

SCRUTINY BOARD (CHILDREN AND FAMILIES)

TUESDAY, 9TH JULY, 2024

PRESENT: Councillor D Cohen in the Chair

Councillors O Edwards, S Firth, E Flint,
Graham, D Jenkins, R Jones, N Manaka,
L Martin, K Renshaw, E Thomson and
I Wilson

CO-OPTED MEMBERS

A Graham, H Bellamy, M Adams

14 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

15 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

16 Late Items

There were no late items.

17 Declaration of Interests

There were no declarations of interests.

18 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillors R. Stephenson, J. Heselwood, J. Bowden, T. Goodall, R. Downes.

Councillors S. Firth, E. Thomson, and I Wilson were in attendance as substitutes.

Apologies from co-opted members Shanaz Gul and Anas Khitou were noted.

19 Call In Briefing Paper

The Head of Democratic Services submitted a report advising the Scrutiny Board on the procedural aspects of Calling In the decision made by Executive Board dated 19th June 2024 on the Little Owls Nurseries Review.

Members were advised that the Call In was specific to the key decision in question, and issues outside of the decision, including other related decisions, were not to be considered as part of the Board's decision regarding the outcome of the Call In.

Members were also advised that options were available to the Scrutiny Board in respect of this particular call-in decision were as follows:

Option 1 – Release the decision for implementation.

- Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be called in again.

Option 2 – Recommend that the decision be reconsidered.

- The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- In the case of an Executive Board decision, the report of the Scrutiny Board will be prepared within three working days of the Scrutiny Board meeting and submitted to the Executive Board. Any report of the Scrutiny Board will be referred to the next Executive Board meeting for consideration.
- In reconsidering the decision and associated Scrutiny Board report, the Executive Board may vary the decision or confirm its original decision. In either case, this will form the basis of the final decision and will not be subject to any further call-in.

Failure to agree one of the above options.

- If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

It was noted that the decision of the Executive Board was subject to two valid Call Ins. The first from Cllr Stephenson as the lead signatory and with the agreement of the Chair four witnesses would be allowed to make representations.

The second Call In was from Cllr Ali as lead signatory and with the agreement of the Chair one witness would be allowed to make representation.

The procedure would be repeated for both Call Ins, with the outcome being voted on after all representations had been made.

RESOLVED – That the report outlining the Call-In procedures be noted.

20 Call In - Little Owls Nurseries Review - Lead Signatory Cllr Stephenson

The Head of Democratic Services submitted a report that presented background papers to a key decision made by Executive Board, which had been Called In in accordance with the Council's Constitution.

The decision had been called in for review by Councillors R Stephenson, B Anderson, C Anderson, N Buckley, N Harrington, M Dobson, O Newton, R Finnigan, W Dixon, W Kidger, S Golton.

The Scrutiny Board considered the following written information:

- Copy of the completed Call In request form
- Copy of the report of the Director of Children and Families to Executive Board on the Review of the Little Owls Nurseries which included:
 - Appendix 1 – Engagement Sessions, Compendium of Comments/Queries/Questions
 - Appendix 2 – Comments, Queries into the Little Owls Review Mailbox
 - Appendix 3 ECDI Impact Assessment
 - Minutes Extract of Executive Board – 19th June 2024

The following were in attendance:

- Councillor Ryan Stephenson – Lead Signatory
- Councillor Helen Hayden – Executive Member for Children and Families
- Julie Longworth – Director of Children and Families
- Phil Evans – Chief Officer Transformation and Partnerships
- Vicky Fuggles – Head of Early Help Services
- Amanda Ashe – Children’s Centres and Early Help Lead
- Rachael Davison – Change Manager
- Kevin Shillito – Legal Officer
- Nicole Walker – Head of Service – Legal

Witnesses

- Hattie Hodgson-Crome, child at Hawksworth Wood
- Kath Owen, child at Meanwood
- Rosie Taylor, Child at Meanwood
- Hannah Minks, child at Bramley

Councillor Stephenson addressed the Board as lead signatory to the Call In. He set out his grounds for requesting a call in, citing the nature of the consultation process, and the clarity of aims and desired outcomes and the lack of explanation of the options considered and details of the reasons for the decision.

Councillor Stephenson invited his witnesses to introduce themselves and provide the Scrutiny Board with brief details of their personal circumstances and their reasons for attending the Call-In meeting.

Councillor Stephenson raised the following concerns:

- There was no obvious consultation, with no communication plan, and it was the opinion that the consultation had been rushed and not meaningful.
- It was noted that some sessions had been provided via Teams’, however, this had not been accessible for all families and was at a time when parents would be multi-tasking with family issues such as teatime and bedtime.
- It was recognised that Councillor Hayden had only been in her executive role for four weeks and had not had time to meet with parents.

- The Executive Board had not been presented with all the evidence and facts.
- Future decisions on the review of further 12 Little Owls sites would be delegated to the Director of Children and Families without being brought back to Executive Board.

Witnesses addressed the Scrutiny Board highlighting the following concerns:

- The consultation had not been meaningful.
- Letters had been sent to parents via the nursery, but these had been in English, however, many of the families and children using the Little Owls Nurseries, English is not their first language.
- At the time of the consultation a Frequently Asked Questions (FAQ) had not been available on the website, as it is now.
- Parents on waiting lists for Little Owls Nurseries were not involved in the consultation process.
- The staff at the Little Owls Nurseries are welcoming, well trained and supportive to both children and families and the nurseries have provision for children and parents who have special needs.
- They had been unaware of the proposals to close 3 of the sites and were now concerned about a further review of another 12 sites.
- It was acknowledged that the Council was facing financial challenges and if this was due to fees for the service parents would be willing to increase fees to save the service provision given by the Little Owls Nurseries.

Councillor Stephenson followed on from the witness's address, highlighting the following points:

- This Council has the ambition for a Child Friendly City, however, it is stilling looking to close its early years provision and was not looking at the future of those who are currently on the waiting lists and of those not born in the city.
- The closure of the sites would impact on the private provision for early years education with parents being pushed into using private nurseries.
- It was the view that the EDCI impact assessment had a flawed scoring mechanism as there are a number of children in the location of the Little Owls Nurseries who have special educational needs or disabilities, and their first language is not English.
- The newly elected Government has set out in its Manifesto to pledge 100,000 new nursery places, and this Council may be shutting nurseries only to open more in the future. It was suggested that the review of a further 12 sites be delayed until the Government's proposal is known.
- It was suggested that Little Owls provision could be sited into the primary school settings where there are currently spare classrooms. This would free up sites for disposal and assist in utilising the spare classrooms of the council run primary schools and perhaps assist parents when choosing a primary school for their children. It was noted that where there is currently nursery provision in primary schools this

is only for children over 3 years old and only during term time. Little Owls provides care for children under 2 years old and the care and support is there during school holidays.

- The Little Owls Nurseries provide a high standard of care and support to some of the most vulnerable families in the city. The standards of these nurseries are high, and the support and expertise of the staff was a valuable asset for the city.

The witnesses in summing up provided the following points:

- The provision supplied by Little Owls is local to an area, not all families have cars.
- There is a childcare crisis in this country at present and this is a Council which has the ambition to be a Child Friendly City.
- Parents should be consulted in a timely and meaningful way.
- Little Owls provide safeguarding support for those families who are vulnerable or in crisis.
- It was recognised that there was an affordability consideration for Little Owls Nurseries and parents would be willing to increase fees to continue using the service of the Little Owls Nurseries.
- Staff in the Little Owls Nurseries provide support to children and families who may need additional support and provision as they go forward in their education. This was not something that was provided within a private nursery setting.
- The staff at Little Owls had not been involved in the decision-making process and were upset and felt undervalued.

It was Suggested that since the decision had been taken there had been no meaningful discussions, but freedom of information requests had been responded to. The campaign for Little Owls Nurseries has 400 followers on Facebook and 2,000 people have signed a petition.

Cllr Hayden was invited to address the Scrutiny Board and provided the following information:

- Councillor Venner the previous Executive Member for Children and Families and the Director of Children and Families had offered to meet parents.
- Throughout 14 years of austerity the Council has continued to keep the Little Owls Nurseries open which was rare for local authorities with not all the core cities providing this service.
- The city is proud of the provision provided by our well-trained staff who are paid a real living wage.
- The economy of the city is thriving, but the council is struggling to retain staff in the nurseries, as whilst the job is rewarding, it is stressful.
- The Council has 24 nurseries which is more other Councils in the country. It was regretful and sad that the council has had to close 3 and is reviewing 12 others. However, the Council is facing dire financial challenges and the issue cannot wait until the new Labour Government gets going with its plans to address the issue, as the Council is losing money all the time.

- The nurseries are unable to take on more children, as there are not enough staff. The staff already employed at the nurseries will move to other settings, where they would hopefully be with the children who have also moved, where nurseries have merged.
- There are 12 nurseries currently being reviewed, there are no suggestions that these will be closed or privatised.
- There were 15 engagement and consultation sessions to attend, and all feedback was collated and presented to the Executive Board. There is also a Frequently Asked Questions page on the website.

The Director of Children and Families was invited to address the Scrutiny Board and provided the following:

- The parents who had attended the meeting were thanked for their attendance and it was noted that their comments were respected and valuable.
- It was explained that officers need to work to ensure that the service works to a balanced budget, and this often means taking difficult decisions. Officers are passionate about their work with children and achieving the Child Friendly City ambition. Officers have dedicated hours of time to provide the evidence required for the review.
- All the children affected by the closures were offered local authority settings. The Council does not have a responsibility or a duty to provide this service. The closure of the 3 settings was done with clear evidence.
- The Council is committed to retaining 9 local authority settings and to support those with educational needs, with the provision for this better than in other core cities.
- The review of the 12 settings will be clear and transparent and it was confirmed that there were no preconceived ideas about the outcome and due process would be followed.
- It was suggested that to maintain local authority nursery provision through all Little Owls and for them all to be sufficient and sustainable there would need to be an increase in fees of 30%.
- It was noted that over the summer period there was not enough staff to cover at the Little Owls nurseries and some may need to open later and close earlier.
- The Officers had taken on board that the timing of the consultation sessions had not been the best and lessons had been learnt.
- It was the responsibility of the local authority to ensure that they have a good, effective and sufficient service and provision for children, and they were working with partners to deliver this, and the Council was committed to a Child Friendly City.

Responses to questions and comments from the Scrutiny Board included:

- The Scrutiny Board noted that the report to Executive Board had presented a series of queries, these had been responded to at the Executive Board meeting prior the decision being made.

- Every family had been offered time with officers to discuss the proposals in the Little Owls settings, had a letter delivered to them either by Little Owls staff or by hand, and information was provided in different languages where requested.
- The Members were of the view that there was a need for wide participation on the review of the 12 Little Owl settings.
- Members thanked the parents for their experiences and for attending the meeting as it was important to get the feedback of staff and parents, and they acknowledged the strength of feeling on this issue.
- It was the view of the Members that the review should also include those families on waiting lists for Little Owls, and that as many parents as possible were consulted with during the process and that various ways of engagement were used.
- It was confirmed that there would be no compulsory redundancies.
- Little Owls fees per day are currently £54.30, with a proposal (subject to approval) that in September they would rise 7% to £58.10, the Scrutiny Board noted that unlike other providers the fees included all food and nappies. It was suggested that the fees could increase by more, however, it was noted that the increase in fees would not be sufficient to keep all the Little Owls nurseries open, as there would still not be enough staff to run them. Members noted that 1,800 children attended Little Owls.

The Chair informed the Scrutiny Board that the decision of the Board was several separate decisions, relating to the one issue. He had taken the advice of the Legal Officer present, and should the Members be so minded they could break down the components when making their decision on the options available to them.

Councillor Hayden's summary included:

- Thanking all in the meeting for the opportunity to speak on the Little Owls nurseries. The Council was committed and passionate about the service that is provided and was working hard to make sure Children in Leeds were given the best start in life.
- She thanked the staff for the work that they do and recognised the stress that they were under. The Council would always fight for and protect the most vulnerable, especially children.

The Director of Children and Families in her summary included:

- She recognised that this was an emotive subject, and it was about the children, but the unprecedented financial challenges do mean that the Council is having to make cuts to services, and some of those are for the most deprived children in our community. It was noted that this is not just in the Children and Families Directorate, but Council wide.
- The staff working in the Children and Families Directorate are committed to ensure that Leeds is a Child Friendly City and that the Little Owls nurseries are sustainable and can remain open for holidays and have staff in them to provide sufficient childcare.

- 9 Little Owls setting would be retained, and due process would be used for the 12 settings under review.

Councillor Stephenson in summing up thanked officers for their answers and highlighted the following points:

- Consultation on those 12 settings under review should be meaningful and include those on waiting lists and the information be brought back to Executive Board with all the evidence and feedback from parents.
- He suggested that a letter be written to Government to ask about the timescales for the delivery of the 100,000 nursery places and seek clarity on what the Manifesto means for the city.
- He suggested that the Board return the decision to Executive Board with all the evidence, and that any further decisions on the review of the 12 Little Owls settings be considered by Executive Board and not taken by the Director through delegated decision.

The meeting was adjourned for a comfort break at 15:55.

21 Call In - Lead Signatory Cllr Ali

The meeting recommenced at 16:00

The Head of Democratic Services submitted a report that presented background papers to a key decision made by the Executive Board, which had been Call-In in accordance with the Council's Constitution.

The decision had been called in for review by Councillors M Ali, L Cunningham, T Goodall, E Carlisle and P Stables.

The Scrutiny Board considered the following written information:

- Copy of the completed Call-In request form
- Copy of the report of the Director of Children and Families to Executive Board on the Review of the Little Owls Nurseries which included:
 - Appendix 1 – Engagement Sessions, Compendium of Comments/Queries/Questions
 - Appendix 2 – Comments, Queries into the Little Owls Review Mailbox
 - Appendix 3 ECDI Impact Assessment
 - Minutes Extract of Executive Board – 19th June 2024

The following were in attendance:

- Councillor Mothin Ali – Lead signatory
- Councillor Helen Hayden – Executive Member for Children and Families
- Julie Longworth – Director of Children and Families
- Phil Evans – Chief Officer Transformation and Partnerships
- Vicky Fuggles – Head of Early Help Services

- Amanda Ashe – Children’s Centres and Early Help Lead
- Rachael Davison – Change Manager
- Nicole Walker – Head of Service – Legal
- Kevin Shillitto - Section Head – Legal

Witness

- Helen Fearn – Unison

Councillor Ali addressed the Scrutiny Board as the lead signatory to the call-in. He set out his reasons for requesting a call-in without reiterating those already discussed in relation to the first call-in, citing proportionality, Human Rights and key stakeholders not having been properly consulted. It was noted that the Chair had requested that information already received by the Board in relation to the consultation process was not discussed again. Therefore, Councillor Ali focused on the proportionality aspect of his call-in request.

Councillor Ali highlighted his concerns which included:

- This was a compassionate and people focused appeal to reconsider the decision as it impacted on those on the most deprived areas of the city.
- The report had highlighted a small reduction of 12.5% in nursery provision by the Council. However, with the closure of 3 Little Owls Nurseries, 2 in close proximity, Gipton North and Kentmere, this was a large reduction in provision, in an area of high deprivation.
- Reference was made in relation to Human Rights Article 28 of the UNCRC guarantees the right of every child to an education. However, it was noted that the Council has no responsibility to provide nursery provision, but to ensure that there is sufficient nursery provision. Councillor Ali said that in Kentmere the Little Owls was the main provider of this type of service.

Councillor Ali requested that his witness, a Unison Representative address the Board to set out the concerns of the staff, which included:

- The impact on the staff at the centres was of feeling vulnerable, unsettled and undervalued.
- The staff were concerned about the uncertainty of their contracts, the sites that they would be working at and whether they would remain as Council employees or become part of a private provider.
- The workforce in this area of work is predominantly female.
- It was noted that it had been confirmed that there would be no compulsory redundancies. However, the uncertainty of the proposals was leading staff to look for other work, therefore, making retention of the workforce worse.

Councillor Ali explained that Gipton North and Kentmere were areas where many families do not own cars and therefore, use public transport. The closure of the sites in Gipton North and Kentmere is meaning that families are having to travel further to use the service at the merged sites adding time to the working day and making it a long day for children.

Councillor Ali asked the following questions:

- Do the proposals disproportionately impact already deprived families?
- Were interpreters used for those whose first language is not English?
- Was support available to the families?

Members questions and comments included:

- It was the view that the recruitment drive and the lack of staff was due to the previous Conservative Government and the financial pressure placed on local authorities. There was recognition of the stress on staff and the reasons for them leaving their roles.
- It was acknowledged that there was a bus service linking Gipton North and Seacroft. However, Councillor Ali has been advised by families that he had spoken to, the journey entailed a 13-minute walk to the nearest bus stop, or a bus into the town centre and back out again.
- It was acknowledged that all Councillors receive a briefing on finances and overspend, and it was the duty of Council to consider all matters of spending and to retain a balanced budget.
- Kentmere was the predominant provider of childcare in the area and the reduction in this provision in an area of deprivation would have a large impact on the community.

Councillor Hayden in her summing up included the following points:

- The Council has a recruitment and retention policy and provides an apprenticeship programme. However, it is difficult to recruit to and retain staff in this service due to the stressful nature of the job. Staff needed to be retained and for them to continue in this important role if the sites to be retained were to remain sustainable.
- Little Owls were set up to help the vulnerable in our community and 82 out of 94 children would be attending other nurseries located near to those which were due to close. Kentmere has other childcare provision close by and there was childcare provision within 1 mile of the Gipton North site.
- Officers had talked to staff and explained the proposals, and it was important for them to know that they are valued and do a brilliant job, with parents saying how warm and welcoming the staff at Little Owls are and that is why the service is reported as outstanding.
- Councillor Hayden clarified the duty of the Council in relation to United Nations Convention for Rights of Child Article 28.
- She praised all those who provided childcare provision in the city including carers, childminders and grandparents.

The Director of Children and Families in her summing up included:

- Although this was being driven by finance fundamentals, the Council still has a duty to provide sufficient childcare and needed due regard to do this. The Council would be retaining 9 Little Owls settings, and this would be around children with additional needs, looked after children and vulnerable children in deprived areas.
- It was understandable that the staff in these settings would feel unsettled, and a long decision-making process did not help. The Council has a duty of care for all its staff.

Councillor Ali was then invited to sum up and included:

- This has been a long and detailed discussion, however there were still 12 settings under review, and this means an uncertain future to 12 of the Little Owls centres.
- Parents are of the view that the decision making has been rushed and not properly considered. Parents are asking for full consultation to take place and there was a need to breakdown any language barriers.

It was clarified by the Legal Officer that the United Nations Convention for Rights of Child Article 28 did not apply to the decision as it does not include protection for early years provision and in any event does not have direct effect in the UK.

22 Outcome of Call In

Having considered both of the call-in documentation together with the representations made to them, the voting members of Scrutiny Board considered whether to release the decisions for implementation or recommend to the decision-maker that the decisions should be reconsidered.

The Board agreed to the suggestion of the Chair that decisions be made in respect of each sub section (b) – (g) of the Executive Board resolution of the minutes of 19th June 2024 and voted upon in turn.

Individual votes were then subsequently held on the components (b), (c), (d), (e), (f) and (g) as set out in the resolutions of Executive Board Minute No. 7, 19th June 2024 (as presented in full below), and it was

RESOLVED –

- (a) That resolutions (b), (c), (d), (e), and (f) of the Executive Board Minute No. 7, 19th June 2024 (as presented in full below) each be released for implementation;
- (b) That resolution (g) of the Executive Board Minute No. 7, 19th June 2024 (as presented in full below) be referred back to the Executive Board, as decision taker, for reconsideration on the basis of ensuring that appropriate democratic oversight is in place for any potential future decisions regarding those settings listed in resolution (e).

Resolutions of Executive Board Minute No 7, 19th June 2024

- (a) That in general terms, the contents of the submitted report, be noted;
- (b) That it be noted that the Council will continue to directly deliver day care at the following Little Owls settings:
 - Chapeltown • Harehills • Middleton Laurel Bank
 - New Bewerley • Swarcliffe • Two Willows
 - Little London • Seacroft • Armley Moor
- (c) That the consultation and engagement responses in relation to the proposal, as detailed within the submitted report and appendices, be noted; and having had regard to those, the withdrawal from and/or closure of Little Owls Gipton North, Little Owls Chapel Allerton and Little Owls Kentmere, be approved;

(d) That following resolution (c) above, where possible and noting ancillary use, those buildings be declared surplus to operational requirements following the closedown of Little Owls functions;

(e) That the initial consultation and engagement responses in relation to the proposal to explore the potential amalgamation of some Little Owls settings and to explore potential and viable interest from other providers, as detailed within the submitted report and appendices, be noted; and that agreement be given to the undertaking of a 'market sounding exercise' to deliver additional nursery places to replace specific Council run settings at the following locations:

- Shepherds Lane
- City & Holbeck
- Hunslet Rylestone
- Meanwood
- Parklands
- Osmondthorpe
- St Mary's Hunslet
- Quarry Mount
- Rothwell
- Hawksworth Wood
- Bramley
- Burley Park

(f) That the subsequent 'market sounding exercise' in relation to the settings set out in resolution (e) above, be agreed, and that it be noted that those 'market sounding exercises' will commence immediately;

(g) That it be noted that the Director of Children and Families may take further decisions in respect of the settings listed at resolution (e) above following the market sounding exercise for the twelve settings indicated, which would be as a direct consequence of this decision.

23 Date and Time of Next Meeting

RESOLVED – To note the next meeting of the Scrutiny Board (Children and Families) will be on Thursday 18th July 2024 at 2pm. (There will be a pre-meet for all Board Members at 1:45pm)

Meeting concluded at 16:55