

Overview and Scrutiny Performance Board

Friday, 21 October 2016, County Hall, Worcester - 11.00 am

Minutes

Present:

Mr R M Udall (Chairman), Mrs E A Eyre (Vice Chairman),
Mr A T Amos, Mr C J Bloore, Ms L R Duffy,
Mr C B Taylor, Mr P A Tuthill and Mr T A L Wells

Also attended:

Mr J H Smith, Cabinet Member with Responsibility for
Health and Well-being
Mr M L Bayliss, Cabinet Member with Responsibility for
Children and Families
Mr P M McDonald
Ms P Agar
Mr P Denham
Mr R C Lunn
Mr G J Vickery
Mr R W Banks
Mrs E B Tucker

Catherine Driscoll (Director of Children, Families and
Communities),
Dr Frances Howie (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.

954 Apologies and Welcome

The Chairman reminded those attending that it was the
50th anniversary of the Aberfan disaster and led a
minute's silence in remembrance of those who had died.

No apologies were received.

955 Declaration of Interest and of any Party Whip

The Cabinet Member with Responsibility for Children and
Families declared an interest as his sister worked for the
County Council on the Connecting Families Programme.

956 Public Participation

Eight people spoke under public participation.

Julie Wills, Headteacher, Upton-upon-Severn CofE Primary School: With reference to the Children's Centres, it was important to acknowledge that change happened and there was a need to be positive and look to the future. Riverboats Children's Centre in Upton had laid a strong foundation for future development. It was a sadness to Ms Wills that the Centre was currently closed for 2 days per week and she had previously tried to work with Action for Children to expand provision. If the school was able to take over the building, they would be able to create a service for the future, but this would need public support. The school was working with health visitors and midwives to ensure that all services were able to continue or be enhanced and increased. The school wished to build a vibrant and successful centre but there was a need for the negativity to cease in order to achieve success.

Martin J Barratt, Vice Chairman, Mid Worcestershire CLP: Mr Barratt referred the Board to various Sections of the Childcare Act 2006 which he felt had been contravened. In particular, he suggested that the lack of detail in the proposals as to the reduction in services or staffing clearly contravened section 5D.

He felt that the OSPB should recommend that the decision be delayed for 12 months in order to allow the detailed and specific information to be provided.

Nicola Perrins: Ms Perrins told the Board her personal story. Her daughter, who was 4½, had Sensory Processing Disorder (SPD,) with traits of ADHD and Autistic Spectrum Disorder (ASD). She also had Hypermobility in her joints and her school were questioning Dyspraxia.

From August 2015 until January 2016, she had received 1 visit per week from a 'Family Support worker' from a Worcestershire Children's Centre. This support turned family life around and provided continual support as other problems came up. The Family Support worker arranged 'Multi-agency' meetings for all the professionals involved and would also chase reports. Since September 2016, the family had received 1 visit from the Family Support worker and Ms Perrins was concerned about where she should now go for support.

She said that schools were already pushed to their limit

and could not provide the same emotional and practical support that a Family Support worker could. The family had been discharged from this service because they did not live in a disadvantaged area.

Lisa Everall-Vaughan on behalf of Siani Driver,

Worcestershire Mums Network: Ms Everall-Vaughan told the story of Lexi, a member of Worcestershire Mums Network. The support provided by the Children Centre had literally saved her and her daughters' lives, giving advice on how to leave a situation of domestic violence and how to stay away. She had not sought this help, but staff at the centre had noticed that she needed support. Without the staff working in Children's Centres, people like Lexi would fall through the cracks. There was no clear way of assessing who was in greatest need. This could apply to anyone. The cuts would result in hardship, injury and, potentially, even death.

Frances Thurlow, NCT Breastfeeding Counsellor,

Malvern Hills: Ms Thurlow worked with the local Children's Centre running breastfeeding support groups called 'Baby Latte'.

We have heard from the Cabinet Member that 'no children's centres will close'.

So what can we expect to happen there in the future?

We understand there will no longer be a range of regular, reliable services and groups that bring parents together and help them through the crucial early years of their children's lives.

There will probably be lots of child care for two and three year olds and other paid for activities which will exclude a large proportion of parents. There may be a few groups run by volunteers perhaps, but from my knowledge of working with volunteers, these will peter out as those volunteers move on.

Any social worker will tell you that for health, cognitive development and social mobility, the critical age is from birth to age two. Problems in the first two years of a child's life invariably prove very expensive and seriously difficult to solve later on.

Our parents need robust, comprehensive and well-resourced early years provision for children under two. To fail to provide it, is to fail a generation and leave an economic and social time bomb under the county's

finances.

A recent report by the 'All Party Parliamentary group for Conception to 2 years' estimates the cost of failure to invest in early years provision at £23 billion nationwide. By population, Worcestershire's share of this tips the scales over £200 million.

Did the Cabinet Member take this extensive report into account when he made his plans for the future of the children's centres?

Daniel Walton: There was a need to be clear that these decisions had been made with budgets in mind first and foremost. He wished to focus on how the decision was made. He felt that the decision had been taken at the beginning of the process, not taking into account the needs of the children and not in conjunction with those who were delivering the service. No expert in the area would support this decision which was based on budget cuts.

He referred the Board to the experience of Oxfordshire County Council which had changed its mind about cuts to Children's Centres. The full extent of Worcestershire's cuts would not be known for many months. Centres would change their function, leaving buildings with no services and the Centres would be closed by stealth.

Tracey Biggs: Ms Biggs informed the Board that she was a qualified Health Visitor with 21 years' experience. It was important to remember why Children's Centres were set up in the first place. Following a serious case review after a child's death, Children's Centres were set up to protect children. Evidence showed that targeting support did not work. Every £1 spent had been shown to save £17 later on.

My question would be in relation to support for children and families following these funding cuts to children's centres. It has come to my attention that the health visiting service is also facing cuts. In the face of these cuts I would like to ask

1 What is the current percentage of children who are classified as ready for school in Worcestershire? How does this figure compare with the national average? What steps will the council be taking to improve these figures?

2 With reductions in universal support, how will families who require extra support be identified? How will relationships be built between practitioners and families

so that the appropriate support can be offered?

Val Weddell-Hall and Elizabeth Lazenby, Franche Primary School, Kidderminster: Ms Weddell-Hall was sad that people were so upset. She reminded the Board that she had been the Worcestershire representative on the working party that had set up Children's Centres. As a parent, grandparent and teacher she was passionate that the services provided must not be lost.

Services had come a long way since the setting up of Children's Centres. Integrated early learning for the under 5s needed to be targeted and evidence based. There was a need for more services and there was an opportunity to provide more if these changes went ahead. Her school would be looking to provide a reliable, consistent service to this critical age group.

957 Call-In of the Cabinet Member Delegated Decision on Optimising the Use of Children's Centre Buildings in the Context of Effective Prevention Services for Children and Young People

In accordance with the constitution, the Overview and Scrutiny Performance Board (OSPB) was asked to consider decisions made by the Cabinet Member with Responsibility for Children and Families on 16 September 2016 in relation to Optimising the Use of Children's Centre Buildings in the Context of Effective Prevention Services for Children and Young People. This decision 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
- John Smith, Cabinet Member with Responsibility for Health and Well-Being
- 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 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 had 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), Cabinet had reconsidered the matter having regard to the Council's view).

Members were reminded that the debate should focus on the decision making process.

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

- The decision had been based on false evidence and was driven by finance rather than need or demand. The consultation process was a sham and was a process of imposition rather than consultation.
- It would have been important to listen in detail to those affected and to take their advice, but the decision had already been taken.
- There was still no indication of what services

would be cut and where. How could there be a consultation on this basis? There was a lack of transparency.

- The principles of transparency had not been adhered to, leading to irrational decisions. The decision should be evidence based and backed by sufficient funding.
- The consequences of this decision were very serious and the issues should be debated by full Council.
- There had been no dialogue with opposition parties from the controlling group. Changes of this serious a nature should have the support of the whole Council.

Cllr Vickery

- In Cllr Vickery's Redditch division, the proposals had not provoked controversy, but this was not because they were understood to be reasonable and rational. There was no detailed understanding of what the changes would mean.
- Questions should be asked about the stage at which consultation should be carried out. There had been more controversy in other areas of the County and it was suggested that implementation should be delayed until the details were clear.

Cllr Agar

- The decision making process was flawed. It appeared that, from the start, the decision was set in stone and there would be no deviation as a result of the consultation. Concern was expressed that the consultation was held in the summer holidays.
- There was no room for negotiation. Cllr Agar would have loved to have worked with Children's Services on the development of this decision, but this was not on offer.
- There was a need to defer this dodgy decision in order to negotiate a bespoke service to reduce the financial burden now and in the future.

Cllr Lunn

- The decision had been approached from the wrong parameters and there had been too much fitting of the evidence to the decision. The decision had been to make savings and then consult on how to make the cuts.
- There needed to be an analysis of what services should be cut. The proposals were to save £3

million but what would the overall cost of this be?

Other councillors in attendance were offered the opportunity to speak.

Cllr Tucker

- It was still not clear what services would actually be provided with the remaining budget. What services would be provided and to whom?
- This decision would lead to big changes and there was a need for preparation and transition work to prepare volunteers in the community. It was not clear what transition arrangements were in place.

Questions and clarifications

In answer to a question about whether, as Leader of the Labour Group, he would have responded positively to a request to take part in discussions about this decision, Councillor McDonald confirmed that he would have responded. In the past he had participated when asked and he had always been consulted on serious issues. Who knows what the outcome might have been if the opposition had been consulted in this instance? When asked whether it would have been possible to reach consensus, Councillor McDonald replied that the proposals could have been discussed, and transition and changeover arrangements could have been talked about. However, he did not have the chance.

It was pointed out that the Leader of the Labour Group was fully consulted on the 2014/15 budget and on the Early Years Needs Assessment. However, it was suggested that he did not bother to look at the detail. In response, Councillor McDonald confirmed that he did not support a budget that implemented cuts across all services and he would never support cutbacks.

The Board was reminded that, as part of the budgetary process, the opposition had opposed the increase in funding for children's services. In response, Members were told that an alternative budget would have increased money for services.

In response to a question about when the Leader of the Labour Group had worked with the Leader of the Council on controversial decisions, the Board was told about the move from Youth Centres to Youth Hubs which had been a controversial decision that had been the subject of cross party discussions. Similarly, joint working had been undertaken in relation to the West Midlands

combined authority. Discussions had been held with the Leader and a consensus had been reached.

Although it was pointed out that Equality Impact Assessments had been undertaken as part of the decision making process, Councillor McDonald suggested that these may have been based on false evidence.

With reference to the initial consultation document, it was clear that the majority of residents did not support the proposed changes and the proposals had caused major disquiet. A Board Member pointed out that although 1000 people may have objected to the proposals, in another local authority 10,000 people had objected to proposed changes to their Children's Centres. Although this was acknowledged, Councillor McDonald informed Members that he could not remember a time when there had been so much hostility to a change.

Members were reminded that controversial decisions in the past had led to the provision of a better service. Changes to the Speech and Language Service and provision at Moule Close Short Breaks Centre were both very controversial but had led to a better service. In response, Councillor McDonald reminded Members that the process for changing service provision at Moule Close had been a good example of cross party working.

A question was asked about the number of people who opposed the proposals and whether the people who the Children's Centres aimed their services at would be best placed to raise objections to any cuts to services. Councillor McDonald agreed that many people would find it difficult to attend meetings. They might have transport problems or need extended family to be available to look after their children.

It was suggested that the fuss about the proposals was for party political reasons. Councillor McDonald acknowledged that he was a party politician but it was his duty and obligation to take up people's causes.

It was suggested that, as elected Councillors, it was important to acknowledge that it did not matter how many people took part in an election, the result would still be valid. With 60% of those who responded to the consultation asking for no change, why was the Council not listening? It was suggested that the Council was obsessed with cuts and was all about saving money rather than providing services for residents.

With reference to families on the edge of social care, it was suggested that there would be children who would benefit significantly from the re-modelled service. In response, Councillor McDonald suggested there was a need for a universal approach or potentially 10-20% of those in need would be missed.

It was suggested that the process of consultation should be reassessed as there had been no opportunity to consider the detail of the decision and what it will actually mean 'on the ground'. There was a need to go back to the consultative process and to those who will use the services.

It was not clear whether there was still any flexibility within the decision that had been taken. There was a need for further detail and for adequate transition arrangements to be in place. The decision taken had been based on false evidence. The Children's Centres had not been informed of the actual implications for their services.

Response by the Cabinet Member with Responsibility for Children and Families

The Cabinet Member disagreed that the Leader of the Labour Group would have happily worked with Cabinet in developing proposals. There was no possibility that he would have worked with the administration on this. Other opposition Councillors had been involved in the process and so the idea that the opposition had been excluded from the debate was nonsense.

He went on to respond to the points raised during public participation and made the following main points:

- He welcomed the positive contribution to the debate from the two headteachers and suggested that their schools were not unique examples. Schools involved in the proposed changes were keen to integrate school services with those provided by the Children's Centres.
- With reference to the legality of the decision, the advice from the Council's solicitor was that the proposals were legally compliant.
- Members had heard a powerful speech from a mother whose family had been helped by the services provided at her local Children's Centre. The Cabinet Member reassured the Board that targeted services would remain. The speaker had

suggested that she had been discharged from the service because she did not live in a disadvantaged area. He did not believe that this would be the case and he agreed to clarify this with her after the meeting.

- He reminded Members that the starting point for the changes was the Early Help Needs Assessment (EHNA) which revealed that the Council's investment in Early Help was not having the expected impact and there was a need for more targeted help. Children's Centres had always been targeted at communities in need and had never been a fully universal service.
- The Cabinet Member recognised that volunteer groups did not always run forever, as those volunteering moved on. However, the aim was to encourage more volunteer groups with Children's Centres providing the support to allow groups to flourish. He pointed out that the NCT also charged for some of its support groups.
- A huge amount of evidence was used in developing the Early Help Needs Assessment and the Director of Public Health confirmed that this had included the All Party Parliamentary Report on Conception to 2 years. The EHNA was a publically available document.
- With reference to the situation in Oxfordshire, the Board was informed that that County Council had moved from 44 Children's Centres to just 8. The Cabinet member reminded Members that Worcestershire County Council was not planning to close any Children's Centres.
- He acknowledged that children in the County were not always as well prepared on entry to school as in other areas. This was one reason to look at changing the service. Those who most needed support would be identified through the Family Front Door and Health Visitors.
- It was incumbent on all of us to make the changes work and there was a need to focus on making the changes a success.

In addressing the points made by the Callers-in, the Cabinet Member with Responsibility for Children and Families made the following points:

- From the start of the process it has always been clear that the Council had a legal duty to operate within its budget and it was clear that finance was one driver.
- The consultation exercise was not a sham. It was

a real exercise and the proposals had been amended as a result. For example, a £30k transitional fund had been established as a result of concerns expressed in the consultation.

- Following a Notice of Motion at the last full Council meeting, the proposals had been debated by all County Councillors. The majority had not agreed with the Notice of Motion.
- He disagreed with the Callers-in that there was insufficient detail in the proposals and reminded Members of the appendix to the CMR decision report which had outlined the impact of the changes for each Children's Centre.
- He reminded the Board that at a recent meeting of the Children and Families Overview and Scrutiny Panel he had agreed that local members would be fully consulted on the detailed implementation of the changes.
- He agreed that it was unfortunate that the consultation had started late and had run over into the school holidays but he reminded Members that this was as a result of Cabinet's decision to consult being called-in. He had asked at that point if the decision could not be called-in to allow the consultation to go ahead as planned, but this request had been denied.
- He reassured Members that, if he did not feel that the service could focus on those who most needed it, he would not have proposed these changes.

The Cabinet Member with Responsibility for Health and Well-Being added the following points:

- There had been plenty of opportunity for Labour colleagues to get involved but, sadly, there had been little input from them.
- He emphasised that no Children's Centres were closing. The statistics proved that the differential gap between the affluent and the needy had grown and there was a clear need to target those in most need.

Questions and clarifications

The following main points were raised:

- The Cabinet Member was asked whether there had been any changes to the proposals as a result of his attendance at scrutiny meetings. In response he confirmed that the need for more

volunteers had been acknowledged and an additional £30K transitional fund had been allocated. Plans for individual Children's Centres had also been amended.

- The Chairman reminded Members that at the last Call-in, the majority view had been that the final decision should not be taken by the Cabinet Member under delegated authority, but should be referred to a meeting of full Cabinet. The OSPB had written to the Cabinet Member to this effect but had not received a reply. In response, the Cabinet Member informed the Board that he had discussed this with the Leader of the Council whose view was that the decision should be made by the Cabinet Member. All of the information was available and he was comfortable that the process had enabled member involvement.
- The Cabinet Member agreed that scrutiny should be involved in future policy development but felt that this was a role for the Children and Families Overview and Scrutiny Panel rather than the OSPB. He had attended the Panel twice to discuss the proposed changes to Children's Centres and had agreed to attend again to give an update 6 months post-implementation to allow the Panel to review the impact of the changes.
- The Chairman asked about the consequences of the changes for the Children's Centre in Tudor Way, Worcester (which was within his division) and whether service users and residents had been involved in the consultation. It was confirmed that service users had been invited to take part in the consultation and details of the services provided were included in the appendix to the decision report.
- In response to a question about whether in hindsight there was anything that the Cabinet Member would have done differently, he informed Members that he would have liked to have been able to persuade opposition Members that he was doing the right thing.
- It was suggested that there had been a failure to clarify the aims and outcomes at the start which had led to concern amongst parents about the future of the service and this perception needed allaying.
- The Director of Public Health told Members that the evidence showed that outcomes were not good for the 30% most deprived. This was a matter of professional concern regardless of financial considerations. A 10% cut in the cost

envelope had led to a service re-design, but this would be based on the evidence. It was clear that the Council provided a safe service for 0-2 year olds and the redesigned service would aim to reach those who did not currently access Children's Centres.

- It was suggested that the consultation exercise had not met with statutory guidance as it had not reached disadvantaged groups. The consultation was therefore inadequate. In response, the Cabinet Member reminded the Board that in recent months this had been the most frequently debated topic in public discourse in Worcestershire. It had featured on television, radio, in newspapers and had been raised with the electorate by politicians of all parties. It was always a challenge to engage with disadvantaged groups, but in this case he believed that the Council had met its statutory obligations and the Monitoring Officer agreed with this view. Officers would be able to provide more detail to show that the Council was compliant. He reminded Members that this was a consultation and not a referendum or a plebiscite.
- It was suggested that this was not a decision that should be taken by the Cabinet Member alone. Instead, it was proposed that the decision should go to full Council. In response the Cabinet Member suggested that it was not legal for an executive matter to be referred to full Council for a decision. He also reiterated that there had been a robust debate at Council in response to the Notice of Motion. It was pointed out that, in accordance with the Council's Overview and Scrutiny Procedure Rules, although Council could not make a decision, there was provision in exceptional circumstances for OSPB to refer a matter to Council.
- The Cabinet Member was asked at which point in the process he had made his decision. In response he said that he had taken the decision on the day the decision notice was published.
- The Cabinet Member told the Board that by not going ahead the Council risked sub-optimal outcomes for children and young people. If the outcome of the Call-in was not to accept the decision today, there was a risk of a continued period of paralysis. He felt that, on balance, the risk of not proceeding was worse than the risk of going ahead.
- A Member pointed out that in Worcestershire

educational attainment at the end of Key Stage 2 was below the national average and suggested that this should not be the case, given the County's demographics. The Cabinet Member was asked whether the proposals for Children's Centres would improve this situation. In response he told the Board he was clear that the proposals would improve KS2 results as more 2 year olds would be able to start education earlier. He acknowledged that results at KS2 was a live issue which was being taken seriously by the Directorate.

- The Cabinet Member confirmed that, although he was not legally qualified, he was happy with the legal advice that he had received. In relation to the Call-in, he felt it was quite right that people had the opportunity to speak.
- He confirmed that the EYNA was carried out in September 2015 and agreed that there was a risk in any further delay to implementation, in terms of staff morale and further threats to services.
- He confirmed that he was confident that there was the professional and political leadership to make the proposals a success.

Closing remarks by the Cabinet Member

The Cabinet Member confirmed that he had nothing to add.

Closing remarks by those Members calling-in the decision

Councillor McDonald confirmed that at no time did the Cabinet Member with Responsibility for Children and Families or the Leader of the Council consult him about the proposals.

Conclusion

Councillor Bloore proposed that, as it was not clear that the Council had complied with legal requirements, the matter should be referred to Council (option 9d in the agenda papers). This was seconded by Councillor Wells. The Board voted on this proposal with 3 votes in favour and 5 votes against.

The Chairman proposed that the decision should be accepted but with qualification, that the Children and Families Overview and Scrutiny Panel be requested to work with the Cabinet Members with Responsibility

throughout the implementation of the decision to ensure continued Scrutiny and Quality Assurance and to report any concerns to OSPB. The Board should also seek an assurance of future continued cooperation from CMRs with this process. This proposal was seconded by Councillor Eyre and agreed unanimously by the Board.

In accordance with the Constitution, the Board agreed to accept the decision (in which case it could be implemented immediately without being considered again by Cabinet) but the Cabinet Member must consider and respond to the qualification as set out above.

The meeting ended at 1.20 pm

Chairman