

Brighton & Hove City Council
Children, Young People & Skills Committee

4.00pm 9 January 2023

Council Chamber, Hove Town Hall

Minutes

Present: Councillor Allbrooke (Chair), O'Quinn (Opposition Spokesperson), Brown (Group Spokesperson), Hamilton, Lloyd, McNair, Meadows and Nield

Co-optees: Mr A Muirhead and Ms B Robinson

Part One

31 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

- 31.1 Cllr Shanks substituted for Cllr John.
- 31.2 Cllr Sankey substituted for Cllr Grimshaw.

b) Declarations of Interest

- 31.3 Ms Robinson declared that her child attended one of the schools discussed in agenda item 43.

(c) Exclusion of Press and Public

- 31.4 There were no Part Two Items and so the press and public were not excluded from the meeting.

32 MINUTES

- 32.1 The Chair highlighted that in her Communications at the previous meeting she had stated that Louise Brown had stepped down as Youth Representative, however, she had since been informed that this was not the case.
- 32.2 **RESOLVED:** That the minutes of the meeting held on 7 November 2022 were agreed as a correct record, subject to the above amendment.

33 CHAIR'S COMMUNICATIONS

33.1 The Chair gave the following communication:

Today's Fees and Charges report gives councillors a deeper insight into the challenges the Council is facing financially, which have been reported to the Policy & Resources Committee. What I think it shows is just how much of the situation we are facing is outside of our control to resolve and presents a challenging picture for this Council in the years to come. So much of the services delivered by Families, Children and Learning are statutory services that we cannot turn down spending on, but at the same time are being asked, year on year, to balance an ever-demanding budget.

The costs of providing homes for children in care is increasing, we are finding increasing difficulty with finding placements, and although we have put the money we offer carers up, the cost-of-living crisis, in particular, is making it harder for foster carers to commit. So instead, we are having to place our children in residential care placements, which are expensive, and where the market is a providers market. The average cost of every residential care placement is around £250,000 per year. It's no wonder that the Competitions and Markets Authority concluded last year that "it is clear to us that this market is not working well and that it will not improve without focused policy reform".

The government's commissioned study by Josh MacAlister concluded that the answer was regional care cooperatives. Personally, I think this is a real dodge of a real crisis because while we talk about the cost, it's also about the care that young people are getting, which is the most important thing, and I don't believe that residential care is the best option for children and young people in care. We know that care is better when children are placed with foster carers, but on top of this, the more we spend on paying private hedge fund backed residential care homes to house our children, the less we can spend on really essential support elsewhere for all our city's children. By the way, no element of Josh MacAlister's study has yet been put into action.

We are also seeing an increased demand on home to school transport with more young people needing it, as well as a real difficulty finding providers. This will be discussed in detail when we come to the Home to School Transport report today.

None of these issues are ours alone. A look across at so many other councils show you that they are facing the exact same issues we are. Time and time again, when I meet with other councillors who do my role, they say that it's things like placement sufficiency and home to school transport that's keeping them up at night. These issues will not go away. They require policy or funding changes from government to help councils like Brighton & Hove, but I remain pessimistic that these days will ever come. We have been waiting years for promised reforms to adult social care and the government's since abandoned reforms have made the cost problem worse, not better.

34 CALL OVER

- 34.1 All items were reserved for discussion, with exception of 43 for which the recommendations were agreed without discussion.

35 PUBLIC INVOLVEMENT

(a) Petitions

35.1 There were no petitions.

(b) Written Questions

35.2 Ms S Perera put their question, which can be found on page 3 of addendum 1, to the Committee.

The Chair provided the following response:

The current draft proposal is that the nursery would close at the end of the Summer term 2023. Based on current attendance figures this would enable the 26 children who are due to start school in September 2023 to complete their early years education at the nursery rather than change setting mid academic year. All children who receive additional support funding due to their additional needs will be starting school, so there will not be a need to find alternative provision.

The remaining 22 families and children will be supported by the Family Hub and Early Years team to secure places in local nurseries. This may involve being allocated a Family Hub keyworker if necessary and support from the childcare brokerage officer. BME and EAL families will be supported by the Ethnic Minority Achievement Service.

Staff vacancies in council nurseries are currently being held to allow for adequate redeployment opportunities for Bright Start Nursery staff. This will allow these nurseries to increase numbers of children attending if staff are redeployed in these settings. Together with the family we would identify where nursery vacancies are across the city, and aim to place staff and children near to where they live or where parents and carers work. We will also work with private sector nurseries to look at securing childcare places from September 2023. It is not possible to cost this work as it is unclear at this time how many families would need support to find those childcare places.

Ms S Perera asked the following supplementary question:

Can the Council guarantee that it will be able to fulfil its legal obligations towards children with SEND in the future if Bright Start closes given that the Jeanne Saunders Centre has seen unprecedented demand for places over the last two years. Can the Council guarantee that every child with SEND will be able to get a suitable nursery place without the capacity and experience that Bright Start brings? If so, how, and what will it cost?

The Legal Advisor provided the following response:

In terms of the Council's legal obligations, the first obligation is to ensure that there is sufficiency for those young people needing nursery places. You will see from the report that we are considering shortly that the issue of childcare sufficiency has been considered. In addition, if any child was entitled to an EHCP, of course the Council would be obligated to provide whatever services were identified as being needed and available under the plan.

35.3 Mr P Gilbert put their question, which can be found on page 3 of addendum 1, to the Committee.

The Chair provided the following response:

I think it is first worth clarifying that no decision has been made. There has been reports presented to the Policy & Resources Committee which put forward proposals, but the decision will be made formally at Budget Council at the end of February.

Regarding the Community Infrastructure Levy, the Council is awaiting clarification on the funding of childcare facilities. If changes are made to the scheme there will be a need for us to consult with providers on the levels of funding required for inclusion within our infrastructure delivery plan – which goes to the Tourism, Equalities, Communities, and Culture Committee. Our current plan contains just less than £600m for new infrastructure required across the city by 2030. There will be an annual bidding process for the council's share of that money and the detail agreed annually by Policy and Resources Committee.

We are currently working on updating our childcare sufficiency assessment but do not anticipate that it will show an overall shortage of early years and childcare provision in the city. We do of course continue to review what more targeted provision and support is required for our children most in need including those from low-income backgrounds, refugee, and asylum-seeking families and for children with SEND.

While other councils, although you do not quote which specifics, may laud their settlement, this council does not welcome the Local Government Settlement published in December. This means the budget gap reported to Policy and Resources Committee at the beginning of December was projected to be £18.890m. This takes into account any rise in spending power the Council was given, as well as additional funds because while the government often say that they have given councils more money, a lot of the time it's that we have been given the power to raise more money from our residents.

These assumptions have already been taken into account, however, the impact of our individual settlement received in December is actually that the budget picture has got worse, not better. Our budget deficit for 2023/24 is projected to be £39.1m. At December Policy & Resources Committee, we put forward just £10m of savings. We have then accounted for the additional funding received from the government on top, which means that what's left is at least an £8-10m deficit on top of the savings already found. At this present time, we are focused on trying to make our budget balance and have not reconsidered any proposals on the table.

Mr P Gilbert asked the following supplementary question:

Why has the Council not shown residents a set of criteria, priorities or a strategy which determines whether something is decided for cuts or not, and why has the Council not shown residents an options appraisal that shows whether the Council has considered things other than the out and out closure of Bright Start?

The Chair provided the following response:

We would never put other options on the table that we're not going to put forward for proposals, simply because I think that would cause a real amount of anxiety among the public and teams if we then decided not to put a proposal forward. You know from how this process is treating you and your community that this is an extremely difficult process and if I were to put forward proposals on the table to give other options, that would cause extreme anxiety.

We look in detail at what services we are legally obligated to provide, those are our statutory services, and then we look at what services we can, therefore, put forward on the table. That's the process that we are continuing to do because we continue to have a deficit and a gap to find. That's basically the strategy for this directorate, what services do we have that we can possibly put forward, because so many of our services are statutory, as I said in my Chair's Communications, and we are not allowed to cut our statutory services.

Sadly, nurseries are not a statutory service for councils to provide and so many councils no longer run their nurseries and so many of them cut them years ago. We are very lucky in this city that we have kept so many services running for as long as we can, but we are at the end of the road for what we can do at this point. It's a really, really difficult thing and nobody wants to make any savings. I've said it before, nobody became a councillor to have to make savings and this is a really difficult thing to do but we are doing what we can to try and protect the services that we have. I would much rather we were in a position that we didn't have to make £20m of savings this year but sadly we are in that position, and we're focused on doing all we can to find our way through this.

Unlike the government, we have to make our budget balance. We can't turn around and say that we don't want to make any cuts so we're just going to leave it. The government can borrow and borrow and borrow but that's not the case for us in terms of revenue – we can borrow for capital projects but not for revenue. So, it's a really, really difficult position and so many councils have been in this position. We've been in this position year on year for the last twelve years and that's why we're in a position of closing services, because we've trimmed the fat as much as we can to try and avoid closing services but sadly, we are in a position now where we don't think we can do anything else. I know that's really difficult, and it's difficult for everyone and nobody wants to be in this position but sadly that's where we are.

(c) Deputations

35.4 There were no deputations.

36 ITEMS REFERRED FROM COUNCIL

(a) Petitions

36.1 'Save Bright Start', a petition which was presented by Ms S Perera at Council on 15 December, was referred to the Committee.

36.2 The Chair highlighted that the petition had been debated at Council and that there was a report included later in the agenda relating to the matter.

36.3 **RESOLVED:** That the Committee agreed to note the petition.

(b) Deputations

36.4 'Bright Start Nursery Proposed Closure', a deputation which was presented on behalf of Ms C Jany at Council on 15 December, was referred to the Committee.

36.5 The Chair noted that the deputation also related to the report included later in the agenda.

36.6 **RESOLVED:** That the Committee agreed to note the deputation.

37 MEMBER INVOLVEMENT

37.1 There were no petitions, written questions, letters, or notices of motion.

38 UNACCOMPANIED ASYLUM-SEEKING CHILDREN BRIEFING

38.1 The Head of Safeguarding & Performance presented a briefing regarding unaccompanied asylum-seeking children in the city.

38.2 Both Cllr O'Quinn and Cllr Meadows raised questions regarding the missing children and highlighted concerns regarding trafficking and organised crime.

38.3 Cllr O'Quinn queried the number of unaccompanied children in the Council's care and the figures for those placed in foster care placements and children's home.

38.4 Cllr Sankey raised questions relating to the Hove hotel contractor, a comparison of the number of missing children in relation to other local authorities, the Council's position on corporate parental responsibility, and the Home Office's legal authority to transfer children to the city.

38.5 Cllr Hamilton queried the cost of looking after unaccompanied children.

38.6 **RESOLVED:** The Committee agreed to note the briefing.

39 BRIGHT START CLOSURE PROPOSAL

39.1 The Head of Service – Family Hubs introduced the report which outlined the proposal for the closure of Bright Start Nursery.

39.2 Cllr O'Quinn raised questions regarding the subsidised costs of the nursery, the projected cost of building works, and options for alternative sites.

39.3 Cllr Meadows raised questions regarding the nursery's fees, whether provision was still only available for children of Council staff, if Bright Start was a SEND specialist nursery, and the availability of spaces in other nurseries.

- 39.4 Ms Robinson questioned if assurances could be given to parents of children with SEND should they require to move to another nursery.
- 39.5 Cllr Brown raised points regarding the support available for families to find alternative provision and the budget proposal relating to Early Childhood Project Toy Library at the Turner Children's Centre.
- 39.6 The Chair noted that there was a Labour Group amendment and invited Cllr O'Quinn to move the amendment, which can be found on page 165 of addendum 3.
- 39.7 Cllr O'Quinn moved the amendment, which was seconded by Cllr Sankey.
- 39.8 The Committee voted on the amendment, which the Conservatives abstained from.
- 39.9 The Committee voted on the recommendations as amended, which the Conservatives abstained from.
- 39.10 **RESOLVED:** That the Committee -
- i. Noted the information regarding the proposal to close Bright Start Nursery being put forward to Budget Council on 23 February 2023.
 - ii. Agreed that its members receive a copy of the relevant Equalities Impact Assessment.
 - iii. Agreed that CYPS and P&R committee members receive the Building Survey carried out in 2019 and the Stage 1 Fire Risk Assessment carried out in August 2022.
 - iv. Agreed that CYPS and P&R committee members are informed of what assurances there are regarding the future employment of Bright Start Nursery staff.

40 UPDATE ON THE WORK OF THE CORPORATE PARENTING BOARD

- 40.1 The Assistant Director – Children's Safeguarding & Care introduced the report which provided an overview of the work of the Corporate Parenting Board.
- 40.2 Cllr Brown questioned if there had been any noticeable changes to the figures in the Q4 2021/22 dashboard.
- 40.3 Ms Robinson queried if data was collected for children with SEND and EHCPs.
- 40.4 **RESOLVED:** That the Committee –
- i. Noted the work of the Corporate Parenting Board and the responsibilities of the council as Corporate Parents.
 - ii. Approved the new Terms of Reference.

41 HOME TO SCHOOL TRANSPORT SERVICE PROGRESS REPORT - JAN 2023

- 41.1 The Head of Service – Home to School Transport introduced the report which outlined the drivers of increased pressures on the home to school transport budget and service delivery.

- 41.2 Both Cllr Shanks and Cllr O'Quinn raised points about personal travel budgets and travel training.
- 41.3 Ms Robinson provided feedback from PaCC regarding the requested additional contract price uplift and budget for the service.
- 41.4 Cllr Hamilton raised a point in relation to fuel prices and sought clarity on the criteria for Home to School Transport.
- 41.5 The Chair put the recommendations from the report to a vote, which the Conservatives abstained from.
- 41.6 **RESOLVED:** That the Committee –
- i. Noted the increased pressures on the home to school budget and service delivery.
 - ii. Rejected the request for an additional contract price uplift by three home to school transport operators.

42 ELECTIVE HOME EDUCATION IN BRIGHTON AND HOVE

- 42.1 The Head of School Organisation introduced the report which provided an update on the current numbers of Electively Home Educated (EHE) children in the city, a comparison with other Local Authorities and the reasons given for parents choosing to home educate their children.
- 42.2 Mr Muirhead raised questions regarding Homewood College and the Schools Bill.
- 42.3 Cllr McNair raised questions in relation to Portsmouth City Council, teaching provision checks, the reasons for children moving back to the school system, the Council's role in encouraging home educated children to return to school, and the ideological reasons for children being home educated.
- 42.4 Ms Robinson had queries regarding the role of community engagement in establishing the reasons children were removed from schools, the language of the guidance provided to schools, and data on flexi-schooling.
- 42.5 Cllr Nield raised several questions regarding the metrics and outcomes which EHE was judged against.
- 42.6 Cllr Meadows raised further questions regarding the reasoning for children being moved to EHE, the proportion of children who are RAG-rated, and the potential of children falling through the gap and not receiving an education.
- 42.7 Cllr Shanks highlighted safeguarding concerns.
- 42.8 **RESOLVED:** That the Committee –
- i. Noted the information regarding the number of home educated children and how this reflects the regional and national position.

- ii. Noted the Council's process to safeguard children and young people who are Electively Home Educated and the mechanisms to engage positively with the EHE community in the city.

43 SCHOOL ADMISSION ARRANGEMENTS 2024-25

43.1 The recommendations were agreed without discussion.

43.2 **RESOLVED:** That the Committee –

- i. Agreed to make no changes to the Council's school admission arrangements or secondary school catchment areas, except for the changes listed in sub- paragraphs 2.2- 2.4.
- ii. Agreed to a change to the Published Admission Number (PAN) for Downs Infant School from 120 to 90 pupils.
- iii. Agreed to a change to the Published Admission Number (PAN) for Hertford Infant School from 60 to 30 pupils.
- iv. Agreed to a change to the Published Admission Number (PAN) for Hove Junior School - Holland Road from 96 to 64 pupils.
- v. Agreed to make no change to the coordinated scheme for admissions or to the "relevant area".

44 SUPPORTED ACCOMMODATION FOR YOUNG PEOPLE PLACEMENTS

44.1 The Assistant Director – Children's Safeguarding & Care introduced the report which sought approval for the extension of the existing hybrid framework and the re-opening of the hybrid framework for new applications.

44.2 Cllr Brown raised questions regarding the sufficiency of supported accommodation and ability to discontinue use of providers where they were not meeting our requirements.

44.3 Cllr Lloyd queried why East Sussex County Council don't use the framework.

44.4 Cllr Hamilton sought clarity on which councils were involved in the framework.

44.5 Cllr O'Quinn requested a list of the providers on the framework and sought assurances of the quality of the provision.

44.6 The Chair noted that there was a Labour Group amendment and invited Cllr O'Quinn to move the amendment, which can be found on page 167 of addendum 3.

44.7 Cllr O'Quinn moved the amendment, which was seconded by Cllr Hamilton.

44.8 The Committee voted on the amendment, which was carried.

44.9 **RESOLVED:** That the Committee –

- i. Agreed to extend the Supported Accommodation for Young People hybrid framework for a further period of 2 years from 1 July 2023 to 30 June 2025.

- ii. Delegated authority to the Executive Director of Families, Children & Learning to:
 - (1) take all necessary steps to extend the hybrid framework and to reopen it to operators in the new year, and
 - (2) to procure and award call off contracts and individual placement agreements from the hybrid framework.
- iii. Agreed that a progress report come before the Children, Young People & Skills Committee in Autumn 2024 providing information on how effectively the Joint Hybrid Framework has been in providing more supported accommodation for young people placements in the period July 2023-24 and a costing of the Framework.

45 FAMILIES, CHILDREN AND LEARNING FEES AND CHARGES 2023/24

- 45.1 The Head of School Organisation introduced the report which reviewed the Families, Children and Learning Services fees and charges in accordance with the corporate policy.
- 45.2 Cllr Brown raised concerns regarding the management of high levels of risk within the home and the case referenced in paragraph 3.6 of report.
- 45.3 Cllr O'Quinn raised a point regarding the funding rates provided for free childcare places.
- 45.4 Ms Robinson raised questions regarding the communication of information to the community and eligibility for free adult education courses.
- 45.5 The Chair put the recommendations from the report to a vote, which the Conservatives abstained from.
- 45.6 **RESOLVED:** That the Committee –
 - i. Agreed that the implementation of new fees & charges rates is as soon as practicably possible.
 - ii. Agreed the position on fees charged for nurseries as detailed in section 3.22.
 - iii. Agreed the position on fees and charges for Childcare Workforce Development as detailed in section 3.25.
 - iv. Agreed the position on fees and charges for the Early Years Quality Improvement Programme as detailed in section 3.30.
 - v. Noted the position on the charges for school meals as detailed in section 3.31 - 3.37.
 - vi. Agreed the position on fees and charges for Adult Education Courses as detailed in section 3.38 – 3.42.

46 ITEMS REFERRED FOR COUNCIL

- 46.1 No items were referred to the next meeting of Council.

The meeting concluded at 7.20pm