

Agenda

Overview and Scrutiny

Performance Board

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

All County Councillors are invited to attend and participate

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اردو۔ اگر آپ اس دستاویز کی مشمولات کو سمجھنے سے قاصر ہیں اور کسی ایسے شخص تک آپ کی رسائی نہیں ہے جو آپ کے لئے اس کا ترجمہ کرسکے تو، براہ کرم مدد کے لئے 01905 765765 پر رابطہ کریں۔ (Urdu)

كوردی سۆزانی. ننگهر ناتوانی تێبگهی له ناوهر زکی نهم بپلگهی و دهستت به ههچ کس ناگات که وهیگهزێنێوه بۆت، تکلیه تملظون بکه بۆ ژمارهی 01905 765765 و داوای رێنۆینی بکه. (Kurdish)

ਪੰਜਾਬੀ। ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸਮਝਣ ਸਮਝ ਨਹੀਂ ਸਕਦੇ ਅਤੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਤੱਕ ਪਹੁੰਚ ਨਹੀਂ ਹੈ, ਜੋ ਇਸਦਾ ਤੁਹਾਡੇ ਲਈ ਅਨੁਵਾਦ ਕਰ ਸਕੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਮਦਦ ਲਈ 01905 765765 'ਤੇ ਫ਼ੋਨ ਕਰੋ। (Punjabi)

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Overview and Scrutiny Performance Board
Friday, 21 October 2016, 11.00 am, County Hall, Worcester

Membership

Councillors:

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

Co-opted Church Representatives (for education matters)

Bryan Allbut (Church of England)

Parent Governor Representatives (for education matters)

Ms C Richardson ((Parent Governor)) and Vacancy (Secondary)

Agenda

Item No	Subject	Page No
1	Apologies and Welcome	
2	Declaration of Interest and of any Party Whip	
3	Public Participation Members of the public wishing to take part should notify the Head of Legal and Democratic Services in writing or by e-mail indicating the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 20 October 2016). Enquiries can be made through the telephone number/e-mail address below.	
4	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	1 - 12

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All the above reports and supporting information can be accessed via the Council's website at <http://www.worcestershire.gov.uk/cms/democratic-services/minutes-and-agenda.aspx>

Date of Issue: Thursday, 13 October 2016

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OVERVIEW AND SCRUTINY PERFORMANCE BOARD 21 OCTOBER 2016

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

Summary

1. In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) is requested to consider a decision taken 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 has been called-in by the required number of Members – see Appendix 1. The reasons given for the call-in are set out in Appendix 1.

Background

2. Non-Cabinet Members have the power to call in Cabinet decisions in exceptional circumstances and normally only when there is evidence to suggest that Cabinet has departed from the principles of decision-making, as set out in Article 7 of the Constitution - see Appendix 2. If a decision is called in, it cannot be implemented until the call-in process is completed.
3. The called-in decision is considered by the OSPB, who will decide the next course of action based on the options set out in paragraph 9.

Cabinet Member Decision

4. The details and context behind the decision are set out in the Cabinet Member report linked at Appendix 2, and the Board is referred to that report. On 16 September 2016, the Cabinet Member:
 - (a) **noted the information in the report and accompanying background information and the detail contained in the accompanying Appendices 1 to 6, including statutory duties, detailed appraisal of consultation responses and district specific equalities impact assessments;**
 - (b) **approved the proposal to allocate a one-off sum of £30,000 which is used to support the universal provision to become self-sufficient (as outlined in detail in paragraphs 29 and 33 of the report);**

- (c) approved the recommendations to change the use of 18 children's centre buildings as outlined in paragraph 34 of the report and detailed in the accompanying Appendix 1 and authorised the Interim Director of Commercial and Change to make the necessary property and lease arrangements;
- (d) authorised the Director of Children, Families and Communities to take all necessary steps to put the above into effect including a dedicated 6-9 month transition period as described in paragraph 35 of the report;
- (e) authorised the Director of Children, Families and Communities, in consultation with the Cabinet Member with Responsibility for Children and Families, to find and implement an alternative proposal that is of similar nature (i.e. still meets the definition of a children's centre) in the unlikely event that any of the particular proposals outlined in paragraph 34 of the report are unable to be implemented; and
- (f) agreed to receive a further report (following any further consultation which may be necessary) if it is does not prove possible to find alternative proposals under (e) above, in order to make any further decisions around the use of specific children centre buildings.

Invitations to Attend

- 5. In accordance with the Council's Overview and Scrutiny Procedure Rules and scrutiny practice (a copy of which are available on the County Council's website [here](#)) the following have been invited to attend the meeting:
 - Signatories to the call-in
 - Mr M L Bayliss, Cabinet Member with Responsibility for Children and Families
- 6. The Director of Children, Families and Communities has also been invited to attend.
- 7. The Cabinet Member has been invited to provide a formal response to the call-in.

Suggested Order of Business

- 8. The OSPB may wish to adopt the following order of proceedings:
 - Presentation by Members of the reasons for calling-in the decision.

(Members are reminded that paragraph 17.10 of the Council's Overview and Scrutiny Procedure Rules states that "*The first 3 members exercising the right of call-in and who are not either local members or members of the Overview and Scrutiny Performance Board, an Overview and Scrutiny Panel or Scrutiny Task Group established to consider a call-in, are entitled to attend any meeting of that Overview and Scrutiny Performance Board, Overview and Scrutiny Panel or Scrutiny Task Group respectively considering the call-in and to speak but not vote.*")
 - 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 Members calling-in the decision.

Options available to the OSPB

9. Having heard from all parties and considered the decision called-in, the Overview and Scrutiny Performance Board will:
- a) accept the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet); or
 - b) accept the decision (in which case it can 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 is 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 is delayed until after the meeting of the Council to which it has been referred and, if Council resolves option (c), the Cabinet has reconsidered the matter having regard to the Council's view).

(The Council has no power to make final decisions in respect of matters which are the responsibility of the Cabinet.)

10. Such exceptional circumstances referred to in d) above may be if the decision called-in is one which the Overview and Scrutiny Performance Board believes is one which:

- the Cabinet cannot in law take; or
- is reserved to the Full Council; or
- raises issues of such exceptional significance and public interest to justify reference to the Full Council, although the final decision will rest with the Cabinet; or
- is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

11. Members are reminded that the role of OSPB when considering a call-in is to debate and consider the reasons for the call-in as they relate to the principles of effective decision-making detailed within the Constitution, it is not the role of OSPB to debate the merits of the decision that has been taken.

Supporting Information

Appendix 1: Copy of the call-in (received 21 September 2016)

Appendix 2: Article 7 of the Council's Constitution – Decision Making available on the County Council Website [here](#)

Appendix 3: (a) Cabinet Member [Report](#) dated 13 September 2016 and (b) [Decision](#) Notice: dated 16 September 2016

Appendix 4: Cabinet Member Response to Call-in

Contact Points

County Council Contact Points

County Council: 01905 763763

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Email: worcestershirehub@worcestershire.gov.uk

Specific Contact Points for this report

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Commercial and Change Directorate (01905 844962/844963)

Email: scrutiny@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and Minutes of Cabinet held on 16 June 2016

Agenda and Minutes of the Overview and Scrutiny Performance Board held on 1 July 2016.

Agenda and Minutes of the Children and Families Overview and Scrutiny Panel held on 17 March 2016 and 15 July 2016

[All agendas and minutes are available on the Council's website here.](#)

Dear S. Mallinson

Re the CMR Approving the: Report - Optimising the Use of Children's Centre Buildings in the Context of Effective Prevention Services for Children and Young People.

I wish to Call- in the above as I believe the decision made was not in accordance with the following principles:

- failed to clarify its aims and desired outcomes
- Reasons given for the decision
- Respect for human rights and equalities
- Where appropriate, the realistic evaluation of alternatives
- A presumption in favour of openness

Cllr Peter McDonald

P. McDonald

Pattie Hru

J Baver

John C. W.

Fairclough

Andrew Fry

Godham Vickery

Pat Agar

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In response to the call in

1. Failed to clarify its aims and desired outcomes

In November 2015, Cabinet approved the Council's all-age prevention policy and the consultation on the design of the 0-19 prevention service, including the use of buildings used by Early Help Providers (known as Children's Centres). The all-age prevention policy is being used to focus activity around the following five key themes of prevention:-

- **Creating a health-promoting environment** by developing and enforcing healthy public policy and taking health impact into account systematically in decision making
- **Encouraging and enabling people to take responsibility for themselves, their families and their communities** by promoting resilience, peer support and the development of community assets (e.g. buildings or particular community groups)
- **Providing clear information and advice** across the age-range, so that people have the information they need to make choices that favour good health and independence
- **Commissioning prevention services** for all ages based on evidence of effectiveness and within the funding available
- **Gate-keeping services** in a professional, systematic and evidenced way, so that services are taken up by those who will most benefit and the service offer is available on the basis of need, regardless of differences between people in terms of where they live or characteristics such as deprivation.

With the November Cabinet report, paragraphs 9-12 summarised the recommendations from the Early Help Needs Assessment which makes a number of recommendations to improve key outcomes relating to improving the health and well-being of children and young people including:

- Redesign the approach to 0-19 prevention and early help to improve the lives of all but with greater resources targeted at those at risk or where problems have emerged (often referred to as a progressive universal approach)
- Fully implement the local Healthy Child Programme (HCP) led by midwifery, health visiting and school nursing and supported by a range of other children's practitioners providing preventive and early help services including parenting, family support and building family and community resilience
- Review, identify and commission only evidence-based interventions consistently across the county and in accordance with NICE guidance
- Ensure a renewed focus in early years provision on maternal mental health, secure attachment, nutrition and exercise, language & communication, high quality early years education and childcare to improve school readiness

- Review local provision for supporting parenting, promoting resilience and good emotional health & well-being and for the prevention of young people who are not in education, employment or training
- Focus Children's Centres on disadvantaged areas, making use of a "virtual" service in more advantaged areas
- Develop a new workforce approach, to drive a shift in culture: enabling frontline professionals to understand their role, work in a more integrated way in support of the 'whole family' and with other services to collectively reduce dependency and empower parents, and
- Review and implement an effective digital advice and information service to parents and families promoted and supported by the early help workforce.

Paragraphs 13-17 of the report detailed the vision and desired outcomes of this re-designed service. The report also clarified the purpose of the consultation on potential future use of Children's Centre buildings which was to establish which building would be required for the new 0-19 service and what other potential uses there might be for them.

In June 2016, Cabinet approved the revised plan to work with existing providers to vary, extend, align or integrate contracts in order to achieve the vision (as described in the November Cabinet report) of the new 0-19 prevention service. It also received an update on the consultation, approved in November, on use of buildings. It then subsequently approved a more specific centre-by-centre consultation where future proposals would likely to result in a significant change from current delivery as well as approving the future proposals for use of buildings where the future use would not result in significant change. There is no statutory definition of 'significant change' only what is referred to in the Children's Centre Statutory Guidance which states:-

Local Authorities must ensure there is consultation before:

- Making a significant change to the range and nature of services provided through a children's centre and / or how they are delivered, including significant changes to services provided through linked sites.

The June Cabinet report introduced (paragraphs 13-16) the need to increase the provision of good quality early years' education places. Paragraphs 17-20 summarised the recognition that Children's Centre buildings are important community assets and the on-going commitment to ensure they are used to their full potential. Paragraph 26a) reinforced the Council's position on the commitment to continue to use Children's Centre buildings for their core purpose to deliver early childhood services from and/or wider services that meet local need.

The Cabinet Member Decision report published in September 2016 referred back to the November Cabinet Report and recommendations within the Early Help Needs Assessment. It also provided further detail and progress around the implementation of the 0-19 prevention service along with feedback on the centre-by-centre consultation and equality impact analysis. Recommendations were made and approved (currently called-in) on the future use of children's centre buildings and the support for universal provision to become self-sustaining.

2. Reasons given for the decision

The November and June Cabinet papers and the Cabinet Member Decision paper all refer to the recommendations within the Early Help Needs Assessment as the underpinning evidence based behind the changes. They also all clarify the intention to maximise the use of children's centre buildings as important community assets recognising that the children's centre core purpose and duty isn't a building based model.

The June Cabinet Report and Cabinet Member Decision paper both make specific reference to the proposed change of use of children's centre buildings contributing towards realising the budget reductions attributed to the 'early help' budget through the running costs of buildings being picked up by the new lease holder. The proposals will also allow for these buildings to continue delivering early childhood services through a better mix of childcare provision including more funded nursery places; before and after school care; use by the community; parenting groups and family learning; activities during school holidays and/or a space for meetings with families.

3. Respect for human rights and equalities

Due regard has been given to the three aims of the Public Sector Equality Duty and these are outlined in paragraph 30 of the Cabinet Member Decision report and included in the Appendix 1.

The Early Help Needs Assessment also identifies the need to improve outcomes and reduce health inequalities. The 0-19 prevention service(s) will focus on doing this and this will be tracked and monitored through a Starting Well Transformation Board and business as usual contract monitoring.

4. Where appropriate, the realistic evaluation of alternatives

The Decision Notice outlined the reasons for rejecting the alternative proposal for use of Rainbow Children's Centre at St Mary's Primary Kidderminster. This was due to the original proposal being stronger in relation to increase early year's placements which would contribute towards the wider early years sufficiency duties.

It has been said on numerous occasions that implementing this new approach isn't without its challenges or risks. Since 2013/14 Children's Services (excluding communities) has had £14.6m investment. The majority of this (£11.3m) was for children's social care to support our most vulnerable children and young people. In order to manage this investment, the Council has increased Council tax along with deciding to make less money available for other services in the future including early help services. Early help services will continue to focus on improving outcomes for children, with a particularly focus on supporting those in greatest need. In order to do this some current services will have to stop or be delivered in a different way. Officers are working closely with existing providers to develop these new ways of working, making sure that money is used in the most effective way and there is continued focus on improving outcomes for children, with more focus on supporting those in greatest need.

5. A presumption in favour of openness

Throughout the debate on the proposed changes (a summary of the public discussions/consultations on this topic has been listed below) there has been challenge raised around the level of detail presented on the changes in individual children's centres particularly around the reference to 'some' provision being available.

Each centre operates differently and timetables are generally confirmed on a termly basis and often change according to need and availability. This makes it difficult to compare the levels of activity on offer from one term to the next. A lot of activity is also provided away from children's centre buildings either in family homes or other community venues and this also needs to be taken into account, particularly in supporting universal provision (such as stay and play) to become self-sufficient.

The discussions with existing providers and new leaseholders (i.e. schools/early years providers) are at a relatively early stage with the outline proposals forming the basis of the consultation as the intended future use. Following approval of the recommendations, a 6-9 month transition period would be initiated to work through implementing the proposals. It is only at this stage that the more granular detail of service developments would become available. For example a school may have every intention of extending the early year's education placements and wraparound this with parenting support. The more detailed case would only be developed when the school is assured that the building will be made available. This is not without its risks, hence the need for a tightly managed transition period. New leaseholders have to make the building self-sustaining and this is likely to require charging rent for use of the buildings. This needs to feed into the one public estate work in order to avoid unnecessarily moving money round the public sector.

Recognising the risks regarding the proposals, the Cabinet Member Decision report asked for authorisation for the Director of Children, Families and Communities to find and implement alternative proposals of a similar nature if any of the current proposals are unable to be implemented. It also outlined the steps that would be taken if it does not prove possible to find alternative proposals.

- 19 November 2015 – Cabinet – All-age prevention and 0-19 re-design
- November 2015 – January 2016 – Public Consultation - proposed changes and future use of building
- 16 June 2016 – Cabinet - revised plan and intent to consult on specific centres
- 1 July 2016 – Call-in OSPB - discussions on proposals including 0-19 re-design and use of buildings
- 4 July 2016 – 17 August 2016 - Consultation on centre specific changes for children's centre buildings
- 15 July 2016 – Children and Families OSPB - discussions on proposals including 0-19 re-design and use of buildings
- 31 August 2016 - Children and Families OSPB - discussions on proposals including 0-19 re-design and use of buildings following centre specific consultation
- 6 September 2016 Cabinet Member decision paper published

- 15 September 2016 – Notice of Motion debated and rejected at Council
- 16 September 2016 – CMR decision notice published
- 12 October 2016 – OSPB call in (TBC)

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