

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

11 NOVEMBER 2019

CALL-IN: REVIEW OF THE OLD VICARAGE CHILDREN'S HOME PROVISION

Report from: Ian Sutherland, Director of People – Children and Adults Services

Author: Jackie Brown, Head of Business Change (People) and ICT

Teri Reynolds, Democratic Services Officer

Summary

This report advises the Committee of a notice of call-in received from eight Members of the Council of the following Cabinet decisions relating to the future use of the Old Vicarage Children's Home Provision.

123/2019 The Cabinet agreed to instruct the Director of People – Children and Adults Services to commence a period of consultation to examine the future use of the Old Vicarage provision as set out in section 6 of the report.

124/2019 The Cabinet agreed that the outcome of consultation be reported to the Children and Young People Overview and Scrutiny Committee on 9 January 2020 for consideration and to the Cabinet on 14 January 2020 for consideration and determination.

1. Budget and Policy Framework

1.1 In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution with regard to decisions, Cabinet decisions 123/2019 and 124/2019 have been called-in to this Committee by eight Members (Labour and Co-operative Group) of the Council.

2. Background regarding the Call in

2.1 The Cabinet considered a report (attached at Appendix A) at its meeting held on 22 October 2019 which outlined a proposal to consult on the future provision of the Old Vicarage Children's Home.

- 2.2 The discussion and decision from the Cabinet meeting are set out below.
- 2.2.1 This report provided information relating to the Old Vicarage Children's Home for young people experiencing emotional and behavioural difficulties and its sustainability in the current economic climate.
- 2.2.2 The report stated that the aim of reviewing the Old Vicarage provision was to ensure that Looked After Children (LAC) placements were available and aligned to their needs, were less likely to break down, and that those placements supported those children to achieve better outcomes.
- 2.2.3 The report explained that given the monthly costs (approximately £59,000), and the reduced cohort set out in detail in section 2 of the (Cabinet) report, it was proposed to close the Old Vicarage in its current form and with its current purpose, with a closing date of 7 February 2020. As this proposal would directly affect service users and staff, consultations were essential. The consultation proposals were set out at section 6 of the (Cabinet) report.
- 2.2.4 A Diversity Impact Assessment (DIA) had been completed for this stage of the process as set out at Appendix 1 to the (Cabinet) report. Following consultation the DIA would be reviewed and presented to the Children and Young People Overview and Scrutiny Committee on 9 January 2020 and Cabinet on 14 January 2020.
- 2.2.5 Cabinet decisions:

Decision number:

Decision:

123/2019

The Cabinet agreed to instruct the Director of People – Children and Adults Services to commence a period of consultation to examine the future use of the Old Vicarage provision as set out in section 6 of the report.

124/2019

The Cabinet agreed that the outcome of consultation be reported to the Children and Young People Overview and Scrutiny Committee on 9 January 2020 for consideration and to the Cabinet on 14 January 2020 for consideration and determination.

Reasons:

- 2.2.6 As Corporate Parents, it is important that Medway Council does everything it can to give our Children a good start in life.
- 2.2.7 The recent Inspection of Local Authority Children's Services concluded that too many vulnerable children and young people wait

too long for intervention. The Old Vicarage is unable to meet this evolving demand, and this is leading to too many young people being placed outside of Medway, often at considerable distance and expense.

2.3 The above decision was subsequently called in by eight Members of the Council. The reasons for the call in are as follows:

“Concern over:

- closure of an ‘outstanding’ children’s services provision
- continuing provision plans
- lack of clarity over Out of Area Placements
- the future for staff at The Old Vicarage”

3 Director’s response to the call-in

3.1 The comments from the Director of People – Children and Adults Services on the points raised by Members in the reasons for the call-in are set out below:

3.2 Closure of an ‘outstanding’ children’s services provision

3.2.1 It is clear that there is a demand for residential placements for Medway’s young people. The fact that the Old Vicarage is rated as ‘outstanding’ is a source of great pride for the Council. However, the provision currently caters for only three young people (please see 3.3 below). In addition, children with similar needs are no longer placed in residential homes and are supported in a family environment (foster care).

3.2.2 In its current form, the home cannot address the growing challenge facing children’s placements. We need to develop provision to ensure that a greater number of young people receive the right intervention at the right time.

3.2.3 The recent ILACS (Inspection of Local Authority Children’s Services) concluded that too many vulnerable children and young people wait too long for intervention. The profile of referrals does not meet the requirements of the Old Vicarage that are defined in its Statement of Purpose. This project seeks to address those findings.

3.2.4 It is believed that using the facility for a different service type could offer better value for money, but more importantly, improved outcomes for those children and young people, whom we currently cannot place within Medway.

3.3 Continuing provision plans

3.3.1 Since the Cabinet report was published, the number of children living at the home has decreased to three. Further detail about the provision plans for the young people within the provision is contained in the exempt appendix.

3.3.2 Currently, there is liaison with the Old Vicarage, IRO and social work teams to confirm the contingency planning, detailed in the exempt appendix, in the event that the placement is going to close.

3.4 Lack of clarity over out of area placements

3.4.1 Our primary aim is to place Medway children in the area, working towards timely intervention and better outcomes. Currently, there is a lack of suitable provision in the area, meaning that there is little choice but to place out of area. An in-depth analysis of service types would identify how we can reach a greater number of children in need than is possible at present. Suitable local provision will enable us to bring Medway children back into area. (Naturally, in out of area placements where children are currently settled and achieving desired outcomes, we would not seek to disrupt their placement.)

3.4.2 In some instances, however, we cannot always place Medway children within the area for reasons of safety, such as gang affiliation or proximity to birth family.

3.4.3 The exempt appendix provides the Committee with the number of children placed in residential care provision. This excludes the young people currently living at The Old Vicarage.

3.5 The future for staff at The Old Vicarage

3.5.1 Consultation process

3.5.2 The proposals to close the Old Vicarage will be conducted in accordance with Medway Council's Organisational Change policy.

3.5.3 It is recognised that effective and regular communication and meaningful consultation with staff and trade unions is important, as well as support to staff during the period of change.

3.5.4 The Head of Corporate Parenting will be leading the proposed closure of the Old Vicarage. As lead manager they will be responsible for arranging group and individual consultation meetings with staff and trade union representatives, which will provide opportunities for questions and concerns to be addressed and individual circumstances to be taken into account. The Organisational Change Manager will be present at meetings, as required, to provide advice and guidance on HR related matters.

3.5.5 Staff may be accompanied by a trade union representative or workplace colleague to any meetings which occur, should they so wish.

3.5.6 It is recognised that change can be stressful, and staff will be given support through the Head of Service, Human Resources and Trade Union representatives as well as having confidential support and counselling available through Care First.

3.5.7 Change process

3.5.8 Trade Unions will be formally consulted on the proposals when the consultation period begins and throughout the consultation process.

3.5.9 All staff affected by this review will be placed on the redeployment register as soon as the formal consultation begins.

3.5.10 Every effort will be made to redeploy staff to a suitable alternative within the Council. This cannot however be guaranteed.

3.5.11 Redeployment

3.5.12 Staff directly affected by these proposals will be added to the redeployment register as soon as the formal consultation period begins in line with the Redeployment Procedure. Adding them to the register at the start of the consultation period will provide the maximum opportunity for alternative employment to be found.

3.5.13 Suitable redeployment opportunities will be ring-fenced to staff on the redeployment register in the first instance.

4. Advice from Monitoring Officer and Chief Finance Officer regarding the Call-in

4.1 The Monitoring Officer and the Chief Finance Officer have both further reviewed the Cabinet report and are satisfied that the decision taken by Cabinet is not contrary to the policy framework or contrary or not wholly in accordance with the budget.

4.2 Comments of the Monitoring Officer

4.2.1 The relevant Policy Framework document is the Council Strategy. One of the three priorities set out in the Council Strategy is “supporting Medway's residents to realise their potential”. The proposals also support the following way of working “giving value for money”.

4.2.2 The proposal to be consulted on refers to closing the Old Vicarage in its current form and with its current purpose. Should this be decided on following consultation, it is proposed to commission an expert analysis of the type of provision that Medway should offer. There are currently five vacancies at the provision and children can only be placed in the provision that meet its profile. Medway is increasingly in need of provision that can accommodate children with diverse, complex and high-level needs.

4.2.3 In addition, in the Council Strategy, the three priorities are to be achieved by working in the following three ways:

- Giving value for money (including a commitment to delivering efficient and effective services for Medway residents, business and visitors);
 - Finding the best digital innovation and using it to meet residents' needs;
 - Working in partnership where this benefits our residents.
- 4.2.4 The proposal refers to the high cost of the provision in its current form (approximately £59.000 per month) and the proposals are to explore how the provision and associated budget can be best used to meet the needs of Medway children.
- 4.2.5 It would appear therefore that this proposal is not contrary to the policy framework.

4.3 **Comments of the Chief Finance Officer**

- 4.3.1 The 2019/20 revenue budget for the Children and Adults directorate reflected a transformation savings target of £1.337million. One of the strands of work underpinning this target was the review of residential provision, to better address the issues of placement break-down and the needs of children on the edge of care.
- 4.3.2 Should the decision be made to close the facility, with a view to its eventual repurposing, to more effectively address the needs of children and young people within Medway's care system, it is considered that this would be in accordance with budget delegated to Cabinet.

5. **Options**

- 5.1 The options open to this Committee in dealing with this call-in are to:
- a) to consider the matter and accept the Cabinet decision, or;
 - b) ask Cabinet to reconsider its decision if Members have concerns about it/them (setting out in writing the nature of any concerns), or;
 - c) refer the matter to full Council for consideration.
- 5.2 In accordance with rule 15.8 of the Constitution, to avoid the possibility of very many emergency Council meetings, Overview and Scrutiny Committees should normally only use the power to refer a matter to the full Council if it considers either:
- a) that the decision is contrary to the policy framework (i.e. those policies and plans listed in Article 4.1 of Chapter 2 of the Constitution) or contrary or not wholly in accordance with the budget;
 - b) where a request for call-in is signed by six or more members representing at least two political groups.

- 5.3 If the Committee considers the Cabinet decision is, or would be, contrary to the policy framework or not wholly in accordance with the Council's budget, then it must first ask for advice from the Monitoring Officer and/or Chief Finance Officer. If the officer advice is that the decision taken by Cabinet is within the policy framework or budget, and this is accepted by the Committee, then a referral to full Council, on the grounds that the decision is contrary to the budget or policy framework, would not be possible. As mentioned in paragraph 4 above, the Monitoring Officer and the Chief Finance Officer have confirmed that the decisions taken by Cabinet set out in paragraph 2 above are not contrary to the Council's budget or policy framework.
- 5.4 The Committee may refer the call-in to full Council if:
- the officer advice confirms the view of the Committee that the Cabinet decision was outside the budget or policy framework, or
 - the officer advice does not confirm the view of the Committee but Members do not accept the officer advice.
- 5.5 In the event of a referral to full Council for reasons relating to the budget or policy framework, Cabinet will then meet to consider the views of the Monitoring Officer and/or Chief Finance Officer, together with the views of the Overview and Scrutiny Committee. Having considered these views, Cabinet will decide what action to take and prepare a report for Council.
- 5.6 When the Council meets following a referral on the grounds that an Overview and Scrutiny Committee considers that a Cabinet decision is contrary to the policy framework or contrary or not wholly in accordance with the budget, it can decide:
- a) that the Cabinet decision falls within the existing budget and policy framework, in which case no further action is required, or;
 - b) to amend the Council's budget or relevant policy framework document to encompass the decision, in which case the Cabinet decision takes effect immediately and no further action is required, or;
 - c) to accept that the decision is outside the policy framework or budget, in which case Cabinet must reconsider the matter taking into account the views of full Council and take a decision which is in accordance with the advice of the monitoring officer/chief finance officer and which complies with the budget and policy framework.
- 5.7 When the Council meets following a referral on other grounds then it can decide:
- a) to accept the Cabinet decisions and therefore take no further action or;

- b) refer the decisions back to Cabinet for reconsideration, setting out the reasons for the referral back.

6. Risk management

- 6.1 Risk management is addressed in section 5 of the Cabinet report attached at Appendix A.

7. Financial and legal implications

- 7.1 The financial and legal implications in relation to the Cabinet decisions are set out at sections 7 and 8 of the Cabinet report attached at Appendix A.
- 7.2 In accordance with Chapter 4, part 5, paragraph 15.3 of the Constitution, six members of the Council may call in a decision for scrutiny by the relevant Overview and Scrutiny Committee. Call-ins must be dealt with in accordance with Rule 15 of the Overview and Scrutiny Rules and Rule 7 of the Budget and Policy Framework Rules.

8. Recommendation

- 8.1 The Committee is asked to consider the called-in Cabinet decision 123/2019 and 124/2019 and decide either to:
 - 8.1.1 Accept the Cabinet decision and therefore take no further action or;
 - 8.1.2 Refer the decision back to Cabinet for reconsideration, setting out the reasons for the referral back or;
 - 8.1.3 Refer the decision to full Council for consideration.

Lead officer contact

Jackie Brown, Head of Business Change (People) and ICT

Tel: (01634) 332363 Email: jackie.brown@medway.gov.uk

Teri Reynolds, Democratic Services Officer

Tel: (01634) 332104 Email: teri.reynolds@medway.gov.uk

Background papers

None

Appendices

Appendix A – Report to 22 October 2019 Cabinet meeting.

Exempt Appendix – information concerning the progression plans for the young people currently at the provision and residential placement information.