

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Children and Families Scrutiny Committee**
held on Monday, 3rd August, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor R Westwood (Chairman)
Councillor D Neilson (Vice-Chairman)

Councillors Rhoda Bailey, D Beckford, D Flude, J Goddard, G Merry,
M Parsons, L Smetham and D Thompson

Apologies

Councillor O Hunter, Councillor A Kolker, Councillor P Findlow and C
Blanchard, M Clarke and J Kelly.

25 OFFICERS PRESENT

J Weeks, Strategic Director People
L Butcher, Head of Services for Children and Families
P Mossman, Children and Families
J Thompson, Children and Families
G Betton, Children and Families
D J French, Legal and Democratic Services

26 DECLARATION OF INTEREST/PARTY WHIP

In relation to item 5 Draft Single Funding Formula for Early Years Provision:

- Councillor D Flude declared a personal interest on the grounds that she was a Governor of Westminster Nursery School and a Director of EIPC Ltd; and
- Councillor D Neilson declared a personal interest on the grounds that he was Governor of a school with a nursery.

27 PUBLIC SPEAKING TIME/OPEN SESSION

There were no Members of the Public present who wished to address the Committee.

28 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Committee held on 6 July be confirmed as a correct record.

29 DRAFT SINGLE FUNDING FORMULA FOR EARLY YEARS PROVISION

The Committee considered a report on a draft single funding formula for early years provision to be implemented in Cheshire East from April 2010. This Committee was invited to offer any comments to the Cabinet who would be considering the draft formula on 8 September as a basis for wider consultation.

The implementation of a single funding formula was in line with Government Guidance and funding was to be based on occupancy rather than places from April 2010. The current system provided for different ways of funding for the maintained and for the Private, Voluntary and Independent (PVI) sector.

The provision of free early years care for 3-4 year olds was to increase from 12.5 hours to 15 hours for the most disadvantaged areas from September 2009 and to all providers from September 2010. There were currently 203 early years settings in Cheshire East and it was anticipated that some providers would experience a significant negative budget variance due to the changed funding arrangements. The 2010-11 budget included some funding that was unallocated which could be used to support providers during the transition stage. Those providers who were expected to experience a negative impact had been visited by officers and transition plans put in place to offer financial support if necessary in the 2010/11 financial year.

An Early Years Reference Group comprising representatives of early years providers, had been set up as a sub group of the Schools Forum, and had been meeting to develop the formula in line with Department for Children, Schools and Families' guidance. Their recommendation was that a base rate be applied to all sectors at a rate of £3.20 per child per hour, with additional allowances made for flexibility, provision within an area of deprivation and quality. The allowance for quality related to having Early Years Professional Status and Qualified Teacher Status, with a requirement that the Early Years professional lead the practice.

During discussion of the item Members queried whether it was possible for maintained nurseries to charge for their service, raised concern about maintained nurseries' inability to offer more than 15 hours of child care per child per week and whether there could be an additional allowance for any early years provision that was suitable for children where English was not their first language.

RESOLVED: That the Cabinet be advised that:

(a) the draft formula comprising a base rate plus additional allowances for the factors of flexibility, deprivation and quality be supported but consideration be given to introducing an additional allowance for provision that is suitable for children where English was not their first language;

(b) the Committee is concerned about the inequity whereby maintained nurseries are unable to offer more than 15 hours child care per child per week as this may put them at a disadvantage; and

(c) a report be submitted to this Committee with the outcome of the consultation on the proposals.

30 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That in accordance with Section 100(A)4 of the Local Government Act 1972 the public and press be excluded for the meeting for the following item

of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

31 LOCAL GOVERNMENT OMBUDSMAN INVESTIGATION INTO A COMPLAINT AGAINST THE FORMER CHESHIRE COUNTY COUNCIL

The Committee considered a report on the findings of the Local Government Ombudsman in response to a complaint made against the former Cheshire County Council.

The complaint had been made by L who was a young person who had been subject to a care order. She had been on the child protection register as a small child and from the age of 12 taken into the care of Cheshire County Council but placed at home with her mother who suffered from mental illness and was prone to violent and volatile behaviour. L's mother stopped her from attending school during her last year at primary school and she reached school leaving age without ever having attended secondary school. Her only education was a maximum 10 hours a week with a tutor at a local library although there were significant periods without any education.

The Ombudsman found that the Council was guilty of over-arching maladministration in that it had failed to fulfil its responsibilities for L or to promote her welfare as well as identifying a number of specific and serious instances of maladministration. Before L complained to the Ombudsman, the County Council had recognised the difficulties with the case and had agreed that L should have access to leaving care services until she was 25 years old, receive financial support to undertake remedial education and receive "creative" help with appropriate accommodation.

The Ombudsman had recommended that Cheshire East Council as successor to Cheshire County Council should:

- Apologise to L;
- Pay L £1,5000 to reflect her time and trouble in pursuing her complaint and her distress caused by Cheshire County Council's response to her complaint; and
- Make £45,000 available either for immediate investment in purchasing a home (by shared ownership scheme if necessary) or to be held in an interest-bearing account and released to her when she is 30 years of age or in equal annual thirds when she embarks on and maintains a programme of education leading to qualifications – whichever is sooner.

The Ombudsman also recommended that both successor Councils should consider her report and undertake a review of procedures and practices to ensure good arrangements were in place to support children in their care. The Committee was informed that arrangements had been made for the Head of Services for Children and Families, Cheshire East Council and the Director of Children's Services at Cheshire West and Chester Council to meet with L and her advocate to formally apologise.

The Strategic Director People reported that a number of actions had been taken in the light of the Ombudsman's report including an examination of current

caseloads, a review of practices and procedures was underway. The Committee noted that new guidance had been issued regarding the statutory role and responsibilities of the Lead Member for Children's Services and Members emphasised the importance of ensuring they were aware of all significant issues in their role as Corporate Parents.

The Strategic Director People outlined that there had been a national increase in referrals to children's social care services as well as an increase in referrals to the National Society for the Prevention of Cruelty to Children (NSPCC). The Trade Union for public sector workers, Unison, had expressed concern regarding the morale of social care staff nationally.

Cheshire East Council was currently reviewing its practice and procedures for intervening where there are concerns regarding child welfare, in line with Lord Laming's report and the Government's response.

Cheshire East had commissioned 2 Audit reports on front end services and children under 5 years of age who were subject to a Child Protection Plan. The findings of both reports had now been received and a report would be presented to the next meeting of the Board on key development issues to be implemented. It was agreed that a Member Governance Group would steer the work and the associated Project Plan and that this would be a regular item on the Performance Task Group meeting chaired by the Chief Executive. There would also be regular briefings to Ofsted, Governance Office North West and the Audit Commission.

RESOLVED: That

- (a) the Cabinet be advised that: the Committee supports the proposal to implement the recommendations of the Local Government Ombudsman contained in the Ombudsman's published report.
- (b) the Cabinet be urged to ensure that the Children's Social Care budget is funded adequately.
- (c) both the review of practices and procedures and the Redesigning Social Care Project be endorsed and this Committee be updated on a regular basis on the work of the Member Governance Group;
- (d) Members be kept fully informed of all relevant issues to ensure that they can fulfil their Corporate Parenting role; and
- (e) the visit to front line services by a small group of Members be deferred for the time being.

The meeting commenced at 10.30 am and concluded at 12.25 pm

Councillor R Westwood (Chairman)