

Merton Council - call-in request form

1. Decision to be called in: (required)

Adult Education in Merton: evidence and options for achieving a value for money service

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	X
(b) due consultation and the taking of professional advice from officers;	X
(c) respect for human rights and equalities;	X
(d) a presumption in favour of openness;	X
(e) clarity of aims and desired outcomes;	X
(f) consideration and evaluation of alternatives;	X
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	X
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	



4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

We continue to welcome Cabinet's decision to reject option 6 to cease offering Adult Education services in Merton completely. We also acknowledge and welcome the new set of principles adopted by the Cabinet which will apply to the future of MAE which has addressed a number of important concerns around the learners, particularly those with additional needs.

However, we remain concerned about the premise of this decision and whether it is based on correct financial assumptions. We also have concerns about the quality of the consultation undertaken and the lack of regard that seems to have been given by Cabinet to the consultation results.

a) Proportionality and f) consideration and evaluation of alternatives;

There remain real doubts about whether what have been proposed as options for the future of the MAE service are in fact proportional to the challenges faced.

Figures set out in the Service Plan for MAE indicate that the service generates a gross surplus for the Council and makes a significant contribution to the central corporate overhead. Yet this important point is not considered or addressed in the financial sections of the report before Cabinet which only addresses the inflow of funds and not the outflow. There is still no evidence that this has been taken into account when formulating the options that were presented for consultation.

Similarly, whilst information is provided in the 16th February Cabinet report in response to Scrutiny's request regarding splitting the ASB and CL provision and also regarding the retained costs of each option, this important financial information doesn't appear to have been fed into the development of the initial options that were then put out for consultation. The absence of due consideration to these alternatives casts doubt on the whole rationale for making such drastic changes to a highly valued service.

The consultation also gives a series of seemingly mutually exclusive options rather than allowing for consideration of a mixed approach whereby the core services continue to be delivered at Whatley Avenue whilst, for example, the merits of a back office merger with South Thames College

are considered along with the option for some specialised or less popular courses to be commissioned rather than delivered. Given the important financial information above, it is unclear why this mixed solution does not form part of the council's consultation. As such, it seems Cabinet has not properly evaluated all of the alternatives for delivering the MAE service in the future and thereby residents and users are being denied the opportunity to consider such mixed solutions as part of the consultation. It is also unclear what the property implications of these changes will be for the council.

Once again, the Cabinet report makes very little reference to the wide ranging recommendations from the Adult Skills and Employability scrutiny task group other than to say they will be adopted where possible as part of the alternative model. Yet it is precisely these recommendations that could potentially lead to additional sources of revenue to enable the MAE service to offset any further reductions in funding from the Skills Funding Agency. For example, the report provides no detail of what consideration has been given to proposals for MAE to subsidise courses for local residents by providing professional training courses to local businesses, charged at commercial rates or by linking with a local university to enable residents to study for degrees through evening classes at Whatley Avenue. It is crucial that proper consideration is given to the implementation of these recommendations before the Cabinet's decision in favour of Option 4 is implemented.

Finally, what has been made clear by council officers at scrutiny and other meetings and is strongly inferred as part of this report is that the Cabinet's decision is predicated solely on future risk management. Contrary to how it was initially presented to opposition councillors and residents, it is not in fact about savings (as has been demonstrated in previous paragraphs). Proper risk management is of course important for any organisation and yet, in this case, the council seems to be swapping certain risks for uncertain ones. For example, Cabinet appears to have given no clear consideration to the risk that moving to a commissioning model could pose to future funding for Merton from the Skills Funding Agency. There is presumably a possibility that future available government funding could be lost as a result of this decision but has that been properly assessed and evaluated as part of the financial analysis. This is not clear. In fact, when it comes to Risk Management Implications, the report at section 11.1 states simply 'None' even though in fact this is the crux of the Cabinet's whole decision.

b) due consultation and the taking of professional advice from officers;

We have concerns about the quality of the consultation and, in particular, the wording of the consultation documentation and questions which appear to have been worded in such a manner as to arrive at what are presumably a particular set of answers.

With regard to the consultation results, there appears to have been a

disregard by the Cabinet for the views of consultees on the retention of the Whatley Avenue site as a major centre for MAE.

The analysis of the consultation results indicates that location was clearly an important factor for respondents. Almost 50% of respondents preferred Option 1 and when asked why they had chosen their favoured option, 178 respondents (by far the most) said it was because they value the Whatley Avenue facility. Around 65% of respondents said they are satisfied with Option 1. By comparison, Option 4 was consistently only the 4th most favoured option out of the 5 considered.

Whilst this was of course a consultation and not a referendum, nevertheless this raises serious questions as to whether the Cabinet gave full and proper consideration to the results of the consultation in reaching its decision.

The explanatory text in 2.75 and 2.77, which seeks to caveat the clear preference amongst respondents in favour of Option 1, also suggests an inbuilt prejudice against the retention of the Whatley Avenue site.

c) respect for human rights and equalities;

The Equality Impact Analysis provided with the report on the impact of the Cabinet's proposals concludes that various different groups would be adversely affected by the Cabinet's decision. The EIA states that it 'has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully'.

There are clearly serious concerns among adults with disabilities and their carers about this proposal. Whilst we welcome the Cabinet's recognition of these concerns via principle (vi), the fact remains nevertheless that there has been little evidence produced as to how any disadvantage to this group of vulnerable adults could be mitigated in practice.

Furthermore, the EIA states that 38.1% of learners come from BME groups yet the consultation results do not come near to reflecting this. Response rates to the consultation from BME learners however were very low which casts doubt on the effectiveness of the consultation in ascertaining the views of BME learners and therefore reflecting this in the recommendations considered by the Cabinet.

Finally, at 2.90 the report states that '19% of the respondents....came from the 8 deprived wards in the Borough'. Yet, this is meaningless as it suggests that the other 12 wards in Merton have no deprived residents which is clearly not the case and therefore it is impossible to tell what the response to the consultation was amongst residents who suffer from deprivation.

d) a presumption in favour of openness; and e) clarity of aims and desired outcomes;

Considering the potential loss of government grant income that Merton could incur from commissioning out the service, there are serious questions to be answered about the Cabinet's underlying motivation for the changes. The report does refer at 2.113 to the conveniently timed receipt of a letter from the Harris Federation expressing an interest in the Whatley Avenue site for a potential secondary school.

The cited aims of these changes have changed since these proposals were first mooted. As explored above, they were initially claimed to be for the purpose of generating cost savings. When this proved to be untenable, the argument changed to one of levels of affluence in different parts of the borough and finally it became one of risk management. This leads to the concern that, whilst not explicitly stated, the Cabinet's desired outcome all along was in fact vacating the Whatley Avenue site to enable it to be disposed of or leased to the Harris Federation.

This has been hinted at by individual Cabinet members in the local press but at no point was the future of the Whatley Avenue site properly considered as part of this process despite the fact it is clearly integral to it (and indeed enjoys high levels of appreciation and support amongst MAE users as indicated by the consultation results). This lack of consideration is demonstrated further by a lack of consultation and dialogue on the future of the Whatley Avenue site with the governors and head teacher of Joseph Hood primary school, which is located next door, despite the obvious knock on effects that any such disposal or use would have.

5. Documents requested

All papers provided to the Director of Community and Housing/Director of Corporate Services/Director of Environment and Regeneration/Director of Children Schools and Families and relevant Cabinet Members prior to, during and subsequent to the decision making process.

All emails where appropriate and relevant, reports and associated documentation relating to the future of the MAE service provided to the relevant Cabinet Member(s), Leader of the Council, Chief Executive, Director of Community and Housing, Director of Environment and Regeneration, Director of Corporate Services, Director of Children Schools and Families and other council officers.

All correspondence between the relevant Cabinet Member(s), Leader of the Council, Chief Executive, Director of Community and Housing, Director of Environment and Regeneration, Director of Corporate Services, Head of

Community Education and other council officers on the future of the MAE service.

The detailed financial analysis of the projected costs/savings to the Council of disposal of the Whatley Avenue site and/or its lease to the Harris Federation.

The Equality Impact Analysis of the impact on different groups of the disposal of the Whatley Avenue site and/or its lease to the Harris Federation.

All emails where appropriate and relevant, reports and associated documentation provided to the relevant Cabinet Member(s), Leader of the Council, Chief Executive, Director of Community and Housing, Director of Environment and Regeneration, Director of Corporate Services, Director of Children Schools and Families and other council officers relating to the disposal of the Whatley Avenue site and/or its lease to the Harris Federation.

All correspondence between the relevant Cabinet Member(s), Leader of the Council, Chief Executive, Director of Community and Housing, Director of Environment and Regeneration, Director of Corporate Services, Head of Community Education and other council officers on the disposal of the Whatley Avenue site and/or its lease to the Harris Federation, including all correspondence with the Harris Federation itself.

6. Witnesses requested

Cllr Martin Whelton, Cabinet Member for Education

Cllr Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration (as lead on Asset Management)

Simon Williams, Director of Community and Housing

Chris Lee, Director of Environment and Regeneration

Yvette Stanley, Director of Children, Schools and Families

Yvonne Tomlin-Miller, Head of Community Education

Staffside representative

Representative from 'Save MAE' group

Chair of Governors of Joseph Hood Primary School

Head teacher of Joseph Hood Primary School

7. Signed (not required if sent by email):

Councillors James Holmes, Brian Lewis-Lavender and Linda Taylor