



To be submitted to the Council at its meeting on the 14th December 2023.

SPECIAL CHILDREN AND LIFELONG LEARNING SCRUTINY PANEL

27th September 2023 at 4.30pm

Present:

Councillor Silvester (in the Chair)
Councillors Astbury, Croft, Beasant, Boyd, Goodwin, Holland (substitute for Downes), Patrick, Smith (substitute for Brasted) and Westcott.

Co-opted Member: Reverend Ian Robinson

Officers in attendance:

- Sally Jack (Assistant Director Education and Inclusion)
- Simon Jones (Assistant Director Law and Governance, Monitoring Officer)
- Beverly O'Brien (Scrutiny and Committee Advisor)
- Janice Spencer (Interim Director of Children's Services)
- Paul Windley (Democratic and Scrutiny Team Manager)

Others in attendance:

- Councillor Cracknell (Portfolio Holder for Children and Education)
- Councillor Farren (Sidney Sussex Ward Councillor)
- Councillor Lindley (Scartho Ward Councillor)

2 members of the press and 18 members of the public were in attendance.

SPCLL.35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Brasted and Downes for this meeting.

SPCLL.36 DECLARATIONS OF INTEREST

There were no declarations of interest received in respect of any item on the agenda for this meeting.

SPCLL.37 NURSERY PROVISION

The panel received a report from the Director of Children's Services on the recent nursery consultation.

The Chair introduced Mr Dicker who had requested to put his views forward on the consultation. He explained that since nurseries had received consultation letters there had been a lack of information available to the nursery settings. The letters were basically stating that the nurseries would close on the 31st August. He informed the Panel that he had firstly emailed Wendy Jackson, but her response was just a generic email about it being a standard consultation. He then emailed Sally Jack to which there was no response. A local meeting was held in Scartho where two Ward Councillors attended. They were informed that the Councillors couldn't answer questions as they had been instructed by legal not to do so. Mr Dicker added that the conduct of a certain Elected Member was unsuitable, and Councillor Jackson said that he knew nothing about the consultations. However, they now know there had been informal discussions with the Director of Children Services and Councillor Cracknell. Mr Dicker wondered why this Scrutiny Panel & Cabinet were not told about the consultation. He stated that a complaint had gone in about the other Councillor, in which the complaint was partially upheld. Great Coates had been discussed in terms of their financial situation, Scartho Nursery was running on even books as was waiting for Special Education Needs and Disability funding. Report suggested that Great Coates needed refurbishment, but it wasn't a statutory requirement. Mr Dicker wondered how a consultation could be started, when necessary, information had not been released.

The Chair then invited Councillor Farren to speak for 5 minutes.

Councillor Farren went through a range of issues stated in the report. She spoke mainly of Reynolds Daycare as it was within her Ward. She stated that the report said that there was a £50,000 deficit at the start of the finance year. She stated that there were now measures in place to combat this and was now significantly lower. She explained that PVI setting operated 1-13 rational because of age. Reynolds Daycare was cost effective because they only employed the correct number of staff, but they now needed to build back the children they had lost from the consultation. Councillor Farren confirmed that Reynolds Daycare does have higher staffing cost because of Local Authority increasing staffing figures. She stated that she had done a series of opinion polls and found out that only 5% travelled to Sidney Sussex to use the facility, whereas the other 95% were from the Ward. Reynolds Daycare was a 3-year funding provider and that was where they got their greatest market share. Councillor Farren went on to correct the report that the occupancy for under 2s was 75% and 78% was over 2s, but she stated that figures in the report were incorrect.

With permission of the Chair, one member asked Councillor Farren that if she had more than 5 minutes to speak what would she have wanted to

add. She stated that during the consultation, figures had fallen from 61 to 47, they were currently at 64 and 59 all for children based on registered capacity. The setting was limited because they had a need for extra staff.

Councillor Patrick also asked Mr Dicker that if he had a further five minutes, was there anything he would have wanted to add. Mr Dicker stated that it would be helpful if Council Officers could answer why there was a need for the settings to do a business plan. They were maintained nurseries and the Council did not have power of delegation from the Government. They were worried that if they did it would be destructive. Mr Dicker added that staff shouldn't be worried to have to do this piece of work. They should be focusing on Ofsted, and it wasn't fair on the children.

One Member asked if there had been any interest from academies to take on these nurseries. Ms Jack confirmed that there wasn't. The member stated that a sustainable route needed to be in place. They wondered how we was going to do that. Ms Jack informed the Panel that they were currently in the process of each setting putting forward business plans to help and support them, in which part of that may choose to look at possibilities for the future.

Another Member wondered about the polling of residents Councillor Farren had undertaken. They believed parents choose nurseries closer to their work than home. Councillor Farren stated that 95% lived in the Reynolds area. They wondered how many parents were polled. Councillor Farren confirmed that they had asked everyone and used data from the setting.

A Panel Member asked Councillor Cracknell when she first had discussions of the consultation. Councillor Cracknell stated that she did not have a detailed discussion around the concerns or closure. She said that the most detailed information came to her in April 2023. A detailed discussion was then had as a result of the letter being sent by the governing body to the Local Authority stating the need for federation to finish. The Panel Member stated that it was not good that she was not in attendance at the meeting at Scartho Nursery and that it was not reassuring that Councillor Jackson was unaware that a consultation was even taking place. The Panel Member asked again when Officers first discussed closure of the settings with her. Councillor Cracknell stated that it was early 2023. The Panel member stated that a recent Freedom of Information request suggested a discussion in December 2022 and advice from Officers was the closure of the three nurseries. Councillor Cracknell confirmed that advice given was that the nurseries were not viable, and they needed to discuss options. She wanted to work with the three settings and a range of officers to help come up with plans for the future. Ms Jack confirmed that the business plans would be reviewed at the end of October 2023.

One Panel Member asked whether the consultation was still taking place. Councillor Cracknell confirmed that the Leader had asked for it to be stopped. The Panel Member stated that Councillor Farren mentioned that

95% of the children attends Reynolds Daycare from this area. They stated that it was a ward where there was not a lot of car ownership and if there was it would tend to be multiple car family drop offs. If they were to close it would be a closure of two outstanding rated Ofsted nurseries. They wondered whether the Council had taken this into account as Looked After Children have to go to either outstanding or good rated nurseries. They wondered whether we had a lot in the area that may need to take on extra placings. Ms Spencer explained that she couldn't specifically say how many spaces were available in the borough but stated that the report did show a range of settings available in walking distance of these three settings in question. Ms Spencer reiterated that they were no longer seeking to close these settings and that they were looking for sustainable plans for the future.

Another Member clarified that these nurseries would have lost children because of these potential closures. They wondered whether this would be taken into account when looking at the number of children enrolled. Ms Jack explained that the intention was to work with the providers to create a sustainable plan, so things like this would be picked up on.

A different panel member said that it was difficult discussing educational settings especially when there's a need to make very difficult decisions. They wondered whether information was still taken on birth trends and finance trends, they added that they had no great confidence in using trends. They wanted reliable data before they could make any type of decision. Ms Jack clarified that birth date data can fluctuate and the financial trend for these settings has been negative historically, but she stated that it was not to say that future plans may change this.

One Member explained how he had attended Great Coates Nursery finance meeting and they were projecting a current financial year of £46,000 which would wipe out any deficit. They wondered whether this had been filtered up the management chain. Ms Jack stated that she wasn't aware because business model had not been completed but she stated that it did sound promising. The Member read out letter parents had received and how BBC news had reported on the closure of these settings. They speculated whether it was to close the settings and not to consult. Ms Spencer confirmed that the view was to go out for consultation and one of the options was for the settings to be closed. She added that the intent was not to close. The member mentioned how that had requested relevant surveys and certain information, but officers had not provided information promised. Ms Jack added that they had met with Great Coates Nursery and discussed the need for a sustainable business plan and if further work was needed, future plans would be made with the setting.

A Councillor explained how a friend of theirs had informed her that data used could be wrong as the council may only use the local doctors, but they stated that not everyone at Scartho used those doctors. The Elected Member hoped that they didn't only use the data from Scartho Practice, but also looked elsewhere. They also wondered who owned the buildings and if these settings were shut what would happen to them. Ms Spencer

confirmed that the Authority owned two and one was leased. She clarified that if closed they would go back to the corporate property assets team to make a decision.

One Member appreciated that letters went out to inform the settings of the public consultation, but they said how notice of redundancy also went out to all nursery staff. If it was just about going for consultation why were staff sent a notice of redundancy. Ms Spencer was unsure and said that they would have to check with Human Resources (HR). The Member expressed their concerns that lead officers of the Council did not know why notices of redundancy had gone out. Ms Spencer indicated that it was part of the process. The Elected Member explained that the settings had been adversely affected by these letters going out, Members wanted to know what would be done to rectify that. Ms Jack stated the settings had a full range of support from Officers to put sustainable plans in place. She reiterated that they would be working closely with all of the individual settings.

Members wondered whether they would be able to receive these sustainable plans when they have been received from the settings at the end of October. Mr Jones explained that the scrutiny panel was there to scrutinise decisions before a Cabinet decision. Members wanted to be reassured that it would be received by the panel in good time. Officers confirmed that it would.

One Member thought the report slanted towards why the nurseries should close. They asked that when compiling these reports they created a balanced viewpoint.

Members wondered what was being done to make these nursery settings more attractive. If more people choose them they would become more valuable. They asked whether we would be helping them stay sustainable. Ms Jack explained that this would be part of the process of developing a business case and how it would be ongoing. They were working on building positive relationships with the settings.

One Member asked whether the change of funding going from 2 years old would make nurseries more valuable. Ms Jack stated that the new legislation had only just come out, but she hoped all three settings would be able to maximise the funding.

It was moved that a standing agenda item be added to the Children and Lifelong Learning agenda to receive updates on where we are with these three nursery settings. Another member was happy to second the motion. All Members of the panel were in favour of this.

One Elected Member asked that a special meeting be arranged as soon as possible to discuss this issue. They wondered why it had taken so long. Mr Windley explained that August historically was holiday season, and a range of Officers were on annual leave so our earliest opportunity to call this meeting was September. The Chair added that he agreed for it to

happen in September, because we need the appropriate Officers to be in attendance.

A Member wondered why the settings had only been given a minimum three year period on these business plans. Councillor Cracknell stated that there were no particular timescales. She was personally minded that there would have to be changes. Covid wasn't a distant past. Parental choices were different then to what they were now. There were a lot of factors to take into consideration, but they were open to all factors.

A panel member asked about the internal investigation being implemented by the Chief Executive. Mr Jones stated that this was currently ongoing and Ward councillors were involved with the investigation. Members hoped a briefing for all Members would take place before the findings went public.

RESOLVED –

- 1) That the report be noted.
- 2) That a standing agenda item be added to the Children and Lifelong Learning Scrutiny panels agenda to allow the panel to receive regular updates on the three nursery provisions.

There being no further business, the Chairman declared the meeting closed at 5.36 p.m.