

**Minutes of the meeting of the
Children and Young People Overview and Scrutiny Committee
held on 26th September 2013**

Present

Members:

Councillor Jonathan Chilvers
Councillor Yousef Dahmash
Councillor Peter Fowler
Councillor Bob Hicks (Chair)
Councillor Julie Jackson (Vice-Chair)
Councillor Danny Kendall
Councillor Dave Parsons
Councillor Mike Perry
Councillor Clive Rickhards
Councillor Jenny St. John

Other Councillors:

Councillor Richard Chattaway
Councillor Jose Compton
Councillor Neil Dirveiks
Councillor Bill Gifford
Councillor Bill Olnier
Councillor Maggie O'Rourke
Councillor Jerry Roodhouse
Councillor John Whitehouse
Councillor Chris Williams

Councillor Heather Timms, Portfolio Holder, Children and Schools

Officers:

Georgina Atkinson, Democratic Services Team Leader
Sarah Callaghan, Head of Learning and Achievement
Christine Lewington, Head of Strategic Commissioning
Wendy Fabbro, Strategic Director, People Group
Jane Pollard, Corporate Governance Solicitor
Mike Taylor, Internal Operational Director, People Group

Other representatives:

Max Hyde, Teacher representative
Chris Smart, Warwickshire Governors Association
Eleven members of the public

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1. General

(1) Apologies

Apologies for absence were received on behalf of Diana Turner, Warwickshire Governors Association and Joseph Cannon.

(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interest

Councillor Jackson declared a non-pecuniary interest; the nature of the interest being that she was a governor Oakwood Academy which has a nursery and that she was the trustee for St Nicholas' Chamberlain Schools Foundation, which owned the building from which St Michael's Early Years Centre operate from and that she had a relative with a disability.

Councillor Hicks declared a non-pecuniary interest; the nature of the interest being that his daughter was employed at St Michael's School and that this daughter-in-law was employed at Stockingford School.

Councillor Whitehouse declared a non-pecuniary interest; the nature of the interest being that he was a Governor of St John's Nursery and Primary School in Kenilworth.

2. Call-in – Early Years Commissioning

The Chair explained that the first reason for the call-in of the Early Years Commissioning decision was the post-consultation changes that had been made to Option 1. It was noted that at the time of the consultation exercise, there had been applications for 11 exemptions which would, if accepted, result in those Children's Centres not being subject to the group or collaboration model of procurement and service delivery. The three options in the consultation had been presented with these exemptions in mind, with the caveat that each exemption application would need to be carefully assessed to determine whether it was valid and legally sound. At the time of the Cabinet report, two of the eleven exemptions had been approved and members considered that the Centres should have had the opportunity to comment again in response to the decision. Councillor Whitehouse confirmed that a pre-action Judicial Review letter had been submitted to the County Council in respect of this.

In addition, members noted that the Option 1 groupings or collaborations for the Bedworth and Nuneaton areas, as outlined in the consultation document, had been amended in the proposed Option 1 in the Cabinet report. In response, Mike Taylor, Interim Operational Director, advised that the groupings had been amended in response to the consultation feedback from Centre representatives. For example, following such feedback and careful consideration, only the proposed exemptions for St Michael's Children's

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Centre and Stockingford Early Years Centre had been accepted and therefore the groupings had been revised to incorporate those two Centres.

Sarah Callaghan, Head of Learning and Achievement, explained that the changes to the groupings would not have an implication on the County Council's overall aim to deliver an outcome-focused model of service delivery that was targeted to the needs of local areas. She added that all Centres that were being considered for an exemption during the consultation period had been advised that this was subject to careful consideration and may not be approved. Members were advised that the two exemptions which had been approved due to the private ownership of one site (St Michael's Children's Centre) and where services had been fully integrated and there were no other alternative buildings in the locality for service delivery (Stockingford Early Years Centres).

The item continued with the Committee's consideration of the second reason for the call-in of the Early Years Commissioning decision, which related to the Equality Impact Assessment. Members were concerned that the document had not been provided to the Select Committee when it carried out its review of the Early Years and Children's Centres consultation, despite it being available at the time. Members considered that the document highlighted the scale of the challenge to increase the number of Warwickshire's children being 'school-ready' within a considerably reduced budget.

Mike Taylor and Sarah Callaghan both apologised for the oversight and confirmed that Equality Impact Assessments would be provided to members and the Committee as standard practice going forward.

In response to a question raised, Sarah Callaghan advised that the Equality Impact Assessment was a valuable document and the identification of key risks would enable officers to implement sound management and mitigation tools to reduce the potential impact on service users. As the Assessment was a live document, it would be amended in response to new evidence, which would be referred to when developing the service specification for the procurement exercise. This would ensure that the specification was fit-for-purpose and acknowledged the key risks as outlined in the Assessment. Mike Taylor added that it had been a considerable challenge to achieve the required £2.3 million saving for the high profile and essential service delivered by Children's Centres; however, he considered that an effective balance had been achieved which would ensure that the most vulnerable families would continue to be supported.

Following discussion, members noted that the document was explicit in the risks associated with the proposed changes to Children's Centres and it also highlighted the risk of severe implications for families that would occur following a considerable budget reduction. One member also expressed concern at the future sustainability of the Children's Centres, given the further significant budget savings required from 2014/15 onwards.

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Councillor Perry expressed his concern in relation to the delay of the implementation of the Early Years Commissioning decision which had been caused by the call-in. He requested clarification on the financial implications of the delay and was advised that there would be an estimated £45,000 slippage in savings per week. He proposed (and was seconded by Councillor Fowler) that the Committee take no further action, in order to avoid any further delay. This motion was put to the vote and lost.

Councillor Chilvers proposed (and was seconded by Councillor Parsons) that the Committee submit a letter to Cabinet, outlining the key risks that had been identified in the Equality Impact Assessment and request that Cabinet acknowledge in writing that:

- 1) The collaboration model on a reduced budget that will go out to tender will result in not all activities being offered in all 39 centres and this amounts to a reduction in the 'breadth and range of services';
- 2) It is highly unlikely to be possible to mitigate all the resulting impacts to vulnerable families highlighted in the Equality Impact Assessment caused by this remodelling of service and reduced budget; and
- 3) It is important to allow the conclusions Equality Impact Assessment to inform the tendering process. Bids that claim to be able to mitigate all the risks on this reduced budget need to be extremely closely scrutinised.

This motion was put to the vote and carried; however, given the potential financial implications, the Committee did not want the letter, or Cabinet's response to it, to delay the implementation of the Cabinet decision and the commissioning process further.

Members noted that at its meeting on 12th September 2013, Cabinet had agreed that the Chair and Spokespersons of the Children and Young People Overview and Scrutiny Committee would be consulted with regard to the procurement and tendering process and the key outcomes required.

The Committee agreed to:

- 1) Request that the Chair submit a letter to Cabinet for consideration at its meeting on 17th October 2013, highlighting the key risks as identified in the Equality Impact Assessment and request a response in writing;
- 2) Stress to Cabinet that the Committee's letter, and Cabinet's response to it, should not delay the implementation of the decision further, given the financial implications;
- 3) Request that the Chair and Spokespersons be consulted with regard to the procurement and tendering process and the key outcomes required, as agreed by Cabinet at its meeting on 12th September 2013; and

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- 4) Request an update on the appointment of two parent governor representatives on the Committee.

3. Call-in – Integrated Disability Service

The Chair explained that the decision regarding the Integrated Disability Service had been called-in in light of changes to the Matrix of Need document, which outlined the local offer of short breaks and social care for disabled children. The document included criteria for each level of support – Early Help, Targeted or Specialist – depending on a child’s developmental needs appertaining to health, physical dependency and communication.

Councillor Rickhards questioned what support would be offered for those that met the criteria, whether that level was the minimum statutory requirement and whether the Children and Families Bill been considered as part of the revision to criteria. In light of this, he suggested that the Cabinet be asked to reconsider the decision.

Councillor Timms, Portfolio Holder for Children and Schools, explained that following consideration of the concerns that had been raised by Family Voice Warwickshire, she had agreed to undertake a further four-week consultation on the Matrix of Need, with the findings to be presented to Cabinet at the earliest opportunity. The consultation would include a series of case studies to explain how the revised criteria would impact families.

In response to a question raised regarding the financial implications of the delay to the implementation of the decision, the Committee was advised that there would be an estimated £10,000 slippage in savings per week. As with the Early Years Commissioning decision, the slippage would be initially absorbed by the host budget as far as possible, followed by the overall Service budget and then the Group budget, in order to achieve an overall balance.

In light of the undertaking given by Councillor Timms to undertake a further four-week consultation on the Matrix of Need, the Committee agreed to take no further action.

The Committee rose at 4.05 p.m.

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Chair