CABINET

Wednesday, 26 September 2018 at 6.00 p.m.
C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Item 6.2 – Further Consultation Response

The meeting is open to the public to attend.

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6 .2	**Securing the future of Early Years services - phased closure of the three local authority childcare day nurseries**	**3 - 10**	**All Wards**

UNISON the public service union	**LOCAL AUTHORITY DAY NURSERIES (LADN)** **Public Consultation Submission**
ISSUE	**COMMENT**
Format and timing of the public consultation	1. UNISON is submitting a written submission as the on-line consultation format is, by any reasonable standard, structurally manipulative. UNISON has received many contacts from parents and council staff complaining that the consultation seems designed to lead to a particular response (in favour of closure of the LADNs). 2. UNISON is disappointed that the consultation was held over the peak summer holiday period and only extended for one week after the end of the school holidays. It is foreseeable that holding consultation events during the holiday season will impact on attendance and participation. 3. We note that the 2017 public consultation on a proposal to outsource the LADN was also conducted during the summer holidays.
Manipulation of Feedback	1. UNISON has received a number of emails written by council managers forwarded by staff in the Children's Centres (CC). 2. These emails have focused on directing CC staff to help parents using the CCs to complete the consultation in a way that demonstrates that CC staff ***'want the children's Centre's to remain as they are'*** [1] and that the consultation is a choice to ***'save the CC's or the day nurseries.'***[2] 3. Unusually, CC staff have been asked to print out hard copies of the consultation papers and take them to play sessions, home and community visits and to help service users complete them.

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4. That CC staff are being utilised by IEYS managers to shape feedback against maintaining the LADNs by falsely counter posing the LADNs to the Children's Centres is not appropriate. It understandable that some CC staff have contacted the union out of concern that they are being encouraged to promote closure of the LADN.

5. UNISON believes that a line is crossed when staff are effectively told that their jobs are on the line if the LADN don't close and it is their role to **"encourage"** parents to respond and **"help"** them in completing a response as part of normal Family Support and Play sessions.

6. Senior IEYS Managers even went as far as sending an email to all CC staff which included a "quick guide" for staff helping parents to complete the consultation. This 'guide' included expressly telling parents being 'helped' that *'If the three council-run day care nurseries were to close then the council will be better placed to go ahead with other development plans for early years and protect other early years services which in the long term will benefit many more children'.*[3]

7. It is disappointing clear, thanks to the extraordinary content of their own emails, that IEYS managers have deployed CC staff to try and shape the public consultation feedback. In doing so it has pitched one group of staff against another in terms of future job security. UNISON cannot recall a situation where senior council officers have attempted to shape feedback in a public consultation in this way.

8. This sharply contrasts with the treatment of LADN staff who, coincidently during the consultation, were given a structured briefing by managers on the staff code of conduct and about how they should interact with parents.

1.2.3. emails to CC staff from IEYS managers forwarded to Unison by CC staff

Management	1. The management of the LADN by senior officers over a number of years has been lacking. Instead of working hard to innovate and make the service more efficient in these very challenging times, managers appear to have done little more than run the service down and then artificially inflate running costs by blocking new admissions towards the end of 2017. 2. When the LADN were granted a reprieve under the former Independent administration in 2014 this presented an important opportunity to look at the functioning of the LADN to maximise efficiencies and to undertake work to help secure their future. 3. LADN staff have had many ideas about innovations that have the potential to improve efficiency and income. These have not been explored. For example: • Fees – these have not risen for close to *ten years*. The charge of £4.84 per hour has been in place for nearly a decade. • Means testing - There is no variable charging • Core hours - Care provided outside of core hours is the same as inside of core hours • Income maximisation - The sensory room at John Smiths Nursery is constantly booked by schools and other professionals, yet there is no charge for use. • The potential to develop a special programme over school holidays. • Recharging - staff report that the there is no recharging in relation to children referred to the LADN by Children Social Care. (This list is not exhaustive) 4. By any reasonable standard not increasing fees over a ten year period within the context of nine years of budget cuts is not a responsible way to have managed the LADN. 5. Despite running long waiting lists, from the end of 2017 staff have reported that they have been

	blocked from admitting children, leaving the nurseries running at under capacity and inflating running costs. They have been concerned that managers have been running the LADN down by stealth. 6. It is not clear how the cost figure per child quoted in the Cabinet report of the 26 June 2018 has been reached. It has been reported to UNISON that the figure includes the ongoing rental payment in respect of the now closed Queen Mary Nursery - although this is not itemised in the report and assumingly that cost would be ongoing should the LADN close.
Claims about alternative provision	1. The LADN are a longstanding and valued community resource which is not replicated by other providers. 2. The waiting lists serve to demonstrate this alongside the testimonials from parents describing: how their children's needs were not met by other providers; how private nurseries did not want to manage children with complex medical needs; and their experience with some providers who are so expensive to be prohibitive. 3. There appears to be a narrative accompanying the closure proposal that there are vacancies in the six maintained Nursery Schools, so closure of the LADN will not have a significant impact. Also, that closure would actually assist maintenance of the Nursery Schools in the context of the financial challenges they face. This is accompanied by the claim that the loss of the Hearing unit at Overland Nursery can be mitigated by expanding provision at Children's House Nursery School. 4. But it is objective fact that the maintained Nursery Schools do not provide the same service as the LADN. The maintained Nursery Schools: - • <u>Do not take babies and toddlers</u>. They focus on provision for 3+years. Only half of them offer places

	to some qualifying 2 year olds. • They are a term time only service whereas the LADN run through the school holidays. • Instantly there would be a gap for hearing impaired children less than 2 years of age, and the proposed expansion of places for older hearing impaired children at Children's House Nursery School is still embryonic in terms of planning and development. The capital funding has not even been agreed yet. 5. Many of the arguments put forward in the Cabinet paper to close the LADN could easily be applied to the Nursery Schools. UNISON's position is that this exercise should not be treated as a competition between the LADN and the Nursery Schools. Both forms of provision are important and as a community we should be advocating for both - not one at the expense of the other.
Ofsted	1. LADN staff are concerned about how the Cabinet report of the 27 June 2018 (at 3.14) references and describes the recent 'requires improvement' judgement of John Smiths Nursery by Ofsted. 2. The requires improvement status actually came about as senior IEYS managers failed to notify Ofsted of the change in the name of the responsible site manager. LADN staff believe that clause 3.14 fundamentally mispresents what happened and they are concerned that this misrepresentation is being used to feed into the rationale for closure. They take issue with the accuracy of many statements made in the Cabinet report.
Risk of Compulsory Redundancy	1. The claim has been made that LADN staff can be redeployed in other parts of the IEYS. But there are not nearly enough vacancies to absorb this number of child care workers. 2. Statements that they can be found jobs in the Children Centres, as made at the Overview and

	Scrutiny 'call in' need to stop – because they won't be. The risk of compulsory redundancy to this group of dedicated, skilled staff is high.
Other	1. On the 4 September the Head teachers of the local Nursery Schools sent an email to the Lead Member claiming that UNISON had distributed 'misleading' information' about the LADN in the flyers it had recently produced. 2. While it is disappointing that the Head teachers did not contact UNISON directly, it is even more disappointing that the Lead Member also did not and instead arranged for the email to be distributed to all Labour Councillors. *3.* UNISON stands by the content of the publicity it has produced. Furthermore, it is not within the gift of the Head teachers to *'reassure councillors and the public that no child will fall through the cracks'* or be *'denied early intervention'* if the LADN shut as claimed in the email - for all the reasons set out in this statement. 4. This statement also addresses UNISON's concerns about the management of the LADN over a number of years, including failure to increase fees over an extended period of time. UNISON stands by the claims made in our publicity that the LADNs should have been better managed by senior officers. The publicity produced was clearly about the LADN and not about the Nursery Schools. 5. As already stated, UNISON's position is that we need LADNs *and* Nursery Schools.
Outcome sought	1. We note recent events in Salford in relation to Salford's five LADN. A proposal to close the LADNs was halted in response to public opposition and instead the Mayor reversed his support for closure, gave the LADNs a reprieve and started a 3 month public consultation to explore how the LADN could

	be maintained into the future. This has been combined with a campaign to demand national funding to defend LADNs and Nursery Schools. 2. Instead of closing the last three Tower Hamlets LADN, UNISON wants to see a comprehensive review undertaken with a view to creating a plan to ensure their ongoing viability, including better management of the LADNs.
Petition	1. Earlier today UNISON handed to Democratic Services a petition of 2000+ signatures of Tower Hamlets residents and workers. This petition forms part of UNISON's submission to the public consultation and should be considered alongside this statement. The text of the petition is as follows: *We the undersigned note that:* • *Tower Hamlets Council is undertaking a public consultation on whether to close, on a phased basis, the three remaining Local Authority Day Nurseries (LADNs) - John Smiths, Mary Sambrook and Overland Nurseries, including the specialist deaf unit.* • *Despite a large waiting list, for months council managers have blocked new admissions and have been running down the nurseries by stealth resulting in inflated running costs. They are now trying to use this to justify closure.* *We oppose closure of the LADNs and call on the Mayor and Tower Hamlets Council to keep this valuable and in-demand community resource open and under council control. We call on the council to undertake a comprehensive review on how the LADNs are being managed and to develop a plan to ensure their viability.*

07 September 2018

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