

**SCRUTINY BOARD**

**Wednesday, 27th April, 2011**

**10.00 am**

Darent Room, Sessions House, County Hall, Maidstone







## AGENDA

### SCRUTINY BOARD

**Wednesday, 27 April 2011 at 10.00 am**      Ask for:      **Peter Sass**  
**Darent Room, Sessions House, County Hall, Maidstone**      Telephone      **(01622) 694002**

*Tea/Coffee will be available 15 minutes before the meeting*

#### **Membership (10)**

Conservative (9):      Mr E E C Hotson (Chairman),      Mrs A D Allen,      Mr C J Capon,  
Mr N J D Chard,      Mr M C Dance,      Mr D A Hirst,      Mr R F Manning,  
Mr L B Ridings, MBE      Mrs E M Tweed

Liberal Democrat (1):      Mrs T Dean

#### **Webcasting Notice**

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

By entering the meeting room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured then you should make the Clerk of the meeting aware.

#### **UNRESTRICTED ITEMS**

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

#### **Item No**

1      Introduction/Webcasting

2      Membership

To note that **Mr D A Hirst** (Chairman of the Environment, Highways and Waste Policy Overview and Scrutiny Committee) and **Mr L B Ridings** (Chairman of the Education, Learning and Skills Policy Overview and Scrutiny Committee) have replaced Mr Kit Smith and Mr C Hibbard as Members of this Board. **Mr R F Manning** as also been added to the Membership of this Board.

3      Substitutes

- 4 Election of Vice-Chairman
- 5 Declaration of Interests by Members in items on the Agenda for this meeting
- 6 Minutes - 10 March 2011 ( 1 - 6)
- 7 Enhancing and Improving the Overview and Scrutiny Process ( 7 - 24)
- 8 Select Committee update ( 25 - 30)
- 9 Sharing of good practice - discussion item

### **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

**Friday, 15 April 2011**

*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****SCRUTINY BOARD**

MINUTES of a meeting of the Scrutiny Board held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 10 March 2011.

PRESENT: Mr E E C Hotson (Chairman), Mrs A D Allen, Mr C J Capon, Mr M C Dance, Mrs E M Tweed Mr K Smith

ALSO PRESENT: Mr D A Hirst, Mr P W A Lake Mr L B Ridings, MBE

IN ATTENDANCE: Ms D Fitch (Assistant Democratic Services Manager (Policy Overview)), Mr P Sass (Head of Democratic Services and Local Leadership) Mr P D Wickenden (Overview, Scrutiny and Localism Manager)

**UNRESTRICTED ITEMS****43. Membership**

*(Item 3)*

It was agreed that it would be more appropriate to elect a new Vice-Chairman at the next meeting of the Board when the new Membership of the Board was in place following the approval of the new Policy Overview and Scrutiny structure by the County Council on 6 April 2011.

RESOLVED that it be noted that Mr N Chard (Chairman of the Health Overview and Scrutiny Committee) was now a member of this Board.

**44. Minutes -1 February 2011**

*(Item 5)*

RESOLVED that the minutes of the meeting held on 1 February 2011 are correctly recorded and that they be signed by the Chairman as a correct record.

**45. Child and Adolescent Mental Health Services (CAMHS)**

*(Item 6)*

(1) Mr Lake, Deputy Cabinet Member for Specialist Children's Services, gave a verbal update on CAMHS on behalf of the Cabinet Member. He stated that at the meeting of the Children's Trust Board on 4 March 2011, CAMHS had been at the top of the agenda. There had been two inspections of CAMHS, one by the national support team and the other by Ofsted. The issues with CAMHS had been known for some time but had been passed between KCC and health.

(2) Mr Lake informed the Board of the numbers of young people identified at the different tiers of delivery, there were over 51,000 young people at tier 1, 24,000 young people at tier 2, 6,000 young people at tier 3 and 274 young people at tier 4. He had visited the new tier 4 centre and had been impressed by this facility and was grateful for the work being done in this area by the Maudsley Hospital Foundation Trust. He circulated information that had been prepared for Members by the Director

of Child Health Commissioning, NHS Eastern & Coastal Kent and NHS West Kent PCT's which included waiting times to access CAMHS. Although these had reduced from September 2010 he acknowledged that they were still too long and that only putting in massive support would bring these down to an acceptable level. In Canterbury and Shepway they were targeting the 33 young people who had been waiting the longest and were holding extra clinics on a Saturday to reduce the backlog.

(3) Mr Lake informed the Board that Mrs Whittle, Cabinet Member for Specialist Children's Services, was determined to establish a Children's Services Improvement Panel of 8 Elected Members which would initially meet on a monthly basis. This Panel would report to the Leader.

(4) Mr Lake referred to the Ofsted recommendations which mainly referred to Looked After Children. There was a need to focus services on 16 – 18 year olds. Children's services tended to finish at 16 and there was then a gap until they were picked up again at 18 by the adult service. This gap had now been filled by Primary Care Trust funding. A Commissioning CAMHS model was being developed. It was important that the CAMHS worked closely with the Health Service so that there was no duplication of resources.

(5) Members then made a number of comments and Mr Lake addressed a number of questions which included the following:-

- This was not a new issue, as 3 or 4 years ago there had been an awareness at Executive level that there were potential problems with the service. A pilot on emotional intelligence had been suggested but not taken up.
- There was a shortage of psychologists in the UK. Those that were available tended to use a lot of their time in report writing which made capacity for work on early intervention difficult.
- A Member identified the key problem area as being the need for intervention at tier 1.5 to 2.
- Mr Lake commended the establishment of Children's Centres as being a major contributor to early intervention between the ages of 1 and 3.
- Mr Lake expressed a determination to increase the number of Occupational Therapists and to generally provide support to permanent staff. He acknowledged that there were too many agency staff employed in this service.
- Mr Lake stated that the key to improving the service lay in working in an effective partnership with Health colleagues. The Health and Well Being Board, once established would have a key role to play in joined up working.
- This was an issue that cut across a number of Directorates and Policy Overview and Scrutiny Committees.
- Mr Lake emphasised the importance of holding those responsible for this service to account. It was important to monitor progress, or a lack of it and then take action quickly. This would be the role of the Children's Services Improvement Panel.
- In response to a question on what was being done to improve the waiting times in Shepway, Mr Lake referred to the work being done by Mr Darbyshire (Senior Commissioning Manager for CAMHS). He stated that the issue for Shepway was that there were a high number of young people waiting for an

Autistic Spectrum Disorder assessment. 20 extra staff were being trained to carry out this type of assessment.

- A Member pointed out that the number of young people waiting for an assessment (82,000) was a high proportion of the high percentage of the total number of young people in Kent.
- It was important to ensure that there was a successful transition for young people from Children's to Adult Services and no gaps.

(6) It was acknowledged that Head Teachers of primary schools recognised the importance of early intervention from the CAMHS. However it was suggested that Head Teachers from secondary schools sometimes did not see it as their role to signpost this service if a young person appeared to be experiencing problems. It was recognised that there should be other professions within the secondary school who could manage these issues.

(7) Members thanked Mr Lake for his open report and for answering Members questions.

(8) RESOLVED that (a) as an Improvement Panel was to be established there was no need to set up a Select Committee to consider this issue and (b) as this was a cross cutting issue a progress report be submitted to the Scrutiny Board twice a year.

#### **46. Enhancing and Improving the Overview and Scrutiny Process**

*(Item 7)*

(1) The Chairman explained that a draft paper had been prepared which was progressive and reflected the views of the informal meeting with the Leader and the Deputy Leader following the last meeting of the Board. There was further work to be done to this paper and it would be submitted to the April meeting of the Board.

(2) There would be an opportunity during the "sharing of best practice" item later in the meeting for Members to put forward further suggestions for issues that they would like to be included in the report.

#### **47. Select Committee update**

*(Item 8)*

(1) Mr Wickenden introduced a report which updated the Board on the current Select Committee Topic Review programme and invited Members to consider draft guidelines for the webcasting of some Select Committee meetings. He stated that a revised timetable for the Select Committee on Educational Attainment would be submitted to the next meeting of the Scrutiny Board.

(2) RESOLVED that (a) the progress of the Select Committees on Educational Attainment and Dementia and the Student Journey be noted and;  
(b) the Board agrees to the webcasting of Select Committee meetings, with approval being granted on a review by review basis (with the proposal for webcasting being agreed by the Select Committee at the same time as it approves its timetable and list of witnesses) and that the guidance for webcasting as set out in Appendix B to the report be approved.

#### **48. Sharing of good practice/enhancing and Improving the Overview and Scrutiny Process**

*(Item 9)*

(1) The Chairman introduced this item and explained that following the informal meeting held on 1 February 2011 a draft paper had been prepared, which included comments made by Members at that meeting. He proposed going through the subjects covered by this paper and invited Members to make comments and to add any other issues that they would like included in the paper that would be submitted to the April meeting of the Board.

(2) The following points were made:-

- *Access to meetings* - there was a need to look at the way that we engaged with the public. Reference was made to the letter from Bob Neil (Parliamentary Under Secretary of State at Communities and Local Government) and the emphasis on making use of available technology. This tied in with the theme in Bold Steps for Kent of "putting the citizen in control".
- *Publicity for O/S* – the Chairman referred to a meeting that he had attended with editors of local papers and a press release that he had issued.
- *Performance monitoring* – Policy Overview and Scrutiny Committees had a role in monitoring "Bold Steps for Kent".
- *Policy Development* – there was a need to ensure that Policy Overview and Scrutiny Committees had the opportunity to have an input at an early stage.
- *Agenda setting* – there should be adequate information available in the Forward Plan of Key Decisions and through other sources so that Members could decide which items they wished the POSC to have an input into. The agenda meeting was an opportunity for the Chairman to ask the Cabinet Member what issues were coming forward which the POSC could assist with.
- *Scrutiny* – it was suggested that clarity was needed around when was the appropriate time to scrutinise an issue.
- *Rapporteur* - this was an issue that would be given further consideration.
- *Select Committee Monitoring* - there was a process for this set out in the Constitution – Members need to consider if this needed to be revised.
- *Scrutiny in the locality* – when Locality Boards were being established their role in scrutiny need to be considered.
- *Select Committees* – it was suggested that there should be feedback half way through the work of the Select Committee setting out the emerging issues.

(3) Mr Wickenden and Mr Kit Smith referred to an LGIU conference that they had attended recently and outlined some of the key issues raised at this event. These included:-

- With direct delivery of local authorities diminishing, who was going to hold new service providers, including the voluntary and private sector, to account
- Acknowledgement of the need for strategic scrutiny at a county level.
- The need to find new level of interface for accountability – currently most of this was taking place at county level but in accordance with the spirit of the localism bill, non strategic matters needed to be moved closer to communities, possibly through Locality Boards.

(4) Members made some points about the development of Locality Boards and the progress being made by Districts on suggested models for their areas. Members expressed a wish to have more information on the development of Locality Boards, although this was not something that came within the remit of the Scrutiny Board.

RESOLVED: that the comments made by Members be noted and incorporated into the paper on Enhancing and Improving the Overview and Scrutiny Process, which would be submitted to the next meeting of the Board.

#### **49. Mr P Wickenden - Overview, Scrutiny and Localism Manager**

(1) Mr Kit Smith expressed his personal thanks to Mr Wickenden for the support that he had given him as a non executive Member. Mr Wickenden would be moving to the Customer and Communities Directorate on 4 April 2011 along with the Community Engagement Team.

(2) The Chairman, on behalf of the Scrutiny Board, thanked Mr Wickenden for the contribution that he had made in leading the Overview and Scrutiny Team. He commended Mr Wickenden's ability to understand the Members, to know how they were thinking and to bridge the gap between the Executive and non executive Members and partners to develop and support the County Council's Overview and Scrutiny process. He would be a great loss to Democratic Services and a great asset to the new Directorate.

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By: Eric Hotson, Chairman of the Scrutiny Board

To: Scrutiny Board – 27 April 2011

Subject: **Enhancing and Improving the Overview and Scrutiny Process**

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Summary: The report sets out the emerging legislative framework and the opportunities for strengthening, enhancing and improving the Overview and Scrutiny process.

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### **Introduction**

1. (1) At the conclusion of the February meeting of the Scrutiny Board, Members of the Board, new Chairmen Designate for some of the Policy Overview and Scrutiny Committees (POSCs), Mr Christie and Mr Lees had an informal discussion with the Leader and Deputy Leader to discuss and make suggestions to the potential enhancement and improvement of the overview and scrutiny process. The discussion provided the opportunity to discuss how the County Council might wish to respond to:-

(a) The emerging coalition Government legislative framework e.g. The Localism and Devolution Bill, the Health White Paper;

(b) How the suite of Overview and Scrutiny Committees should respond to the “Bold Steps for Kent” and the delivery of the new Council; and

(c) the emerging Kent Forum and its sub architecture which includes working with partners and the establishment of Locality Boards.

(2) This paper which addresses the main issues that were discussed in this informal meeting together with other issues which the Board will wish to address in forthcoming meetings on the changing map of service delivery which will be brought about by the emerging national framework. The paper also provides the opportunity for the Board to discuss and suggest ways in which the scrutiny suite of Committees can add value and respond to the new “One Council” . The agenda for Scrutiny Board has included a standing item for members of the Board to bring forward items of best practice from across the public and private sector but there have been very few contributions. There is so much we can learn from elsewhere. It is incumbent upon us all to scan the horizon for new ideas/innovations to enhance the overview and scrutiny process to serve the residents of Kent more effectively.

## **Access to Meetings**

2. (1) One of the biggest challenges to local government and across the public sector is greater transparency and giving citizens access to local decision making. This is one of the key strands of “Bold Steps for Kent” and “putting the citizen in control”. In a recent letter to Council Leaders Bob Neill MP, Parliamentary Under Secretary of State at the Department for Communities and Local Government said “..... I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing.....The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate.”

(2) Members will recall that we have discussed in earlier meetings the greater use of technology to enable citizens who have access to a computer and therefore our live webcast meetings to have the ability to e mail in their question whilst a meeting is taking place. Whilst we have not directly pursued this through any of the scrutiny suite of Committees, because of the need to moderate questions and restructure the meeting in such a way so that the viewing public does not miss the opportunity to ask a question, there was a trial at the Gravesham Neighbourhood Forums which was successful in terms of the viewers it attracted to the live webcast but the facility to e mail in a question was not used.

(3) If the Board was minded to pursue this option on a trial basis then the Committee in the scrutiny suite in which arguably there is the most public interest is the Health Overview and Scrutiny Committee. There would be a need to do some preparatory work particularly with health and social care colleagues to ensure that they are comfortable at being involved in a process which is as close as possible to being “live and interactive” with a viewing public who are not in attendance at the meeting.

(4) The letter from Bob Neill also talks of greater access to public meetings based on the various social media tools. I gather that at the recent “Listening to Communities Conference” organised by the Community Engagement Team there were presenters/delegates on twitter and others following the Conference from across the country.

(5) One of the biggest challenges for the Board which has been discussed both formally and informally by Board members is bridging the gap between the citizens, the elected Member (as the citizens’ representative) and the community voice. The community voice needs to be heard and the overview and scrutiny function strengthened if the decision making process of the Council is to be made more transparent. Decision makers need to be held to account for their actions and the public should be involved in genuine consultation where they can influence policy. As the letter referred to earlier from Bob Neill MP goes on to say .....”Council meetings have long been open to interested

members of the public and recognised journalist, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly part of the modern world, blurring the lines between professional journalists and the public"

(5) Subject to the views of Members, the Board might consider that the Selection and Member Services Committee should be asked to consider a report on how it wishes to respond to the emerging agenda of greater transparency and access to meetings.

### **Publicity for Overview and Scrutiny**

3. (1) The Scrutiny Board has been looking at ways to positively engage with the press in relation to the work of overview and scrutiny. In the Constitution there is reference to a protocol for the Publicising and Launching of Select Committee Reports (**Appendix 1**)

(2) Since the last meeting of the Board both Mrs Dean and I have had articles around the overview and scrutiny process in Kent published in "Kent on Sunday".

(3) Working with the Communication and Media Centre we need to build on this relationship and together with other editors start bridging the gap between the citizens of Kent and the overview and scrutiny function.

(4) There is a bigger picture here which, if we get it right, will help with this process as the concerns/issues for our citizens would potentially be identified earlier and where there is a public expectation that decision makers should be challenged and held to account.

(5) As elected Members, our role will be changing and we will increasingly be working in our locality holding decision makers to account. I would anticipate our development as elected Members to be effective "frontline councillors" will, and should, inevitably lead to greater knowledge of where we as a Strategic Overview and Scrutiny function for the County of Kent will want to hold decision makers to account and influence policy development, monitor decisions being implemented with the aim of improving the services and wellbeing of the citizens we serve.

### **Performance Monitoring**

4. (1) One of the key roles of the POSCs is performance monitoring.

(2) Currently POSCs receive a Financial Monitoring report at each meeting, and a Core Monitoring report to four out of the five diarised meetings. At the recent round of POSCs the Committees was advised of the single Performance Management Framework being developed for the Authority. POSC Members will be asked to contribute to its development. Members will be involved in evaluating and agreeing the success factors for the key priorities and

commitment published in Bold Steps for Kent i.e. what will success look like at the end of its term in 2014/15. This will be done via a structured workshop(s). The feedback will then be used to help shape some of the performance measures to be used in the single performance framework. Baselines will then be established against quantitative performance measures.

(3) Endorsement will be sought to the single performance framework at the June/July round of POSCs and the County Council will be asked to approve the single Performance Management Framework at the County Council meeting in July. "Bold Steps for Kent" will be a core document for all Members. This should be one of the "foundation documents" which is thoroughly examined and challenging questions asked of the Cabinet Member(s) and Managing Director(s) at the agenda setting meeting for each of the POSCs when they are considering items for their agenda and forward work programme. This framework and monitoring information for "Bold Steps for Kent" will in time replace the core monitoring reports currently received by POSCs.

(4) At four out of five meetings of each of the POSCs there should be a thorough examination of the key performance indicators that relate to the remit of that Committee as well as challenge into specific areas of performance where there are concerns .

(5) In developing the monitoring framework for "Bold Steps for Kent" the Scrutiny Board/POSC Members will wish to ensure that information provided in these reports is transparent and meaningful and enables the POSC to identify specific areas of concern which they might wish to look at in more detail as the "constructive critical friend" for Kent's residents.

(6) The POSC Chairmen have a role in identifying the level of information that the POSC need to have in order to effectively carry out their critical friend role.

### **Policy Development**

5. A second key role of POSCs is their contribution to policy development. It is important as the County Council restructures and the culture of the organisation changes that the importance of the non-executive Member role and the role of POSCs in policy development is recognised.

### **Agenda setting for POSCs**

6. (1) It is for the POSC members with the POSC Chairmen to set the POSC agenda. **Appendix 2** sets out the process agreed by the County Council for setting agendas for POSC.

(2) All POSC agenda setting meetings have Cabinet Member(s) or Deputy Cabinet Member(s) present together with the appropriate Corporate Director(s) and their staff. This provides the opportunity for the Chairman and spokesmen of the POSC to have a frank discussion and dialogue with the Cabinet Member(s) and Corporate Director(s).

(3) I would remind the Board that all Members have the legal right to place items on a POSC agenda. This has been exercised on a few occasions. Some Chairmen ask their Democratic Services officer to email around to all the POSC members and invite them to submit items which can then be discussed at the agenda meeting.

(4) Although the Cabinet Member(s), Corporate Director(s) are present at the agenda setting meetings, it is for the Chairman, Vice-Chairman and Group Spokesmen to agree the agenda.

(5) With the Government drive for greater transparency, the delivery of “Bold Steps for Kent” the opportunity to strengthen the role of the POSCs needs to be seized. Items placed on a POSC agenda should be outcome focussed and add value to Kent residents. Attached as **Appendix 3** are some examples from recent meetings of the Health Overview and Scrutiny Committee which demonstrates how as a Committee they deal with this issue.

(6) There has been a tendency for some POSCs to receive reports which are in effect “for information” or briefing Members about an operational area of work but which do not require anything constructive from the POSC.

(7) A possible way to help to ensure that POSC agendas are focused on issues in which they can have an input rather than just receiving briefings or “good news” reports, is by having clearly identified on each POSC report the part of the POSC work this report is addressing i.e. – Performance Management, Monitoring, Scrutiny, Policy Development, pre decision Scrutiny (for a decision on the Forward Plan), “Bold Steps for Kent” issue. This would avoid POSCs’ time being taken up by information items, which could be disseminated in a different way for example via the Members’ Information Bulletin or briefings which could be given outside of the meeting – on the afternoon of the POSC if business allows and all Members are invited to attend.

(8) Members have suggested that there is sometimes a reluctance amongst officers to report to the POSCs anything that could be perceived as negative. This is a clear cultural issue, which the organisation needs to address. There needs to be a recognition that overview and scrutiny is a “constructive friend” and whilst on some occasions this might be perceived as critical, in order to carry this out the POSC need to have balanced information (and not just “good news”). Officers should not be afraid of seeking POSCs’ assistance as a critical friend to obtain constructive input to challenging issues.

(9) In order for the POSC to assist the Cabinet and Directorate it is essential that reports contain sufficient information for them to make constructive comments.

(10) It is also suggested that the Communications and Media Centre should be advised of forthcoming POSC agendas following the agenda setting meetings.

## **Forward Plan of Key Decisions**

7. (1) As you will be aware the Forward Plan of Key Decisions has been enhanced and now covers 6 months rather than the statutory 4 months. The Corporate Management Team is keeping the Forward Plan under review so that it is an informative document for members of the County Council and the public. I concur with the views expressed by Board members that the Forward Plan must be as comprehensive as possible to provide Members with relevant information to enable them to discharge their role as an elected member effectively.

(2) The Forward Plan is a key tool in the Overview and Scrutiny agenda planning process and is key in setting a forward work programme (and where the POSCs will wish to seek citizens' views). If there is a decision to be taken which it is anticipated will be contentious or representations have been made by the public or in the press then POSCs should be able to look at these issues as the constructive critical friend before the decision is taken.

(3) A related issue that would benefit from a wider examination by the Corporate Management Team is ensuring that members are made aware of Officer decisions, which are subject to Scrutiny by the Scrutiny Board in accordance with the County Council's constitution. There is a perception amongst some Members that this is not happening consistently in respect of all relevant officer decisions.

## **Asking challenging Questions.**

8. (1) The Leader has stated on a number of occasions that Overview and Scrutiny enables Members to look at any issues within their remit (there should be no barriers to this) and to ask difficult and challenging questions is entirely appropriate if the best decisions for the residents of Kent are to be made.

(2) Members of POSCs must feel empowered to ask challenging questions of their Cabinet Member(s) and officers, on issues that fall within the remit of the POSC.

(3) During the Member induction process training was given on questioning and answering techniques. The Board may feel that now is an appropriate time to offer this training again and make it available to officers so there is a mutual understanding of why constructive challenge is helpful for effective decision making.

(4) Work is being undertaken to develop a package of training on the skills/attributes an elected Member requires to be an effective "Frontline Councillor" and this is one element of that package.

## **Rapporteur(s)**

9. (1) The Board has discussed at earlier meetings the use of a Member (or Group of Members) acting as a rapporteur. There has been a degree of

success. For example through the Regeneration and Economic Development POSC (REDPOSC) following the visits to each District across the County to view the economic development challenges and successes of each District several Members reported back to the next REDPOSC on the visit and in some cases prepared a written report.

(2) The Health Overview and Scrutiny Committee established a Task and Finish Group to re-examine the proposed reconfiguration of Women's and Children's Services with the Task and Finish Group Members writing their own report.

(3) Mr Chard the new Chairman of the Health Overview and Scrutiny Committee has started a dialogue with the Committee about the possible opportunity of small Groups of Members (with a HOSC Member leading) taking an active interest in specific pieces of work for example tracking the activities and outcomes of a particular Health Trust.

(4) Likewise, with the performance monitoring framework for Bold Steps for Kent may lend itself to Member(s) who have a particular interest in an area of activity operating as a rapporteur.

### **Select Committees - Monitoring**

10. (1) The importance of ensuring that progress is being made to the implementation of Select Committee recommendations was emphasised at the informal meeting.

(2) There is a process within the Constitution for monitoring Select Committee recommendations to ensure that action is taken on them and that where appropriate they become embedded with the work of the County Council. (**Appendix 4** - monitoring of Select Committee recommendations).

(3) The agreed monitoring process involves the relevant POSC receiving an action plan three months after the report has been endorsed by Cabinet showing how the recommendations are going to be taken forward (or if there are issues these are clearly set them out). One year after the report was received by the County Council the Select Committee is reconvened to receive a detailed report on how implementation of the recommendations has progressed. The detailed minutes from this meeting are received by the POSCs along with any recommendations for further monitoring by the POSC of any recommendations that the Select Committee have concerns about.

(4) There is also an annual report to County Council, usually in July, on progress with all Select Committee recommendations, which gives Members the opportunity to highlight any areas where they think further progress should be made.

(5) These methods attempt to ensure that action is taken to progress Select Committee recommendations and to ensure that the work of the Select Committees add value to the work of the County Council and the people of Kent.

(6) It has been suggested that the role of the Select Committee Chairman could be extended beyond the life of the review to enable them to ensure that the recommendations are progressed. Already a number of Select Committee Chairmen continue to champion their committee's recommendations long after the review has ended and the issue is whether this should be put onto a more formal setting.

(7) Any suggestions for cost effective ways in which the recommendations could be monitored would be welcomed, but it should be noted that if these involve a change to the protocol within the Constitution, a recommendation would need to be made to County Council via the Selection and Member Services Committee.

### **Recommendations to Cabinet from POSCs**

11. (1) There is provision within the regular update report on recommendations from Cabinet Scrutiny and POSCs to Cabinet for any recommendations from a POSC to be reported direct to Cabinet for a response.

(2) In practice the majority of recommendations from POSCs are to their specific Cabinet Members who attend or who are represented at the meeting. Action or a response required from a Cabinet Member is recorded and can be picked up again when the minutes are received or as part of the Cabinet Members update to the next meeting. This means that there is little, with the exception of items such as feedback on the draft budget, to report to the Cabinet.

(3) One method of ensuring that the Cabinet is aware of the recommendations or comments of POSC in relation to policy development or pre-scrutiny is to ensure that the decision making report to Cabinet clearly includes the contribution made by the POSC.

### **What is the Potential for Overview and Scrutiny?**

#### *Scrutiny in the Locality*

12. (1) Whilst Board Members acknowledge the potential to devolve some Scrutiny to a more local level there will always be a need for Scrutiny at a Strategic level for the County for Kent.

(2) The Board will, however, wish to be kept informed of the developing Kent Forum (which replaces the former Kent Partnership) and its emerging sub-structure; in particular the Locality Boards. Once established the Locality Boards roles will be:-

- Advisory Boards to County and District councils on locality service priorities and locality service provision
- Deliver the countywide ambitions to grow the economy; to tackle disadvantage and put the citizen in control in the locality, as relevant to the locality

- Oversee performance of local government services in the locality with appropriate links to local partnerships such as Local Children's Trusts
- Exercise community leadership to influence all other public services; and
- Improve local accountability

(3) Improving local accountability will be a pivotal role for the Locality Boards. Positioning overview and scrutiny at a both a Strategic level and District level to complement not duplicate the Locality Boards will be key.

Other emerging legislation which *will impact on the Overview and Scrutiny arrangements*

(4) New partnerships between overview and scrutiny will need to be forged; for example Health Overview and Scrutiny with the Health and Wellbeing Board, local Healthwatch, the GP consortia, and the voluntary sector. What will be the impact of the Big Society?

(5) The future is one where there will less services provided direct by the public sector but instead an emerging mixed economy for both the commissioning and delivery of services. There are some real challenges and opportunities for overview and scrutiny to position itself for holding the growing number of service providers to account for decisions taken on behalf of Kent residents.

**Recommendations :**

The Board's views are sought on the contents of this report.

Paul Wickenden  
Tel No: 01622 694486  
e-mail: paul.wickenden@kent.gov.uk

Background Papers – Nil

**PUBLIC RELATIONS PROTOCOL FOR SELECT COMMITTEE REVIEWS  
AND REPORTS**

(as approved by County Council 11 December 2008)

This protocol has been written as a basis for all communications between Select Committee Members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

- All actions should be in accordance with the letter and spirit of the DCLG Code of recommended practice on local authority publicity.
- Media activity should be co-ordinated through the corporate communications team who will make arrangements and ensure that the appropriate Members are put forward, rather than Select Committee Members approaching the media direct to discuss the topic review.
- The Select Committee Chairman should be the official spokesperson for the review report, unless another more suitable spokesperson has been identified by the Chairman.
- Chairmen of Select Committees will be expected to attend or have attended media training.
- There is potential, on rare occasions, for conflict between scrutiny and cabinet on issues. Maintaining the professional reputation of the council in the eyes of the public is paramount and conflicting statements may make the council appear inept or divided. Care should be taken, on all sides, to avoid this situation from arising. But in such circumstances Corporate Communications would present factual information to the media fairly representing both the Scrutiny and Cabinet viewpoints.
- The corporate communications team should be advised of any media enquiries received by Select Committee Members to offer guidance and help if required and to monitor responses.
- Press releases for Select Committees will be drafted by a member of the corporate communications team, in consultation with the Research Officer for the review and approved by Select Committee Chairman, in consultation with the Overview, Scrutiny and Localism Manager.
- Press releases will be fair and representative of the views of the Select Committee. They may include the views expressed in minority reports if those views differ from the main report.

- The media are invited to attend all formal meetings of Select Committee unless matters of an exempt nature are to be discussed.
- When the report of the Select Committee is ready to go into the public domain a member of the corporate communications team, in consultation with the Research Officer to the Select Committee drafts a press release. Where possible the press release should include input from a third party who has been involved with the review. The Press release should be approved by the Select Committee Chairman (with the nominated official spokesman, where appropriate) in consultation with the Overview, Scrutiny and Localism Manager. An embargoed copy of the press release should be sent out with an electronic copy of the report, to the media a day before the public domain with an embargo on it. There may or may not be a press conference but the Chairman, relevant members make sure they are available for interviews.
- Corporate Communications officers are permitted to refuse to prepare press releases, deal with media enquiries or arrange media interviews in the following cases:
  - (i) If the press release or enquiry is political in any way.
  - (ii) If the information in the press release is deemed libellous or malicious
- Corporate Communications officers will not organise interviews between media and individual members of the Select Committee unless there is explicit agreement by the Select Committee Chairman.
- Press releases will not be issued as a matter of course after Select Committee meetings simply to record the proceedings. Post-meeting publicity will, however, be given where there is good reasons for doing so e.g. to promote opportunities for public consultation.

***Policy Overview and Scrutiny Committees (POSCs) Protocol***

(as approved by County Council 23 March 2006)

**Agenda setting meeting**

(1) An informal meeting will be held at least six weeks before each Policy Overview and Scrutiny Committee meeting.

(2) Arrangements will be made for the following to attend:

- (a) the Policy Overview and Scrutiny Committee Chairman, Vice Chairman and the Party Spokesmen, where appropriate
- (b) the relevant Cabinet Members
- (c) representatives from the relevant Directorate.

(3) At this meeting a first draft of the agenda will be discussed. This initial draft will consist of:

- (a) standard items, e.g. the draft capital and revenue budget in January
- (b) Policy Framework documents that go to POSCs for comment before being submitted to County Council for approval
- (c) documents or issues that it has been agreed the POSC will monitor or review
- (d) items that have been previously agreed by Members as items for future meetings
- (e) items that have been proposed by a member of the POSC, which is relevant to the functions of that POSC
- (f) any local government matter referred by any Member of the Council that is relevant to the functions of the POSC and which:
  - (i) relates to the discharge of any function of the Council and
  - (ii) affects all or part of the Member's electoral division or any person who lives or works there (see the

Councillor Call for Action Protocol in Appendix 4 Part  
5 Annex D)

- (g) progress reports on the work of any Select Committees and Informal Member Groups that report to the POSC.

(4) Officers will be present at the meeting to brief Members on what the reports are likely to cover, which will give Members the opportunity to ensure that the reports cover all the issues that they require.

(5) Attendees will have the opportunity to suggest items for the agenda or for future meetings.

(6) At this meeting a consensus is reached on whether the proposed items should:

- (a) remain on the agenda
- (b) be information only items and come off the agenda and be circulated to Members separately
- (c) be flagged up as possible items for a future meeting
- (d) be dealt with in a different way, e.g. by an IMG or put forward for a possible Select Committee
- (e) whether any additional items should be added to the agenda.

(7) Following this meeting a revised agenda is circulated to the participants for confirmation, which then becomes the agreed agenda for the POSC meeting.

By: Paul Wickenden, Overview, Scrutiny and Localism Manager

To: Health Overview and Scrutiny Committee – 7 January 2011.

Subject: Item X. Dentistry.

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## **1. Background**

(1) In previous discussions that the Committee has had about different ways to restructure and refocus the Health Overview and Scrutiny Committee, one of the recurring themes has been that the Committee's meetings should be more focused on the outcomes it would like to achieve. Another has been the need to make the work of the Committee more accessible to members of the public.

(2) This paper is intended to be a way to progress towards achieving these twin aims. Two sets of questions are set out below, both of which the meeting will look to having answered by the end of the meeting: the strategic, overarching questions, and the more detailed questions. All were sent to the relevant attendees in advance.

## **2. Strategic Questions**

(1). Overarching Questions

- a) What are the main challenges in the way of delivering first class community health services for the people of Kent?
- b) How can the Health Overview and Scrutiny Committee help to achieve this goal?

## **3. Detailed Questions**

(1). Questions submitted to NHS Eastern and Coastal Kent and NHS West Kent.

1. Please provide some key facts about the levels and types of dentistry activity in your PCT area, including:
  - a. Numbers of dentists providing NHS dental treatment, and the percentages working under the different types of contract;
  - b. Numbers of dentists providing NHS dental services to children but not adults;
  - c. Information on the levels of dental activity (Units of Dental Activity) and Courses of Treatment, broken down into patient type (i.e. adults and children); and
  - d. Total number of patients seen by an NHS dentist, and what this is as a proportion of the resident population.

- e. For a-d above, how have these numbers changed over the last three years?
2. How much is spent on commissioning dental services and how do dentists receive remuneration for providing services?
3. Can you please provide comparative data showing where your PCT resides in the national and regional table for dental funding? How is this allocation determined?
4. How are dentists remunerated for carrying out preventive work?
5. Is any dental provision commissioned from community service providers?
6. What information can be provided on the state of children's oral health in your PCT, and how this has changed over time?
7. What plans are there to develop children's dental health and dental health services?
8. Regarding orthodontic services:
  - a. How many orthodontic courses of treatment are provided on the NHS to residents of your PCT area?
  - b. How are orthodontic services accessed by patients?
  - c. How are providers of NHS orthodontic services remunerated and what decisions are being made around commissioning orthodontic services after 31 March 2011?
9. Who provides out of hours dental services and how do patients access these?
10. What is the patient pathway for those with advanced oral health needs (such as cancer, and/or courses of treatment involving referral to a consultant)?
11. Are there any particular geographical areas where there are issues around commissioning adequate dental provision?
12. Are there any particular times of year where there are issues around commissioning adequate dental provision?
13. What are the challenges faced by PCTs in commissioning adequate dental provision, what plans does the PCT have to develop dental services in the future and what will be the impact of the NHS White Paper proposals?
14. What actions are you taking to ensure dental care is provided to groups with a traditionally low take up?
15. Is there any mobile dentistry provision within your PCT area, and is this something you have considered?
16. What powers of prescription do dentists have and how much prescribing is carried out by them?
17. Please provide the following information relating to customer services (including information from PALs):
  - a. How many enquiries are received each quarter relating to dental services and what trends can be identified regarding the nature of these enquiries?
  - b. How many complaints/compliments/comments have been received about accessing dental services?
  - c. How many complaints/compliments/comments have been received about the quality or cost of dental services?
  - d. How has information from customer services about dentistry informed service development?
18. What part is your organisation playing in the development of a new dental contract following the Steele Review?

- (2) Questions submitted to the Kent LINK.
1. From the information received by LINK, have any trends emerged about the problems faced by people in Kent in accessing dental services, and any specific areas of the county where issues exist?
  2. From the information received by LINK, have any trends emerged about the problems faced by people in Kent in the quality of the dental services provided?
  3. Is the LINK involved in, or planning to get involved in, any work relating to dentistry in Kent?
- (3) In addition, the Kent Local Dental Committee was asked for any information they wished to provide on this topic.

**4. Recommendations**

- (a) The Committee is asked to assess whether the outcomes in section 2 above have been achieved or if further information on this topic is required by the Committee.

## APPENDIX 4

### ***Policy Overview and Scrutiny Committees (POSCs) Protocol***

(as approved by County Council 23 March 2006)

#### **Monitoring of Select Committee recommendations**

(8) When a Select Committee has produced its report and Cabinet has endorsed its recommendations, it is essential that monitoring takes place in relation to progress with the recommendations.

(9) Three months after Cabinet has endorsed the Select Committee report, the relevant Policy Overview Committee should receive an action plan from officers setting out how they propose to take the recommendations forward.

(10) One year after Cabinet has endorsed the Select Committee report, the Select Committee will be reconvened to receive a report which details progress with each of the recommendations.

(11) The Minutes from this meeting of the Select Committee will be presented to the next meeting of the POSC by the Chairman of the Select Committee for comments and noting.

(12) It is assumed that once this process has been carried out the recommendations become embedded in the work of the Directorate, or an explanation will have been accepted by Members as to why this not possible. Therefore, in normal circumstances, it should not be necessary to receive a further report specifically on progress with the recommendations.

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By: Peter Sass, Head of Democratic Services and Local Leadership  
 To: Scrutiny Board – 27 April 2011  
 Subject: **Select Committee Work Programme**

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Summary: To receive an update on the current Topic Review Programme and the resources available to deliver the programme.

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## **1. Resources to Deliver the Select Committee Work Programme**

(1) There are currently two and a half FTE Research officers supporting the Select Committee topic review programme. On 4 April 2011 the line management of these officers was transferred to the Business Strategy Division of the Business Strategy and Support Directorate. They are continuing to work on their respective Select Committee. They are supported by three Democratic Services Officers from the Overview and Scrutiny team who also support the Policy Overview and Scrutiny Committees. In addition I have one Research Officer who is dedicated entirely to the Health Overview and Scrutiny Committee and a Research Officer to the Cabinet Scrutiny Committee Research Officer, who in addition to supporting the Cabinet Scrutiny Committee also carries out a number of specific projects to support the development of the Overview and Scrutiny function.

## **2. Select Committees that have completed their work**

### Renewable Energy and Extended Services Select Committee

(1) In accordance with the monitoring process agreed by the County Council, an action plan for the recommendations from Renewable Energy Select Committee was submitted to the Environment, Highways and Waste POSC on 8 April 2011. The Select Committee will be re-convened at the end of 2011 to receive a report on progress with their recommendations.

(2) The action plan for the Extended Services Select Committee recommendations will be submitted to the 8 July meeting of Customer and Communities POSC and 19 July Education, Learning and Skills POSC. This was postponed from the April cycle of meetings as a process of informal and formal consultation on the future resources and structure for extended services was being carried out.

## **3. Select Committee – Topic Review Programme**

### Educational Attainment Select Committee

(1) The Select Committee which is looking at the reasons for variations in Ks2 performance within Kent Schools, with a focus on schools in areas of deprivation held its inaugural meeting on 3 February 2011, Mr C Wells was elected Chairman. They also held an informal briefing session on 17 March

2011 where they selected 46 Schools which would form the study groups for the review.

(2) The current timetable for the review is to hold Informal Briefing, hearings and Visits etc during June and late September/October 2011. It is unlikely that this review will be completed in time to report to Cabinet in November and County Council in December. A revised timetable will be reported to the next meeting of the Scrutiny Board for approval.

#### Select Committee: Dementia

(3) The Select Committee on Dementia under the Chairmanship of Mrs Dean is continuing with its work. Throughout February they have carried out a number of visits to day centres, care homes, dementia cafes, peer support groups, carer support groups, meeting people with dementia, being shown around the venues and talking to people involved in care and support. The Select Committee have approved their Terms of Reference (copy attached as **Appendix 1**). Hearings with carers and other key stakeholders have been held throughout March and early April 2011.

(4) The Research officer has been approached by several carers, who are quite elderly but keen to take part. With Mrs Dean's agreement it is intended that officers will go out and interview people, possibly on video, in their homes in order to share this with Select Committee Members and provide an opportunity for the voices of possibly the most marginalised people, to be heard.

(5) There has been a great response to our call for involvement in the review and in fact the greatest challenge has been to manage the volume of information received and involve people appropriately.

(6) The Select Committee will be meeting in early June to discuss evidence and recommendations and the Focus Group of Professionals will meet shortly afterwards to give their input, and identify any further evidence required at that point, prior to production of a draft report in the summer. The timetable for the review is challenging but it is still intended for the report to be submitted to Cabinet in November and to County Council on 15 December 2011.

#### *Select Committee - The Student Journey*

(5) Mr Kit Smith is the Chairman designate for this review and the Membership of the Committee is currently being established. It is anticipated that the inaugural meeting for this Select Committee will be held on 27 April 2011 which will agree the Terms of Reference and scope for this review.

(6) The timetable for this review is still under discussion and it is unlikely that it will report to County Council in December 2011. Approval will be sought for the timescale for this review at a future meeting of the Scrutiny Board, once the terms of reference and scope of the review have been approved.

<p><b>4. Recommendations</b> that the progress of the Select Committees on Educational Attainment, Dementia and the Student Journey be noted.</p>
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*Peter Sass*  
*Tel No: 01622 694002*  
*e-mail: peter.sass@kent.gov.uk*

*Background Papers – Nil*

## Dementia Select Committee

### Terms of Reference

1. To examine issues around the '9 Steps' of 'Quality Outcomes' for people with dementia and their carers in Kent.

**The 9 Steps<sup>1</sup>:** Draft synthesis of outcomes desired by people with dementia and their carers

By 2014, all people living with dementia in England should be able to say:

I was diagnosed early

I understand, so I make good decisions and provide for future decision making

I get the treatment and support which are best for my dementia, and my life

Those around me and looking after me are well supported

I am treated with dignity and respect

I know what I can do to help myself and who else can help me

I can enjoy life

I feel part of a community and I'm inspired to give something back

I am confident my end of life wishes will be respected. I can expect a good death.

2. To identify good practice and innovation in Kent and elsewhere, that could contribute to achievement of the '9 steps'.
3. To identify factors militating against achievement of the '9 steps' and make recommendations for improvements.

### Scope

*(Carers contributing to the review had the opportunity to comment on the scope in February/early March)*

Engage with people with dementia and carers and with older people through district forums.

*Address:*

*Stigma* – what are the effects/impacts and how can it be reduced? What can be done to promote awareness among younger people and encourage inter-generational support? What do older people think about the stigma around dementia and how to address it? What groups of people might suffer additional stigma for cultural/other reasons and how could this be addressed?

*Awareness-raising among professionals* – what training is currently undertaken by professionals in different settings? Is it compulsory/linked to progression? What accreditation is in place? How successful is the training that takes place?

<sup>1</sup> DH (2009) Quality outcomes for people with dementia: Building on the work of the National Dementia Strategy

*Inclusiveness of training, care and support* – how well are cultural needs of ethnic minorities understood and catered for? What are the issues affecting people with learning difficulties that have dementia? Does having a particular sexual orientation mean that different factors should be taken into account? What issues affect people with dementia who have co-morbidities in relation to accessing support? What services and support are there for people with early onset dementia?

*Early diagnosis* - what is already known about factors preventing early diagnosis? What is happening across Kent and what best practice has been identified? What are the issues for GPs and other professionals? How could things be done differently? Is diagnosis always necessary? What are the processes for referral?

*Post-diagnosis support* - how are people with dementia supported post-diagnosis? What services are already in place? What best practice examples are there? Where are the gaps in the provision of support? How can the role of the voluntary sector be maximised?

*Carers* – what can carers expect as they take on the caring role? How is the partnership between a carer/carers and the person they care for supported?

*Technology* - what is the role of technology including Telecare in maintaining peoples' independence and supporting carers? What ethical issues need to be considered?

*Information, advice and guidance* - can people with dementia (including those who may not be diagnosed) and carers access the information they need including signposting to support, at the right time, in the right places and in the right formats?

*Decision-making* - Mental capacity: how and by whom is this assessed – what are the issues? What are the implications of Lasting Power of Attorney and how are people enabled to make decisions about their future? What are the issues around deprivation of liberty and how is this applied?

*Personalisation* – What are the issues around personalised budgets and direct payments for people with dementia? What are the issues for carers?

*Person-centred care* – how can joint commissioning contribute to person centred care? What opportunities are there for pooling budgets for care and support from different sources in order to provide more personalised services?

## **Exclusions**

It is proposed 'end of life care', other than from the perspective of decision-making, is not included, it being more suited to investigation by a separate, full and focussed select committee review.

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