

OPEN

BRIEFING REPORT

Audit and Governance Committee

31 March 2025

School Catering – Decision of Children and Families Committee

Report of: Janet Witkowski Acting Governance, Compliance and Monitoring Officer

Report Reference No: AG/38/24-25

Purpose of Report

- 1 This report responds to the concerns raised by the Committee regarding the decision taken by the Children and Families Committee in relation to school catering, the governance process this had followed, and its subsequent impact on the Adults and Health Committee.

Executive Summary

- 2 This report sets out the timeline and process followed in relation to the decision taken by the Children and Families Committee to end the Council's provision of school catering and its impact on those matters within the remit of the Council's Adults and Health Committee, in particular the provision of catering within its Extra Care housing facility at Oakmere and Willowmere. It further sets out the findings and conclusions of the Monitoring Officer on that process.
- 3 Having reviewed the process and governance arrangements, the Monitoring Officer is of the opinion that the matter should have been formally reported to the Adults and Health Committee at some point as part of the decision-making process. This did not happen and whilst this does not mean the decision was unlawful or that there was maladministration, as a decision was not made outside of its remit, assurance is required that this will not happen again.
- 4 Arrangements are now in place to reduce the risk of such an occurrence in the future.

Background

- 5 At the December 2024 meeting of the Committee, questions were raised as to the decision-making process followed in relation to the decision taken by the Children and Families Committee to end the Council's provision of school catering and its impact on those matters within the remit of the Council's Adults and Health Committee, in particular the provision of catering within its Extra Care housing facility at Oakmere and Willowmere. The Monitoring Officer (MO) made a commitment to review the process followed and report back to the Committee.
- 6 During the review undertaken, the MO noted the following;
- (a) 11 July 2022 – Children and Families Committee received a report entitled 'School Catering Service: External Review.' The minutes from that meeting record the following:

Minutes:

The committee received the report which outlined a commissioned review into the Cheshire East schools catering service.

Members put forward a number of comments they wished to be considered, including:

- The importance of using local producers*
- Ensuring good quality food in schools, particularly due to the cost of living crisis*
- Ensuring the availability of free drinking water*
- Offering separate vegetarian and vegan options instead of providing only vegan as a 'catch all'*

RESOLVED:

That the committee:

- 1. Notes the external commissioning of a review of the schools catering service through APSE which will take place during the autumn term 2022.*
- 2. Notes that the outcomes of this external review are shared with committee in January for consideration of the future delivery model for the schools catering service.*

The report at paragraph 6.2 stated:

In addition, it provides commissioned catering services to 2 adult care homes.

- (b) 12 February 2024 – Children and Families Committee received a report entitled 'Future Options for School Catering'. The published minutes from that meeting record the following:

The committee received the report which set out the findings in relation to the options, risks and issues for the future delivery of the catering service to remove the current subsidy from the Council. The report sought a decision from members on the future delivery of this service.

Some members were concerned that they did not have enough information at this stage to support the recommended option, as set out in the report, to cease Cheshire East's catering service and that they would need to hear the views of the schools before making a decision. Officers gave assurances that there had been ongoing discussions with schools since July 2023 and extensive work had been undertaken before presenting the recommendations to committee. A view was expressed that a decision could not be made based on the current information available to members and that there should be further consultation with schools and partners, with this being fed back to committee at the earliest opportunity.

An amendment was moved and seconded which sought to vote only on recommendation b) as set out in the report (to approve the proposal to enter into discussions with those schools who buy into the service to cease the provision by the end of December 2024, if possible) and remove recommendations a), c), and d). This was carried by majority.

RESOLVED (by majority):

That the Children and Families Committee approve the proposal to enter into discussions with those schools who buy into the service to cease the provision by the end of December 2024, if possible.

The report at paragraph 20 stated:

The Extra Care housing service currently use the school catering team to provide food in two locations (Oakmere and Willowmere). These operations are currently subsidised by adults social care. Separate discussions are ongoing with adult services, who are currently exploring options in relation to the provision of this catering service.

- (c) 27 February 2024 – full Council approved the Medium Term Financial Strategy (MTFS) for 2024/25 to 2027/28, which included at Appendix C, item 16 on page 54;

Remove school catering subsidy.

No reference was made in the narrative to the catering provisions within the Extra Care housing service.

- (d) 29 April 2024 – Children and Families Committee received a report entitled 'Decision on the Future Delivery of the School Catering Service'. The published minutes from that meeting record the following:

The committee considered the report which detailed the impact of the proposal to cease the delivery of Cheshire East's catering service and sought a decision to cease trading from April 2025.

A concern was raised regarding the recent reduction in the provision of milk to school pupils to once per week. It was noted that this was not a statutory service and that the obligations were with the school and not the local authority. It was requested that any potential legal implications be looked into further following the meeting as this did not impact the decision being made.

An amendment was moved and seconded which sought to defer the report to a later meeting. A vote was carried out and the amendment was declared lost.

RESOLVED (by majority):

That the Children and Families Committee:

- 1. Consider the findings from the survey to schools and endorse the council's response as set out at Appendix 1*
- 2. Approve the proposal to cease trading Cheshire East's catering service by April 2025*
- 3. Delegate authority to the Executive Director of Children's Services to make all necessary arrangements for the council to cease trading the catering service.*

The report at paragraph 7(f) stated:

Separate discussions are ongoing with adult services in relation to the Extra Care housing service who currently use the school catering team to provide food in two locations (Oakmere and Willowmere).

- (e) 15 May 2024 – full Council approved amendments to the Council's Constitution which included changes to Chapter 2 Part 2 paragraph 3, to read as follows;

Where a matter covers more than one Committee's Terms of Reference or there is any lack of clarity, dispute or disagreement as to which is the appropriate committee on:

- *Whether something falls within a Committee's Terms of Reference; or*
- *A proposed course of action;*

The matter shall, in consultation with the relevant Committee Chair, vice chair and main opposition group member, be placed on the agenda of the Committee where the majority of the matter, report or recommendations/s fall within a particular Committee's terms of reference or where there is the greatest impact on the budget for which the Committee has responsibility ('the majority committee'). Prior to the matter being placed on the agenda, the report on the matter will be circulated to the non-majority committee members ('the minority committee') for comments, which will be provided by way of a verbal update to the majority committee, when the matter is presented. The Chair or any other member of the minority committee may attend that meeting to speak on the item and the Chair of the majority committee will exercise their discretion in favour of allowing them to do so, subject to time constraints and the effective conduct of the meeting. In the event of a failure to agree to the matter being placed upon the agenda of the majority committee, the matter will be placed upon the agenda of the Corporate Policy Committee (or full Council if more convenient) to resolve. This provision shall also apply to matters referred from external bodies and/or partners.

- (f) 20 January 2025 – Adults and Health Committee received a report entitled 'Future Options for Extra Care Catering'. The published minutes from that meeting record the following:

The Committee considered a report which updated the Adults and Health Committee on the actions taken in respect of the Extra Care catering provision, from Mark Lobban, Interim Director of Commissioning.

Members thanked the public speaker for attending and speaking on behalf of the Oakmere Resident's Association.

Members were updated that the review into the catering provision would be concluded by September 2025, and in the meantime communal spaces would not be closed, the 24/7 staff would continue to operate in the extra care housing schemes, and the Communities Team would

continue working to secure alternative provisions in consultation with the residents.

Members acknowledged that a further review was required to be carried out and raised concerns surrounding the current interim lack of provision for hot meals at weekends, as reported by the public speaker, that residents were having to reheat meals which were being delivered from external premises, and that this was not a long-term solution. Members also raised concerns as to whether the existing kitchen equipment would be retained, and the impact on both physical and mental health of a nutritious hot meal in a communal environment, to those who were vulnerable in the community.

It was noted that the cost of providing an alternative provision at Oakmere and Willowmere would be in the region of £60,000/year, and the Council's subsidy would only cease if a long-term solution was found. Any interim service would provide the same service and volume of meals as previously received. Cheshire East Council would continue to ensure that meals were provided, but how it was done would be at the discretion of the Council.

It was noted that a further review of the catering provision, and investigation into the decisions made, would come back to the Adults and Health Committee in September 2025 for a final decision.

An amendment to recommendation 2 was proposed by Councillor Gardiner and seconded by Councillor Clowes:

2. Agree the interim arrangements that have been put in place, subject to a review of the weekend and Bank Holiday arrangements, whilst a full review of the EC catering provision is carried out.

RESOLVED: (Unanimously)

That the Adults and Health Committee:

1. Acknowledge the actions taken since the decision to close the school meals service.

2. Agree the interim arrangements that have been put in place, subject to a review of the weekend and Bank Holiday arrangements, whilst a full review of the EC catering provision is carried out.

Findings and Conclusions

- 7 Based upon the information set out within the timeline above, it is clear that during the period from July 2022 to April 2024, consideration of the provision of school catering and the decision to terminate it, was

considered solely by the Children and Families Committee. That was a decision within that committee's remit and within the budget provision overseen by that committee.

- 8 On each occasion it was considered by the Children and Families Committee, members were sighted, albeit in brief terms, on the potential impact on the Extra Care housing catering facility. However, no decision was asked of or made by that committee on that matter, as that matter was and is not within that committee's remit, as it is a matter within the remit of the Adults and Health Committee .
- 9 The decision of Council to remove the subsidy in February 2024 did not make reference to the Extra Care housing catering facility and unless Elected Members outside of Children and Families Committee read the reports and minutes of that committee, they would not be aware of the decision to consider and subsequently terminate the school catering provisions. Nor would they have been aware of the potential impact on the Extra Care housing catering facility.
- 10 However, it was clear from the reports to Children and Families Committee and indeed the MTFS report, that the decisions requested by officers and subsequently made, only related to schools and not the Extra Care housing catering facility. The reports all clearly stated that this provision was still the subject of ongoing consideration.
- 11 In January 2025 a report did go to Adults and Health Committee when a decision was made regarding a review of the Extra Care housing catering facility, in light of the decision of Children and Families Committee. This report does note that the matter should have been placed before that committee earlier.
- 12 In conclusion, whilst it is accepted that a full report should have gone to Adults and Health Committee at an earlier opportunity, as the Extra Care housing catering facility was a matter within its remit and it is right that members of that committee should have been sighted, the failure to do so was not unlawful or improper. The decision regarding school catering was within the remit of Children and Families and that committee made the decision solely on the school catering facility and not the Extra Care catering facility. No decision was therefore made on that facility by the Children and Families Committee and as such no decision was made outside of its remit. The subsequent report in January 2025 did appropriately go to Adults and Health Committee and did indicate the error that had been made in not advising the committee about the matter at an earlier juncture. It is also only at that time when a formal decision was required on that provision and that did go to the correct committee, as the Extra Care catering clearly sits within that committee's remit.

Future Assurance

- 13 The Committee will note that during the timeline set out above, amendments have now been made to the Constitution, to deal on a more structured and formal basis with matters that fall within the remit of more than one committee. It is proposed that consideration is given to amending this further to include where matters also impact matters within another committees remit as in this case.
- 14 In addition, the Improvement Action Plan arising from the Corporate Peer Review does have a specific recommendation around report writing. As a result there is currently an officer task and finish group undertaking a review of all aspects of report writing and the guidance around this will include information to both alert and assist officers in dealing with issues such as this in the future. It will also direct report writers to the MO or Legal Services in cases of any doubt or if advice or guidance is required. Formal on-line training on all the new materials and report writing in general is being developed for all officers and information on the new guidance will be circulated shortly to all senior officers, will be the subject of communication messaging and additional instructions particularly to lawyers in Legal Services. The revised report template for committee meetings will also include information on this if relevant.

Implications

Monitoring Officer/Legal

- 15 The legal and governance implications are set out within the report.

Section 151 Officer/Finance

- 16 There are no financial implications arising from the report.

Policy

- 17 Whilst there are no direct policy implications arising, the new guidance and support to officers will be implemented in due course.

Unlocking prosperity for all	Improving health and wellbeing	An effective and enabling council
N/a	N/a	The outcome and proposals to deal with the issues outlined with improve decision

		making going forward.
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Equality, Diversity and Inclusion

18 There are no equality implications arising from this report.

Human Resources

19 The human resources implications of this report are identified in relation to ongoing support guidance and training. These will be dealt with in due course.

Risk Management

20 There are no risk management implications arising from this report, but assurance can be given as to the decision making and proposals for ensuring no recurrence in future as identified within the report.

Rural Communities

21 There are no implications to rural communities arising from this report.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

22 There are no implications to children and young people, and cared for children, arising from this report.

Public Health

23 There are no public health implications arising from this report.

Access to Information	
Contact Officer:	Janet Witkowski Acting Governance, Compliance and Monitoring Officer Janet.witkowski@chechireeast.gov.uk
Appendices:	N/a

<p>Background Papers:</p>	<p><u>Agenda for Children and Families Committee on Monday, 11th July, 2022, 2.00 pm Cheshire East Council</u></p> <p><u>Agenda for Children and Families Committee on Monday, 12th February, 2024, 2.00 pm Cheshire East Council</u></p> <p><u>Agenda for Council on Tuesday, 27th February, 2024, 11.00 am Cheshire East Council</u></p> <p><u>Agenda for Children and Families Committee on Monday, 29th April, 2024, 2.00 pm Cheshire East Council</u></p> <p><u>Agenda for Council on Wednesday, 15th May, 2024, 11.00 am Cheshire East Council</u></p> <p><u>Agenda for Adults and Health Committee on Monday, 20th January, 2025, 10.00 am Cheshire East Council</u></p>
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