

MEETING OF MIDDLESBROUGH COUNCIL

At the Meeting of Middlesbrough Council, lawfully convened, and held in the Town Hall, Middlesbrough on 12 February 2020.

PRESENT: Councillors J Hobson (Chair); L Garvey(Vice-Chair); D J Branson, C Cooke, B Cooper, D P Coupe, D Davison, S Dean, C Dodds, T Furness, A Hellaoui, T Higgins, A High, C Hobson, J Hobson, B A Hubbard, D Jones, L Lewis, T Mawston, D McCabe, J McTigue, M Nugent, J Platt, E Polano, A Preston, G Purvis, J Rathmell, D Rooney, M L Smiles, M Storey, P Storey, J Thompson, J A Walker, S Walker, A Waters, G Wilson and C Wright

OFFICERS: C Benjamin, J Bromiley, R Brown, S Butcher, B Carr, N Finnegan, R Grey, R Horniman, A Hoy, D Johnson, T Parkinson, A Perriman, S Reynolds, E Scollay, K Whitmore, A M Wilson, I Wright

APOLOGIES FOR ABSENCE were submitted on behalf of Councillor R Arundale, Councillor A Bell, Councillor J Goodchild, Councillor S Hill, Councillor N Hussain, Councillor C McIntyre, Councillor J Rostron, Councillor R M Sands, Councillor M Saunders, Councillor Z Uddin.

DECLARATIONS OF INTERESTS

None Declared

1 EXECUTIVE SCHEME OF DELEGATION

The Mayor advised that he had made changes to his Executive Scheme of Delegation, in response to the outcome of the Children's Services Ofsted inspection. The Mayor advised that he had split the Executive Member portfolio for Children's Services so that the Deputy Mayor would lead on Children's Services and Councillor Cooper would lead on Education.

The Mayor explained the rationale with regard to the decision to split the Executive Member portfolio and he advised members of the experience that Councillor High brought to the area of Children's Services. The Mayor also advised that he had recently visited Hartlepool Council's Children's Services to look at how they managed the delivery of their Children's services and to learn from best practice, as they faced many of the issues experienced at Middlesbrough Council in relation to the delivery of Children's Services.

2 EXTRAORDINARY COUNCIL MEETING - OUTCOME OF RECENT OFSTED INSPECTION INTO CHILDREN'S SERVICES

The Chair invited Councillor Storey to outline the reasons for calling the Extraordinary Council meeting

Councillor Storey advised that the Ofsted report into Children's Services which was published in January was damning and labelled the Council's Children's Services department as inadequate in all areas. The Extraordinary meeting had been called in order to allow members to raise pertinent questions, discuss the strategy and way forward for the department and the Council and to talk about how the Council reacted to the situation to ensure that young people in the Council's care received the support and care that they needed and deserved. Councillor Storey acknowledged that there had been briefings and opportunities for Councillors to ask questions on this topic, but in the spirit of 'openness and transparency', the Labour Group felt that the public had a right to hear their elected representatives discuss this critical matter.

Councillor Storey stated that It was clear in his opinion from the Ofsted report, and the discussions with officers, that the major reason for the judgement delivered by Ofsted was that Ofsted changed their criteria for assessing Councils and their Children's Services departments and that this change in the assessment framework was not properly addressed. There were no briefings or papers provided to elected members referencing these changes to the assessment criteria and he advised that members should have been fully aware of any such major changes with regard to how Ofsted would be assessing the Council.

Councillor Storey queried with regard to how the senior leadership and the Executive had reacted to those changes in terms of what they did to prepare for the changes and how those preparations were communicated to staff? He stated that he had been impressed by the work that the Interim Director of Children's Care had undertaken in terms of providing better communication and knowledge of the new framework, but he stated that the Council did need to identify what went wrong in how they addressed the framework when it was introduced so it could learn the lessons in terms of that aspect of the report.

Councillor Storey stated that a key aspect of how the Council managed its response to the inspection was how they worked with partners. The Council was not solely responsible for children in care. It shared that responsibility with the Police and local Health Services. All of these services faced similar levels of budget pressures due to government policy, and how they dealt with those pressures often resulted in the removal of services or the scaling back of provision. All of these cuts were interconnected and a cut in local Policing or at the Clinical Commissioning Group (CCG) could have a huge impact upon the Children's Services department in Middlesbrough. Councillor Storey stated that he would request that the Council formalise a process of budget briefings with the CCG and the Police and Crime Commissioner's Office during the course of the year to ensure that whatever service changes or reductions were being proposed in each partner organisation, that the Council was aware of them so that it could be prepared for any potential impacts or alternatives which would be detrimental to Children's Services in Middlesbrough.

Councillor Storey also suggested that as the strategic plan was finalised and put into action, that a standing item at the Full Council be added, not as part of the Executive Members report, but a separate item for the Executive Member to give a full update on progress and to inform elected members of any critical issues or matters that they should be aware of.

Councillor Storey also stated that he noted that Councillor High had been appointed as the new Executive Member for Children's Services. He advised that in the press with regard to the announcement of his appointment, it was stated that Cllr High brought a 'wealth of experience and expertise' to the role that he had 'worked with Ofsted in the past' and that he had a 'record of trouble-shooting organisations.'

Councillor Storey queried whether Councillor High could specify in as much detail as possible what exactly these statements referred to and state any evidence of his experience and expertise, his work with Ofsted in the past and how had been a 'trouble-shooter'. He stated that this would help to reassure elected members and more importantly local families, parents and other observers about his appointment to the role and his skills and background.

Councillor Storey stated that the inspection highlighted the fact that Middlesbrough Council's Corporate Parenting functions were under-developed and, in light of this, more regular meetings of the Corporate Parenting Board would demonstrate that the Council was serious about boosting the prominence of Corporate Parenting. He stated that the Board must also receive regular statements and updates on the progress of the strategic plan so they could scrutinise and constructively challenge. The Council's scrutiny committees must ensure that they received regular updates and evidence from officers and the Executive member concerned so that all elected members were involved with the delivery of the improvement strategy. Councillor Storey stated that the role of a Corporate Parent was a role that all members were required to fulfil and members could not afford to pay lip service to it. He stated that members should ensure that they gave it the emphasis and importance that it deserved. He stated that there was no greater responsibility for a Local Authority than to look after its most vulnerable children and elected members needed to live up to that responsibility.

Councillor Storey stated that he was pleased to be invited by the Mayor along with Councillor Wright and the Executive Member for Children's Services to sit on a cross-party working group, looking at how the Council responded to the inspection. It was essential that the Council worked across party lines to deliver solutions and tackle this issue, and this was a step in the right direction in that regard.

The inspection had highlighted some positives and Councillor Storey stated that it was

important for frontline staff to know that members appreciated and praised the work they did in the most difficult circumstances. The Council's Early Help work was praised in the report which many members had seen working first-hand to try and support vulnerable families and ensure wherever possible, that children were not taken into care. Retention of family and sibling links was also highlighted as a positive and the staff had indicated that they did feel well-supported and positive about working in Middlesbrough.

Councillor Storey stated that he was pleased that the Mayor had agreed with the Labour Group with regard to requesting extra funding from the government. The number quoted by the Mayor was £20m over four years and he queried with regard to how that figure was arrived at?; what exactly the funding would be used to pay for?; what discussions had taken place with Ministers so far and what correspondence had taken place between the Mayor's office and Central Government in terms of requesting that extra funding? He also queried with regard the Mayor's expectation of success in terms of receiving the additional £20m?

Councillor Storey stated that the Council, both officers and elected members, must now come together to ask the difficult, challenging questions that it needed to, and set a course that retained Children's Services within the Council's remit and avoided at all costs any transfer to Trust status. He stated that there were often issues discussed in the chamber and other committees of the Council which were of great importance to local people, which referred to the delivery of key services and how local government interacted with their everyday lives. Children's Services and children in local authority care was a topic which was different. Vulnerable children, children and families in need of the most critical support, and how the Council provided that support, was an issue that was very important, in terms of how the Council secured safe, loving homes for children in Middlesbrough. Councillor Storey stated that he hoped that in the response to this inspection report that members would unite and work together to answer that question and turn this situation around.

Councillor High thanked Councillor Storey for requesting the Extraordinary Council meeting, as it provided an opportunity for all parties to share their concerns about this important issue. He stated that it was not the usual practice to present a report at an Extraordinary Council meeting, but the report submitted was to update members on progress. Councillor High advised of an amendment to paragraph 13 of the report as the issue regarding resources and planning was due to be discussed at the Executive on 18 February 2020 and was not for consideration at this meeting, and as a consequence, this was just to be noted.

Councillor High advised that it was not appropriate to discuss the details of his working background at the Extraordinary meeting but he was willing to meet with Group Leaders to outline the experience he had gained over the years to give confidence to members with regard to his ability to deal with the issues facing Children's Services.

Councillor Cooke stated that this was a subject he felt incredibly strongly about. As someone who had spent time in care, he stated that he knew some of the challenges faced by the children who looked to the Council to protect them.

He stated that when people talked about a forever home, he remembered how difficult it was as a child, to adjust to having to move again and again. He related his experience of growing up as a child, and in relation to care leavers and their outcomes, he stated that some of those that he grew up with had turned to substance abuse and had been guided by others towards a path of self-destruction.

Councillor Cooke commented that a person's childhood could dictate the way in which they lived the rest of their lives, and by ensuring that the Council provided the best provision when the child needed it most, would help them on their way to a more successful life.

Councillor Cooke stated that the Council should do everything possible to ensure that the authority and members, as corporate parents, delivered a far better provision than what was currently on offer. He stated that he would do anything he could to help achieve this. He urged the Mayor to make sure that when he was creating working groups to deal with this issue, that he cast the net as wide as possible as many members of the Council had experience of this issue.

Councillor Mawston queried with regard to the date that Ofsted had changed the Framework. Councillor High advised that it was changed in 2016.

Councillor McTigue commented on the fact that the Mayor had found it necessary to visit another authority to look at how they ran their Children's Services. Councillor McTigue also queried whether the Mayor had approached the Chief Executive when he was first elected to find out which areas of the Council were costing the most money. Councillor McTigue also queried with regard to why the Mayor had not appointed Councillor High to be Executive Member for Children's Services in the first instance, given Councillor High's expertise in the area.

The Mayor advised that although the situation that the Council faced with regard to Children's Services was not very good, it was not appropriate to prescribe blame or make anybody a scapegoat. He stated that the Council visited Hartlepool to listen and understand how they operated within Children's Services and to learn good practice and it was a recognised way of dealing with the issue.

The Mayor stated that he and the Chief Executive had held several conversations over the months and their understanding, following these meetings, was that Children's Services was weak, but not inadequate. He stated that this had been reported in the Ofsted report in 2015.

Councillor Rooney clarified that the Framework had changed in September 2019, and she stated that she would be interested to hear about Councillor High's experience referred to earlier in the debate and she stated that the public should also be aware of the information provided.

Councillor Rooney queried with regard to the following:

- (a) Would there be a forensic assessment with regard to where the Council's Children's Services had failed?
- (b) Following this assessment, what actions would the Council take?
- (c) What assurance would members be given, that the Council was bringing the staff along with them in responding to the inspection report?
- (d) Who would be carrying out the assessment and what was the proposed timescale?

Councillor High advised that the forensic assessment had already been done and this formed part of the inspection report. A Commissioner would be appointed and would come into the Council for a 12 week period to ascertain if the Council was fit to continue running Children's Services beyond the 12 week period. A number of working groups to fully engage the staff had already been established by the Interim Director of Children's Care.

Councillor Coupe stated that all groups should be involved in the cross party working on this vitally important issue and he indicated that he would be interested in being involved.

Councillor Cooper stated that the Ofsted report, Page 11 paragraph 5, had indicated that as a relatively new Executive Member, he had not had enough time to understand the issues. He stated that the Council's Recovery Plan was a 3 year plan. He stated that the Council had already made 2 new appointments before the Inspectors arrived, and these were appointments that the Inspector had asked for.

Councillor Hellaoui stated that as the relatively new Chair of the Corporate Parenting Board, she had recently chaired two excellent meetings, so it was very disconcerting to read the Ofsted Inspection report. The report stated that the aspirations for children in care leavers was not good enough and the action taken to meet the collective responsibility of the Council's elected members, employees and partner agencies was also not good enough.

Councillor Hellaoui read a definition of the role of a corporate parenting from the former Secretary of State for Health, Frank Dobson, who had introduced the concept of corporate parenting.

Councillor Hellaoui stated that for most children, the parents held together the main strands of their lives, and maintained the knowledge of their child's history, circumstances and development. In addition to the problems of needing to re-form attachments, the child moved into a world of paid and sometimes changing carers, where their life was managed through formal and legal processes. In addition to learning to cope in this world, the child has lost the continuity of parental management of their access to services and opportunities. Councillor Hellaoui stated that the responsibility as a corporate parent was shared by the Council as a whole and included all councillors, not just those with an interest in Children's Services as all members were corporate parents.

Councillor Hellaoui emphasised the need to share the corporate parenting role and the requirement to be proactive with working with partnership agencies. Members were advised that along with officers, the Corporate Parenting Board had drawn up a 10 point plan to strengthen corporate parenting and the Board. Councillor Hellaoui urged members to contact her if they had any ideas with regard to how to improve corporate parenting and she would feed back to members on any ideas or proposals in the near future.

Councillor S Walker stated that one of the key findings in the report related to the lack of multi-agency partnerships across Middlesbrough Council and other authorities. The Quality Assurance Programme was also not monitored properly.

Councillor Walker stated that having a critical voice was a good thing whether it was an internal or external voice. There were many skilled people within the Council and he suggested that internal audit could be involved in providing the critical friend role as part of the internal audit function, as it would be a useful tool going forward and it would be at no cost to the Council.

Councillor Rooney stated that she would like to know about the work that was being carried out with stakeholders, in terms of who the stakeholders were and she stated that she was particularly interested in any work that was being carried out in relation to care leavers.

Councillor High stated that the Council had been working hard with external partners to ensure that the appropriate pathways were in place. He stated that a meeting had been held with the Children's Trust Board and meetings had been held with various members. He stated that within the next 12 weeks, a Children's Commissioner would be leading on looking at what the Council needed to do to ensure that the Council could deliver Children's Services safely.

Councillor Rathmell stated that improving the lives and futures of children was of paramount importance. He stated that following the members briefings he had attended, he was assured from the new Interim Director of Children's Services that the intention was there to meet this objective.

Councillor Rathmell stated that one thing that did concern him was that it was acknowledged at the briefings that there had been systemic management failings in the authority in respect of Children's Services. He stated that he had learned from the member briefings that the Executive had not been kept fully informed, although the Mayor had indicated that he was aware of the situation. He stated that following the previous Extraordinary Council meeting with regard to Stanhope Castle, it had been agreed that members would not have information withheld from them, and that there would be an era of openness and transparency. He stated that following the briefings members it appeared that the ethos of openness and transparency had not continued.

Councillor Rathmell stated that when the Mayor was elected he had advised that it would be a new broom approach of openness and transparency and doing things correctly...

The Chair advised the member that he had been advised that he was raising matters that reflected on the character or conduct of a person. Councillor Rathmell raised a Point of Clarification and he stated that the matter referred to came under the Director of Children's Services and it was also dealt with by the Executive Member for Children's Services and they had no knowledge of it. Councillor Rathmell stated that members found themselves in the same scenario now and he queried with regard to which part of it required clarification. The

Chair advised Councillor Rathmell that he was raising matters that reflected on the character or conduct of a person.

The Monitoring Officer advised that in accordance with Paragraph 21(f) of the Council's Procedure Rules, members were not allowed to comment or ask questions which reflected on the character or conduct of a person. Councillor Rathmell queried with regard to which person he was referring to. The Monitoring Officer advised that the member had been referring to employees of the Council. Councillor Rathmell advised that he was referring to the knowledge that members had and the fact that they were not kept informed. The Monitoring Officer advised that the preamble to the question referred to employees of the Council.

Councillor Rathmell stated that a number of questions had been raised which referred to officers by name or title. He clarified that the Mayor had been elected with a new broom approach of operating with openness and transparency. He stated that this had not happened for a second time in relation to Children's Services. He queried with regard to, as corporate parents, how members could have confidence that members were being given the appropriate information, when information had been withheld or members were not given the appropriate information.

The Mayor stated that officers did not mislead members or kept them in the dark. Councillor Rathmell raised a Point of Clarification and stated that when the issue was raised at the member's briefings, about members having information withheld and members not being provided with information when it was requested, it was acknowledged that this had happened but it was not going to happen according to the new action plan.

The Mayor stated that what had been acknowledged was that some of the information provided by officers was lacking but there had been no attempt to deliberately withhold information from members. The Mayor stated that members needed to unite and get behind the children in the town to ensure that they had a proper future. The Council needed to have cross party representation on the Corporate Parenting Board and have stronger scrutiny.

Councillor Rathmell raised a Point of Clarification and advised that there had been an admission of withholding information.

Councillor Hubbard stated that Councillor Storey and Councillor Rooney had raised a wide spectrum of issues. He queried whether the Mayor could give the Council a guarantee that those responsible would not receive a severance payment.

The Mayor stated that as the issue related to staff, the Council were not allowed to discuss that issue.

At this point of the meeting, a member of public interrupted the meeting. The Chair advised that the Council meeting was a business meeting of the Council and whilst members of the public were welcome to attend, they were not allowed to shout out or disrupt the meeting.

Councillor Cooper stated that he fully supported the appointment of Councillor High to assist with Children's Services. He stated that there had not been any secrecy. Officers were unsure as to whether he was allowed to receive some information but the Council were working together to protect children.

Councillor Garvey stated that the Ofsted report was damning but it was very important and things could be put right. He stated that work already carried out by members working cross party and officers was comforting.

Councillor C Hobson stated that all the members were passionate about Children's Services and whilst the report was damning, the Council did have an action plan to put things right. A new officer was in place and it was important that all members worked together to move forward to look after the children.

Councillor Storey stated that it was important for members to receive responses to the issues raised at the meeting. Councillor S Walker had raised an issue regarding the involvement of

internal audit in scrutiny of the issue and he would like a response on this. He stated that by learning through best practice, the Council could get through this. He stated that there was a way forward if all members pulled in the right direction, the Council could make a difference to children. Councillor Storey then read out a quote from Nelson Mandela in relation to the way we treated our children.

As there were no further comments, the Chair closed the meeting.