

Report Title:	Member Call In – Children’s Centres Consultation Results – Family Hubs
Contains Confidential or Exempt Information?	No – Part I
Meeting and Date:	Adults, Children and Health Overview and Scrutiny Panel – 14 th May 2020

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In accordance with Part 3 B7 and Part 4 A16 of the Constitution, the 30th April 2020 Cabinet decision relating to the item ‘Children’s Centres Consultation Results – Family Hubs’ has been called in for review by the Adults, Children and Health Overview & Scrutiny Panel.

1. REASON(S) FOR CALL IN

1.1 The call-in notice, submitted on 5th May 2020 stated the following reasons for calling in the decision:

- The consultation informing the decision, was not conducted in accordance with Section 5D of the Childcare Act 2006 (as amended) nor the statutory guidance issued by the Secretary of State under Section 5D(2) of the Act (Sure Start children’s centres statutory guidance, April 2013; Chapter 2), which is the lawful basis for consultations on children’s centre provision.
- The process was followed in deciding to close children’s centres as part of the reorganisation of provision fails to comply with duties under, *inter alia*, Sections 3 and 5A of the Childcare Act 2006 (as amended) together with the statutory guidance issued by the Secretary of State under Section 3(6) of the Act (Sure Start children’s centres statutory guidance, April 2013; Chapter 2) namely ensuring there are sufficient children’s centres, so far as reasonably practicable, to meet local need.
- In making the decision, Cabinet has failed to comply with the duty regarding socio-economic inequalities, in accordance with Section 1 of the Equality Act 2010, and the Public Sector Equality Duty, in accordance with Section 149 of the Act, as deficiencies in the Equality Impact Assessment relied upon render it impossible to demonstrate that due regard has been exercised to the need to advance equality of opportunity, as per Section 149(1)(b) of the Act.
- Moreover, responses to the draft report were not returned by the Head of Law nor the Monitoring Officer by the time of publication. Cabinet were informed by the Lead Officer that he had circulated the paper “late last week” to these officers and had received “some comments”, understood to be in relation to the Equality Impact Assessment, but these were not provided to the meeting. The vote was nonetheless taken by Cabinet, despite members not being privy to the nature and

scope of the legal feedback raised. This clearly demonstrates a failure to meet the standard to “have due regard” in discharge of the Public Sector Equality Duty as set out in *Bracking v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345. To proceed to make a decision in these circumstances also fails the more general “Wednesbury unreasonableness” test.

- The decision is in conflict with Policy ASF12 (Access for All), which forms part of the Improving Access Strategy within the Local Transport Plan (2012-2026). Access to everyday services and facilities, which encompasses children’s centres and youth centres, is not improved but worsened by the reorganisation of provision, particularly impacting the young and those on low incomes.

2. MEMBERS CALLING IN THE REPORT

- 2.1 The call-in notice was signed by the following Members: Councillors Baldwin, Werner, Del Campo, Tisi and Price.

3. Panel Options

- 3.1 Having considered the Call-In the Overview and Scrutiny Panel may:

- i. to take no further action, in which case the decision will take effect immediately;
 - ii. to refer the decision back to the decision-maker for re-consideration, setting out the nature of the Panel’s concerns; the decision-maker must then re-consider the matter with a further 5 working days, taking into account the concerns of the Overview and Scrutiny Panel, before making a final decisions;
 - iii. to refer the matter to full Council, in which case paragraph (h) below will apply; or
 - iv. to refer the matter to a sub group of the Panel for further consideration and report back to the Panel within a specified period not exceeding 14 days, in which case the Panel will, at its reconvened meeting take one of the decisions set out above; if the Panel does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Panel meeting or the expiry of that further 14 day period, whichever is the earlier.
- g) If, following an objection to the decision, the Overview and Scrutiny Panel does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision

shall take effect on the date of the Overview and Scrutiny Panel or the expiry of that further 5 clear working day period, whichever is the earlier.

- h) If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's view on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council request.
- i) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

4. APPENDICES

- 4.1 This report is supported by two appendices:
- Appendix A - Cabinet Decision 30th April 2020
 - Appendix B - Cabinet Report 30th April 2020 - [Integrated Family Hubs Report](#) (Electronic version only)

5. BACKGROUND DOCUMENTS

- 5.1 This report is supported by two background documents:
- Council Constitution – Part 4 A - Purpose and Procedure Rules for O&S
 - Cabinet agenda – 30th April 2020

Appendix A

CABINET DRAFT MINUTES – 30th APRIL 2020

CHILDREN'S CENTRES CONSULTATION RESULTS - FAMILY HUBS

Cabinet considered the report regarding the remodelling of the early help services - Children's Centre, Youth services and Family Resilience Teams into a integrated Family Hub model.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health informed that it was important to be able to bring this paper for full discussion at Cabinet for transparency and that he had also attended a Members briefing session at the request of the Chairman of the Adults, Children and Health Overview & Scrutiny Panel.

Cabinet were informed that the purpose of the report was the remodelling of the services to focus resources to work with the most vulnerable children, young people and families in RBWM who most need the help, thus strengthening families and reducing demand for statutory services.

The recommendations being proposed in the report were in line with the government's Life Chances agenda and All Party Parliamentary Group report on the future of Children's Centres. There had also been a 12 week consultation period with the vast majority of residents supporting one to one support. The report sets out the proposed changes in light of the consultation results to deliver integrated family hubs.

The Lead Member for Housing, Communications and Youth Engagement informed Cabinet that there had been an extensive social media campaign during the consultation period to encourage people to take part. There had been 501 respondents to the consultation, which compared well to Buckinghamshire that was a much larger population and had 752 responses to their consultation. There had also been a number of staff workshops to enable the staff to feedback. He confirmed that both Lead Members had also visited the hubs and youth centres.

The Lead Member for Housing, Communications and Youth Engagement also informed that the briefing session held for Members earlier this week had also been very useful and he made reference to comments made by Cllr Story regarding the provision of services in South Ascot, as concerns had been raised amongst some residents there that they may find it difficult to access services because the nearest hub would be in Windsor, his comments would be taken on board and it was noted that the health visiting service would remain in Ascot as well as home visits. Attention was also brought to the useful comments made by Cllr C Da Costa about remote and digital working as well as the importance of being service focused and not building focused.

The Lead Member for Housing, Communications and Youth Engagement also mentioned the importance of having targeted services with the paper also showing how a number of organisations would be working together.

The Director of Children's Services addressed Cabinet and reiterated the importance of the consultation results that were summarised with the report and contained as appendix 2. Consultation had been undertaken online, 10% of results from paper respondents and focus groups had been held. The majority said that the focus should be on one to one support focusing on families in crises. With over two thirds of respondents not having any strong views against the proposals this gave us a strong mandate.

The Director informed that the Health Visiting Service continued to remain a critically essential service and thus the offer of 5 visits for new-born to 2 years old for family visits would remain in place. It was proposed to have two family hubs, one in Windsor and the other in Maidenhead that would help deliver outreach services. The current national lockdown had shown how delivering services to people's homes on request had been effective. This also demonstrated how we could make a difference in a time of need to those who need help the most. Section three of the report talked about how the proposals would enable us to focus our provision on the families that need the support the most and respond more quickly. The proposals would also release funding from buildings as well as giving an opportunity to transform the role of officers to create better resilience, more flexibility and higher skilled roles.

The recent C-19 crisis had demonstrated how strong our community groups were. The proposals would allow greater support to such groups with staff being able to go on location to help and train.

The Chairman thanked the Lead Members and officers for their work on this report and for their innovative approach. He opened questioned / comments to Cabinet followed by other Members in attendance.

The Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor said that this was a very strong report and the current national situation showed the importance to being able to help those who need it in our society. We need to be more agile to be there to support our young people. She asked what were the services doing whilst the centres were closed and that it was important that we retained the Poppies Children's Centre as it was an asset in supporting army personnel.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health replied that he agreed that Poppies was an important centre that he had visited, it was important to retain an excellent relationship with our armed forces. The Director also responded that with regards to C-19 some resources had been realigned to the Health Services for specific help, made videos to provide support, helped parents who were at home and Baby Bank items had been delivered by staff just to name a few activities staff had undertaken.

The Lead Member for Finance and Ascot reported that and that the briefing to Members had been valuable as was the equalities impact assessment that he had also read. Similar models had successfully been introduced by other authorities and during C-19 staff had been able to respond on a one to one basis with those in need. There had been no waiting lists and targeted support had been provided. He asked about the 50% reduction in parenting services with no loss of staff and was informed that this would be a 50% reduction in universal services but with an increase in targeted support.

The Lead Member for Environmental Services, Climate Change, Sustainability, Parks and Countryside said that when you have a new born child it can affect your self-esteem and you may not be up to going to a universal setting so being able to be seen at home could be beneficial. With regards to those who had responded via hard copies it was important to bear them in mind when communicating with the public, we need to make sure we reach those in need.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health replied that he had given thought to how to communicate with those who did not have access to digital means. There had also been a need to re-focus how we communicated with residents during the current lockdown period.

Cllr Del Campo referred to the all parliamentary reports, which this report was based upon, and said there were some contradictions such as maintaining universal provision wherever possible, that direct support could stigmatise families as failing and that universal provision

often allowed staff to identify more complex issues at an early stage such as mental health that did not discriminate against wealth or location.

She went on to say that there was also alcohol and substance misuse as well as domestic abuse that did not discriminate. Heard about focusing on families in crises but this report talks about early intervention this linked back to providing universal services. There were many hidden challenges that families faced that they did not always ask for help and could go undetected without universal support. She was worried about people falling through the gaps. Liberal Democrats participating in the all-party report would not have supported the closure of children centres or making people redundant, they would have rather enhanced services at centres. At the briefing meeting she said they were told of the need to make savings of £600,000, this was not the aim of the all-party group to support cuts. How did the all-party report map what was proposed tonight.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health replied that the reason why there was a savings target mentioned was that they had looked at what the service would look like and out of that there were savings. The first time this remodelling was looked at was around 2018/2019 following the children's commissioners advice and all party report. It was incorrect to say we were doing this to save money it was to provide targeted support. The £600,000 saving was mentioned at the start of the briefing session but this was as a result of the re-design. With regards to the all-party report it was correct to say that it had many different layers and it was important to use evidence based decisions such as the public consultation. It was not proposed to cut all universal services as areas such as health care visits remained. He also made reference to other areas that were commissioned such as DASH that should not be forgotten when protecting the vulnerable residents.

The Director for Children's Services informed that if we look at the statistics of the referrals we get into early help at the moment the vast majority of them come through schools and nursery settings. We get very few from universal services run via children's services. Community groups would also be trained into spotting any issues and we also had our health visitors. Proportional universal provision was important but it was not to be supplied just by the council and we did support community groups. It was also important to maintain our health service and support services protecting people from domestic abuse and mental health. We could monitor referrals from the different groups to see if we were successful.

Cllr Del Campo mentioned that with regards to the health visitor visits she had only received one and thus can we guarantee five visits. In response she was informed that over the last two years, after health visitors had come under the council, 100% of those families that we were aware of were offered visits. About three out of ten families declined visits as they felt they were not needed. It was also important to triangulate those that we are worried about with other services to try and make sure they are supported.

The Lead Member for Housing, Communications and Youth Engagement wanted to address the question of what came first the savings target or the transformation of the service. The Lead Member had requested and cabinet agreed to postpone any paper to make sure that service provision was in line with the key principles mentioned at the front of the report and what was wanted. Subsequently it became apparent that savings were what we see in the paper today. Savings were not set first but we look at transformation to deliver services in a targeted way and saving come out of this.

Cllr Werner mentioned that the savings first appeared two years ago in plans for transforming Children's Services. He raised concern that the proposals would adversely impact on young people and new residents. When looking at savings the impact on our residents is forgotten. He mentioned that when he was a new parent the universal services provided were very important and that removing these to waiting until families were in crises was not an approach he could support.

Cllr Werner also raised concern about the location of the proposed changes, there was no evidence of a review of walking routes, bus routes or why there should be a north south location in Maidenhead or an east west location of centres. He asked why it was proposed to close the Pinkneys Green Youth Centre when it was the second most popular centre and had been there since the estate had opened, he felt that attendance had dropped as services provided had been reduced.

Cllr Werner also said he had visited a youth centre and had received negative comments from staff about the proposals, he felt universal services should be kept and youth centres should be kept open. He made reference to the group Theresa May called JAMS (just about managing) as they could be impacted.

The Lead Member for Housing, Communications and Youth Engagement said that Pinkneys Green services could be accessed at the Riverside Centre and that both centre were close by. He reiterated the point made by Cllr C Da Costa at the briefing session that we should be looking at targeted services and not buildings. He also mentioned that at the Pinkneys Green Youth Centre the average weekly attendance was zero to three residents therefore the building was no longer required. After being part of the focus group he did not believe staff were afraid to give their views.

The Director said that with regards to the Pinkneys Green Youth Centre looking back a year there were about five to ten young people each week this had fallen to zero to three even though there was exactly the same offer. With regards to staff he said there would naturally be some concern about any changes but he had an open door policy if staff wished to raise anything with him.

Cllr Price said that there were two areas she wished to comment on; the Equality impact assessment and the consultation. She was concerned that the report had been presented without comments from the head of law especially as there was currently a judicial review against the council. With regards to the equality impact assessment she felt that the format was more detailed than previously presented and was produced by Achieving For Children, which nevertheless should follow the the RBWM policy. She felt that this appeared to more of a poverty impact assessment rather than an equality one, which is a legal requirement. She mentioned that under nearly every one of the protected characteristics it says there was no data and assumptions were made, and asked if it would not have been more prudent to collect such data before proceeding with the assessment, and that the final decision was to be taken by the Council, whilst it appeared to be taken by Cabinet. She highlighted two of the characteristics, age and gender; one was the impact that young people would no longer access the services when centres were closed which was shown as a positive where logically this should be a negative. The second was that under gender it said that the changes would have a bigger impact on females and again this was said to be a positive which again seemed wrong. She was also not clear if this was a full stage two assessment (referring to the RBWM 2018 approved policy on assessment and compliance) and said it should have been submitted to law and governance for review and advice. If it was had they confirmed legal obligations had been met. If it was a stage one assessment she asked what changes had been made due to the assessment. She was concerned if the correct legal process had been followed.

With regards to consultation Cllr Price said she had attended one of the focus groups and was informed that they had to save £600,000 and this consultation was about finding the best way of doing this. They were also informed that some staff had left the authority as they were expecting redundancies and after leaving the positions were not filled, and thus the current service was already being scaled back. . It was also not clear if groups, such as the Disability Access Forum, had been actively approached. Do we know of the fifteen stakeholders who had responded, who they were and if they were representative of the diverse groups in the borough. She also feared that with the C-19 situation how realistic it was to have other groups providing support when they would be affected by the crises. Is it wise to proceed with this scale of cuts when the number of young people in need may

increase. She mentioned the map had been useful and wanted to know that areas such as Horton, as an area of multiple deprivation, would be supported. The Director said the Cllr Price was correct that the assessment had been undertaken by AFC and said that it had been reviewed by their legal services. It had been circulated to RBWM colleagues late last week to enable this meeting to take place, comments had been received and that he would look at them and come back to her about the areas she had raised. It was hard to provide data on universal services that had been provided as these had not always been recorded so they looked at the consultation results.

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Cllr Baldwin was concerned about the lawfulness of the consultation in section five the reports say gunning selectively and leaves out more telling guidance. The report says the consultation should be taken at the formative stages. But we know that proposals were first considered in 2016 and that Cllr Carroll although not then the Lead Member had been present. It could be seen that the consultation had been taken after the decision had already been made. Cllr Baldwin quoted statutory guidance that said all those who could be affected should be consulted. He raised concern that only 32% were in favour of the proposals and this was not, as mentioned earlier a strong mandate. The Director corrected and said that 32% had said they were against it and this gave the strong mandate.

The Lead Member for Housing, Communications and Youth Engagement reiterated to the opposition what he had previously said about the paper being delayed to review service provision and it was out of this that savings were identified.

Cllr Bhangra agreed that this was a good report and asked if the schools in Boyne Hill would be used. He was informed that the Lead Member had held discussions with the two schools and that as a whole schools were supportive of the proposals.

Cllr Tisi asked how the redundancies were made up and that she had heard that 20 health care visitors would be losing their jobs and that health visitors were picking up the slack with early intervention. The Director replied that there were no redundancies for health visitors, the service was crucial to the provision discussed at this meeting. There would be a review of positions as part of the process undertaken by AFC. There would be 11 FTE redundancies and it was hoped that they could be relocated within AFC or the Council.

Cllr Jones reiterated that saving proposals had been identified 2 years ago. She asked how we would monitor that we were serving the same number of people coming through the system especially from pre-school settings if there is reduced universal provision. How would we monitor we are getting referrals through. In reply she was informed that we would have a single referral system and thus a clearer view of those being referred. It would be harder to pick up those families that receive smaller interventions, such as a 10 minute conversation that are happening with other groups.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health said that in terms of the savings put down we must be clear that when he became Lead Member in 2019 the decision was taken to defer process of bring through any kind of saving target at all as he wanted to be clear about the area. The point of the paper is targeting the most vulnerable, how we can better connect and use our resources.

As the meeting was taking part virtually the clerk asked each Cabinet Member to confirm that they had heard the debate and had no connectivity problems and then to stat if they were for,

against or wished to abstain. All Cabinet Members confirmed that they had heard the debate and that they supported the recommendations.

Resolved unanimously: that Cabinet notes the report and:

- i) Agrees to a remodelling of Family Resilience Services, Children’s Centres and Youth Services to a “Family Hub” model (see appendix 1-diagram of the proposed Integrated Family Hub model).**
- ii) Agrees to the prioritising of services for children, young people and families most in need as set out in 3.3 and 3.4.**