

Wiltshire Council

Overview and Scrutiny Management Committee

10 April 2018

Call-In with respect to the Cabinet decision relating to Outdoor Education taken on 27th March and published on 28th March 2018

Purpose of report

1. A call-in with respect to the above Cabinet decision has been received by the Designated Scrutiny Officer. The call-in request is attached at **Appendix 1**.
2. This report sets out the background and process for the Management Committee in considering, and either rejecting the call-in, or referring the decision back to the decision maker for reconsideration.

Background

3. The Cabinet decision was taken under Part 2 (i.e. closed session) on 27th March 2018 and was published on 28th March 2018. Cabinet's resolution was to approve the recommendations contained in the report of the Corporate Director for Children and Education, attached at **Appendix 2**. The recommendations were as follows:
 1. *Cabinet notes the outcomes of the outdoor education review and key decisions required at this stage.*
 2. *Cabinet resolves to close both Braeside and Oxenwood outdoor education sites from the 31st August 2018.*
 3. *Commence consultation with staff in line with the Councils HR Policies.*
 4. *Engage with Wiltshire Schools and key stakeholders on the development of a sustainable plan for the Councils future role in outdoor education in Wiltshire.*
 5. *Continues to support the broader benefits of outdoor education, and supports schools to access appropriate services.*
4. An appendix to the Cabinet report was a report from the Traded Services for Schools Scrutiny Task Group regarding the review of Outdoor Education. This is attached at **Appendix 3** and the Executive response to it is attached at **Appendix 4**.
5. Under the council's Constitution, a group of no less than 10 non-executive councillors are able to request that a decision is called-in, within 5 working days of the publication of the decision. Upon receipt of a request to call-in,

the designated scrutiny officer must call a meeting of the Overview and Scrutiny Management Committee within 5 days to consider the call-in.

6. The Designated Scrutiny Officer received a request to call this decision in on 5th April 2018, as detailed in Appendix 1, sent by (1) Cllr Jon Hubbard with supporting signatories from:

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|--------------------|------------------|
| (2) Ross Henning | (7) Clare Cape |
| (3) Brian Matthew | (8) Sarah Gibson |
| (4) Hayley Spencer | (9) Pat Aves |
| (5) Chris Hurst | (10) Ian Thorn |
| (6) Ruth Hopkinson | |

7. The provision for a call-in of an executive decision is set out in the [Overview and Scrutiny Procedure Rules](#) in Part 8 of the Wiltshire Council Constitution (part 8). It is designed to be used in exceptional circumstances where members have evidence which suggests that the Executive did not take the decision in accordance with the principles of decision-making as set out in Article 13.2 of [Part 2](#) of the Constitution.

8. The specific principles, identified by the call-in signatories, as having not been followed, and the supporting justification as to why, are provided below:

Principle of decision making	Comments describing how this principle has not been followed by the decision maker (as appropriate)
to produce action that is proportionate to the desired outcome	Whilst this decision will, in theory, save the council a relatively small amount of money, the impact on children and young people in the county will be significant
to ensure open, fair and honest administration	The council is committed to open and transparent decision making, but this decision was taken in a secret session of the cabinet, with absolutely no papers published in the public realm, not even the Scrutiny Task Group Report. There was no consultation with service users or staff in advance of the decision being made.
to be clear over desired outcomes and aims	
to record the options considered and discarded	The cabinet report was not clear in how all alternative options had been considered – and indeed not all options, such as a Management

	Takeover, had been considered.
to state the reasons for the action	
to consult interested parties where appropriate and practicable	No consultation with service users, schools, parents or staff took place in advance of the decision being made
to consult appropriate officers and to seek their professional advice	Whilst Officers at County Hall were consulted no opportunity was given for staff at the centres to contribute towards the decision
to show due respect for human rights, and to provide equality of opportunity	Staff at the centres were given no opportunity to contribute or comment on a decision which will, potentially, significantly impact on their lives and careers.
to obtain best value and operate efficiently, effectively and economically	
to serve Wiltshire communities and to work in partnership with other agencies having the same aim	
to promote the economic, social, and environmental well-being of the county	
to determine issues at the lowest level commensurate with their importance	
to keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment.	The council runs a number of projects to support the county's young people including the Gifted and Talented Programme. The closure of these centres, which in themselves are a cherished and valued asset of the people of Wiltshire, will potentially put these programmes at risk.

9. The call-in request further clarifies in the section on action already taken to resolve the matter, including representations to the decision maker:

“On the day following the decision (Wednesday 28th March) I wrote to the Cabinet Member setting out my concerns regarding the Gifted and Talented Programme, stating my concerns and saying I was considering a Call-In as an option.

As of the time of writing this Call-In request (Thursday 5th April) I have not even received an acknowledgement of my request from the Cabinet Member, let alone a response.”

10. Further comments were also included as follows:

“I would like to see the Cabinet reconsider this decision, following listening to the feedback of parents, children/young people and schools.

I would also like to see serious consideration given to working with staff to look at how a separate organisation could be established to run the centres.”

Purpose of the meeting

11. The purpose of this meeting is for the Overview and Scrutiny Management Committee (‘the Committee’) to consider the evidence presented by the call-in signatories that the principles of decision making, as outlined in the Constitution, have not been followed and provide the opportunity for the relevant Cabinet Member to outline the details of, and reasons for, the decision.
12. The options for the Committee are either to refer the decision back to the Cabinet Member for reconsideration in the light of the outcome of the debate at the meeting, or to reject the call-in and allow the decision to be implemented with immediate effect.

Format for the meeting

13. Call-ins are only used in exceptional circumstances in Wiltshire Council and are therefore an unusual occurrence. As such, in consultation with the Chairman and Vice-Chairman of Overview and Scrutiny Management Committee, the format for the meeting is as outlined below.
14. When the meeting begins the Chairman will:
- Invite any members of the public who have registered to speak, to do so. (Up to 3 speakers are permitted to speak for up to 3 minutes on the agenda item)
 - Ask a representative of the councillors who requested the call-in to outline their concerns and reasons for these.
 - Ask the Cabinet Member (and their supporting colleagues) to briefly respond to the points raised.

15. Members of the Committee will then discuss the call-in request and the evidence presented and invite the Cabinet Member and the councillors who requested the call-in to respond to any questions asked by the Committee.
16. The Chairman will invite, in turn, the Cabinet Member and then the representative of the councillors who requested the call-in, to sum up any final comments.
17. Based on the evidence from the Cabinet Member and the councillors who requested the call-in, the Committee will then decide in accordance with the options set out in paragraph 11.
18. In either case, reasons will be given by the Committee for its decision.

Next steps following the meeting of the management committee

19. Following the meeting, the relevant Cabinet Member, Corporate and Associate Directors and call-in signatories will be informed of the outcome of the meeting, and minutes published.
20. If the Committee decides that the decision does not need to be reconsidered, then it can be implemented immediately.
21. If the Committee refers the decision back to the decision-maker, then it will be reconsidered in light of comments made by the Committee within a further 5 working days. The decision-maker can decide whether to amend the original decision, or not, before adopting a final decision.
22. Once a final decision has been made there is no further right of review under the overview and scrutiny rules.
23. In the event of any additional recommendations being made by the Committee then these will be treated in the same way as any other recommendations made by overview and scrutiny, and referred to the relevant Cabinet Member or the Executive generally.

Paul Kelly, Head of Democracy (and Designated Scrutiny Officer), 01225 713049, paul.kelly@wiltshire.gov.uk

Report author: Henry Powell, Scrutiny Lead, 01225 718052, henry.powell@wiltshire.gov.uk

Appendices

Appendix 1 – Call-in request form

Appendix 2 – Cabinet report – Outdoor Education – 27th March 2018

Appendix 3 – Report of the Traded Services for Schools Scrutiny Task Group on Outdoor Education (considered by Cabinet on 27th March 2018)

Appendix 4 – Response to Scrutiny Task Group Report (considered by Cabinet
on 27th March 2018)

Background Papers

None