Stringer, Cabinet Member for Nurturing Civic Pride

Contact officer: Keith Burns, Interim Assistant Director: Customers, Policy and Improvement

Recommendations:

- A. That Cabinet agree to go out to public consultation on the draft Equality, Diversity and Inclusion Strategy prior to a final version being presented to Council for adoption in November 2023.
 - B. That Cabinet delegate the authority to agree the final version of the Strategy, for submitting to Council, to the Cabinet Member for Civic Pride in order to enable a longer consultation timescale.
 - C. That Cabinet notes that in addition to the nine Protected Characteristics defined by the Equality Act the scope of the strategy has been extended to include care experienced young people, armed forces veterans, single parent households and socio-economic status.
 - D. That Cabinet notes the proposed consultation timeline.
 - E. That Cabinet notes the proposed duration of the Strategy is intended to align both with the end date of the new Council Plan and to the Equality and Human Rights Commission's requirement that Councils publish updated equalities objectives every four years.
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Equality Act 2010 requires the council to publish equality objectives every four years to demonstrate how it intends remaining compliant with the Public Sector Equality Duty. The requirement to publish every four years was introduced from April 2018.
- 1.2. This report provides an overview of the draft Equality, Diversity and Inclusion strategy and the proposed Equality Objectives that outline Merton's commitment to tackling inequalities and remaining compliant with the Public Sector Equality Duty.
- 1.3. Cabinet is asked to agree that the draft strategy, attached, be subject to wide public consultation before a final version of the Strategy is presented to Council in November for adoption.

2 DETAILS

- 2.1. The refreshed strategy needs to meet legislative requirements to publish equality objectives every four years.

Approach

- 2.2 The draft Equality, Diversity and Inclusion strategy (appendix 1) outlines the following four Equality Objectives:

1. **Tackling poverty, the structural differences in social circumstances and the resulting differences in access and outcomes**
2. **Promoting Community engagement to empower our residents, improve understanding of the issues faced by local people and develop services to meet the differing needs.**
3. **Promoting a safe, healthy and cohesive borough where communities get on well together**
4. **Improving our evidence base to inform our decision making**

- 2.3 The Strategy is intended to be primarily focused on the borough's residents and communities. 'Our People and Culture' the Council's new people strategy, sets out a range of equalities objectives relating to the Council's workforce. The draft strategy references this relationship.

- 2.4 The strategy is appended by a delivery plan setting out the Council's commitments against each of the four equality objectives. The actions in the delivery plan are linked to the Council Plan and other key Council Strategies and delivery plans.

- 2.5 The Equality, Diversity and Inclusion strategy's development was informed by:

1. Evidence of existing inequalities in the borough and opportunities to continue to narrow the gap in outcomes for disadvantaged residents and communities.
2. The findings from extensive community engagement to support the development of the new Council Plan that provided analysis of residents' experience of life in Merton, their experience of the pandemic and their aspirations for the future.
3. Learning from the Covid-19 pandemic and cost of living emergency that has highlighted issues such as:
 - a. Health inequalities
 - b. Digital exclusion
 - c. Food poverty
4. Findings from the research commissioned by the Health and Wellbeing Board looking at the disproportionate impact of Covid-19 on protected groups, in particular ethnicity, age and disability.
5. The Councils' response to the Cost-of-Living crisis

6. Issues raised through the Black Lives Matter protests
 7. Implementing the Local Outbreak Management Plan
 8. The learning and recommendations of the Workforce Race Equality Standards pilot
 9. The work of the Transforming How We Work With Communities project to increase community resilience and delay / prevent demand for acute services.
- 2.5 Promoting equality has been a major consideration in the development of the Council Plan and has helped shape the priorities e.g. improving access to affordable housing; keeping and improving local health services; actively involving communities in decisions that affect them; improving educational attainment; support on cost-of-living; and adopting the London Living Wage.
 - 2.6 Good progress is being made to address inequalities in Merton and many of the actions in the delivery plan have already started. The Council has improved collaboration with the Voluntary and Community sector, particularly in respect of addressing health inequalities.
 - 2.7 More recently the Council has improved its grant funding framework and through the Civic Pride fund have increased the reach, as smaller organisations have successfully secured funding. The Council is investing in capacity building to develop and implement sustainable solutions.
 - 2.9 Alongside the EDI Strategy an Equality Charter (appendix 3) has been developed that sets out and communicates in a clear and straight forward way the principles that underpin our approach and the key objectives.
 - 2.10 Cabinet is asked to note the draft Equality Charter that incorporates the principles of the London Councils' Chief Executive Leaders Committee (CELC) Statement of Intent that makes specific reference to addressing Institutional Racism, (appendix 4). The SOLACE Statement of Intent on Equality, Diversity and Inclusion is also cited and endorsed in the draft strategy, although this is more directly relevant to our role as an employer.
 - 2.11 The strategy makes reference to the need to review the use of the terminology 'Black Asian Minority Ethnic'. An Inclusive language guide is being developed and it is timely that we engage with staff and the community to introduce terminology that our residents are more comfortable with. London Councils guidance on the matter is being developed and the Council's Corporate Equality Steering Group is leading the work to consider the introduction of more accurate and acceptable terminology.
 - 2.12 Delivery of the strategy will be monitored by the Corporate Equality Steering Group, Corporate Management Team and Directorate Management Teams. An annual update will be provided to the Overview and Scrutiny Commission and the Joint Consultative Committee (JCC) with Ethnic Minorities.
 - 2.13 The strategy also outlines the Equality Analysis process and plans to further develop this to include the additional groups / characteristics referenced in the strategy.

3 ALTERNATIVE OPTIONS

- 3.1. The Equality Act 2010 requires the council to prepare and publish equality objectives and subsequently update these objectives at least four-yearly. Not having an Equality Strategy would put the Council at serious risk of legal challenge and potentially damage the Council's reputation.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The draft Strategy has been circulated to the Corporate Equality Steering Group and to the Joint Consultative Committee with Ethnic Minority Communities.
- 4.2. Subject to Cabinet agreement, the draft Strategy will be the subject of wider internal and public consultation between July 2023 and the end of September 2023. This end date will be extended into October if Cabinet agree to delegate authority to agree the final draft of the strategy to the Cabinet Member for Civic Pride. Internal consultation will take place with Directorate Management Teams; the Corporate Equality Steering Group, the Race Equality Network; the LGBTQ+ network and the Trade Unions. Public facing consultation will take place via the Council's website as well as with the Overview and Scrutiny Commission (OSC) and the Joint Consultative Committee (JCC) with Ethnic Minorities. Consultation will also take place with voluntary and community sector organisations in collaboration with Merton Connected and with a range of forums and groups across the borough.

5 TIMETABLE

- 5.1. The draft strategy is being presented to Cabinet for approval to go out to consultation on 17 July 2023.
- 5.2. Consultation (internal and external) will then run over the period July 2023 to 30 September 2023 (see note at 4.2 above on possible extension of this timeline).
- 5.3. A final version of the Strategy will then go to Council for adoption on 15 November 2023.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. On 6 April 2011 the Equality Act 2010 introduced the Public Sector Equality Duty (PSED) which requires the Local Authority, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between persons who share a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender

reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Recommendation C to extend the scope of the strategy with regards the classes identified is permissible.

- 7.2. In developing the Equality Strategy and objectives consideration will need to be given to the Public Sector Equality Duty in respect of each of the protected characteristics. Delivery of the commitments in the Equality Strategy action plan and the publication of an Equality Strategy setting out our equality objectives will contribute to fulfilling the Council's legal obligations relating to equalities legislation.
- 7.3. With regards the delegation in recommendation B this is permissible under section 9E of the Local Government Act 2000.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 By setting out its equality, diversity and inclusion commitments in the Equality Diversity and Inclusion Strategy the Council is re-affirming its commitment to human rights, equality and community cohesion as well as demonstrating ongoing compliance with the Public Sector Equality Duty.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There is a risk of increased hate crime activity directed towards certain groups if there is no commitment to eliminate discrimination and harassment.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. There is a risk to the Council's reputation if it fails to produce and publish equalities objectives. Additionally, there is a risk of claims of discrimination based on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 - Draft EDI strategy
- Appendix 2 – Draft delivery plan
- Appendix 3 – Merton Council's Equality Charter
- Appendix 4 – London Councils' CELC Anti-Racist Statement

12 BACKGROUND PAPERS

- 12.1. None

PRE-CONSULTATION DRAFT

LONDON BOROUGH OF MERTON

EQUALITY, DIVERSITY AND INCLUSION STRATEGY: JANUARY 2024 TO MARCH 2026

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1. Introduction

- 1.1. The Equality, Diversity and Inclusion Strategy sets out the Council's equality objectives and outlines how we will embed equalities considerations into our day-to-day business.
- 1.2. Under the Equality Act 2010 the Council has a Public Sector Equality Duty to ensure that in exercising our functions and delivering services and partnership work we:
 - eliminate discrimination, harassment, victimisation
 - advance equality of opportunity between persons who share a protected characteristic and persons who do not share a protected characteristic
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 1.3. The Act also introduced nine Protected Characteristics; Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual orientation. Unless otherwise specifically stated, the commitments and objectives set out in this strategy and the associated delivery plan apply equally across all nine protected characteristics.
- 1.4. When developing new policies and making changes to services the Council is required, at the decision-making stage, to assess how changes to policies and service delivery will affect individuals with a protected characteristic. Where a potential for negative impact is identified the Council is required to identify ways in which those negative impacts can be mitigated. By requiring this of Council's, the Act requires that we take steps to ensure equity of access to services for all our residents.
- 1.5. As a Council we acknowledge that we have a key role to play to promote a fair and more equal society and that we can do this by putting equalities considerations at the heart of the decisions we make about strategic priorities, policies and plans, service delivery, contract arrangements and employment. Through the Merton Partnership we will continue to engage with partner organisations to identify ways in which we can work together to deliver better equalities outcomes for our residents and communities.
- 1.6. We also recognise that our understanding of the inequality impacts in relation to each of the nine protected characteristics is not equally well developed and over the lifetime of this strategy we will seek to address this with targeted research and consultation work. There are a number of specific commitments focused on improving our understanding of inequality impacts relating to specific characteristics set out in the delivery plan that supports this strategy.

1.7. In producing this strategy, we have developed objectives that promote equality, diversity and inclusion in Merton by:

- listening to our diverse communities and understanding that everyone is unique and “one size does not fit all”
- taking measures to address existing inequality and differential service outcomes
- developing strong partnerships with our Voluntary and Community Sector to work towards co-producing the delivery of services that increase access to services and opportunities that nurture Civic Pride
- seeking opportunities for building a sustainable future for all
- appreciating the different backgrounds cultures and experiences that make Merton a great place to live, work and visit.

1.8. In developing objectives that promote equality, diversity and inclusion in Merton we have also recognised that there are a number of groups of people with shared characteristics, beyond the nine characteristics protected by the Equality Act 2010, who are at risk of experiencing disadvantage in accessing Council services and in other aspects of their day to day lives. The Council will, therefore, consider these groups to be within the scope of this Strategy and, in particular, will take into account those characteristics when undertaking Equality Impact Assessments. The four identified groups / characteristics are:

- Care experienced young people;
- Armed forces veterans;
- One-parent households;
- Socio-economic status.

Our Commitment

1.9. The Equality Act underpins this Strategy and the objectives apply to all the protected characteristics identified in the Act, as well as to the four additional characteristics / groups identified at 1.7 above. As a Council we will not tolerate discrimination and will endeavour to consider all the protected characteristics in the delivery of our services.

1.10. We have developed an Equality Charter that is our statement of intent and outlines our commitment and sets out the framework for the management and effective delivery of equality, diversity and and inclusion in Merton and contributes to the newly adopted Council Plan for 2023 to 2026 “Building a Better Merton Together”. The council is committed to “Nurturing Civic Pride “ and want residents to be proud of their local area, feel more connected to their community and get more involved in making Merton a great place to live, work and visit. Our Equality Charter is set out in Appendix 1 of this Strategy.

1.11. The Council’s Equality Charter has been informed by London Councils’ Anti-racism Statement (reproduced at Appendix 2 of this strategy) and by the Society of Local Authority Chief Executives’ Statement of Intent on Equality, Diversity and Inclusion ([ED&I Statement of Intent 2022.pdf](#))

(hubspotusercontent-na1.net). The Council endorses both the London Councils Anti-Racism Statement and the SOLACE Statement of Intent on Equality, Diversity and Inclusion.

- 1.12. The Strategy has been designed to cover the period from January 2024 through to March 2026. This end date aligns with the end Date of the Council Plan and coincides with the end date of the Equality and Human Rights Commission’s four-year cycle. It is intended that the next iteration of this Strategy will be developed alongside the next Council Plan so that reducing and tackling inequality continues to sit at the heart of the Council’s commitment to our residents and communities.

Our Equality, Diversity and Inclusion objectives

- 1.13. To underpin our commitment to prevent or reduce identified inequalities in Merton, and to support and promote diversity and inclusion, we have developed four Equality Objectives that aim to improve the life chances of our residents and create a more level starting point for all. The objectives are outlined below:

- 1. Tackling poverty, the structural differences in social circumstances and the resulting differences in access and outcomes**
- 2. Promoting Community engagement to empower our residents, improve understanding of the issues faced by local people and develop services to meet the differing needs.**
- 3. Promoting a safe, healthy and cohesive borough where communities get on well together**
- 4. Improving our evidence base to inform our decision making**

These four objectives underpin this Strategy and the action plan which accompanies it.

Intersectionality

- 1.14. We recognise that people share more than one protected characteristic and as a result some may face multiple disadvantage and discrimination. As a council we will do all we can to address issues of intersectionality and inequality, both in our actions to reduce inequality and in recognising the potential for cumulative impact when undertaking Equality Impact Assessments.

The Council as an employer

The Council recognises that as well as our obligations to promote and enable equality, diversity and inclusion across the borough in the way we deliver services, we also have a key responsibility to our own workforce, both current and future. We are committed to creating an environment that drives systemic change and works to ensure that we bring to life our pledges, remain committed to our values, and embed a diverse and inclusive culture that allows everyone to realise their potential. As an organisation our Equality, Diversity and Inclusion approach will include fair recruitment, continuous education and awareness of EDI to make everyone feel their uniqueness is valued, and ensure all staff are comfortable in their own skin. The Council's people strategy, 'Our People and Culture' is where we set out our equalities objectives as they relate to our workforce. Our People and Culture should, therefore, be viewed as a companion document to the Equality, Diversity and Inclusion Strategy.

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2. Merton the place

Demographics

- 2.1. We are a growing and diverse borough – Merton is home to 215,187 people, an increase of 7% over the last 10 years, and the population is made up of a broad range of ethnicities. One third of residents were born outside the UK and the most common languages spoken after English are Polish, Tamil, Portuguese and Urdu, which reflects the Polish, European, South American and Asian communities across Merton. Contextual demographic information, taken from the Council Plan, is reproduced overleaf.

Local issues and how the Strategy aims to address these

- 2.2. The aim of the Equality Diversity and Inclusion strategy 2024-26 is to nurture Civic Pride and address key issues evidenced from extensive engagement with residents, communities and organisations in the borough; commissioned research into the impact of COVID-19; and a range of demographic data. More detail on these evidence sources is contained in the next section of the Strategy.
- 2.3. Based on this evidence, the aims of our work to promote equality, diversity and inclusion are:
- 2.3.1. bridging the gap between the levels of deprivation and prosperity in the borough particularly focusing on:
- raising educational attainment for all children and young people and reduce attainment gaps for target groups including children with special education needs or disabilities, those who are looked after in care, specific B.A.M.E groups, specific groups of White boys and those who are excluded from school
 - tackling rising unemployment particularly among young B.A.M.E. communities and disabled residents and supporting those who are long term unemployed back into work
 - Reducing health inequalities particularly the issues affecting some B.A.M.E. communities, disabled and older residents.
 - Supporting residents who may be affected by mental illness or dementia
 - increasing education and economic opportunity in the east of the borough
 - Providing good quality and affordable homes
 - Supporting residents with the pressures of the Cost-of-Living crisis
- 2.3.2. Improving understanding of the borough's diversity and fostering better understanding between communities.

- 2.3.3. Working towards being a borough of sport and supporting residents to be active and have equal access to sporting facilities
- 2.3.4. Supporting those who do not usually get involved in decision-making to better understand how they can get involved and get their voices heard
- 2.3.5. Tackling the effects of the COVID-19 pandemic that has compounded existing inequalities
- 2.3.6. Tackling financial and food insecurity that disproportionately affects residents in the Wards to the east of the borough
- 2.3.7. Supporting residents to access on-line access services
- 2.3.8. Providing services that meet the needs of a changing population and that are equally accessible to all.

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QUICK FACTS ABOUT THE BOROUGH

Built and Natural Environment

2.7 tonnes CO2 emissions per capita (Department for Business, Energy and Industrial Strategy – BEIS, 2020)

79,871 tonnes Total waste collected: (DEFRA, 2020-21)

10.5% Fuel poverty rate: (BEIS fuel poverty sub-regional statistics, 2020)

28% Canopy cover as of 2020: (Merton Climate Delivery Plan Year 2, 2022)

Health and Wellbeing

78.6 years Male 83.5 Female Life expectancy (Merton Story 2022)

7.7 years for males and **5 years** for females - gap in life expectancy between the 10 % most and least deprived (Merton Story 2022)

53.3% of adults getting five-a-day (Sport England, 2019/20)

67% of adults getting enough physical activity: (Merton Data, 2020/21)

10% of residents aged over 65 live with frailty (Merton Story 2022)

Social & Cultural Environment

86% People who feel a sense of community cohesion: (Merton Residents' Survey, 2021)

6.6 Crime rate per 1,000 people: (MPS data, 12 month rolling August 2022)

63% People who feel safe during the night: (Merton Residents' Survey, 2021)

204 Charities based in Merton: (Merton Connected, 2021)

17,945 Volunteers involved in local charities: (Merton Connected, 2021)

Population and demographics

Residents: 215, 187 (Census 2021)

Population by age:

Age 0-15: 23%

Age 16-64: 65.3%

Age 65+: 11.8%

Born in the UK: 59% (Census 2021)

Main language other than English: 21.45% (Census 2021)

Ethnic group (Census 2021):

Asian, Asian British or Asian Welsh: 18.6%

Black, Black British, Black Welsh, Caribbean or African: 10.6%

Mixed or Multiple ethnic groups: 5.9%

White: 60.2%

Other ethnic group: 4.6%

Education and Qualifications

60.6% of adults with a degree or equivalent:

2.3% of adults with no qualification: (APS 2021)

24.2% of pupils eligible for free school meals (DFE, 2021/22 academic)

12.8% of Primary school pupils getting SEN support

14.8% of secondary school pupils getting SEN support (DFE 2022)

Economy and Environment

£6,299 million GDP in Merton at current market prices: in 2020 (ONS, 2022)

13,305 Businesses in Merton : (Inter-Departmental Business Register – IDBR, 2020)

80.9% Employment rate: (Annual Population Survey – APS, June 2022):

18,633 Universal Credit recipients (DWP Claimant Count, December 2022)

3. What has informed the strategy and what we are doing to address issues.

- 3.1. In developing the strategy and identifying the Equality Objectives set out in the introduction to the Strategy several cross-cutting themes have emerged that inform and underpin our approach to Equality, Diversity and Inclusion. These themes reflect issues that affect our residents in different ways and it is important, therefore, that the development of our Strategy takes account of these issues. It is also important that we implement measures to produce positive outcomes for all and recognise that successful implementation will require collaborative working across the council and Merton Partnership
- 3.2. The issues and themes identified are not all new and existing strategies such as the Health and Wellbeing Strategy and our Cost of Living Action Plan have started to address those known themes and issues. The new Council Plan similarly seeks to address a range of relevant issues including those relating to housing and the environment as well as focusing on inclusion and equality through nurturing Civic Pride.
- 3.3. The COVID-19 pandemic, the Black Lives Matter movement and the Cost-of-Living crisis have brought to the forefront a range of challenges faced by our residents that increasingly requires the council and our partners to deliver services in a joined-up way that acknowledges and understand the borough's diversity and is culturally sensitive to the varying backgrounds and needs of our residents.
- 3.4. We recognise not everyone receives the same start in life and this can significantly shape an individual's opportunities throughout their life. As a council we recognise that understanding this inequality is key to addressing some of the complex issues that create barriers and exclusion for some of our residents. On this basis, we are committed to working toward:
 - Everyone having an opportunity to fulfil their potential from the outset
 - Individuals having choice and control to improve life chances and outcome
 - Tackling the structural barriers that lead to inequality
- 3.5. It is evident that some families experience inter-generational disadvantage that results in individuals experiencing inequality throughout their lives. The challenge, therefore, is for the council to work with partners to find ways to break the cycle of deprivation still faced by many. The complex challenge of cyclical disadvantage is experienced by a range of people including Black

Asian and Minority Ethnic communities; children growing up in lower socio-economic households; Gypsies and Travellers; the long-term unemployed; people living with a disability; and young adults leaving care.

- 3.6. The Covid-19 pandemic has impacted all our lives and has further entrenched the inequalities that were already evident in society as a whole and across our borough . This has focused our attention even more on the need to work with our communities to promote opportunity and proactively take steps to eliminate discrimination and the disadvantage faced by many.

Health Inequalities

- 3.7. The existence of health inequalities in the borough is well evidenced by our Joint Strategic Needs Assessment. The key findings from the Joint Strategic Needs Assessment have informed commitments in our existing work, including measures in the Health and Wellbeing strategy to address the poorer health outcomes for residents of the East of the borough. Everyone has the right to live a healthy life regardless of income and social status and should be able to have a good quality of life.
- 3.8. The Joint Strategic Needs Assessment highlights inequalities in the wards in the East of the borough in life expectancy, mortality and morbidity for main diseases. Overall life expectancy in the borough is 78.6 years in males and 83.5 years in females, and healthy life expectancy is 66.6 years in males and 67.1 years in females. The gap in life expectancy between the 10% most deprived, primarily in the East of the borough, and the 10% least deprived in Merton, is 7.7 years for males and 5 years for females.
- 3.9. The pre-existing health inequalities have been compounded by the COVID-19 pandemic. The Joint Strategic Needs Assessment 2022 illustrates that “the pandemic has not impacted health and wellbeing in Merton equally, with some groups affected more than others including older people, young people, those with learning disabilities, those living in wards in the East of the borough and some ethnic minorities.
- 3.10. The Health and Wellbeing Board commissioned research by Black Asian Minority Ethnic Voice and Mencap that gave an insight into the effects of the pandemic on B.A.M.E. communities and residents living with a disability. The findings and recommendations from this work have informed the development of our Equality, Diversity and Inclusion Strategy. The council is committed to working in partnership to tackle the long term impact of Covid-19 and supporting our communities to be resilient and have access to the tools to promote healthy lifestyles.

- 3.11. In the short term we have worked with local community organisations such as Black Asian Minority Ethnic Voice and the Polish Families Association to better understand the issues their communities face and have gained insights that now inform this Strategy.
- 3.12. Going forward we will continue to work with Voluntary and Community organisations and the Integrated Care System to deliver the Health and Wellbeing strategy and the Local Outbreak Management Plan to provide fair and equal access to health care.

Black Lives Matter

- 3.13. The disproportionate impact of Covid-19 on B.A.M.E. communities and the horrific death of George Floyd in the United States prompted a resurgence in the Black Lives Matter movement across the world. Both events have underlined the ongoing issues of structural inequalities and racism that affect B.A.M.E. communities in the UK.
- 3.14. In Merton we are committed to continuing to engage with our diverse communities to better understand and develop appropriate measures to address the issues affecting the borough's B.A.M.E. communities. We will continue to work in partnership to identify and address the causes of the inequality still faced by some of our residents.
- 3.15. Within the council we have re-established a B.A.M.E. staff forum and have been working with the Race Equality Network (REN) to develop Equality Diversity and Inclusion training and anti-racist initiatives across the council.
- 3.16. The disproportionate impact of Covid-19 on some communities underlines the importance of small community led voluntary groups in Merton to support and engage with more marginalised communities. These groups have consistently told us that our criteria for awarding grant funding do not always recognise the benefits that these smaller grass roots organisations can offer. As part of our response to Black Lives Matter, we committed ourselves to recognising the contribution of these groups to tackling inequalities and this led to us reviewing the way that we award funding through the Civic Pride Investing in Communities Grant Programme to ensure a fair and balanced distribution of resources. We will continue to refine this approach for future funding rounds.

Community Engagement

- 3.17. In 2021 we undertook extensive engagement to get a better understanding of the impact of the pandemic on our residents and young people and what is important to them. We spoke to individuals and community groups and we discovered that residents valued the amount of green spaces in the borough and the strong community feel. Residents' frustrations included feeling isolated

as a result of the pandemic; litter and cleanliness; traffic and congestion; anti-social behaviour and crime; and concern about the declining high streets.

- 3.18. Looking to the future residents could see opportunities to build on the community spirit that emerged during the pandemic; maximising our green assets such as parks; making Merton a green borough through active travel and green transport; and revitalising our high streets for the whole community. Additionally, young people asked for improvements to make them feel safe and wanted to be included in decision making.
- 3.19. We have reviewed our existing corporate engagement structures and developed a new approach for engaging with residents and other stakeholders that includes using new digital tools and refreshing some of our existing structures, such as the Community Forums.

Cost of Living

- 3.20. We are committed to supporting our residents with the Cost-of-Living crisis and are working in partnership with the Voluntary sector to address five priority themes:
1. Food Poverty
 2. Energy Efficiency and Homes
 3. Finance, Benefits and Debt
 4. Jobs and Skills
 5. The Next Generation.
- 3.21. Working with our voluntary partners means that our cost-of-living support is informed by and embedded in our communities. The Young Peoples survey conducted in 2021 showed the level of food poverty in Merton. Ten percent of young people have skipped meals because there wasn't enough food, while twenty percent went a whole day without eating. By considering how residents are being affected and how best to prepare them for future challenges, we are delivering support that meets immediate needs and also starts to build longer-term resilience.

Education inequality

- 3.22. We are committed to providing Merton's children with the best start in life and a good or outstanding education for all. Further information about how Merton works in partnership with schools to secure and maintain improvement to educational outcomes for all children can be found in our education standards report, Celebrating Success.
- 3.23. Merton also works in partnership with schools to facilitate the Black Lives Matter and Equalities Forum, which meets half-termly. The forum has enabled

opportunities to hold events, discussions and consultations which drives forward our work on anti-racism and equalities. A review of achievements in 2022 and priorities for 2023 are captured in The Strategy to Address Racism and Racial Inequality across Merton Schools 2022 – 2023.

Access to decent housing

- 3.24. Merton, like other London boroughs, faces a housing crisis with increasing numbers of households in temporary accommodation, the pressures of living with high housing costs and poor-quality accommodation.
- 3.25. We are working towards improving our housing offer for care experienced young people.
- 3.26. We are also committed to increasing the supply of affordable and sustainable homes aiming to build 400 affordable homes on council owned land by 2026 and prioritising the regeneration of Mitcham and Morden. We are working to improve standards in social and private housing through introducing selective licensing and strengthening our housing enforcement activities.

Transforming How We Work With Communities

- 3.27. Through the Transforming How We Work with Communities project, we have developed a new bespoke 'Working Better with Communities' Framework in partnership with a range of stakeholders including the voluntary and community sector. This Framework provides a toolkit for services to use to work collaboratively with communities. It sets out how the council can take action at different levels to mobilise all the assets in the borough and to create the connectivity and community resilience needed to ensure that everyone gets help when they need it. Tackling disadvantage and promoting equality and inclusion is a key element of the framework.

Digital Inclusion

- 3.28. Increasingly public services are moving online and the pandemic has demonstrated that not all households have access to smart devices or broad band (either at all or at speeds that enable good access) – highlighting a digital divide. As such there is a risk that a sizeable number of residents may be digitally excluded from accessing services. Data from Merton Mencap shows that Merton carers are above the national average for digital poverty; 33% are basic or non-users compared with the national average of 22%, and likely to be the most digitally excluded group of residents. Over the period of this strategy we will be undertaking significant work to improve the ways in which residents and businesses can access services and communicate with us as a Council.

Avoiding further exclusion of digitally excluded households and individuals will be central to our approach to this work.

Funding

- 3.29. “The Covid-19 pandemic has not just revealed some of the inequalities existing within Merton’s wards east of the borough, it has also exposed a failure to protect and keep afloat, B.A.M.E. organisations which knew and understood the needs of their communities” – B.A.M.E. Voice report, 2021.

We have listened to the concerns of our communities, using the Transforming How we Work with Communities framework, and revised the grant funding process to enable smaller organisations to successfully bid for Civic Pride funds.

- 3.30. The Civic Pride Fund 2023-26: Supporting the Voluntary and Community Sector aims to:
1. Invest in and support Merton’s local voluntary and community infrastructure
 2. Nurture a strong sense of community and reduce inequalities
 3. Bring together preventative services that provide information, advice and support in the community to strengthen Merton resident’s physical, social, emotional, and economic resilience.
- 3.31. We have allocated almost £5million, over the three years 2023 to 2026, from the Civic Pride Fund to organisations in the voluntary and community sector – a sizeable amount has been given to organisations supporting; older people, people living with disabilities and B.A.M.E. communities.

Black Asian and Minority Ethnic (B.A.M.E.) terminology

- 3.32. In Merton we value the borough’s diversity and aim to provide an inclusive and culturally sensitive service to all. Through engagement with our residents we have learned that many people from Black, Asian and Minority Ethnic (B.A.M.E.) backgrounds do not identify with or feel comfortable with the use of that term to describe their ethnic identity.
- 3.33. For the purpose of data collection and analysis the term B.A.M.E. can be useful for the collective categorisation of ethnic groups. However, we understand and respect that our diverse ethnic communities have their distinct characteristics histories, cultures and identities that should not be homogenised. We are working to improve our understanding of the different communities in the borough and collaborate with voluntary sector partners to shape inclusive services that are culturally sensitive.

- 3.34. We are developing an inclusive language guide for staff and through continued engagement with our communities, we are aiming to develop more appropriate terminology to describe the borough's diverse communities.

Equality Analysis

- 3.35. An Equality Analysis (EA) is an assessment and improvement process that helps us to determine how the Council's policies, procedures, services, practices, or new proposals will impact on or affect different communities – especially those groups or communities who experience inequality, discrimination, social exclusion or disadvantage. Undertaking Equality Analyses is a key way in which the Council ensures ongoing compliance with the Equality Act 2010 and Public Sector Equality Duty.
- 3.36. In Merton Equality Analysis is generally used to inform and or support the following:
- Growth and Savings proposals (as part of the annual budget setting process)
 - Major policy changes that could impact on service access
 - Proposals to close or remodel services, or to change availability
 - Organisational restructuring proposals
- 3.37. Senior managers within Departments are responsible for identifying which proposed changes require an Equality Analysis. Additionally, officers are required to provide decision takers, including Cabinet Members, with sufficient evidence about who the stakeholders are; how they will be affected by proposed changes; and what mitigation is required to reduce / remove any negative impacts.
- 3.38. As noted in the introduction to this Strategy, we are reviewing our approach to Equality Analyses to ensure, among other improvements, that consideration of the potential impact on four characteristics / groups is included in addition to the core nine Protected Characteristics. The four characteristics / groups are:
- Care experienced young people;
 - Armed forces veterans;
 - One-parent households;
 - Socio-economic status.

4. How performance in delivering the strategy will be measured.

Leadership – responsibility and accountability

- 4.1. The Equality, Diversity and Inclusion Strategy is part of the Council’s policy framework and elected members therefore have overall responsibility for delivery. The Cabinet Member for Civic Pride has the executive responsibility for promoting equality and diversity across the partnership and all council services, including those delivered on its behalf by businesses, voluntary, community and faith organisations.
- 4.2. Our Corporate Management Team and Departmental Management Teams will have responsibility for the operational implementation of the strategy. This includes making sure that equality diversity and inclusion is central to all work done by the council, communicating and promoting the strategy to others inside and outside the council, setting out what we aim to achieve in terms of equality and diversity, and holding departments to account through performance reviews.
- 4.3. All managers must be familiar with the strategy and be responsible for ensuring equality and diversity is an integral part of any policy development; service design and delivery; employment practices; and procuring and commissioning of goods and services.
- 4.4. All staff including those in organisations we work in partnership with, and who are contracted or commissioned to work on our behalf, have a responsibility to promote equality; eliminate discrimination in their day-to-day work; and recognise and respect the different backgrounds and circumstances of people.

Monitoring of delivery

- 4.5. The strategy will be monitored through the governance structure outlined below:
- 4.6. The Corporate Equality Steering Group is chaired by the Corporate Management Team Equalities Champion and includes senior departmental representatives. The group will take the lead in monitoring the delivery of the strategy’s commitments and where necessary highlight issues of concern and make recommendations to the Corporate Management Team for further improvements.

- 4.7. Departmental Equality Steering Groups - each department has a steering group comprised of representatives from across the department. They will be responsible for local delivery of the corporate objectives and will review and revise the priorities based on assessment of service need.
- 4.8. Departments, Services and Teams - will be responsible for the delivery of the strategy through service planning and personal development plans.
- 4.9. The Corporate Management Team - will receive progress reports twice a year.
- 4.10. The Overview and Scrutiny Commission - will receive an annual update on our progress towards achieving the priorities identified in the strategy. This annual update will also be taken to the Joint Consultative Committee with Ethnic Minorities.

Implementation Plan

- 4.11. During the consultation period we will develop a range of robust equality diversity and inclusion related performance indicators that will help us monitor our performance and to report on our progress in delivering against the strategy. These will be included in the final version of the action plan outlining the priorities for action against each objective.

Appendix 1

Merton Council's Equality Charter

The Equality, Diversity and Inclusion strategy will be delivered to meet the aims of our Equality Charter

We are committed to making a real difference by:

- Making Merton a welcoming borough where everyone feels they belong
- Inspiring trust and confidence in all the borough has to offer
- Recognising, valuing and celebrating diversity
- Listening to and understanding the diverse needs of all people
- Building good relations and understanding between people
- Creating a fairer borough through promoting inclusion, participation and equal access
- Challenging discrimination, harassment, bullying, hate crime and victimisation
- Eliminating barriers, encouraging people to reach their full potential, raising aspirations and creating opportunities for growth beyond limit.
- Eliminating subtle and covert unchecked "prejudice, assumptions, ignorance, thoughtlessness and racist stereotyping that lead to Institutional racism" (McPherson Report)

As an organisation we will:

- Actively promote equality
- Work with partners and the community to make our information, services and products more accessible and inclusive
- Put equal opportunity at the heart of our recruitment, employee development and service delivery
- Continually review the diversity of our workforce and ensure it's representative of our local community across all levels
- Address all allegations of discrimination, harassment, bullying and victimisation
- Promote good relations between people from different backgrounds
- Share good equality practice with our partners
- Measure and share our progress and success.

Appendix 2

London Local Government Anti-Racism Statement

Local authorities in London are committed to achieving racial equality because we recognise that persistent racial inequalities are unacceptable and adversely affect all Londoners.

We know that some groups are more likely to face inequality, experience poor outcomes and to live in poverty. We also know that this is sometimes used as an excuse not to acknowledge racial inequality. But groups don't happen to be more disadvantaged by chance. Structural disadvantage is rooted in racism and discrimination that is both historical and current.

We do have legislation to protect against overt racism, negative attitudes and treatment, but many of the systems that discriminate do so because of more subtle and covert unchecked "prejudice, assumptions, ignorance, thoughtlessness and racist stereotyping."

This wording draws on the Macpherson Report 1999 definition of institutional racism which is still relevant today. This is a dehumanising process that is unacceptable and communities are tired of being treated this way.

We cannot let another generation down by not responding to what remains a clear and compelling articulation of what must change.

APPENDIX 2: EQUALITY, DIVERSITY AND INCLUSION STRATEGY 2024 – 2026: DELIVERY PLAN

Ref	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate(s)
Equality Objective 1: Tackling poverty, the structural differences in social circumstances and the resulting differences in access and outcomes					
1.1	Delivering the Council's Cost of Living Action Plan	2024 - 2026	Mitigated impact of the cost of living crisis on low income households	Cost of Living Action Plan	Innovation and Change
1.2	Ensure contingency and exit plans are in place to minimise negative impacts of ending of the Government's Household Support Fund	2024	Tapering of support where practicable to reduce any 'cliff edge' impacts.	Cost of Living Action Plan	Innovation and Change
1.3	Continue to deliver the Holiday Activity and Food (HAF) programme (subject to continuing funding from Government)	2024 - 2026	Increased Volume of children on Free School Meals accessing the programme over time and increased engagement in healthy activities	Cost of Living Action Plan	Children Lifelong Learning and Families
1.4	Continue to support the 'Black Lives Matter and Equalities Network' in partnership with Merton Schools.	2024 - 2026	Improved academic / inclusion outcomes for pupils of black and minority ethnic background.	School Improvement Plan	Children Lifelong Learning and Families
1.5	Increase the number of 'in-house' specialist SEND school places by 2026	2026	Additional 354 places by 2026	SEND Strategy	Children Lifelong Learning and Families

Ref	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate(s)
1.6	Ensuring a mix of affordable housing, with a priority on social housing, in well-designed schemes that promote inclusion and integration.	2024 - 2026	Number of housing units approved/built and percentage of affordable accommodation – Annual Housing Performance Monitoring Report	Merton's Housing Delivery Strategy; Local Plan	Housing and Sustainability
1.7	<p>Increase financial Inclusion by:</p> <ol style="list-style-type: none"> 1. Continue to offer a wide selection of payment methods including cash. 2. Maintaining the Council tax support scheme 3. Maintaining the Local Welfare Support Scheme 4. Continuing to provide a Discretionary Housing Payment – where housing benefit or universal credit does not cover housing costs for exceptional circumstances. 5. Offering extended payment arrangements for council tax or other payments due to the council. 	2024 - 2026	<p>Reduced Council Tax bills for low-income households.</p> <p>Increasing take up of Local Welfare Support scheme and Discretionary Housing Payments.</p> <p>Residents benefit from convenient payment methods and terms.</p>	Council Plan	Finance and Digital

Ref	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate(s)
1.8	<p>Increase Digital Inclusion in a range of ways by:</p> <ol style="list-style-type: none"> 1. Connectivity – ensuring that residents and organisations can access both the internet and council services wherever they are in the community. 2. Democracy - making maximum use of digital technology to increase community engagement and collaboration, improve transparency, and optimise democratic decision making. 3. Inclusion – continue to develop new ways of ensuring that the benefits of the internet, digital technologies and digital services are available to everyone. 4. Services – ensuring that access to Council services is designed around the needs of residents and users, rather than reflecting professional, organisational and technological silos. 	2024 - 2026	<p>Reductions over time in the extent and impact of digital exclusion.</p> <p>Access to services in ways that suits all residents and does not exacerbate digital exclusion.</p>	Council Plan	Innovation and Change & Finance and Digital
1.9	Review the Strategic Partners Grant (Civic Pride Fund – VCS) programme to	2025-2026	Number of small organisations accessing funding either directly or	Council Plan	Innovation and Change

Ref	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate(s)
	improve access to funding from small organisations		indirectly, via investment from the new programme commencing in 2026.		

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
	Equality Objective 2: Promoting Community engagement to empower our residents, improve understanding of the issues faced by local people and develop services to meet the differing needs.				
2.1	Continue to embed the Council's new approaches to how we engage communities and residents: Working Better with Communities / Community Engagement Strategy.	2024 - 2026	Framework and toolkit in routine use and impact measurable.	Council Plan / Community Engagement Strategy	Innovation and Change
2.2	Initiate and maintain a Standing Advisory Group on Equality, Diversity and Inclusion with community representation across the nine statutory Protected Characteristics plus the four additional groups.	2024 - 2026	Better informed Council decision making on matters relating to equality, diversity and inclusion. Improved planning for annual events and marking of key dates.	Equality, Diversity and Inclusion Strategy	Innovation and Change
2.3	Continue to work with the Joint Consultative Committee (JCC) with Ethnic Minorities, BAME Voice, Merton Centre for Independent Living and Faith and Belief forums to create a dialogue and an opportunity to shape and influence policy / service delivery relating to specific Protected Characteristics.	2024 - 2026	Regular or quarterly meetings	Council Plan	Innovation and Change
2.4	Continue to support and champion a vibrant and active LGBTQ+ Forum for the borough.	2024 - 2026	LGBTQ+ communities' views and needs increasingly represented	Council Plan	Innovation and Change

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
			in policy and service development work.		
2.5	Continue to celebrate diversity by promoting community cohesion activity such as Black History Month and Pride Month	2024 - 2026	Hold annual civic event for Holocaust Memorial Day and promote Pride History Month and Black History Month events	Equality, Diversity and Inclusion Strategy	Innovation and Change
2.6	Continue to strengthen role of the Youth Parliament in the oversight and delivery of the Children and Young People's Action Plan.	2024 - 2026	Members of the youth parliament attend Children's Trust Board meetings and are enabled to make a meaningful contribution.	Children and Young People's Action Plan	Children, Lifelong Learning and Families (Children's Trust)
2.7	Continue to support parent champion programme and advisory groups in support of delivering Children Centre and Family Hub Programme	2024 - 2026	12 Parent Champions recruited by 2024	Family Hub Plan	Children Lifelong Learning and Families
2.8	Ensure equality of access to Sport and Cultural activities for all. Social or community sport should be available for all ages across their whole life and for all abilities with choices and inclusion and diversity at their heart	2024 - 2026	Reporting from providers on use by groups demonstrates increasing access over time.	Sport and Physical Activity Plan	Environment, Civic Pride and Climate

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
	Equality Objective 3: Promoting a safe, healthy and cohesive borough where communities get on well together				
3.1	Work with the Metropolitan Police Service in its local implementation of the Commissioner's Turnaround Plan and broader response to the findings from the Casey review.	2024 - 2026	Improved community relationships. Better collaboration at local level between Council and Police services.	Turnaround Plan (MPS)	Environment, Civic Pride and Climate
3.2	Continue to promote and develop Family Hub services across local communities	2024 - 2026	Uptake of services reflects local community	Family Hub Development Programme	Children Lifelong Learning and Families
3.3	Ensure the effective implementation at local level of the Home Office's planned changes to operational Prevent delivery.	2024 - 2025	New arrangements implemented without reduction in effectiveness during the transition	Prevent Delivery Plan	Innovation and Change
3.4	Develop new ways of engaging effectively with our diverse communities and promoting positive communications that celebrate and showcase our diverse communities.	2024 - 2026	Increased community cohesion Increased community awareness of diversity and achievements	Equality, Diversity and Inclusion Strategy	Innovation and Change
3.5	Ensure continued delivery of the Council's Hate Crime Strategy	2024 - 2026	Reductions in hate crime incidents Victims are better supported	Hate Crime Strategy	Environment, Civic Pride and Climate

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
3.6	Deliver and promote a series of events to promote Hate Crime Awareness week annually	2024 - 2026	Profile of work to reduce hate crime raised	Hate Crime Strategy	Environment, Civic Pride and Climate
3.7	To deliver and promote a series of annual events to promote 16 Days of action (activism) against Domestic Violence	2024 - 2026	At least two events held annually	Violence Against Women and Girls Strategy	Environment, Civic Pride and Climate
3.8	Ensure planning policies promote a more cohesive borough.	2024 - 2026	Better designed environments that support integration and cohesion.	Merton's Local Plan	Housing and Sustainability
3.9	Ensure residents are fully engaged in the Mitcham Carnival organising committee	2024 - 2026	Resident contributions inform the themes and activities of the Carnival	Council Plan	Environment, Civic Pride and Climate
3.10	Encourage and support the development of Friends of Parks groups in parks that are underrepresented	2024 - 2026	Increased number of active Friends of Parks groups Increased accessibility to parks and open spaces across the borough	Council Plan	Environment, Civic Pride and Climate

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
	Equality Objective 4: Improving our evidence base to inform our decision making				
4.1	Compile and publish an annual Council service user diversity report.	2024 - 2026	Improved understanding of accessibility of key Council services and identification of potential areas of under-representation for further investigation and mitigation. Compliance with Public Sector Equality Duty	Equality, Diversity and Inclusion Strategy	Innovation and Change
4.2	Deliver, over the lifetime of the strategy, a programme of focused research and consultation work to improve our understanding of the inequality impacts relating to specific individual Protected Characteristics.	2024 - 2026	Improved understanding of the inequality impacts for individual communities, enabling more tailored and appropriate service responses to be developed.	Equality, Diversity and Inclusion Strategy	Innovation and Change
4.3	Ensure continued compliance with requirement to publish rolling three years of gender pay gap data.	2024 - 2026	Transparency on whether progress is being made in reducing the gender pay gap over time.	Our People and Culture Plan	Innovation and Change
4.4	Introduce an updated Equality Analysis methodology that incorporates the four additional Protected Characteristics identified in the Strategy	2024	Better informed Equality Analyses informing policy and budget decision making.	Equality, Diversity and Inclusion Strategy	Innovation and Change

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
4.5	Utilise published Census 2021 data in conjunction with Greater London Assembly data and other nationally published data (Office for National Statistics, Office for Health Improvement and Disparities) to produce an up to date 'diversity index' for the borough	2024	Improved understanding of diversity across our population and communities. Better targeting of future interventions. Better informed Equality Analyses informing policy and budget decision making.	Council Plan	Innovation and Change
4.6	Seek to work with an academic institution to develop a model for understanding the inequalities related to socio-economic status in the borough and use this model to develop appropriate interventions.	2024 - 2025	Improved understanding of the impact of socio-economic status on our residents. Improved targeting and design of services enables mitigation of negative impacts relating to socio-economic status.	Council Plan	Innovation and Change
4.7	Continue to make use of survey feedback to review outcomes of under-represented groups when making policy decisions relating to children and young people	2024 - 2026	Improved service design and delivery.	Children and Young People's Plan	Children Lifelong Learning and Families
4.8	Continue to use detailed contextual data arising from schools' census and	2024 - 2026	Improved learning outcomes for	Children, Lifelong Learning and	Children Lifelong Learning and Families

	Key activity	Timescale	Intended outcome	Key strategy/Plan	Lead Directorate
	other published children's data to identify underperforming groups			Schools Directorate Plan	
4.9	Identify and examine disproportionalities in crime and anti-social behaviour patterns via the Annual Community Safety Strategic Assessment (PP)	2024 - 2026	Safer and Stronger Executive Board enabled to make better informed decisions about targeting of available resources.	Community Safety Partnership Plan/ Strategic Assessment	Environment, Civic Pride and Climate
4.10	Utilise local parks management plans and asset surveying to identify areas of under investment to ensure equitable and community-based improvements in parks	2024 - 2026	Park local management plans & service asset information	Council Plan	Environment, Civic Pride and Climate

Appendix 3

Equality Charter

The EDI strategy will be delivered to meet the aims of our Equality Charter

We are committed to making a real difference by:

- Making Merton a welcoming borough where everyone feels they belong
- Inspiring trust and confidence in all the borough has to offer
- Recognising, valuing and celebrating diversity
- Listening to and understanding the diverse needs of all people
- Building good relations and understanding between people
- Creating a fairer borough through promoting inclusion, participation and equal access
- Challenging discrimination, harassment, bullying, hate crime and victimisation
- Eliminating barriers, encouraging people to reach their full potential, raising aspirations and creating opportunities for growth beyond limit.
- Eliminating subtle and covert unchecked “prejudice, assumptions, ignorance, thoughtlessness and racist stereotyping that lead to Institutional racism” (McPherson Report)

As an organisation we will:

- Actively promote and champion equality within our organisation, with our partners and across our communities.
- Work with partners and the community to make our information, services and products more accessible and inclusive
- Put equal opportunity at the heart of our recruitment, employee development and service delivery
- Continually review the diversity of our workforce and ensure it is representative of our local community at all levels within the organisation
- Address all allegations of discrimination, harassment, bullying and victimisation
- Promote good relations between people from different backgrounds
- Share good equality practice with our partners
- Measure and share our progress and success.

Appendix 4

London Local Government Anti-Racism Statement

Local authorities in London are committed to achieving racial equality because we recognise that persistent racial inequalities are unacceptable and adversely affect all Londoners.

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This wording draws on the Macpherson Report 1999 definition of institutional racism which is still relevant today. This is a dehumanising process that is unacceptable and communities are tired of being treated this way.

We cannot let another generation down by not responding to what remains a clear and compelling articulation of what must change.

Committee: Cabinet

Date: 17 July 2023

Wards: All

Subject: Award of Main Contract Services – Educational Occupational Health and Services

Lead officer: Executive Director Jane McSherry

Lead Member: Councillor Sally Kenny, Cabinet Member for Education and Lifelong Learning

Contact officer: Karthiga Sivaneson

Recommendations:

- 1 That Cabinet approve the award of the contract for Educational Occupational Health Services, (Ed OT), for the initial contract term of four (4) years, with the option to extend for up to two (2) years for Merton children and young people with Education, Health and Care plans, (EHCP). The identities of the preferred and unsuccessful bidders are set out in Appendix A
- 2 That Cabinet notes the spend for the Educational Occupational Therapy services for an initial term of four (4) years, with the option to extend for two (2) years, with a total contract value as shown in Appendix A for the full six years.
- 3 That Cabinet delegates the authority to approve the two (2) extension to the Executive Director of CLLF Department.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to recommend that Cabinet approve the award of the contract for the provision of Educational Occupational Therapy (Ed OT) services for Merton children and young people, (CYP) with Education Health and Care Plans (EHCP) 0-25 yrs.
- 1.2. Educational Occupational Therapy services focus on enhancing a child's ability to perform everyday activities and to participate in different environments. OT interventions should result in increased functional skills which will improve quality of life, independence, self-esteem, learning and achievement for the CYP and their family.
- 1.3. The local authority has a legal duty to ensure that the special educational provision specified in section F of an Education Health and Care Plan (EHCP) is delivered. This is set out in section 42 of the Children and Families Act 2014.
- 1.4. We needed to re-procure the service following the expansion of in-borough special educational provision, including the additional 80 places at Whatley Avenue. Supporting pupils with Special Education Needs in mainstream and

in-borough special schools is a fundamental part of our Safety Valve plan, as is expansion of our in-borough special school offer. An expanded Education OT service is a key part of supporting SEN pupils in those in-borough settings. The cost of educational OT services to support this expansion has been included in the Dedicated Schools Grant and Safety Valve Planning, as have the financial implications of the award recommendation set out in this report.

- 1.5. The expansion of in-borough places reduces spend on higher cost independent special schools. The average difference in costs between maintained in-borough and independent special school places was £33k per place in 2022/23. However, the difference for some pupils can be much greater. The opening of the first 40 places at Whatley Avenue, for example, reduced costs to the DSG by more than £1.2m per annum.
- 1.6. The current contract commenced in May 2021 for an initial period of 2 (two) years ending in May 2023. The total cost over this period was £1,771,393, including a £330,000 contract variation and extension approved in November 2022, resulting in an annual cost of £855,697.
- 1.7. The value of the new contracts for the initial four (4) year term and total six (6) year term is set out in Appendix A. The new annual contract price is an increase of 35% from current annual costs. The new contract price includes additional places at Perseid School which will be included part way through the new contract.
- 1.8. The main reason for the increase in costs is the expansion of in-borough capacity including the 80 new places at Whatley Avenue, additional places in Additionally Resourced provisions and the planned new places at Perseid School. The tender price also reflects the impact of inflation particularly on professional staff costs.
- 1.9. The third factor is increased needs. In part this is about meeting more complex needs in our schools rather than more expensive independent schools, for example pupils presenting with sensory needs. But it is also about an increase in complexity with higher number of pupils being delayed in their mobility/dexterity and fine motor skills due to loss of support during the pandemic.
- 1.10. Other than inflation, the increased costs of supporting pupils in-borough was part of the modelling for the Safety Valve programme. It is more than offset by savings and cost avoidance by placing fewer children in out-of-borough and independent schools. All of the increased costs, including inflation, have been factored into the revised five year forecast.
- 1.11. The Council is planning on developing a new special school in 2025/26. However, we have not yet finalised the details of the school roll or location and therefore this has not been included within this tender exercise. We will

have sufficient time in the development of the new school to procure Ed OT for it. We will make a judgement at that time whether we would achieve best value through a variation to this contract or a new procurement.

- 1.12. New service provision planned to commence in September 2023 will be the following:
- 1.13. Lot 1 Education Setting: Mainstream schools, Additionally Resourced Provisions, Further Education Colleges, all new Educational Health and Care Needs Assessments
- 1.14. Lot 2 Merton maintained Special School Perseid
- 1.15. Lot 3 Merton maintained Special School Cricket Green School
- 1.16. Lot 4 Merton Maintained Special School Melrose (including Whatley Avenue)
- 1.17. Lot 5 Over-flow Mechanism
- 1.18. Lot 5 is an 'over-flow mechanism' to allow for spot purchasing only as necessary. No volume or value of business is guaranteed under this lot.
- 1.19. Lot 2, Lot 3 and Lot 4 have a static number of pupils given the maximum school roll therefore there will be no additional growth within these Lots as the bidders have costed based on total roll number. However, Lot 2 (Perseid Schools) will be expanded to deliver more places by 2025. This phasing is built into the specification and pricing of the new contract.
- 1.20. For Lot 1 at the time of initial tender in November 2020 we were assessing and issuing approximately three hundred (300) new plans per year and this equates to an additional sixty (60) pupils per year who may require Educational OT.
- 1.21. The specification and costing of lot 1 reflects the current and projected demand in mainstream provisions and from the development of new Additionally Resources Provisions (ARPs).

2 DETAILS

BACKGROUND

- 2.1. As of 1st November 2020 there were 2137 children and young people (CYP) with an EHCP from which approximately 770 have a requirement for Educational Occupational Therapy services. As of 1st November 2022, there were 2507 children and young people with an EHCP. The number of EHCPs has started to come down gradually but there are currently 520 pupils who have Educational OT in their EHCP who attend mainstream settings in Merton settings.

- 2.2. There are currently 245 pupils on roll at Cricket Green Special School and this is the maximum roll.
- 2.3. There are 151 pupils on roll at Perseid Special School, rising to a total roll of 196 by 2025.
- 2.4. The service is being expanded to Melrose Schools of which there is another site in Whatley Avenue with a maximum roll for all Melrose school sites is 158 pupils.
- 2.5. The current contract with the incumbent provider will end on 31 August 2023. This service was delivered via a contract on 24th May 2020 and a contract variation November 2022. The cost of Educational Occupational Therapy service for our young people in our Merton Schools comes from the DSG High Needs Block. This is a statutory function and hence we require a new provider in place by 1 September 2023. The provider will require time to recruit therapist over the summer in readiness for the new school term therefore contract award is planned for July 2023.
- 2.6. A number of these children will also have a health need for OT. Ed OT's create a bridge between the health care system and the educational system.
- 2.7. The services will deliver the Educational OT provision outlined in the pupils EHC Plan. The providers will need to undertake a review of the OT packages as part of the EHCP Review process which should take place on an annual basis but on occasion this can be more frequent. The Ed OT service will provide up to date advice for the EHCP meeting and where possible attend the EHCP review meeting.
- 2.8. This service supports several departmental and corporate targets contained in Merton's Special Educational Needs Strategy, Merton's Equality and Community Cohesion Strategy 2017-21, Children and Young Peoples' Plan 2019 – 23 and Community Plan. This service also responds to the recommendations in the SEND Local Area Inspection – Written Statement of Action.

Delivery of Services

- 2.9. The following “lots” have been defined to meet local identified needs. Education OT Providers were given the opportunity to tender for one or more or all of the Lots. The essential point to note is that Lot 4 is included to provide additional capacity so that the Council will be able to call-off (spot purchase) services from the providers appointed to the Lot when the need arises.
- 2.10. Lot 1 – Education Setting: Mainstream schools, Additionally Resourced Provisions, Further Education Colleges

2.11. The Educational OT provider will deliver the following services to pupils who attend mainstream schools and colleges within the Borough of Merton and the neighbouring Boroughs.

- Assessment and Professional Advice for new Education Health and Care Needs assessments
- Deliver the provision outlined in Section F of pupils EHCPs
- Attend or provide a written report for the EHCP review which outlines progress towards Outcomes, review of the current SEN OT needs and the provision required to meet the SEN OT needs or whether they pupil no longer requires SEN OT provision.

2.12. Lot 2, 3 and 4 – Merton maintained Special Schools

2.13. There are three special schools where we want to commission a provider to deliver a whole school approach to address the SEN OT needs of pupils on roll. The pupil roll numbers for each of these schools are:

- Lot 2 Cricket Green – 216 pupils growing to a maximum roll of 260. Primary and Secondary Provision up to Year 15.
- Lot 3 Perseid – 151 pupils on roll at Perseid Special School, rising to a total roll of 196 by 2025
- Lot 4 Melrose – The maximum roll for all Melrose school sites is 158 pupils – two sites, Melrose School and Whatley Avenue

2.14. In addition to delivering the specified and quantified provision in the individual pupils EHCP these Lots will also require the OTs to work as part of the school team and deliver occupational therapy across the school ensuring there is high quality and effective support for all pupils and those involved with them. This will include:

- Working closely with school leaders, school staff, parents and carers, and other professionals
- providing and maintain comprehensive OT provision using a Sensory Integration approach within the Special School environment.
- To support and train class-based staff in order for them to have an understanding of pupils' sensory needs and additional OT needs and to provide appropriate support.
- managing the physical resources available and to consider the staffing structure required within each of the special school settings which could involve employing and supervising students or an occupational therapy assistant.

- Providing functional assessment of children with special needs and disabilities and deliver individualised intervention aimed at maximising function.
- 2.15. Lot 5 – ‘Overflow mechanism’ with list of approved providers with no guarantee of cases
 - 2.16. The Educational OT provider will deliver the services as above.
 - 2.17. The Council has asked providers to submit unit prices for various activities associated with delivering the Ed OT service for Lot 5 only, thereby providing the Council with the opportunity to purchase activities if and when required should referrals exceed indicative volumes of children and young people.
 - 2.18. The overall supplier ranking for Lot 5 will ensure that any surplus demand will be met via the highest ranked (and lowest bid price) supplier. Any such use will be restricted as the highest ranked supplier will be approached in the first instance on use and respective costs of the additional suppliers
 - 2.19. There may be times, under unforeseen circumstances that we spot purchase Educational OT for one or more of the special schools. This will be for a short period of time. We will work with the provider at the time to provide further guidance and support to ensure smooth delivery and handover back to the existing providers of these schools.
 - 2.20. Given the tight timescales for mobilising the new providers we have been working with the incumbent provider to obtain all data including treatment schedules so that we can ensure the new provider is aware of which children and young people need to be seen within each academic term for all Lots.
 - 2.21. The incumbent provider is aware and have agreed to continue handover to new providers following the end of their current contract with the Council. Each successful bidder has provided a clear mobilisation plan which will be implemented.

3 PROCUREMENT PROCESS

- 3.1. The procurement strategy for the service provision was presented to the Council’s Corporate Procurement Board in February 2023 where approval was granted.
- 3.2. Stage 1 (Invitation to Tender): The Find a Tender (FTS) and Contracts Finder Contract notice and ITT was published on 22nd March 2023. The submission deadline is 24th April 2023.
- 3.3. The Council conducted the procurement using the open procedure in accordance with the requirements of the Public Contracts Regulations 2015 (SI 2015/102) (PCR 2015) and Contract Standing Orders.

- 3.4. Stage 2 (Contract Award): A preferred bidder for Lot 1, 2, 3 and 4 is appointed to deliver the Services. An 'Overflow Mechanism' has been built into the process as Lot 5. Should at any time of the life of the contracts we experience any issues with capacity, this list of approved providers will serve as a contingency.
- 3.5. The procurement process was managed via Merton Council's web based Electronic Tendering System 'The London Tenders Portal'. The exercise was carried out and supported throughout by the Commercial Services Team and the Legal Services Team within Merton Council to ensure a robust approach that adopted good practice

4 TENDERS RECEIVED

- 4.1. Two submissions to the invitation to tender was received in line with the stipulated timeframe for Lot 1
- 4.2. Three submissions to the invitation to tender was received in line with the stipulated timeframe for Lots 2 - 5

5 EVALUATION OF TENDERS

- 5.1. The tender evaluation comprised of three stages: the first of which was a suitability assessment, on a pass/fail basis; the second was the quality and technical evaluation in line with the methodology prescribed in the tender, and; the third was the price assessment.
- 5.2. Tender responses were evaluated by officers representing the Council's SEND team, Commissioning Team and Head Teachers of Perseid and Cricket Green schools in accordance with the criteria and scoring rationale set out in the invitation to tender documents. Each individual tender was evaluated by each member of the evaluation panel.
- 5.3. The panel met on the 27th April 2023 to discuss individual scores and comments for each method statement question in order to arrive at an agreed, moderated score.
- 5.4. A quality threshold was contained within the evaluation methodology. Bidders who failed to meet this threshold would be disqualified from the process, and would not progress to stage 3 – price assessment. The Council received three bids however two bidders successfully managed to meet the quality threshold. One bidder failed to meet the threshold.
- 5.5. The award criteria conveyed within the tender confirmed that the contract would be awarded on the basis of the most economically advantageous tender to the Council, based on a 40% price and 55% technical and 5% Social Value split.
- 5.6. The bids were evaluated against the following Quality and Technical criteria:

- Relevant experience and contract examples.
- Resources.
- Transition.
- Mobilisation plan.
- Methodology.
- Engagement and communication.
- Innovation and value engineering.

5.7. The bid prices were evaluated using the following formula:

$$\text{Price weighted score} = (\text{Lowest price} \div \text{other Tenderer's price}) \times \text{Price Weighting}$$

5.8. The social value commitments were evaluated using the following formula:

$$\text{Social Value weighted score} = (\text{Tenderers total social value} \div \text{Highest Tenderer's social value}) \times \text{Social Value Weighting}$$

6 ALTERNATIVE OPTIONS

- 6.1. A business case was developed in February 2023 which highlights the options available to the Council.
- 6.2. The contract with the existing provider is due to expire 31st August 2023. The Council is unable to extend the existing contract further due to the expansion of the service required to meet demand.
- 6.3. It has proved difficult in the past for the incumbent provider to deliver services to meet the demand without recruitment of further therapist. Should the Council not be able to deliver the service; in effect meaning the Council is not meeting its statutory responsibilities for these children, there is a clear risk of judicial consequences.
- 6.4. By commissioning sufficient capacity to meet need there will be cost avoidance savings gleaned from a reduction in use of more expensive spot purchased services and a reduction in costs associated with challenges brought by our failure to deliver a statutory service.
- 6.5. The new contract also supports the Safety Valve savings by supporting the expansion of in-borough special school and ARP provision and the 'ordinarily available' offer in mainstream schools. By supporting the increase in in-borough provision it also supports the reduction in spend on Home to School Transport.

- 6.6. Expanding the Education OT service to in-borough schools is an essential enabler of our Safety Valve programme. Ed OT is a critical enabler of maintaining more children in mainstream schools and in ARPs, as well as enabling more children who need special school places to be educated in borough. The contract supports the reduction in the number of EHCPs and in the number of placements in independent schools.
- 6.7. If the Council does not enter into formal contract with providers, the Council will not be able to deliver its legal duty to ensure that the special educational provision specified in section F of an Education Health and Care Plan (EHCP) is delivered. This is set out in section 42 of the Children and Families Act 2014.
- 6.8. Furthermore there will be a widening of the gap in the life chances and sustained quality of life of children and young people with EHCP and their peers.
- 6.9. The Council in recommissioning decided to remodel the service in line with the current and future needs of the Council and families.
- 6.10. The option to undertake a tender with multiple lots was necessary to have a single provider to deliver Ed OT to the majority of our children and young people (Lot 1).
- 6.11. We also required a single provider to deliver services to our most vulnerable children at Perseid School (Lot 2) (Merton's maintained special school for profound and multiple learning difficulties) and Cricket Green (Lot 3) (Merton's maintained special school for moderate learning difficulties) and Melrose Schools (Lot 4) (Merton's maintained special school for moderate learning difficulties). Providers are able to bid for both Lot 1, Lot 2, Lot 3 and Lot 4 if they have the capacity to deliver to the Lots.
- 6.12. Lot 5 will be used as an 'overflow' mechanism. Suppliers bidding for this Lot have done so under the agreement that no volumes are guaranteed, but will ensure there is contingency should the provider of Lot 1, 2, 3 and 4 not be able to meet the demands of delivering the service going forward. This is due to the number of children who require Ed OT services increasing year on year.
- 6.13. This new contracts provides long term stability and allows the development of sustained, collaborative relationships between all stakeholders acting as key driver for continuous improvement. Cost avoidance gains will be achieved by reducing the lag time between identification and service of need. This in turn will minimise the risk of escalation of need which would necessitate the child or young person requiring more specialist, intensive support at greater cost to the Council.

7 CONSULTATION UNDERTAKEN OR PROPOSED

- 7.1. Children, Lifelong Learning and Families commissioning service and Special Educational Needs team undertook a consultation process before deciding upon its commissioning model. All options of delivery were considered and the preferred model chosen as it will achieve increased value for money and financial sustainability while delivering a higher quality service to a larger cohort than the out-going model allowed.
- 7.2. We reviewed the current service provision and identified that there were a high number of referrals into the service and with the implementation of the school expansion programme the service was re-modelled.
- 7.3. We consulted with Head Teachers and SENCOs who also confirmed that there are a number of CYP not receiving provision as outlined in their EHCP. The Head Teachers were informed of the recommissioning of the provision, and have been involved within the evaluation process of the tender
- 7.4. We consulted with individual parents on the quality and delivery of the current provision. We also consulted with Kids First Parent Group on the decision not to renew the existing contract with the incumbent provide
- 7.5. The staff of the internal SEND service were consulted on identifying gaps in current service provision and the drafting of the new specification
- 7.6. Consultation will be a continual part of the service provision with regular surveys and feedback obtained from key stakeholders including the CYP receiving the service, their families and staff in schools. The outcome of this consultation will inform contract monitoring meetings.

8 TIMETABLE -

- 8.1. The timetable for contract signature (which is subject to democratic procedures) is as follows:

Event	Date
Invitation To Tender	22 nd March 2022
Deadline for receipt of Tenders	24 th April 2023
Evaluation of Tenders	25 th April – 28 th April 2023
Approval at Procurement Board	20 th June 2023
Merton Decision Approval of Award	17 th July 2023
Notification of contract award decision	25 th July 2023
"Standstill" period	3 rd August 2023
Confirm Award of Term	4 th August 2023

Contract/appointment to the panel agreement	
Target service commencement date for Lot 1, Lot 2, Lot 3.and Lot 4	1 st September 2023

9 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 9.1. The current contract commenced in May 2021 for an initial period of 2 (two) years ending in May 2023. The total cost over this period was £1,771,393, including a £330,000 contract variation approved in November 2022, resulting in an annual costs of £855,697.
- 9.2. The value of the new contracts for the initial four (4) year term and over the six (6) year total term is set out in Appendix A. This is a 35% increase of per annum.
- 9.3. The Educational Occupational Therapy service will be funded from the Dedicated Schools Grant, (DSG), for which has a deficit. However, the expansion of this service is part of the plan to address that deficit by meeting SEND needs in mainstream schools as far as possible and, where not, in in-borough ARPs and Special Schools. By supporting more children in mainstream schools and ARPs, we are reducing the number of EHCPs. By expanding in borough Special School provision, we are directly reducing costs.
- 9.4. For example, an average independent special school place costs £50,819 whereas a similar placement in an in-borough maintained school costs an average of £17,199 per place plus an average of £867 for Education OT input. This represents a significant saving. The take up of the first 40 places at Whatley Avenue has already saved £1.1m net of the costs of that provision and in-reach support.
- 9.5. The increase in costs includes the recruitment of additional new staff and management costs. Melrose School will receive 2.5 therapist at an estimated cost of £130,000 – Melrose, not previously included in the existing contract. The maximum roll for all Melrose school sites is 158 pupils. Due to the complexities of these children and young people they require 12 sessions per year per child in OT provision. Using the current market rate of £95 for spot purchasing a session, the Council would have paid £180,120.
- 9.6. There are 151 pupils on roll at Perseid Special School, rising to a total roll of 196 by 2025. Perseid School will receive 1 additional therapist at a cost of £55,000, increasing their provision from 2 to 3 therapists due to increase in complexity of children being placed plus growth. Due to the complexities of these children and young people they require 12 sessions per year per child in OT provision. Using the current market rate of £95 for spot purchasing a session, the Council would have paid £71,820.

- 9.7. There are currently 245 pupils on roll at Cricket Green Special School and this is the maximum roll Cricket Green school was understaffed in the previous contract and therefore will receive 0.5 additional therapist provision at a cost of £27,500 which will bring the staffing capacity to meet need.
- 9.8. Spot purchasing of Lot 1, mainstream school provision will cost the Council approximately £3,250,000 annually. The contracted annual costs for Lot 1 is £613,900, substantially less.
- 9.9. This contract has a contingency to address any future rise demand, particularly post-pandemic needs in mainstream settings. The calculation of the contract costs takes into account the current expenditure on Education Occupational Therapy and the predicted demand based on the expanding in-borough offer.
- 9.10. The value of the new contract is shown in the below table. The costs include the increase in pupil roll at Perseid School (Lot 2) from 151 to 196 in September 2024.
- 9.11. It should be noted that both Cricket and Perseid schools have increased the number of pupils on roll over the last year and a half yet they have not received additional Ed OT to meet the pupils' needs. Due to school expansions the Ed OT contract needs to include the increase in pupil numbers.
- 9.12. This contract has a contingency to address the rise in pupils being issued with a Final EHCP who will require Ed OT over the next four years. The calculation of the contract costs takes into account the current expenditure on Education Occupational Therapy and the predicted growth in numbers based of new EHCP's finalised on a monthly basis that include OT. These are shown as indicative volumes within the pricing schedule and providers were asked to bid using these indicative volumes. Any further costs arising from growth will be spot purchased under Lot 5.
- 9.13. A successful financial check has been undertaken on the preferred supplier

10 LEGAL AND STATUTORY IMPLICATIONS

- 10.1. As per the main body of this report, the Council is seeking approval to award four term contracts (Lot 1, Lot 2, Lot 3 and Lot 4) for the delivery of Educational Occupational Health services and to set up a framework agreement (Lot 5) from which it may call-off Educational Occupational Health services where the providers awarded contracts under Lots 1, 2, 3 and 4 have no capacity to take on new referrals.
- 10.2 The main body of the report indicates that a compliant procurement process was followed by advertising the opportunity in the FTS and managing the

procurement process in accordance with the Council's Contract Standing Orders and The Public Contracts Regulations (PCR 2015).

10.3 In accordance with PCR 2015 and the Council's Contract Regulations, the Council must observe a standstill period following the decision to award and provided that the award is not challenged enter into agreements in writing signed by the parties to them. The Council must thereafter publish a Contract Award Notice in accordance with PCR 2015.

10.4 The following points regarding service take up and payment should be noted:

- There is no guarantee of volume under any of the Lots or any obligation to make any referrals under any Lot. Referrals will be made only where the need arises.
- The Council will only be under obligation to pay for referrals made and invoices will be submitted showing activity data as evidence of service delivery.

11 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

11.1. The local authority has a legal duty to ensure that the special educational provision specified in section F of an Education Health and Care Plan (EHCP) is delivered. This is set out in section 42 of the Children and Families Act 2014.

11.2. Implications pertaining to human rights, equalities and community cohesion were considered during the consultation phase and development of the business case in relation to this project. There are not expected to be any human rights issues from the programme.

11.3. The tender documentation submitted by all selected bidders was assessed against criteria developed to comply with current equalities legislation. This will ensure that contracts are awarded to organisations that have an equalities and diversity policy and practices which can impact positively on the delivery of the service.

11.4. The Equality Act 2010 and the regulations in relation to discrimination on grounds of sexuality, religion and age have been considered during the tender evaluation process

11.5. Within the tender, bidders were required to propose social value offers via the Councils Social Value charter, under 5 specific theme areas: Jobs; Growth; Social; Environmental, and Innovation. The social value offers submitted via the successful bidder will potentially generate social value to the London Borough of Merton.

- 11.6. The social value offers committed within the successful bid include: provision of apprenticeships, measures to tackle carbon emissions, and the provision of meaningful work placements/pre-employment courses.

12 CRIME AND DISORDER IMPLICATIONS

- 12.1. There are not expected to be any crime and disorder issues from the programme.

13 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 13.1. The invitation to tender followed a competitive process following established procedures. The tender process allowed the panel members to independently review all bidders equally and compare its value for money.
- 13.2. All providers that are awarded contracts must have a health and safety policy that compliments the council's corporate procedures for effective health and safety and risk management.

14 CONFIDENTIAL APPENDICES – THE FOLLOWING DOCUMENTS ARE NOT TO BE PUBLISHED WITH THIS REPORT BUT FORM PART OF THE REPORT.

15 BACKGROUND PAPERS

- 15.1. None