

**MINUTES OF A MEETING OF THE
CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE
HELD IN THE
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH
ON 17 FEBRUARY 2014**

Present:	Councillors S Day (Chairman), C Harper, G Nawaz, B Rush, B Saltmarsh, J Shearman, D Fower	
Also present	Alastair Kingsley Councillor Murphy Councillor Forbes Councillor Johnson Councillor Scott	Co-opted Member Cabinet Member for Children's Services
Officers in Attendance:	Sue Westcott Wendi Ogle-Welbourn Allison Sunley Paulina Ford Phil McCourt	Executive Director, Children's Services Director of Communities Head of Commissioning, Targeted & Preventative Services Senior Governance Officer, Scrutiny Interim Head of Legal Services

1. Apologies

No apologies for absence were received.

2. Declarations of Interest and Whipping Declarations

There were no declarations of Interest or whipping declarations.

3. Request for Call In of an Executive Decision: The Future Direction of Children's Centres Delivery – FEB14/CAB/09.

The Committee had been asked to consider a Call-In request that had been made in relation to the decision made by Cabinet and published on 3 February 2014, regarding The Future Direction of Children's Centres Delivery – FEB14/CAB/09.

The request to Call-In this decision was made on 5 February 2014 by Councillor Murphy and supported by Councillor Forbes and Councillor Johnson. The decision for Call-In was based on the following grounds:

- (i) Decision is Key but it has not been dealt with in accordance with the Council's Constitution.
- (ii) The decision does not follow the principles of good decision making set out in Article 12 of the Council's Constitution, specifically that the decision maker did not:
 - a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.
 - b) Understand and keep to the legal requirements regulating their power to make decisions.

- d) Act for a proper purpose and in the interests of the public.
- f) Follow procedures correctly and be fair.

The reasons put forward by the Councillors were:

Paragraph 3: Breach of constitution. The previous call in recommendation was not debated fully in public. The debate was not fully transparent as it was part dealt with behind closed doors. I accept that this call in relates to the executive decision and not the previous call in but I would like to see the debate in public this time.

Additionally there was no debate at the Cabinet meeting.

Paragraph 4, a, d & f

The consultation period was time tabled during winter and over Christmas a particularly difficult time for consultations especially amongst the service user involved who are mainly parents with young children.

The consultation should not have been commenced when a call in had been agreed but this was not done in this case.

No attempt was made to research the children's views, nor were the evaluation reports commissioned (e.g. Cordus Bright) to look at Sure Start in Peterborough considered and not were the outcomes for children properly reported or considered.

Cabinet did not consider and debate the recommendations from scrutiny and council.

Matters raised in the consultation and the web consultation tool were not designed to raise alternatives. As such Cabinet did not realistically consider all alternatives and, where reasonably possible, consider the views of the public. Alternatives were numerous and included (1) further consultation, (2) making budget savings through efficiencies, (3) reducing the level of budget reductions required and (4) income generation by use of the facilities and charges for this, as well as looking for contributions from health and other budgets.

No cost benefit analysis was done concerning the consequence of the proposals and effects on other services and the increased costs for these. No information was considered regarding the additional travel costs for service users at the Cabinet meeting.

To date no information on additional cost and cost of the proposal such as travel expenses for outreach or staff restructuring or redundancies were considered.

The impact of loss of service on such things as school attainment was not considered. At the Rural Commission evidence was given that the Children's Centres had contributed towards the school achievement specifically within the rural areas (Eye). There was no mention of the costs associated in attempting to mitigate the impact of withdrawing these services when children reach school, entry age.

Paragraph b

The following statements are made on behalf of the parents in support of paragraph b that the Cabinet failed to properly take into account their legal obligations. This is to be read with the information above.

1. Children's center provision is a statutory duty on local authorities under section 5A of the Childcare Act 2006, as amended by section 198 of the Apprenticeships, Skills Children and Learning Act 2009.

2. Secondly, as per the equality impact, "Adverse impact is probable, since certain groups are likely to be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.

3. There is a public interest reason as adverse impact is probable, since certain groups are likely to be disadvantaged, for example anyone is in "in most need" but not within walking distance of the hubs will be at a disadvantage.

Anyone in Peterborough without family close by or good friendships will be disadvantaged as they will have nowhere to go to get tips on good parenting, or different techniques on, for example, effective discipline. Any parent without a wide range of techniques can find their child difficult to deal with, which can cause stress, depression and lead to parents hitting their children, neglecting them or worse. These parents will not consider themselves "in most need" and so will not come to the council's attention, therefore will not be able to attend the hubs. When these issues escalate to the point where they cannot control their children, or are so stressed they cannot function, the issue may or may not be picked up when the child is at school. These wasted years when poor behaviours become entrenched in both child and parent will mean the relationship between child and parent becomes damaged, possibly permanently. When health or social services get involved it will cost much more than it would have done if it was nipped it in the bud by it being picked up for referral by trained staff in the Children's centres.

After considering the request to call-in and all relevant advice, the Committee were required to decide either to:

- (a) not agree to the request to call-in, when the decision shall take effect;
- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
- (c) refer the matter to full Council.

The Chairman read out the procedure for the meeting.

Councillor Murphy, Councillor Forbes and Councillor Johnson addressed the Committee stating why they had called the decision in.

Councillor Forbes made the following points:

- People of Peterborough have lost faith in the ability of the council to undertake a consultation that is not a foregone conclusion.
- Recommendations at scrutiny are often ignored.
- Whilst there was less money for councils, Cllr Forbes questioned why cuts had to affect the most vulnerable.
- Cllr Forbes noted that the Prime Minister had stated that there was increased funding for children's centres, which was at odds with the Cabinet Member for Children's Services statement that no extra money was received.
- Other councils have found solutions to keep their centres open. Why was there no cross-party committee looking at ways other councils have dealt with the issue.

Councillor Murphy made the following points:

- Reiterated that this issue related to scrutiny of the Executive.
- Stated that the reason schools in Eye had performed well with Ofsted was due to the work of the children's centre.
- Worried about a breakdown of communication between the officers amongst themselves and in discussions with key partners.
- Stated that there had been a lack of transparency around the funding of Sure Start Centres or consideration of the NHS budget to see why they had not paid for the overheads of health visitors.

- There had been a lack of consultation in previous children's centres closures and this was worrying from a judicial review standpoint.
- Deprivation statistics were incoherent and did not incorporate information such as health deprivation or infant mortality. Areas with higher infant mortality are having children's centres closed.
- Work could be done to increase income such as using the buildings for other means when not in use as a children's centre.
- Consultation should have been stopped when the previous decision was called in. The Cabinet Member for Children's Services should have been available for such an important consultation.
- There was a fast-growing population of under-5s and closing children's centres would have knock-on effects in terms of costs in other sectors.

Councillor Johnson made the following points:

- People were not being listened to. Not very many people will use the Super Hubs.

Members of the Public in support of the Call-In were then invited to speak:

Tracey Fletcher addressed the Committee and made the following points:

- Felt that the views of the general public had been completely ignored and there was a significant amount of opposition to the closures in the city.
- Children's centres provision was a statutory duty of the local authorities and certain communities were likely to have little access to centres.
- Alternatives have been proposed despite lack of assistance from the council.
- A deferral would allow a working group to form to ensure that services are provided to all within each community.
- The matter should be referred back to Full Council for further debate.

Annabel Hatch addressed the Committee and made the following points:

- Children's centres were invaluable to narrowing the attainment gap between those with means and those without. Those with less income are likely to have less education and therefore it is harder for them to educate their own children and this creates a vicious circle.
- Reverting back to a situation where the centres are only available in deprived areas showed that no lessons had been learned.
- Consultation meetings were not widely advertised and were held at difficult times for mothers with children to attend.
- The Council did not come forward to provide information for groups aiming to put forward alternatives and information which was provided was only given after the decision had been made.
- Worried that mothers suffering from depression in less deprived areas would be negatively affected. No consideration of this issue has been undertaken.

Questions and Comments from Members of the Commission in response to the Councillors statements:

- Members asked Councillor Murphy with regards to the ad hoc working party and inquired as to who they were. Councillor Murphy responded that he was referring to a meeting taken after the Joint Scrutiny Meeting. It was not a formal working party, but it could become one if there was a member of the administration on it.

The Cabinet Member for Children's Services made a statement in answer to the Call-In request which included the following:

- Stated she felt that there had been a good consultation and she had been personally in contact with lots of mothers, had read lots of emails and had much contact with people in the city.
- It had been looked at how to meet the most pressing needs of parents and health clinics and baby clinics will be continued in the de-designated children's centres or in other community buildings in the locality.
- There had been a positive response from mothers in the city regarding the consultation.
- With regards to funding – the ringfenced money is £10 million which is to pay for pre-school places, 15 hours free pre-school for three and four year olds and for two year olds in particular need.
- Stated that a children's centre previously described as "closed" had in fact been relocated.
- On raising further money – the proposals received had come along very late. Unless it can be demonstrated that £1.2 million is guaranteed then the proposals would be accepted, but it seemed unlikely to suggest that children's centres would be able to raise over £1 million.

Questions and Comments from Members of the Commission in response to the Cabinet Member for Children's Services statements:

- Members stated that it was incorrect to say that the idea of fundraising had come along too late in the day. Whilst that might not raise £1.2 million, there were still proposals to use the children's centres in a more cost-effective way. *The Cabinet Member for Children's Services apologised for the error.*
- Members asked about cost-benefit analysis and asked for clarity and reassurance regarding whether the proposed savings were genuine and what the reciprocal cost of the children's centres closures would be. *The Director of Communities responded that there were other services available which were not available previously when children's centres were set up, such as an extra £10M going into childcare places, health visitors programme, etc. Cabinet had been asked whether it was possible to include the key things parents wanted in order to mitigate the restructuring.*
- Members asked about the provision of one hour per week in the eight centres which were being reappportioned. Based on the response and the costing of the facility at £12 per hour, it would negate half the pot to be saved and asked if this was deliverable and considered as part of the plan. *The Director of Communities responded that £40,000 a year would be needed for child development sessions, for parents support training £20,000 and for Fenland Mind around post-natal depression there would be £30,000 and health visiting would cost around £10,000, however these figures were flexible.*
- Members asked about the £100,000 which had been put in place to mitigate shortcomings. This was at odds with an email sent earlier which did not guarantee that the money would be available on a long-term basis. *The Director of Communities responded that the money would become part of the children's centre budget however it was not possible to pre-empt the budget in the future.*
- Members stated that the main impact of the children's centres was in the south of the city despite there being a lot of growth in the area and asked how this could be justified. *The Cabinet Member for Children's Services responded that services were being re-designated and the buildings would still provide children's services, however different ones. There were providers looking to provide similar services alongside pre-school places. Stanground children's centre may not be suitable for purpose but there might be other areas which could be better. Orton Hub will provide services for Hampton, Fletton, Brewster Avenue and Stanground.*
- Members stated that there should be consideration of statistics of growth and birth rates, and currently these areas were achieving the lowest amounts of retained services. *The*

Director of Communities responded that growth in population was accepted, but that even though the population would grow there would be no change in the density of deprivation, however the hubs would be required to cater to those most in need and outreach services would be provided from hubs and into families' homes. Re-designated centres will have some family services in them and it will be possible for them to refer for more specialist services. The Cabinet Member for Children's Services added that there was an interest amongst providers to begin services and stated that there was not enough children's services provision in Hampton, particularly around pre-school and nursery. There had also been interest expressed in provision in the Fletton area. She stated that she would like to work with the parent's group in Hampton to develop a strategic approach to provision in Hampton in light of the fact that there will be 5,000 more houses in Hampton over the next decade and that the most acute need was for nursery.

- Members stated that there was an issue around certainty and predictability insofar as much of the solutions offered were based around certain providers being able to provide for unspecified needs and thus the solutions required a certain leap of faith. *The Cabinet Member for Children's Services responded that the Leader had been clear that providers have to continue to work closely in localities and that this was not just about the city as a whole, but was an issue of collaborating with mothers in specific areas. The Director of Communities added that in all buildings at least one provider had been put forward, but there may be an issue in that some buildings might have more than one provider and a decision would need to be made as to which one would be chosen. She stated that going forward it would be necessary to take in the views of everyone within the community, and there could be some services which could be charged for in order to provide the services that parents want. Nonetheless, there needed to be a linchpin provider in each building to ensure that the buildings could be paid for.*
- Members asked if mothers with post-natal depression will be taken into account since post-natal depression can affect anybody regardless of economic hardship. Cabinet Member for Children's Services responded that she had heard concerns from mothers regarding this and as a response the council had asked for a reduction in the money to be saved from cabinet. The contract with Fenland Mind had been considered for extension and health visitor and midwife clinics could provide an important link for mothers so they can meet other mothers in a relaxed environment. Director of Governance added that she met with the chief executive of Fenland Mind and they were willing to extend their programme to the rest of the city to provide the services mentioned.
- Members referred to Cabinet Member for Children's Services statements in previous years about the vitality and importance of children's centres and questioned what had changed in those years. *The Cabinet Member for Children's Services responded that her position had not changed and that was why a solution was being worked on which would provide the best solution for mothers in deprived areas along with centres providing some form of service in the less deprived areas.*
- Members referred to the Children's Act and asked if the council was maintaining its statutory obligation and if it were found to not be what punishment the council would face. *The Director of Communities responded that the Children's Act was not being breached as the services were being provided to those that needed them most and that what was put forward was reasonable.*
- Members stated that decisions needed to have a basis of good governance and the Equality Impact Assessment was an important determinant of that impact. Cabinet had been presented with papers which went out to consultation on 18th November 2013 and an Equality Impact Assessment had not been provided and had only provided a mention of the assessment. The Equality Impact Assessment had also not been available at scrutiny on January 6th. After a later version of the Equality Impact Assessment had been provided, an earlier initial version had also been provided. The initial version stated that it had been completed in October, but the later version had been changed and stated it was completed on the 16th January 2014, two months after a decision was made to consult and one month after Councillor Murphy had been assured that the assessment had been written. *The Director of Communities responded that the initial assessment had been completed in October and had been developed since then during consultation. Members*

- responded that the ongoing document is the full Equality Impact Assessment and the initial Equality Impact Assessment cannot be changed. *The Cabinet Member for Children's Services responded that Director of Communities had acted in good faith.*
- Members asked which Equality Impact Assessment had been shown to Cabinet. *The Director of Communities responded that she would get back to Members with the answer on this to be thorough.*
 - Members followed-up stating that the original Equality Impact Assessment was different to the Equality Impact Assessment appearing in the Cabinet papers. In particular, most of page 102 in the papers available in the report to Scrutiny did not appear in the original assessment. More importantly the original Equality Impact Assessment produced by Pam Setterfield stated information regarding impact on ethnic minority groups and travellers. It was stated that there may be negative effects on black and ethnic minority groups and that this had been removed from the papers available to members today. *The Cabinet Member for Children's Services responded that she did not have this information available today. The Director of Communities stated that she would need to discuss this at a later date.* Members asked if they nonetheless agreed that the affect these proposals would have on ethnic minority groups was important. *The Director of Communities responded that this was important.*
 - Members were concerned about the population increase south of the river and referred to the Stanground centre and sought clarification on the statement that other services were being looked at as being provided elsewhere. *The Cabinet Member for Children's Services stated that in the current plans that services would be maintained in Stanground. Stanground covered a wide area and it was difficult to access services even within the Stanground area e.g. people living in the East of Stanground found it difficult to access services in the West.. Therefore ways were being looked at to provide services to all parents.*
 - Members referred to the Sure Start Statutory Guidance and stated that there was a need to ensure there was access to children's centres to all families with young children. It stated that there was a presumption against the closure of children's centres and asked if the decision to restructure the children's centres had commenced with that presumption in mind. *The Cabinet Member for Children's Services responded that that presumption had been acted upon however the financial situation had made this difficult and it had been a very hard decision to make. Furthermore, £100,000 mitigation was granted to ensure there was some provision in every area where there was a children's centre. The Director of Communities stated that all provision had been examined, as were new streams of funding. Free childcare was also being extended, and there was a sound evidential basis for believing this would improve academic performance. The Cabinet Member for Children's Services added that there was a balance between a social work service for those who needed the most support and that there would be no compromise on providing this service. Other services were therefore being looked at across the council and the decision had been taken reluctantly.*
 - Members followed-up that this did not answer the question regarding the presumption against the closure and asked if this was what discussions were commenced upon, or if the initial concern was budgetary. *The Cabinet Member for Children's Services responded that she felt this had been answered and that the decision was reluctant – nonetheless, the children's centres were not technically being closed, and this decision represented a solution which provided support to families most in need.*
 - Members felt that Cabinet should have waited before they made their decision until there was some indication of what would be put in with regards to a replacement. *The Cabinet Member for Children's Services stated that she insisted that a proposal go out as early as possible in order to have a full and proper consultation. She said she understood the concerns about the future, yet until the decision has been made it would not be possible to make decisions about contracts.*
 - Members responded that even if there was no negotiation with a provider, there could still be guarantees as to what would be provided at the centres. *The Director of Communities responded that there had been discussions with providers who have shown an interest in*

the centres. Spurgeons and Barnardo's, for instance had been spoken to and there were plans in place to ensure savings would be achieved.

- Members stated that families were concerned about losing the buildings and if it could be ensured that buildings stay open then there would be more security. *The Cabinet Member for Children's Services responded that there were no plans to close the buildings, however in areas such as Hampton, the children's centres buildings were not big enough. This was a decision which would therefore need to be taken locally.*

As there was no further debate the Committee took a vote to decide on whether they should:

- (a) not agree to the request to call-in, when the decision shall take effect;
- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns;
or
- (c) refer the matter to full Council.

Councillor Shearman put forward a recommendation to call-in the decision and refer it to Full Council for consideration and debate on the grounds that the public interest in it was high and there was no allaying of concerns regarding the Equality Impact Assessment. It was also felt that there should be greater clarity on what would happen to the children's centres after they had been redesigned.

The Committee voted in favour of the recommendation (3 in favour, 2 against, 2 not voting).

RECOMMENDATION

Following discussion and questions raised on the reasons stated on the request for call-in, the Creating Opportunities and Tackling Inequalities Scrutiny Committee **agreed to Call-In** the decision and to refer it to Full Council for consideration and debate.

Under the Overview and Scrutiny Procedure Rules in the Council's Constitution (Part 4, Section 8, and paragraph 13), implementation of this decision remains suspended until further notice.

The meeting began at 7.00pm and ended at 8.40 pm

CHAIRMAN