



**Cabinet**  
21 July 2014

**Report from the Strategic Director  
of Children and Young People**

For action

Wards affected:  
Sudbury, Willesden Green, Stonebridge

**Extension of Childcare at Treetops, Barham Park and  
St Raphael's Children's Centres**

**1. Summary**

- 1.1. This paper sets out proposed changes to Brent's Children's Centres which aim to increase the supply of childcare while maintaining the reach of our children's centre provision.
- 1.2. The changes set out in the paper represent an adjustment to the current offer rather than a major reorganisation.
- 1.3. Following approval from Cabinet, officers would aim to implement the proposals in order to enable children to begin to take up places at the new provision from September 2014.

**2.0 Recommendations**

- 2.1 That the Cabinet approves the re-designation of the children's centre satellite delivery at Barham Park Children's Centre (currently 1.5 days per week) as Nursery Education Grant-funded childcare provision for two, three and four year olds open five days per week, managed by a private early years provider, with children's centre sessions being delivered in the evenings and at weekends.
- 2.2 That the Cabinet approves the reorganisation of the Willesden Locality Children's Centres so that Treetops Children's Centre building becomes a satellite children's centre providing evening and weekend sessions, with new satellite provision being established part-time in Willesden Health Centre.
- 2.3 That the Cabinet approves the use by the current private provider of on-site nursery provision at Treetops Children's Centre of the space released during the working day to provide additional Nursery Education Grant-funded nursery for two, three and four year olds.

- 2.4 That the Cabinet approves the conversion of the large hall at St Raphael's Intergenerational Centre using two year old capital funding to provide Nursery Education Grant-funded childcare for two, three and four year olds, open five days per week, such childcare to be managed by a private early years provider.

### **3.0 Detail**

#### *Statutory obligations- children's centres*

- 3.1 The Childcare Act 2006 made local authorities responsible for the provision of children's centres, working with partners in health and JobCentre Plus. In particular, the LA responsibility is to ensure integrated early childhood services from children's centres and to meet the requirements for the inspection of children's centres by Ofsted.
- 3.2.0 The statutory guidance for children's centres (May 2012) and the Ofsted inspection framework for children's centres (April 2013) both emphasise the essential role of local authorities in ensuring sufficient children's centres to deliver positive outcomes for families with young children, particularly for families with greater levels of need. In addition, local authorities must ensure:
- 3.2.1 Good quality performance management of children's centres with requirements to set and monitor progress against targets and to provide outcomes and profile data of the reach area.
- 3.2.2 Children's centres comply with all safeguarding requirements and have links with Children's Social Care to address any safeguarding issues as quickly as possible.
- 3.2.3 Integrated services that support school readiness, health and wellbeing and effective parenting outcomes for families with children aged nought to four years particularly those with greater levels of need.
- 3.3 Under Section 7 of the Childcare Act 2006 local authorities have a duty to provide 15 hours of free early learning and childcare for eligible three and four year olds (amended in 2012 to include two year olds delivered in two phases). In September 2013 phase 1 of the two year olds duty was implemented and the government estimates that 20 per cent of this age group will have benefited nationally. The scheme will be extended to phase 2 from September 2014 when 40 per cent of two year olds will benefit. Locally this equates to about 1,057 two year olds in phase 1 and 2,345 two year olds in phase 2.

## 4.0 Reconfiguration proposals

### 4.1 We have taken account of:

- **The statutory requirements on local authorities** in relation to performance management, the provision of outcomes and profile data, safeguarding and ensuring sufficient integrated early childhood services are delivered through children's centres.
- **Financial risks to the council** from breaching any agreements with the Department for Education (DfE) in relation to capital investments. This has implications in relation to any potential building closures given requirements to ensure that centres that benefited from DfE capital grants continue to operate as children's centres for at least 25 years. In the event that Brent closes any of these centres, there are one-off costs associated with capital claw-back. However, these costs are not relevant to the extension of childcare (confirmed by DfE March 2014).
- **The revised Ofsted inspection framework for children's centres** which identifies 'good' as children's centres that have, at a minimum, contact with at least 80 per cent of all families in their reach area and engage at least 65 per cent of target families in each year in good quality provision, with demonstrable outcomes from targeted support and identification and early support for target families from children's centres. The children's centres are inspected on a locality basis with our one children's centre nursery inspected separately. Currently four localities and the children's centre nursery have been inspected under the new framework. Two localities have been judged as requiring improvement, two localities and the children's centre nursery have been judged as good. The remaining localities are due for inspection imminently.
- **Levels of need in Brent.** For Brent, there are approximately 11,100 families with children aged nought to four years that are 'target families' of which 3,300 are identified with greater levels of need. To ensure at least a good grade, Brent needs to have contact with at least 13,700 families with children aged nought to four years each year through children's centres and actively engage in support for 7,215 target families. Atypical service delivery hours and increased NEG funded provision, in particular for targeted two year olds will increase contact and support.
- **The importance of children's centres in providing early help.** Children's centres are at the front-line of identification of and engagement with families at risk of escalating problems. The Common Assessment Framework is used to identify families' needs and target support to prevent more costly and intensive social care interventions being required.
- **Two year old targets.** Local authorities are required to make available 15 hours of free early education for eligible two year olds. The two year old offer has been run on a pilot basis in the borough since 2009, but a large marketing campaign was carried out across the borough in preparation for the implementation of the statutory duty. Through summer and autumn of 2013, there was a surge in demand as the effects were felt of the

campaign to reach eligible families. This demand is likely to increase further when the criteria are widened to include low income families in receipt of Working Tax Credit.

#### **4.2 Creation of nursery provision at Barham Park Children's Centre**

4.2.1 It is proposed to lease Barham Park Children's Centre building (currently a satellite children's centre) to a PVI provider to create a children's centre two year old nursery specifically for children eligible for NEG 2. A competitive process would allow providers rated as at least Ofsted Good to apply to lease the premises in order to provide this service.

4.2.2 It is currently considered that a lease is the preferred route but there will be further discussion with Property Services and Legal regarding the exact length and terms of the arrangements with the provider. Following these discussions, officers will report to Cabinet if further approval is necessary or appropriate.

4.2.3 The proposed lease to a PVI provider would result in increased provision of two year old nursery education to a greater number of deprived families. The lease would also reserve rights allowing the Early Years and Families Support service to access the premises at specified times to continue to undertake direct outreach into the setting to work specifically with early years practitioners and children. This is considered important given the nursery will be catering for deprived two year olds in the Wembley locality. The lease would also reserve rights allowing the Early Years and Family Support Services to access the premises to offer evening and weekend children's centre activities targeting working families and in particular dads (currently under-represented). This is a key priority for Brent.

4.2.4 This proposed approach avoids the risk of capital claw-back as childcare is considered a children's centre activity. The outcome would be cost neutral to the local authority.

#### **4.3 Changes to provision at Treetops Children's Centre**

4.3.1 It is proposed to lease the Treetops Children's Centre building to the existing nursery provider who currently occupies adjoining nursery premises. The nursery provider will have exclusive occupation of the Treetops Children's Centre premises from 0800 - 1800 Monday to Friday. The lease would however reserve rights allowing the Early Years and Family Support Service to access the premises in the evenings and at weekends in order to offer weekend and evening children's centre activities.

4.3.2 Income from the lease of the Treetops Children's Centre building will be used by the Council to enter into an arrangement with Willesden Health Centre to enable part-time delivery of children's centre services from this site. This centre is located in an area that is substantially more deprived than Treetops and which can cater more readily for families with greater levels of need. This change increases nursery provision for two, three and four year olds and enables some additional children's centre provision to take place in an area reaching more disadvantaged families while being cost neutral to the council. This assists the council in addressing the shortcomings identified in the recent

Willesden Locality Ofsted inspection where insufficient numbers of targeted families were being reached and too few services outside of core hours were being delivered.

- 4.3.3 The children's centre network manager currently working at Treetops will, given these changes, become responsible for ensuring successful delivery from Willesden Health Centre and ongoing service delivery in the evenings and weekends from Treetops and contribute to development of the wider service, working closely with the Head of Service.

#### **4.4 Changes to provision at St Raphael's Children's Centre**

- 4.4.1 It is proposed that the currently under-utilised hall space at St Raphael's Intergenerational Centre is converted to enable a private childcare provider to offer Nursery Education Grant places for two, three and four year olds in this space. A competitive process would allow providers rated as at least Ofsted Good to apply to lease/license premises from which to provide this service. The outcome would be cost neutral to the local authority. It would also ensure that the full complement of children's centre services can continue to be delivered at this site. This helps the service to sustain children's centre service delivery and to increase provision for two year old free early education to a greater number of deprived families.

#### **4.5 Consultation**

- 4.5.1 It is a legal requirement where changes are proposed to the structure of children's centres that consultation on the proposed changes should be carried out with Locality Advisory Boards, partner agencies, service users and the local community. This consultation process has started and the initial timescale would have seen this completed. There have been some glitches in the programme including an Ofsted Inspection, that have meant that this process is not yet complete at time of writing so will require an oral update at the Cabinet meeting. The consultation to date has shown positive results as all aspects of the proposal represent an enhancement of the current service and any services which will no longer be available at current delivery times will be available nearby. The Parents' Forum discussions have shown a positive response to the proposals and the chairs of the Locality Advisory Boards have also shown support for the proposals. A questionnaire has been issued to staff and Advisory Board members. A separate questionnaire is being made available in hard copy and on Survey Monkey for users of the centres. Three focus groups are taking place and the Cabinet will be informed of the outcome.

Consultation is also being carried out with private, voluntary and independent providers of early years provision in the areas affected. There may be some anxiety from these providers around changes to provision in their local areas. Population and Ofsted information indicates however that there is sufficient demand to warrant the creation of new high quality places in these areas.

### **5. Financial Implications**

- 5.1 These proposals avoid one-off costs arising from capital claw-back where the DfE has made investments.

- 5.2 If the hall at St. Raphael's is occupied by a private provider for nursery provision, the benefit to the council will be a contribution to the running costs of a largely underused council site. These costs would potentially be covered via a rental income stream to be agreed with property services at the time of tendering the lease.
- 5.3 The private provider will cover all costs for providing the additional provision with no financial implication for the council.
- 5.4 Any potential additional costs associated with the department running additional services at the satellite sites will be covered within the current Early Years budget. It is anticipated that the changes will be cost neutral to the council.

## **6. Legal Implications**

- 6.1. Under Section 17 of the Children Act 1989, the council is under a duty to safeguard and promote the welfare of children who are in need, and promote the upbringing of children by their families by providing a range of services appropriate to those children's needs.
- 6.2. Under Section 5 of the Childcare Act 2006, the council has duties to secure sufficient children's centres for the area it serves and is required to consult with families about changes to children's centre reach areas and buildings as set out in this report. Section 5E also places a duty on the council to deliver integrated early childhood services that deliver school readiness, parenting, health and wellbeing and reduced inequalities outcomes for very young children and parents as part of a programme of support jointly with partners including Health and JobCentre Plus.
- 6.3. Under Section 98C of the Childcare Act 2006, the local authority's obligations in relation to Ofsted inspection of children's centres are also set out. The framework of inspection for children's centres emphasises contact with most families (more than 80 per cent) in an area with at least 65 per cent of target families actively engaged in support from children's centres as minimum for a 'good' inspection judgement.
- 6.4. Section 7 of the Childcare Act 2006(as substituted by Section 1 of the Education Act 2011, fully in force from 1 September 2013), which places a duty on English local authorities to secure early years provision free of charge. Regulations made under Section 7 set out the type and amount of free provision and the children who benefit from the free provision.
- 6.5. The Barham Park Children's Centre is on land owned by the Barham Park charity which Brent Council holds on Trust as a recreational charity. The proposed disposal of Barham Park Children's Centre premises to a PVI provider will need the consent of the Barham Park Trust Committee. The site is the subject of a formal application to the Charity Commission for consent to lease the land to Brent Council.

- 6.6.** As detailed in paragraph 4.2, it is currently considered that it is appropriate for the council to lease the Barham Park Children's Centre premises to a PVI provider reserving rights to the council to continue to use the premises at specified times, particularly in the evenings and at weekends.

## **7. Equalities Legislation**

- 7.1.** Section 149 of the Equality Act 2010 sets out the public sector equality duty which requires the council, when exercising its functions to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimisation and other conduct prohibited under the Equality Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 7.2.** A 'protected characteristic' is defined in the Equality Act as:
- age;
  - disability;
  - gender reassignment;
  - pregnancy and maternity;
  - race; (including ethnic or national origins, colour or nationality)
  - religion or belief;
  - sex;
  - sexual orientation.
- 7.3.** Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 7.4.** Having due regard to the need to 'advance equality of opportunity' between those who share a protected characteristic and those who do not, includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.
- 7.5.** Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 7.6.** Due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. The Council must consider the effect that implementing a particular policy will have in relation to equality before making a decision.
- 7.7.** There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making. This can be achieved by gathering details and statistics on who use the facilities. A careful consideration of this assessment is one of the key ways in which the Council can show "due regard" to the relevant matters. Where it is apparent from the analysis of the information that the proposals would have an

adverse effect on equality then adjustments should be made to avoid that effect (mitigation).

**7.8.** The duty is not to achieve the objectives or take the steps set out in s.149. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its functions. “Due regard” means the regard that is appropriate in all the particular circumstances in which the authority is carrying out its functions.

**7.9.** There must be a proper regard for the goals set out in s.149. At the same time, the council must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. Budgetary pressures, economics and practical factors will often be important. The weight of these countervailing factors in the decision making process is a matter for the council.

## **8. Diversity Implications (Equalities Impact Assessment attached as Appendix One)**

**8.1.** Efforts will be made to minimise any negative impact of the changes.

**8.2.** While a number of families will be impacted by this proposal, we have sought to mitigate the impact by the following:

- Increasing evening and weekend provision at Treetops Children’s Centre and making additional satellite provision available at Willesden Health Centre for families living in the Willesden locality. This will locate more service delivery in an area where there are more disadvantaged families and provide evening and weekend provision for working families.
- The space identified for use at St Raphael’s Children’s Centre is an intergenerational space that is currently poorly utilized in an area of social deprivation.
- Increasing childcare provision for families with young children at Treetops Children’s Centre.
- Increasing childcare provision for disadvantaged 2-year olds in Wembley locality through Barham Park Children’s Centre building and increasing evening and weekend provision of children’s centre services reaching more working families.
- Increasing childcare provision for disadvantaged 2 year olds is a particular priority in Harlesden locality where need is high and there are fewer good and outstanding providers available.



## **9. Staffing/Accommodation Implications**

- 9.1.** Accommodation implications include the proposed usage on a lease or license of the Treetops Children's Centre, Barham Park Children's Centre and St Raphael's Children's Centre buildings by early years providers who would offer early years places. Children's centre services will continue to be provided by local authority staff at times more suited to working families.

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