



AGENDA

CABINET SCRUTINY COMMITTEE

Wednesday, 24th October, 2007, at 10.00 am
Darent Room, Sessions House, County Hall,
Maidstone

Ask for: **Peter Sass**
Telephone **01622 694002**

Refreshments will be available from 9.45 am. County Councillors who are not Member of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

- A1 Substitutes
- A2 Declarations of Interests by Members in Items on the Agenda for this Meeting
- A3 Minutes - 26 September 2007 (Pages 1 - 8)
- A4 Informal Member Group on Budgetary Issues Notes
 - (a) 26 September 2007
 - (b) 11 October 2007
- A5 Informal Member Group on Kent Highway Services' Business Plan - 3 October 2007 (Pages 15 - 18)
- A6 Cabinet Scrutiny Committee - Standing Report to October 2007 (Pages 19 - 26)
- A7 Proposed Additional Meeting - April 2008

Members are asked to note that Wednesday 23 April 2008 at 10.00 am has been reserved for a possible additional meeting of the Committee should it be needed following the additional Cabinet meeting arranged for 14 April to consider Directorate Business Plans for 2008/09.

B. CABINET/CABINET MEMBER DECISIONS AT VARIANCE TO APPROVED BUDGET OR POLICY FRAMEWORK

No items.

C. CABINET DECISIONS

- C1 Clostridium Difficile Outbreaks at Maidstone & Tunbridge Wells NHS Hospitals Trust - Report by Healthcare Commission (Pages 27 - 32)

Mr A J King, Deputy Leader of the Council (in the Leader's absence), Mr P Gilroy, Chief Executive, and Ms M Peachey, Director of Public Health, Chief Executive's Directorate, will attend the meeting at 10.05 am to answer Members' questions on the Cabinet's decisions on this item.

- C2 Other Cabinet Decisions

No other Cabinet decisions have been proposed for call in but any Member of the Committee is entitled to propose discussion and/or postponement of any decision taken by the Cabinet at its last meeting.

(Members who wish to exercise their right under this item are asked to notify the Head of Democratic Services of the decision concerned in advance.)

D. CABINET MEMBER DECISIONS

No items.

E. OFFICER AND COUNCIL COMMITTEE DECISIONS

No Officer or Council Committee decisions have been proposed for call in but the Committee may resolve to consider any decision taken since its last meeting by an Officer or Council Committee exercising functions delegated to it by the Council.

(Members who wish to propose that the Committee should consider any Officer or Council Committee decision are asked to inform the Head of Democratic Services of the decision concerned in advance.)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Tuesday, 16 October 2007

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held at Sessions House, County Hall, Maidstone on Wednesday, 26 September 2007.

PRESENT: Dr M R Eddy (Chairman), Mr D Smyth (Vice-Chairman), Mr A R Bassam, Mr A H T Bowles, Mr J R Bullock MBE, Miss S J Carey, Mr A R Chell, Mr L Christie (substitute for Mr C Hart), Mr B R Cope, Mrs T Dean, Mr G A Horne MBE, Mr E C C Hotson, Mr P W A Lake, Mr C J Law, Mrs M Newell, Mr J E Scholes, Mrs P A V Stockell and Mr R Truelove.

IN ATTENDANCE: Mr J Wale, Assistant to the Chief Executive and Mr S C Ballard, Head of Democratic Services.

UNRESTRICTED ITEMS

16. Minutes
(Item A3)

RESOLVED that the Minutes of the meeting held on 25 July 2007 are correctly recorded and that they be signed by the Chairman.

17. Informal Member Group on Budgetary Issues – 11 September 2007
(Item A4)

RESOLVED that the notes of the meeting of the Informal Member Group on Budgetary Issues held on 11 September 2007 be noted.

18. Cabinet Scrutiny Committee – Standing Report to September 2007
(Item A5 – Report by Assistant to the Chief Executive)

RESOLVED that the report on the actions taken as a result of the Committee's decisions at previous meetings, and the updated report on progress with Select Committee Topic Reviews, be noted.

19. Proposed Dates of Meetings
(Item A6)

The Committee noted:-

- (a) that Wednesday 5 December 2007 at 10.00 am had been reserved for a possible additional meeting of the Committee should it be needed following the special Cabinet meeting recently arranged for 26 November;
- (b) the proposed dates of the Committee's meetings for 2008.

20. Future of Post Office Network and Services in Kent
(Item C1)

(1) Representatives of Post Office Ltd (Mr Gary Herbert, Network Development Manager; Ms Martine Munby, Senior External Relations Manager; and Mr Craig Tuthill, Regional Development Manager) and of Postwatch (Mr Andy Burrows, National Policy

Group; Ms Marie Casey, South East Network Adviser; and Mr Ray Holdstock, South East Vice-Chair); Mr R W Gough, Cabinet Member for Regeneration and Supporting Independence; Mr S Gibbons, Head of Rural Regeneration; and Mrs E Haswell, Economic Development Officer, Environment and Regeneration Directorate, attended the meeting for this item.

(2) In answer to questions and comments from Members of the Committee, the representatives of Post Office Ltd (POL) provided the following information:-

- POL would be sending a consultation pack containing full details of the closures proposed for Kent to all interested parties, including the County Council, the Federation of Small Businesses and Chambers of Commerce, to arrive on 2 October. The County Council's pack would be addressed to the Chief Executive. The contents of the consultation pack would also be published on POL's website on 2 October.
- POL would not be consulting on the principle of closing Post Office branches (because that had already been decided) but, given that a certain number of branches would have to close, and there was very little flexibility about this number, POL were keen to obtain the County Council's views on achieving the best network for Kent, post-closures.
- To this end, in addition to the material already provided by the County Council, POL would welcome information about the location of small and medium sized enterprises (SMEs); home-based businesses; proposals for major infrastructure and proposals for major development.
- As part of the consultation pack POL would provide 'customer transaction data' for each branch, but would not be able to provide financial information because this was related to the business of the individual sub-postmaster and was therefore confidential to him or her.
- Representatives of POL were willing to attend a further meeting after 2 October to brief County Councillors on POL's detailed proposals for Kent.
- Although the consultation period was only six weeks, sub-postmasters and others who wished to make proposals for the continued operation of branches or outreach options would be allowed a longer period to finalise their proposals.
- In considering proposals for closure, POL would use the published criteria, weighting each according to a complex scoring system. Members could be briefed on this if a further meeting was arranged between representatives of POL and KCC.
- POL would also take account of the accessibility requirements set by Government, and of specific issues relating to individual branches and the communities they served (such as availability of ATMs, etc).
- The same criteria would apply to both urban and rural branches, and in cases where there were two branches serving the same community.

- The information about each branch and the community it served would be validated by visits from POL staff.
- The 'financial impact' criterion did not mean that all loss-making branches would have to close. POL would continue to receive a Government subsidy of £150m pa to keep open loss-making branches whose closure would breach the accessibility requirements.
- POL confirmed that two of the outreach models were unlikely to be proposed for Kent. Home service would only be used in tiny, very remote communities. Mobile Post Offices would only be used where there were a number of isolated communities in a very rural area. If there were remote communities in Kent which already had a Post Office branch then these were unlikely to meet the criteria for closure.
- The £1.7bn investment by Government in the network change programme was intended essentially to compensate sub-postmasters whose branches closed.
- POL used to have a national target for Crown Post Offices that 95% of customers should be served within 5 minutes. This was still used as a rule of thumb when considering the capacity of any branch.
- POL would continue to seek to develop new businesses for Post Office branches. The move into financial services in recent years was a good example of this and the bureau de change business had been particularly successful.
- POL had not been instrumental in the recent closure of the Post Office at Saltwood. Changes in the network such as this occurred all the time for all sorts of reasons unconnected with the network change programme.

(3) The representatives of Postwatch provided the following information:-

- Postwatch would themselves examine POL's proposals for network change in Kent (and elsewhere), review the evidence submitted in response to the consultation, and then submit their own comments.
- In Postwatch's experience, petitions would not have any effect. Factual evidence was required in response to POL's consultation and KCC was in a good position not only to provide this itself, but also to prompt others within local communities to respond to the consultation with factual evidence.
- Postwatch constantly encouraged POL to innovate on new business opportunities for the branch network and to compete for contracts for the provision of services through the branch network.
- Postwatch encouraged people to support their local Post Office branch by using the services it provided, and encouraged central and local Government to include POL in their procurement exercises wherever appropriate.

- Postwatch had formally expressed disappointment that POL had lost the contract from the BBC for issuing TV licences.

(4) RESOLVED that:-

- (a) the representatives of Post Office Ltd and Postwatch, and Mr Gough, Mr Gibbons and Mrs Haswell, be thanked for attending the meeting to brief the Committee and to answer Members' questions;
- (b) the Cabinet Member for Regeneration and Supporting Independence be requested to share the Post Office consultation information with all Members of the Council as soon as possible after its arrival on 2 October;
- (c) the Cabinet Member for Regeneration and Supporting Independence be requested to make arrangements to pass the Post Office consultation information onto all Parish and Town Councils in Kent as soon as possible after its arrival on 2 October;
- (d) in addition to the material already provided by the County Council, the Cabinet Member for Regeneration and Supporting Independence be recommended to supply to Post Office Ltd information held by KCC about the location of SMEs; home-based businesses; major infrastructure proposals and major development proposals, as requested by the representatives of Post Office Ltd at the meeting;
- (e) the Cabinet Member for Regeneration and Supporting Independence be recommended to accept Post Office Ltd's offer and arrange a meeting as soon as possible after 2 October for their representatives to brief all Members of the Council on their detailed proposals relating to Kent, including the scoring system used to inform the decisions about each individual branch;
- (f) the Cabinet Member for Regeneration and Supporting Independence and the Environment and Regeneration Policy Overview Committee be recommended to set up a mechanism involving Members from all parties for examining the Post Office's proposals and contributing to KCC's response to them;
- (g) in drafting KCC's response, the Cabinet Member for Regeneration and Supporting Independence and relevant officers be recommended to:-
 - (i) take account of the views of the Postwatch representatives at the meeting that petitions were unlikely to carry any weight, and that it was factual evidence that was required; and
 - (ii) ensure that urban and rural areas were treated equally.

21. Fairer Charging Policy for Home Care and other Non-Residential Services (Domiciliary Charging Policy) (Decision 07/00967)
(Item D1)

(1) Mr K G Lynes, Cabinet Member for Adult Social Services; Mr O Mills, Managing Director, and Mr M Thomas-Sam, Head of Policy and Service Development, Kent Adult

Social Services, attended the meeting to answer Members' questions on this matter, which covered the following issues:-

Design of Consultation Exercise

(2) In answer to questions from Mr Christie and Mrs Dean, Mr Mills explained that Kent Adult Social Services (KASS) usually involved disabled people fully in plans for consultations, but that it had been inappropriate to do so on this occasion because the proposals had to remain confidential until they had been reported to the Adult Social Services Policy Overview Committee.

(3) He accepted that the issues covered by the consultation were very complex and he and his staff had made every effort to present the information in a readily-understood way without over simplifying it. He believed that the response to the consultation (at 30%) demonstrated that they had struck the right balance.

Public Meetings

(4) In answer to questions from Mr Christie and Dr Eddy, Mr Mills said that the public meetings were only one of a number of ways offered to service-users to enable them to respond to the consultation. Venues had been chosen for the public meetings which were reasonably central, had adequate parking, and offered accessibility for disabled people. Feedback from those attending the meetings would be taken into account when considering venues for future public meetings.

Responses to Consultation Exercise

(5) In answer to a question from Mr Christie, Mr Mills accepted that those likely to be affected by the increase in charges had a greater incentive to respond than others, and that human nature meant that they were likely to oppose the increase. Taking this into account, the Consultation Analysis Report attempted to summarise the responses to the consultation fairly.

Analysis of Key Topics from Consultation

(6) In answer to a question from Mr Christie, Mr Lynes said that he did not accept that KASS "wasted money". Indeed, he believed that it was consistently seeking better value for money and this was illustrated by the many initiatives being taken by KASS to make access to services easier and to improve efficiency.

Proposed Increase from 65% to 85% of Available Income Taken into Account to Work Out a Person's Charge

(7) In answer to questions from Mrs Newell, Mr Mills said that the new level was in line with Government policy. Nevertheless, the decision to adopt this level of increase had only been taken after very careful thought, recognising the impact it would have on service-users, particularly those on fixed incomes.

(8) Mr Lynes said that, at 65%, Kent had been at a lower level than all neighbouring authorities. Even at 85%, Kent was still lower than most of its neighbours.

(9) Mr Mills confirmed that consideration had been given to phasing in the increase over time but it would be difficult to do this in a way that would be equitable to all

service-users, and it would create complexity which would result in the transaction costs exceeding the benefits to service-users.

Funding for Adult Social Care

(10) In answer to questions from Mrs Newell, Mr Lake and Mrs Dean, Mr Lynes said that he had fought hard, and he believed successfully, in Cabinet for increases in the budget for Adult Social Services.

(11) Mr Lynes also said that the County Council continued to press Government to inject extra funding into adult social care. He was keen to take this, and Mrs Newell's suggestion that Government should transfer unclaimed Pension Credits into funding for adult social care, forward on a cross-party basis with support from service-users and organisations representing service-users.

Eligibility Criteria

(12) In answer to questions from Mr Christie and Mr Law, Mr Lynes said that one option to save money would have been to restrict the eligibility criteria by ceasing to provide care for 'moderate' needs, as a number of authorities had done. He was anxious not to do this because of the deleterious effect on clients. In addition, experience elsewhere had shown that the savings from restricting the eligibility criteria had been less than originally anticipated. This was because the condition of those clients excluded from care by restriction of the criteria tended to worsen quickly and so, after only a short period, they re-presented with 'substantial' or even 'critical' needs, which involved a much higher cost to the authority.

Views of Disability Groups

(13) At the invitation of the Chairman, Mrs Wendy Sage and Mrs Vicci Chittenden, who both represented disability groups in Kent, spoke about the impact which the new domiciliary care charges would have on disabled people.

Conclusions

(14) RESOLVED that:-

- (a) Mr Lynes, Mr Mills and Mr Thomas-Sam be thanked for attending the meeting to answer Members' questions, and Mrs Sage and Mrs Chittenden be thanked for attending to give evidence on behalf of the organisations they represented;
- (b) postponement of implementation of the decision not be required, but the Cabinet Member for Adult Social Services be requested to consider again whether the increase from 65% to 85% (of available income taken into account to work out a person's charge) should be phased in over time or some sort of transitional relief offered to those most seriously affected;
- (c) the Managing Director, Kent Adult Social Services, be advised of the Committee's view that it was unfortunate that disabled persons' groups were not involved in the planning of this consultation exercise, as would normally be the case.

(d) the Managing Director, Kent Adult Social Services, be recommended to report to the Adult Social Services Policy Overview Committee on:-

(i) domiciliary care charges:-

- comparative statistics for all UK authorities on charging policies and eligibility criteria;
- justification for capital and income disregards, and whether action should be taken to seek modification of these;
- possibility of lobbying Government for increase in Social Services element of RSG and/or for allocation to Social Services authorities of unclaimed Pension Credits;

(ii) impact of direct payments policy.

22. Autumn Budget Statement
(Item D1)

In view of the length of time the meeting had already taken, the Committee agreed to refer this item for consideration by the Budgetary Issues Informal Member Group at its meeting later on the same day.

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NOTES of a Special meeting of the Cabinet Scrutiny Committee's Informal Member Group on Budgetary Issues held on Wednesday, 26 September 2007.

PRESENT: Mr D Smyth (Chairman) and Mr C J Law.

ALSO PRESENT: Mr N J D Chard, Cabinet Member for Finance.

OFFICERS: Ms L McMullan, Director of Finance; Mr A Wood, Head of Financial Management; Mr B Smith, Group Manager, Financial Planning and Budgets; and Mr S C Ballard, Head of Democratic Services.

1. Government Consultation on Local Government Finance Formula Grant Distribution

(Item 6 on Agenda for 11 September meeting)

(1) The IMG considered the draft of the response to be sent by the County Council to the Government's consultation on Local Government Finance Formula Grant Distribution.

(2) Mr Smyth said that he felt that the overall tone of the draft response was too critical of Government. A response which gave the Government credit where it was due was more likely to have influence. Mr Chard and Ms McMullan replied that the draft reflected the professional views of KCC's Finance staff and that any criticisms in it were aimed at the Civil Service, not at the Government.

(3) Following discussion, Mr Chard and Ms McMullan agreed to amend the response as follows:-

Covering letter

- (a) to emphasise that KCC welcomed the move to three-year settlements;
- (b) to remove the reference to Budget IMG in the first paragraph, as it implied that all Members of the IMG were in full agreement with the response;
- (c) to tone down the wording of the last sentence of the paragraph headed "A Need to Pre-announce Floors" to recognise that this problem would only arise in the last year of the three-year cycle;
- (d) in the paragraph headed "Growth Areas", to clarify that KCC's proposal was for additional funding for Growth Areas to be provided by way of a temporary Special Grant (ie outside the formula);

Comment on Time Frame for Implementation

- (e) to clarify that "over the medium term" meant the period to 2010/11.
- (4) Other issues relating to this item discussed by the IMG included:-
- (a) floors within floors and Ms McMullan and Mr Smith's professional view that these were completely unnecessary and did not work; the overall floor itself providing the safety net for unintended outcomes;

- (b) the opacity of the current 4-block system and the need to make it more transparent, in particular to enable local authorities to see the assumptions made by Government relating to Council Tax increases;
- (c) the difficulties caused by the consultation on formula grant taking place prior to the announcement of CSR07;
- (d) the need to ensure that one-off funding (ie specific grants) was brought into the base for following years;
- (e) the mechanism for allocating the proceeds of business rates (same as for formula grant but identified separately);
- (f) the advantages to KCC of being above the 'floor';
- (g) KCC support for the move to LAA-based funding;
- (h) Performance Reward Grant, and the strong likelihood that it would not continue after this round.

2. Autumn Budget Statement

(Item 5 on Agenda for 11 September meeting)

This item had been referred back to the IMG by the Cabinet Scrutiny Committee. Some discussion took place about various aspects but, in the light of the discussion on the previous item, it was not considered necessary to discuss it in any detail.

NOTES of a meeting of the Cabinet Scrutiny Committee's Informal Member Group on Budgetary Issues held on Thursday, 11 October 2007.

PRESENT: Mr D Smyth (Chairman), Mr C J Law and Mrs T Dean.

ALSO PRESENT: Mr N J D Chard, Cabinet Member for Finance.

OFFICERS: Ms L McMullan, Director of Finance, and Mr A Wood, Head of Financial Management; Mr O Mills, Managing Director, Mr S Leidecker, Director of Operations, and Ms M Goldsmith, Finance Manager, Kent Adult Social Services Directorate (for Item 2); John Wale, Assistant to the Chief Executive, and Mr S C Ballard, Head of Democratic Services.

1. Notes of 11 and 26 September Meetings

(Item 1)

(1) It was noted that two action points from the 11 September meeting were still outstanding. **(Action: CH)**

(2) Mrs Dean said that it would make her meaning clearer if note 4(5) of the 11 September meeting could be amended to read:-

"St James the Great Primary School, East Malling (Annex 1, paragraph 1.2.4.6)

(5) Mrs Dean said that, as local Member, she wished to place on record that she understood that English Heritage had only objected to the scheme (thus delaying its progress) **when** KCC had failed to consult English Heritage prior to the submission of the planning application as they should have done."

(3) Subject to this, notes of 11 and 26 September meetings agreed.

2. Kent Adult Social Services Directorate Budget Position

(Item 2(a))

(1) Mr Mills explained that the latest reported forecast on the KASS 2007/08 revenue budget was a pressure of £3.531m, and that management action had been put in place to deal with this.

(2) Members' questions covered the following issues:-

Impact of CSR07

(3) In answer to a question from Mr Smyth, Mr Mills said that there had not been time to do a detailed analysis of the Chancellor of the Exchequer's CSR07 announcement but the general view was that, for social care, it was not good news. However, the NHS appeared to have done better than they, and many commentators, had expected. Ms McMullan added that the announced national increase of £1.4bn for adult social care was not thought to be new money. It appeared to be mostly old specific grants re-packaged, but details were not yet available.

(4) In answer to a question from Mr Law, Ms McMullan and Mr Mills said that there was a big risk that KCC faced a real-terms reduction of Government funding for Adult Social Services next year. Certainly, the announcements in CSR07 did not appear to take account of the increasing demographic pressure on adult social care services.

Residential Care vs Nursing Care (paragraph 2.1 of Annex 2 to Cabinet report, 17 September)

(5) In answer to a question from Mr Law, Mr Leidecker said that there was no direct link between the reduction in the number of elderly people in residential care and the increase in the number of elderly people in nursing care. The reduction in the number in residential care had come about because of the increasing availability of intermediate care (jointly with NHS) and other support which enabled elderly people to remain in their own homes. The increase in the number in nursing care was due to the increasing number of people with higher levels of dependency.

Delayed Discharges from Hospital (paragraph 2.1 of Annex 2 to Cabinet report, 17 September)

(6) In answer to a question from Mrs Dean, Mr Mills explained that local authorities received a Reimbursement Grant to enable them to pay 'fines' to the NHS for delayed discharges for which they were responsible. In Kent, rather than going down the 'fines' route, KCC and the Primary Care Trusts had agreed to invest the Reimbursement Grant funding (currently £2.4m per annum) in a range of services designed to prevent unnecessary admissions to hospital and to move people out of hospital as quickly as possible. This had proved very successful.

(7) Mr Leidecker added that, in any case, of the total number of delayed discharges, only about 17% were the responsibility of KCC (down from about 35% two years ago). This, in turn, had to be set against a much higher throughput because the acute hospital trusts were now running at 98% capacity.

(8) One major problem over which KCC had no control was the closure of a number of community hospitals which had previously formed part of a staged patient discharge process. The NHS was now addressing this issue, both through increased provision of intermediate care (particularly in East Kent, where the PCT was in a healthier financial position than the West Kent PCT) and by reviewing the closure of community hospital beds, and it had been jointly agreed that there needed to be an improvement in the delayed discharge figures by the end of 2007/08.

(9) Mrs Dean suggested that, in future, the graph should be amended to show the number of delayed discharges for which KCC was responsible, as well as the total number; and where performance indicators (such as this) related to the NHS as well as to KASS, consideration should be given to reporting them also to the NHS Overview and Scrutiny Committee. Mr Law suggested that, in view of the differences in the finances and performance of the East Kent and West Kent PCTs, there should be separate graphs for East Kent and West Kent. **(Action: LM/MG)**

3. Direct Payments

(Item 2(b))

(1) The IMG considered a report of the review to establish the reasons why the increasing use of Direct Payments was resulting in considerably higher overall costs. The review found that there were four main reasons for the increase in costs, as follows, and suggested ways for tackling them:-

- (a) previously unmet needs;
- (b) services formerly provided through block contracts;
- (c) charging;
- (d) price.

(2) Mr Mills explained that, although the Direct Payments system had been introduced in 1996, it had only really taken off in Kent in the last two years following a change in culture as a result of which Care Managers now believed that clients' needs could genuinely be met through Direct Payments in appropriate cases.

(3) Mr Mills went on to emphasise that, although it was necessary to tackle the increasing costs, it remained KCC and Government policy to offer the Direct Payments facility to clients wherever appropriate. Appropriateness was decided by the Care Manager concerned, who was responsible for assessing the individual client's needs and who would be aware of their circumstances.

(4) In answer to a question from Mrs Dean, Mr Mills said that the 2007/08 target to have 1660 clients using Direct Payments was one which KCC had set for itself. This put KCC in Band 5. However, if KCC's take up of Direct Payments fell below Band 3, then KASS would lose one of its three stars.

(5) Mr Chard said that the key issue should be what the clients wanted so the Government target should not be about the number of clients who used Direct Payments, but rather about the proportion of clients who were satisfied that the social care service provided to them met their needs. Mr Mills said that he agreed with this and that KASS had previously made exactly this point.

(6) In answer to a question from Mrs Dean, Mr Mills said that it would be difficult to calculate how the back-office costs relating to Direct Payments compared to those relating to the provision of a traditional care service. The cost of the Direct Payments Advisory Team was shown in paragraph 3(5) of the report and, on the other hand, it had always been anticipated that the increased use of Direct Payments would result in a reduction in Care Management costs.

(7) In answer to questions from Mrs Dean and Mr Chard, Mr Mills said that clients should be given as a Direct Payment only what the service they were assessed to need would have cost KASS to have provided by traditional means. He agreed to:-

- (a) check that this was happening throughout KASS;
- (b) undertake a further analysis of the sample of clients listed in Appendix 3 of the report to identify why, in some cases, the cost of Direct Payments was considerably higher than the previous cost;

- (c) investigate claims made by CILK and other client groups, and reported by Mrs Dean, that clients were being 'targeted' and 'persuaded' to accept Direct Payments where Direct Payments might not be suitable. **(Action: OM)**

4. Revenue and Capital Budget Monitoring Exception Report
(Item 3)

The IMG noted this report.

07/so/BudlssIMG/101107/Notes

NOTES of a Meeting of the Cabinet Scrutiny Committee's Informal Member Group on the Kent Highway Services' Business Plan held on Wednesday, 3 October 2007.

PRESENT: Mr R Truelove (Chairman), Mr C J Law and Mr S J G Koowaree.

ALSO PRESENT: Mr R F Manning, Lead Member for Environment, Highways and Waste; Mr Geoff Harrison-Mee, Director; and Mrs Caroline Bruce, Resources and Development Manager, Kent Highway Services, Environment and Regeneration Directorate.

OFFICER: Mr S C Ballard, Head of Democratic Services.

1. Kent Highway Services' Business Plan 2007/08

Terms of Reference

- (1) The Informal Member Group had been established by Cabinet Scrutiny Committee at its meeting on 23 May 2007 to examine the Kent Highway Services' Business Plan for 2007/08.

KHS Transformation Programme

- (2) Mr Manning explained that, during 2007/08, as well as delivering its Business Plan, KHS was also implementing a major Transformation Programme which had been agreed by Cabinet. Regular reports on progress with the Transformation Programme were made to the Highways Advisory Board
- (3) Mr Law asked to be provided with a copy of the proposed new KHS organisation structure (**Action: GH-M**). In answer to concerns expressed by Mr Law, Mr Harrison-Mee said that new structure was intended to make KHS much more responsive to the public, local County Councillors, District Councils and Parish Councils. KHS had already formed an Alliance with its consultants and contractors. This partnership arrangement allowed greater flexibility which improved delivery and performance. Policy continued to be set by KCC, but was influenced by the knowledge of national and international best practice which the other Alliance members were able to contribute. Mr Harrison-Mee accepted that introduction of the Alliance and the new KHS structure were only the first steps. There was also a need to change the culture of KHS to ensure that management and staff were much more customer-focused. Part of this process would involve the introduction of measurable objectives for managers. Mr Harrison-Mee estimated that it would take 2-3 years to get all the improvements in place. Nevertheless, the regular public satisfaction surveys were already showing increases in public satisfaction; the most recent survey being the first where the result had been net positive.
- (4) Mr Truelove said that he felt that the Joint Transportation Board (JTB) system could be improved. In his view JTBs needed to involve the public; needed to have some decision-making powers; and KHS officers needed to brief themselves better for JTB meetings.

KHS Strategic Objectives

- (5) Mr Harrison-Mee and Mrs Bruce explained that the seven strategic objectives for KHS set out on page 1 of the Business Plan were set by Cabinet on the advice of the Highways Advisory Board and taking account of the duties imposed on KHS by legislation. The seven strategic objectives were broken down into a series of core business objectives. In response to questions from Mr Truelove, Mr Harrison-Mee said that, although not mentioned explicitly, environmental impact and achieving greater equality of access were implicit in the strategic objectives.

Relationship between Strategic Objectives and Budget

- (6) Mr Harrison-Mee explained that budgets were not directly related to the strategic objectives. Instead, the budget was built up against a hierarchy of priorities, in which the key element was maintaining safety. Meanwhile the Business Plan was prepared in accordance with the agreed corporate template. Nevertheless, the Business Plan did perform the function of linking the corporate vision for KHS to the individual action plans of KHS staff.

Performance against Targets set in Key Performance Indicators Section of Business Plan

- (7) The IMG received the latest report (30 August) to the Alliance Board on KHS's performance against the key performance indicators set out in the Business Plan. Comments about particular indicators were as follows (using the numbering in section 6 of the Business Plan).

1 *Emergency and Hazard Repairs*

Mr Harrison-Mee explained that the measurement of the percentage of repairs completed on time was made simple through use of an electronic system. A random 10% of repairs were checked for quality by Highway Inspectors.

2 *Street Lighting Faults*

Mr Harrison-Mee explained that the recent big improvements in the time taken to repair street lights resulted from the investment by KHS of additional resources in this area. However, the figures could still be affected by the performance of EDF, the electricity supplier.

3 *Road Casualties*

Mr Harrison-Mee reported that the 2010 target for reducing child casualties was expected to be met by the end of 2007/08. The problem with this target was that it was expressed as a percentage when the absolute numbers were very small, so one additional casualty could have a big impact on the percentage target figure.

Mr Manning said that it was also difficult to identify whether improvements in casualty figures resulted from direct actions by KHS (eg road improvements) or as a result of extraneous factors (eg driver behaviour, road safety advertising campaigns, etc).

4 *Effect of Road Works*

Mr Harrison-Mee pointed out that, although the figures for April-August 2007 were good, this part of each year was a quiet period for road works. Most works were carried out in the autumn.

6 *Journey Times*

Mr Harrison-Mee said that a number-plate recognition system was being installed on cameras in Maidstone and Canterbury to allow journey times through those towns to be measured. He explained that KHS worked closely with District Councils to co-ordinate actions to improve journey times, but a key problem was that traffic volume was increasing by 2% pa, while few new roads were being built because funding could not be made available.

Mr Truelove commented that the school run was a major factor in urban traffic congestion, and suggested that the impact on congestion should be taken into account whenever decisions on the siting of new schools were made.

9 *Press coverage*

Mr Harrison-Mee explained that positive press coverage (some of which was generated by KHS itself) was important because it had a significant effect on the public's perception of KHS, as reflected in the public satisfaction surveys.

10 *Enquiries from Public*

Mr Harrison-Mee said that the total number of enquiries was increasing because KHS had made huge efforts to publicise its contact numbers.

Mrs Bruce said that this was an area where culture-change could bring about a big improvement. Some staff had good technical expertise but needed to be more customer-focused.

Mr Law said that he had found the old divisional breakdown of time taken to deal with service requests useful. Mr Harrison-Mee said that this breakdown was still produced and he would supply a copy of the latest figures to Mr Law (**Action: GH-M**).

19 *Staff Satisfaction*

Mrs Bruce reported that the results of the most recent staff survey showed a surprisingly high level of satisfaction considering the changes facing staff as a result of the Transformation Programme.

Mr Truelove asked whether, when service improvements occurred, staff were thanked for their efforts. Mr Harrison-Mee said that this was an area where he hoped to make improvements. KHS had tended to rely on a

cascade briefing process for giving feedback to staff but this was not entirely satisfactory. This year though, progress meetings on the Transformation Programme for all senior KHS managers had been held every 8 weeks and this had provided a helpful means of giving feedback.

28 *Bus Journeys*

Mr Harrison-Mee reported that, in addition to the big increase brought about by the introduction of the Freedom Pass, local bus passenger journeys were increasing in all parts of the County except Ashford.

Conclusions

(8) The IMG:-

- (a) noted KHS's seven strategic objectives but suggested that it might be helpful in future to put the objectives in priority order and to monitor them in relation to improving equality of access and environmental impact criteria;
- (b) expressed concern about:-
 - (i) the lack of budget detail in the Business Plan;
 - (ii) the apparent absence of any attempt to align budgets with objectives;
 - (iii) the lack of linkage between the Business Plan and actual operations, particularly with respect to performance against targets;
- (c) welcomed the general improvements in performance against the key performance indicator targets;
- (d) recommended that the Highways Advisory Board should continue to regularly monitor progress with KHS's Transformation Programme;
- (e) noted that a change in the culture of KHS management and staff was required in order to ensure the success of the Transformation Programme.

REPORT TO: CABINET SCRUTINY COMMITTEE 24 October 2007
BY: ASSISTANT TO THE CHIEF EXECUTIVE

CABINET SCRUTINY AND POLICY OVERVIEW
Standing Report to October 2007

Summary

1. The report summarises in Table 1 outcomes of the most recent Cabinet Scrutiny Committee (CSC) meeting held on 26 September 2007. Cabinet Members and Chief Officers were provided with a copy of the action sheet and asked to respond as appropriate. The report includes any subsequent responses and actions by Cabinet Members and Senior Officers up to and including the meeting of Cabinet held on 15 October 2007.
2. Additionally, in Table 2 the report provides an updated report on the current programme for Select Committee Topic Review. This programme was agreed at Policy Overview Co-ordinating Committee on 7 June 2007.

Recommendations

3. Members are asked to note:
 - (i) progress on actions and outcomes from the meeting of Cabinet Scrutiny Committee held on 26 September 2007 as set out in Table 1;
 - (ii) the current position on Select Committee Topic Reviews.
-

Contact Officer: **John Wale 01622 694006**

ACTIONS FOR CABINET/DIRECTORATES FROM CABINET SCRUTINY COMMITTEE 26 September 2007

Item/Issue	Actions and Outcomes from Cabinet Scrutiny Committee										
A2 Declarations of Interest	None										
A3 Minutes of Cabinet Scrutiny Committee 25 July 2007.	The minutes were agreed.										
A4 Informal Member Group on Budgetary issues – 11 September 2007.	The minutes were noted.										
A5 Cabinet Scrutiny Committee: Standing Report to September 2007	Report was noted.										
A6 Proposed Dates of Meetings.	<p>Members noted</p> <p>(a) that Wednesday 5 December 2007 had been reserved for a possible additional meeting of the Scrutiny Committee should it be needed following the special Cabinet Meeting recently arranged for 26 November.</p> <p>(b) the proposed dates of Scrutiny Committee Meetings for 2008 were as follows (all at 10:00 am):</p> <table border="1" data-bbox="643 1301 1327 1473"> <tbody> <tr> <td>23 January</td> <td>25 June</td> </tr> <tr> <td>1 February (Budget)</td> <td>23 July</td> </tr> <tr> <td>15 February</td> <td>24 September</td> </tr> <tr> <td>26 March</td> <td>22 October</td> </tr> <tr> <td>21 May</td> <td>10 December</td> </tr> </tbody> </table>	23 January	25 June	1 February (Budget)	23 July	15 February	24 September	26 March	22 October	21 May	10 December
23 January	25 June										
1 February (Budget)	23 July										
15 February	24 September										
26 March	22 October										
21 May	10 December										
C1 Future of Post Office Network and Services in Kent.	<p>The meeting was attended by the following, who answered Members, questions and provided information:</p> <p>Post Office Ltd: Mr Gary Herbert(Network Development Manager); Ms Martine Munby (Senior External Relations Manager); Mr Craig Tuthill (Regional Development Manager).</p> <p>Postwatch: Mr Andy Burrows (National Policy Group); Ms Marie Casey (SE Network Adviser); and Mr Ray Holdstock (SE Vice-Chair)</p> <p>KCC: Mr R W Gough (Cabinet Member for Regeneration and Supporting Independence); Mr S Gibbons (Head of Rural Regeneration); Mrs E Haswell (Economic Development Officer, E and R Directorate).</p>										

ACTIONS FOR CABINET/DIRECTORATES FROM CABINET SCRUTINY COMMITTEE 26 September 2007

Item/Issue	Actions and Outcomes from Cabinet Scrutiny Committee
<p>C1 Future of Post Office Network and Services in Kent.</p>	<p>Following extensive questions and comment from Members of the Committee, and undertakings from POL to provide further information on many points raised, Members of the Committee resolved that:</p> <ul style="list-style-type: none"> (a) the representatives of Post Office Ltd and Postwatch, and Mr Gough, Mr Gibbons and Mrs Haswell, be thanked for attending the meeting to brief the Committee and to answer Members' questions; (b) the Cabinet Member for Regeneration and Supporting Independence be requested to share the Post Office consultation information with all Members of the Council as soon as possible after its arrival on 2 October; (c) the Cabinet Member for Regeneration and Supporting Independence be requested to make arrangements to pass the Post Office consultation information onto all Parish and Town Councils in Kent as soon as possible after its arrival on 2 October; (d) the Cabinet Member for Regeneration and Supporting Independence be recommended to supply to Post Office Ltd information held by KCC about the location of SMEs; home-based businesses; major infrastructure proposals and major development proposals, as requested by the representatives of Post Office Ltd at the meeting; (e) the Cabinet Member for Regeneration and Supporting Independence be recommended to accept Post Office Ltd's offer and arrange a meeting as soon as possible after 2 October for their representatives to brief all Members of the Council on their detailed proposals relating to Kent, including the scoring system used to inform the decisions about each individual branch; (f) the Cabinet Member for Regeneration and

ACTIONS FOR CABINET/DIRECTORATES FROM CABINET SCRUTINY COMMITTEE 26 September 2007

Item/Issue	Actions and Outcomes from Cabinet Scrutiny Committee
<p>C1 Future of Post Office Network and Services in Kent.</p>	<p>Supporting Independence and the Environment and Regeneration Policy Overview Committee be recommended to set up a mechanism involving Members from all parties for examining the Post Office's proposals and contributing to KCC's response to them;</p> <p>(g)in drafting KCC's response, the Cabinet Member for Regeneration and Supporting Independence and relevant officers be recommended to:-</p> <ul style="list-style-type: none"> (i) take account of the views of the Postwatch representatives at the meeting that petitions were unlikely to carry any weight, and that it was factual evidence that was required; and (ii) ensure that urban and rural areas were treated equally.
<p>D1 Fairer Charging Policy for Home Care and other Non-Residential Services (Domiciliary Charging Policy) (Decision 07/00967)</p>	<p>Mr K G Lynes, Cabinet Member for Kent Adult Social Services; Mr O Mills, Managing Director (KASS); and Mr M Thomas-Sam, Head of Policy and Development (KASS), attended and answered Members' questions on a variety of issues.</p> <p>At the invitation of the Chairman, Mrs Wendy Sage and Mrs Vicci Chittenden, who both represent disability groups in Kent, spoke about the impact which the new domiciliary care charges would have on disabled people. After hearing the responses and comment from all witnesses, Members of the Committee resolved that:</p> <ul style="list-style-type: none"> (a) Mr Lynes, Mr Mills and Mr Thomas-Sam be thanked for attending the meeting to answer Members' questions, and Mrs Sage and Mrs Chittenden be thanked for attending to give evidence on behalf of the organisations they represented; (b) postponement of implementation of the decision not be required, but the Cabinet Member for Adult Social Services be requested to consider again whether the increase from 65% to 85% (of available income

ACTIONS FOR CABINET/DIRECTORATES FROM CABINET SCRUTINY COMMITTEE 26 September 2007

Item/Issue	Actions and Outcomes from Cabinet Scrutiny Committee
<p>D1 Fairer Charging Policy for Home Care and other Non-Residential Services (Domiciliary Charging Policy) (Decision 07/00967)</p>	<p>taken into account to work out a person's charge) should be phased in over time or some sort of transitional relief offered to those most seriously affected;</p> <p>(c) the Managing Director, Kent Adult Social Services, be advised of the Committee's view that it was unfortunate that disabled persons' groups were not involved in the planning of this consultation exercise, as would normally be the case.</p> <p>(d) the Managing Director, Kent Adult Social Services, be recommended to report to the Adult Social Services Policy Overview Committee on:-</p> <p>(i) domiciliary care charges:-</p> <ul style="list-style-type: none"> • comparative statistics for all UK authorities on charging policies and eligibility criteria; • justification for capital and income disregards, and whether action should be taken to seek modification of these; • possibility of lobbying Government for increase in Social Services element of RSG and/or for allocation to Social Services authorities of unclaimed Pension Credits; <p>(i) impact of direct payments policy.</p>

ACTIONS FOR CABINET/DIRECTORATES FROM CABINET SCRUTINY COMMITTEE 26 September 2007

Item/Issue	Actions and Outcomes from Cabinet Scrutiny Committee
C2 Autumn Budget Statement	Item deferred (for reasons of time availability) to Meeting of the Budget Informal Member Group held on the afternoon of 26 September. At that IMG, discussion took place about some aspects of the Autumn Budget Statement. However, in the light of the extensive discussion at the same meeting on the Item relating to Government Consultation on Local Government Finance Formula Grant Distribution, it was not considered necessary to discuss the Autumn Statement in any further detail.

Select Committee Topic Reviews:**Programme agreed at Policy Overview Co-ordinating Committee 7 June 2007**

Policy Overview Committee/ Topic Review/Chair	Current Topic Review status and other topics agreed for the period July 2007 to July 2008 * Updated to 15 October 2007
<p>Children Families and Education :</p> <p>PSHE-Children's Health: Chair Ms CJ CRIBBON</p> <p>Developing the Creative Curriculum</p> <p>Young People's Spiritual, Moral, Social and Cultural Development#</p> <p>Vulnerable Children</p>	<p>The Select Committee report was accepted by Cabinet on 16 April 2007, and was debated at full County Council on 24 July 2007. (Research Officer: Gaetano Romagnuolo)</p> <p>POCC agreed that this should remain in the work programme for 2008.*</p> <p># POCC suggested this topic could also be combined with aspects of Consultation and Participation with Children and Young People (Student Voice), and with Provision of Activities for Young People. In the work programme for 2008.</p> <p>POCC recommended this Topic Review should commence in Autumn 2007.</p>
<p>Corporate: Accessing Democracy</p>	<p>POCC recommended that this review should commence in Autumn 2007* Preliminary discussions have been held to assess how this work will compliment the work of the "Going Local" Informal Member Group.</p>
<p>Communities</p> <p>Student Voice –Consultation and Participation with Young People#</p> <p>Provision of Activities for Young People#</p>	<p>#See above; dates to be agreed.</p> <p>See above; dates to be agreed.</p>

<p>Communities (continued)</p> <p>Alcohol Misuse Chairman: MR D HIRST</p>	<p>Inaugural meeting held on 16 May 2007; Terms of Reference Agreed, Hearings will be held mid June to the end of July. The Select Committee will report to Cabinet on 3 December 2007.</p>
<p>Adult Services</p> <p>Carers in Kent: MR L CHRISTIE</p>	<p>Inaugural meeting of the Select Committee was held on 5 June 2007. Hearing sessions are being held in July/August 2007, with a report to Cabinet in December 2007.</p>
<p>Environment and Regeneration</p> <p>Impact of Supermarkets, Out of Town Shopping Malls and Retail Parks on Businesses in Kent</p> <p>Flood Risk MRS S HOHLER</p>	<p>After debate, POCC considered that this topic should be removed from the current work programme.</p> <p>POCC having agreed that this topic review should proceed as soon as possible, hearings were held during July and August and the draft report was completed in September 2007.</p>

jhw/sc 15 October 2007:

** Subject to formal agreement by Chairman and Spokespersons of POCC of Minutes of Meeting held 7 June 2007.*

CABINET SCRUTINY COMMITTEE – 24 OCTOBER 2007

Report Title: **Clostridium Difficile Outbreaks at Maidstone & Tunbridge Wells NHS Hospitals Trust – Report by the Healthcare Commission**

Documents Attached: (a) Urgent Report to Cabinet, 15 October (Item 8).

Cabinet's decisions on this report were as follows:-

(i) AGREED the Leader and Chief Executive be authorised to negotiate with NHS colleagues a package of measures through which the County Council can help provide public reassurance on long-term improvements;

(ii) APPROVED the setting up as soon as possible of a local "Health Watch" which provides the public an independent route for registering concerns about their local health services.

(b) Background Note on NHS Scrutiny, Patient and Public Involvement and Complaints Mechanisms.

Purpose of Consideration: (a) To obtain more details of the likely cost to KCC of these decisions and how they are to be funded;

(b) To examine how the proposed "Health Watch" is intended to work and, in particular, how it will relate to KCC's Health Overview and Scrutiny Committee and to the independent Local Involvement Network for health and social care which KCC will be required to establish from next April under the Local Government and Public Involvement in Health Bill

Possible Decisions: The Constitution (*Appendix 4 Part 8*) requires the Committee to take one of the following decisions:-

- (a) make no comments; or
- (b) express comments but not require reconsideration of the decision; or

- (c) require implementation of the decision to be postponed pending reconsideration of the matter by the Cabinet in the light of the Committee's comments; or
- (d) require implementation of the decision to be postponed pending reconsideration of the matter by full Council.

Previous Consideration:

None, but there has been a previous proposal for a Kent Health Watch. This was agreed by Cabinet on 11 July 2005, and considered by the Cabinet Scrutiny Committee on 20 July 2005 (Minute 13).

Background Documents:

None.

To: Cabinet – 15 October 2007 – Item 8

By: Paul Carter, Leader of the County Council

Subject: Clostridium difficile outbreaks at Maidstone & Tunbridge Wells NHS Hospitals Trust – report by the Healthcare Commission

Classification: Unrestricted

Summary: This brief report comments on the findings of the report published on 11 October and proposes some urgent actions by the County Council to help restore public confidence in local health care services

FOR DECISION

1. Members of the County Council will have been shocked and concerned by the findings of the report, published on 11 October by the Healthcare Commission, of their detailed investigation into two outbreaks of *C. difficile* at the three hospitals managed by the Maidstone & Tunbridge Wells NHS Hospitals Trust. The outbreaks, the first of which was not identified at the time, occurred between October 2005 and September 2006 and in total over 500 people were infected.
2. Out of 345 patients who died during the relevant periods who had been infected with *C. difficile*, the Healthcare Commission estimate that there were approximately 90 deaths where *C. difficile* was definitely or probably the main cause of death. It needs to be noted that many of the 90 may well have died of other causes had they not acquired the *C. difficile* infection and some would have died of the infection even if they had had the best of care. Nevertheless, the situation indicates a serious and systematic catalogue of continuous failings in the operation and management of all 3 hospitals – Maidstone, Pembury and Kent and Sussex.
3. The report cites a number of factors as having contributed to the outbreak – for instance, old buildings in a poor state of repair; shortages of nursing staff contributing to pressured staff taking hygiene short-cuts; consistently high bed-occupancy rates limiting opportunities for “deep cleaning”; reliance on agency staff causing discontinuity of care. In a broader context, reorganisation issues, ‘distraction’ by national performance targets and PFI developments at Pembury have been variously cited. However, these sorts of issues are by no means unique to Maidstone & Tunbridge Wells NHS Hospitals Trust and the overall message from the Commission’s report is one of an enduring failure of focus and leadership on hygiene and infection control, with some broader concerns around governance and risk management at Board level.

4. Public and media reaction has been extensive, swift and critical. There is evidence that public confidence in local hospital services has been badly shaken by the Healthcare Commission's findings. It must be a paramount concern to this authority to help NHS colleagues restore that confidence. In calling for reassurances that improvements will be real, sustained and verifiable, it is recognised that quick fixes will not be adequate. Accordingly, we are offering the skills and human resources of the County Council to the Chief Executives of both the Primary Care Trust and Hospital Trust to assist on a continuing basis what will clearly be a difficult challenge.
5. Senior NHS colleagues have been invited to attend this morning's meeting and they will be asked to share their latest assessment of the current situation and their plans for moving forward. Of course, the work need to bring this wholly unsatisfactory state of affairs to a safe on positive conclusion will continue for many weeks and months ahead.

Recommendation

Cabinet are asked to:-

- (i) AGREE the Leader negotiating with NHS colleagues a package of measures through which the County Council can help provide public reassurance on long-term improvements;
- (ii) APPROVE a feasibility study for setting up a local "Health Watch" which provides the public an independent route for registering concerns about their local health services.

NHS Scrutiny, Patient and Public Involvement, and Complaints Mechanisms

The original system

In 1974 bodies were created for the first time to represent patients and local communities in the NHS. These were Community Health Councils (CHCs) – independent bodies, serviced by full-time salaried staff, with a statutory remit to act as the voice of the consumer and the community in the NHS.

Members of CHCs were appointed by local authorities, the local NHS and local voluntary bodies (with an emphasis on those representing seldom heard groups, such as older people, people with mental health problems and people with learning disabilities).

CHCs had the right to demand information from the local NHS and the right to be consulted over changes to local services – with the power, in the last resort, to refer contested decisions to the Secretary of State for Health. They also helped individual patients pursue complaints; and they had the right to enter and inspect NHS premises.

The Association of Community Health Councils for England and Wales (ACHCEW) represented CHCs at the national level. Across the country there was a great deal of variation in what CHCs did and how they did it.

CHCs survived a number of subsequent NHS reorganisations, including the creation of the internal market in the 1990s, which led to CHCs scrutinising both purchaser and provider bodies in the NHS.

The current system

CHCs were abolished (along with ACHCEW) in 2003, and their functions and powers were given to a series of new bodies:

- Patient Advice and Liaison Services (PALS) within each NHS body provide patients with advice and information, and act as the first point of contact for people who wish to make a complaint.
- Independent Complaints and Advocacy Services (ICAS) in each NHS body support patients in making complaints that cannot be resolved by PALS.
- Corresponding to each NHS body is a Patient and Public Involvement Forum (PPIF), an independent organisation that monitors and reviews service delivery (through means including entry and inspection of premises), seeks the views of patients and the public about services, and makes recommendations to the NHS accordingly. The Forums are made up of volunteer lay members. NHS bodies are legally obliged to provide information to PPIFs. NHS bodies are under a statutory obligation to involve and consult the public about changes to, and the development of, services (this is usually referred to as the Section 11 duty); this is often discharged through consulting PPIFs. Like CHCs, PPIFs vary greatly in what they do and how they do it.

- The Commission on Patient and Public Involvement in Health (CPPIH) provides training and other support for PPIFs, and commissions Forum Support Organisations (voluntary sector bodies that provide administrative support for PPIFs).
- Health Overview and Scrutiny Committees (HOSCs), run by local authorities with social services responsibilities (including County Councils) have a statutory remit to scrutinise health services on behalf of the local community. NHS bodies are under a statutory obligation to consult their local HOSC about any "substantial variation" in services (this is usually referred to as the Section 7 duty). NHS bodies are legally obliged to provide information to HOSCs; and local NHS officials must appear before a HOSC to answer questions if asked to do so. HOSCs have the power, in the last resort, to refer contested service changes to the Secretary of State for Health – or, in the case of Foundation Trusts (FTs), the FT regulatory body, which is called Monitor.

The future system

The government announced some time ago that it planned to abolish CPPIH. Under the Local Government and Public Involvement in Health Bill, which is currently before Parliament, PPIFs will also be abolished and replaced by Local Involvement Networks (LINKs) on 1 April 2008. Each local authority with social services responsibilities (including each County Council) will be responsible for setting up a LINK to cover their area and for commissioning administrative support from a Host Organisation (which must be a voluntary sector / non-profit body).

A major difference between LINKs and PPIFs is that LINKs will be responsible for scrutinising the provision of social services by local authorities, as well as the provision of health services by NHS bodies.

LINKs will have the power to refer matters to their local HOSC, or to the corresponding social services overview and scrutiny committee, and to receive a response from the committee concerned.

The power of entry and inspection of NHS premises will transfer to LINKs and be extended to cover some types of social services premises.

The government intends that LINKs will have a much broader, and looser, membership than PPIFs have had. It will apparently be down to each LINK to decide how to structure itself and there remains considerable uncertainty about how LINKs will actually work in practice.

The Bill will have the effect of redefining the Section 11 duty on NHS bodies to consult about changes to services. The duty will be limited to "significant" proposals and decisions – "significant" being defined in the Bill as affecting "the manner in which the services are delivered to users of those services, or the range of health services available to those users". The government also intends to change the regulations governing Section 7 consultations so that they mirror the procedure set out in the Bill for the referral of matters to social services overview and scrutiny committees.