

ADULTS, CHILDREN AND HEALTH OVERVIEW AND SCRUTINY PANEL

THURSDAY, 14 MAY 2020

PRESENT: Councillors Simon Bond, Carole Da Costa, Maureen Hunt, Julian Sharpe (Chairman) and John Story (Vice-Chairman)

Also in attendance: Councillor John Baldwin, Councillor Christine Bateson, Councillor Gurpreet Bhagra, Councillor Mandy Brar, Councillor Catherine del Campo, Councillor David Cannon, Councillor Gerry Clark, Councillor Karen Davies, Councillor David Hilton, Councillor Andrew Johnson, Councillor Lynne Jones, Councillor Neil Knowles, Councillor Samantha Rayner, Councillor Joshua Reynolds, Councillor Shamsul Shelim, Councillor Donna Stimson, Councillor Helen Taylor and Councillor Simon Werner, Mark Jervis and Derek Moss

Officers: Elaine Browne, Andy Carswell, David Cook, Kevin McDaniel, Rachael Park-Davies, Mary Severin and Duncan Sharkey

APOLOGIES FOR ABSENCE

No apologies were received.

DECLARATIONS OF INTEREST

None.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on January 29th 2020 be approved as an accurate record.

CALL IN: CHILDREN'S CENTRES CONSULTATION RESULTS - FAMILY HUBS

The Chairman welcomed everyone to the meeting and explained the background to the call-in and to the report that was discussed at Cabinet, stating that this was a consultative step and there would be further consultation going forward.

Cllr Baldwin claimed that the report for Cabinet contained some questionable assertions. He stated that a reorganisation of the children's centre, youth services and family resilience teams had been under consideration since 2016, and that the spending cuts identified in the latest report had been included in the previous two budgets. Cllr Baldwin stated that although it was laudable to delay the cuts in order to better understand their impact on services, this was irrelevant as the Gunning Principles that were referenced in the Cabinet report referred only to the timing of the consultation and not the cuts themselves.

Cllr Baldwin claimed that the Cabinet report ignored statutory guidance issued by the Secretary of State under section 5D(2) of the Childcare Act, which provided the lawful basis for consultations on children's centre provision. He said that the Council must take it into account and should not depart from it unless they have good reason for doing so, and that the legislation said that there was a statutory duty on the Council to ensure there were sufficient children's centres, so far as reasonably practicable, to meet local need. Cllr Baldwin stated that the Childcare Act said there should be a presumption against the closure of children's centres and queried if this guidance had been followed while the plans were being developed, and if a good reason had been given to depart from the guidance.

Cllr Baldwin went on to say that from the report it did not appear that children's centres staff, advisory board members or service providers had been consulted; or, if they had then the data from these consultees was missing from the Cabinet report. He said it was not clear what legal advice had been given to the Cabinet to assist their decision making, and subsequent attempts to improve understanding had not been helpful. Cllr Baldwin claimed there were doubts that the Cabinet had received any legal advice emanating wholly from within the Royal Borough before taking their decision at the April 30th meeting.

Cllr Carroll, Lead Member for Adult Social Care, Children Services, Health and Mental Health, stated that the Council's approach had been extremely open, consultative and transparent and had been discussed at two recent Cabinet meetings. He also stated that the proposals had been discussed at a recent Overview and Scrutiny meeting, and it had been regrettable that Members had not attended in order to raise any concerns. Cllr Carroll said there would be further consultation before any decisions were made.

Cllr Tisi stated that one of the reasons for the call-in had been because the proposals did not appear to comply with the Access for All policy, as part of the strategy within the Local Transport Plan. She said that access to everyday services and facilities would not be improved but worsened by the reorganisation of provision, and would particularly impact the young and those on low incomes. She said there needed to be a balance between access for car users and those using other modes of transport when considering which centres to close. Cllr Tisi said areas of deprivation tended to be in rural locations, where public transport was infrequent, and this would reduce the ability of those who relied on public transport to access services. She said this was a particularly important issue for families with a member with Special Educational Needs. For some parents the Children's Centre they used would be their closest access to such things as sensory playrooms or breastfeeding clinics. Cllr Tisi noted that there was no data regarding the number of people with disabilities who used the Children's Centres; therefore there was no way of looking for suitable alternative venues for them. She said that although she agreed having all of the specialist teams together in one venue made sense, Cllr Tisi expressed concerns that there appeared to have been a lack of consultation with key partners and plans to close some of the Children's Centres had been done without sound evidence.

Cllr Del Campo referred to the Strengthening Families Manifesto, which recommended against the closure of Children's Centres. She told the Panel that the guidance in the Manifesto stated that hubs should be used to supplement, rather than supplant, Children's Centres. She said that the hubs should provide integrated services to help identify hard-to-reach families, but that this should be done alongside the universal services provided by Children's Centres. Cllr Del Campo stated her belief that the Panel members should be satisfied that the report complied with all aspects of the relevant legislation.

Cllr Werner stated his belief that, while the report presented to Cabinet had set out the future strategy for the hubs, it had overextended its brief by providing details on which Children's Centres could close without any proper analysis being presented. He said the report should be revised and provide clearer clarification on how the proposals would be implemented and the work to be conducted by Achieving for Children as part of the next stage of the consultation. Cllr Werner said the report needed to make it clearer that the proposed changes did not mean that the Council would be ending its universal services by implementing the hubs. He suggested the report and consultation could be a way of asking for volunteer help from the public to run things such as youth clubs.

Cllr Price stated that the Panel needed to be satisfied that Cabinet had used their full knowledge to make an informed decision; she contested that the resolution at Cabinet had not been the result of an informed decision. She queried if Cabinet were aware of their responsibilities under the Public Sector Equality Duty and the Equalities Impact Assessment policy, and quoted some of the legislation that stated that public consultation and participation should be encouraged in the decision-making process. Cllr Price stated that the Cabinet report

had mentioned the various negative impact on service users, but not how these would be mitigated. She stated her belief that Cabinet had therefore had insufficient information prior to making a decision and so the duties she had referred to had not been fulfilled. She stated that trying to enact the principles retrospectively could have serious consequences for the Council.

Cllr Price stated that the implementation had been delegated to Achieving for Children, but there was no assurance that AfC would comply with the equality duty. She said this point had not been challenged by Cabinet. Cllr Price also stated that there was a lack of evidence regarding people of protected characteristics.

Cllr McWilliams, Lead Member for Housing, Communications and Youth Engagement, reminded the Panel that the proposals were still at a formative stage and further commissioning work and consultation was required before they could be implemented. He stated that the response to the first consultation was the largest he was aware of, which showed that members of the public were able to engage with the information. He added that these responses from the public had been included in the Cabinet report and scrutinised by Members. Cllr McWilliams advised the Panel that funding for health visitors and funding for youth service support came from two different revenue streams. He said that he and Cllr Carroll had visited nine Children's Centres to get a view on what services were provided and the physical layout of each building.

Kevin McDaniel, Director of Children's Services, reminded the Panel that the report considered by Cabinet was not intended to make any final decisions on specific closures of any of the Children's Centres, but was instead intending to set out the Council's direction on commissioning. He said the service collected extensive data on the Council's work with vulnerable groups. However at drop-in sessions for universal services there was no obligation for users to provide personal information, so it was harder to identify information that included any protected characteristics a user may have. Kevin McDaniel said the role of the hubs was to bring professionals together to share information, which would help to identify and support families that needed help. The aim was to move away from having services provided at a fixed location and instead deliver them where they were needed. However more work needed to be done before any changes could be implemented.

Cllr Da Costa informed the Panel that her understanding from speaking to officers was that services such as health visitors and breastfeeding clinics would not be affected by the proposals, and that much more outreach work was proposed. She said supported the proposals, but was concerned that the Equality Impact Assessment needed to be done correctly and asked for assurances that this was the case. Elaine Browne, Head of Law, said the decisions taken hitherto had complied with the guidance laid out in the Childcare Act. More information was needed at the next stage of the consultation in order to comply with the EIA, but Elaine Browne reminded Members that a more detailed consultation was due to be carried out and no substantive decision had yet been made. Elaine Browne said that this meant, in her opinion, Cabinet's decision had not been made unlawfully.

Cllr Carroll stated that future reports on the consultation implementation could be brought back to Panel if Members wished.

Responding to a question from the Vice Chairman, Kevin McDaniel stated that the forward timetable had not yet been fully determined and could not be delegated by the Council. Work needed to be done to ensure all residents' feedback could be collated; ten per cent of feedback to the first consultation had been handwritten submissions at the Children's Centres themselves, and there were concerns this information could be missed if the lockdown restrictions due to Covid19 persisted.

Kevin McDaniel noted that the report had included a list of centres that could potentially close. He stated his belief that it was appropriate to do this in the interests of transparency, and that it was not a definitive list.

The Vice Chairman proposed a motion to note that the Head of Law had reviewed the decision taken by Cabinet and, having considered Panel Members' comments and the reasons given for the call-in, agreed that the decision had been made lawfully and did not conflict with the Council's Access For All policy. He also proposed that the report be amended and brought back to Cabinet in May in order to set out a consultative pathway, and for the results of the further consultation and future recommendations to be brought before Cabinet in either July or August. This motion was seconded by the Chairman. Cllr Werner agreed that the report needed to be revised in order to provide greater clarity on what was being proposed.

The meeting paused at 8pm to allow those present to take part in the weekly 'Clap for Carers'.

Cllr Tisi repeated earlier concerns made that some users may not be able to take part in the next consultation while the Children's Centres remained closed due to the Covid19 restrictions. Kevin McDaniel stated that advice was being taken from experts in consultation delivery to ensure their views were heard. Following a question from Cllr Price, he also clarified that the financial savings identified in the report may be pushed back due to the current Covid19 situation.

Cllr Reynolds stated that not all service users would be known to their families, as young people did not need to disclose that they were attending, and this could potentially impact on the consultation results.

Cllr Baldwin stated that, whilst no substantive decision had been made by Cabinet, a recent front page article in the Maidenhead Advertiser stated the Pinkneys Green Children's Centre was closing. Cllr Baldwin said as far as residents were concerned the centre would be closing, and the Council had done nothing to contest the contents of the article.

It was RESOLVED that:

- 1. It be noted that the Head of Law had reviewed the Cabinet's decision made on April 30th, what had been said at the Overview and Scrutiny Panel meeting on May 14th, and the reasons for the call in, and had concluded that the decision complied with the law and did not conflict with the Council's Access For All policy;**
- 2. The Cabinet paper of April 30th will be brought back to Cabinet in May setting out a consultative pathway;**
- 3. The results of a further consultation process and recommendations for a decision will be brought to the Cabinet in July or August.**

A named vote was carried out. Cllrs Da Costa, Hunt, Sharpe and Story voted in favour of the motion and Cllr Bond abstained.

The meeting, which began at 6.15 pm, finished at 8.30 pm

CHAIRMAN.....

DATE.....