

BATH AND NORTH EAST SOMERSET

MINUTES OF CHILDREN AND YOUNG PEOPLE POLICY DEVELOPMENT AND SCRUTINY PANEL MEETING

Monday, 16th April, 2018

Present:- **Councillors** Matt Cochrane, Sally Davis, John Bull (in place of Liz Hardman), Michelle O'Doherty, Peter Turner, Lizzie Gladwyn and Paul Crossley (in place of Alison Millar)

Officers in attendance: Mike Bowden (Corporate Director) and Paula Bromley (Service Manager for Connecting Families)

78 WELCOME AND INTRODUCTIONS

In the absence of Councillor Alison Millar, the Vice-Chair Councillor Matt Cochrane acted as the Chairman and welcomed everyone to the meeting.

79 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

80 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Alison Millar and Liz Hardman had given their apologies to the Panel. Councillors Paul Crossley and John Bull were present as their substitutes for the duration of the meeting.

Apologies were also received from the Panel's co-opted members David Williams, Andrew Tarrant, Chris Batten and Kevin Burnett.

81 DECLARATIONS OF INTEREST

There were none.

82 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

At this point in the meeting the Panel approved the Terms of Reference as written within Appendix 5 of the report.

83 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Councillor Eleanor Jackson addressed the Panel on behalf of parents and children within Radstock and Westfield. She explained that one parent had informed her that no places were available now at the St Nicholas private nursery.

She added that the closure would be a great loss to the local primary school as this was currently enabling children to move on seamlessly.

She stated that over the years the Council has signed up to and agreed many charters and policies to give children the best chance in life, but local children will be robbed of the opportunity should the nursery close. She added that studies show that children that do not receive nursery provision can be as much as two years behind their peers when beginning primary school.

She said that she felt that the Cabinet Member had failed to consider the equalities impact of his decision and that no proper analysis of alternatives had been carried out.

She called for the nurseries to remain open.

Councillor Paul Crossley asked if there were two nurseries situated at St Nicholas Primary School.

Councillor Eleanor Jackson replied that both the private St Nicholas Pre-School and the Council's Radstock Nursery have premises in the grounds of the Primary School.

Councillor Peter Turner asked her what she thought of the options for local provision.

Councillor Eleanor Jackson replied that St Mary's Church of England Nursery in Writhlington would be difficult to access for some families as it is situated at the top of quite a large hill and that the provision at Fosseyway was not available until the children are four years old.

She added that the Radstock Children's Nursery has a very good relationship with the staff within Children's Services.

The Chairman thanked Councillor Jackson for her statement on behalf of the Panel.

84 CALL-IN OF DECISION E3038 - CLOSURE OF THE REMAINING TWO COUNCIL RUN NURSERIES

Councillor Liz Hardman, Lead Call-In Member addressed the Panel. A copy of her statement can be found on their Minute Book and as an online appendix to these minutes, a summary of the statement is set out below.

I would like to explain why we have called in the decision regarding closure of the remaining two Council run nurseries. The reasons we have been given for closing these 2 nurseries, appear logical. The nurseries in question are below numbers and run at a loss. However, if we examine this decision in more detail, it emerges that there are many more factors to consider.

It is no surprise that these 2 Council run nurseries are found in 2 of the most deprived areas of B&NES, Radstock and Foxhill, both showing features of persistent relative deprivation which are extreme when seen against the wealth of much of B&NES. These nurseries are the ones which cater for working families, open from early morning to late evening.

This therefore is the main reason for the Call In. The proposed decision has not taken into account the impact on families and children in crisis, families with challenging children and children with disabilities, protected under the 2010 Equalities Act. Families in need are referred to these nurseries from the local Children's Centres. These two nurseries offer wrap around support and take children for a full day from 8am-6pm, unlike many other local nurseries. With these nurseries closing it will have an impact on our ability to provide services for vulnerable children and families. The staff in these nurseries are experienced in dealing with families with difficulties and are able to provide appropriate help and intervention.

Secondly, under the Children Act, 2006, the Council is required to assess the local childcare market and to secure sufficient childcare for working parents. Sections 6, 8 -11 and 13 says childcare will only be deemed to be sufficient if it meets the needs of the community and in particular, those families on lower income and those with disabled children.

In Radstock, the sufficiency figure is only 0.73%, meaning that there are already fewer places than required. The figures for Radstock show that if the proposed closure goes ahead by July 2018, there will be 30 children in need of a nursery place. I understand that every effort will be made to place these children, but with the sufficiency number being low, there won't be enough places. We will therefore be failing in our duty to provide sufficient childcare.

We have not been told how long these nurseries have been running at a loss, or how long they have been below numbers. Apparently parents were notified about 6 months ago that the nurseries "may close". This would certainly have had an impact on numbers. In fact, the nearby Midford Road Nursery which does open from 8am-6pm, is full and will remain full for the next 18 months. Reason why? When parents got wind of St Martin's Garden Nursery closing, some of them moved their children to Midford Road. In Radstock, the Westfield Nursery does have spaces, but it is only open during school hours and it only takes children from 2-4 years, unlike Radstock Nursery which takes babies.

Many parents have been upset by the threat of closure. One parent, Amy Keen contacted the Bath Chronicle, saying she will have to change her working hours, as she has not been able to find a nursery to fit around her working hours the way St Martin's Garden Nursery does. Other parents in Radstock have been told the nearest Nursery to them is full and are extremely worried and upset by the situation.

To conclude, these 2 Council run nurseries provide a very special service to families in their area. There has always been a close working relationship between them and the Children's Centres. Struggling and at risk families are more likely to access these nurseries as part of our family intervention and support service.

If these 2 nurseries close, we must ensure that these disadvantaged and vulnerable families do not fall through the net. We must ensure we do not pay the price further down the line in terms of lack of school readiness. This will not help to improve the outcomes of our disadvantaged children which are low at every key stage. We are a Council providing a service, not a business with just a profit motive in mind.

For all of these reasons, I would like the Panel to recommend this decision is referred back to the Cabinet Member to be reconsidered.

Councillor Michelle O'Doherty asked if she was aware of the cost difference between a private nursery and those run by the Council.

Councillor Liz Hardman replied that she did not know.

Councillor John Bull asked if one of the benefits of the Council run nurseries was their ability to identify additional needs.

Councillor Liz Hardman replied that this was indeed an asset alongside their close relationship with staff within Children's Services.

Councillor Peter Turner asked if a compromise scenario could be found.

Councillor Liz Hardman replied that commercially there may be answers, but she felt that the expertise and skills in place at these nurseries were important to retain. She added that she believed that their current attendance figures are affected by the prospect of closure.

Councillor Sally Davis asked if the nurseries accepted children from outside of B&NES.

Councillor Liz Hardman replied that it would be her assumption that it was only children from within B&NES.

Councillor Paul May, Cabinet Member for Children & Young People addressed the Panel, a summary is set out below.

He acknowledged that this had been a tough decision to make and that he had done so following extensive officer advice. He said that officers were confident that they can use the ensuing months to work with providers to increase capacity sufficiently to ensure all children will be able to find alternative provision.

He stated that although both schools initially expressed an interest in combining the nursery provision into the existing Primary school as a "through" school arrangement, in recent weeks, both St. Nicholas School in Radstock, and St. Martins Garden School (The Palladium Trust) have confirmed that they are no longer looking to take on the running of the nurseries nor able to cover the TUPE costs of taking on the existing staff.

The Corporate Director tabled a document that gave a response to the reasons given for the Call-In, a copy of this can be found on the Panel's Minute Book and as an online appendix to these minutes, a summary is set out below.

Q1. The proposed decision has not taken into account, the impact on families and children in crisis, families with challenging children and children with disabilities protected under the 2010 Equalities Act.

All Private Nurseries and Child-minders are approved, equipped and staffed to cater for all children, regardless of circumstance and with the universalisation of 2 year offer, all nurseries are expected to respond to this.

The Council via the Children's Centres will continue to work in partnership with Health Visitors and others as required to:

- identify these children
- provide essential home based Family Support and reach out to offer the appropriate support, either at the Children Centre or in the home.
- ensure that all Early Years vulnerable children are assessed and if they are deemed to need additional support they will offer an enhanced package of support or refer on as needed
- offer Children's Centre Placement (and exceptional circumstances) Funding to the most vulnerable Under 2's
- further improve our reach, contact and work with local Early Years settings to support them with more vulnerable children – in terms of identification, awareness-raising and skills development.

Q2. Under the Children Act 2006, this Council is required to assess the local childcare market and to secure sufficient childcare for working parents. In Radstock the sufficiency figure is only 0.73 meaning that already there are fewer places than required.

The assessment of sufficiency is not an exact science. It uses the ratio of the number of available 15-hour places for 3 and 4 year olds within a children's centre catchment area, as compared with the total number of children who are eligible for the Early Years Entitlement (EYE). This does not necessarily correlate with need or demand for places in a particular locality as families will access providers that are convenient or attractive for different reasons.

The sufficiency figure for St. Martins Gardens (1.35) shows that there are a high number of private providers that will be able to take children from St. Martins Gardens that still require a child-care place.

With regard to Radstock, many of the children that currently attend Radstock nursery come from the surrounding areas which do have good sufficiency levels. For example, half of the current users come from Midsomer Norton, which has up to 70 places of 'oversupply'.

It is also important to highlight that 33 of the children at the nursery will graduate into Primary School this year at their expected transition point. For the remaining children, the vast majority of families have identified alternative providers and applied for places for September.

Q3. The papers give no indication about how long the nurseries have been running at a loss.

These nurseries have been running at a loss for 3 years. One of the key contributing factors to these running costs is staff salaries. The Council pays higher than the private sector and this means that we struggle to compete financially.

Substantial efforts have been made to explore a transfer of the nurseries to alternative providers but without success. This decision has to be taken in the context of the Council's wider financial position and the need to review the Council's involvement as a direct provider of a costly and loss-making non-statutory function.

Q4. The papers do not indicate how long the nurseries have been below numbers and whether the threat of closure has impacted on numbers.

The Nursery at St. Martins Gardens has seen numbers fall for the past three years, as the local private provision has strengthened. The numbers of children at Radstock has remained steady over recent years, However, as previously highlighted above, these numbers are not sufficient for the nursery to remain economically viable.

Numbers have started to reduce since parents became aware of the proposed closures around Christmas time and we stopped admitting new children, but this has not been a contributing factor to the projections of financial sustainability.

Councillor John Bull asked if the complex system to obtain subsidised childcare vouchers was a factor in the low numbers.

The Corporate Director replied that this was not possible to answer, but that Children's Centre staff would be able to provide support for those wishing to make an application.

Councillor Paul Crossley asked how many children would lose out if the two nurseries were to close.

The Service Manager for Connecting Families replied that the current figures associated with both nurseries were as follows;

Radstock:

- 40 children currently at the nursery
- 29 / 40 due to start Primary School in September 2018
- 9 / remaining 11 have found other provision
- 2 not sure on future provision – 1 of these children is from outside of B&NES

St Martin's Garden:

- 32 children currently at the nursery
- 25 / 32 due to start Primary School in September 2018
- 7 remaining have found other provision

She added that children that are on a Child Protection Plan and vulnerable children will be supported.

Councillor Paul Crossley asked if 100% of vulnerable children have nursery places.

The Service Manager for Connecting Families replied that all of the vulnerable children that the Council are aware of do have nursery places.

Councillor Paul May gave a closing statement to the Panel. He said that he trusted the advice and recommendations made by officers and recognised the good provision in place from the private sector.

Councillor Liz Hardman gave a closing statement to the Panel. She said that she believed we would be failing local families under the 2010 Equalities Act if we did not challenge the decision.

She said that the costs associated with the two nurseries were high, but believed the Council was paying for the quality of provision.

She asked the Panel to think of the affected disadvantaged children within B&ANES.

Councillor John Bull moved that the decision should be reconsidered by the Cabinet Member so that he can assess all possible risks. He said that in his opinion this was a step backwards for the Council.

He stated that he had concerns over local families being able to travel to their nearest provision and that at some nurseries that wrap around care was not always possible.

Councillor Michelle O'Doherty said that she would second the proposal made by Councillor Bull. She said that the two sites provide a service for some of our most vulnerable families. She added that costs in terms of travel and potential time away from work should also be considered.

Councillor Peter Turner said that he supported the officers and the Cabinet Member in researching and taking the decision made.

Councillor Sally Davis said that she trusted the decision made by the Cabinet Member.

Councillor Paul Crossley said that he supported the motion. He spoke of the difficulties for families living within such fine margins. He added that he felt that academisation was the real problem with allowing Council's to manage their education process.

The motion was put to the vote and it was **RESOLVED** by 3 votes for and 4 votes against. The motion therefore was not carried.

Councillor Paul Crossley asked if the Panel could make a specific recommendation with regard to the Radstock nursery.

The Democratic Services Officer replied that he did not believe that they could as the original decision refers to both nurseries.

Councillor Sally Davis proposed a motion that the Call-in should be dismissed.

Councillor Lizzie Gladwyn seconded the motion.

The motion was put to the vote and it was **RESOLVED** by 4 votes for and 3 votes against that the Call-in should be dismissed.

This means that the decision made by the Cabinet Member for Children & Young People, Councillor Paul May can take place with immediate effect.

The Chairman thanked all those present for attending and said that he hoped that officers and all concerned will facilitate those families that need advice on future provision.

Cllr Hardman - Council Nurseries Statement

Nurseries Call In Briefing Paper

The meeting ended at 5.05 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Call in Speech

I would like to explain why we have called in the decision E 3038, regarding closure of the remaining two Council run nurseries,(with the transfer of children's places to other providers and to consider options for the two buildings.)

The reasons we have been given for closing these 2 nurseries, appear logical. The nurseries in question are below numbers and run at a loss. However, if we examine this decision in more detail, it emerges that there are many more factors to consider.

It is no surprise that these 2 Council run nurseries are found in 2 of the most deprived areas of B&NES, Radstock and Foxhill, both showing features of persistent relative deprivation which are extreme when seen against the wealth of much of B&NES. These nurseries are the ones which cater for working families, open from early morning to late evening.

This therefore is the main reason for the Call In. The proposed decision has not taken into account the impact on families and children in crisis, families with challenging children and children with disabilities, protected under the 2010 Equalities Act. Families in need are referred to these nurseries from the local Children's Centres. These two nurseries offer wrap around support and take children for a full day from 8am-6pm, unlike many other local nurseries. With these nurseries closing, it will have an impact on our ability to provide services for vulnerable children and families. The staff in these nurseries are experienced in dealing with families with difficulties and are able to provide appropriate help and intervention. Supporting families at an early stage prevents the problems from getting worse. This is so true when we look at the increasing number of our children being taken into Care.

Secondly, under the Children Act, 2006, the Council is required to assess the local childcare market and to secure sufficient childcare for working parents. Sections 6, 8-11 and 13 says childcare will only be deemed to be sufficient if it meets the needs of the community and in particular, those families on lower income and those with disabled children. The Local Authority takes a strategic lead in the local childcare market, planning, supporting and commissioning childcare. In Radstock, the sufficiency figure is only 0.73%, meaning that there are already fewer places than required. For those of you familiar with Radstock, you will be aware that there has been a massive amount of building in Radstock, with even more planned, so even more places will be needed. The figures for Radstock show that if the proposed closure goes ahead by July 2018, there will be 30 children in need of a nursery place. I understand that every effort will be made to place these children, but with the sufficiency number being low, there won't be enough places. We will therefore be failing in our duty to provide sufficient childcare.

We have not been told how long these nurseries have been running at a loss, or how long they have been below numbers. Most nurseries advertise themselves. Do we know what advertising and promotion these nurseries have undertaken? Apparently parents were notified about 6 months ago that the nurseries "may close". This would certainly have had an impact on numbers. In fact, the nearby Midford Road Nursery which does open from 8am-6pm, is full and will remain full for the next 18 months. Reason why? When parents got wind of St Martin's Garden Nursery closing, some of them moved their children to Midford Road. In Radstock, the Westfield Nursery does have spaces, but it is only open during school hours and it only takes children from 2-4 years, unlike Radstock Nursery which takes babies.

These Council run nurseries are organised to cater for working parents. Many parents have been upset by the threat of closure. One parent, Amy Keen contacted the Bath Chronicle, saying she will have to change her working hours, as she has not been able to find a nursery to fit around her working hours the way St Martin's Garden Nursery does. Other parents in Radstock have been told the nearest Nursery to them is full and are extremely worried and upset by the situation. My colleague Cllr Jackson will say more about this in her speech.

To conclude, these 2 Council run nurseries provide a very special service to families in their area. There has always been a close working relationship between them and the Children's Centres. Struggling and at risk families are more likely to access these nurseries as part of our family intervention and support service.

If these 2 nurseries close, we must ensure that these disadvantaged and vulnerable families do not fall through the net. Our Early Years Service as all of us know in this room, delivers the statutory minimum. These 2 Council run nurseries have the expertise to help support our more disadvantaged and vulnerable families. We must ensure we do not pay the price further down the line in terms of lack of school readiness. This will not help to improve the outcomes of our disadvantaged children which are low at every key stage. We are a Council providing a service, not a business with just a profit motive in mind.

For all of these reasons, I would like the Panel to recommend this decision is referred back to the Cabinet member to be reconsidered.

OFFICER RESPONSE TO CALL-IN OF NURSERY CLOSURE DECISION

The “call-in” relating to the proposed closure of St. Martin’s Gardens Nursery and Radstock nursery asks four questions in relation to this decision. Please see below some commentary in response to the four questions.

Q1. The proposed decision has not taken into account, the impact on families and children in crisis, families with challenging children and children with disabilities protected under the 2010 Equalities Act.

All Private Nurseries and Child-minders are approved, equipped and staffed to cater for all children, regardless of circumstance and with the universalisation of 2 year offer, all nurseries are expected to respond to this. They are regularly inspected by Ofsted against the following standards and they have to demonstrate how they will:

- meet the learning and development requirements
- meet the safeguarding and welfare requirements
- develop and deliver the educational programmes
- identify children’s starting points and ensure that children make progress in their learning through effective planning, observation and assessment
- safeguard children
- work in partnership with parents, carers and others
- offer an inclusive service
- evaluate their service and strive for continuous improvement.

All nursery provision in Radstock other than the Council nursery is rated Good or Outstanding by Ofsted.

The Council via the Children’s Centres will continue to work in partnership with Health Visitors and others as required to:

- identify these children
- provide essential home based Family Support and reach out to offer the appropriate support, either at the Children Centre or in the home- including Flying Start, Theraplay, Portage, Employment support, General Family Support as identified.
- ensure that all Early Years vulnerable children are assessed and if they are deemed to need additional support they will offer an enhanced package of support or refer on as needed
- offer Children’s Centre Placement (and exceptional circumstances) Funding to the most vulnerable Under 2’s
- further improve our reach, contact and work with local Early Years settings to support them with more vulnerable children – in terms of identification, awareness-raising and skills development.

Q2. Under the Children Act 2006, this Council is required to assess the local childcare market and to secure sufficient childcare for working parents. In Radstock the sufficiency figure is only 0.73 meaning that already there are fewer places than required.

The assessment of sufficiency is not an exact science. It uses the ratio of the number of available 15-hour places for 3 and 4 year olds within a children's centre catchment area, as compared with the total number of children who are eligible for the Early Years Entitlement (EYE). This does not necessarily correlate with need or demand for places in a particular locality as families will access providers that are convenient or attractive for different reasons. We know that local providers are constantly flexing their capacity in response to demand.

The sufficiency figure for St. Martins Gardens (1.35) shows that there are a high number of private providers that will be able to take children from St. Martins Gardens that still require a child-care place.

With regard to Radstock, many of the children that currently attend Radstock nursery come from the surrounding areas which do have good sufficiency levels. For example, half of the current users come from Midsomer Norton, which has up to 70 places of 'oversupply'. Since the proposal to close the Nursery was made, staff have been working with local providers to increase capacity specifically in Radstock. Two nurseries within the catchment area have confirmed that they will be expanding places.

It is also important to highlight that 33 of the children at the nursery will graduate into Primary School this year at their expected transition point. For the remaining children, the vast majority of families have identified alternative providers and applied for places for September.

Q3. The papers give no indication about how long the nurseries have been running at a loss.

These nurseries have been running at a loss for 3 years. One of the key contributing factors to these running costs is staff salaries. The Council pays higher than the private sector and this means that we struggle to compete financially. Due to the Council's employment terms and conditions of service for staff it means that we could not compete on a level playing field with the private providers, therefore there is no likelihood of the Nursery becoming financially viable in the future even if remodelled.

Substantial efforts have been made to explore a transfer of the nurseries to alternative providers but without success. This decision has to be taken in the context of the Council's wider financial position and the need to review the Council's involvement as a direct provider of a costly and loss-making non-statutory function.

Q4. The papers do not indicate how long the nurseries have been below numbers and whether the threat of closure has impacted on numbers.

The Nursery at St. Martins Gardens has seen numbers fall for the past three years, as the local private provision has strengthened.

The numbers of children at Radstock has remained steady over recent years, However, as previously highlighted above, these numbers are not sufficient for the nursery to remain economically viable.

Numbers have started to reduce since parents became aware of the proposed closures around Christmas time and we stopped admitting new children, but this has not been a contributing factor to the projections of financial sustainability.