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APPENDIX B

Private and Confidential
To be opened by addressee only

Councillor K Foale
Leader of the Labour Group
Nottinghamshire County Council

17 March 2023

Dear Councillor Foale,

I acknowledge receipt of your letter dated 13 March 2023 in respect of the Cabinet decision taken on March 9th in respect of the **Healthy Families Programme**.

Although you have initiated the pre-call in procedure you have also referenced the call-in procedure as well. In view of this, and given the time constraints of the procedure, I have decided to treat your letter as a request for call-in on this occasion.

The concerns you raise in your letter are that the above decision:

1. May not have been made in accordance with the law

The issues you raise here are about:

- (a) *The way the informal meeting of certain select committee members was conducted, that it may not have been done in accordance with the Council's recognised scrutiny procedures and the Local Government Act 1972 and how that activity has been reflected in the report –* I have written to you separately about similar matters in respect of the All-Age Carers Strategy and the points raised in that response are equally applicable here. In essence, we agree that the activity was not formal scrutiny but amounted to an informal dialogue with some select committee members. The purpose of the activity was to offer a broader range of members an opportunity to receive briefings on these future service arrangements and to ask questions and share views in advance of the decision in principle being taken. This is clearly set out in the Cabinet Report.

In our Council we recognise that our scrutiny approach is evolving and will take learning from this experience to capture our approach to scrutiny more clearly, beyond the specific legal framework and procedures set out in the constitution. I therefore propose the development of a Protocol between the Executive, Scrutiny and Officers to build the Council's approach and aid overall understanding. I intend to progress this through the established Members Working Group convened by Governance and Ethics Committee as part of the Council's review of the new Governance arrangements.

- (b) *Misrepresentation of members views* – you say that some members were “categorically unsupportive of the decision” whilst the report states that “members were supportive of the approach”. From my enquiries of officers, I understand that Labour members of the select

committees were willing to attend these briefings and to be involved in the discussion. Paragraphs 47 and 48 set out the questions raised, and answers given which I understand were captured in that way at the specific request of Labour members present. I also understand from Officers that Councillor Sam Smith asked members if they were broadly comfortable with the proposed outcome of the session and that the proposal would proceed on the basis outlined in the report. I understand that no specific concerns were raised at that time.

- (c) *Safeguarding and Corporate Parenting responsibilities* – You have referenced Labour Members raising what are characterised as “a number of serious safeguarding concerns regarding recommissioning of the Health Visitor Services in its current delivery format”. The specific concern centres around the possibility of services being delivered with no physical, in-person contact, and that the decision does not take these concerns into consideration. The Cabinet report, in various places, including paragraphs 12 and 13, sets out how the HFP plays an important role in safeguarding as part of the overall approach to service delivery. You suggest that the report should have directly addressed the above safeguarding concerns in order to discharge the Council’s statutory Corporate Parent responsibilities. If you have specific safeguarding concerns, I would encourage you to raise these through Safeguarding leads in Children’s Services. However, I understand that Health Scrutiny Committee is considering Health Visitor Services later this month.

2. May not have sufficiently described options or given reasons

You state that members were not presented with a comprehensive options appraisal. In respect of options, there are references to options being discussed with Select Committee members as part of the informal dialogue briefing (para 45, bullet point 3). In addition, it appears that the options appraisal may have been shared along with a number of other documents prior to the informal meeting on 16th February, however this needs to be clarified.

3. May not be in accordance with the Council’s budget and policy framework

You reference the Council’s Environmental policy in this regard. Although this does not form part of the Council’s Budget and Policy Framework as set out in the Constitution, the Policy does however require consideration of environmental implications in all relevant reports to decision making bodies. Whilst this is important in terms of embedding environmental considerations in the work of the Council it may be more relevant when reaching a final decision rather than when taking a decision in principle.

Conclusion

Although in my assessment there is no clear-cut non-compliance with the law or Council procedures in any single aspect of the above, when taken together there is sufficient justification for further examination of the decision and approach taken. Considering the above, I am of the view that it would be most appropriate to convene a meeting of Overview Committee to consider this as a call-in request. This would enable the signatories to the call-in request to raise their concerns in respect of the specific grounds for call-in in a formal setting for Overview Committee to consider and determine whether it wishes to make any recommendations for review by Cabinet.

In reaching this view I have consulted with the Chief Executive, relevant Chief Officers, the Statutory Scrutiny Officer and the Chairman of Overview Committee.

I now propose calling a meeting of the Overview Committee as soon as reasonably practicable in accordance with the requirements of the Overview and Scrutiny Procedure rules. I will consult with the Chairman of the Committee regarding a date and time and will notify you, the other signatories

to the call-in notice and the Business Manager of the administration of that date as soon as I am able to.

If you would like to discuss this matter further, please let me know.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Marjorie Toward', written in a light grey or blue ink.

Marjorie Toward
Service Director – Customers, Governance and Employees and Monitoring Officer
Chief Executive's Department
Nottinghamshire County Council