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Dear Member

COUNTY COUNCIL - THURSDAY, 13 MARCH 2025

Agenda Item No

6 Questions (Pages 1 - 18)

Yours sincerely

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Benjamin Watts
General Counsel

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Question 1

COUNTY COUNCIL

Thursday 13 March 2025

Question by Paul Stepto to Rory Love,
Cabinet Member for Education and Skills

Mr Justice Cavanagh, during sentencing in the tragic case of Sara Sharif commented on the dangers of unsupervised homeschooling of vulnerable children.

Would the Cabinet Member please inform us of the steps that are undertaken by KCC to protect Kent's children when being home-schooled? In answering, can they clarify how many home-schooled children are registered in the county, what safeguarding measures are in place, how does KCC judge whether parents/guardians are capable of home-schooling their children, how frequently are the families monitored, and do we offer any kind of support to them?

Answer

Under current legislation, nearly all families are free to decide to educate their child at home. National Guidance advises parents to engage with their current school and the local authority before making the decision, but most are not compelled to do so. There are duties on a school to advise us if a child is withdrawn from the school. The only families required to engage with the local authority before making a decision are pupils with Education, Health, and Care Plans who attend a special school.

KCC currently monitors 4,798 pupils who are receiving education outside the school system, 26% up on the same point last year. Where KCC's Elective Home Education Team are made aware of a new child, Officers engage with families within 10 school days. EHE staff also review a child's record, identifying whether the child receives intervention and support from other services. Where Officers identify children with more significant safeguarding risk, they increase monitoring.

When concerns are raised about the safety and welfare of a home educated child, a referral is made to Children's Services, who complete checks with other agencies and decide whether the child requires assessment and further support. A range of support is available from KCC, but engagement with us is voluntary unless there are significant safeguarding concerns. If the child is assessed to be suffering, or at risk of, significant harm, Court applications are made to remove a child from the care of their parent(s).

Our Children's Services team are reviewing all children who are home educated and receive one of the recognised support packages. Where appropriate, Children's Services practitioners work with parents to encourage them to register their child with an education provision and take them to school.

Once contact has been made, EHE Officers will visit the child and review the education they are receiving. In the absence of legal definitions, Officers are required to assess whether the education being provided is suitable for the child's age and includes sufficient

challenge and progression. Where education meets these requirements, a family is usually contacted annually. Where education is not suitable, Officers will initially seek more frequent monitoring, but where appropriate, may require re-engagement through a formal School Attendance Order. EHE Officers will make internal social care referrals if safeguarding concerns arise during a visit.

Legislation related to home education is widely seen as underdeveloped and leaving some children at risk of serious harm. KCC has been lobbying for a national register for Electively Home Educated pupils for a number of years. This provision was proposed in the 2021 Education white paper, but did not progress through the legislative process. The Children's Wellbeing and Schools Bill, currently progressing through Parliament, reintroduces this safeguard, and includes additional requirements for vulnerable pupils to be assessed by Councils before agreement for home education is provided.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Susan Carey to Neil Baker,
Cabinet Member for Highways and Transport

At the Full Council meeting on 23 May last year I asked if KCC would request the satnav providers if they would add alerts for drivers on the approach to schools in the same way they alert vehicles to nearby speed cameras. Mr Baker agreed that he would instruct the officers to do this. Is he able to give an update on whether this has been done and what the response has been?

Answer

Thank you for requesting an update.

I can confirm that this remains work in progress. As I alluded to last time, often we make requests to these entities with no feedback or engagement, with decisions commercially taken as to what information they wish to provide to users. I have asked our officers to raise this issue again.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Mark Hood to Neil Baker,
Cabinet Member for Highways and Transport

Does the Cabinet Member agree that the government's support for expansion at Gatwick Airport is misguided and ignores the scientific evidence that we are facing a climate catastrophe which will ironically impact on many of its marginal island destinations which are threatened by rising sea levels?

Does he also acknowledge that we require a vastly improved direct train connection between Gatwick and Tonbridge and beyond if we are to avoid compounding the increase in bucket and spade flights which encourage even more Britons to holiday abroad instead of enjoying the abundant attractions of the Kentish Riviera by unnecessary car journeys because people are unwilling to let the train take the strain because connectivity is so poor?

Answer

KCC's position on the proposed expansion of Gatwick Airport remains in line with our longstanding policy on Gatwick Airport, adopted more than 10 years ago, in December 2014.

The policy explicitly states that we oppose a second runway at Gatwick. While at the time of adopting this policy, it was in response to the Airports Commission and the proposals for a newly constructed and independently operated second runway, we consider the current proposals to routinely use the northern runway as a way for Gatwick to become a two-runway airport by another means.

Therefore, we continue to strongly oppose the proposals to bring the existing northern runway into routine use. Our concerns focus mainly on the intensification of the main runway, noise of overflying aircraft, carbon emissions and the lack of efficient rail and public transport connections to Kent. We made this position clear in all our written submissions to the Planning Inspectorate in the Examination of the Development Consent Order.

Regarding a direct rail service between Gatwick and Kent, we are working with the airport, Network Rail and Transport for the South East to explore the options and further the case for a service which is a priority in our Local Transport Plan Transport for the South East Strategic Investment Plan and is part of Gatwick Airport's surface access strategy.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Mike Whiting to Dan Watkins,
Cabinet Member for Adult Social Care and Public Health

During the Blackburn Lodge Petition Debate at the Adult Social Care and Public Health Cabinet Committee meeting held on 19 September 2024, The Cabinet Member said in response to a question about the effects of the permanent closure of the only KCC care home on the Isle of Sheppey, "There was a potential care home scheme in development in Minster-on-Sea and potential developments in the pipeline in Sheerness which would provide complex specialised care." This was reiterated in the subsequent debate on the Closure of Blackburn Lodge, and it was noted, "A care home in Minster-on-Sea could provide up to 50 residential care beds on the Isle of Sheppey, which was more than previously available before Blackburn Lodge closed. Clarification between the type of bed was important and there was a need for a range of residential nursing care needs. The number or beds was not the only consideration."

Can the Cabinet Member tell me: 1) How many Sheppey residents have sought help from KCC in finding and funding a long-term residential care home place since he closed Blackburn Lodge?, and, 2) how many of those residents were subsequently placed in a home on the Island?

Answer

Thank you for your question.

Since the emergency closure of Blackburn Lodge on 10 November 2023 there have been 57 Sheppey residents who have moved into a residential care home, with 37 (74%) remaining on the Isle of Sheppey and the outstanding individuals have moved into alternative provision away from the Island. The majority of these people had needs which Blackburn Lodge would not have been able to support, had it still been open, and most of the remaining individuals moved to be closer to their families.

New provision has become available on the Island, such as a 50 bedded ensuite home for residential care, low to mid-level Dementia care and Respite care. This particular home held an opening day yesterday (12 March 2025) after a soft opening last year. The sister home next door offers care to a range of different needs such as Dementia, Older Persons Care, Mental Health Conditions, Physical Disability, Sensory Impairment, Younger Adults, Respite Care and Learning Disability. There are other Residential Care provisions for older people on the Island providing over 160 beds.

A proposal for a new extra care housing scheme for older people in Minster-on-Sea is due to go to the Borough Council's Planning Committee in May 2025. This scheme could provide 60 apartments with 30 adjacent bungalows.

With new capacity coming onstream and further capacity being developed, the Island should have a supply and demand balance in the near future.

COUNTY COUNCIL

Thursday 13 March 2025

Question by David Beaney to Paul Bartlett,
Chair of the Health Overview Scrutiny Committee

On average 7.2 million doctor appointments are missed a year which totals to around 1.2 billion pounds a year. Clearly this issue needs to stop. Doctors would be given back thousands of wasted hours and saving the tax payers purse. This would only help put our NHS services back together and help towards the backlog of patients.

Can the Chair of the Health Overview and Scrutiny Committee comment on what work has been done to investigate this issue?

Answer

Thank you for the question. GP appointments and the services provided by practices and how patients access them has been considered at HOSC several times, most recently at our last meeting on 28th January. Leaders from the Local Medical Committee, the group that represents GP practices in Kent and Medway, attend all of our meetings and make a full contribution.

Specifically, the NHS recognises the impact of missed appointments on the services GP provide. Improving the ability to access GPs will have a dramatic impact on how many appointments are abandoned or missed.

NHS Kent and Medway's primary care strategy (published in 2024 under the *ancien régime*) is a five-year strategy that focuses on access, proactive care and prevention. The strategy recognises change is needed to cope with the public's preference for rapid access to GPs.

The strategy will support primary care over the next five years to deliver improvements across key areas. In Kent and Medway recent improvements include:

- Folkestone has delivered and extra 10,000 appointments by better use of technology (e-consult etc).
- Gillingham have reduced avoidable GP appointments releasing 2.6% of GP time.
- A GP attraction package has attracted new GPs to Swale, Medway and Thanet.
- Mid Kent Primary Care Network has introduced a successful initiative at one of its Ashford practices to test improving healthcare access for patients aged 75 and over. The Over 75s Same Day Access Clinic, launched in January 2024 at New Hayesbank Surgery (in my division), allows patients to walk-in between 2pm and 4pm, Monday to Friday, without needing to pre-book an appointment. This solution addresses the issue of older patients delaying care, which can lead to increased demand for urgent interventions later in the day. From January to September 2024, the clinic saw 1,601 patients, with overwhelmingly positive feedback. Similar initiative for paediatrics is now being scaled up across Mid Kent Primary Care Network, with plans to measure success through patient outcomes, clinic efficiency, and reduced A&E attendances.

This proactive approach is improving timely access to care for both patient cohorts enabling continuity of care and is expected to reduce the number of missed GP appointments.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Mike Sole to Neil Baker,
Cabinet Member for Highways and Transport

On 6 February I cycled around the villages of Bekesbourne, Kingston, Barham and Adisham, photographing around 100 potholes, all of a size that require attention, and many of them extremely dangerous. I made 18 online reports with photographs of both individual and multiple potholes on roads such as Covet Lane, Poor Start Lane, Church Lane Barham, Heathfield Way, Bramling Road, Black Robin Lane, Turks Hill, Valley Road, Brickfields and The Shrubbery. Having noticed that after three weeks no potholes had either been repaired or marked for repair, I checked the online tracker to see that they had all been identified as "Enquiry investigated and customer updated", and none were showing on the online map.

Can the Cabinet Member explain what is going on as I have not been updated and there appears to be no chance that they will be repaired within 28 days?

Answer

Thank you for raising this and I would like to offer my apologies that the fault reporting process clearly went very wrong in this instance. I've asked the Director of Highways to look further into this, to ensure lessons can be learned the situation isn't repeated. We rely on residents, members, district, parish and town councillors to help us with fault reporting, and it's crucial that each report is properly investigated and proper outcomes achieved.

I understand that the Highway Manager for Canterbury has contacted you directly regarding the enquiries you logged and the issues you experienced.

I can also confirm that a team inspected the various roads on 10th and 11th March 2025 and all work meeting our intervention level has been marked and ordered.

Unfortunately, due to the nature of the roads, the subsequent work will need to be undertaken within a road closure. However, the current plan seeks to complete the work by the end of March, and I have asked the Highways Manager to contact you directly once the specific dates have been finalised.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Chris Passmore to Roger Gough,
Leader of Kent County Council

Whilst most Kent residents understand the need for additional housing in the county, what they find difficult to understand is why this extra housing fails to deliver the extra resources such as junction improvements, doctor's surgeries, and better recreational facilities which they believe should come with the increased revenue.

Is the Leader of the Council satisfied that the KCC, working with the Boroughs, has the appropriate mechanisms to identify S106 funding opportunities, draw them up in a way that will deliver what is required and has the resources and capability to ensure that the developers deliver on their commitments?

Answer

The County Council has a proud record of securing developer contributions in accordance with the strict planning regulatory guidelines for those service areas for which KCC is the accountable authority (noting that this is not the case for some of the service areas mentioned in the Question.) Details of the amounts secured and spent can be found within our annual Infrastructure Funding Statement. Since 2014 the authority has secured a cumulative achievement rate of 97% against its s106 requests for contributions from developers. Where KCC has not secured the full mitigation requested, it has often been due to development viability issues acknowledged by the Local Planning Authority.

County wide the authority received over £30m of developer contributions in the last financial year. However, since the introduction of the Community Infrastructure Levy the County Council has noticed a significant decline in the pipeline funding from the five Kent authorities operating CIL. Specifically, this impacts upon high cost areas such as Education and Highways. We have been working positively with officers and Members of those CIL operating authorities to highlight our concerns and have recently secured s106 agreements for planning applications, turning the tap back on for securing future funding towards Education facilities in some CIL areas.

The authority takes a robust approach to ensuring the right levels of mitigation are secured, the basis for which is publicised in our Developer Contributions Guide. Systems and officers are in place to monitor all s106 obligations to ensure developers are invoiced at the appropriate time. On occasion, that robust approach may involve taking appropriate and proportionate legal action, or officers giving evidence at planning appeals to defend the County Council's interest.

The levels of funding secured from development to mitigate the impacts of growth, the mechanisms to deliver that and the flaws in those mechanisms continue to be a matter of national debate. The County Council proactively makes representations in response to Government planning reforms on all matters relating to growth and infrastructure including changes to the NPPF introduced last December. As recently as this Tuesday the new

Planning and Infrastructure Bill was released, including measures aimed at strengthening strategic planning and CPO powers.

Devolution also impinges on this issue. Among the advantages of a Mayoral Strategic Authority, and thus among the reasons that we have advocated for this in Kent, are both the ability to plan for growth and infrastructure at a strategic level, but also to implement any Mayoral CIL tariffs necessary to raise funds to deliver it.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Antony Hook to Rob Thomas,
Cabinet Member for Environment

Is the Cabinet Member for the Environment aware of two serious environmental threats facing my area in Faversham, but many other areas of Kent too, namely fire risk from solar farm batteries (such as those proposed for the huge solar power station at Cleve Hill) and poor water quality of our chalk streams (such Faversham Creek)?

What can KCC do about these very serious issues?

Answer

Although there is legislation and regulation covering various types of industrial site, such as the Dungeness B Nuclear Power Station, or locations where large amounts of hazardous chemicals are stored, which requires offsite emergency plans to be created and maintained by Kent Conty Council, there is no such requirement for solar farms or battery storage facilities.

Kent Fire & Rescue Service has confirmed that there have been no concerns regarding safety at the Cleve Hill site and are satisfied that the site meets the various requirements under fire safety regulations. There is no specific risk around these sites listed in the National Risk Register, nor is there one in the Kent Community Risk Register. However, emerging risks are kept under review and can be added if the risk rating changes.

Should an incident occur KCC and other responding agencies in the Kent & Medway Resilience Forum (KMRF) would respond as we would do to any other incident involving a fire and / or chemical release. This includes setting up a multi-agency command structure, communicating with residents, and working with KFRS, the Environment Agency, and the Met Office to determine the extent of any release. Teams from across KCC would be involved in the response.

KCC and KMRF plans and capabilities are reviewed regularly, tested & exercised, and any lessons learnt from their use in exercises or incidents are fed back in to improve our individual and collective response.

Regarding the water quality of chalk streams, the Environment Agency is responsible for monitoring water quality and for regulating discharges into water bodies. They regularly monitor the water quality at Faversham Creek, issue discharge permits and report on pollution incidents as well as track sewage spills and pollutant levels and work with the water companies to ensure compliance with environmental standards.

KCC advocates for better water quality standards and supports initiatives to monitor and improve water quality in local water bodies. KCC supports local campaigns and initiatives aimed at improving water quality in Faversham Creek such as the restoration of the creek's bridge and sluice gate and has been involved in efforts to improve infrastructure in

the area including the refurbishment of storm tanks to increase capacity and reduce sewage spills. Both parties are actively working to address the water quality issues at Faversham Creek through enforcement, infrastructure improvements and community collaboration.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Sean Holden to Neil Baker,
Cabinet Member for Highways and Transport

With 16,000 road closures a year traffic, including the heaviest goods vehicles, is being diverted down small country lanes, sometimes barely more than one track roads, and great harm is being caused to the highways. Verges are chewed up; Potholes are magnified; Verges abutting carriageways are being rutted leading to steep drops off the road; carriageway edges themselves with no verge support, are being eroded. Even when roads are not official diversions, obvious rat runs are being similarly, rapidly trashed.

These little roads are often important to local communities so is KCC Highways reinstating them immediately after the end of the related closures and how much are these repairs, consequent upon them, costing? What's the damage for the damage?

Answer

When roads are closed, the diversion routes should use like-for-like roads to ensure they are suitable for the traffic being diverted. However, as we are all aware, the diverted traffic does not always follow the signed diversion route, which can lead to the situations described by Cllr. Holden.

Our designated road closure inspectors do inspect the road closures, and they are able to identify potential issues as they arise.

That said, where we have longer duration closures, such as the closure in Hawkhurst, we may undertake condition surveys of the local network with the works promotor to record the local road condition prior to the start of the works.

Therefore, should consequential damage be identified as a direct result of the works, then KCC Highways will look to recover costs where possible.

Similarly, we will also consider requesting the works promotor to provide additional signage at key locations in an attempt to deter road users using unsuitable routes. Unfortunately, some vehicles will choose to ignore signs, and this is something we have no control over considering we do not possess the enforcement powers to address.

While it is not possible to put a figure on the consequential damage caused by traffic using inappropriate routes, it is something that we are mindful of, especially for major closures.

Please rest assured, where we can identify specific issues, then we actively work with the various works promoters seeking to secure the best available outcome for Kent residents.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Richard Streatfeild to Rory Love,
Cabinet Member for Education and Skills

In light of the recommendation in January by the Public Accounts Committee that within six months, the department must work with the Department for Health & Social Care (DHSC) to better understand the reasons for increasing and changed demand for SEN support and then set out how it will provide support more efficiently, such as through group support, identifying needs earlier and ensuring special schools reflect value for money. Will the Cabinet Member use the research capability at KCC to find out why this is so in Kent, and undertake to publish the results.

Answer

The Public Accounts Committee (PAC) has requested the Department for Education (DfE) to carry out a piece of work. Normally, the Department would respond to such requests within two months. It is not the role of this Authority to duplicate this work in Kent, although, for reasons that I shall outline, we would be very happy to contribute to such research, and I have asked our Officers to seize the opportunity should this work proceed.

The Kent Special Educational Needs and Disabilities (SEND) transformation programme recognises, and is already addressing, the issues identified by the PAC.

Among examples of this, the PAC Report highlights that:

“parents will lack confidence in a system which is currently not delivering. With only half of EHC plans issued within the statutory 20-week limit in 2023, children are waiting too long for support.”

We agree. That’s why we have invested in improving our service in this key measure of performance enabling us, in the last 12 months, to take the performance of Kent County Council from its legacy position in the bottom 10% of local authorities in England to the top 20% of local authorities in England. Against a national average of 50% of EHCPs being completed in 20 weeks, last month, we delivered 90% of EHCPs within 20 weeks.

So, where one of the PAC’s first recommendations is for the Department to:

“routinely identify and share good practice from better performing areas,”

We agree. Because we are one of those better performing areas and Officers are now supporting other local authority SEND services. Dame Christine Lenahan, now a Strategic Advisor on SEND at the DfE, complimented Kent on having some of the best quality assurance practice in the country.

And where the third PAC recommendation is to:

“improve local authority decision-making by analysing tribunal decisions,”

We agree. Because we have analysed tribunal decisions, and learnt from them, and implemented changes, so that our decision making is more robust, our record keeping is more detailed, and our case management has been strengthened. That's why in Kent, in marked contrast to the national position, well over a fifth of decisions arising from Tribunals do not find fully in favour of the appellant.

The question asks about research. All our work in the SEND transformation programme during my time as the Cabinet Member has been underpinned by cutting-edge research.

The creation of Communities of Schools, where schools have been grouped geographically to work co-terminus with health providers, (supporting recommendation 4 of the PAC report) will go live on 1st April.

This new way of working, together with:

- Our Early Years Review,
- Our successful bid to become one of just 18 national DfE Early Years Stronger Practice Hubs,
- Our innovative work with the Autism Education Trust,
- Our successful bid for national funding for the Promoting Inclusion of Neurodiversity In Schools' (PINS) pathfinder project in Maidstone, focused on early identification and intervention. (A point supporting recommendation 2 of the PAC Report – the recommendation captured in the question). Furthermore, we are working closely with our NHS partners with the intention of rolling out PINS across Kent,
- Our Special Schools' Review

All of these pioneering projects, and more, have been underpinned by research, both practical and academic.

The research has been done, the references have been extensively published in committee papers and shared across the SEND Partnership Board, and the outcomes are already being implemented, bringing benefits to children and families across Kent.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Lesley Game to Dan Watkins,
Cabinet Member for Adult Social Care and Public Health

With the serious issues this winter of flu, Norovirus and RSV it is apparent that hospitals, especially QEQM are overloaded and there still seems to be a problem with the winter discharge of patients from the hospitals in East Kent, including QEQM. I understood that Adult Social Care was working much more closely with East Kent Hospitals Trust and that as a result the flow of patients through the hospitals had improved.

Can the Cabinet Member please confirm whether the close work with East Kent Hospital Trust is continuing, what joint initiatives with the NHS are being undertaken and advise how this is helping support patient flow into appropriate social services support?

Answer

Thank you for your question

The NHS has seen pressure on acute hospitals at a national level over the winter months. There is a strong working relationship between Kent County Council (KCC) Adult Social Care, East Kent Hospital Trust (EKHUFT) and Kent Community Health Foundation Trust (KCHFT) to address the challenges faced locally and through this joint working there has been sustained improved performance in reducing delays in people leaving hospital.

There are embedded 'Transfer of Care Hubs' in East Kent, with membership of the Acute and Community Trusts, Adult Social Care and the voluntary sector. Members of the Hub meet daily to ensure joint planning for people who need support on discharge from hospital. Whether at home or in a community setting, people should be supported to be discharged to the right place, at the right time, and with the right support that maximises their independence and leads to the best possible sustainable outcomes.

KCC and KCHFT have a joint provider approach for the "Home First" service which provides rehabilitation and reablement for people in their own homes on discharge from hospital.

For people who are unable to immediately return home from hospital there is step down provision at the integrated care centres and short stay services, jointly provided by KCC and KCHFT. The purpose of this provision is to enable recovery, rehabilitation, and reablement outside of an acute hospital environment with the aim to support people to return back home with support if possible, or if people are unable to return home for health and social care holistic assessments to take place with individuals and their families, to make decisions about long term care arrangements.

An area of further development in 2025-2026 will be the implementation of a joint bed brokerage pathway. This is a joined-up approach for hospital discharge residential care bed placement supporting with the timeliness of sourcing residential care on discharge from hospital, as well as supporting sustainability for KCC and Kent and Medway Integrated Care Board with having a single engagement with the market.

COUNTY COUNCIL

Thursday 13 March 2025

Question by Trudy Dean to Derek Murphy,
Cabinet Member for Economic Development

There appears to be no authoritative body reporting on the loss of agricultural land to built development in Kent, and therefore no basis on which to claim the need for protecting land for food security. In the light of the Government's large increases in housing targets in Kent, would the Cabinet Member please say whether the County Council will agree to cooperate with the Borough and District Councils in Kent to monitor the amount of Grade 1 to 3 soil classifications (i.e. good to excellent) which are being lost in Kent to built development?

Answer

The Government currently has not put in place any authoritative body or any legislation that would report or protect land for food security, regarding housing growth. However, the Multifunctional Land Use Framework, will set out a vision for land use in England, and act as a tool to drive better decision-making on how land is used and managed, by farmers and landowners right through to local authorities and developers. DEFRA is consulting on the framework now, and KCC will be submitting a response in due course. KCC facilitated awareness raising and discussion of the Framework at a meeting of the Kent Rural Partnership last year.

As the Local Planning Authorities, Boroughs and Districts across Kent may choose to monitor the amount of Grade 1 to 3 agricultural land and consider their approach to allocating housing on high quality land through the planning process. and Officers and Members at Kent County Council would be happy to work with them and assist in any way we can, especially with the help of the land use framework.

It also appears that the introduction of Strategic Planning represents a new opportunity to consider an appropriate spatial distribution of housing that reflects an integrated policy response to the competing demands on land across Kent and Medway.

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