

## Overview and Scrutiny Performance Board

### Friday, 1 July 2016, County Hall, Worcester - 9.00 am

#### Minutes

#### Present:

Mr R M Udall (Chairman), Mr A T Amos, Mr C J Bloore, Ms L R Duffy and Mr P A Tuthill

#### Also attended:

Mr M L Bayliss, Cabinet Member with Responsibility for Children and Families

Ms P Agar

Mr R W Banks

Mr P Denham

Ms P A Hill

Mr M E Jenkins

Mr P M McDonald

Mr G J Vickery

Catherine Driscoll (Director of Children, Families and Communities), Dr Frances Howie (Interim Director of Public Health), Hannah Needham (Strategic Commissioner (Early Help and Partnerships)), Jodie Townsend (Democratic Governance and Scrutiny Manager) and Alyson Grice (Overview and Scrutiny Officer)

#### Available Papers

The members had before them:

A. The Agenda papers (previously circulated);

A copy of document A will be attached to the signed Minutes.

#### 937 Apologies and Welcome

The Chairman welcomed everyone to the meeting and apologised for having postponed the meeting from earlier in the week. This had been done in order to encourage as much public participation as possible.

Members were reminded that, in hearing the call-in, they were not able to overturn the Cabinet's decision, but were being asked to ensure that the proper decision making process had been followed.

Apologies were received from John Smith (Cabinet Member with Responsibility for Health and Well-Being), Liz Eyre, Kit Taylor and Tom Wells.

**938 Declaration of Interest and of any Party Whip**

None.

**939 Public Participation**

Four people spoke under public participation and a petition of more than 650 signatures was presented to the Board.

Siani Driver: Members of Worcestershire Mums Network valued the Children's Centres and were deeply worried about the proposals as it was not yet clear what the changes would look like in practice and whether any jobs would be lost. What impact would the changes have on services?

Concern was expressed about the level of transparency, as very little notice had been given about the consultation. Children's centre staff had emailed her anonymously to express concerns about their jobs and stating that they had been told not to talk about what was going on.

Although money needed to be saved, this felt like short term saving for long term loss. This preventative work was needed to support troubled families and prevent more families falling into crisis. The changes appear to have been rushed through with little thought for the long term impact.

Hannah Cooper, Co-ordinator, Malvern National Childbirth Trust: The NCT currently ran services in Children's Centres such as breast feeding support and sling libraries. In a recent public health impact assessment, breastfeeding rates had been identified as a cause for concern nationally. Where such services were available, breastfeeding rates were up 20%. The cost of not providing services needed to be considered.

Louis Stephen: Children's Centres provided preventative services to families before they got into trouble. The proposed changes would have an effect on the local community, on community cohesion and on the mental health of parents. There should be an assessment of the long term impact on the mental health of new parents. If Children's Centres did not provide the services, then who would?

Kate Wilkinson: Kate wished to draw on her own experience to demonstrate the value of Children's Centres. She was a mum of two who had previously

**940 Call-In of the Cabinet Decision on the Provision of Effective Prevention Services for Children and Young People Including Optimising the Use of Children's Centre Buildings**

worked to support adults with learning difficulties. Following a relationship breakdown, she was now accessing services to help with depression, financial difficulties and her son's behavioural problems. She had been able to access help from the first time she visited the Children's Centre. If the Centre was not there, where would she go?

For many, Children's Centres were the hub of parenting life, and she implored Cabinet to think about the implications of cutting services which provided necessary tools for families' lives.

In accordance with the constitution, the Overview and Scrutiny Performance Board (OSPB) was asked to consider decisions made by the Cabinet on 16 June 2016 in relation to the Provision of Effective Prevention Services for Children and Young People Including Optimising the Use of Children's Centre Buildings. These decisions had been called-in by the required number of Members and a copy of the call-in was attached to the Agenda.

In accordance with the Council's Overview and Scrutiny Rules, the following had been invited to attend the meeting:

- The signatories of the call-in
- Marc Bayliss, Cabinet Member with Responsibility for Children and Families
- The Director of Children's Services
- The Interim Director of Public Health

The following order of proceedings had been suggested:

- Presentation by Members of the reasons for calling in the decision
- Questions and clarification
- Response by the Cabinet Member/Officer
- Questions and clarification
- Any closing remarks by the Cabinet Member/Officer
- Any closing remarks by those calling-in the decision

Once it had heard from all parties and considered the decision called-in, the OSPB would need to consider whether to:

- a) accept the decision without qualification or comment (in which case it could be implemented immediately without being considered again by the Cabinet); or
- b) accept the decision (in which case it could be implemented immediately without being considered again by Cabinet) but with qualification or comment which the relevant Cabinet Member with Responsibility must consider and respond to; or
- c) propose modifications to the decision or require a reconsideration of the decision (in which case the implementation of the decision was delayed until the Cabinet has received and considered a report of the Overview and Scrutiny Performance Board); or
- d) in exceptional circumstances ask the Council to consider whether option (a) (b) or (c) is appropriate (in which case the implementation would be delayed until after the meeting of the Council to which it had been referred and, if Council resolves option (c), the Cabinet had reconsidered the matter having regard to the Council's view).

#### Presentation of the reasons for calling-in the decision

Signatories to the call-in presented the case for the call-in and in doing so made the following main points:

#### **Cllr McDonald**

- Looking at the Cabinet report, it was very difficult to see the evidence that the Cabinet Members had used to make their decision. The report was not up to the usual standard of the County Council and was not evidence based. The report was full of presumptions and provided no clarity on what early years and preventative services would be affected and the impact on service users.
- Furthermore, there was no explanation of the new consultation process – who would be consulted and what is likely to be cut? There was also no regard to the previous consultation process and outcomes.
- It was not clear what had gone wrong with the 0-19 tendering process.
- This appeared to be all about driving through the cuts.

- Cabinet had made its decision based on a flawed report with no evidence or substance and this needed to go back to Cabinet for further discussion.

#### **Cllr Vickery**

- He reminded Members that he represented Redditch North which included the location of Batchley First School. This had seen the largest number of responses to the initial consultation.
- It was not clear how the proposals were to be determined, given that 60% of respondents to the first consultation favoured no change.
- The proposal to transfer the lease of the building to the school seemed innocuous but it clearly stated that the mix of provision would change and some would cease. It was not clear that people were responding in the knowledge that things would change. It was also not clear what the impact of the proposals would be on individual services.
- Until it was clear which services were affected, the Cabinet report was inadequate and there was concern that this generic decision risked the closure of individual services.

#### **Cllr Hill**

- Given that there were no bids for the 0-19 tender, it was not clear who would be providing the core Children's Centre services.
- There was no reference in the report to Connecting Families and Redditch Early Help.
- If the Children's Centres were transferred to schools, how can we be sure that the same services will be provided? The report did not provide enough depth and the decision should be looked at again.

#### **Cllr Denham**

- Concern was expressed about the effect of the proposals on areas of highest need within the County. Councillor Denham's division included one of the most deprived parts of the County. Services which had previously been provided by Surestart had been moved further away and then moved again following another re-organisation. Each move meant that people without cars had further to travel and had more difficulty in accessing services. These changes had an impact on the poor and vulnerable.

- Members were reminded that rules relating to capital expenditure when Surestart centres were set up, meant that the Council was obliged to continue to provide Surestart services otherwise, money would have to be repaid. Was the Cabinet Member sure that Surestart services were still being provided?
- It was not clear how vulnerable families living some distance from services would now have their needs met.

#### **Cllr Agar**

- It would be important to listen to educational professionals who were clear that early years support was vital to the rest of a child's life.
- The proposal was to cover all services from 0-19. It was suggested that Children's Centres were not a suitable venue for teenagers. Successful engagement with teenagers needed fully qualified youth workers. The decision appeared to be trying to be all things to all people and it was impossible to do this.

#### Questions and Clarifications

Councillor Banks was also invited to address the Board. He reminded Members that he had been a member of the advisory board of Orchard Vale Children's Centre for 10-12 years. He felt that the suggested arrangements were in principal workable and satisfactory but he supported a request that the matter should be brought to the Children and Families O&S Panel for further discussion.

In response, the Chairman of the Children and Families O&S Panel reminded Members that the Panel had previously raised concerns about the 0-19 tender process. There was still a great deal of uncertainty about the services that could or would be provided and she would like the Children and Families O&S Panel to hold further discussions at its 15 July meeting.

The Chairman of the OPSB suggested that one option the Board may wish to consider would be to move forward on the basis of (b) above and ask the CFOSP to feed back any comments to OSPB before they were passed on to Cabinet.

Councillor McDonald confirmed he was aware that the Children and Families O&S Panel would be looking at the issue as part of the process. However, he reiterated that

the proposals were not evidence based and included little that could be discussed in detail as it was not clear which services would be cut.

Response by the Cabinet Member with Responsibility for Children and Families

The following main points were made:

- The Cabinet recognised that Children's Centres played an important part in the development of young children and healthy families, but the Council faced a serious budget challenge and had a legal obligation to balance the budget. In February, Cabinet had rejected a proposal from the Labour Group to freeze Council Tax as this would have meant an additional £6 million worth of cuts.
- In response to the public participants, he reiterated that Cabinet was aware of how important Children's Centres were and this was why the Council was not proposing to close any centres. No WCC staff would lose their jobs but the reduction in budget was likely to result in some redundancies amongst providers. Although the Council would look to minimise these, he wanted to be up front and acknowledge that there would be consequences.
- He acknowledged that services would look different and there would be a different mix at different centres depending on local need.
- The CMR reminded members that this was not the final decision, but simply the decision to launch a consultation. It was right to expect more detail before the final decision was made.
- In making this decision, the findings of the initial consultation had been taken into account.
- He did not believe that decisions had been rushed, as initial discussions had started in November 2015. He pointed out that only one of the callers-in had spoken when this issue had been discussed at Cabinet in June 2016.
- He reminded those present that the NCT would still be able to provide breast feeding support and other services through Children's Centres and he would seek to protect this.
- The Public Health team had a particular interest in narrowing health inequalities and shared concerns expressed about outcomes for families living in disadvantage and noted the shockingly different outcomes for some children in their school years.

The Interim Director of Public Health suggested that, in bringing Public Health within the remit of the local authority, the Council would be able to bring services together and reach people who were not previously accessing services.

- However, she acknowledged that there was less money available and this meant having to make difficult choices. Services would be based on 'progressive universalism'. This meant that all people would get some services, but some people in greater need would get more. Services would be targeted at those who most needed them. Public funds would be spent where the evidence showed the best results. Currently, it was suggested that services were sometimes used by those who did not need them as much as others. There was a need for hard evidence to direct funds appropriately.
- Members were reminded about the ongoing re-design of mental health services. Health Visitors' expertise was used to assess maternal mental health. Local mental health services had undergone a major service re-design with a shift in investment to primary mental health and lower level support (including talking therapies) instead of acute services.
- The Cabinet Member confirmed that there would be further equality impact analysis before any decision was made. He clarified that this was the start of a consultation on proposals and not the final decision. The County Council would be maintaining a network of children's centres and recognised the need to help people in crisis. It was fundamental to direct services to those who were most in need.
- Provision for 0-2 year olds was crucial and health visitors were key to this. The health visitor service was being re-designed to achieve a greater skills mix within the team. Although the health visiting service was available to all, there was an opportunity for more intensive input and home visiting for those who needed it. Others who did not need such intensive support could access volunteer groups, such as NCT, rather than state provided support. Services did not need to be building-based.
- The Cabinet Member disagreed that the Cabinet report was not up to standard. It had been signed off by the Council's monitoring officer and met the usual quality thresholds.



- He also disputed that there was a lack of evidence behind the proposals. The Needs Assessment published in November 2015 had run to 86 pages and was available for any member to see.
- He rejected the suggestion that there was a lack of clarity in the consultation. Details of what was proposed for each centre had been provided on a District Council basis. It was not possible at this stage to provide absolute details on how each individual centre's provision would be affected.
- The aim was to complete the consultation before the school summer holidays began. This would only be possible if the Board rejected the call-in.
- The previous consultation with Children's Centre users had clearly shown how much the service users valued the services provided. However, it was also clear that there was a need to re-focus the services so that they came within the available financial envelope. Members were reminded that no Children's Centres would be closing.
- It was correct that the tendering process had failed as no bids had been received.
- The consultation would give as much detail as was available. More detail would be available at the time of the final decision.
- It was confirmed that there would continue to be a focus on areas of highest need. It was suggested that, if transport was a significant barrier for some service users, this would be fed back via the consultation.
- It was confirmed that, as long as the Children's Centres remained open providing services, there would be no need for the Council to repay capital grants.
- The Children's Centres already catered for the full 0-19 age range.
- In summary, the Cabinet Member reminded Members that all Children's Centres would stay open and the smaller available resources would be focused on those who were most in need. The Cabinet decision was simply to start a consultation exercise and the proposals would be open to modification in the light of responses, something that had happened at the June Cabinet meeting.

#### Questions and clarifications

The following main points were raised:

- The Cabinet Member was asked whether he

would be happy, in the interests of greater transparency, for the final decision to be made at a full Cabinet meeting rather than as a delegated decision. In response, he pointed out that delegated decisions were also open and transparent. The original decision to delegate the decision to the Cabinet Member had been made by full Cabinet and any reversal of this would need to be made by Cabinet again. An individual Cabinet Member did not have the authority to overturn a Cabinet decision.

- The Cabinet Member confirmed that he was happy to attend the Children and Families Overview and Scrutiny Panel to further discuss the proposals.
- It was confirmed that the final decision report would include details of what services would be provided in each centre.
- It was suggested that the Council's financial situation was being used as a convenient excuse. The decision was not just about finance but was a reflection of the Council's priorities. It was difficult to think of another Council service that was as important as this.
- The Interim Director of Public Health reminded members that last year's Public Health Annual Report identified that outcomes for disadvantaged children in the county were not as good as they should be.
- It was suggested that this was not a school-led initiative but was a process being led by County Council officers. Given that 60% of those who replied to the original consultation had said that did not want any change, there did not appear to be a compelling case for change.
- Early help providers had been doing what they had been commissioned to do. The 'game changer' was that the public health function was now within the Council's remit, providing an opportunity to bring services together. The overall vision of an integrated 0-19 service remained. There was also a need to target provision on those people who were in greatest need of support.
- Further concern was expressed that affected schools were currently not clear on what was expected of them in taking this forward.
- A Member stated that nothing he had heard had convinced him that this was not about money first. The level of detail was inadequate and there was no reason to believe that the proposed changes

would improve service outcomes.

- In response to a question about whether the proposals were based on need or resources, the Cabinet Member suggested that it was not a simple question. It was important to acknowledge that there were fewer resources and he pointed out that even more cuts would have been necessary if Council Tax had been frozen when the Council's budget was set. The rise in Council Tax had allowed the Council to fund an extra £6 million worth of services. The proposals were the result of rational decisions based on evidence and the available financial envelope.
- It was suggested that a specific Member briefing could be held at each affected Children's Centre as part of the consultation.
- It was important to remember that not one Children's Centre was being closed. The details of service provision and the definition of services centre by centre could be clarified as part of the consultation. The Cabinet Member suggested that, if he had presented all of the detail at this stage, he would have been accused of a fait accompli.
- The Chairman of HOSC reminded Members of the enormous range of public health functions that the Council was now responsible for and suggested that the range was far too vast for the available budget.
- It was suggested that the Call-in was badly written and repetitive and seemed to not recognise that no decisions had yet been taken. Delaying the consultation was unwise and irresponsible and would only create further uncertainty.
- It was confirmed that an officer had contacted all Members with affected Children's Centres in their divisions to discuss the proposals. Further Equality Impact Analysis was yet to be carried out.
- The offer of Member briefings at Children's Centres was welcomed.
- With reference to the initial consultation, the Cabinet Member reminded the Board that 60% of respondents had supported the continuation of services and, in fact, 100% of centres would retain services. Although views were sought during a consultation, it was for Councillors to make the final decision.

#### Closing remarks by the Cabinet Member

Although the Cabinet Member had attempted to answer

questions raised and give as much detail as he could, he was certain that this would not satisfy the callers-in. He reminded the Board that there was still a consultation process to be completed before any decisions were made. The intention was to keep all of the centres open providing services within the budget envelope.

#### Closing remarks by those Members calling-in the decision

The discussion had proved the need for the call-in. The Cabinet report lacked sufficient detail to make a decision on and challenging questions had revealed that cutbacks had already been decided on.

It was clear from the results of the previous consultation that 60% of people were happy with current provision. Although no buildings would be closed, it was the services provided within those buildings that people were concerned about. Further details were needed and the proposals should be sent back to Cabinet for further discussion.

#### Conclusion

The Board agreed by 3 votes to 2 to accept the decisions taken by Cabinet and clear implementation on the 1 July 2016. Members did however agree to forward the following comments to Cabinet:

- That the final decision on the use of children's centres buildings, where consultation is required, is made at full Cabinet and not by Cabinet Member delegation. The purpose of this request was to provide clearer transparency of the decision in the public's eye, provide a further opportunity for public participation at a Cabinet meeting on the matter and to ensure all Cabinet Members fully understand the implications of the decision being taken;
- That the Children and Families O&S Panel should undertake further pre-decision scrutiny prior to the conclusion of the consultation and report back to OSPB on this. OSPB can then provide Cabinet with feedback before they take the final decision; and
- The Board welcomed the Cabinet Member's offer to hold meetings with local members on Children's Centre sites, in order to discuss local options.

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The meeting ended at 11.05 am

Chairman .....