



To be submitted to the Council at its meeting on the 18th July 2024.

CHILDREN AND LIFELONG LEARNING SCRUTINY PANEL

7th March 2024 at 4.30pm

Present:

Councillor Silvester (in the Chair)

Councillors Batson (substitute for Astbury), Beasant, Boyd, Croft, Downes, Goodwin and Patrick.

Co-opted Member: Reverend Ian Robinson (Church of England) and Carole Harrison (Trade Union)

Officers in attendance:

- Paul Cowling (Service Director Children's Regulated Services)
- Helen Isaacs (Assistant Chief Executive)
- Simon Jones (Assistant Director Law and Governance)
- Guy Lonsdale (Assistant Director Finance)
- Ann-Marie Matson (Director of Children Services)
- Beverly O'Brien (Scrutiny and Committee Advisor)
- Julie Poole (Head of Service, Practice, Performance, Quality and Assurance)
- Jenni Steel (Interim Assistant Director for Education and Inclusion)
- Rebecca Taylor (Head of SEND and Inclusion)

Others in attendance:

- Councillor Cracknell (Portfolio Holder for Children and Education)
- Councillor Hendersen (Ward Councillor for Yarborough Ward)
- Councillor Holland (Ward Councillor for Freshney Ward)
- Emily Briggs (Wilkin Chapman LLP)
- Jonathan Goolden (Wilkin Chapman LLP)

There were six members of the public and one member of press in attendance.

SPCLL.70 APOLOGIES FOR ABSENCE

Apologies for absence was received from Councillors Astbury, Brasted and Westcott for this meeting.

SPCLL.71 DECLARATIONS OF INTEREST

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

SPCLL.72 MINUTES

RESOLVED – That the minutes of the Children and Lifelong Learning Scrutiny Panel meeting held on 25th January 2024 be agreed as a correct record.

SPCLL.73 QUESTION TIME

There were no questions from members of the public for this meeting.

SPCLL.74 FORWARD PLAN

The panel received the Forward Plan and members were asked to identify any items for examination by the panel. via the pre-decision call-in procedure.

RESOLVED – That the update be noted.

SPCLL.75 TRACKING THE RECOMMENDATIONS OF SCRUTINY

The panel considered a report from the Statutory Scrutiny Officer tracking the recommendations of the Children and Lifelong Learning Scrutiny Panel. Members were content with the update they received as part of this report.

RESOLVED – That the report be noted.

SPCLL.76 NURSERIES CONSULTATION: INDEPENDENT REPORT

The panel received a presentation from Jonathan Goolden, Wilken Chapman Solicitors. Mr Goolden acknowledged the needed actions that were identified as a result of this investigation.

The Chair asked if the panel had any questions specifically for Mr Goolden on the investigation report.

One Member asked about the recommendations about the Monitoring Officer creating a governance handbook and flowchart. They wondered whether there was a timeline on this. Mr Goolden explained that the Council already had a robust framework and this was already in regular review. These were meant as a series of enhancements. They deliberately did not put a timescale on any of these recommendations as it was a matter for the Monitoring Officer to advise where the recommendations might usefully be addressed in the Council. Mr Goolden stated that it may

be useful if a time limited action plan be created to go alongside these recommendations.

One Member asked Mr Goolden whether the investigation showed that the initial intention was that these services were just going to be closed with no other alternatives. Mr Goolden stated that the very first communication from the Council used a phrase that included the word 'closure'. This understandably created a pre-determined outcome which was particularly important when framing a consultation process as its very hard to avoid that predetermination when words like that were used. He stated that the consultation process could be complex and the first conversations needed to be considered with great care.

Another Councillor asked if Mr Goolden was satisfied that they were provided with sufficient evidence. Mr Goolden confirmed that they received full co-operation from the Monitoring Officer, Chief Executive, Officers and other members of staff. They received no restriction on access to what they required.

One Member wondered whether Mr Goolden thought the recommendations went far enough. They explained that 42 staff were at risk of redundancy because of this botched consultation. Children were at risk of losing places. They did not think the scale of these recommendations were in line with the scale of damage that had been done. Mr Goolden stated that the recommendations were designed to provide learning for the Council and to avoid similar situations happening in the future. He stated that it was very much a forward-looking exercise. He added that the focus of the terms of reference for this investigation was to look at process of what happened and what could be learnt from it.

One Member felt there had obviously been a breakdown between the portfolio holder and the wider Cabinet with regard to communication and engagement. The panel member referred to confusion as to whether or not this was about closure of these settings and no answers were forthcoming at what they considered to be a dissatisfactory special meeting of this panel. The panel member felt that this report had shattered the level of public trust in the Council and left the portfolio holder's current position untenable.

Councillor Cracknell challenged some of the detail within the report, particularly with regard to paragraphs 5.2 and 5.3. Councillor Cracknell informed the panel that her first involvement was in December 2022 which was documented in her personal diary. It was fundamentally clear that that was the first time she had had face to face contact regarding this topic. The next time was in February 2023. The briefing paper she received clearly talked about the nursery paper going forward to Senior Leadership Team and Informal Cabinet. The next communication she had was in June 2023. She felt she had had poor communication from officers. She thought Officers knew the correct process to take after she gave her approval. She never thought the decision would be taken by one person. Nevertheless, she wanted to apologise to nursery staff. She did give the go ahead for

the consultation to start but thought it would go down different routes first. She apologised for the impact, but she reiterated that she had good faith that proper governance would have taken place.

One Member stated that Councillor Cracknell had said that they were not aware of potential closures until December 2022, but the Head of Education and Inclusion thought she was aware in October 2022. They wondered why this was. Councillor Cracknell stated that she could not answer that on behalf of an officer that had now left the organisation.

Another Member asked the current Director of Children Services how they would have dealt with things to make sure that the portfolio holder was fully aware of issues. Ms Matson explained that there was a clear process in place. Formal portfolio holder briefings were held, with minutes taken, and any decisions would be taken in accordance with the Constitution.

One Member asked that if the portfolio holder was unavailable, wouldn't it be appropriate to bring it to the attention of the Leader of the Council. Ms Matson stated that if it was a matter of urgency then she would have conversations with the Chief Executive and, if needed, further conversations would be had with the portfolio holder and the Leader.

Ms Harrison commented on the Section 188 notices going out in June 2023. She stated that she attended the public meeting at Scartho Nursery, and she was discussing this notice with the Leader who had no idea that these notices had gone out. Ms Matson stated that it was hard to comment on individuals not being made aware, but from her perspective if, hypothetically, a number of redundancies were taking place she would have informed the Chief Executive and Leader.

Another Panel Member wondered what was going to happen to these nursery settings now, with the risk of parents taking their children elsewhere. Ms Matson stated that they were working closely with all three settings, and there had been some positive discussions recently on moving things forward.

Reverend Robinson stated that when the panel had a special meeting it was clear that this was a mess. Quite rightly questions needed to be asked but it was now the future that was important. The focus of the conversation needed to be on the children. The Chair added that this would remain as a standing item on the panel's agenda so they would be able to keep scrutinising the process going forward.

Councillor Patrick proposed that the Nurseries Investigation Report be taken to full Council to consider the findings and discuss the recommendations within the report. Councillor Goodwin seconded this.

One Councillor asked for reassurance that going forward there would be a greater degree of openness and transparency. Mr Jones acknowledged the request and stated that there were clear recommendations that needed to be implemented. He explained that there would be clear

consultation pathways and the ability to view data evidence. He asked the panel to take assurance from him that this would be part of the recommendations going forward.

One Member asked if there would be a cross party discussion. They commented on how the Constitution had favoured certain political decisions in the past. Mr Jones was happy for a Constitutional Working Group to be formed with cross political party individuals.

Councillor Patrick agreed with the panel member and made an amendment to his proposal. He now proposed that the Nurseries Investigation Report be taken to full Council to consider the findings and discuss the recommendations within the report and that scrutiny be involved in this subject in a more open and transparent way.

The Chair allowed Councillor Holland, who was sat in the public seating to ask numerous questions on this subject matter.

With reference to the Nurseries Consultation Review Report, at section 5.5, it stated that the Portfolio Holder first saw the briefing note relating to the nursery closures on 12th December 2022. This briefing note had been left for her in her tray in the Town Hall on 10th November 2022. The Portfolio Holder attended a meeting of the Children and Lifelong Learning Scrutiny Panel on 17th November 2022, 7 days after the note had been left. Can she explain why this note would not have been picked up on or before the 17th November when she was in the Town Hall building. Councillor Cracknell stated that presuming that a briefing note was there, she couldn't imagine walking past without picking up something that was in her tray.

Councillor Holland noted that two senior council officers stated in the report that they thought Councillor Cracknell was aware of the closure proposals in October 2022, and asked if they were both incorrect. Councillor Cracknell believed there was a lack of communication across the organisation, not just with her as the portfolio holder and Cabinet, but Officers in every discipline.

Councillor Holland enquired whether, by the end of 2022, was the Portfolio Holder aware of the intended time-scale for closures and when did she make Cabinet colleagues aware of the timescale, either formally or informally. Councillor Cracknell stated that the briefing paper showed timescales and next steps. She presumed the expected process would take place next and the expected people would be discussed.

Councillor Holland noted that, on 23rd June 2023, it seemed that Cabinet was not minded to extending the consultation unless there was a risk of ultimate challenge. A decision to extend the consultation was not made until June 28th. He felt that the public statement that followed was a load of nonsense and that the only reason the consultation was halted was due to the threat of legal challenge. Councillor Cracknell explained that because of the overwhelming response the Monitoring Officer shared

concerns with the Leader and Cabinet. Cabinet shared those concerns and the Leader made the decision for the consultation to be halted.

Councillor Holland reported that Independent Group Councillors and others had been demanding, through every avenue available, detail of the financial position of the settings, particularly the assertion that £1.5m of building works was required. Such enquiries had been repeatedly dismissed. He asked whether the only reason for stopping the consultation was that it was becoming increasingly obvious that the Council did not have sound reasons to close the nurseries down and had been actively misleading the public. Councillor Cracknell stated that they stopped the consultation because of the overwhelming response received from members of the public.

Councillor Holland enquired how was it possible that Cabinet could not have been on top of the management of the proposed nursery closures; an event which surely must have been foreseen as having severe reputational and legal risk. Councillor Cracknell stated that, if the proper process had taken place, everyone would have been aware. It resulted in poor communication across the whole authority.

The Panel voted on the proposal made by Councillor Patrick and seconded by Councillor Goodwin. The proposal was unanimously agreed.

RECOMMENDED TO FULL COUNCIL – That the Nurseries Investigation Report be referred to Full Council to consider the findings and discuss the recommendations within the report and that scrutiny be involved in this subject in a more open and transparent way.

SPCLL.77 CHILDREN'S SERVICES IMPROVEMENT JOURNEY

The panel considered a report from the Director of Children's Services providing the panel with an update on the performance and implementation of the transformation programme that was delivering the Improvement Plan.

One Member found it useful to see dialogues on key performance measures, but they found that it was not clear on what they were doing to get better on performance. The Chair explained that there was a live dashboard that noted everything the Councillor was asking for. The Member said that it would be useful if it was included in the body of this report. Ms Matson stated that they had started to put data and impact data in the report, but they were happy to build on that.

RESOLVED – That the report be noted.

SPCLL.78 QUARTER 3 – COUNCIL PLAN RESOURCES AND FINANCE REPORT

The panel received a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing and Portfolio Holder for Finance, Resources and Assets providing key information and analysis of the Council's position and performance.

A Member noted that the direction of the expected overspend was now going in right direction of travel. He wondered whether Officers had speculated what the outturn position may be for 2024/25. Mr Lonsdale explained that they hadn't at this present time, but they had identified improvement in performance. He noted that it was all pointing in the right direction.

One Councillor noted the numbers recorded for domestic abuse. They were concerned with the number of incidents in quarter 2 compared to last year. They believed it had escalated considerably and obviously also impacted on the budget. Ms Matson said that this was difficult to comment on as the incident report can go up and down, but reassured members that this would be part of one of their current campaigns.

One Member commented on the increase in referrals, they thought it was on a downward trajectory. They wondered why this had changed. Ms Matson stated that it was trend data from over the last 12 months. It can peak over certain times of the year. She explained that January can see an increase because the Christmas period can be difficult for families. The Yorkshire and Humber front door health check has helped them understand the increase in demand at the Front Door.

RESOLVED – That the report be noted.

SPCLL.79 COUNCIL PLAN REFRESH

The panel received a report from the Leader and Portfolio Holder for Economy, Net Zero, Skills and Housing on the above.

RESOLVED – That the report be noted.

SPCLL.80 SPECIAL EDUCATIONAL NEEDS AND DISABILITY AND ALTERNATIVE PROVISION (SENDAP) STRATEGY, SENDAP SUFFICIENCY STRATEGY AND SENDAP JOINT COMMISSIONING STRATEGY

The panel received a report from the Director of Children Services on the reviewed and updated three key policies; the SENDAP Strategy, the SENDAP Sufficiency Strategy and the SENDAP Joint Commissioning Strategy.

Panel Members commented on the opportunity they received to visit the Launch pad at Littlecoates Academy. Members were very complimentary of the service. One Member did have concerns on the service because it only went to year two. They asked if there were plans to go to higher years. Ms Taylor stated that this gave them the opportunity to develop their skills, but still form peer relationships and be part of the locality of students. The Member wondered what would happen if that child didn't show the progress in year two to be able to join mainstream school. Ms Taylor explained that things were in process to make sure children didn't end up out of setting or at a setting out of the borough. She added that the SENDAP sufficiency strategy backed up that point.

RESOLVED - That the recommendations to Cabinet contained within the report now submitted be supported.

SPCLL.81 CHILDREN AND LIFELONG LEARNING SCRUTINY PANEL - WORK PROGRAMME

The panel received a report from the Assistant Chief Executive (Statutory Scrutiny Officer) reflecting on the 2023/24 municipal year and the work undertaken by the Children and Lifelong Learning Scrutiny Panel. The panel also considered, within its terms of reference, suggestions to be included in the 2024/25 work programme.

Members welcomed the following topics:

- A joint workshop with the Communities Scrutiny Panel on Domestic Abuse.
- School Attendance

The panel agreed that the standing items on the three specific Nurseries and Daycare settings and the Improvement Journey be kept on the Children and Lifelong Learning Scrutiny Panel agendas for 2024/25.

RESOLVED – That the report and members' comments be noted.

SPCLL.82 QUESTIONS TO PORTFOLIO HOLDER

There were no questions for the Portfolio Holder for Children and Lifelong Learning at this meeting.

SPCLL.83 CALLING IN OF DECISIONS

There were no formal requests from Members of this panel to call in decisions of recent Cabinet and Portfolio Holder meetings.

SPCLL.84 EXCLUSION OF PRESS AND PUBLIC

RESOLVED - That the public and press be excluded for the following item on the grounds that discussion of the following business was likely

to disclose confidential information within paragraphs 1 and 3 of Schedule 12A of the Local Government Act 172 (as amended).

SPCLL.85 CHILDREN'S SOCIAL CARE IMPROVEMENT

The panel were provided with an opportunity to discuss any confidential matters of concern with the Director of Children's Services.

One Member asked about the retention of Social Work staff. Ms Matson explained that they were currently running a recruitment campaign for this department.

There being no further business, the Chairman declared the meeting closed at 6.05 p.m.