

**CABINET SCRUTINY COMMITTEE**

**Wednesday, 13th April, 2011**

**10.00 am**

**Darent Room, Sessions House, County Hall,  
Maidstone**







## AGENDA

### CABINET SCRUTINY COMMITTEE

**Wednesday, 13th April, 2011, at 10.00 am**      Ask for:      **Peter Sass**  
**Darent Room, Sessions House, County**      Telephone:      **01622 694002**  
**Hall, Maidstone**

#### **Membership**

Liberal Democrat (1):      Mrs T Dean (Chairman)

Conservative (11):      Mr R F Manning,      Mr R Brookbank,      Mr A R Chell,      Mr D A Hirst,  
Mr E E C Hotson,      Mr M J Jarvis,      Mr R E King,      Mr R L H Long, TD,  
Mr M J Northey,      Mr J E Scholes      and Mr C P Smith

Labour (1)      Mr L Christie

Independent (1)      Mr R J Lees

Church      The Reverend N Genders, Dr D Wadman and Mr A Tear

Representatives (3):

Parent Governor (2):      Mr B Critchley and Mr P Myers

*Refreshments will be available 15 minutes before the start of the meeting*

*Timing of items as shown below is approximate and subject to change.*

*County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.*

#### **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)*

### **A. COMMITTEE BUSINESS**

- A1 Introduction/Webcasting
- A2 Substitutes
- A3 Declarations of Interests by Members in Items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 9 February 2011 ( 1 - 10)
- A5 Minutes of the meeting held on 28 March 2011 (to follow)
- A6 Notes of the Informal Member Group on Budgetary Issues held on 1 April 2011 (to follow)
- A7 Follow-up Items from Cabinet Scrutiny Committee ( 11 - 92)
  - a) Inspection of Safeguarding and Looked After Children Services  
***This item is provisional based upon a copy of the Improvement Plan being made available.***

Mrs J Whittle, Cabinet Member, Specialist Children's Services and Mr A Pettigrew, Senior Manager, Families and Social Care have been invited to attend the meeting between 10.15am and 11.00am to answer members' questions on this item.

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

There are no items for consideration.

### **C. CABINET DECISIONS**

- C1 Core Monitoring Report ( 93 - 164)

Mr K Pugh, Deputy Cabinet Member, Business Strategy and Support, Ms L Davies, Interim Director of Business Strategy, Ms S Garton, County Performance and Evaluation Manager, and Mr R Fitzgerald, Performance Manager, have been invited to attend the meeting between 11.00am and 11.45am to answer Members' questions on this item.

### **D. CABINET MEMBER DECISIONS**

There are no items for consideration.

## **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, 5 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.*

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**KENT COUNTY COUNCIL**

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**CABINET SCRUTINY COMMITTEE**

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 9 February 2011.

PRESENT: Mrs T Dean (Chairman), Mr L Christie, Mr R F Manning, Mr A R Chell, Mr D A Hirst, Ms A Hohler (Substitute for Mr R Brookbank), Mr E E C Hotson, Mr M J Jarvis, Mr R J Lees, Mr R L H Long, TD, Mr R J Parry (Substitute for Mr R E King), Mr C P Smith and Mr K Smith (Substitute for Mrs J P Law)

PARENT GOVERNORS: Mr P Myers

ALSO PRESENT: Miss S J Carey, Mr K H Pugh and Mr J D Simmonds

IN ATTENDANCE: Mr K Abbott (Director Resources and Planning Group), Mr D Shipton (Finance Strategy Manager), Mr A Wood (Acting Director of Finance), Mr P Sass (Head of Democratic Services and Local Leadership) and Mr A Webb (Research Officer to the Cabinet Scrutiny Committee)

**UNRESTRICTED ITEMS**

**2. Minutes of the meeting held on 19 January 2011**  
*(Item A4)*

RESOLVED: that the minutes of the meeting held on 19 January 2011 are correctly recorded and that they be signed by the Chairman.

**3. Minutes of the meeting held on 24 January 2011**  
*(Item A5)*

RESOLVED: that the minutes of the meeting held on 24 January 2011 are correctly recorded and that they be signed by the Chairman.

**4. Follow-up Items from Cabinet Scrutiny Committee**  
*(Item A6)*

*Mr J Burr, Director of Kent Highway Services. was present for this item.*

(1) Mr Christie made the point that, taking into account the volume and timing of the information provided in respect of the Older Person's Modernisation recommendations, it was difficult to do the papers justice. The Chairman explained that she was reluctant to defer discussing the follow-up items, but would return to the Older Person's Modernisation recommendations at the next meeting of the Committee.

(2) Regarding the recommendation relating to gully emptying schedules, the Chairman explained that this would remain outstanding until a report was provided by Mr Burr in the autumn. Mr Kit Smith added that the public should be made aware of

the good work the Council was doing around this issue, including being reported through Joint Transportation Boards (JTBs).

(3) On the Kent Design Guide, the Chairman referred Members to the update provided by Environment, Highways and Waste in the follow-up items report. In light of the announcement by the Secretary of State for Communities and Local Government that maximum parking standards would be delegated to local planning authorities and the fact that the Kent Planning Officers' Group (KPOG) was happy with the Guide, Mr Burr had asked that the Council leave the Guide as it stood.

(4) There was a discussion about whether the previous representations made about the Guide had hindered KCC's relationship with district councils and developers. Mr Burr explained that the time taken to revisit the guide had not helped this relationship, and that the district councils, via KPOG, had asked the Council to leave the Guide as it stood. The Chairman felt that the Kent Design Guide had been pursued by the Committee as far as was possible, and that given the statement by the Secretary of State about planning decisions being taken at a district level, it should be removed from the list of outstanding recommendations.

(5) On the Review of SEN Units, the Chairman expressed disappointment that the report that would be taken to the Children, Families and Education Policy Overview and Scrutiny Committee, and to Cabinet on 18 July 2011, could not be made available sooner, since schools were awaiting guidance on handling the SEN issue. On the Inspection of Safeguarding and Looked After Children Services, the Chairman explained that the Committee were awaiting a copy of the improvement plan in order that it could scrutinise it.

(6) In respect of recommendation 9 of the Older Persons Modernisation item, Mr Sass explained that he had attended a meeting with Mr Wild together with one of his senior solicitors and KASS officers, and that Mr Wild would give his opinion on the validity of the consultation in due course.

(7) There was discussion about Member involvement, in respect of recommendation 11 of Older Persons Modernisation. Mr Christie made the point that the closure of The Limes in Dartford, whilst not in his division, had a knock-on effect on a home that was, and therefore local Members should be involved in issues that had cross-boundary implications. There was consensus that there should be greater Member involvement, and the Chairman expressed disappointment that the Member Information Group had recently been cancelled again. It was felt that the Group Managing Director should be thanked for her response to this issue, but that the Member Information Group should meet as soon as possible.

## **5. Notes of the Informal Member Group on Budgetary Issues held on 27 January 2011**

*(Item A7)*

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 27 January 2011.



## **6. Cabinet Scrutiny Committee Protocol**

*(Item A8)*

(1) There was a discussion about the Cabinet Scrutiny Committee protocol, which had been drafted with input from the Chairman and Vice-Chairmen of the Committee. The concept of a protocol was welcomed by Members, and a range of views were expressed about its content, particularly around the participation of witnesses. These views included:

- A reference to ‘the other two political parties’ should be replaced with ‘the other political parties’
- Whether or not the amount of time witnesses would be allowed to speak should be limited
- That the distinction between internal witnesses (i.e. officers and Cabinet Members) and external witnesses should be clarified in the wording
- That the Committee should be flexible in its approach, depending on the issues being debated, but the Chairman should ensure control of the meeting
- A concern whether witnesses should be able to question other witnesses, and whether such questioning has the potential to marginalise members of the Committee
- That the Committee, rather than finding ways of excluding the public from debates, should be seeking more public participation, and that anybody should be able to raise questions

RESOLVED: that the Cabinet Scrutiny Committee Protocol be re-drafted in light of the points raised and be brought to the next meeting for approval.

## **7. Medium Term Plan 2011-13 (incorporating the Budget and Council Tax setting for 2011/12) - Update**

*(Item C1)*

*Mr J Simmonds, Cabinet Member, Finance and Procurement, Miss S Carey, Deputy Cabinet Member, Finance and Procurement, Mr A Wood, Acting Director of Finance, Mr D Shipton, Finance Strategy Manager and Mr K Abbott, Director, Resources and Planning, were present for this item.*

(1) Referring to the Cabinet report of 2 February, Mr Wood gave Members an update on changes to the Budget Book and Medium Term Financial Plan (MTFP) since the draft was considered by the Committee on 24 January.

(2) A key change included an additional £1.3m in the council tax base, due an increase of 0.74% on 2010/11 levels, which was higher than the 0.5% increase originally estimated in the draft. This additional sum had been used to:

- Fund an additional £1m for children’s social services, due to demand-led pressures
- Put an extra £100k into the highways maintenance budget, to mitigate the loss of the Area Based Grant (ABG) from the Department of Transport

- Fund the £70k relating to District Councils' share of the increased tax yield relating to the reduction in the discount on second homes
- The remaining balance had been set aside to fund prudential borrowing on the Rushenden relief road

(3) An additional £2m which had arisen from the surplus on collection funds had been added to the £1.5m contingency that was held in the Finance portfolio for the Children's Social Care Improvement Plan. The contingent sum had not been allocated to the Children, Families and Education (CFE) portfolio as officers had not yet seen the cost of the Improvement Plan.

(4) There were a number of questions about how decisions on the use of the additional £1.3m from council tax had been made, including:

- whether Cabinet Members or Directors had been able to make representations for additional support
- since the sum corresponded to the demand-led pressures in children's social services, what would have been done if the money had not been made available
- whether a 1% pay increase for staff earning less than £21,000 per annum had been considered, since this would cost approximately £1m

(5) Mr Simmonds explained that Budget setting had been a thorough process, with Members kept informed of where savings were to be made. He felt there was a need for communication and consultation with organisations such as those in the voluntary sector, and to work together to achieve the savings, but there was also a need to be resolute in order to balance the books. Later in the discussion, a Member expressed the view that some voluntary organisations could be more efficient, but that the Council needed to support them to achieve this.

(6) On the additional pressure in children's social services, Mr Wood explained that the pressure was not known when the Budget was originally drafted, and had the additional £1.3m not been made available, there would need to be a plan to reduce the numbers in foster care or another £1m of savings would need to be found since the Council was committed to funding the placements.

(7) Regarding the possibility of a pay increase for staff, and the suggestion made by the Chancellor of the Exchequer that those earning less than £21,000 should receive an additional £250, Mr Simmonds reminded Members that the Leader had stated that he would bear in mind the Chancellor's suggestion. He also drew Members' attention to the possible knock-on effects of any increased pay settlement on the Council's partner organisations, since many of their staff earned less than £21,000.

(8) Mr Abbott detailed other changes to the draft Budget, in respect of the CFE portfolio. Savings due to the loss of the ABG, which was ending in March 2011, included:

- £2.3m from Learning Group staffing
- £1.5m to provide start-up grants for extended schools

- £2.3m of activities funded from the retained School Development Grant
- £1.2m for Home to School Transport on the assumption that the grant would be withdrawn (with any continuing entitlement under the Education and Inspections Act 2006 being met through savings in the mainstream transport budget)

(9) Mr Abbott also set out the major elements of activity that had been affected by the reduction in the Early Intervention Grant (EIG). The Grant had been reduced from £61.5m to £50m with £3m being reclaimed in the second year, which amounted to a reduction of £8.5m overall. This was comprised of:

- A £2m reduction to Connexions funding in 2011/12
- A £1.6m reduction to Sure Start Sustainability and Workforce, arising from a 33% staffing reduction in quality and outcomes teams
- A £3.3m reduction to Sure Start Sustainability and Workforce, arising from a saving of over 50% to the graduate leader fund and other training for Private, Voluntary and Independent sector (PVI) providers and a saving of nearly 40% in grants to PVI providers
- A £2.6m reduction in grants to Children's Centres (which were being scaled back, but not closed)

(10) It was also explained that a short term loan would enable £3.1m of the reductions in 2011/12 to be slipped into 2012/13, without any adverse effect on the 2011/12 Budget.

(11) Responding to a question about whether there was still any uncertainty about grants, Mr Abbott stated that there had been a Government announcement the previous day that music in schools would continue to be funded at the same level, and Mr Shipton added that officers were still awaiting news on grants from the Home Office, which amounted to approximately £1.5m.

(12) There was a discussion about the effects of the savings at a local level. Members expressed the view that it was difficult to know what the local effects would be, and it would be necessary to look in more detail throughout the year at Scrutiny Board and the Policy Overview and Scrutiny Committees, to understand their impact. This would also allow local Members to feed back to Cabinet Members the local effects of any reductions.

(13) Responding to a question about whether schools would have sight of their respective budgets during the first week in March, Mr Abbott explained that there had been a delay due to discussions with the Department for Education about varying the minimum funding guarantee for certain Kent schools, but that officers were still aiming to make the information available by 4 March 2011. Mr Simmonds added that school governing bodies could begin making decisions about their budget commitments, given that savings were already expected due to the economic situation.

(14) In relation to respite efficiencies as a result of the EIG reduction, and the possible effect on carers and parents, Mr Abbott explained that this related to previous infrastructure and one-off costs which could now be taken out of the budget, and that services would be maintained at their current levels.

(15) On Kent's position relative to other Councils in the grant settlement, Mr Shipton explained that officers could produce a proper comparison now the final settlements had been published, Kent was still worse off than the average of County Councils, and would receive £152,000 less than under the provisional settlement.

(16) In reply to a question about whether a response had been received from the Immigration Minister to the letter sent by the Council about the pressures caused by asylum seekers, Mr Abbott informed Members that the Leader would be meeting the Minister the following week. Mr Abbott was also due to have a telephone call with the UK Border Agency later that afternoon.

(17) Mr Abbott responded to a query about the £3.3m of Sure Start funding for training and grants to PVI providers mentioned in paragraph 7.3 of the report, and whether this contradicted the statement in paragraph 8.3 that current rates for PVI providers would be maintained. He clarified that the £3.3m represented additional money that was provided for professional training or one-off costs, which was separate from the basic funding for PVI providers which came from the Dedicated Schools Grant (DSG).

(18) Responding to a question about how the 11% saving in the running costs of Children's Centres would be implemented, Mr Abbott explained that the detail still needed to be worked up, but CFE were already looking at a number of ways of saving money. Due to a difficulty in recruiting to posts, there had been pilots where staff and managers were shared between centres, and officers were looking at providing support services to centres across whole districts. Mr Simmonds added that Children's Centres were a flagship policy of the previous Government, and money was wasted in the first three years of the programme, and there was a need to rationalise the operation to ensure the effective delivery of services while maintaining value for money. The Chairman asked that an evaluation of Children's Centres, which had had been carried out by CFE 18 months previously, be circulated to all Members of the Council.

(19) Mr Abbott confirmed that the pupil premium represented a new grant in addition to the DSG, but pointed out that it needed to be seen in the context of the DSG remaining static. The value of the grant was estimated at £12m in 2011/12 but it was likely to treble over a four year period, based on the total amount allocated by Government.

(20) Referring to the announcements that the minimum funding guarantee for 2011/12 would be -1.5%, a question was asked about whether this would mean all schools would see a -1.5% reduction in funding and whether this included the effect of the pupil premium. Mr Abbott explained that the Secretary of State had specified that no school would see a reduction in their budget of more than 1.5% per pupil the following year, and that the pupil premium was outside of the minimum funding guarantee.

(21) On the reduction in funding to Supporting People of nearly £3m, and whether this would affect floating support services, Mr Shipton replied in the affirmative.

(22) There was a discussion about the reduction of subsidised bus routes, and when Members would be made aware of which routes would be affected. Mr Simmonds explained that no route would completely disappear, except a route where the subsidy was benefitting residents of East Sussex rather than Kent, but some services in the late evenings and weekends might be reduced. Miss Carey added that Highways were looking to local Members to increase usage of some of the bus routes and find more cost-effective solutions, and there was also the option of using Member Highway Funds.

(23) The Chairman asked if the option of minibuses operated by schools and voluntary organisations being used by other parts of local communities had been explored, since she had been informed previously that there were issues around insurance and driver training that precluded this from happening. Mr Chell pointed out that a recommendation from the Select Committee on Positive Activities for Younger People was to establish a register of passenger carrying vehicles, and that Highways could speak to the Head of the Kent Youth Service to ascertain what information was already available. Mr Simmonds undertook to speak to the Cabinet Member, Environment Highways and Waste, and the Director of Kent Highway Services and come back to the Committee on this issue.

(24) On the availability of waste disposal, and the potential closure of civic amenity sites or the reduction of opening hours, Mr Wood explained that proposals on this had not been finalised.

(25) There was a discussion about switching off street lights to make savings. Mr Wood explained that the Director of Kent Highway Services was looking at this as a top priority and would be meeting with the Cabinet Member to discuss. Mr Christie pointed out that the previous Cabinet Member had made a commitment that no street lights would be switched off without local consultation.

(26) The Chairman referred to the fact that the Kent Youth County Council was prepared to see a reduction in Connexions. Mr Abbott commented that the feedback from schools had been polarised, with some schools valuing the Connexions service and others less so.

(27) The Chairman asked whether an Equality Impact Assessment had been carried out on the reduction in funding for denominational and selective school transport. Mr Abbott stated that he would check if it had been, but it would be carried out before implementation of the policy in any case. Responding to a request for detail on the safeguards for low-income families and Looked After Children in the implementation of the savings, Mr Abbott stated that this was in the process of being worked up and that he would provide this information to Members.

(28) Mr Abbott informed Members that an announcement from Government on home to school transport more generally was expected soon. The Chairman stated that she had seen a statement that demonstrating membership of a church would no longer be requirement for denominational transport and Mr Abbott undertook to speak to the Head of Admissions and Transport to find out more detail.

## **8. KCC Companies**

*(Item C2)*

*Mr K Pugh, Deputy Cabinet Member, Business Strategy and Support, Mr J Simmonds, Cabinet Member, Finance and Procurement, Miss S Carey, Deputy Cabinet Member, Finance and Procurement and Mr A Wood, Acting Director of Finance, were present for this item.*

(1) Mr Simmonds explained that the protocol was prompted by the increasing number of KCC companies. He felt that the appendix which set out some detail of existing KCC companies could be more up to date, and the protocol was still in the early stages of development. Mr Simmonds explained that expert advice had been sought about the tax implications for the Council, and how the companies should be structured. Mr Wood explained that KCC-owned companies might have a good business case, but this might not be in the interest of the Council as a whole, and this was another reason for the development of the protocol.

(2) Mr Simmonds explained that, since the protocol was at the early stages of development, taking it through the Governance and Audit Committee would enable it to be further refined, and it would then be taken back to Cabinet. Mr Long, as Chairman of the Governance and Audit Committee, suggested that detailed discussion on the protocol could take place at the Trading Activities sub-group of Governance and Audit before it was brought to the full committee.

(3) The Chairman felt that it was not clear who was responsible for appointing a director, since there were references to directors being appointed by the Council, the Cabinet or a Cabinet Member. Mr Wood undertook to feed back this observation during the development of the protocol. In response to a question about what checks were carried out before directors of KCC companies were appointed, Mr Wood confirmed that some checks were carried out, but would find out more information.

(4) Referring to paragraph 4(e) of the protocol, the Chairman inquired why, given the fact that no Member or officer of the Council currently received income from a company, the protocol introduced that possibility. Mr Wood explained that there was not an intention to make any payments, but the paragraph would allow this to be done in specific circumstances. He stated he would be happy to remove this paragraph if required.

(5) Mr Manning inquired about the need for the protocol, what the aspirations for setting up separate companies were, and how the protocol related to how commercial companies operated in practice. Mr Simmonds explained that the protocol was designed to establish how the Council conducted itself in the corporate market, but some companies would involve other partners, and not all companies would be operating solely with a profit motive. There was also a need for the protocol where Directorates may have set up companies for a valid purpose, but these had financial implications, particularly in relation to tax, because they had not been considered corporately.

(6) Mr Pugh referred Members to a KCC document had been in existence since 2006 which incorporated the Companies Act 2006, which covered many of the questions that had been asked by Members. Mr Wood added that this document, which was

referred to in paragraph 2 of the protocol, 'Guidance on Local Authority Companies', answered many of Mr Manning's concerns.

(7) Mr Long inquired whether a company lawyer was involved in the drafting of the protocol, since he felt company law was very complex and it was important to have a specialist. Referring to paragraph 4(a) of the protocol, Mr Long expressed a concern that it may not be within the Council's gift to insist that all KCC companies had their registered office at County Hall, since some of them were joint enterprises. Mr Wood explained that where KCC had a minority interest in a company it might be more difficult to persuade other parties to have a County Hall as the registered office, but this would be a matter for negotiation.

(8) A question was asked about the meaning of an 'active dormant' company, as referred to in the appendix. Mr Long indicated that this may be where a company is on the register of companies and not trading, and Mr Simmonds informed Members that there were instances where the Council had sought to protect the name of an existing KCC company.

(9) Referring to paragraph 19 about possible conflicts of interest, Mr Christie inquired as to what would happen in these cases.

(10) Paragraph 21 mentioned a specific legal obligation for Members and officers to report back their involvement in outside companies, and stated that this happened through the Trading Activities Sub-group. Mr Christie asked about the availability of the minutes of the Sub-group, and Mr Long informed Members that the minutes went on to the full Governance and Audit Committee.

(11) A Member expressed a concern that the appropriateness of KCC entering the marketplace, particularly where KCC may compete with Kent companies, had not been addressed in the protocol. Mr Simmonds explained that a review of KCC companies and their relationship with the Council had been carried out by an outside body. The Chairman also referred Members to the earlier discussion where the business cases of each company would be considered in the context of the Council as a whole, and Mr Long informed Members that all business cases of existing companies had been scrutinised by the Governance and Audit Committee.

RESOLVED: that the Cabinet Scrutiny Committee:

(12) Thank Mr Pugh. Mr Simmonds, Miss Carey and Mr Wood for attending the meeting and answering Members' questions.

(13) Welcome the preparation of the KCC Companies protocol and note that it will be going to the Governance and Audit Committee for approval.

(14) Ask that the Acting Director of Finance provide more detail on the checks that are carried out before directors of KCC Companies are appointed.

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By: Peter Sass - Head of Democratic Services and Local Leadership

To: Cabinet Scrutiny Committee – 13 April 2011

Subject: Follow up items and Decisions from Cabinet Scrutiny Committee – 9 February and 28 March 2011.

Classification: Unrestricted

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Summary: This report sets out the decisions from the Cabinet Scrutiny Committee and items which the Committee has raised previously for follow up

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### **Introduction**

1. This is a rolling schedule of information requested previously by the Cabinet Scrutiny Committee.
2. If the information supplied is satisfactory it will be removed following the meeting, but if the Committee should find the information to be unsatisfactory it will remain on the schedule with a request for further information.
3. The decisions from the meeting of the Cabinet Scrutiny Committee on 9 February 2011 are set out in the table below along with the response of the relevant Cabinet Member. The decisions from the meeting of the Cabinet Scrutiny Committee on 28 March 2011 are also set out in the table below; responses of the relevant Cabinet Members are currently being sought and will be provided in advance of the meeting on 13 April.

### **Recommendation**

4. That the Cabinet Scrutiny Committee notes the responses to the issues raised previously.

Contact: Peter Sass  
[peter.sass@kent.gov.uk](mailto:peter.sass@kent.gov.uk)

01622 694002

Background Information: *Nil*

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## Highways Business Plan IMG – Gulley Emptying Schedules (10 December 2008)

Cabinet portfolio: Mr B Sweetland

Synopsis: The report to Cabinet Scrutiny Committee consisted of the minutes of the Highways Business Plan IMG held on 2 December 2008. During that meeting, it was resolved that gulley emptying schedules would be provided to Members after the County Council elections.

Reason for call-in: The minutes of the Highways Business Plan IMG of 2 December 2008 formed an item on the Cabinet Scrutiny Committee agenda of 10 December 2008. The Chairman asked that the request from the IMG be actioned.

Recommendations and responses:

### **1. Highways Business Plan IMG 02.12.08: That a list of gulley schedules be supplied to all Members after the elections**

*The gulley emptying schedules would be issued to Members in the next few weeks.*

Date of response: 21 July 2010

Date actioned: Not applicable

*Members have received a map showing gulley emptying routes and schedule information would be available in the next few weeks*

Date of response: 15 September 2010

Date actioned: 15 September 2010

*Members will begin to be provided with the gulley emptying schedules from 18 October onwards*

Date of response: 11 October 2010

Date actioned: 19 October 2010

#### Notes:

20.10.10 A spreadsheet detailing the number of gullies in each parish and when they had been or were due to be emptied was circulated to Members on 19 October 2010. At the meeting of the Cabinet Scrutiny Committee on 20 October 2010, the Chairman expressed concern that the information requested by the Committee had still not been received. The Chairman and Vice-Chairmen will be meeting with officers to discuss a way forward

Following a meeting between the Chairman and the Director of Highway Services, a briefing note has been provided to the Committee on this issue, and further information is expected to be provided to Members before the meeting of Cabinet Scrutiny Committee on 8 December.

20.12.10 - details of 'hotspots' was provided to all Members of the Cabinet Scrutiny Committee, and Mr Burr has requested that if Members have any additional local information Highways would be glad to hear from them. A follow-up report on progress will be provided to Cabinet Scrutiny Committee in the New Year

10.01.11 – A report on the interim approach to the delivery of the highway drainage service was provided to the Cabinet Scrutiny Committee on 10 January.

19.01.11 – The Chairman asked that this item remain outstanding until Mr Burr has provided a final report detailing how the schedules will be handled. This report is expected in Autumn 2011.

## **Review of SEN Units – Outcome of the Evaluation of the Lead School Pilot (15 September 2010)**

Cabinet portfolio: Mrs S Hohler

Synopsis: The report set the context for the SEN Unit Review, presented the findings of the Lead School Pilot evaluation and made recommendations and proposals for the development of a new SEN Strategy to meet the special educational needs of Kent children and young people.

Reason for call-in: This item was called in to enable Members to ask questions about the outcome of the Lead School Pilot, the consultation process and the future funding of SEN Units.

Recommendations and responses:

**1. Ask the Managing Director, Children, Families and Education to ensure that the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee is given a formal opportunity to monitor progress of the SEN review at all appropriate stages.**

*A report will be taken to the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee.*

Date of response: 30 September 2010

Date actioned: awaiting date (will also be discussed at Cabinet on 18 July 2011)

*Subject to the new Committee structure being agreed at the County Council meeting on 6th April, it is anticipated that an update on the SEN Review will be taken to the Education, Learning and Skills Policy Overview and Scrutiny Committee in July 2011. This is dependent on the agreement of the Chairman designate, Leyland Ridings, as the POSC agenda setting meeting is still to take place. The report is also being presented to Cabinet on 18th July 2011.*

Date of response: 2 March 2011

Date actioned: anticipated to be July 2011

## **Inspection of Safeguarding and Looked After Children Services (8 December 2010)**

Cabinet portfolio: Mrs J Whittle

Synopsis: This report to Cabinet summarised the outcome of the Ofsted Inspection of Safeguarding and Looked After Children Services in Kent

Reason for call-in: Members wanted more information on the Inspection of Safeguarding and Looked After Children Services, including why the risk of the judgement had not been identified earlier.

Recommendations and responses:

**3. Welcome the assurances given by the Leader of the Council, the Cabinet Member for Children, Families and Education and the Managing Director, Children Families and Education that the points made during the discussion at Cabinet Scrutiny Committee will be included as part of the recovery plan. These are as follows:**

- a. **that a review of the governance arrangements relating to safeguarding would be carried out, including the future role of the Policy Overview and Scrutiny Committees and the Children's Champion Board.**
- b. **that the current reward policy for front line social workers be reviewed, to ensure the right staff are recruited and retained within the authority.**
- c. **that a rota between working within Safeguarding and with Looked After Children be considered, to reduce staff 'burn-out'**
- d. **that concerns around the caseload and training levels of staff are examined**
- e. **that the previous culture of silence from social workers is examined to ascertain why it had become ingrained within the organisation, and to avoid this happening again**
- f. **that the use of the Integrated Children's System is reviewed to ensure it is fit for purpose and being used as effectively as possible**
- g. **that the Council work more closely with the Courts to help reduce the amount of experienced social workers' time depleted through lengthy proceedings**
- h. **to explore ways in which Members can be involved in Serious Case Reviews, if necessary with bespoke Member training for this purpose**
- i. **that all Members who serve on the relevant Overview and Scrutiny bodies should be strongly encouraged to be more robust and challenging in performing their role to hold decision-makers to account for their actions, including being better prepared with searching questions prior to the meeting, and that opportunities for specific training on scrutiny questioning techniques should be taken up.**
- j. **that the need for a 'triage' system be highlighted, in order to effectively prioritise referrals**

*Responses a to j (apart from action i which is an action for the party whips) are being considered for inclusion in the recovery plan. An updated recovery plan will be circulated to the Cabinet Scrutiny Committee on 19th January.*

Date of response: 17 December 2010

Date actioned: 11 January 2011

*The Kent Safeguarding and Looked After Children Improvement Plan will be going to Cabinet on 4 April and a copy will be supplied to Cabinet Scrutiny following this, as promised in January. The plan is going through approval at present. The report will be added to the Corporate POSC agenda following Cabinet*

Date of response: 3 March 2011

Date actioned: TBC

**4. Ask the Leader of the Council that the outcome of the meeting with the Minister to discuss safeguarding and looked after children services in Kent be reported back to the Cabinet Scrutiny Committee.**

**5. Ask the Cabinet Member to ensure that the outcomes of the review into the circumstances surrounding the judgement be reported back to the Cabinet Scrutiny Committee, given the seriousness of the subject.**

**6. Ask the Cabinet Member to provide a report on the actual number of social worker posts and historical data on the number of vacancies within the Children, Families and Education Directorate since April 2009.**

**7. Ask the Cabinet Member to provide a report on the number of safeguarding referrals to the Children, Families and Education Directorate from different agencies since April 2009.**

*A report will be produced for Cabinet Scrutiny on 19th January encompassing responses 4 to 7. The author of this report is Helen Davies/Victoria Widden.*

Date of response: 17 December 2010

Date actioned: 11 January 2011

Notes:

19.01.11 - At the meeting of the Cabinet Scrutiny Committee, it was explained that the Committee had been promised a copy of the County Council's improvement plan. Since this was not due to be finalised until the end of January, the Chairman suggested that the Committee would not pursue the item further until the improvement plan had been produced.

03.03.11 - The Kent Safeguarding and Looked After Children Improvement Plan will be going to Cabinet on 4 April and a copy will be supplied to Cabinet Scrutiny following this, as promised in January. The plan is going through approval at present. The report will be added to the Corporate POSC agenda following Cabinet

## **Bold Steps for Kent - The Medium Term Plan to 2014 (8 December 2010)**

Cabinet portfolio: Mr P Carter

Synopsis: The report to Cabinet asked Cabinet to endorse of the latest draft of Bold Steps for Kent and make a recommendation to County Council to approve the final version at its meeting on the 16th December 2010.

Reason for call-in: Members wanted more information on Bold Steps for Kent – The Medium Term Plan to 2014.

Recommendations and responses:

### **5. Ask the Leader that any data on the increase in Small and Medium Enterprises (SMEs) accessing KCC contracts be made available**

*Noted and this will be programmed in within the work stream referred to above*

Date of response: 20 December 2010

Date actioned: Not applicable

*Data on the increase in Small and Medium Enterprises (SMEs) accessing KCC contracts will be made available shortly*

Date of response: 7 February 2011

Date actioned: 8 February 2011

### **8. Ask the Leader that ways of engaging members of the public in the Big Society who are not members of Local Strategic Partnerships or other similar bodies be addressed in the Medium Term Plan.**

*Noted. Officers are working on ideas for how the Big Society can really take effect within Kent and how Kent County Council can help that. There are no assumptions in that work stream that only members of LSP's will be engaged in this.*

Date of response: 20 December 2010

Date actioned: n/a

*Officers are working on how the Council will engage with the people of Kent in this very exciting development and are waiting to see how the Localism Bill shapes some of that engagement.*

Date of response: 7 January 2011

Date actioned: TBC

Note: 19.01.11 The Chairman explained that the original request in recommendation 5 was that evidence be provided to the Committee that the activity being undertaken by KCC regeneration staff was being successful in encouraging more SMEs to access the Council's procurement process. It was resolved that Committee was still awaiting this information.

In respect of recommendation 8, the Committee resolved that it will await a report from officers on their proposals relating to the Big Society.



## Older Person's Modernisation (19 January 2011)

Cabinet portfolio: Mr G Gibbens

Synopsis: The report to Cabinet provided a summary of the consultation, shared the final reports and sought sign-off of the recommendations in order for the Cabinet Member for Adult Social Services to make his decisions. All of the 11 individual Cabinet Member decisions were called in for scrutiny by the Cabinet Scrutiny Committee.

Reason for call-in: Members wanted more information on consultations, the movement away from direct provision of services, comparative costs of public and private sector service provision and other issues.

Recommendations and responses:

**2. Welcome the assurances given by the Managing Director, Kent Adult Social Services, about the appointment of an independent arbiter, who would be able to hear grievances from affected residents who felt their services were not equivalent or better in the future.**

*Noted*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**3. Ask the Managing Director, Kent Adult Social Services, to provide an example of a typical care contract to the Committee, in relation to concerns about future costs of any care contract in respect of Extra Care Housing,**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**4. Ask the Managing Director, Kent Adult Social Services, that additional information be provided about ongoing protection of terms and conditions for any staff transferred under Transfer of Undertakings (Protection of Employment) Regulations to new providers, and how long staff would enjoy this protection.**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**5. Welcome the assurances given by the Managing Director, Kent Adult Social Services, that further information would be provided to the Committee about the frequency of future inspections by the Care Quality Commission (CQC) of new facilities, recognising the fact that CQC does not regulate Extra Care Housing.**

*The Care Quality Commission (CQC) will undertake an inspection programme dependent on risks or concerns highlighted and this is monitored by an annual questionnaire and feedback from service users or their families and statutory organisations.*

*CQC focus on compliance with the Standards rather than making judgments on quality. Within an Extra Care Housing setting, there will be care provision and the organisation providing the care will be regulated by CQC as a domiciliary care provider.*

Date of response: 8 February 2011

Date actioned: : Not applicable

**6. Welcome the continuing assurances given by the Managing Director, Kent Adult Social Services, that staff affected by the Older Person's Modernisation programme would be supported through the changes in the usual way by KCC.**

*Each unit has an allocated officer from Personnel. They will receive 1:1's, training, pensions advice, application support etc. Staff meetings took place from 27 January – 31 January 2011 to confirm these arrangements.*

Date of response: 8 February 2011

Date actioned: : Ongoing

**7. Welcome the commitment from the Managing Director, Kent Adult Social Services, that the Freedom of Information request from Ms Baldwin be responded to as quickly as possible.**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**8. Request that the Managing Director, Kent Adult Social Services, provide a report on the details of new legislation relating to pension provision in the private sector, and how this will affect the comparative cost of private sector care provision.**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**9. Request that the Director of Governance and Law be asked to give his professional opinion as to whether a possible lack of advice and information for the public about the fact that choices in the consultation were restricted, due to the conditions of the Private Finance Initiative bid to Government, had invalidated the consultation process.**

*Director of Governance and Law to feedback separately*

Date of response: 8 February 2011

Date actioned: TBC

**10. Welcome the assurance from the Cabinet Member, Adult Social Services, that he will be as flexible as possible about the timeframe for closure of Sampson Court, if there is a reasonable bid from a social enterprise to take over its operation.**

*The closure plans will progress as stated in the report and be achieved by December 2011. If there is a viable proposal for the site to be developed as a Social Enterprise this would take effect following the closure. Organisations who have expressed an interest in the development/ use of the site after it is closed will be asked to submit a full Business Cases for consideration.*

Date of response: 8 February 2011

Date actioned: Not applicable

11. Express regret that some local Members were not involved more fully in the process of considering the options relating to each site, and ask that the Group Managing Director urgently raise with the Corporate Management Team the issue of full, timely and ongoing involvement of local Members in the development stage of any decisions affecting their division. The Committee would like to draw Members' attention to:

A) Paragraph 22 of Appendix 2 Part 4 of the Constitution:

*Involvement of Local Members*

*22. (1) In exercising these delegations or in preparing a report for consideration by the Cabinet or a Cabinet Member, officers shall consult the relevant Local Member(s) on any matter that appears to specifically affect their division.*

*(2) Any objection by a Local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.*

*(3) All reports to the Cabinet or a Cabinet Member shall include the views of Local Members.*

B) Recommendation R6 from the Informal Member Group on Member Information's report of December 2008:

*R6. A Local Member Notification Protocol be developed, and electronic alerts introduced to systems, indicating when members need to be consulted and informed and by whom, with current contact details.*

C) Communications from the Director of Governance and Law to Senior Managers, for example from November 2007, reminding officers of the need to keep Local Members informed and involved in matters affecting their divisions, as enshrined in the Constitution.

D) Paragraph 4 of the Procedure for writing and preparing reports to Cabinet, Cabinet members, committees and the council (<http://knet2/policies-and-procedures/reports-to-cabinet-cabinet-members-committees-and-the-council/reports-to-cabinet-cabinet-members-committees-and-the-council>):

*4. For a proposal which relates to a particular area of the County, it is particularly important that you consult all the local Members concerned*

**Response from the Group Managing Director:**

*The Corporate Management Team have been piloting a new Committee report format which contains a trigger to ensure the early consultation and involvement of local Members in any decision making process. CMT will continue to actively explore mechanisms which ensure early Member involvement and will discuss how this can be implemented at its meeting on 8 March.*

Date of response: 31 January 2011

Date actioned: TBC  
(to be discussed on 8 March 2011)

## **Response from Kent Adult Social Services:**

- *Cross Party Scrutiny Leads were invited to a confidential briefing on 10 June 2010*
- *All members and local councillors received a communication on 14 June 2010 advising them of the consultation.*
- *All members and local councillors were all invited to initial meetings in their District in June.*
- *Monthly briefings were issued regarding the process throughout the consultation to all 84 Councillors both in hard copy and emailed.*
- *Specific meetings were requested by Members and officers attended.*
- *An additional Member Briefing was held on 26 July giving those who could not attend the initial meetings another chance to see the presentation and discuss the proposals.*
- *The Community Engagement Managers were contacted informing of the consultation and an offer was made to attend any meetings on request.*
- *Borough Councils requested meetings in addition to those planned and officers attended*
- *The relevant Members of Parliament were all informed. Additional information and face to face meetings were provided where requested including a session for East Kent in October.*

Date of response: 8 February 2011

Date actioned: Not applicable

**12. Welcome the assurance from the Managing Director, Kent Adult Social Services, that a list of what the Council expects to be included in any formal agreement about levels of service provided under alternative arrangements for residents be provided to the Committee.**

*The levels of alternative services required through a partnership arrangement will be developed as part of the commissioning process throughout 2011. Services will be provided to the existing residents of Kiln Court, Blackburn Lodge and Doubleday Lodge.*

Date of response: 8 February 2011

Date actioned: TBC

Note: 9.02.11 – Due to volume of papers provided in response to the recommendations relating to the item, Members resolved that they would need more time to consider their contents before discharging any of the recommendations.

## **Budget 2011/2012 and Medium Term Financial Plan 2011 - 2013 (24 January 2011)**

Cabinet portfolio: Mr J Simmonds

Synopsis: Every year the Council sets its Budget for the next financial year and its Medium Term Financial Plan (MTFP). The final Budget and MTFP are approved at County Council in February.

Reason for call-in: Cabinet Scrutiny Committee is part of the yearly cycle of meetings to discuss the Budget. Various elements of the Budget 2011/12 and Medium Term Financial Plan 2011-2013 were discussed during the meeting of the Cabinet Scrutiny Committee.

Recommendations and responses:

**4. Welcome the assurances given by the Leader that proposals on how reductions to the Early Intervention Grant will be implemented in Kent be put before Members for consultation, including through the relevant Policy Overview and Scrutiny Committee.**

*Details were contained in the section 7 of the report to Cabinet, which was tabled at the meeting on 2 February. CFE have put their proposals in the draft MTP but not final detail on the timing. This will need to go to their next POSC (confirmed in County Council report)*

Date of response: 7 February 2011

Date actioned: Awaiting date of POSC

Note:

01.04.11 - The detail of EIG savings will be in the relevant Project Initiation Document (PID) for that element of savings. The PID will be reported to the relevant POSC.

**5. Welcome the suggestion given by the Leader that research into implementation of a 'living wage' in Kent be undertaken, including mapping the variations in cost of living across the county.**

*Noted. The Leader will keep the Committee informed as the research develops*

Date of response: 8 February 2011

Date actioned: TBC

**6. Ask the Group Managing Director to consider whether changes to the risks that the Council faces also be reported to the Cabinet Scrutiny Committee, no less frequently than every six months.**

*The principle that members are properly informed and able to discuss the risk register of the council and changes to the risk profile and how it fits with the risk appetite of the authority is essential for good governance. I would want to discuss this request with the Head of Internal Audit and the Chairman of the Governance and Audit committee to ensure that we are dealing with the principle of informing and involving members in risk matters is properly met and handled between the different member bodies that exist. Officers are also reviewing how performance in general is reported to members and I would hope all these matters can be assessed and improvements proposed.*

Date of response: 2 February 2011

Date actioned: TBC

**8. Ask that the Managing Directors of all Directorates affected provide detail of any reductions in funding to the voluntary sector.**

*We are working on this but it is not straightforward and we need to identify that element of spend that represents statutory service provision (and which we would have to incur anyway if it weren't delivered in the voluntary sector) and that which represents genuine contributions to voluntary organisations unrelated to statutory services. We will not be able feed this back to CSC on 9<sup>th</sup> February due to the level of work involved.*

Date of response: 7 February 2011

Date actioned: 14 February 2011

Note:

01.04.11 – Finance are still working on this, as there needs to be clarity around which amounts received by voluntary sector organisations are grants as opposed to amounts paid for them to provide services on behalf of the council.

## KCC Companies (9 February 2011)

Cabinet portfolio: Mr J Simmonds and Mr R Gough

Synopsis: The Cabinet report the approach to be taken in the forthcoming report to Audit and Governance on a Protocol for KCC Companies

Reason for call-in: Members wished to have more information about the protocol for KCC Companies

Recommendations and responses:

**2. Ask that the Acting Director of Finance provide more detail on the checks that are carried out before directors of KCC Companies are appointed.**

*The Acting Director of Finance has provided more detail on the checks that are carried out before directors of KCC Companies are appointed by asking the Director of Law and Governance who has amended the Protocol to include details of such checks.*

Date of response: 25 March 2011

Date actioned: 25 March 2011

Note:

01.04.11 – Members have expressed a desire to see the most up-to-date Protocol to see how this has now been included.

## Edenbridge Community Centre (28 March 2011)

Cabinet portfolio: Mr M Hill

Synopsis: A number of decisions were taken by the Cabinet Member at the beginning of 2011 in relation to the former Eden Valley Secondary School site. These were to authorise the sale of part of the former site, to award the contract for construction of the new community centre and the grant of a long lease at the Baptist Church and outline occupational terms at the new centre.

Reason for call-in: Members wished to have more information about the new centre, the time taken for the implementation of the project, and any lessons that could be learned from the process, the long term financial sustainability of the centre and any local concerns.

Recommendations and responses:

- 1. Thank Mr Lake, Mr Tilson, Mr Aldous, Mr White, Cllr Scholey, Cllr Davison, Ms Lane Ms Richards and Mr Kingham for attending the meeting and answering Members' questions.**
- 2. Express concern to the Leader that neither the Cabinet Member, nor Deputy Cabinet Member were present, despite the attempts made by the officers to find a mutually acceptable date for the meeting. There is a constitutional requirement that Cabinet Members make themselves available for scrutiny, and the purpose of the Cabinet Scrutiny Committee is scrutinise the decisions of Cabinet Members of the collective Cabinet, not to scrutinise the decisions of Officers, which lies with the Scrutiny Board.**
- 3. Express concern to the Leader and Managing Director that no report to the Communities Policy Overview and Scrutiny Committee or Cabinet during the previous five years could be found. Further that there appeared to be no Cabinet Member decision that would have enabled the development by constructing residential properties.**
- 4. Ask that the Cabinet Member, Education, Learning and Skills, provide a report evidencing the improved educational attainment which resulted from the transfer of students from the Eden Valley School to other secondary schools.**
- 5. Express concern about the view expressed by witnesses that initial KCC project managers lacked suitable qualifications and experience and that the community consultation, though extensive, was not responsive to community views. In the view of witnesses this was a major cause of:**
  - the lengthy delay between the commitment given to Edenbridge and delivery of the project**
  - unrealistic financial projections which required revision**
  - community concern about the timeliness and completeness of the consultation process in relation to the location of and facilities to be provided within the new centre.**

**The Committee seeks assurances of how the current process of appointing project managers is more rigorous to ensure competent delivery of projects to agreed timescales and budgets.**

- 6. Ask that the Cabinet Member, Customer and Communities, ensures that the range**



of services which will be housed in the new community centre do not duplicate those on offer in the town centre, and that the services provided in both locations are promoted as a 'package'.

**7. Express concern about the long term financial stability of the new community centre, particularly if there is a need for KCC to meet any shortfall in income as a result of it not being possible to sign up enough non-KCC partners to utilise space in the building**

**8. Ask that the Cabinet Member, Customer and Communities, keep Members informed of intentions for the existing Edenbridge Library building, and that he consult the Edenbridge Chamber of Commerce and Town Council during the drawing-up of any proposals to ensure that local businesses are engaged.**

**9. Ask that the Cabinet Member, Customer and Communities consult with the Edenbridge Chamber of Commerce and Town Council to ensure that the community of Edenbridge benefit from the construction and operation of the new centre where possible.**

**10. Ask the Cabinet Member for Customer and Communities to confirm that the impending Library Review will not affect the delivery of the community centre library.**

**11. Express concern about the impact on businesses as a result of the relocation of the library to the new community centre and ask that the Cabinet Member for Business Strategy and Support liaise with the Edenbridge Chamber of Commerce to explore whether Backing Kent Business can help support the regeneration and longer term viability of the business community of Edenbridge High Street.**

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**Kent Adult Social Services**  
**Response to recommendations from Cabinet Scrutiny Committee - 19**  
**January 2011.**

**Older Person's Modernisation (19 January 2011)**

Cabinet portfolio: Mr G Gibbens

Synopsis: The report to Cabinet provided a summary of the consultation, shared the final reports and sought sign-off of the recommendations in order for the Cabinet Member for Adult Social Services to make his decisions. All of the 11 individual Cabinet Member decisions were called in for scrutiny by the Cabinet Scrutiny Committee.

Reason for call-in: Members wanted more information on consultations, the movement away from direct provision of services, comparative costs of public and private sector service provision and other issues.

Recommendations and responses:

**1. Thank Mr Gibbens, Mr Mills, Ms Howard and Mr Weiss for attending the meeting and answering Members' questions.**

*Noted*

**2. Welcome the assurances given by the Managing Director, Kent Adult Social Services, about the appointment of an independent arbiter, who would be able to hear grievances from affected residents who felt their services were not equivalent or better in the future.**

*Noted*

**3. Ask the Managing Director, Kent Adult Social Services, to provide an example of a typical care contract to the Committee, in relation to concerns about future costs of any care contract in respect of Extra Care Housing.**

*Attached*

**4. Ask the Managing Director, Kent Adult Social Services, that additional information be provided about ongoing protection of terms and conditions for any staff transferred under Transfer of Undertakings (Protection of Employment) Regulations to new providers, and how long staff would enjoy this protection.**

*Attached*

**5. Welcome the assurances given by the Managing Director, Kent**

**Adult Social Services, that further information would be provided to the Committee about the frequency of future inspections by the Care Quality Commission (CQC) of new facilities, recognising the fact that CQC does not regulate Extra Care Housing.**

*The Care Quality Commission (CQC) will undertake an inspection programme dependent on risks or concerns highlighted and this is monitored by an annual questionnaire and feedback from service users or their families and statutory organisations.*

*CQC focus on compliance with the Standards rather than making judgments on quality.*

*Within an Extra Care Housing setting, there will be care provision and the organisation providing the care will be regulated by CQC as a domiciliary care provider.*

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*Each unit has an allocated officer from Personnel. They will receive 1:1's, training, pensions advice, application support etc. Staff meetings took place from 27 January – 31 January 2011 to confirm these arrangements.*

**7. Welcome the commitment from the Managing Director, Kent Adult Social Services, that the Freedom of Information request from Ms Baldwin be responded to as quickly as possible.**

*Attached*

**8. Request that the Managing Director, Kent Adult Social Services, provide a report on the details of new legislation relating to pension provision in the private sector, and how this will affect the comparative cost of private sector care provision.**

*Attached*

**9. Request that the Director of Governance and Law be asked to give his professional opinion as to whether a possible lack of advice and information for the public about the fact that choices in the consultation were restricted, due to the conditions of the Private Finance Initiative bid to Government, had invalidated the consultation process.**

*Director of Governance and Law to feedback separately*

**10. Welcome the assurance from the Cabinet Member, Adult Social Services, that he will be as flexible as possible about the timeframe for closure of Sampson Court, if there is a reasonable bid from a**

**social enterprise to take over its operation.**

***The closure plans will progress as stated in the report and be achieved by December 2011. If there is a viable proposal for the site to be developed as a Social Enterprise this would take effect following the closure. Organisations who have expressed an interest in the development/ use of the site after it is closed will be asked to submit a full Business Cases for consideration.***

**11. Express regret that some local Members were not involved more fully in the process of considering the options relating to each site, and ask that the Group Managing Director urgently raise with the Corporate Management Team the issue of full, timely and ongoing involvement of local Members in the development stage of any decisions affecting their division. The Committee would like to draw Members' attention to:**

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***(2) Any objection by a Local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.***

***(3) All reports to the Cabinet or a Cabinet Member shall include the views of Local Members.***

**B) Recommendation R6 from the Informal Member Group on Member Information's report of December 2008:**

***R6. A Local Member Notification Protocol be developed, and electronic alerts introduced to systems, indicating when members need to be consulted and informed and by whom, with current contact details.***

**C) Communications from the Director of Governance and Law to Senior Managers, for example from November 2007, reminding officers of the need to keep Local Members informed and involved in matters affecting their divisions, as enshrined in the Constitution.**

**D) Paragraph 4 of the Procedure for writing and preparing reports to Cabinet, Cabinet members, committees and the council  
(<http://knet2/policies-and-procedures/reports-to-cabinet-cabinet-members-committees-and-the-council/reports-to-cabinet-cabinet->**

members-committees-and-the-council):

**4. For a proposal which relates to a particular area of the County, it is particularly important that you consult all the local Members concerned**

- › **Cross Party Scrutiny Leads were invited to a confidential briefing on 10 June 2010**
- › **All members and local councillors received a communication on 14 June 2010 advising them of the consultation.**
- › **All members and local councillors were all invited to initial meetings in their District in June.**
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- › **Borough Councils requested meetings in addition to those planned and officers attended**
- › **The relevant Members of Parliament were all informed. Additional information and face to face meetings were provided where requested including a session for East Kent in October.**

**12. Welcome the assurance from the Managing Director, Kent Adult Social Services, that a list of what the Council expects to be included in any formal agreement about levels of service provided under alternative arrangements for residents be provided to the Committee.**

***The levels of alternative services required through a partnership arrangement will be developed as part of the commissioning process throughout 2011. Services will be provided to the existing residents of Kiln Court, Blackburn Lodge and Doubleday Lodge.***

# **Domiciliary Care Service** **SPECIFICATION**

## **for** **Extra Care Sheltered Housing**

This document defines the care services purchased by Kent County Council for Extra Care Sheltered Housing schemes

**November 2008**

This material, which was produced in consultation with the Kent Community Care Association, may not be copied or published without the Kent County Council's permission in writing



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# Glossary

## Definitions

When they are used in this Agreement, the terms and expressions set out below in the first column have the meanings set out in the second column:

<b>Agreement</b>	The terms and appendices of this Pre-Purchase Agreement.
<b>Approved List</b>	<p>A list of Organisations that have met our requirements for Approved Provider status.</p> <p>During the lifetime of this contract, non-Approved Providers will be able to make application to be put on the Approved List. This will happen through 'Panel' arrangements that currently exist for other types of Service provision.</p>
<b>Approved Provider</b>	A provider who has met our criteria and is then placed on our Approved List. Organisations on this list may be offered a Call Off Contract and be considered for a Block Contract.
<b>Authorised Signatory</b>	This is the owner of the Organisation or the person that (s)he authorises to act on his/her behalf.
<b>Call Off Contract</b>	See Contract Types.
<b>Care Manager</b>	The person We have deployed to arrange and review domiciliary care services for people who have been found on assessment to be owed a duty under various enactments. In this agreement Care Managers should also be taken to include Care Manager Assistants, Purchasing Officers and any other authorised representative.
<b>Care Plan</b>	A written statement produced by the Care Manager, regularly updated and agreed by all parties. It sets out the social care and support that a Service User requires in order to achieve specific outcomes and meet the particular needs of each Service User.
<b>Care Worker</b>	A member of Staff employed by You to carry out the domiciliary care service.
<b>Commissioners</b>	Members of our Staff who have responsibility for determining what Services will be purchased in order to meet assessed eligible needs.
<b>Continuing Breach</b>	A breach in contractual duty or duties on your part as a result of repeated failures to remedy non-performance or to sustain performance over a reasonable period of time.
<b>Contract Award Letter</b>	The letter from Us to You which communicates our acceptance of your offer to provide the Service. This letter will contain the detail of any contract award.

## Domiciliary Care Services

<b>Hourly Price</b>	The amount payable to the Service Provider for the Service Units delivered to a Service User, in a week, as recorded on the Service Delivery Order.
<b>Contracts Manager</b>	The person who We have authorised to administer our contracts for social care. His or her address will be given in the Contract Award Letter.
<b>Contract Types</b>	<p><b><u>Minimum Guaranteed Service (Block)</u></b></p> <p>One person on duty within each scheme 24 hours per day every day of the year. This includes an additional 2 hours allowance for handover period in each 24 hour day.</p> <p><b><u>Call off Contract</u></b></p> <p>A contract with mutually agreed terms, conditions and price but with no guarantee of purchase. With your agreement We may purchase a Service against this contract at any time during the period of the contract.</p>
<b>Call Off Payment</b>	Payment will be made on an hourly rate for hours provided in excess of the Minimum Guaranteed Service.
<b>Extra Care Housing Schemes</b>	Means the schemes as set out in Appendix One to these contract conditions.
<b>Housing and Facilities Management and Provider</b>	
<b>Mileage</b>	The amount spent on travelling between Service Users. This amount should take account of petrol, depreciation of the vehicle, tax and insurance. <i>(See also Travel Time.)</i>

<b>Minimum Guaranteed Service Payment</b>	<p>Means the payment made each month for the Minimum Guaranteed Service regardless of the hours delivered.</p> <p>This payment will only be made if the total of SDO hours are less than 20 hours per day.</p>
<b>Organisation</b>	<p>The domiciliary care organisation providing personal care for people living in their own home. Each franchise will be treated as a separate Organisation.</p>
<b>Project Agreement</b>	<p>Is the agreement between the County Council and the Housing and Facilities Management Provider, for the provision of Extra Care Sheltered Housing in Kent.</p>
<b>Regulator</b>	<p>The body which is established by statute and to whose regulatory powers You are subject. Currently, this is the National Care Standards Commission. From 1 April 2004 this will be known as The Commission for Social Care Inspection.</p>
<b>Serious Breach</b>	<p>A breach of your duty of care to a Service User by which he or she suffers harm and/or any malicious act by You towards Us.</p>
<b>Service</b>	<p>The domiciliary care that You will provide for a Service User in accordance with the provisions of the Care Standards Act 2000 and terms of this Agreement.</p>
<b>Service Unit</b>	<p>The measure of time by which the Service is purchased (i.e. 1 hour, 3/4 hour and 1/2 hour). The Service Unit begins on arrival at the Service User's home and ends on leaving, unless specified otherwise on the Service Delivery Order. It does not take account of Travel Time.</p>
<b>Service Delivery Order</b>	<p>The Service Delivery Order (SDO) initiates and tailors the Service for a Service User.</p>
<b>Service User</b>	<p>A person who has been found on assessment to be in need of domiciliary care services. You will have an SDO for him or her.</p>
<b>Service User Plan</b>	<p>The written guide produced by the provider in accordance with the regulation 5 of the Domiciliary Care Agencies Regulation 2002.</p>
<b>Site</b>	<p>Is any or all Extra Care Housing Schemes listed.</p>
<b>Specification</b>	<p>Our "Specification For Domiciliary Care Services" which is Appendix 1.</p>
<b>Staff</b>	<p>The employees and workers who carry out the Service for You.</p>
<b>Start Date</b>	<p>The date notified in the Contract Award Letter as the beginning of the contract.</p>
<b>Transaction Data Monitoring</b>	<p>Commonly known as TDM. An electronic financial invoicing process, which requires you to be Visa enabled. TDM matches the invoice to the order given set criteria and makes payment to the provider via the VISA platform.</p>
<b>Travel Time</b>	<p>This is part of the working day spent in travelling between Service Users' homes. Travel time applies to drivers, cyclists and walkers.</p>

<b>Unit</b>	Is any of the apartments and common parts to be provided by the Housing and Facilities Management provider on each of the sites.
<b>We</b>	The Kent County Council and any person to whom We may assign this Agreement. Unless the context otherwise requires, 'Us' and 'our' will also be taken to refer to 'We'.
<b>Working Day(s)</b>	Means Monday to Friday inclusive between the hours of 0900 and 1700, except when these days are Bank Holidays.
<b>You</b>	The legal owner of the Organisation as detailed in Appendix 3 or any person either authorised to act on your behalf or succeeding to your ownership of the Organisation.

# 1. Introduction

In entering into a contract with Kent County Council to provide care services for people living in the Extra Care Sheltered Housing schemes, You are undertaking to comply with the Domiciliary Care National Minimum Standards and Regulations, the law, our Pre Purchase Agreement and this Specification. In addition, You are agreeing to provide the service in the style and manner described in Kent County Council's 'Good Care' guides.

The Service provided is for people (minimum age of 55) who have been assessed as in need by the Local Authority under the NHS and Community Care Act 1990 and associated legislation, and who are living within the Extra Care Sheltered Housing Scheme.

This Specification is for personal care services, delivered to a Service User living in an Extra Care Sheltered Housing scheme. The specific service for each Service User must be delivered in accordance with the requirements of the Service Delivery Order provided by the Care Manager and must not be significantly varied without the prior permission of the Care Manager. Care Managers monitor compliance to Service Delivery Orders through reviews.

This Specification and Addendum states Kent County Council requirements which are beyond, or in addition to, the National Minimum Standards and Regulations. This Specification and Addendum are written, and should be read, in conjunction with the Pre Purchase Agreement. The terms used are the same throughout both documents.

Compliance with the contract will take place through monitoring.

## 2. The Purpose of the Service

The purpose of the care service is to provide the Service User with a good quality of life. It is to help them develop and retain their health, and lead independent, fulfilling lives for as long as possible. Individuals are helped to take greater control of their lives and remain as independent as possible in their extra care sheltered housing scheme.

It involves putting the Service User at the centre of decisions about where they live and how they are cared for. Services are provided in such a way that the Service User feels involved, secure and confident in the care provided to them.

Working with You to achieve this aim, We have set five outcomes We require from the provision of care services. These are explained more fully in the following pages, together with key processes required to support these outcomes.

The Addendum describes your role as to providing personal care, practical support, housing related support tasks and encouragement to Service Users to participate in the range of communal activities.

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### **3. Required Outcomes**

Kent County Council requires Providers to provide high quality personal care, working with Us and the Service User to achieve the following broad outcomes, through the provision of Domiciliary Care services:

- 3.1 Good Quality of Life
- 3.2 Independence
- 3.3 Involvement
- 3.4 Security
- 3.5 Confidence

## 3.1 Good Quality of Life

### ***Defined as:***

*The Service User feeling valued, being able to decide on day to day matters, having influence and making choices in all aspects of his/her life.*

### **Required Outcomes**

Evidence that the Service User:

- ❑ leads a fulfilling life
- ❑ is listened to, and takes part in day to day discussions
- ❑ lives safely in their own communities and homes
- ❑ has physical, mental or emotional needs identified (i.e. sadness or depression) and appropriate assistance sought
- ❑ is shown respect and is not subject to any form of discrimination
- ❑ is given the opportunity to follow their cultural and spiritual beliefs

### **Key processes to support outcomes**

To enable the achievement of the outcomes you must:

- ❑ reflect the needs and wishes of the Service User when structuring the service as agreed in the care plan
- ❑ encourage care staff to build up a relationship of mutual trust and respect with the Service User
- ❑ train staff to recognise signs and symptoms of sadness and depression
- ❑ train staff about adult protection practice
- ❑ have a complaints procedure that has been understood by and shared with your staff and Service Users
- ❑ encourage interaction between the Care Worker and Service User during the delivery of the service
- ❑ have a process in place to alert Care Managers to the need for an Advocate appointment



## 3.2 Promoting Independence

### Defined as:

*The Service User being part of the decision making process, having an input into day to day activities, making choices and encouraged to maximise their independence.*

### **Required Outcomes**

Evidence that the Service User:

- ❑ leads an independent life
- ❑ takes greater control of their life
- ❑ is involved in day to day decisions about the care offered
- ❑ lives independently in their own communities and home
- ❑ experiences and performs useful and meaningful activities with whatever assistance is required
- ❑ develops and maintains maximum independence

### **Key processes to support outcomes**

To enable the achievement of the outcomes you must:

- ❑ encourage care staff to enable the Service User to be as independent as possible
- ❑ encourage the Service User to develop and maintain their skills and abilities to perform functional and meaningful activities
- ❑ encourage the Service User to be involved in agreeing their Support Plan
- ❑ make sure that staff work towards carrying out tasks 'with' the Service User and not 'for' the Service User

## 3.3 Involvement

### Defined as:

*The Service User being informed and enabled to influence the way in which care is provided in a flexible and appropriate way.*

### Required Outcomes

Evidence that the Service User:

- ❑ contributes positively to the support planning process
- ❑ makes informed choices based on sufficient information about alternatives and implications
- ❑ is listened to whether complaining or complimenting the service, or suggesting improvements
- ❑ has minor changes made to his/her care in order to meet day-to-day changing needs

### Key processes to support outcomes

To enable the achievement of the outcomes you must:

- ❑ make sure that the Service User is able to contribute to, and influence, the content of his/her Support Plan
- ❑ make sure that the Service User receives a copy of the Service User's guide describing services provided
- ❑ have a system for reviewing the quality of care which the Organisation arranges
- ❑ have a complaints procedure that has been understood by, and shared with, your staff, Service Users, their advocate or relatives
- ❑ make sure that staff have the necessary skills and confidence to respond positively to the changing needs of the individual Service User and to advise the Care Manager of the changing need

## 3.4 Security

### Defined as:

*The Service User being confident that care is provided in a manner which ensures their safety and well-being.*

### **Required Outcomes**

Evidence that the Service User:

- is introduced to Care Worker(s) in order to reduce fear of new people
- knows what time visits will take place
- is visited at the appointed time
- knows that their personal information is kept confidential
- knows when and why it is appropriate for their confidential information to be shared
- knows that keys to their home are stored safely and that the security of their home is not compromised
- undertakes individual activities that have been risk assessed and are not restricted from valued activities unnecessarily
- has trust and respect for members of staff and confidence in their abilities
- has confidence that policies and procedures are in place in respect of their safety and that these are understood by staff
- has confidence that staff are aware of probity issues

### **Key processes to support outcomes**

To enable the achievement of the outcomes you must:

- have a process in place to ensure that the Service User knows in advance about their care visit and any changes in their visit (e.g. change of staff or time)
- make sure that the Service User and their property are protected, have policies and procedures that reinforce the Service User's sense of security, and ensure that these are shared with and understood by staff
- make sure that any keys held at your offices are stored in a secure manner and accessed only by authorised staff
- make sure that the Service User's security code and telephone number(s) are stored appropriately and shared only on a need-to-know basis

- ❑ make sure that staff are easily identified as carers for your Organisation by use of badges, photographs and uniforms
- ❑ make sure that staff know that receipts are required for any purchase made on behalf of the Service User, that the receipts are provided to the Service User, and that loyalty cards of staff are not to be used when purchasing on behalf of a Service User
- ❑ make sure that staff are aware of all probity issues (eg staff must not: knowingly be the beneficiaries of a Service User's will, accept and receive gifts from the Service User, use contact with the Service User for private gain and witness legal documents)
- ❑ have a written risk assessment for the Service User and be sure that staff know of the policies and procedures in place in respect of Service User safety
- ❑ have written environmental risk assessments for the Service User's premises
- ❑ have a planned training and induction programme for staff
- ❑ have a process in place for staff to report ongoing health and safety risks

## 3.5 Confidence

### Defined as:

*The Service User feeling certain that care is received from known and trusted people whose allocation is managed and recorded.*

### **Required Outcomes**

Evidence that the Service User:

- ❑ has continuity of carer(s)
- ❑ is confident that the Contact Book accurately records the care delivered
- ❑ feels confident that assessments of need and Care Plans inform the service delivery
- ❑ knows that records are shared only on a need to know basis
- ❑ knows that they are able to trust the integrity and skill of their carer(s)

### **Key processes to support outcomes**

To enable the achievement of the outcomes you must:

- ❑ minimise the number of Care Workers involved in the care of each Service User
- ❑ make sure that staff have the competence to enter appropriate detail in the individual's Contact Book in an objective manner
- ❑ make sure that staff have the competence to communicate in an appropriate manner when changes happen or become necessary
- ❑ have a procedure in place to ensure confidentiality (eg level of care given, financial matters and security of the premises)
- ❑ have policies and procedures in place to make sure that confidential information is not retained by staff who leave or change roles
- ❑ train staff appropriately, including any specialist training needed to satisfy the Service User's needs

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## 4. Further Requirements

Agencies offering personal Domiciliary Care must be registered with the national regulator (currently the National Care Standards Commission) and must conform to the requirements of the Care Standards Act 2000 and any other law as it applies to them.

This Specification is based on the requirements of the Domiciliary Care National Minimum Standards. We set out below additional requirements, many of which are necessary to ensure links with KCC roles and processes. Monitoring will include compliance with the Specification, the standards and regulations of the National Care Standards Commission and Kent County Council's further requirements.

### 4.1 Support Plan

*[Standard 7 (regulation 14), Standard 8 and Standard 9 of the Domiciliary Care National Minimum Standards refer.]*

**In order to ensure that the Support Plan is regularly reviewed with the Service User and any other relevant person, and changes are made when necessary, we require that:-**

1. You review your records at least once a month to be sure that you receive feedback from your staff, using compliments, complaints and Care Management information, and use this information to inform whether a more formal review is necessary.
2. Your review includes any special requirements of the Service User and forms part of his/her personal record.
3. You consider the Service User's requests, and make changes in the arrangements for the delivery of the services, provided that there has not been a change in the Service User's circumstances or needs, and provided that the change will not lead to a change in the Care Plan. Agreed changes must be notified, in writing, to the Care Manager.
4. Staff refer to the Provider, to make sure that the Care Manager is notified of any increase or deterioration in physical or mental health, and record these changes in the Service User notes maintained by you.
5. You are aware that the SDO and Care Plan are reviewed by the Service User, Care Manager, and any other relevant person after four weeks of the start date, after three months and six monthly thereafter.

## 4.2 Continuity of Carers

*[Standards 13 and 14 (regulation 14) of the Domiciliary Care National Minimum Standards refer.]*

**In order to ensure that the Service User is comfortable with their carer and has reasonable continuity of care, we require that:-**

1. You make sure that no more than three Care Workers (or, if double handling, three pairs of Care Workers) are involved in the care of any Service User at any one time, unless prior agreement has been obtained from the Care Manager;
2. You ask the Care Manager to agree a higher number of Care Workers in instances where the Service User receives an exceptional care package;
3. In instances where you decide to make a change without the agreement of the Service User, you record the reason in the Contact Book and the Service User must be given the opportunity to sign the document indicating their disagreement. The Care Manager must also be informed.

## 4.3 Records

*[Standard 16 (regulation 18) of the Domiciliary Care National Minimum Standards refers.]*

**In order to ensure that records of visits to the Service User's home and details of care given are comprehensive and shared as appropriate, we require that:-**

1. Acceptable standards of literacy in English and the first language of the Service User are used.
2. The Contact Book must be left in the Service User's home at all times, and completed pages only be removed and placed on the Service User's file at your premises after one month.
3. Appropriate sections of the Service User's personal file are accessible to relevant care staff.
4. Staff visiting a Service User for the first time sign the Service User's file to show they have read the relevant sections and are familiar with the Service User's needs.
5. Staff are aware of your policy in regard to confidentiality of records.
6. You allow our authorised staff to see records required by this Specification.
7. You accommodate visits by our authorised staff which may take place at any time and could be unannounced. We will be reasonable in exercising this right.



## 4.4 Security

*[Standard 5 (regulation 13) and Standard 15 (regulation 14) of the Domiciliary Care National Minimum Standards refer.]*

**In order to ensure that the security of the Service User's home is maintained, and is not compromised by any action undertaken by a Care Worker from your Organisation, we require that:-**

1. You make staff aware of the risk of unintended breaches of confidentiality and to make sure staff are able to identify situations in which it may occur.
2. You make sure that staff do not carry with them more confidential information than they need for a week's work programme (e.g. lists of names and addresses).
3. When it is necessary for staff to keep written information detailing passwords or keypad numbers you find a way to preserve security. You must also make sure passwords or keypad numbers are not kept alongside names and addresses.
4. You negotiate with the Service User if a change of staff or a suspected breach of security occurs, to see whether a change of access code number will be acceptable to them.
5. You have policies and procedures in place to make sure that staff who leave or change duties return all written information about their work.
6. Key fobs should not carry the name or address of the Service User on them.

## 4.5 Freedom from Abuse

*[Standards 13 and 14 (regulation 14) of the Domiciliary Care National Minimum Standards refer.]*

**In order to ensure that the Service User is free from abuse and appropriate action is taken where it is suspected, we require that:-**

1. You ensure staff are familiar with the Kent and Medway Adult Protection Procedures and with your own policy and procedure on Adult Protection.
2. You comply with requirements for staff to have criminal record checks and you must comply with requirements as described in Kent County Council's *Recruitment and Selection of Staff* guide.
3. You take positive action to combat discrimination. Service User's needs arising from specific ethnic, religious, cultural, gender, sexuality, disability or age requirements must be identified in their Support Plans. You must ensure that staff are able to meet these needs.

## 4.6 Equalities

**In order to ensure that each Service User is treated with respect and dignity and services are provided which are appropriate to any special needs they might have, we require that:-**

1. You understand and comply with your statutory obligations under equalities legislation, including:
  - having a policy suitable for your business and ensuring that staff are made aware of the necessary procedures and requirements,
  - providing equalities training for all staff, and
  - producing a brief report each year describing the progress you have made in meeting the requirements of the Race Relations Amendment Act 2000.
2. You comply with requirements as described in Kent County Council's *First Steps to Equality*, *Second Steps to Equality* and *Equality and Employment* guides.

## 4.7 Accidents and Injuries

*[Standard 11 (regulations 12,13,14 &15) and Standard 16 (regulation 18) of the Domiciliary Care National Minimum Standards refer.]*

**In order to ensure that your staff are informed and deal confidently with accidents, injuries and emergencies we require that:-**

1. Any accidents or injuries to a Service User that require hospital or GP attendance that the Care Worker has knowledge of, are reported to the Service User's Care Manager and noted in the Service User Contact Book.
2. All staff know your procedures for dealing with medical emergencies.

## 4.8 Transmittable Diseases

**In order to ensure that the Service User, his/her family, staff and visitors are protected from transmittable diseases, we require that:-**

1. You have a policy in relation to transmittable diseases (e.g. HIV/AIDS and Hepatitis A, B and C);
2. You make sure that staff are trained to work safely with all Service Users and follow Kent County Council's *Universal Precautions* at all times.

## 4.9 Transport

**In order to ensure that the Service User is transported safely and appropriately we require that:-**

1. You understand your statutory obligations under current legislation, and have policies and procedures in place to ensure that these are met. This includes ensuring that all vehicles are:
  - taxed
  - appropriately insured
  - MOT'd with a valid certificate, and
  - maintained in accordance with the manufacturer's instructions.
2. When people in wheelchairs are being transported, wheelchair anchor points and grips conform to the relevant British Standard Specification and are used in accordance with the manufacturer's instructions.
3. Staff be assessed as competent in assisting the Service User to enter and exit vehicles.

## 4.10 Open Employment Staff Policy

**In order to ensure that staff benefit from being part of a confident and diverse staff team, we require that:-**

1. You understand and meet your statutory obligations under equalities legislation. You make sure that:
  - victimisation, discrimination and harassment are disciplinary offences, an appointed person in the organisation has responsibility for the effective operation of your policy;
  - you implement your equal opportunity policy and detail what actions are to be taken in implementing your policy;
  - monitor and review the policy; and
  - staff are supported if they are discriminated against by a Service User or Service User's relatives.
2. Training is given in equalities to any member of staff responsible for recruitment and selection.
3. You monitor the ethnic origins of all applicants for employment and those appointed.
4. You make sure that the staff group reflects the ethnic background of the Service User.
5. You make sure that your staff group are knowledgeable of the ethnic background of the Service User.

## 5. Guides, References and Other Useful Documents

### Statutes

Statutes and statutory instruments can be downloaded free of charge at [www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk)

- ❑ Care Standards Act 2000
- ❑ Race Relations Amendment Act 2000
- ❑ Data Protection Act 1998
- ❑ Human Rights Act 1998
- ❑ Public Interest Disclosure Act 1998
- ❑ Disability Discrimination Act 1995
- ❑ Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- ❑ Management of Health and Safety at Work Regulations 1992
- ❑ Management at Work Regulations 1992
- ❑ Manual Handling Operations Regulations 1992
- ❑ Personal Protective Equipment Regulations 1992
- ❑ Provision and Use of Workplace Equipment Regulations 1992
- ❑ Workplace (Health Safety and Welfare) Regulations 1992
- ❑ NHS & Community Care Act 1990
- ❑ Control of Substances Hazardous to Health Regulations 1989
- ❑ Sex Discrimination Act 1975, 1986
- ❑ Mental Health Act 1983
- ❑ Race Relations Act 1976
- ❑ Health and Safety at Work etc Act 1974

### Staff

- ❑ Criminal Records Bureau Disclosure Service 2000
- ❑ Care Standards Act 2000
- ❑ National Minimum Wage Act 1998 and Regulations 1999
- ❑ Working Time Regulations 1998 and 1999
- ❑ Public Interest Disclosure Act 1998 (Whistle Blowing)
- ❑ Part V Police Act 1997
- ❑ Employment Rights Act 1996
- ❑ Rehabilitation of Offenders Act 1984
- ❑ The Provision and Use of Work Equipment Regulations (1998) (ISBN0-7176-0414-4) are available from the Health and Safety Executive
- ❑ National Association for the Care and Resettlement of Offenders (NACRO) leaflet

### Catering facilities

- ❑ Food Safety (General Food Hygiene) Regulations 1995
- ❑ Food Safety Act (1990)

## **Good Care Guides published by Kent County Council**

- ❑ Older People Living at Home
- ❑ Older People with dementia
- ❑ Administering Medication
- ❑ Personal Relationships and Service Users
- ❑ Recruitment and Selection of Staff
- ❑ Adult Protection
- ❑ Universal Precautions
- ❑ First Steps to Equality
- ❑ Second Steps to Equality
- ❑ Equality in Employment

## **Other Documents**

- ❑ Working Together to Safeguard Children
- ❑ Multi-Agency Adult Protection Policy, Procedures and Protocols for Kent and Medway

**Note:** *Additional 'Good Care Guides' and 'Other Documents' can be obtained from the address below at a nominal price.*

This Specification is the property of Kent County Council. Comments or questions should be forwarded to:

**Kent County Council  
Social Service Directorate  
Service Policy and Standards (Contracting)  
Room 2.38  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ**

**Telephone: (01622) 694907**

**E-mail: [sshqcontracts@kent.gov.uk](mailto:sshqcontracts@kent.gov.uk)**

# 1. ADDENDUM

- 1.1 This Addendum refers to the detail of service provision, the rights of Service Users, the Tasks (service components) of the expected service and the Standards expected of the Care Provider.

## 2. Description of services to be supplied

- 2.1 The range of services to be provided may include personal care and social/emotional support.
- 2.2 As a basic minimum service, You will provide carers to be on duty in the scheme 24 hours a day, every day of the year, to assist in providing personal care, practical support, housing related support tasks and encouragement to Service Users to participate in the range of communal activities.
- 2.3 Waking Night Support - the Care and Support Worker is expected to remain awake throughout the night and be readily available to provide support/assistance in accordance with agreed outcomes in the Care Plan.
- 2.4 In addition to the on site care and support there is likely to be a need for additional care hours to be provided flexibly according to the needs of the individual Service User and their dependency band.
- 2.5 Every resident will have access to the Care Team 24 hours a day for emergency support needs. It is therefore expected that a combination of on site and domiciliary care services are available at the Extra Care Housing Scheme. You will be responsible for achieving this in the most appropriate and cost effective way.
- 2.6 At any time You will respond appropriately to requests for assistance from or concerning a resident within five minutes of receiving the request via the designated call system or other means.
- 2.7 You will be able to provide Services to new residents within the Extra Care Housing Scheme as long as You have seven days' notice of the Service User's move into the Extra Care Housing Scheme and receive a Care Plan from the responsible KASS staff member. If possible, You will arrange to meet a prospective resident prior to their moving into the Extra Care Housing Scheme.
- 2.8 The desired outcome of the service provided to each Service User will be described in the Care Plan.

## 3. LEVEL OF SERVICE

- 3.1 The Guaranteed Minimum Service Level is defined in the Contract Terms and Conditions and means the guaranteed quantity of Service per week for the duration of the Contract that You will be contracted to deliver within each Extra Care Housing Scheme.

3.2 The Guaranteed Minimum Service Level will be subject to change following the annual performance review, which will be carried out on a yearly basis in line with the our Service and Quality Monitoring Review procedures.

3.3 You must ensure that staff are available for induction and training prior to opening. Transitional (i.e. implementation) arrangements will be agreed with Us.

3.4 You must accept all Referrals within the Extra Care Scheme.

## **4. SERVICE COMMENCEMENT**

4.1 If you require additional information, then you shall request the same from the Care Manager prior to commencement of the Service and the Care Manager will use his/her best endeavours to meet any reasonable request.

## **5. TASKS**

5.1 Some support tasks may entail a split of responsibility between You and the Housing and Facilities Management Provider. Such shared responsibility must be discussed in detail and agreed with the Housing Provider at the commencement of the Contract.

5.2 Where there is a split of responsibility for housing related and support activities, the Housing and Facilities Management Provider and You will agree how work will be shared to deliver the activity and this should be documented accordingly.

5.3 If the Service is usually provided by more than one worker, one of the workers involved in providing the Service shall be nominated as The Key Worker. The Key Worker has the responsibility for taking a particular interest in the Service User and their carer as appropriate. The Key Worker shall be stated in the Service User's folder. The Key Worker approach does not take away the responsibility of all workers to support the Service User in an appropriate way but is a way of personalising and co-ordinating the service provision.

## **6. MONITORING AND PERFORMANCE INDICATORS**

6.1 You will be expected to achieve agreed satisfaction levels, (which will vary during the course of the Contract), against the Key Performance indicators as detailed in clause 7.2.

6.2 It is expected that both You and the Housing and Facilities Management Provider will work closely and co-operatively, in accordance with clauses defined in section 9, which may be adjusted during the course of this Contract. The effectiveness of this partnership working will be measured through the performance indicators as specified.

## **7. PERFORMANCE LEVELS**

7.1. The Provider shall be expected to meet all the criteria set through the Commission for Social Care Inspection or the Care Quality Commission.

7.2. In addition, You will be expected to achieve agreed satisfaction levels – which will vary during the course of the Contract – on the following Key Performance Indicators;

	<b>Key Performance Indicators</b>	<b>Initial Target</b>
7.2.1	Overall satisfaction and service provided	Extremely satisfied / Very satisfied 60%
7.2.2	All residents have up to date care and support plan with appropriate risk assessments	100%
7.2.3	Residents receive sufficient visits	90%
7.2.4	Residents receive same care workers	Always / nearly always 95%
7.2.5	Care workers are obliging	90% satisfaction
7.2.6	Care workers are flexible	90% satisfaction
7.2.7	Care workers are responsive in emergencies	90% satisfaction
7.2.8	Care workers are competent to undertake tasks	90% satisfaction
7.2.9	Care workers encourage residents to do things for themselves	90% satisfaction
7.2.10	Tasks are carried out at a time that suits residents	90% satisfaction
7.2.11	Carers are in a rush	60% never
7.2.12	Excellent care workers	95% strongly agree / agree
7.2.13	All complaints are dealt with in agreed timescale	100%

7.3 The performance indicators described in section 7.2 will be subject to further adjustment by the Contracts Manager or their nominated officers.

7.4 An annual review in line with the County Council's Quality and Monitoring Review Process will be conducted by the Contracts Manager to determine the satisfactory achievement of the detailed performance Indicators.

## **8. EXTRA CARE DOMICILIARY SUPPORT TASK LIST**

8.1 At all times the focus will be to 'work with' rather than to 'do for', to encourage and maximise the independence of residents.

8.2 Personal Care comprises personal assistance, but not nursing care, enabling individual Service Users to carry out daily living activities. All tasks should only be carried out following an appropriate risk assessment that should then be followed by the Workers.

8.3 As part of the Service User's social and emotional support, the Services shall enable each Service User to achieve as independent a lifestyle as possible.

8.4 Domestic support may be required as part of an overall package of care.

8.5 It is recognised that the schemes will have a wide range of abilities and disabilities across the 7 districts. The Care Plan formulated by the appointed Care Manager will determine the level of Tasks to be delivered according to the needs of the individual Service Users. Therefore, there may be additional support factors which need to be taken into consideration for certain Service Users and some tasks may have to be shared with the Housing Provider.



- 8.6 This is not an exhaustive list, but gives a broad framework of the tasks that may have to be shared with the Housing and Facilities Management Provider.
- a) Monitoring health and well-being.
  - b) Support with household management and, ensuring the health and safety and security of both individual resident's dwelling and the security of the whole building outside of the required hours of the Housing and Facilities Management Provider and responding to emergency calls.
  - c) Maintaining and developing social contacts and avoiding isolation.
  - d) Helping in social networks and joining in activities.
  - e) Support with household management, ensuring the health and safety and security of both individual resident's dwellings and the security of the whole building outside of the required hours of the Housing and Facilities Management Provider and responding to emergency calls.
  - f) Encouraging and supporting residents to participate in the life of the wider community, including participation where necessary in the range of activities organised by the Housing Provider.

## **9. THE CARE INTERFACE WITH THE HOUSING PROVIDER**

- 9.1 It is recognised that the management and operation of the Interface between the Housing and Facilities Management Provider, We and You will be of paramount importance in terms of delivering the Council's Vision for Extra Care Housing and service delivery to residents.
- 9.2 Experiences show that the relationship between the Housing and Care Provider is so pivotal that a scheme can succeed or fail this is if not planned or managed effectively. Criteria for a successful relationship include the following:
- A shared understanding and commitment to the philosophy of the scheme by all parties with the delivery of a quality cohesive service to residents being the common uniting goal.
  - A strong commitment to joint working by the Council, Housing and Care Provider.
  - An open and trusting relationship characterised by respect of specialisms, and a willingness to learn and tackle problems together.
  - Good working relationships at all levels and effective team working.
  - Clarity of roles characterised by a degree of give and take and flexibility at the edges.
  - Close co-operation and good communication between the Housing and Care Provider.
  - A focus on delivering better outcomes for residents rather than being bound by internal processes.
- 9.4 We have the following expectations of you in relation to your relationship with the Housing Provider:
- 9.4.1 Criteria for a successful relationship include the following:
- That You work with the Housing Provider and a Joint Protocol is drawn up to detail the operation of the interface. This is to be agreed and signed by the Housing and Facilities Management Provider and You.

- The Housing and Facilities Management Provider and You will agree and adhere to a programme of joint training, where joint training will be beneficial i.e. operation of equipment, health and safety relating to the building, fire safety, awareness of roles and processes.
- You in conjunction with Us will involve the Housing and Facilities Management Provider in the development of individual residents' need assessments and support plans in relation to identifying areas of need in relation to housing related support.
- We will also expect You to have the following financial responsibilities:
  - Payment for office related running costs relating to the care staff i.e. payment for telephone lines and calls/operation of fax / photocopier / stationery / contribution to heating and lighting costs.

9.5 Once You have been selected, We may arrange a series of meetings with the Housing and Facilities Management Provider and You, to clarify respective roles and responsibilities and identify areas where flexibility and support will need to be provided. It will be useful to include a meeting, which involves the catering provider so that there is clarity across all operations within the scheme.

9.6 Particular roles and areas of responsibility, which will need to be discussed and agreed, are as follows:

- **Housing Related Support activities** – Where there is a split of responsibility for activities, the Housing and Facilities Management Provider and You will need to agree how You will work together to deliver the activity. In terms of responding to residents' emergency call alarms, You will be responsible for this activity, but Housing and Facilities Management Provider staff will provide some back up support in cases of emergency.
- **Building security** – The Housing and Facilities Management Provider will be responsible for the security of the building during the required hours, however You are expected to assist with maintaining the security of the scheme during these hours i.e. closing doors that should not be open, apprehending suspect visitors etc.

You will be expected to be responsible for maintaining the security of the building. This will include regulating access to the scheme, welcoming and signing in visitors, responding to door security alarms etc. and cooperating and assisting with the Housing Provider's Temperature Management Plan.

- **Maintenance** – The Housing and Facilities Management Provider will generally be responsible for all maintenance activity relating to the scheme, however, You will be expected to have the following roles:
  - Assisting less able residents to report repairs to their homes.
  - Reporting defects in the communal areas to the Helpdesk.
  - Assisting residents with the use and operation of equipment in their homes i.e. setting heating controls, use of telecare equipment.

- **Refuse** – The Housing and Facilities Management Provider staff will be responsible for emptying and clearing rubbish from storage bays on the floors of each scheme, however Care Staff will be expected to assist residents with sorting their refuse for recycling and assisting those who are not able to transport their refuse from their home to the refuse storage areas.
- **Cleaning** – The Housing and Facilities Management Provider will be responsible for the general cleaning of the scheme. You will be expected to be responsible for reporting any spillages/debris to the Helpdesk and informing the Helpdesk when the staff sleepover facility is used so that laundry and cleaning services can be programmed. The Housing and Facilities Management Provider may also be interested in talking to You about their staff undertaking 'emergency' cleaning outside working hours and being reimbursed for the cost of this service.
- **Health & Safety** – Both the Housing and Facilities Management Provider and You will have a joint responsibility for Health & Safety. During the required hours, you will be expected to assist the Facilities and Events Management Team with fire safety procedures.

9.7 **Training and Induction** - In order to foster an ethos of teamwork and joint working at each scheme and across the sites, it is appropriate that joint induction and training is planned between the Housing and Facilities Management Provider and You and facilitated by us when appropriate.

The Housing and Facilities Management Provider will supplement these training and induction sessions with an on-site operational manual and condensed guide/handbook for staff.

9.8 **Good Communication and Close Co-operation** - Housing Provider's Contract Manager, Senior Care Provider Manager, Care Commissioning Manager, catering Manager and County Council. It is suggested that these are held initially, then reverting to quarterly or bi-annually. The team will be working closely together but should the need arise meetings can and will be called to deal with specific issues.

- Facilities & Events Manager, Care Commissioning Manager, Site Catering Manager, Care Provider Manager/Team Leader. These would be held ;
- Scheme and Service Delivery Team meetings – monthly.
- Residents Meetings/Focus Groups – quarterly.
- Pre-planned Allocations Panel Meetings.

Meetings to be supplemented with additional formal communications such as electronic team/staff briefings, and newsletters and scheme/contract information and newsletters for residents.

9.9 **Monitoring of Reporting Arrangements** - There may be some teething problems at first as staff become accustomed to the operation of the building and each other's roles and responsibilities. It is important to be open and

honest with residents about these anticipated initial problems and provide a commitment to early resolution rather than creating an expectation that everything will run smoothly from day one. Residents will be encouraged to provide feedback on any problems, no matter how minor, so that the service can be improved.

9.9.1 In terms of monitoring the management and operation of the care and catering facilities of the schemes, the following indicators and triggers will be used by the Housing and Facilities Management Provider for the improvement of satisfaction with service delivery

- Compliments and complaints.
- Formal and informal feedback from Commissioners, staff, residents and stakeholders.
- Incidents and accidents.
- Focus groups of staff and residents.
- Resident satisfaction questionnaires.
- Stakeholder questionnaires.

# ***TERMS AND CONDITIONS***

This document sets out the terms and conditions of providing domiciliary care services for Extra Care Sheltered Housing of Older People

**November 2008**

This material, which was produced in consultation with the Kent Community Care Association, may not be copied or published without the Kent County Council's permission in writing.



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**Appendix 1      Specification for Domiciliary Care Service**

This Agreement is between:

1. The Kent County Council of Sessions House, County Hall, Maidstone ME14 1XQ (referred to in this Agreement as 'We' or 'Us') and
2. The Service Provider whose name and address is given in Appendix 3 and who owns the domiciliary care organisation (referred to in this Agreement as 'You' or 'your').

## **TERMS AND CONDITIONS OF THE AGREEMENT**

### **1 Definitions**

When they are used in this Agreement, the terms and expressions set out below in the first column have the meanings set out in the second column:

<b>Agreement</b>	The terms and appendices of this Pre-Purchase Agreement.
<b>Approved List</b>	<p>A list of Organisations that have met our requirements for Approved Provider status.</p> <p>During the lifetime of this contract, non-Approved Providers will be able to make application to be put on the Approved List. This will happen through 'Panel' arrangements that currently exist for other types of Service provision.</p>
<b>Approved Provider</b>	A provider who has met our criteria and is then placed on our Approved List. Organisations on this list may be offered a Call Off Contract and be considered for a Block Contract.
<b>Authorised Signatory</b>	This is the owner of the Organisation or the person that (s)he authorises to act on his/her behalf.
<b>Call Off Contract</b>	See Contract Types.
<b>Care Manager</b>	The person we have deployed to arrange and review domiciliary care services for people who have been found on assessment to be owed a duty under various enactments. In this agreement Care Managers should also be taken to include Care Manager Assistants, Purchasing Officers and any other authorised representative.
<b>Care Plan</b>	A written statement produced by the Care Manager, regularly updated and agreed by all parties. It sets out the social care and support that a Service User requires in order to achieve specific outcomes and meet the particular needs of each Service User.
<b>Care Worker</b>	A member of Staff employed by You to carry out the domiciliary care service.
<b>Commissioners</b>	Members of our Staff who have responsibility for determining what Services will be purchased in order to meet assessed eligible needs.

<b>Continuing Breach</b>	A breach in contractual duty or duties on your part as a result of repeated failures to remedy non-performance or to sustain performance over a reasonable period of time.
<b>Contract Award Letter</b>	The letter from Us to You which communicates our acceptance of your offer to provide the Service. This letter will contain the detail of any contract award.
<b>Hourly Price</b>	The amount payable to the Service Provider for the Service Units delivered to a Service User, in a week, as recorded on the Service Delivery Order.
<b>Contracts Manager</b>	The person who We have authorised to administer our contracts for social care. His or her address will be given in the Contract Award Letter.
<b>Contract Types</b>	<p><b><u>Minimum Guaranteed Service (Block)</u></b></p> <p>One person on duty within each scheme 24 hours per day every day of the year. This includes an additional 2 hours allowance for handover period in each 24 hour day.</p> <p><b><u>Call off Contract</u></b></p> <p>A contract with mutually agreed terms, conditions and price but with no guarantee of purchase. With your agreement We may purchase a service against this contract at any time during the period of the contract.</p>
<b>Call Off Payment</b>	Payment will be made on an hourly rate for hours provided in excess of the Minimum Guaranteed Service.
<b>Extra Care Housing Schemes</b>	Means the schemes as set out in Appendix One to these contract conditions.
<b>Force Majeure</b>	Means acts, events, omissions, happenings, or non-happenings beyond the reasonable control of one party which prevent the performance by that party of its obligations in respect of that service. Any act, event, omission, happening, or non-happening will only be considered to be Force Majeure if it is not attributable in whole or in part to the wilful act neglect or omission of the affected party its agents, contractors, sub-contractors or employees.
<b>Housing and Facilities Management and Provider</b>	Means Housing 21 of Leitrim House, Coldharbour Lane, Aylesford, Kent, ME20 7NS or its sub-contractors.
<b>Mileage</b>	The amount spent on travelling between Service Users. This amount should take account of petrol, depreciation of the vehicle, tax and insurance. <i>(See also Travel Time.)</i>



<b>Minimum Guaranteed Service Payment</b>	Means the payment made each month for the Minimum Guaranteed Service regardless of the hours delivered.  This payment will only be made if the total of SDO hours are less than 26 hours per day.
<b>Organisation</b>	The domiciliary care organisation providing personal care for people living in their own home. Each franchise will be treated as a separate Organisation.
<b>Project Agreement</b>	Is the agreement between the County Council and the Housing and Facilities Management Provider, for the provision of Extra Care Sheltered Housing in Kent.
<b>Regulator</b>	The body which is established by statute and to whose regulatory powers You are subject. Currently, this is the National Care Standards Commission. From 1 April 2004 this will be known as The Commission for Social Care Inspection.
<b>Serious Breach</b>	A breach of your duty of care to a Service User by which he or she suffers harm and/or any malicious act by You towards Us.
<b>Service</b>	The domiciliary care that You will provide for a Service User in accordance with the provisions of the Care Standards Act 2000 and terms of this Agreement.
<b>Service Unit</b>	The measure of time by which the Service is purchased (i.e. 1 hour, 3/4 hour and 1/2 hour). The Service Unit begins on arrival at the Service User's home and ends on leaving, unless specified otherwise on the Service Delivery Order. It does not take account of Travel Time.
<b>Service Delivery Order</b>	The Service Delivery Order (SDO) initiates and tailors the Service for a Service User.
<b>Service User</b>	A person who has been found on assessment to be in need of domiciliary care services. You will have an SDO for him or her.
<b>Service User Plan</b>	The written guide produced by the provider in accordance with the regulation 5 of the Domiciliary Care Agencies Regulation 2002.
<b>Site</b>	Is any or all Extra Care Housing Schemes listed.
<b>Specification</b>	Our "Specification For Domiciliary Care Services" which is Appendix 1.
<b>Staff</b>	The employees and workers who carry out the Service for You.
<b>Start Date</b>	The date notified in the Contract Award Letter as the beginning of the contract.
<b>Transaction Data Monitoring</b>	Commonly known as TDM. An electronic financial invoicing process, which requires You to be Visa enabled. TDM matches the invoice to the order given set criteria and makes payment to the provider via the VISA platform.
<b>Travel Time</b>	This is part of the working day spent in travelling between Service Users' homes. Travel time applies to drivers, cyclists and walkers.

<b>Unit</b>	Is any of the apartments and common parts to be provided by the Housing and Facilities Management Provider on each of the sites.
<b>We</b>	The Kent County Council and any person to whom We may assign this Agreement. Unless the context otherwise requires, 'Us' and 'our' will also be taken to refer to 'We'.
<b>Working Day(s)</b>	Means Monday to Friday inclusive between the hours of 0900 and 1700, except when these days are Bank Holidays.
<b>You</b>	The legal owner of the Organisation as detailed in Appendix 3 or any person either authorised to act on your behalf or succeeding to your ownership of the Organisation.

## **2 Interpretation**

- 2.1 Unless the context makes it clear that this is not what was intended, any reference in this Agreement to:
- (a) The singular includes a reference to the plural and vice versa;
  - (b) A person includes a reference to an individual or a firm, partnership, company or corporation;
  - (c) A 'clause' or an 'Appendix' means a reference to a clause or Appendix of this Agreement;
  - (d) Any notice or communication 'in writing' means sent by post or personal delivery or fax.
- 2.2 The headings in this Agreement are for ease of reference only and do not affect its interpretation.
- 2.3 Any reference in this Agreement to any legal enactment, order, regulation or other similar instrument means that which is in force. This includes (for as long as they are in force):
- (a) Any amendments or modifications to any such enactment, order, regulation or other similar instrument, and
  - (b) Any re-enactment of any such enactment, order, regulation or other similar instrument.

## **3 Start and Duration of this Agreement**

- 3.1 This Agreement will begin on the commencement date and continue for a period of 5 years from that date.
- 3.2 We may by giving not less than six month's written notice prior to the expiry date, renew the contract for up to two years on similar or changed terms following agreement with You as to such renewals and terms.
- 3.3 We will agree with You a start date for the Service being provided at each site.
- 3.4 All residents will be allocated a tenancy or leasehold purchase via the Joint Allocations Panel. The Provider will be a member of the Panel, alongside the Landlord and a representative from the County Council's Adult Social Services Directorate.

## **4 Entire Agreement**

- 4.1 This Agreement sets out all the terms and conditions that You and We have agreed as regards the provision of the Service.
- 4.2 It supersedes any representations, documents, negotiations or understandings about the Service, whether oral or written, made, carried out or entered into before the date of this Agreement.

- 4.3 What is set out in the clauses of this Agreement and/or the requirements of an SDO will take precedence if there is any inconsistency or conflict between them and what is set out in your terms and conditions of domiciliary care services for Service Users.

## **5 Contacts**

- 5.1 For the purposes of this Agreement, the Contracts Manager will be your first point of contact for Us and the signatory to this Agreement or such other person as You notify in writing to the Contracts Manager will be our first point of contact for You.
- 5.2 For the purpose of an SDO, your first point of contact for Us will be the Care Manager who is identified on the SDO.
- 5.3 All correspondence relating to this Agreement, from You to Us or vice versa, will be sent in writing to the applicable address shown on Appendix 3 of the Agreement.
- 5.4 All correspondence relating to an SDO, from You to Us or vice versa, will be sent in writing to the applicable address shown on the SDO. Writing may be in a format as described in clause 29.1.

## **6 Review**

- 6.1 We will review this Agreement whenever there is a significant change in our statutory functions regarding the Service.
- 6.2 Otherwise, as a minimum, You and We will re-examine this Agreement within five years of the Start Date and then once during every subsequent five year period.
- 6.3 The Care Manager will review an SDO and Care Plan after one month, after three months and six monthly thereafter. This may not always take the form of a visit to the Service User's home.

## **7 Contracts**

- 7.1 For the purposes of tendering, it is expected that each Extra Care Housing Scheme will have a balance of dependency needs within the community of residents, with a third of residents in each of the high, medium and low dependency groups.
- 7.2 This contract binds You and Us to collaborate in order to use the guaranteed number of hours of Service. This includes your obligation to meet our reasonable requests for a Service. Subject to this provision We will pay You for hours which are not used where We use less than the guaranteed hours.
- 7.3 The Guaranteed Minimum Service Level will be subject to change following the annual performance review which will be carried out on a yearly basis in line with our service and quality monitoring review procedures.
- 7.4 The Service Level for each scheme may increase or decrease to reflect the number of service users receiving a care and support service and/or changes in the dependency bands of the service users.
- 7.5 Full details of this contract will be given in the Contract Award Letter that You will receive (i.e. price, hours, location, variations and reviews).

- 7.6 You must acknowledge that We have entered into a Project Agreement with the Housing and Facilities Management Provider and You must undertake not to wilfully impede the Housing and Facilities Management Provider in the performance of its obligations under the Project Agreement.
- 7.7 You will abide by the principles and practices set out in the Specification and its Addendum in relation the relationship with the Housing Facilities Management Provider across the Extra Care Housing Schemes.
- 7.8 You will participate in the Allocations Panel when new residents move into each scheme. An Allocation Panel would be established for each site. In addition to contribution to the decision making process You will ensure that the panel is kept up-to-date with the dependency profile of the residents, to enable a balanced community model to be maintained.
- 7.9 The end date of the contract will be 26<sup>th</sup> April 2014.

## **8 Price**

- 8.1 The Contract Price will remain fixed for the duration of the contract.
- 8.2 You will be paid the tendered price for each hour of support as detailed in the SDO for each service user in return for your carrying out your obligations under this Agreement.
- 8.3 The Contract Price will include Mileage and Travel Time costs.
- 8.4 You will not charge the Service User or his or her representative for any part of the Service that is deemed to be included in the Contract Price.
- 8.5 If You are requested to provide other additional Services at the request of the Service User or his or her representative, We will regard this as a private arrangement that is outside this Agreement. With the knowledge of the Service User You will notify the Care Manager prior to the commencement of any such arrangement.
- 8.6 The hourly rate and the minimum hours will remain fixed until the Review Date unless the Service Level has been adjusted under the terms of Clause 7.4. Thereafter, the Service Level will be adjusted annually in accordance with the provisions of the Clause 7.3.

## **9 Payment Arrangements**

- 9.1 We will issue you an SDO when a Service User is allocated to You.
- 9.2 You will be required to submit electronic invoices to KCC in the format provided to You in order to receive payment.
- 9.3 The electronic invoice can be submitted for any complete week or number of weeks following the end of the week. For the purpose of this variation the week will always end on a Sunday.
- 9.4 You will be required to be VISA enabled with a specific Merchant ID for TDM.
- 9.5 If We are late in making any payment of the Contract Price then We will pay You in accordance with the Late Payment of Commercial Debts (Interest) Act 1998 and the Amendment to this Act (August 2002).

9.6 Should the amount paid by TDM fall below Guaranteed Minimum Payment of 26 hours per day, reconciliation will be done monthly.

9.7 You will invoice Us at the end of each four week period for the above payment.

## **10 Price Increases**

10.1 On 1 April each year We will review the contract price taking into account and giving due consideration to the known changes in the cost of provision over the previous 12 months as authorised by our elected Members.

10.2 Other than as set out in clause 10.1, the Contract Price will not be increased unless there are exceptional circumstances and We agree. Whether or not We agree will be at our discretion.

## **11 Monitoring Performance**

11.1 You will comply with the performance monitoring arrangements that will be drawn up by Us in consultation with your representatives.

11.2 You will make available to Us, upon request, copies of any Regulator reports, including those that have not yet been released to the public.

11.3 You will keep records that ensure You can demonstrate to Us your performance of this Agreement. Your records will show resource inputs, organisational processes and outcomes related to the Service and Service Users.

11.4 We reserve the right to visit your offices at any reasonable time without giving notice.

11.5 We reserve the right to directly elicit the views of willing Service Users. We will respect their privacy where We do this.

11.6 Following discussion with You, We reserve the right to directly elicit the views of your Staff and to observe the Service provided at the point of delivery.

11.7 We reserve the right to look at your relevant accounts on a regular basis during the life of this Agreement for the purpose of validating your financial viability. We will be reasonable in exercising this right; in particular We will adapt to the Regulator's practice in this area. We will treat any information gained in accordance with the provisions for confidentiality at clause 27.5.

11.8 You will notify Us of any revision to your statement of purpose or Service Users guide within 14 days of publication.

11.9 You will when necessary, with the Service User's consent, allow the Authorised Officers and Care Manager or their deputies access to the Service User's premises for the purposes of monitoring the Contract Standard, including the carrying out of spot checks.

11.10 You will notify us if;

- a) You merge with another organisation or,
- b) You in any way transfer your business to another organisation or,
- c) as a result of any misconduct or mismanagement on your part (alleged or actual)

a regulatory body directs an inquiry into or makes an order of any kind in relation to your affairs; or

- d) Any registration which You must maintain or accreditation which You must hold in order to provide the Service or any related service is withdrawn or cancelled or is threatened to be withdrawn or cancelled.

## **12 Dispute Resolution**

- 12.1 If there is a dispute between You and Us about the interpretation or operation of this Agreement then both of Us will make every effort to resolve the dispute when and where it arises, negotiating on the basis of good faith.
- 12.2 Having done this, either one of Us may notify the other that it wishes the dispute to be referred to a meeting of your representative (as at clause 5.1) and the Contracts Manager who will discuss the issue within 10 Working Days of receiving the notification.

### **Note:**

- (a) If the dispute is not resolved within 20 Working Days of the date of their discussion, then either one of Us may notify the other that it wishes the dispute to be referred to more senior officers on both sides to resolve;
  - (b) If they fail to resolve the dispute within 20 Working Days of its referral to them then either one of Us may notify the other that it wants to try to settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure;
  - (c) If You and We do not agree on the identity of the mediator then either one of Us may ask CEDR to appoint one;
  - (d) Both of Us must pay the mediator's fee in equal shares and do what We can to ensure the mediation starts as soon as possible;
  - (e) Any agreement reached as a result of mediation will be final and binding on both of Us, but if the dispute has not been settled within 10 Working Days of the mediation starting then either of Us may instigate litigation proceedings (but not before then).
- 12.3 Using the dispute resolution procedure will neither delay nor take precedence over any use of the default or termination procedures.

## **13 Default**

- 13.1 If either of Us considers that the other is in default of its obligations under this Agreement or an SDO, then the default and a reasonable time-span within which it must be put right must be notified in writing to whichever of Us is considered to be at fault.
- 13.2 Where the default is not put right within the specified time then it may be referred to the dispute resolution procedure contained in clause 12 of this Agreement or the termination procedures contained in clauses 14 and 15 of this Agreement.

## **14 Termination of the Agreement**

- 14.1 You will notify Us without delay if You cannot meet your commitments under this Agreement for a temporary period. In this circumstance and without prejudice to the continuation of this Agreement, We may help You to ensure the continuity of the

Service.

- 14.2 This Agreement may be ended at any time by either of Us giving to the other not less than 6 months prior notice in writing to expire at any time.
- 14.3 We may terminate this Agreement without notice and recover from You the amount of any loss resulting from the termination if You:
- (a) Are in **Serious** Breach of this Agreement;
  - (b) Are in **Continuing** Breach of this Agreement;
  - (c) Are convicted of an offence under the provisions of the Care Standards Act 2000 and regulations thereto and any subsequent amendments;
  - (d) Cease to hold appropriate registration under the Care Standards Act 2000;
  - (e) Become bankrupt or are the subject of any application or arrangement under the provisions of the Insolvency Act 1986 (as amended by the Enterprise Act 2002);
  - (f) Have a winding-up order made (except for the purposes of amalgamation or reconstruction) or a resolution of a voluntary winding-up is made;
  - (g) Have a provisional liquidator, receiver or manager of your business or undertaking duly appointed;
  - (h) Have an administrative receiver as defined in the Insolvency Act 1986 (as amended by the Enterprise Act 2002) appointed;
  - (i) Are in circumstances which entitle the court or a creditor to appoint, or have appointed, a receiver, a manager or an administrative receiver, or which entitle the court to make a winding-up order;
  - (j) Take financial advantage of a Service User or inappropriately solicit money from his or her representative or Third Party;
  - (k) Offer any inappropriate inducements or exert pressure on a potential Service User or his or her representative or Third Party to encourage a choice of your Service;
  - (l) Offer, give or agree to give any gift or consideration of any kind to any of our Officers or elected Members in order to gain an advantage in the performance of this Agreement;
  - (m) Defraud us.
- 14.4 Where there has been a termination by the Housing and Facilities Management Provider of any licence granted to You to occupy premises on all or any of the Sites and in our reasonable opinion the lack of access to those premises prevents You from providing the Service to the Contract Standard, You will be entitled to any of the payments due to You on the date of such termination pursuant to clause 9.

## **15 Termination or Suspension of an SDO**

- 15.1 We will give You not less than 1 working days notice of suspension of the SDO where it



is known that the Service User will not require the Service due to a planned absence. Where such notice is not given, We will pay the agreed rate for 1 day's planned Service to the Service User or any other reasonable period that You and the Care Manager negotiate.

- 15.2 In instances where a Service User is taken to hospital We will pay the agreed rate for 1 day's planned Service in order to ensure continuity of Care Worker if the Service User is not admitted and the Service needs to be re-established.
- 15.3 If a Service User is admitted to hospital, you should retain the Service 'slot' for 2 weeks to ensure continuity of Service when the Service User is discharged. The Care Manager will contact You as soon as the expected length of hospitalisation is known so that You can re-allocate the Service.
- 15.4 In the case of a Service User's sudden death We will pay the agreed rate for 1 day's planned Service to the Service User in lieu of notice.
- 15.5 You or We may terminate a Service Delivery Order, with reasonable grounds to do so, by giving 5 Working Days written notice.

## **16 Emergency Domiciliary Care Services**

- 16.1 If You receive a request for an emergency care service from anyone other than a Care Manager, You will make every effort to contact the Care Manager before agreeing to provide the Service. The Service User will not be required to make any payment to You towards the cost.
- 16.2 If the Service User requires emergency domiciliary care and You cannot contact the Care Manager, We will pay for 1 hour or any other reasonable period that You and the Care Manager negotiate.

## **17 Statutory Obligations**

- 17.1 Both of Us will comply with all relevant current and future legislation applicable to the provision of the Service.

## **18 Insurance**

- 18.1 The onus is on You to ensure that your insurance policies are adequate to cover eventualities pertaining to your business.
- 18.2 You must maintain the following minimum insurance cover:

Public Liability Insurance: £5 million in respect of any one claim which You become legally liable to pay for illness, injury or death to a third party, or loss of or damage to his or her property;

Employers Liability Insurance: £10 million in respect of any one claim which You become legally liable to pay for illness, injury or death of an employee arising out of and in the course of his or her work;

Motor Vehicle Insurance: Third party cover with unlimited indemnity for third party injury and £5 million for third party property damage in respect of any one claim;

Adequate insurance cover to enable You to fulfil your responsibility under this Agreement in the event of material damage which causes the Service to be continued at another or multiple other locations;

Adequate professional indemnity, errors and omissions or malpractice insurance cover in respect of any one claim which You become legally liable to pay for loss or injury caused by any negligent act, error or omission occurring or committed in good faith in the conduct of your activities or duties. This includes the appropriate level of cover for the administration of medication.

18.3 You will procure and maintain the above mentioned insurance with a reputable company or companies.

18.4 You will provide to Us, on request, such information as We may reasonably require to confirm that the insurance referred to above has been effected and is adequate and in force at all times.

## **19 Variation**

19.1 We reserve the right to vary any part of this Agreement at any time as a result of an Act of Parliament or direction of Central Government or outcome of an officially authorised review or audit by or for Us provided that the variation:

(a) Fits within the scope of the Service; and

(b) Is to be effected in accordance with any officially authorised timetable that prevails or any other period that is agreed by both of Us and then notified in writing to You.

19.2 Any non-statutory variation to this Agreement will only be effective when it is in writing and consented to by both of Us.

## **20 Ombudsman**

20.1 Under the Local Government Act 1974, the Ombudsman may investigate a complaint about an action taken by You pursuant to this Agreement. You will co-operate fully with any such investigation and will reimburse to Us any payment We make to any complainant where a finding of maladministration causing injustice is made as a result of a fault on your part.

20.2 You may complain to the Ombudsman about maladministration by Us that caused injustice to You after We have been given an opportunity to consider the complaint. We will co-operate fully with any such investigation and will reimburse to You any payment You make to any complainant where the Ombudsman makes a finding of maladministration causing injustice as a result of a fault on our part.

## **21 Assignment and Sub-Contracting**

21.1 If You want to either assign your interest in this Agreement to any other person or create any security over it or any part of it then You must first obtain our written consent, which should not be unreasonably withheld. Such assignment can only be made to another Approved Provider.

21.2 With the exception of your use of agency staff to cover vacancies in managerial or supervisory positions, You may, subject to clause 21.6, sub-contract the carrying out of your Service obligations under this Agreement only with another Approved Provider.

- 21.3 You should note that our giving You our consent to sub-contract will not relieve You of your obligations under this Agreement and that You will be responsible for the acts, defaults and neglect of any sub-contractor as if they were your own acts, defaults and neglect.
- 21.4 We will pay You as though the Service was delivered by You and You will invoice us accordingly. You will make your own arrangements to pay the sub-contractor.
- 21.5 We will monitor your usage of sub-contracted Staff and will withdraw our consent if We feel the level of usage is excessive.
- 21.6 You must not use self employed persons to provide the Service.
- 21.7 We reserve the right to direct that any individual member of Staff does not provide a Service to any particular Service User.

## **22 Change of Control**

- 22.1 If You have a change of control or there is a change affecting your legal status or that of the Organisation, You will inform Us without delay.

## **23 Partnership and Agency**

- 23.1 Both of Us expressly agree that nothing in this Agreement in any way creates a legal partnership between Us.
- 23.2 You will not hold yourself to be our agent or try to bind Us to any undertaking.
- 23.3 You may, with our consent in writing beforehand, advertise yourself as an Approved Provider to Us.

## **24 Force Majeure**

- 24.1 Any failure or delay by You in performing your obligations under this Contract which results from any failure or delay by an agent, sub-contractor or supplier shall only be regarded as due to Force Majeure where that agent, sub-contractor or supplier is itself impeded in complying with an obligation to You by Force Majeure.
- 24.2 No Party shall be liable to another Party by reason of any failure or delay in performing its obligations under this Contract which is due to Force Majeure where there is no practical means available to the Party concerned to avoid such failure or delay.

## **25 Probity**

- 25.1 You will immediately inform the Contracts Manager of any conflict of interest that has arisen or is likely to arise as a result of You undertaking work for or providing the Service to a third party other than a Service User.
- 25.2 We may seek an alternative provider for some or all of the Service if We have reasonable grounds for believing that such a conflict has arisen or is likely to arise as a result of information received from You or otherwise.

## **26 Declaration of Interests**

- 26.1 You will inform the Contracts Manager in writing if You become aware that any of our Officers or elected Members has or acquires any interest in your business at any time during the life of this Agreement.

## **27 Waiver**

- 27.1 If either one of Us fails to exercise, or delays in exercising any right or remedy, to which it is entitled under this Agreement or at law then this will not constitute a waiver of such right or remedy. It does not mean the provision in question no longer applies and it affects neither the validity of this Agreement nor the right of either of Us to enforce any provision in accordance with its terms.
- 27.2 Nothing in this Contract is intended to create a legal partnership or legal relations of any kind between the parties (including but not limited to the Partnership Act 1890). No Party shall have authorisation to make representations to act in the name of, or act on behalf of, or otherwise bind that Party.

## **28 Data Protection, Copy Right, Freedom of Information and Confidentiality**

- 28.1 Both of Us must comply with the requirements of the Data Protection Act 1998 in so far as they apply to the provision of the Service and/or otherwise to this Agreement.
- 28.2 You will keep confidential any information that We supply to You in connection with this Agreement or that You obtain in the course of providing the Service. Any data that You so gain will be processed only in accordance with instructions in this Agreement and for no other purposes.
- 28.3 In respect of personal data subject to the Data Protection Act 1998, You will take appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental alteration, loss or destruction of or damage to such personal data.
- 28.4 You will not disclose personal data to any third parties other than:
- (a) To Staff and sub-contractors to whom such disclosure is reasonably necessary in order to carry out the Service; or
  - (b) To the extent required under a court order.
  - (c) You will give notice in writing to Us of any disclosure of personal data that You or a sub-contractor may make under part (b) as soon as You are aware of such a requirement.
- 28.5 We will keep confidential any business information obtained from You in connection with this Agreement and We will take all reasonable steps to ensure that our employees do not divulge such information to a third party without your written consent, except as may be required by law.
- 28.6 We will give notice to You, in writing, of any disclosure of personal data that We may be required to make as soon as We are aware of such a requirement.

28.7 Us and You acknowledge that;

- a) All information and data, including personal data, obtained and used in connection with this Contract shall remain the property of the parties and shall be processed for the sole purpose of undertaking their obligations under this Contract and for no other purpose.
- b) We may share information relating to You or this contract with other purchasing, monitoring and regulatory agencies when reasonably judged by Us to be in the interests of the Service User or the provision of the Service. If We subscribes to any formal protocol for sharing information with such agencies then You will be informed in writing, and sent a copy of any such protocol. We may share information relating to You for data matching purposes, in order to contribute to the prevention and detection of fraud in accordance with the requirements of the Audit Commission.
- c) Requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and shall assist and cooperate with Us to enable it to comply with these information disclosure requirements
- d) Our name shall not be used by You in the endorsement of any project or in any other way or for any purpose without our prior written consent, which will not be unreasonably withheld.

## **29 Transfer of Undertaking**

29.1 You will abide by its duties and responsibilities under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and all other relevant legislation and in particular:

- a) During the 12 months preceding the expiry of this Contract or after We have given notice to terminate this Contract or at any other time as directed by Us and within 15 working days of being so requested by Us, You will fully and accurately disclose to Us any and all information in relation to all Workers engaged in providing the Service including all relevant employees who are to transfer as a consequence of a relevant transfer as We may request, in particular but not necessarily restricted to any of the following:-
  - (i) a list of all employees employed by You.
  - (ii) Agents and independent Care Providers engaged by You.
  - (iii) The total payroll bill (i.e. total taxable pay and allowances including employers contribution to pension scheme) of those personnel.
  - (iv) The terms and conditions of employment of the relevant employees, their age, salary, date continuous employment commenced (and if different) the commencement date, enhancement rates, any other factors affecting their redundancy entitlement and any outstanding claims arising from employment.
- b) You will warrant the accuracy of all the information provided to Us and authorise

Us to use any and all the information as it may consider necessary for the purpose of its business for informing any tenderer for any services which are substantially the same as the Service (or any part thereof).

- c) During the 12 months preceding the expiry of this Agreement or where notice to terminate this Contract for whatever reason has been given, You will allow Us or such other persons as may be authorised by Us to communicate with and meet the relevant employees and their Trade Union or employee representatives as We may reasonable request.
- d) During the 12 months preceding the expiry of this Contract or where notice to terminate this Contract for whatsoever reason has been served, You will not without our prior written consent unless bona fide in the ordinary course of business:
  - i) vary or purport or promise to vary the terms and conditions of employment or any employee employed in connection with the Services;
  - ii) materially increase or decrease the number of employees employed in connection with the Services; or
  - iii) assign or redeploy any employee employed in connection with the Services to other duties unconnected with the Service.

## **29.2 Indemnities**

You will (subject to our and your duty to mitigate the losses) fully indemnify Us and any new Care Providers appointed by Us against all direct, indirect or consequential liability, loss, damages, injury, claims, costs and expenses (including legal expenses) incurred by them as a result of or in connection with the employment or termination of employment of any employee of the Care Provider during any period prior to the date of expiry or termination of this Contract.

## **29.3 Sub-Care Providers**

In the event that You enter into any Sub-contract in connection with this Contract it shall impose obligations on its Sub-Care Providers in the same terms as those imposed on it pursuant to this Clause 7 and shall procure that the Sub-Care Provider complies with such terms. You shall indemnify Us and keep Us indemnified in full from and against all direct, indirect, or consequential liability, loss, damages, injury, claims, cost and expenses (including legal expenses) awarded against or incurred by Us as a result of or in connection with any failure on the part of the Sub-Care Provider to comply with such terms.

## **30 Electronic Business**

- 30.1 You and We will co-operate with each other in order to make the most of information and communication technology as it applies to the provision of the Service and/or otherwise to this Agreement.

30.2 Any demand, notice, or other communication required to be given under the terms of this Contract will be sufficiently served if:

- a) Served personally on the addressee; or
- b) Sent by prepaid first class recorded delivery post, by telex, electronic mail or facsimile transmission to the registered office or last known address of the intended recipient;
- c) and, if so sent will, subject to proof to the contrary, be deemed to have been received by the addressee on the second business day after the date of posting, or on successful transmission, as the case may be.

### **31 Law**

31.1 This Agreement will be considered as a contract made in England and according to English Law and the parties submit to the exclusive jurisdiction of the Courts of England and Wales.

The clauses end here.

This Pre Purchase Agreement is the property of Kent County Council.

Comments or questions should be forwarded to:

**Kent County Council**  
**Social Service Directorate**  
**Service Policy and Standards (Contracting)**  
**Room 2.38, Sessions House**  
**County Hall**  
**Maidstone**  
**Kent ME14 1XQ**

**Telephone: (01622) 694902**

**Fax: (01622) 694915**

**E-mail: [sshqcontracts@kent.gov.uk](mailto:sshqcontracts@kent.gov.uk)**



## Cabinet Scrutiny Committee – 19 January 2011

**4. Ask the Managing Director, Kent Adult Social Services, that additional information be provided about ongoing protection of terms and conditions for any staff transferred under Transfer of Undertakings (Protection of Employment) Regulations to new providers, and how long staff would enjoy this protection.**

BERR's (Department for Business Enterprise & Regulatory Reform) guidance on the matter states the following:

**Q Is there a time limit after the transfer where it is 'safe' for the new employer to vary contracts because the reason for the change cannot have been by reason of the transfer because of the passage of time?** (it is worded like this because no change can be made if that change is associated with the transfer. The 2006 Act deemed that things like harmonising terms and conditions after the transfer is covered by this but it could be argued a number of years down the track the transfer is not the reason for the change).

A. There is likely to be a time when the link with the transfer can be treated as no longer effective. However, this must be assessed in the light of all the circumstances of the individual case, and will vary from case to case. There is no rule of thumb used by courts or specified in the Regulations to define a period of time after which it is safe to assume that the transfer did not impact directly or indirectly on the employer's actions.

As has always been the case there is no set period of time if the change is linked to the transfer, however, the regs don't offer indefinite protection. All our terms change over a period of time so it would be unreasonable for an employer after a satisfactory period of time not to be able to change terms. That said if the change is for an Economic, Technical or Organisational reason the employer can make a change soon after transfer if needs be. Examples may be:

- **Economic reasons** - where the demand for output has fallen to such an extent that profitability of the entity is unsustainable without dismissing staff.
- **Technical reasons** - where the transferee wishes to use new technology and the staff employed by the transferor in the entity do not have the requisite skills.
- **Organisational reasons** - where the transferee operates at a different location and it is not practical to transfer staff.

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## **The Limes Focus Group's Written Statement for the Cabinet Scrutiny Committee**

The Limes Care and Day Centres provides a valuable service to the vulnerable people aged 55+ in North West Kent.

Since the Limes reopened as a care centre, over 1,000 people have been admitted to the Limes and approx. 800 people have been able **to return to their own home** behind their **own front door**, (to quote **Graham Gibbens**). Others have been assessed to require residential or nursing care, for the own safety and dignity. There is already a **bed crisis at Darent Valley Hospital** (DVH) since Queen Mary's Hospital (QMH) A & E, Sidcup closed. There has been a significant increase for patient care at DVH and we have it on good authority that in recent weeks, patients are waiting in corridors and being treated in ambulances.

At December's County meeting, Penny Cole asked for this to be taken into account (as the consultation ended, as QMH A&E shut). Mr Gibbens said he would take this into consideration once he had received the Limes report. Did this happen? **Under the Freedom of Information Act, we want evidence.**

Gareth Johnson has told the Limes Focus Group by email and at a meeting with us, informing that he had spoken to Graham Gibben's personally about the Department of Health's extra £162million that has been made available to local health and care services to spend this financial year on frontline services by the Health Secretary. (see attached). Why wasn't this taken into consideration and investigated? Gareth said he told Graham that he would be willing to go with him to approach Andrew Lansley and request funding, so that the Limes could remain open.

We have no knowledge that an Evaluation Panel had take place for the Limes for the Limes Focus Group proposal.(see attached) to be considered until we received a letter saying that it had not been recommended.

We would like to point out that there was 6 months allowed for consultation and preparation for the outcome report to be published but only 8 working days for 2 committees to debate the recommendations, 1 day later the Cabinet Member announced his decision and only 3 working days for the Cabinet Scrutiny and witnesses to read and prepare for this meeting. Somewhat unfair!

Why weren't the loss of respite beds based at Gravesham Place included in the consultation? Respite carers should have been given the opportunity to have their say, as these beds are now only going to be provided in the independent sector.

Day Centre Service Users are able **to stay in their homes and be independent – behind their own front door**. They socialise and interact with likeminded people and this helps their mental wellbeing. We are confident this supports them in keeping healthy and happy. We are **also provide the venue for the Falls Prevention Exercise Class** promoted by the West Kent NHS Trust Get Active Campaign. (See attached BBC news article).

No information about Sutton Court, as a possible venue for current Day Centre Service Users was passed onto front line staff before the report was published. Is there a copy of this proposal and under the **Freedom of Information Act**, can the Focus Group see this? The Day Centre is not even mentioned in the signed Record of Decision. Why?

**From:** Town, Sandra - ASD  
**Sent:** 01 February 2011 15:51  
**To:** 'Kklb7@aol.com'  
**Subject:** RESPONSE - Freedom of Information Act Request 11/0081

**Attachments:** Written statement for the cabinet scrutiny Jan 11 - Karen Baldwin.doc  
Dear Ms. Baldwin

## **FREEDOM OF INFORMATION ACT 2000– REQUEST FOR INFORMATION**

Thank you for your request for information under the Freedom of Information Act (FOIA) 2000.

I am pleased to be able to provide the following answers to your questions;

### **1. Did the Cabinet Member consider the impact of the closure of Queen Mary's Hospital, Sidcup, in his decision?**

The reports presented to the Cabinet member did include reference to the closure of the Sidcup hospital and how the additional money allocated to promote re-ablement services could address some of this impact. Further consideration was also given to the individuals from Sidcup who would want services closer to home and the London Borough of Bexley would have a duty to provide services for those individuals in partnership with their Health colleagues.

Additional consideration was given after reviewing data on the numbers of referrals to The Limes which was broadly consistent to previous patterns and showed no additional impact from the closure of the hospital.

### **2. Could a copy of the proposal for the service at Sutton Court be shared with front line staff at The Limes?**

The Vicar at Sutton Court contacted opfutures offering space and service development for the individuals at The Limes. A meeting has taken place to discuss the potential development of services and to provide assurances that services could be delivered at that venue, if that is what the individuals would like when The Limes closes.

The service specification has yet to be developed; once it has been developed, it can be shared.

The service could not be put in place before the decision was made as it would pre-judge the decision of the Cabinet member. The work that will take place now is to talk with service users, understand what their needs are and identify services for them that meet those needs and what is important to them. The staff that will be doing this are KCC staff and will need support from staff at The Limes to ensure that the service users are supported individually and positively.

I hope the information we have been able to provide satisfies your request. If you have a query with the information provided, please do not hesitate in contacting me.

If you are unhappy with this response, and believe KCC has not complied with legislation, please ask for a review by following our complaints process; details can be found at this link

[http://www.kent.gov.uk/your\\_council/have\\_your\\_say/complaints\\_and\\_comments/complaints\\_procedure.aspx](http://www.kent.gov.uk/your_council/have_your_say/complaints_and_comments/complaints_procedure.aspx) on our website. Please quote reference FOI/11/0081.

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with the Freedom of Information Act 2000. Details of what you need to do, should you wish to pursue this course of action, are available from the Information Commissioner's website

[http://www.ico.gov.uk/complaints/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/complaints/freedom_of_information.aspx)

Yours sincerely

*Sandra Town  
Information Governance Co-ordinator  
Policy & Service Standards Unit  
Kent Adult Social Services  
3rd Floor, Brenchley House, Maidstone  
01622 221790  
7000 1790*

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**From:** Town, Sandra - ASD  
**Sent:** 20 January 2011 12:37  
**To:** 'Kklb7@aol.com'  
**Subject:** ACKNOWLEDGEMENT - Freedom of Information Act Request 11/0081  
**Importance:** High

Dear Ms. Baldwin

## **FREEDOM OF INFORMATION ACT 2000– REQUEST FOR INFORMATION**

Thank you for your request for information. Your request has been passed to me in my capacity as Information Governance Co-ordinator for the Adult Social Services Directorate to co-ordinate the response.

I acknowledge your request for information under the Freedom of Information Act 2000. Assuming we hold this information, I will endeavour to supply the data to you as soon as possible but no later than 14th February 2011 (20 working days from date of receipt -17th January 2011).

I will advise you as soon as possible if we do not hold this information or if there are exemptions to be considered and/or any costs for providing the

information. Please quote our reference - FOI/ 11/0081- in any communication regarding this particular request.

Yours sincerely

*Sandra Town  
Information Governance Co-ordinator  
Policy & Service Standards Unit  
Kent Adult Social Services  
3rd Floor, Brenchley House, Maidstone  
01622 221790  
7000 1790*

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## **Purpose of the report**

Following the Cabinet Scrutiny Meeting on the Older Persons Modernisation Strategy held on 19<sup>th</sup> January 2011, the decision was made to update the illustration on the price comparison of KASS residential homes with independent sector residential home factoring the implication of the Pension Act 2008 and the Workplace Pension Reform Regulations 2010.

## **Impact of new pension regulation**

The Pension Act 2008 and the Workplace Pension Reform Regulation 2010 mandates employers to enrol staff automatically into a workplace pension scheme from 2012, unless individuals choose to opt-out.

It focuses on the use of auto-enrolment into workplace pension schemes, from which an individual would need to actively opt-out, to build private saving. This is combined with a minimum employer contribution, and the creation of a pension scheme - now known as the National Employment Savings Trust (NEST) - that could be used by any employer.

In terms of how this policy might impact on the future prices charged by independent sector residential care providers in Kent, the following points should be noted:

1. The policy mandates employers to pay the equivalent of at least 3 percent of the staff salary in contribution to the pension scheme.
2. Staff will pay an additional four percent into the scheme, with a further one percent coming from tax relief.
3. It is set to be introduced in stages with large companies adhering to the rules first
4. **The policy will not necessarily increase the hourly rates paid to staff in the independent sector but raises the possibility of providers demanding a higher rate from KASS so as to pass all or some of the three percent cost which is meant to cover employer contributions into the pension scheme.**
5. Having factored the three percent pension cost, the average care worker hourly rates (inclusive of National Insurance and Superannuation) for the independent sector would be £6.94 and £6.91 in West and East Kent respectively. This is still much lower than the £10.98 hourly rate for KASS (inclusive of on-cost).
6. KASS currently contributes an average of 21 percent into the pension scheme.

<b>Hourly pay rates for independent sector residential care staff - West Kent</b>						
		Excludes employer on-cost				
Staffing category	Basic hourly rates with on-costs (NI plus Superann @3%)	Hourly rates	Enhanced rates	Bank Holiday rates - hourly rate + 50%	Annual Basic Salary	Annual pay with on-costs (NI plus Superann)
Care worker	£6.94	£6.22	N/A	£9.33	£11,999.50	£13,379.44
Senior care worker	£7.84	£7.03	N/A	£10.55	£13,562.14	£15,121.78
Cook	£7.84	£7.03	N/A	£10.55	£13,562.14	£15,121.78
Kitchen Assistant	£6.61	£5.93	N/A	£8.90	£11,440.04	£12,755.64
Domestic staff	£6.61	£5.93	N/A	£8.90	£11,440.04	£12,755.64
Laundry staff	£6.65	£5.96	N/A	£8.94	£11,497.91	£12,820.17
Handy person	£9.19	£8.24	N/A	£12.36	£15,896.44	£17,724.53
Activities coordinator	£8.08	£7.25	N/A	£10.88	£13,986.56	£15,595.01
Registered Manager	£16.03	£14.38	N/A	N/A	£27,741.61	£30,931.89
<b>Hourly pay rates for independent sector residential care staff - East Kent</b>						
		Excludes employer on-cost				
Staffing category	Basic hourly rates with on-costs (NI plus Superann @3%)	Hourly rates	Enhanced rates	Bank Holiday rates - hourly rate + 50%	Annual Basic Salary	Annual pay with on-costs (NI plus Superann)
Care worker	£6.91	£6.20	N/A	£9.30	£11,960.92	£13,336.42
Cook	£6.69	£6.00	N/A	£9.00	£11,575.08	£12,906.21
Kitchen Assistant	£6.61	£5.93	N/A	£8.90	£11,440.04	£12,755.64
Domestic staff	£6.69	£6.00	N/A	£9.00	£11,575.08	£12,906.21
Laundry staff	£6.65	£5.96	N/A	£8.94	£11,497.91	£12,820.17
Handy person	£6.69	£6.00	N/A	£9.00	£11,575.08	£12,906.21
Team Leader	£7.81	£7.00	N/A	£10.50	£13,504.26	£15,057.25
Senior Team Leader	£8.14	£7.30	N/A	£10.95	£14,083.01	£15,702.56
Registered Manager	£14.16	£12.70	N/A	N/A	£24,500.59	£27,318.15

NB: Figures based on 37 hours working week

<b>Pay rates - KASS residential care staff</b>									
		Excludes employer on-costs							
Staffing category	Mid-point of spinal column	Basic hourly rates with on-costs (supann + NI)	Basic hourly rates without on-costs	Enhanced rates (weekday nights) - hourly rate + 33%	Enhanced rates (weekend day) - hourly rate + 50%	Enhanced rates (weekend night) - hourly rate + 83%	Bank Holiday rates - hourly rate + 100%	Annual Basic Salary	Annual pay with on-costs (supann + NI)
Domestic staff	6	£9.10	£7.10	£9.46	£10.65	£13.01	£14.20	£13,689.00	£17,549.00
Kitchen Assistant	6	£9.10	£7.10	£9.46	£10.65	£13.01	£14.20	£13,689.00	£17,549.00
Handy person	9	£9.96	£7.75	N/A	N/A	N/A	£7.75	£14,957.00	£19,225.00
Admin staff	9	£9.96	£7.75	N/A	N/A	N/A	£7.75	£14,957.00	£19,225.00
Care worker	13	£10.98	£8.52	£11.36	£12.78	£15.62	£17.04	£16,440.00	£21,185.00
Cook	13	£10.98	£8.52	£11.36	£12.78	£15.62	£17.04	£16,440.00	£21,185.00
Team leader	25	£16.04	£12.35	£13.12	£13.12	£16.12	£24.70	£23,819.00	£30,940.00
Senior team leader	32	£19.89	£15.26	£16.03	£16.03	£19.03	£30.51	£29,427.00	£38,366.00
Manager	43	£26.66	£20.38	N/A	N/A	N/A	£26.66	£34,833.00	£45,501.00

NB: Based on 37 hours working week

Ademola Solanke (FCCA)

1<sup>st</sup> Feb 2011

**By:** Peter Sass: Head of Democratic Services and Local Leadership  
**To:** Cabinet Scrutiny Committee – 13 April 2011  
**Subject:** Core Monitoring Report

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### **Background**

(1) Members would like more information on elements of the Core Monitoring Report.

(2) The Cabinet report and appendices are attached for Members' information.

### **Guests**

(1) Mr K Pugh, Deputy Cabinet Member, Business Strategy and Support, Ms L Davies, Interim Director of Business Strategy, Ms S Garton, County Performance and Evaluation Manager, and Mr R Fitzgerald, Performance Manager, have been invited to attend the meeting between 11.00am and 11.45am to answer Members' questions on this item.

### **Options for the Cabinet Scrutiny Committee**

(1) The Cabinet Scrutiny Committee may:

(a) make no comments

(b) express comments but not require reconsideration of the decision

(c) require implementation of the decision to be postponed pending reconsideration of the matter in the light of the Committee's comments by whoever took the decision or

(d) require implementation of the decision to be postponed pending consideration of the matter by the full Council.

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**Contact:** Adam Webb      Tel: 01622 694764

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By: Roger Gough - Cabinet Member Business Strategy, Performance & Health Reform  
Katherine Kerswell - Group Managing Director

To: Cabinet – 4 April 2011

Subject: Core Monitoring Report

Classification: Unrestricted

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**Summary :** The purpose of this report is to inform Cabinet of the key areas of performance and activity across the authority.

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## **Introduction**

1. The third quarterly Core Monitoring report for 2010/11 is attached and this provides information up to the end of December 2010. The last Core Monitoring report was provided to Cabinet on 29 November.

## **Core Monitoring**

3. The Core Monitoring report contains key activity and performance information for the Corporate Management Team and Cabinet Members.
4. Publication of the Core Monitoring report on the external web site is also an important element of our transparency agenda.
5. Relevant sections of this Core Monitoring report are also being discussed in the March/April round of POSCs.
6. Changes to the format of the report for this quarter are:
  - The inclusion of data notes for each indicator to show technical details which may be relevant in the interpretation of the data presented
  - A new 'at a glance' header for each indicator to clearly show the RAG rating.

## **Future Reports**

7. A final closedown report for 2010/11 is currently planned, which will come to Cabinet on 20 June.
8. The new reporting framework for 2011/12 is under development and will replace the current Core Monitoring. The new framework will deliver a single performance management process for the organisation and will incorporate the monitoring of "Bold Steps for Kent" and other the key strategies and priorities for the authority.

## **Recommendation**

9. Members are asked to NOTE this report.

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# **Kent County Council**

## **Core Monitoring Report**

**Presented to Cabinet  
4 April 2011**

**Including Information up to the end of  
December 2010**



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## General notes on interpreting the data included in this report

A selection of key indicators for the core areas of activity and performance of the council is included in this report. Indicator values are shown by graph and data tables, including Direction of Travel and RAG ratings (see tables below for a key to interpreting these).




A range of presentation styles are provided for different indicators depending on the information available. In some cases we provide the most recent results for the last four financial year quarters, while for other indicators we provide annual data for the last few years with the most recent quarter's data also shown.

Where relevant and available, the indicators are provided with comparative data showing national averages or other suitable benchmark information. See the Appendix for more information on the comparative benchmarks used.




It should be noted that past annual data provided in this report is generally validated data which is public domain and available in many cases within the remit of national statistics.

However, quarterly data provided in this report and all information subsequent to March 2010 is classed as provisional local management information which in some cases is provided on an estimated basis. This data is likely to be subject to future revisions.

### Key to RAG (Red/Amber/Green) ratings

		RAG Ratings
Green		Performance is significantly better than the most recently published national average/benchmark or exceeds local targets where set
Amber		Performance not significantly different from most recently published national average or close to but not exceeding local target
Red		Performance significantly worse than the most recently published national average or significantly behind local targets where set
N/a		Data not available in order to assess performance

### Key to DoT (Direction of Travel) ratings

		DoT Ratings
		Improvement in performance or change in activity levels with a positive impact on budgets and resources
		Fall in performance or change in activity levels with a negative impact on budget and resources
		No change in performance or activity levels

## Overall Summary of Performance

This is our third Core Monitoring report for 2010/11. It provides information on key activity and performance for the third financial quarter, up to the end of December 2010.

The publication of this report is part of our transparency agenda, making the information and data we use as an organisation more open to public scrutiny.

The main concern in quarter three was the poor Ofsted report for our children's social services received in November. An Improvement Plan has been drawn up and various actions to improve the service are now underway. The improvement of services for vulnerable children is the top priority for the council.

Overall performance for the indicators included in the Core Monitoring is as follows:

RAG Status	Indicators in each category		
	Previous	Current	Change
Green	9	10	+1
Amber	27	27	
Red	14	13	-1
Total	50	50	

### The following areas have shown improvement:

- Attainment for Kent children is now significantly better than the national average at Foundation Stage and Ofsted inspection results for early years settings are also now much better than the national average
- Attainment for looked after children at Key Stage 2 has improved and is now close to the national average
- Response times for routine highway repairs improved and came closer to target in the last quarter
- The numbers of people with serious injury in road traffic accidents in Kent has significantly reduced this year and the rate of reduction is significantly better than the last published national average
- The number of new entrants to the youth justice system has reduced this year and is close to the last published national average.

### The following areas have shown a drop in performance:

- GCSE results for looked after children have fallen significantly behind the national average and actions to address this are in the Improvement Plan
- Referrals to children social services have become significantly higher than the last published national average and work is underway with partners around appropriate thresholds for making referrals, to reduce this pressure on the service
- The number of looked after children has increased rapidly this year and is now closer to the national average
- Average response times for streetlight repair where KCC is responsible fell slightly behind the target of 28 days in the last quarter, due to increased service demands and staff being diverted into winter maintenance works.

**Areas where we have maintained a high level of performance (Green RAG status) are:**

- Our contact centre and location switchboards continue to answer more than 80% of calls received within 20 seconds, which is the standard industry benchmark level
- The number of young people aged 16 to 18 not in education, employment or training in Kent continues to be significantly lower than the national average
- Ofsted inspection results for secondary schools continue to be significantly ahead of the national average
- The percentage of household waste taken to landfill in Kent is significantly lower than the national average, due to good recycling rates and the use of incineration to dispose of waste
- The number of apprenticeships provided by KCC continues to be ahead of the target set
- Adult education enrolments in Kent continue to exceed target
- Success rates for drug treatment services continue to be significantly better than national average.

**Areas of continuing concern where performance is rated with a Red RAG status are:**

- Carbon dioxide emissions from schools have increased and our target for a 10% reduction by 2010 has not been met – with the changing nature of our role with schools, we need to re-examine to what extent we will be able to influence this situation in the future
- Pupil attainment at Key Stage 2 remains significantly behind the national average as do the related primary school Ofsted inspection results – a KCC member Select Committee is looking at this issue
- Attainment results for children with free school meals is significantly below the national average and the above mentioned Select Committee will also investigate this issue
- The number of children with child protection plans continues to increase and remains significantly above the national average – this is being addressed in the Improvement Plan
- The number of unaccompanied asylum seeker children, now aged over 18 and continuing to be supported by KCC continues to be above past levels and KCC continues to work with national agencies to influence this situation
- The number of looked after children placed in Kent by other local authorities continues to be significantly higher than the average for other local authorities and KCC continues to press the case for this practice to change
- The number of adults with learning disability supported in residential care continues to be significantly above the national average resulting in budget pressures
- Average response times for repairing potholes in the quarter was much better than the previous quarter but still significantly behind target
- Average response times for repairing streetlights where the network operator is responsible showed good improvement this quarter but remained some way behind the target level
- The number of library book issues continues to be significantly below the national average and has dropped due to a number of refurbishments in major libraries.

It should be noted that more than one of the areas of concern listed above is not directly within the control of KCC, but the issue remains a concern to us and we will continue to monitor the indicator and take actions to influence the issue.

Further details on these areas of concern and the actions to address them can be found in the main body of this report.

#### **Other points to note:**

- Residents are making good use of Kent's Gateway facilities to access public services with transaction levels in the last quarter being 27% above the same time last year
- The number of complaints received each quarter this year has held fairly steady and we continue to learn from resident feedback to improve our services
- We are continuing to press the case with national government for the necessary investment in vital strategic infrastructure in Kent and in December we launched our proposals for transport infrastructure in the document "Growth Without Gridlock"
- We continue to deliver more personalised adult social services with the successful roll-out of Self Directed Support, giving more people control and choice over the support we provide, through the allocation of Personal Budgets.

#### **Looking Forward**

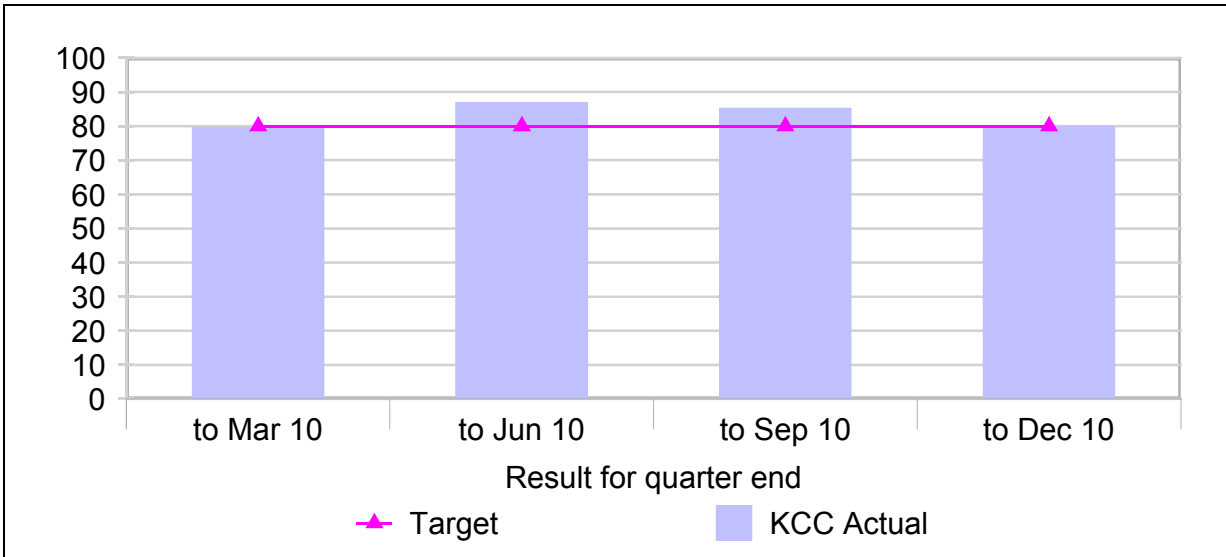
In December we published our new medium term plan, "Bold Steps for Kent", which sets out the council's ambitions and priorities up to 2014/15. These are centred on three aims of 'helping the Kent economy to grow', 'putting the citizen in control' and 'tackling disadvantage'. At the same time the council approved "Change to Keep Succeeding" which will ensure the organisation is lean and flexible, safeguarding frontline services by focussing on efficiencies and innovative approaches to delivery.

Our recent budget settlement from the government, combined with the decision not to increase council tax means we will have to find £95 million of efficiencies and savings in financial year 2011/12. "Change to Keep Succeeding" will help us deliver this and "Bold Steps for Kent" will help us maintain a focus on key priorities, during a time of great change and financial consolidation.

Future reports for 2011/12 will report on progress against the key priorities in "Bold Steps for Kent" which includes many of the items already reported within Core Monitoring and particularly those listed as areas of continuing concern.

**Katherine Kerswell  
Group Managing Director  
Kent County Council**

<b>Contact Kent : Percentage of calls answered within 20 seconds</b>	<b>Green</b>
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Higher value is better	Quarter end Mar 10	Quarter end Jun 10	Quarter end Sept 10	Quarter end Dec 10
KCC Result	79.6%	87.0% ↑	85.3% ↓	80.1% ↓
Target	80%	80%	80%	80%
RAG Rating	●	★	★	★
Calls received	304,000	261,000	270,000	269,000

Contact Kent currently supports 87 different services on a 24 hours a day, 7 days a week, 365 days a year basis. The range of services provided includes library book renewals, reporting pot-holes, arranging temporary housing for Maidstone residents and handling reporting of child protection concerns for both new and existing cases. This requires a high level of customer service skills, dealing with different needs and conversing with a wide range of callers. The services with the highest volumes of calls received are Libraries, Highways and Registrations.

Call answering response rates for Contact Kent are slightly down from earlier in the year but continue to be above the target benchmark. The target level of 80% is a standard industry benchmark and there are significant diminishing returns on resource input in attempting to perform significantly above this level.

December 2010 was the busiest on record for Contact Kent, and saw a very high level of calls due to adverse winter and snow conditions.

Detailed performance information for the complete year is as follows :

	2009 Full year	2010 Full year
Percentage of calls that were answered	94%	95%
Average wait time	15 seconds	13 seconds
Average abandon time	57 seconds	1 min 9 sec

<b>Transactions and footfalls at Gateway facilities</b>	<b>Information only</b>
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The Kent public sector Gateways have been hugely popular with residents, creating a single point of access to a wide range of public services in convenient town centre locations.

### Transactions

	<b>Oct – Dec 09</b>	<b>Jan – Mar 10</b>	<b>Apr – Jun 10</b>	<b>Jul – Sep 10</b>	<b>Oct – Dec 10</b>
Ashford	8,461	8,829	11,126	12,958	13,519
Dover	8,239	11,514	11,780	11,735	10,267
Maidstone	10,576	13,244	12,652	16,742	10,646
Tenterden	4,534	4,633	6,030	4,987	3,235
Thanet	21,835	29,807	33,586	32,385	33,267
Tonbridge	9,246	15,991	17,640	21,029	13,949
Tunbridge Wells	11,927	17,516	13,409	11,999	10,154
<b>TOTAL</b>	<b>74,818</b>	<b>101,534</b>	<b>106,223</b>	<b>111,835</b>	<b>95,037</b>

### Footfall

	<b>Oct – Dec 09</b>	<b>Jan – Mar 10</b>	<b>Apr – Jun 10</b>	<b>Jul – Sep 10</b>	<b>Oct – Dec 10</b>
Ashford	16,607	17,495	22,103	24,735	20,207
Tenterden	59,653	61,209	56,940	63,672	59,608
Thanet	99,386	109,813	104,764	121,012	96,652
Tunbridge Wells	27,840	34,018	30,952	28,407	30,615
<b>TOTAL</b>	<b>203,486</b>	<b>222,535</b>	<b>214,759</b>	<b>237,816</b>	<b>207,082</b>

We now have more than a year's data for public use of Gateway facilities. This has revealed that the quarter to October to December is the quietest period of the year. Gateway transactions in the quarter were 15% lower than the previous quarter but 27% ahead of the same time last year. Similarly footfall was 13% down against last quarter but 2% ahead of the same time last year.

Future plans include embedding the Gateway approach across the full range of KCC services.

#### Data Notes:

- Variations between quarters reflect seasonal variations and other changes to services offered or advertised at any given time.
- Footfall counters are not currently installed at Maidstone, Dover or Tonbridge.
- Thanet and Tenterden Gateway footfall includes library visitors but library transactions are not counted under Gateway transactions.

<b>The number of complaints made to the council by residents</b>	<b>Information only</b>
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<b>Service area</b>	<b>Qtr 1 2010/11</b>	<b>Qtr 2 2010/11</b>	<b>Qtr 3 2010/11</b>	<b>Year to date</b>
Kent Highway Services (KHS)	534	532	646	1,712
Adult Social Services	139	126	123	388
Children, Families & Education	131	104	125	360
Environment & Waste	103	95	44	242
Risk Management & Insurance	96	49	51	196
Community Learning & Skills	32	49	38	119
Libraries & Archives	45	25	23	93
Other services	30	26	27	83
Gateways and contact centre	27	21	10	58
Commercial Services	11	27	18	56
Youth Service	5	12	18	35
Media Centre	1	3	30	34
Supporting People	8	12	5	25
<b>Total</b>	<b>1,162</b>	<b>1,081</b>	<b>1,158</b>	<b>3,401</b>

Lessons learned from complaints received are published within the '**You said, we did**' section of our website which illustrates the changes that are made as a result of complaints received.

The number of complaints this year has been similar each quarter at around 1,100. The majority of complaints received by the council this year have been in relation to Kent Highways Services (49% of complaints).

Complaints about highways increased during the severe weather of December 2010 and were mostly in relation to a perceived lack of action around clearing of ice and snow from pavements and side roads. The approach taken to these complaints was to advise customers at the first point of contact what the published policy was and then direct them to the website rather than logging the requests as enquiries.

KHS staff also adopted a very transparent approach with customers, letting them know what could and couldn't be implemented under the KHS winter policy. Additional information about the winter actions being taken was also put onto our website.

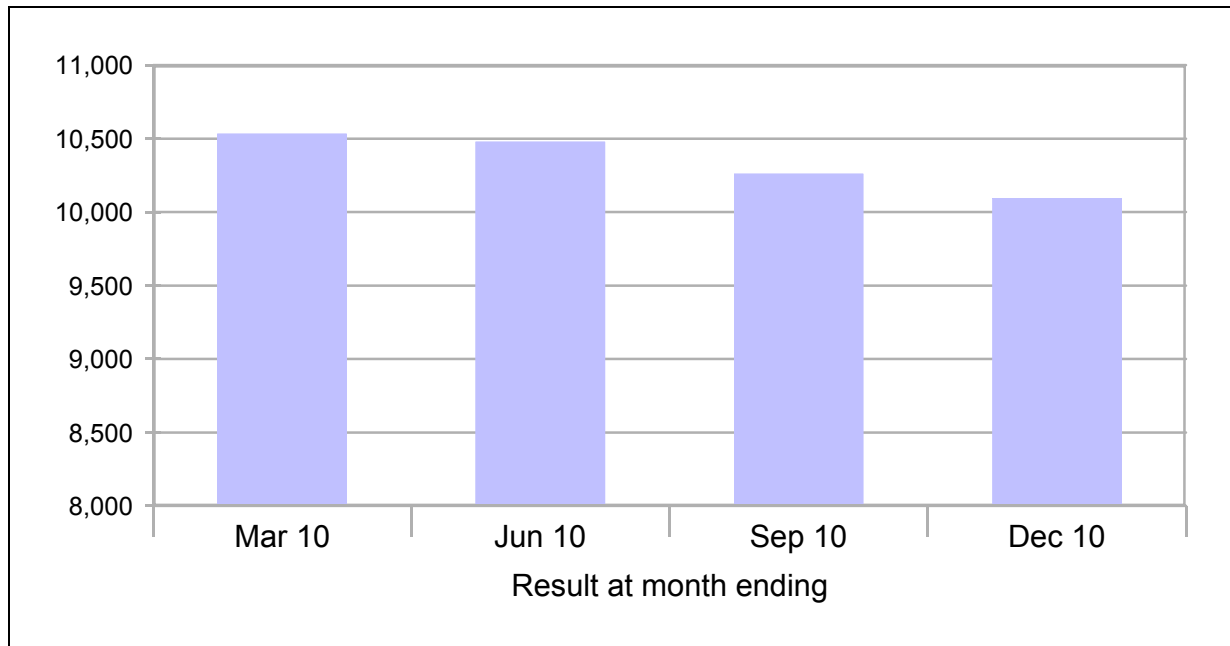
There was an increase in complaints to the Media Centre in the last quarter due to the Kent Traffic and Travel site not working at all times during the bad weather, the cost of Around Kent and the fact that we ran out of the Battle of Britain CD's advertised in Around Kent.

**Data Notes:**

- Data presented here shows the number of complaints received, although within this some individuals may have complained about more than one issue. Figures may not therefore agree to other published data on complaints where the analysis is looks at the number of issues complained about.



<b>Number of full time equivalent staff employed by KCC (excluding schools)</b>	<b>Information only</b>
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	Mar 10	Jun 10	Sept 10	Dec 10
Staffing numbers – FTE	10,531	10,477	10,259	10,094

The current financial year shows a drop in staffing levels as funding becomes reduced and the council prepares for further funding reductions in the years to follow, as government reduces the national budget deficit.

The staff reductions in the year by directorate were:

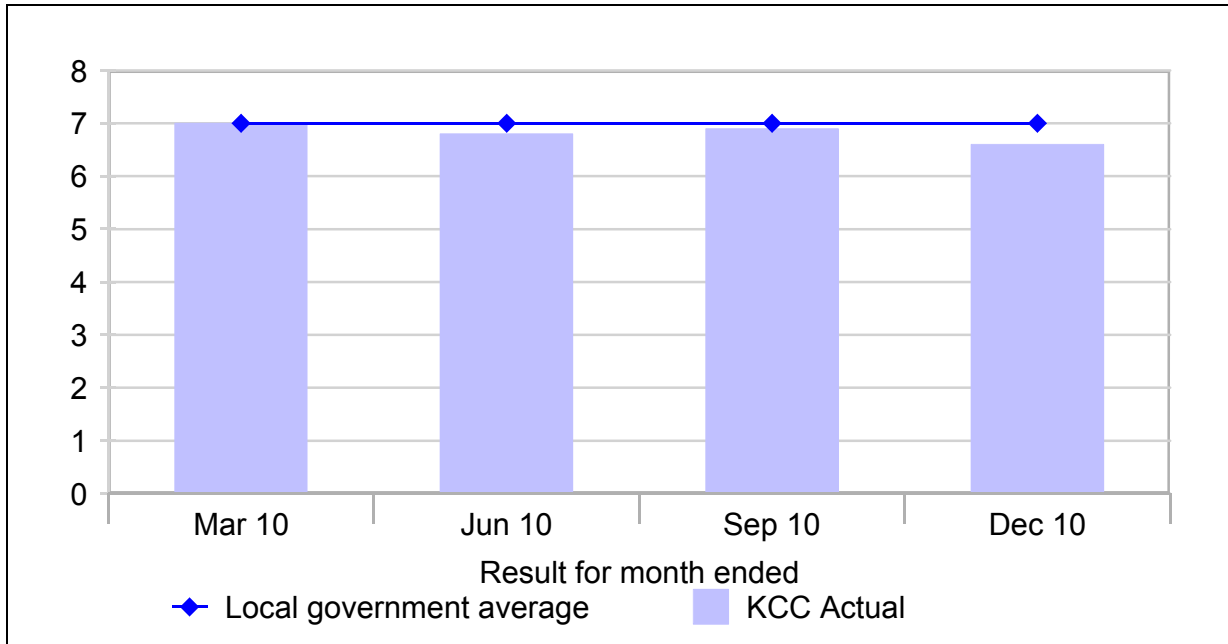
- Children, Families and Education: 127
- Communities: 94
- Environment, Highways and Waste: 11
- Chief Executives: 67
- Adult Social Services: 84

**Data Notes:**

- Data taken from KCC HR Business intelligence system, staff demographics.

**Staff aged under 25 years old (as a percentage of headcount)**

**Amber**



Higher value is better	Mar 10	Jun 10	Sept 10	Dec 10
Staff aged under 25	7%	6.8% ↓	6.9% ↑	6.6% ↓
Local government average	7.0%	7.0%	7.0%	7.0%
RAG Rating	●	●	●	●
Count of staff aged < 25	1,023	998	977	926

Of staff leavers during the current financial year, a disproportionate number have been from the younger age group which the council has set a priority to support.

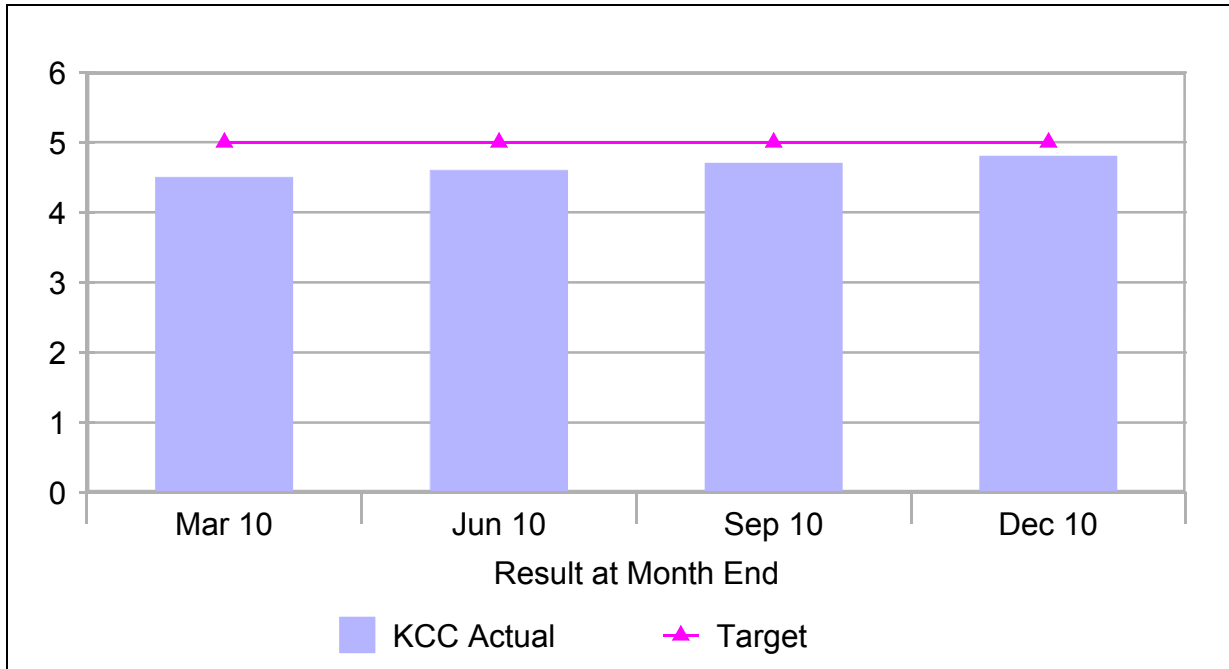
Future actions to address this include the commitment for KCC to take on at least 350 additional apprenticeships over the next four years.

**Data Notes:**

- Data taken from KCC HR Business intelligence system, staff demographics.
- Local government average is taken from the Labour Force Survey.

**Percentage of staff headcount from BME groups**

**Amber**



Higher value is better	Mar 10	Jun 10	Sept 10	Dec 10
BME staff	4.5%	4.6% ↑	4.7% ↑	4.8% ↑
Target	5%	5%	5%	5%
RAG Rating	●	●	●	●

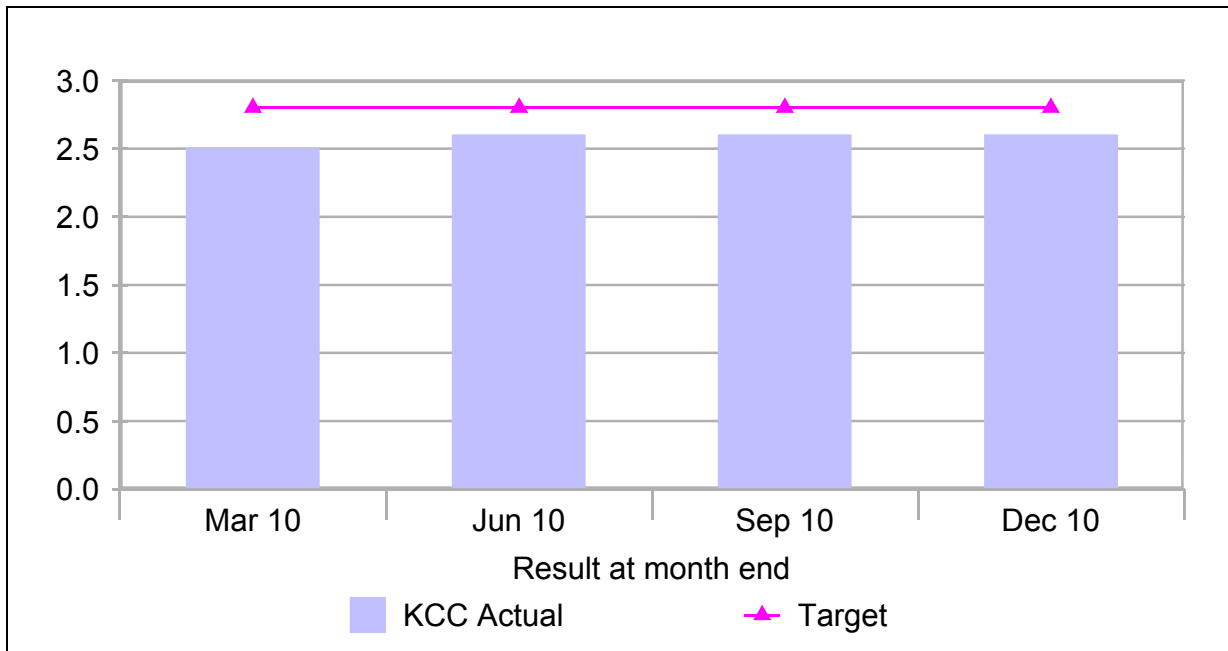
Progress is being made on attracting and retaining staff from black and minority ethnic groups with numbers continuing to increase.

Data Notes:

- Data taken from KCC HR Business intelligence system, staff demographics.

**Percentage of staff declaring a disability (DDA definition)**

**Amber**



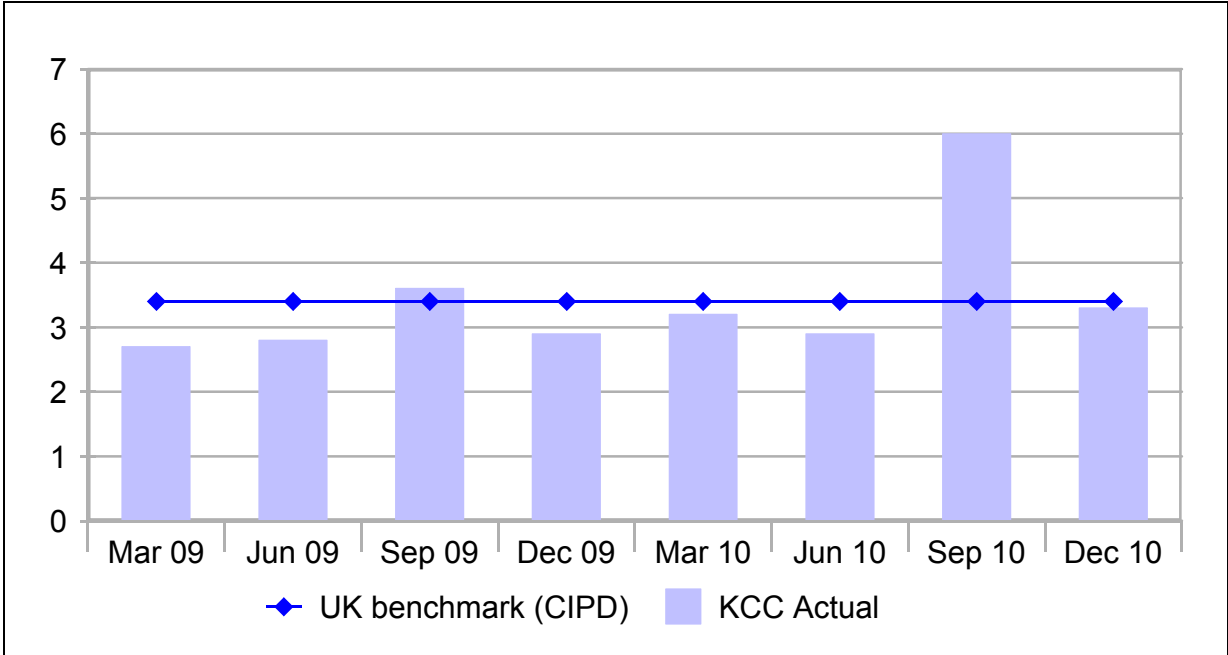
Higher value is better	Mar 10	Jun 10	Sept 10	Dec10
Staff with disability	2.5%	2.6% ↑	2.6% ↔	2.6% ↔
Target	2.8%	2.8%	2.8%	2.8%
RAG Rating	▲	●	●	●
Count of staff with disability	283	286	285	273

The percentage of staff with a disability has been holding at a steady rate all year.

**Data Notes:**

- Data taken from KCC HR Business intelligence system, staff demographics.

<b>Staffing turnover (leavers as a percentage of headcount)</b>	<b>Not rated</b>
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	Quarter to Mar 10	Quarter to Jun 10	Quarter to Sept 10	Quarter to Dec 10
Staff turnover actual	3.2%	2.9%	6.0%	3.3%
UK Benchmark	3.4%	3.4%	3.4%	3.4%
RAG Rating	Not rated – ideal is to be close to the benchmark over the medium term			

The number of staff leavers has fallen back to the benchmark in the last quarter, following a quarter of high turnover, despite the continuing reductions in staffing numbers.

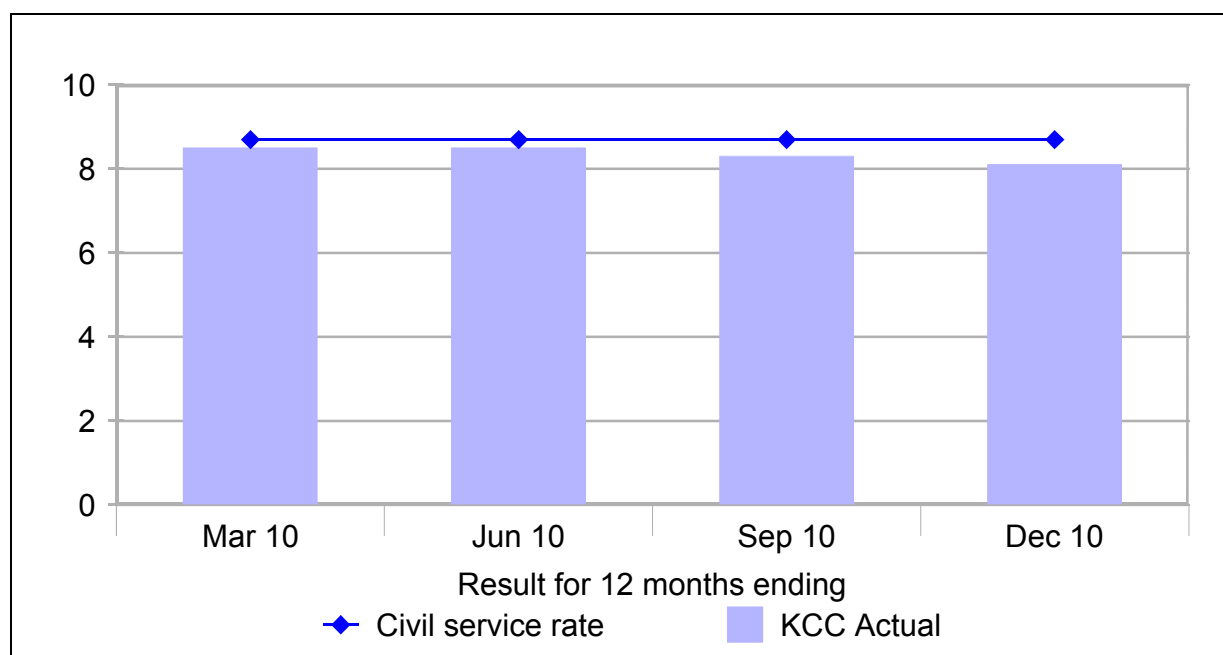
The high level of turnover in the previous quarter was mostly down to re-structuring within the Children, Families and Education directorate.

**Data Notes:**

- Data taken from KCC HR Business intelligence system.
- UK Benchmark provided by the Chartered Institute of Personnel and Development.

**Staff sickness – average days lost per FTE  
(rolling 12 months)**

**Amber**



Lower value is better	12 months ending Mar 10	12 months ending Jun 10	12 months ending Sept 10	12 months ending Dec 10
Staff sickness actual	8.5	8.5 ↔	8.3 ↑	8.1 ↑
Civil service rate	8.7	8.7	8.7	8.7
RAG Rating	●	●	●	●

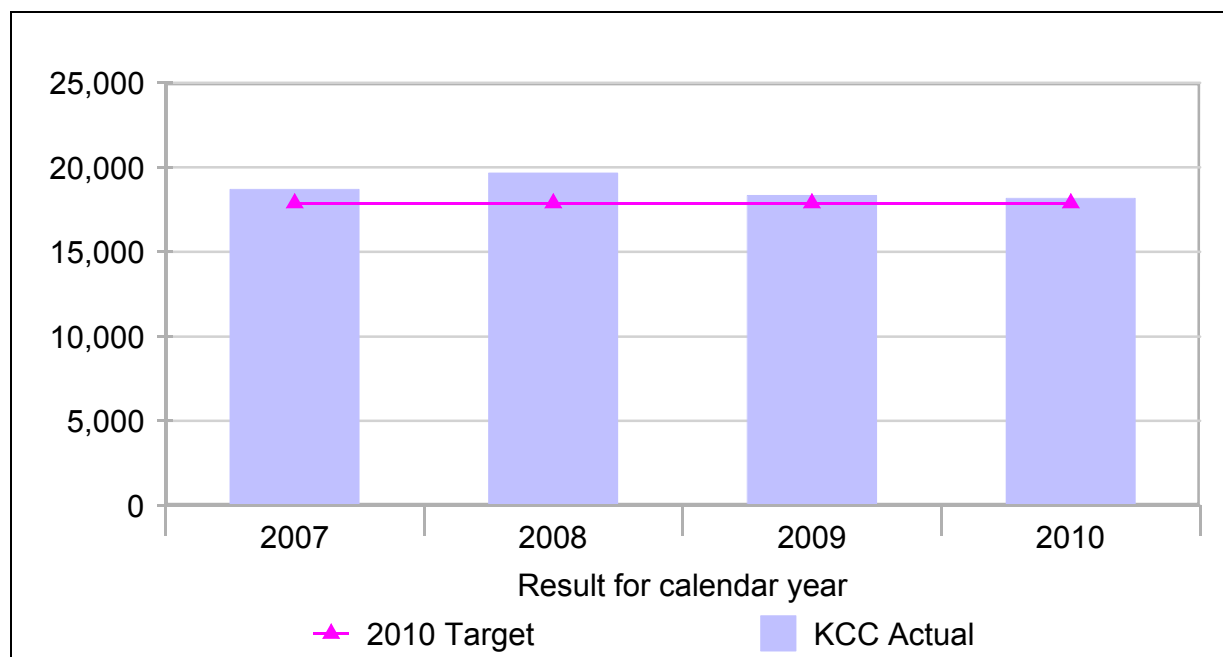
Staff sickness levels continue to reduce with the reduction reported last quarter now exceeded by another quarter of low absence rates.

Sickness days in the last 12 months averaged 8.1 per full time employee which is down from the 8.3 previously reported for the 12 months ending September 2010.

**Data Notes:**

- Data taken from KCC HR Business intelligence system
- There is no available benchmark for local authorities
- The civil service is used as a benchmark as there are a number of factors in the civil service workforce, which are similar to a large local authority such as KCC. These are the size of organisation, age and gender balance of the workforce, all of which will impact on the sickness rate recorded.
- Note the previous reports shows data by quarter which was not cumulative. The change to showing data as cumulative 12 month totals has reduced the in-year RAG rating of Green, to the Amber now shown.

<b>Tonnage of carbon emissions from KCC non-schools estate, excluding schools</b>	<b>Amber</b>
<b>Tonnage of carbon emission from schools</b>	<b>Red</b>



Lower result is better	2007	2008	2009	2010 Provisional
KCC non-schools result	18,700	19,700 ↓	18,300 ↑	18,200 ↑
Target		17,900	17,900	17,900
RAG Rating		▲	●	●
Schools result (not graphed)	69,700	76,700 ↓	75,700 ↑	77,400 ↓
Target		59,400	59,400	59,400
RAG Rating		▲	▲	▲

KCC had a target for a 10% reduction in carbon emissions by 2010 compared to 2004. This target has not been met, and instead a growth in emissions has been seen, primarily due to a 50% increase in electricity use in the schools estate.

Non-school buildings emissions have reduced by 8%, just below target. Although good savings are being achieved in our larger estate buildings, the large number of smaller, very old and inefficient properties is holding back performance.

Whilst energy efficiency projects with a payback of less than 5 years continue to be implemented, we expect to see a step change in the next few years as the council reduces the number of county offices through better use of space and delivers several improvements through its ICT infrastructure and flexible working practices.

The increase in schools emissions is due to various reasons including an increase in the size of the physical estate (additional school buildings), a significant increase in use of ICT in schools, longer 'hours of business' e.g. the Extended Schools Programme and new schools with higher energy use than those which they replace. The programme for supporting schools to reverse the upward trend in emissions is being further developed, including exploring different funding mechanisms.

# Children, Families and Education

## Education and Attainment

### Key Strategic Challenges

The key strategic challenges facing education services are:

- Putting in place a substantive senior management team and third tier structure
- Articulating a clear vision of the role of the local authority in the light of the coalition government's education reforms
- Preparing for the delivery of support services to schools within a traded structure
- Delivering the 2011/12 medium term financial strategy
- Putting in place transitional arrangements to accommodate the departure of the existing senior management team.

### Areas of strength

Exceptional progress has been made in our Foundation Stage results this year. Kent has now moved from being lower quartile nationally in 2006 to upper quartile in 2010. Our investment in children's centres and quality early years learning is paying off with many centres achieving their accreditation and celebrating successful outcomes. In time, we expect that progress in the early years will contribute to children's success throughout the primary phase.

Overall GCSE attainment remains strong in Kent, with the key indicator remaining well above national performance. There has also been impressive improvement by Kent schools in the National Challenge. In 2008, Kent had 33 schools below the 30% floor target of 5+ A\*-C GCSEs including English and Maths. This reduced to 21 in 2009 and this year it has reduced to 5.

The success of both early years' provision and secondary schools is reflected in strong performance in Ofsted inspections of these providers.

The percentage of young people aged 16 to 18 not in education, employment or training (NEET) remains significantly below national rates, and does not appear to have been adversely affected so far by the economic downturn.

### Areas of weakness

Primary attainment remains a concern, with the gap to national performance for the main indicator at Key Stage 2 unchanged over several years. This has also contributed to poorer performance in school inspections, where attainment is an important factor, and an increase in the number of schools going into special measures.

It is of concern that the attainment gap between children from disadvantaged backgrounds is higher in Kent than the national average, and is not closing to any significant degree at Key Stage 2 or at GCSE level. This is particularly relevant for children looked after by the local authority.



## **Children's Social Care**

### **Key Strategic Challenges**

The key strategic challenges facing children's social care are to:

- Deliver rapid improvement in safeguarding and services for looked after children in response to the unfavourable Ofsted inspection report of November 2010
- Put in place a compelling workforce strategy to plug front line gaps and create a sustainable workforce
- Create a framework for commissioning preventive services and to reduce the costs and numbers of looked after children
- Implement a comprehensive performance and quality assurance framework
- Ensure that the Children's Trust arrangements and Kent Safeguarding Children's Board engages partners and makes a positive difference to outcomes for children and young people
- Putting in place a fit for purpose internal process to work with the national Integrated Children's System
- Delivering the 2011/12 Medium Term Plan.

### **Key Areas of Achievement**

- Development of the Virtual School
- Improved quality of management information reporting
- Completion of draft Improvement Plan.

### **Key Performance Issues**

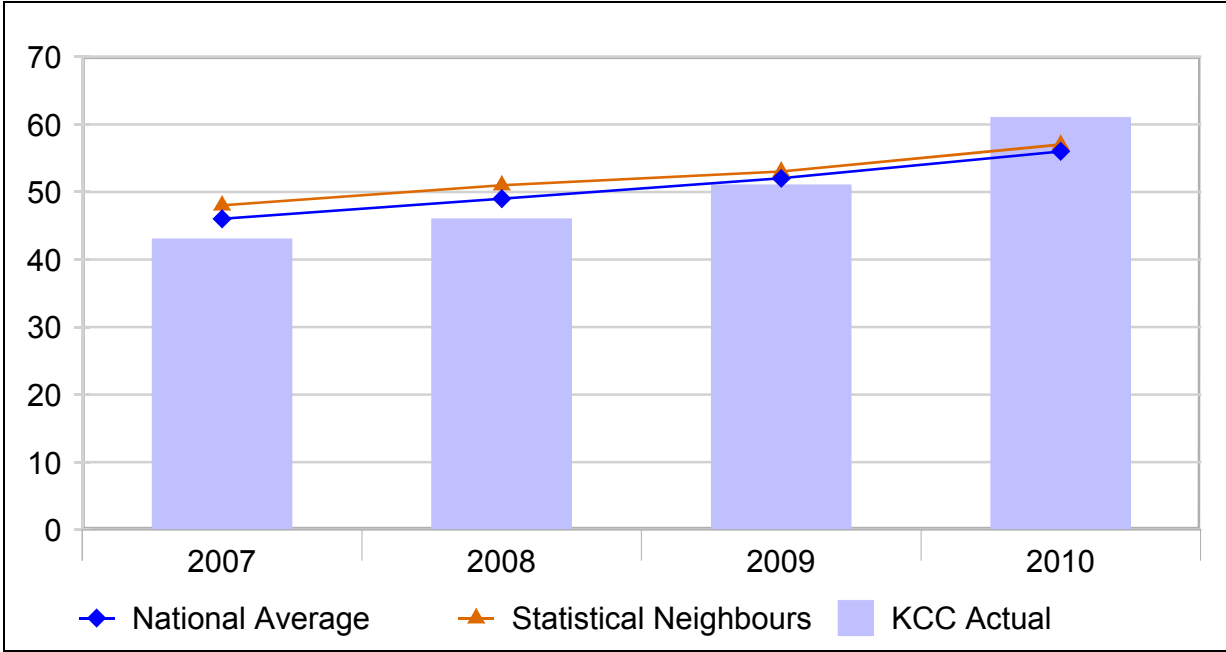
Underlying performance across all indicators remains inadequate and is in line with the findings of the Ofsted inspection. Too many contacts are defined as referrals which overload our assessment teams. Timeliness of initial and core assessments are poor and performance is constrained by the numbers of unallocated cases and incomplete assessments in the system. Too many reviews are undertaken out of timescale and the generic nature of our long-term teams is compromising the quality of case planning for looked after children.

The Improvement Plan is focussed on supporting front line staff to work effectively while putting in place the systems changes required to support them in this role. Progress has to be made across each of the following six domains if improvement is to be sustainable:

- Confident leadership
- An organisation fit for purpose
- Effective partnerships making the difference
- High quality practice
- Robust performance management
- Becoming an employer of choice.

An additional budget has been put in place to support the Improvement Plan and additional support from within the council is being sought to drive the various elements. The External Improvement Board met for the first time in February and it endorsed this approach to improvement while recognising the considerable challenges ahead.

<b>Percentage of children with a good level of development at Foundation Stage</b>	<b>Green</b>
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Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010
KCC Result	43%	46% ↑	51% ↑	61% ↑
National average	46%	49%	52%	56%
RAG Rating	●	●	●	★
Statistical neighbours	48%	51%	53%	57%

A good level of development for the Early Years Foundation Stage is at least 78 points, with at least 6 points in each of the Personal, Social and Emotional Development (PSED) and the Communication, Language and Literacy (CLL) scales.

The 2010 Foundation Stage assessments, taken in a child's first year of Reception, show a significant improvement. 61% of children now reach the level of development considered as good. This is the fifth year in succession that Kent's Foundation Stage outcomes have shown improvement, and Kent's performance now exceeds national performance, and is in the upper quartile of all authorities.

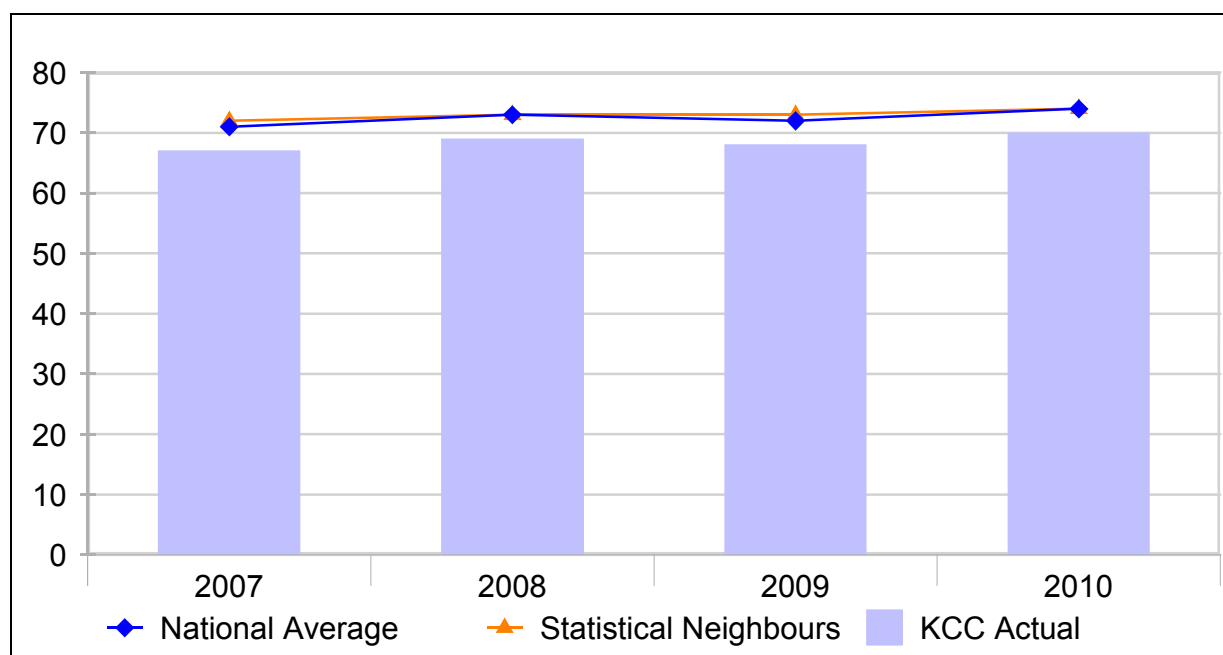
In addition, for the fourth year in succession Kent has reduced the achievement gap between children in the lowest 20% of the cohort and their peers, further extending performance when compared against the national average.

**Data Notes:**

- Source: DfE, 2008-10 from Statistical First Release, 28/2010, 12 October 2010.

**Percentage of pupils achieving level 4 or above in Key Stage 2 tests for both English and maths combined**

**Red**



Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010
KCC Result	67%	69% ↑	68% ↓	70% ↑
National average	71%	73%	72%	74%
RAG Rating	▲	▲	▲	▲
Statistical neighbours	72%	73%	73%	74%
Children with results	15,980	16,430	16,040	14,900

Kent's 2010 result for this indicator shows an improvement of 2% compared to 2009, but the gap to national average continues to be 4%; this gap has persisted for several years. However, KCC has closed the gap with statistical neighbours to 4% from 5%. The gap between Kent pupils eligible for free school meals and those eligible nationally is even higher, provisionally at 7%.

Current actions for improvement include :

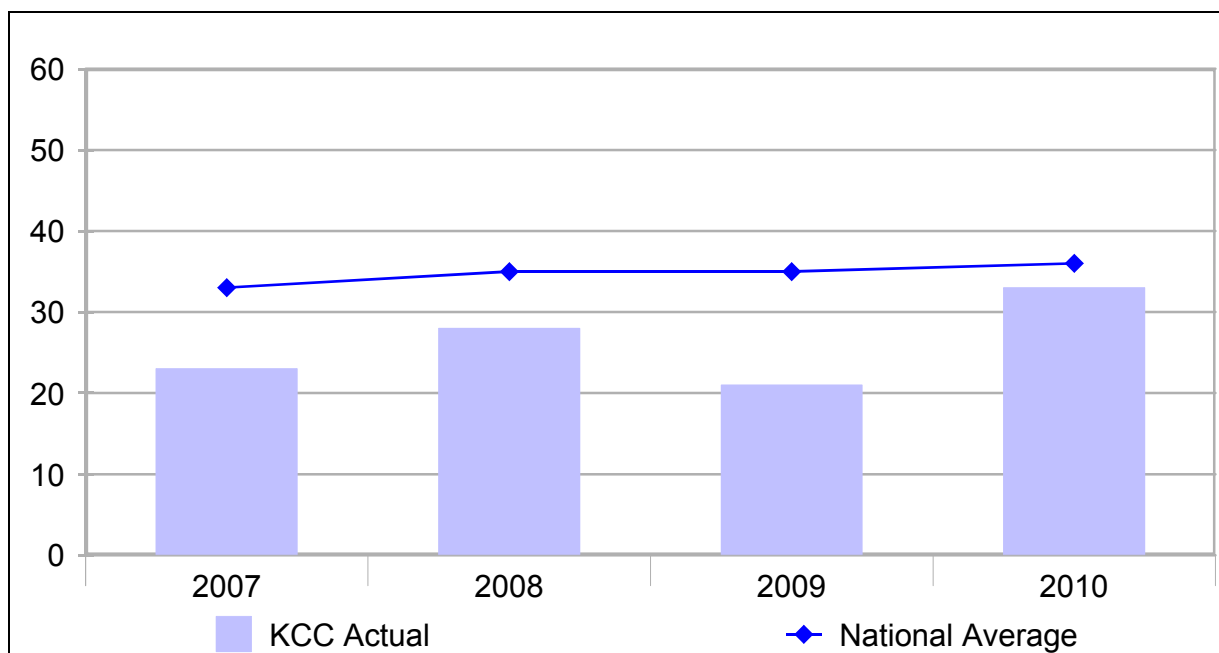
- Supporting primary schools to set high expectations for all children
- Ensuring that schools have detailed pupil tracking to identify those children not on target to reach level 4 and plans to support them
- Investigation into Key Stage 2 attainment by the new educational attainment select committee
- Deployment of the new district structure that is supporting and challenging all schools around leadership and management, the quality of teaching and learning and assessment practices.

Data Notes:

- Source : DfE, Statistical First Release 36/2010, 14 December 2010.
- Results for 2010 should be read with caution as there was a SATs boycott by 26% of schools nationally and by 6% of Kent schools.
- National figures include Independent schools but this has negligible impact.
- Pupil numbers rounded to nearest 10.
- The performance thresholds on this indicator have been reassessed so that a 4% gap to national average now results in a Red RAG rating (previously shown as Amber).

**Percentage of 'children looked after' achieving level 4 or above in Key Stage 2 tests for both English and maths combined**

**Amber**



Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010
KCC Result LAC	23%	28% ↑	21% ↓	33% ↑
National average LAC	33%	35%	35%	36%
RAG Rating	▲	▲	▲	●
All children	67%	69%	68%	70%
Children eligible to sit exams	40	40	55	40

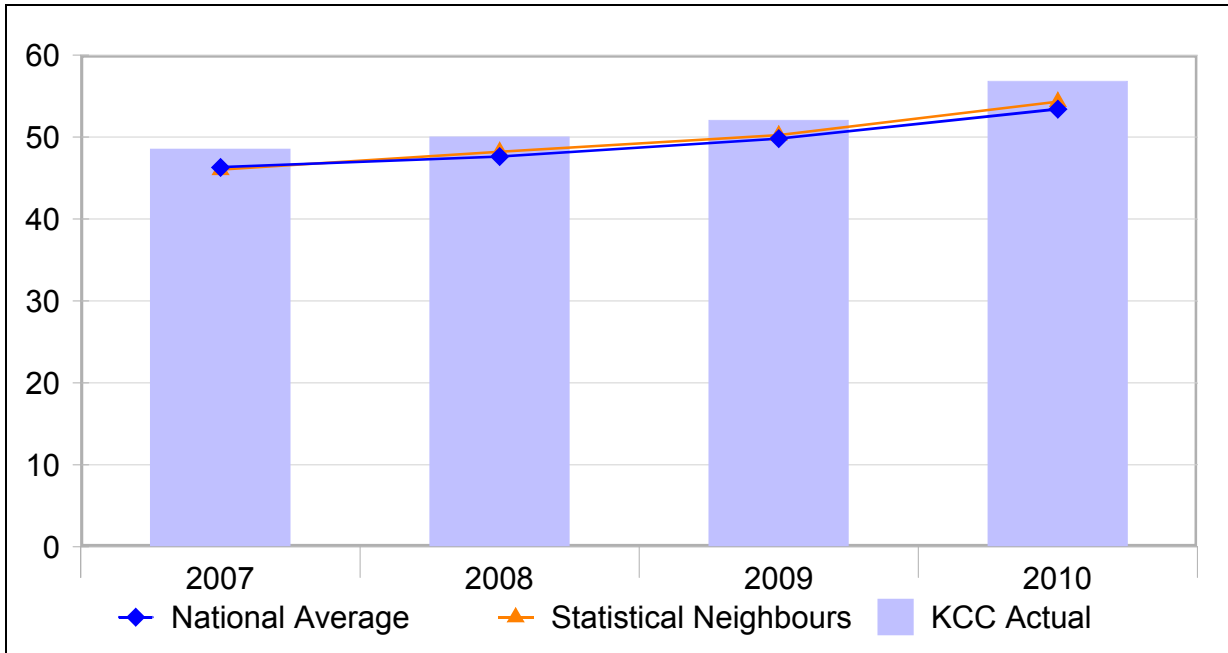
2010 results show an improvement in both English and maths attainment by 'looked after children'. This was most noticeable in maths with the latest result now slightly exceeding national performance. The improvement in the English result narrows the gap with national performance but remains some way behind.

Attainment for looked after children was an area highlighted as in need of improvement in the 2010 Ofsted inspection. In response, actions are included in the Improvement Plan, including the aim to increase capacity in the education for looked after children team.

**Data Notes:**

- Source: DfE, Statistical First Release, 38/2010, 16 December 2010.
- Statistical Neighbour figures are not included as small cohorts for several of these authorities create disproportionate volatility in their results.
- Eligible children are those children looked after continuously for at least 12 months at 31 March excluding those children in respite care.
- Numbers of children are rounded to the nearest 5.
- Some eligible children did not sit the test in 2010 due to the boycott by some schools.

<b>Percentage of pupils achieving 5 GCSE A* to C, including English and maths</b>	<b>Amber</b>
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Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010
KCC Result	48.5%	50.0% ↑	52.0% ↑	56.8% ↑
National average	46.3%	47.6%	49.8%	53.4%
RAG Rating	●	●	●	●
Statistical neighbours	46.0%	48.2%	50.2%	54.3%
Pupils at Key stage 4	16,950	16,990	16,700	16,800

Kent's GCSE results for this indicator improved by 4.8% compared to last year, which is 0.4% ahead of the provisional result previously reported.

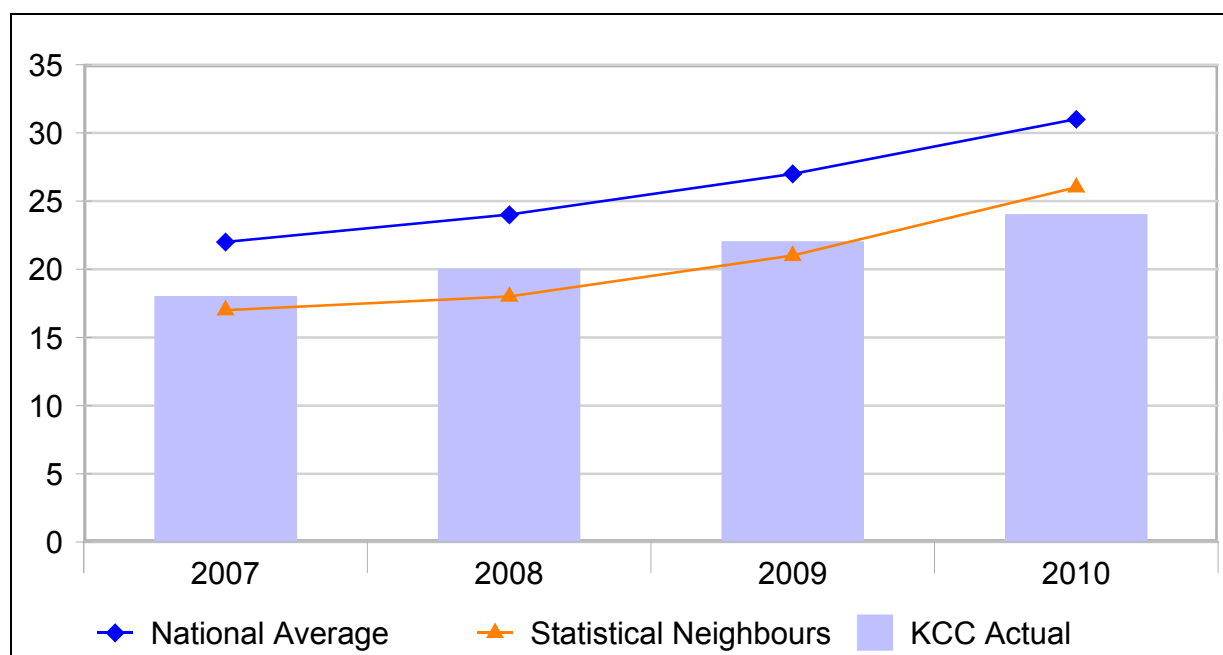
Performance continues to be ahead of the national average, and for 2010 is now 3.4% above (2.2% in 2009). However Kent's performance is not within the upper quartile of all authorities.

**Data Notes :**

- Source: DfE, Statistical First Release 01/2011, 12 January 2011.
- Revised data for 2010 was released in January 2011.
- Results for 2010 include iGCSE for the first time – this makes no difference to the national average.
- Equivalent qualifications include vocational GCSEs and BTECs.
- National figures include independent schools, hospital schools and pupil referral units.
- Local authority figures are for maintained schools including grammar schools and include City Technology Colleges and Academies, but exclude hospital schools and pupil referral units.
- Pupil numbers rounded to nearest 10.

**Percentage of pupils known to be eligible for free school meals achieving 5 GCSE A\* to C, including English and maths**

**Red**



Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010 Provisional
KCC Result	18%	20% ↑	22% ↑	24% ↑
National average	22%	24%	27%	31%
RAG Rating	●	●	▲	▲
Statistical neighbours	17%	18%	21%	26%
Pupils eligible for free school meals	1,350	1,340	1,380	1,490

GCSE results for children eligible for free schools meals achievement is below both the national average and our statistical neighbours' average.

Although there has been an improvement year on year for the attainment of Kent pupils with free school meals, the rate of improvement has been lower than that seen nationally. The gap to national average has widened in the last two years.

Current actions for improvement include:

- New District Heads' teams are focusing on reductions in gaps between all vulnerable groups and the majority of children.
- Newly formed Officer Management Groups are focused on supporting all vulnerable groups, including children with free school meals.

Data Notes:

- Source: DfE, Statistical First Release, 37/2010, 16 December 2010.
- Figures are for maintained schools, including Academies and City Technology Colleges.
- Pupil numbers rounded to nearest 10.

<b>Educational achievement of looked after children (LAC) at GCSE level</b>	<b>Red</b>
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### Percentage of looked after children achieving any GCSE passes at A\*-G

Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010
KCC Result	66.0%	46.0% ↓	65.9% ↑	68.5% ↑
National average	63.7%	65.6%	71.5%	78.0%
RAG Rating	●	▲	●	▲
Number eligible to sit tests	110	105	110	130

### Percentage of looked after children achieving 5 or more A\*-C GCSEs, including English and maths

Higher result is better	Summer 2007	Summer 2008	Summer 2009	Summer 2010
KCC Result	N/A	7.5%	8.1% ↑	4.6% ↓
National average	6.9%	8.6%	9.8%	11.6%
RAG Rating	●	●	●	▲
Number eligible to sit tests	110	105	110	130

Achievement of looked after children in Kent at GCSE remains behind the national average, and includes a fall in the achievement of 5 or more A\*-C grades. Although to put this in perspective, the drop in achievement is accounted for by only 3 less children failing to achieve the required standard.

Attainment for looked after children was an area highlighted as in need of improvement in the 2010 Ofsted inspection. Actions are included in the Improvement Plan, including the aim to increase capacity in the education for LAC team. Other actions include:

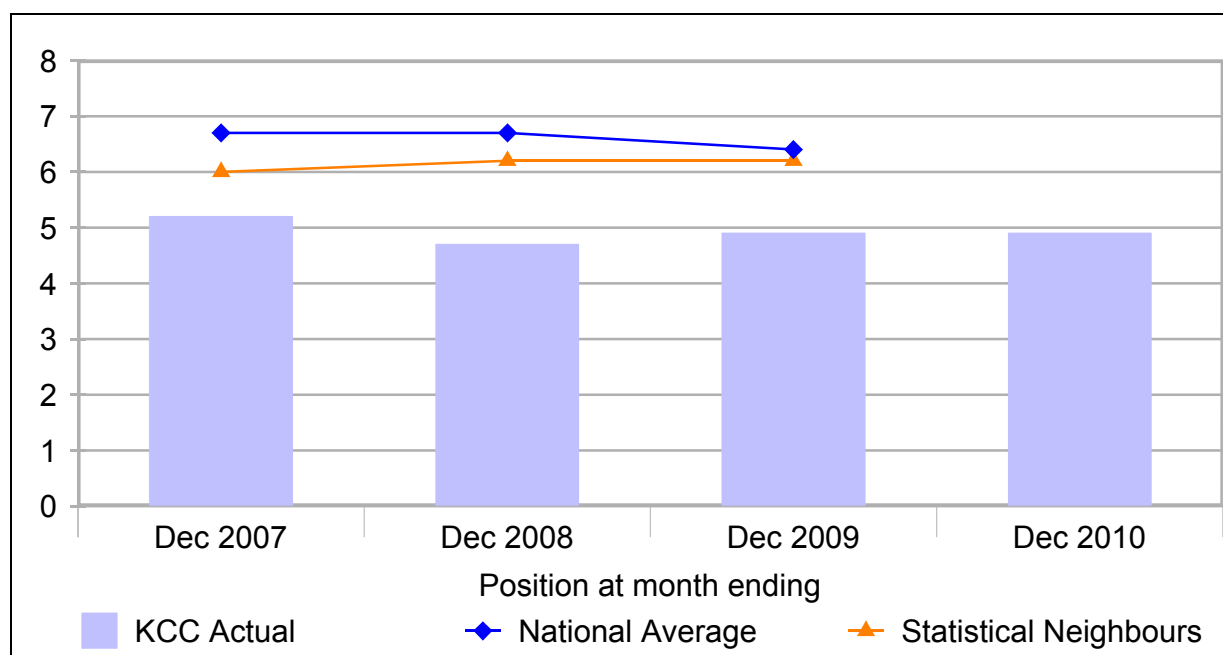
- The creation of the Virtual School Kent (VSK) offers opportunities to improve service delivery and outcomes. The agreement that the VSK should give priority to looked after children focus's the limited resources available.
- The multi agency nature of the VSK and the development of partnerships with agencies sitting outside of it, enables better access to other services which impact upon children's learning e.g. speech and language services; CAMHS.

#### Data Notes:

- Source: DfE, latest data from, Statistical First Release, 38/2010, 16 December 2010.
- Statistical Neighbour figures are not included as the small cohorts for several of these authorities create disproportionate volatility in their results when making year on year comparisons.
- Eligible children are those children looked after continuously for at least 12 months at 31 March excluding those children in respite care.
- Numbers of children are rounded to the nearest 5.
- There is no result for Kent in the second table for 2007 as DfE suppresses the data when any number involved in the calculation is less than 5.

**Percentage of young people aged 16 to 18 who are not in education, employment or training (NEET)**

**Green**



Lower result is better	Dec 2007	Dec 2008	Dec 2009	Dec 2010 Provisional
KCC Result	5.2%	4.7% ↑	4.9% ↓	4.9% ↔
National average	6.7%	6.7%	6.4%	N/a
RAG Rating	★	★	★	★
Statistical neighbours	6.0%	6.2%	6.2%	N/a

There was an expectation that the number of young people not in education, employment or training (NEET) would increase due to the downturn in the national economy. However, so far this has not occurred. Performance in Kent remains reasonably stable and significantly better than the national average.

A key reason why no increase has occurred is that more pupils are now staying on into school 6<sup>th</sup> form, with staying on rates up to 67% in 2009 compared to 62% in 2008.

Note: previous in-year data showed a higher rate of NEETs and the RAG rating was shown as Amber. However the data is quite seasonal, and the final end of year result is back to a RAG rating of Green, with results showing little change compared to the same time last year.

**Data Notes:**

- Source of 2007-2009 data, DCLG. Source of 2010 data, Connexions Kent and Medway.
- School 6<sup>th</sup> form data from Management Information Unit, CFE, KCC.
- Figures shown for December each year are in fact the average of November, December and January, in line with the definition of the former national indicator.
- The NEET figures reported exclude those young people whose situation is unknown – for Kent this is usually about 3% of the cohort. The amount of “unknowns” reduces each year as the data collection improves.
- The RAG rating for December 2010 is based on comparison to the most recently published national average – December 2009.



<b>Ofsted: Overall effectiveness of secondary schools</b>	<b>Green</b>
<b>Ofsted: Overall effectiveness of primary schools</b>	<b>Red</b>
<b>Ofsted: Overall effectiveness of Early Years providers</b>	<b>Green</b>

The key Ofsted judgement for school's overall effectiveness has four grades: outstanding, good, satisfactory and inadequate. The data below shows inspection results where the judgement was better than satisfactory and includes the latest grade received by those providers which are still active.

<b>Secondary</b> (excluding academies)	Aug 2009	Aug 2010	Nov 2010
KCC	68%	75% ↑	76% ↑
National	60%	64%	67%
RAG Rating	★	★	★
Active settings included	95	89	84

<b>Primary</b>	Aug 2009	Aug 2010	Nov 2010
KCC	55%	55% ↔	56% ↑
National	65%	67%	67%
RAG Rating	▲	▲	▲
Active settings included	448	447	448

<b>Early years and childcare*</b>	Aug 2009	Aug 2010	Nov 2010
KCC	62%	68% ↑	70% ↑
National	63%	66%	67%
RAG Rating	●	●	★
Active settings included	2,053	2,059	2,024

Kent secondary schools perform better in inspections than the national average. Academies in Kent however do less well with 27% being good or outstanding, compared to 54% nationally.

More Kent primary schools fail to achieve a good or outstanding inspection result than the national average, with only a slight improvement on the previous period and a widening gap with national performance due to school attainment floor targets being a limiting factor in the new Ofsted framework.

Schools which are satisfactory or below are subject to focused support from the school improvement team.

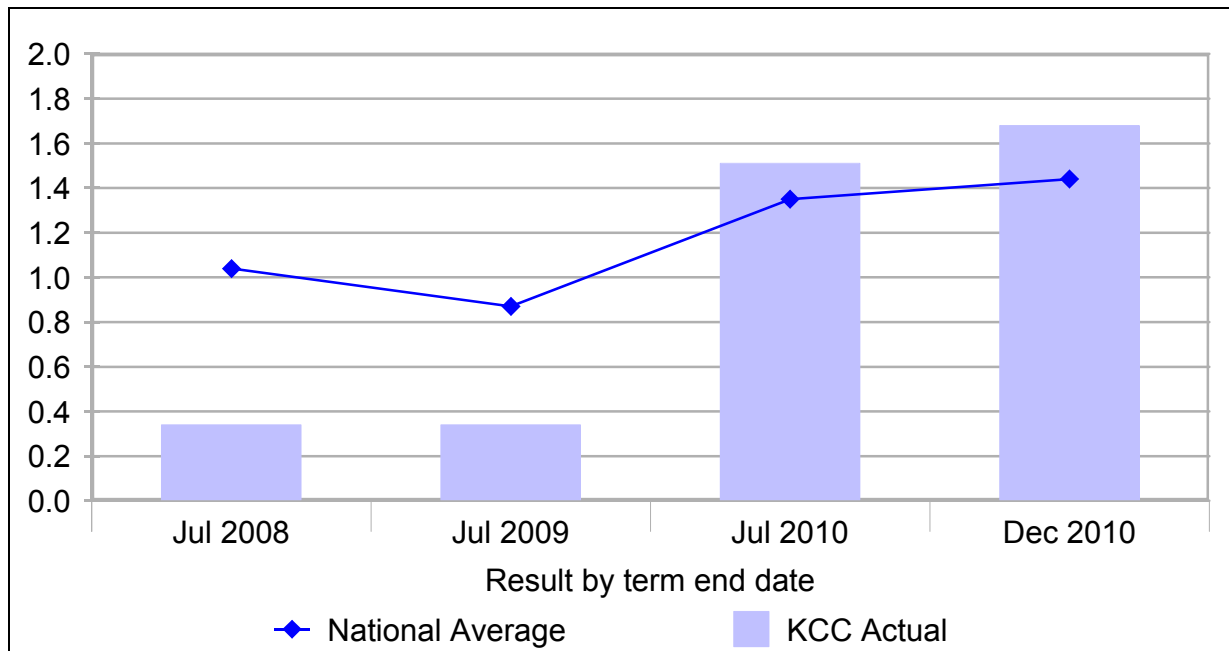
Early Years' results have significantly improved over the last 4 years and since 2009 have exceeded national performance.

**Data Notes:**

- Source: Calculated from Ofsted Performance Profile for Kent, 2 December 2010.
- Secondary results only show those schools maintained by the local authority, so do not include Academies.
- Inspection data includes reports published prior to 1<sup>st</sup> December 2010.
- Early years and childcare consists of childminders, domestic childcare and non-domestic childcare.

**Percentage of schools in special measures**

**Amber**



Lower result is better	Jul 2008	Jul 2009	Jul 2010	Dec 2010
KCC Result	0.34%	0.34% ↔	1.51% ↓	1.68% ↓
National average	1.04%	0.87%	1.35%	1.44%
RAG Rating	★	★	●	●
Number of schools	2	2	9	10

At the end of December 2010, 9 primary schools and 1 secondary school were in special measures. Internal monitoring suggests all are making satisfactory progress.

The rate of schools in special measures in Kent has increased since 2009, and is now above the national rate.

The Standards and School Improvement Unit identifies schools most in need of support, and ensures rigorous tracking and monitoring of pupil progress through the provision of additional support. Pupil progress is a key element of school inspection, and it is vital to correctly identify where every child is in their learning and to ensure that they have appropriate targets to move their learning forward.

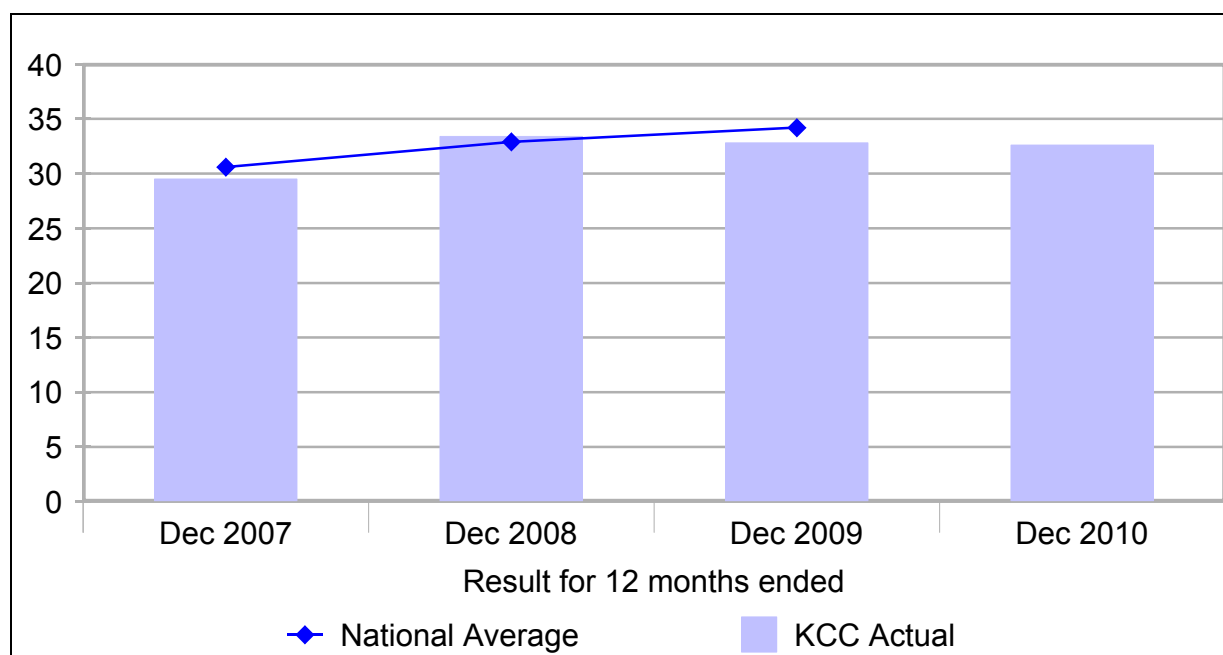
Kent's new strategy is to identify schools that are vulnerable and intervene early to establish priorities for improvement. The District Heads coordinate the support for schools which can include the use of the wider children's services.

**Data Notes:**

- Source: Jul 2010 calculated from Ofsted, Data on schools causing concern, summer term 2010, 23 November 2010. Dec 2010 calculated from report by Learning Group, CFE, KCC.

## SEN assessments per 10,000 pupils in all schools

Amber



Lower result is better	Year ended Dec 07	Year ended Dec 08	Year ended Dec 09	Year ended Dec 10 Provisional
KCC Result	29.5	33.4 ↓	32.8 ↑	31.6 ↑
National average	30.6	32.9	34.2	N/a
RAG Rating	●	●	●	●
New assessments started	690	770	760	730

The number of new assessments for Special Educational Need (SEN) reduced slightly in the 12 months to December 2010, although the rate has remained reasonably steady over the last three years. It is likely to remain below national rates unless these show a substantial drop when published later in the year.

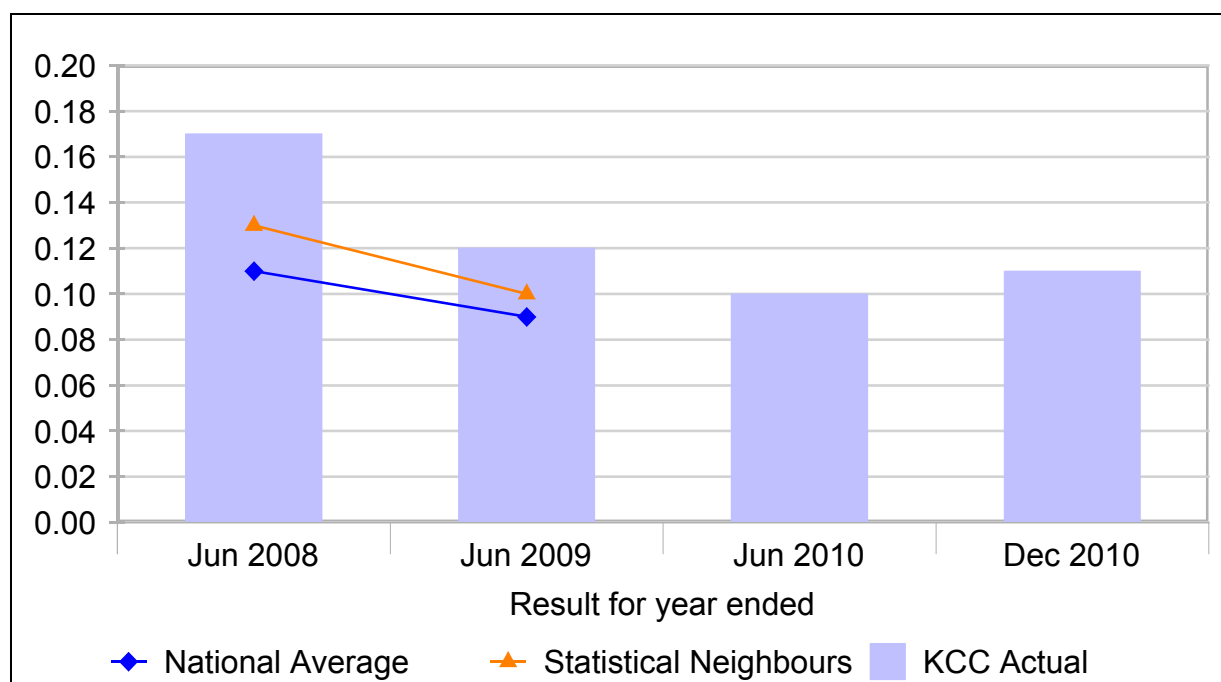
At January 2010 2.8% of pupils in Kent schools had a statement of SEN, which compares to a national rate of 2.7%. In 2007 the rates were 2.8% in Kent and 2.8% nationally, so the levels have been fairly constant over time.

### Data Notes:

- Source: Dec 10, Management Information Unit, CFE, KCC. Prior years from DfE Statistical releases.
- KCC data relates to assessments started, but national data relates to assessments completed.
- The RAG rating for December 2010 is based on comparison to the most recently published national average – December 2009.

**Percentage of pupils permanently excluded from schools (including academies) each year**

**Amber**



Lower result is better	Year ended Jun 08	Year ended Jun 09	Year ended Jun 10	Year ended Dec 10 Provisional
KCC Result	0.17%	0.12% ↑	0.10% ↑	0.11% ↓
National average	0.11%	0.09%	N/a	N/a
RAG Rating	▲	●	●	●
Statistical neighbours	0.13%	0.10%	N/a	N/a
Number of exclusions	370	260	210	231

Data for the 12 months to December shows an increase on the previous period, but the number of exclusions remains at a low level compared to previous years. Following a number of years of no change in the figures, the gap to the national average was significantly reduced during the year to June 2009.

There are higher rates of exclusions in academies and schools in the National Challenge programme.

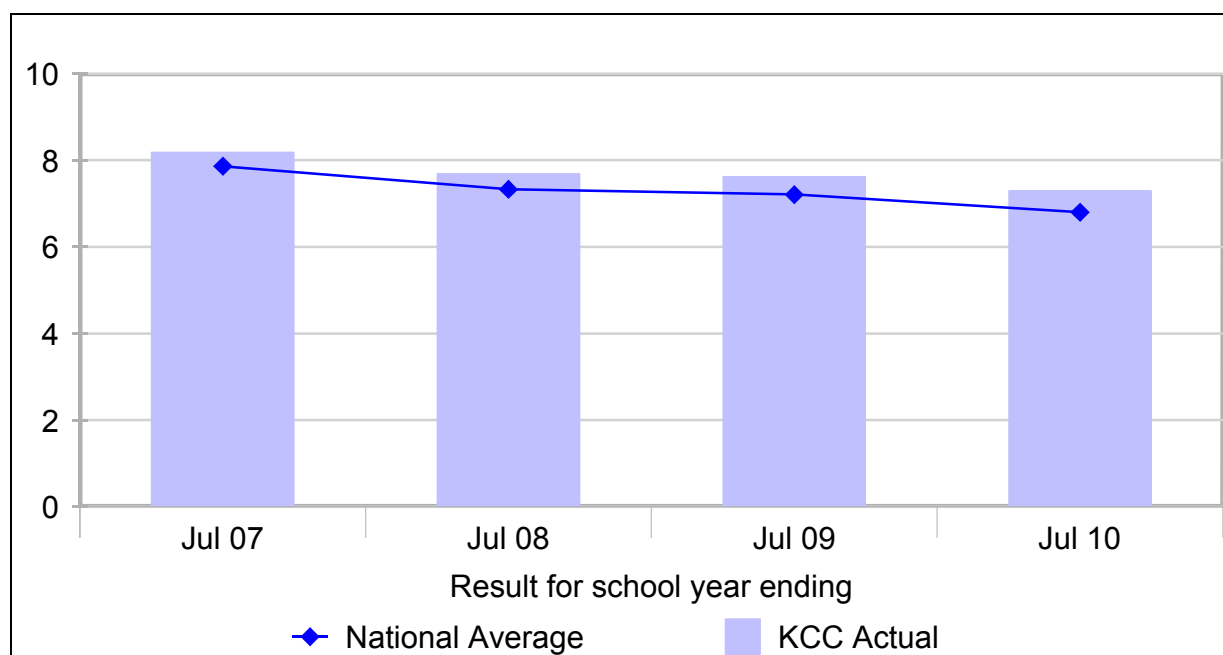
Actions include working collaboratively with advisers in the Learning Group to ensure creative and flexible curriculum development and delivery, as well as a positive learning environment, to minimise the risk of exclusion. There will be ongoing work with localities of schools to ensure alternative provision meets changing needs.

**Data Notes:**

- Source: 2007-2009 data, DfE, latest year, Statistical First Release 22/2010, 29 July 2010
- Source: 2010 data, Management Information Unit, KCC.
- There is very long delay in publication of national data for exclusions, with 2008/09 data the most recently published.
- The RAG rating for December 2010 is based on comparison to the most recently published national average – June 2009.

**Secondary school pupil absence – percentage of sessions missed**

**Amber**



Lower result is better	Year ended Jul 07	Year ended Jul 08	Year ended Jul 09	Year ended Jul 10 Provisional
KCC Result	8.2%	7.7% ↑	7.6% ↑	7.3% ↑
National average	7.9%	7.3%	7.2%	6.8%
RAG Rating	●	●	●	●
Persistent absence - Kent	6.8%	6.0%	5.5%	5.1%
Persistent absence – England	6.7%	5.6%	4.9%	4.5%

The secondary school absence rate has improved for the third year in a row, but remains above the national rate. The percentage of pupils with persistent absence has also fallen but also remains above the national level.

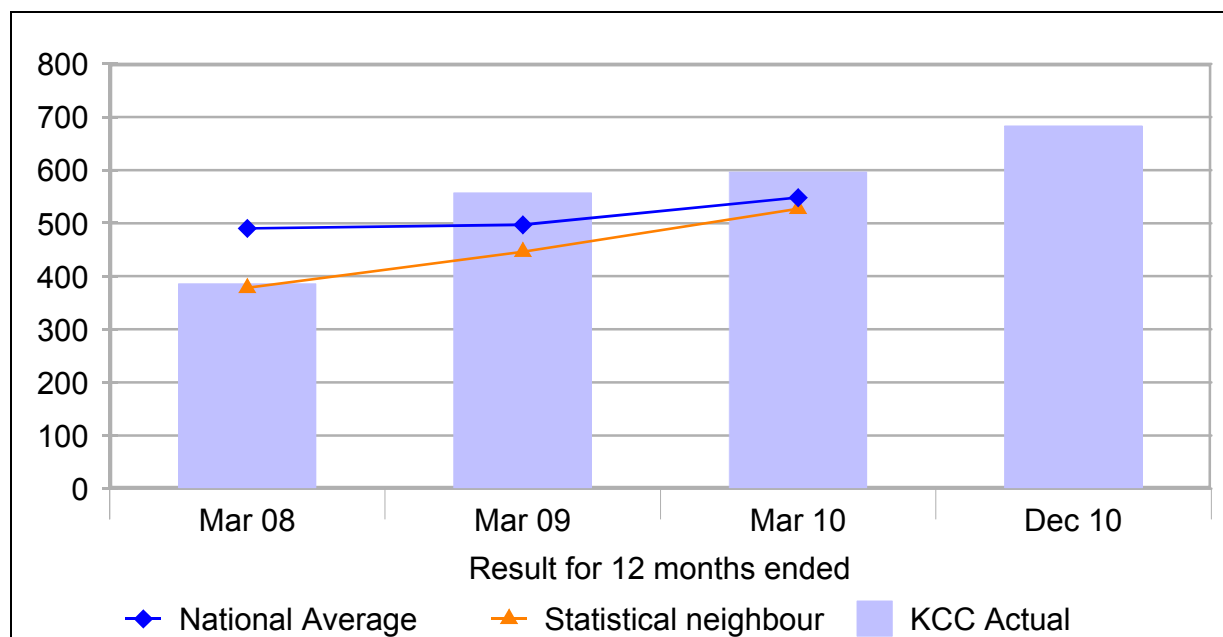
Actions include working collaboratively with a wide range of partners to identify the key issues impacting on school and pupil performance, and directing resources to meet local need. This includes working with advisers in the Learning Group to highlight the link between attendance and attainment, and with preventative services to further develop early intervention measures. The Attendance and Behaviour Service will build on the work of the National Strategies programme (e.g. through use of audit and data analysis tools) to support schools in all phases to improve attendance.

**Data Notes:**

- Source: DfE, latest year, Statistical First Release, 29/2010, 19 October 2010.
- Data for year ended July 2010 in based on autumn and spring terms only.
- July 10 data includes maintained secondary schools, city technology colleges and academies.
- Data used for previous years did not include academies, though there would be little impact on figures due to fewer schools having been academies.
- Persistent absentees are defined as having 64 or more sessions (half-days) of absence (authorised and unauthorised) during the year.

## Referrals to children's social services per 10,000 children aged under 18

**Red**



Lower result is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Dec 10 Provisional
KCC Result	386	557 ↓	596 ↓	683 ↓
National average	490	497	548	N/a
RAG Rating	★	▲	●	▲
Statistical neighbours	378	446	527	N/a
Number of referrals	12,000	17,400	18,600	21,300

The rate of referrals to children's social services in Kent continues to increase, up 15% on last year and 3% since September 2010, and the levels seen this year are significantly above the last published national rate.

The comparatively low rate of referrals which go on to initial assessment suggests a significant number are not meeting the threshold necessary to go on to initial assessment.

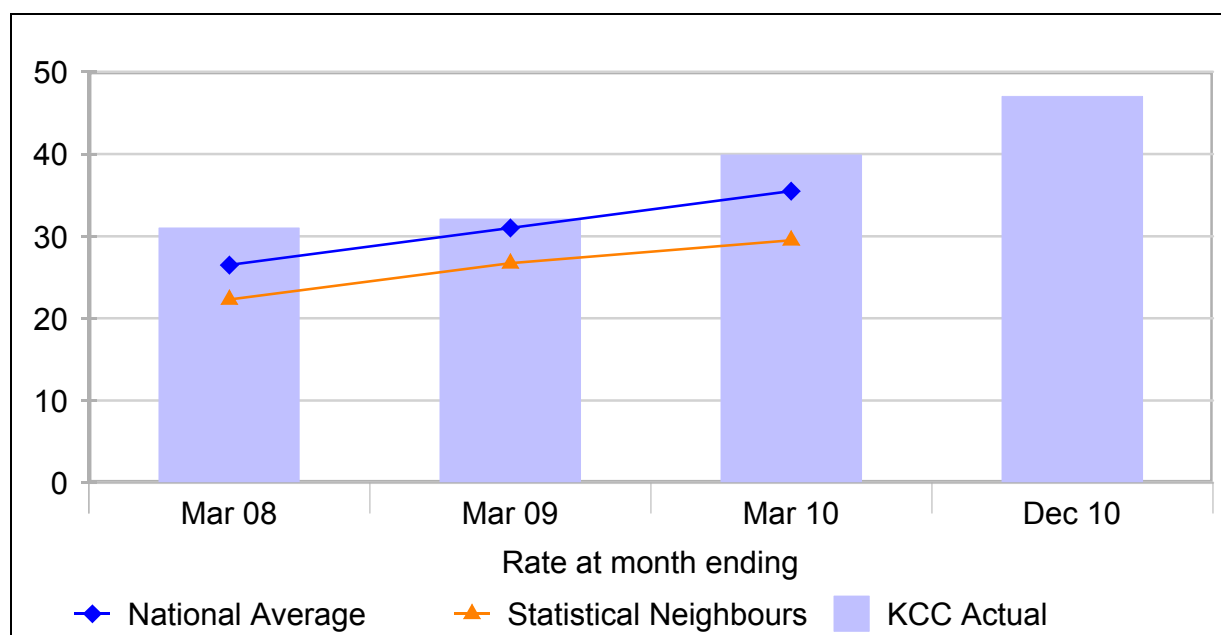
Action being taken is detailed in the Improvement Plan. This includes work with partners around thresholds for accessing social care.

### Data Notes:

- Source: DfE, latest data from Statistical First Release 28/2010, 30 November 2010
- December 2010 result calculated using data from Management Information Unit, KCC, and 2009 mid-year population data from the Office for National Statistics. The provisional nature of this data means it is subject to future change.
- The data for the year to March 2010 is based on the new Children in Need (CIN) census. The results should be treated with caution as this is the first full year of the CIN census.
- Referral numbers rounded to nearest 100.
- Although the data table shows a change of RAG rating from Amber to Red as this compares current position to last year-end, this indicator was also rated Red in last quarter's report.
- The RAG rating for December 2010 is based on comparison to the most recently published national average – March 2010.

**Number of children with a child protection plan per 10,000 children aged under 18**

**Red**



Lower result is better	As at end of Mar 08	As at end of Mar 09	As at end of Mar 10	As at end of Dec10 Provisional
KCC Result	31.0	32.1 ↓	39.9 ↓	47.0 ↓
National average	26.5	31.0	35.5	N/a
RAG Rating	▲	●	▲	▲
Statistical neighbours	22.3	26.7	29.5	N/a
Children with plans	950	1,000	1,240	1,470

The number of children subject to a child protection plan continues to increase, being 18% up on last year, and 8% since September. Further increase is anticipated, given the rise in referral activity. There is a national trend of increased child protection activity and this is being investigated by a number of agencies including the Association of Directors of Children's Services.

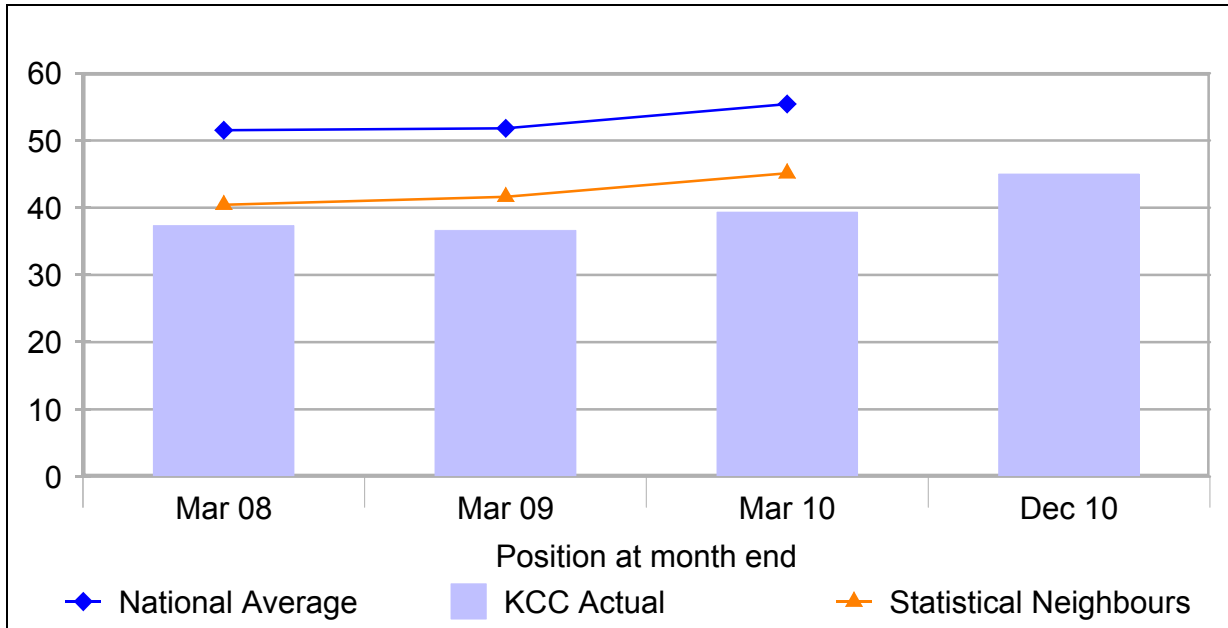
Action being taken is detailed in the Improvement Plan and includes: a review of current cases where children have been subject to a child protection plan for over 18 months; strengthening child protection processes, including core assessments, reports and multi-agency working; work to strengthen the independent chairs quality assurance function to ensure that cases are robustly managed and to drive forward planning.

**Data Notes:**

- Source: DfE, latest data from Statistical First Release 28/2010, 30 November 2010.
- Provisional rates calculated using data from Management Information Unit, KCC.
- The provisional nature of this data means it is subject to future change.
- The data for the year to March 2010 is based on the new Children in Need (CIN) census. The results should be treated with caution as this is the first full year of the CIN census.
- Number of children rounded to nearest 10.
- The RAG rating for December 2010 is based on comparison to the most recently published national average – March 2010.

**Number of children looked after, excluding unaccompanied asylum seeker children, per 10,000 children**

**Amber**



Lower result is better	As at end of Mar 08	As at end of Mar 09	As at end of Mar 10	As at end of Dec 10 Provisional
KCC Result	37.3	36.6 ↑	39.3 ↓	45.0 ↓
National average	51.5	51.8	55.4	N/a
RAG Rating	★	★	★	●
Statistical neighbours	40.4	41.6	45.1	N/a
Number of children	1,160	1,140	1,225	1,400

There has been a large increase in the numbers of looked after children (LAC) in Kent this year, with the rate up by 14% since last year, and by 4% since September 2010. This brings the rate up to the same as statistical neighbours and closer to the national average.

It is possible that the number of looked after children in Kent will continue to rise in line with the significant increase in children subject to child protection plans.

There are a number of pieces of work are underway in which will impact on numbers, as well as improving the services provided to looked after children, including:

- work to develop the looked after children strategy
- multi-agency homelessness protocols implemented in response to the Southwark Judgement
- all LAC cases have been reviewed as part of the Ofsted inspection response.

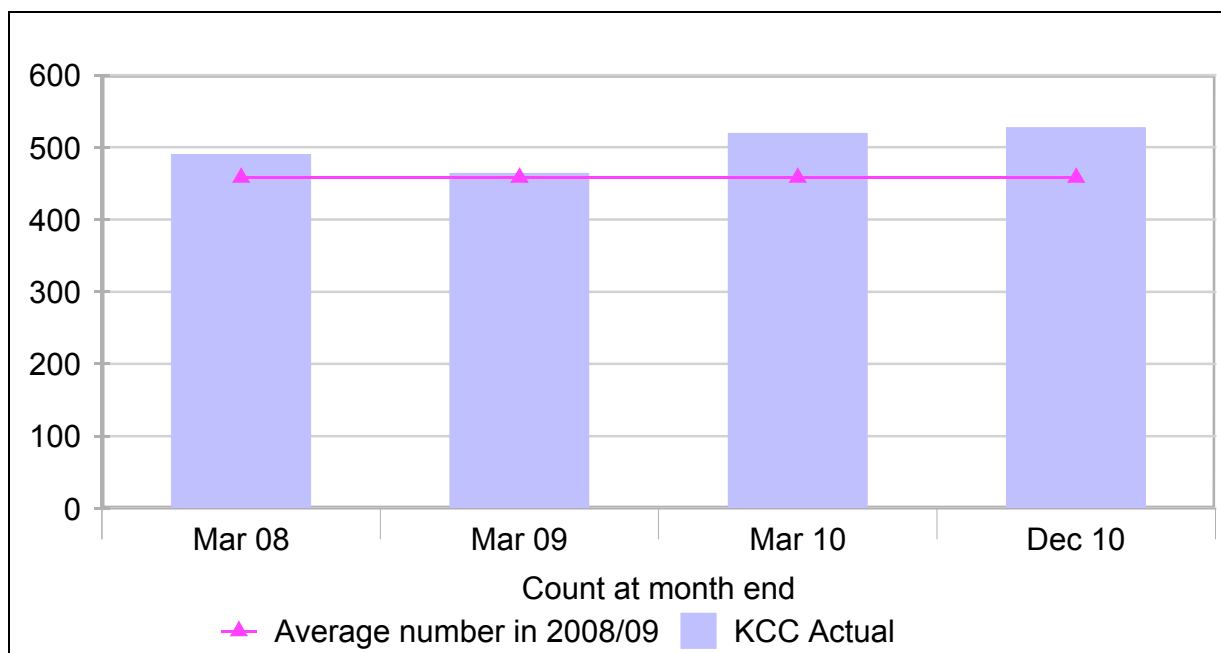
**Data Notes:**

- Source: DfE, latest data from Statistical First Release 27/2010, 30 September 2010.
- Provisional rates calculated using data from Management Information Unit, KCC, and 2009 mid-year population data from the Office for National Statistics.
- Number of children rounded to nearest 5.
- Due to small cohort sizes for this indicator, significant difference to national average is calculated at 20% difference.



**Number of unaccompanied asylum seeker children supported by the local authority, who are now aged 18 and above**

**Red**



Lower result is better	As at end of Mar 08	As at end of Mar 09	As at end of Mar 10	As at end of Dec 10 Provisional
KCC Result	490	464 ↑	519 ↓	527 ↓
2008/09 Average	458	458	458	458
RAG Rating	▲	●	▲	▲

The number of over 18s supported by the KCC has slightly increased in 2009/10. However, the total number of UASC of all ages has been on a reducing trend, with a December total of 812, which is 42 less than the same time last year.

The decision making process regarding returning unaccompanied minors to their originating home country is made by the Home Office and therefore is not within the local authority's power to influence. The new regulations and guidance being issued by Government under volume 3 of the Children Act 1989, from April 2011, means that unaccompanied asylum seeking children will lose their rights as care leavers once their entitlement to remain in this country has been removed. This will mean that the local authority will have reduced responsibilities for them, even while they remain living in this country.

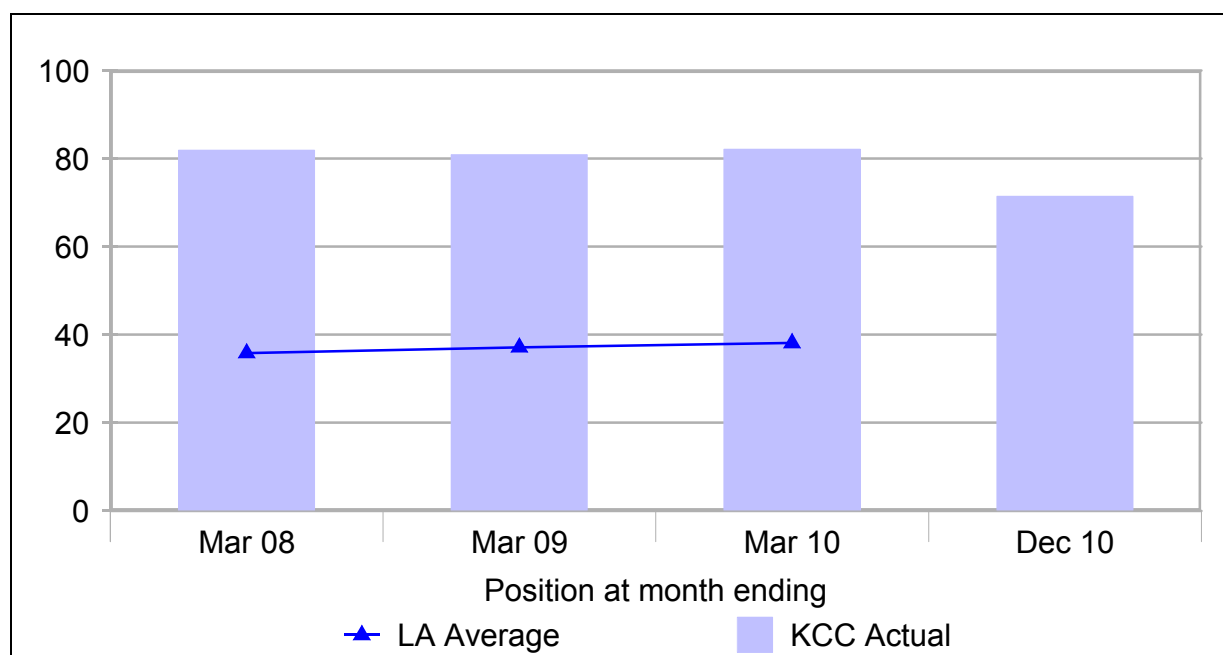
It was agreed with the UK Border Agency (UKBA) that the local team would work in partnership with KCC to prepare young people for their return to their country of origin, for those who are classified as having All Rights of Appeal Exhausted (ARE). This is still in the early stages of development due to restructuring of UKBA locally.

**Data Notes:**

- Source: Management Information Unit, CFE, KCC.

**Children looked after placed in an area by other local authorities, as a percentage of the number of local looked after children**

**Red**



Lower result is better	As at end Mar 08	As at end Mar 09	As at end Mar 10	As at end Dec 10 Provisional
KCC Result (DfE data)	82%	80% ↑	80% ↔	71% ↑
Average – all local authorities	35.8%	37.1%	38.1%	N/a
RAG Rating	▲	▲	▲	▲
Numbers placed in Kent (local data)	1,225	1,400	1,420	1,385

The number of children placed into Kent by other local authorities remains high when compared with the average rate of placements into other areas and has varied little since the increase seen in 2008/09. The rate in the graph above shows a reduction this year but this is due to an increase in the numbers of local looked after children, and is not due to a reduction in numbers placed into Kent by other local authorities.

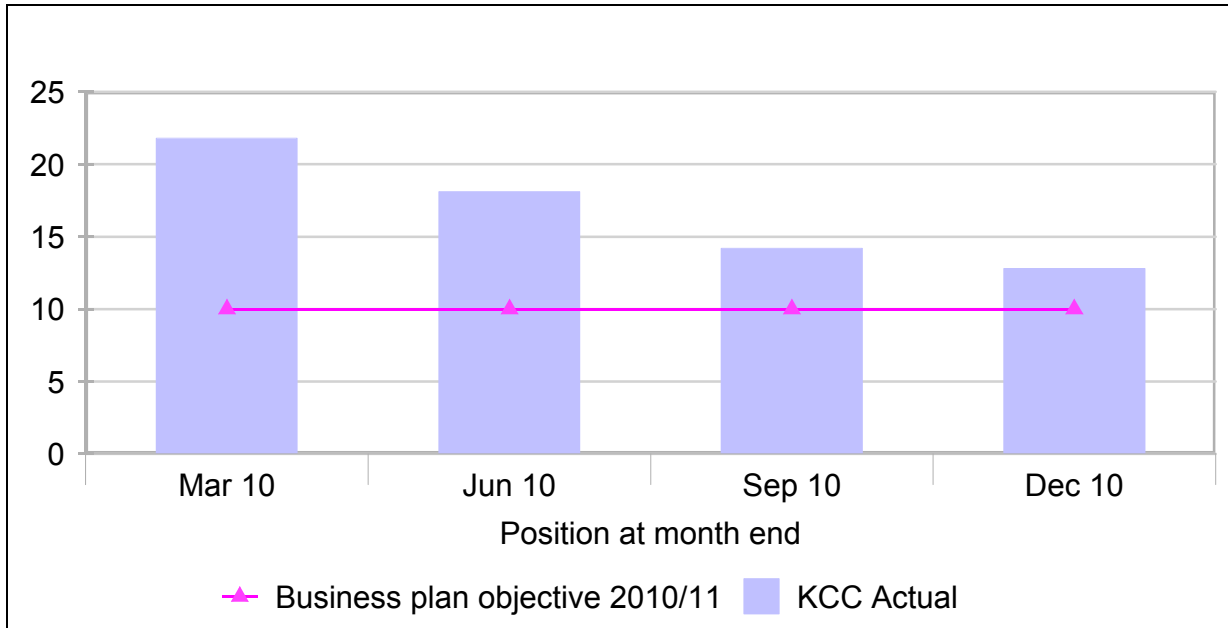
Placement of looked after children by other local authorities within Kent has a significant impact on local health services, schools and the youth offending service. The new sufficiency duty starting from 1 April 2011 requires local authorities to secure, where reasonably practicable, sufficient accommodation in their local authority area. It is unclear how far this will alter current practice.

**Data Notes:**

- Source: Mar 10, from DfE, SFR 27/2010, 30 September 2010. Provisional from Management Information Unit, CFE, KCC.
- Numbers of LAC rounded to nearest 5.
- The RAG rating for December 2010 is based on comparison to the most recently published national average – March 2010.
- Kent local data shows a higher number than DfE data, as local data includes those placed who are over 18 years old (i.e. care leavers).

**Children's social worker vacancies  
as a percentage of posts (all grades)**

**Amber**



Lower result is better	As at end Mar 10	As at end Jun 10	As at end Sep 10	As at end Dec 10
KCC Result	21.8%	18.1% ↑	14.2% ↑	12.8% ↑
Plan 2010/11	10%	10%	10%	10%
RAG Rating	▲	▲	●	●

Social worker vacancies have declined in the periods shown in line with expectations following the proactive recruitment strategy which has attracted newly qualified social workers and social workers from overseas.

Please note that the 9% figure quoted in press releases was the position at end of November and it then increased by the end of December. The longer term trend remains one of reduction.

A number of posts are currently held by agency staff and these are not shown as vacancies in the above graph. Actual permanent staff vacancies including the posts currently held by agency staff are at 20% of the budgeted establishment level.

**Data Notes:**

- Source: District children social service teams self-assessments supplied to Management Information Unit, CFE, KCC.
- Plan 2010/11 shows the target in the CFE business plan for that year.
- Posts held by agency staff are not counted as vacancies in the above graph.

## **Kent Adult Social Services**

### **Annual Performance Assessment Outcome**

The Care Quality Commission (CQC) published their Annual Performance Assessment of all adult social services in November 2010. Kent Adult Social Services (KASS) was awarded an overall performance rating of 'performing well' and was judged as 'excellent' in three out of seven outcomes and 'performing well' in the remaining four outcomes. The directorate has been awarded an overall performance rating of 'performing well'. An action plan is being implemented to focus on those areas that were highlighted in the report as needing further development.

### **Future of Older Person's Service Provision**

A decision has been made about the future of in-house older people's services following extensive consultation and scrutiny by members of the council, and has been widely publicised. We are working with each individual service user and their carers to plan any change at a pace appropriate to them and with staff to support them through the formal processes.

### **Transforming Services: Self Directed Support**

In October we set out proposals for the future of social care in Kent. These proposals will help us deliver the aims of "Bold Steps for Kent" and will reshape the organisation so that it can deliver personalisation, increased choice and control, at a time of reduced resources and increased demand.

Our proposal is that by 2014/15 we will be a strategic and joint commissioning organisation, contracting services from a range of providers. We will provide a role of market shaping and we will also provide quality assurance and financial oversight of commissioned services. We will aim to put the citizen in control by encouraging and enabling more people to self manage the services they receive from the funding we provide. We will retain a strong role in safeguarding vulnerable adults and will provide a 'fully managed' service where a 'safety net' is assessed as necessary.

### **Safeguarding**

We received a judgement of performing well in safeguarding (maintaining personal dignity and respect) in our annual CQC performance assessment. Alongside this judgement our Cabinet member wanted to be assured that quality of practice and continuous improvement were embedded across the directorate. An independent audit of safeguarding case files has been commissioned. Senior Managers and elected Members will be presented with the findings and an action plan will be developed from recommendations made.

### **NHS Support for Social Care 2010/11 - 2012/13**

Additional funding streams have been allocated to the NHS for joint working with local authorities to promote better services for patients leaving hospital, part of which can be used for increasing capacity of current services, such as enablement, and to invest in a broader range of social care services to help improve health.

The first tranche of funding announced was £70m (nationally) for 'post discharge and enablement' services in 2010/11 and was targeted at patients leaving hospital. Of this, £1.8m has been made available for Kent and plans have been developed with the two Kent primary care trusts (PCTs) to utilise these funds. The second tranche of funding, announced in January, included a figure of £150m in 2011/12 and indicative funding of £300m in 2012/13 to continue to develop these services. The actual amount for Kent has not yet been announced, but on a pro rata basis we could expect £3.8m and £7.7m respectively.

Within the second tranche of funding, £162m was designated as 'Winter Pressures Funding' for 2010/11. This funding will be focussed on a broader range of social care services to improve general levels of health. Of this funding, £4.1m has been allocated to Kent PCTs for 2010/11. Whilst plans have been agreed jointly, the funds must be transferred to Kent under Section 256 of the 2006 NHS Act. Allocations have been made for future years to continue with these services and this funding is referred to as 'specific PCT allocations for social care', with £648m allocated in 2011/12 and £622m in 2012/13. Kent's share of these funds is £16.2m and £15.7m respectively.

## **Mental Health**

'Live It Well', a mental health strategy for the next five years was launched in October. It sets out how KCC, PCTs and local partners across Kent and Medway plan to develop Kent's mental health services with a more personalised approach, which focuses on prevention, health and wellbeing, improving access and reducing discrimination and stigma.

## **Learning Disability**

We continue to transform services for people with a learning disability. In 2009 the responsibility and funding for the commissioning of social care for adults with a learning disability transferred from the National Health Service to KCC. We are now at the end of this process and 440 people have been transferred. From 2011, KCC will be responsible for the commissioning, contract and review of all social care services in Kent for people with a learning disability.

## **Service Demand**

Demand on services continues to increase. Referrals represent the incoming demand on the council. Early indications for 2010/11 are that referral rates will increase by 3.2%. During the first 6 months of 2010/11 there were 17,281 referrals.

## **Personal Budgets and Direct Payments**

We continue to be on target to meet the Putting People First national target that by April 2011, 30% of eligible individuals will be in receipt of a Personal Budget.

As at 31 December 2010, 6,430 individuals were in receipt of a Personal Budget. This is good progress and an increase from 5,200 people as at 30 September 2010.

## **Residential and Nursing care**

Generally we are seeing a reduction in the numbers of older people moving into residential care. This reflects the impact that our preventative services are having in supporting people to remain independent and stay at home for as long as possible.

However there is an increase in demand for residential care for people with dementia.

The increase of clients with dementia is also resulting in a rise in the number of clients and weeks of care provided for people aged 65 in nursing care. However Kent has historically maintained a lower level of usage of nursing care than the national average and for this quarter the numbers have been stable.

The number of clients with a learning disability moving into residential care has increased from 632 in March to 707 in December. This includes those transferring from the NHS as described above and reflects the growing numbers of people with complex conditions who are living longer. These individuals often have very complex and individual needs which make it difficult for them to remain in the community, in supported accommodation/supporting living arrangements, or receiving a domiciliary care package and are often placements which attract a high cost.

## **The Impact of Preventative services**

The continued development and rollout of preventative services is reducing the demand for traditional services such as domiciliary and residential care. The number of people who continue to receive a service are fewer, but with a higher level of need.

Enablement, intermediate care, telecare and telehealth and increased take up of direct payments as well as further development of voluntary sector provision are providing effective alternatives.

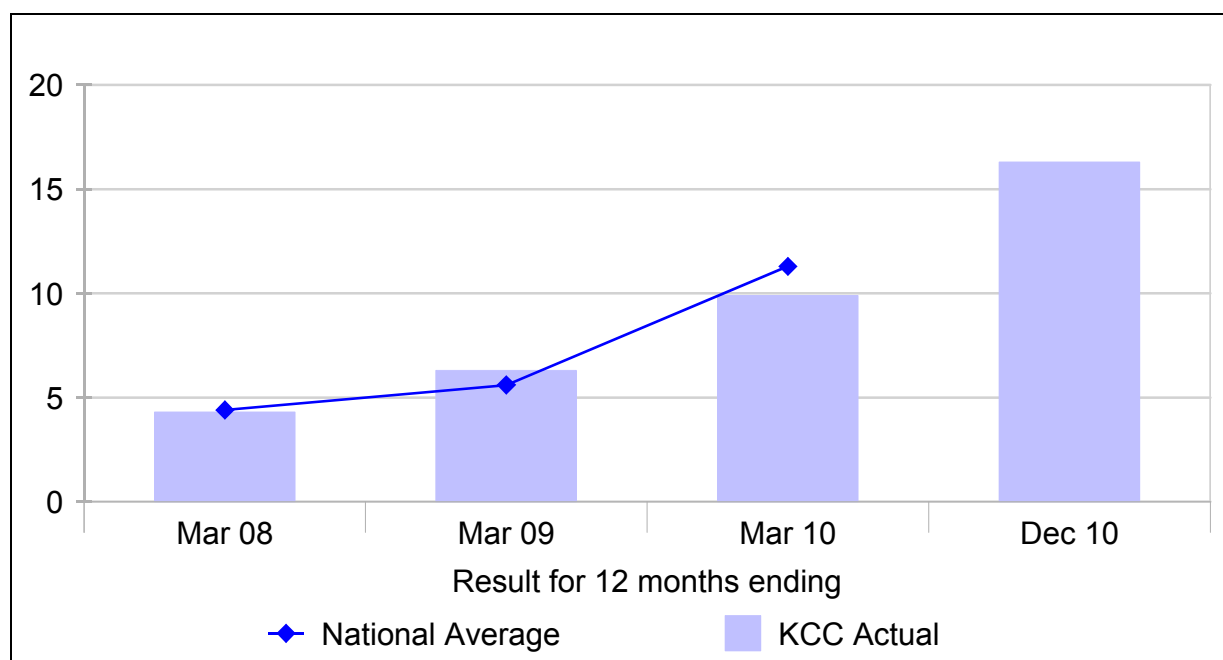
The recent evaluation of the outcomes of the Kent Telehealth Pilot reported:

- an estimated average saving of £1,878 per patient over a six month period in 2006/7
- a reduction in unscheduled hospital appointments and A&E visits
- improved quality of life with more independence and peace of mind.

In response to these findings assistive technology services will be mainstreamed. We are working closely with the NHS to ensure that telehealth is embedded in to care pathways as a standard. Plans to integrate telecare and telehealth equipment in to the Community Equipment Stores (a partnership between Health and Social Care) will be in place by early spring.

**Percentage of clients with community based services, excluding carers, who received direct payments and/or a personal budget**

**Amber**



Higher result is better	Mar 08	Mar 09	Mar 10	Dec 10 Provisional
KCC Result	4.3%	6.3% ↑	9.9% ↑	16.3% ↑
National average	4.4%	5.6%	11.3%	N/a
RAG Rating	●	●	●	●
Number of clients	1,680	2,350	3,910	6,430

2009/10 was the first year of significant roll out of Self Directed Support with new clients being offered Personal Budgets for the first time.

Kent has seen continued increases in take up of Personal Budgets during the nine months from April to December 2010. The December position of 6,430 clients compares to the September position of 5,200 clients.

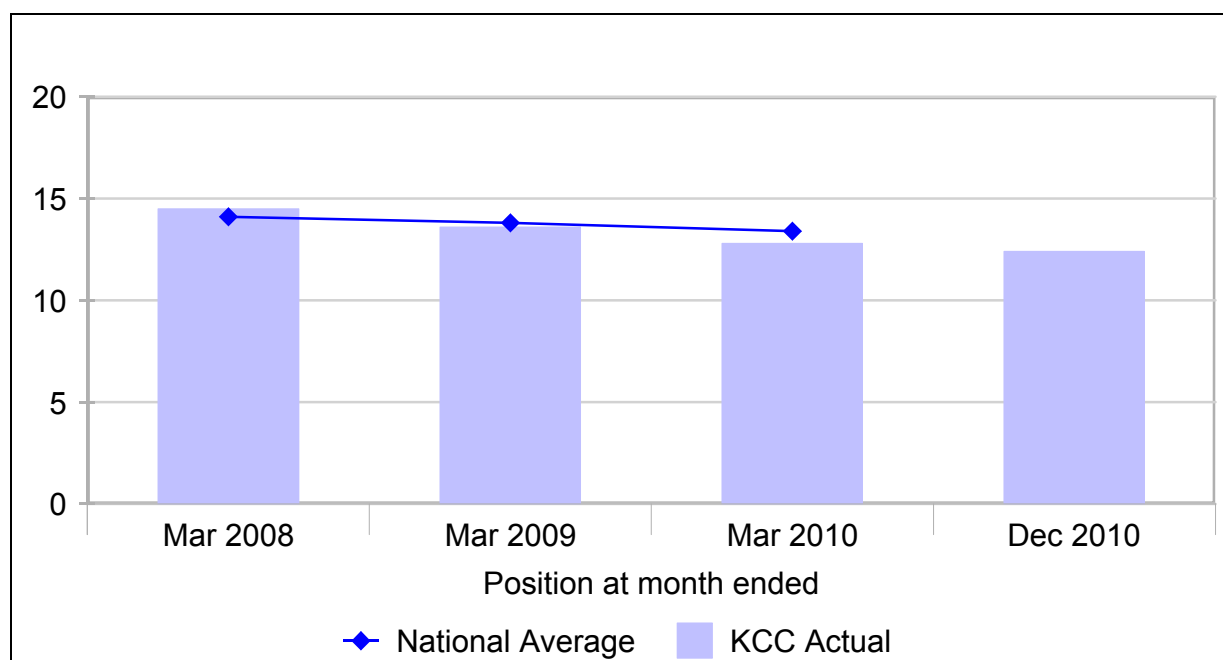
There is a national target of 30% take up of personal budgets by April 2011. Although the numbers above seem some way behind this target, actions are in place to substantially increase this number in the final quarter of the year. Numbers are continuing to rapidly increase since December and the target is likely to be met.

**Data Notes:**

- The indicator shown is different from the previous national indicator which included carers.
- Previous year data and national benchmarks are taken from the National Adult Social Care Intelligence Service.
- Client data rounded to nearest 10.
- The indicator measures all clients receiving a service in the year and is not just a snapshot of clients at a given date.

**Older people supported in residential care, permanent placements per 1,000 people aged 65 and over**

**Amber**



Lower result is better	Mar 08	Mar 09	Mar 10	Dec 10 Provisional
KCC Result	14.5	13.6 ↑	12.8 ↑	12.4 ↑
National average	14.1	13.8	13.4	N/a
RAG Rating	●	●	●	●
Number of clients	3,500	3,350	3,240	3,140

The long term trend for the total number of clients aged over 65 in residential care continues to show a decline with Kent showing a similar fall and rate of provision to national levels.

The number of clients placed in permanent independent sector residential care at the end of December was 2,782 up from 2,751 in March 2010 (excluding preserved rights clients).

There are also ongoing pressures relating to clients with dementia and the number of clients with dementia in independent sector provision increasing from 1,195 in March to 1,255 in December.

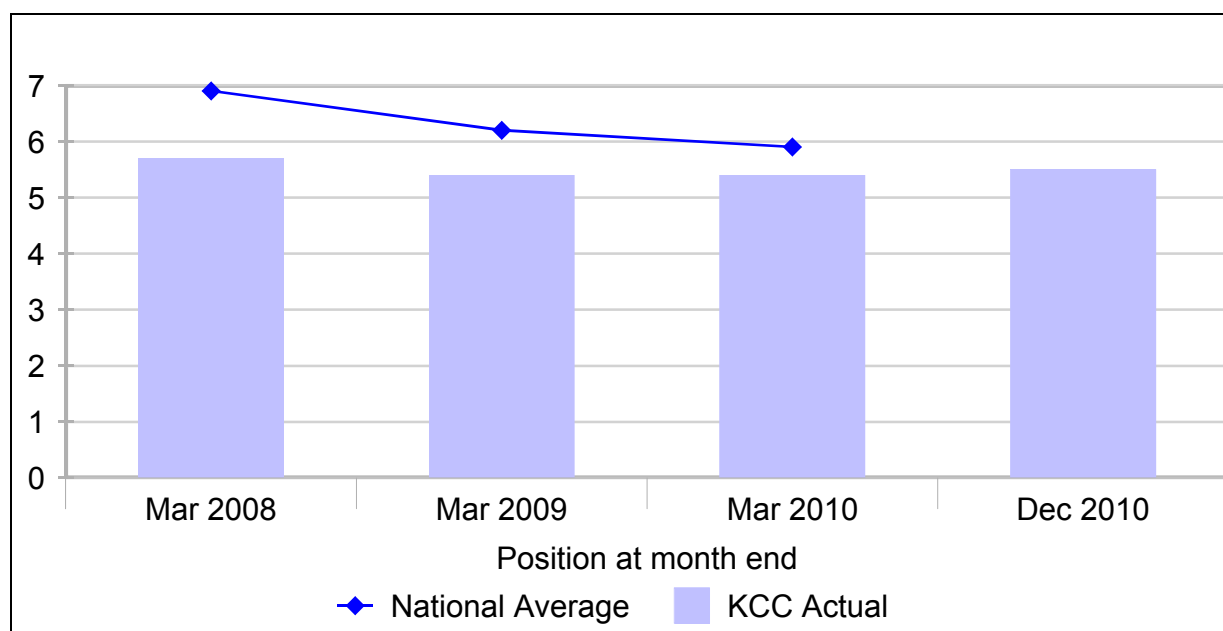
**Data Notes:**

- Previous year data and national benchmarks are taken from the National Adult Social Care Intelligence Service.
- Data includes all clients whether placed in in-house provision or with external providers.
- Client data rounded to nearest 10.



**Older people supported in nursing care, permanent placements per 1,000 people aged 65 and over**

**Amber**



Lower result is better	Mar 08	Mar 09	Mar 10	Dec 10 Provisional
KCC Result	5.7	5.4 ↑	5.4 ↔	5.5 ↓
National average	6.9	6.2	5.9	N/a
RAG Rating	★	★	●	●
Number of clients	1,390	1,340	1,370	1,390

The number of clients aged over 65 in permanent placements of nursing care increased in the first quarter of the financial year (to 1,420) but have been reducing since. The levels remain slightly above those seen in the previous 2 years.

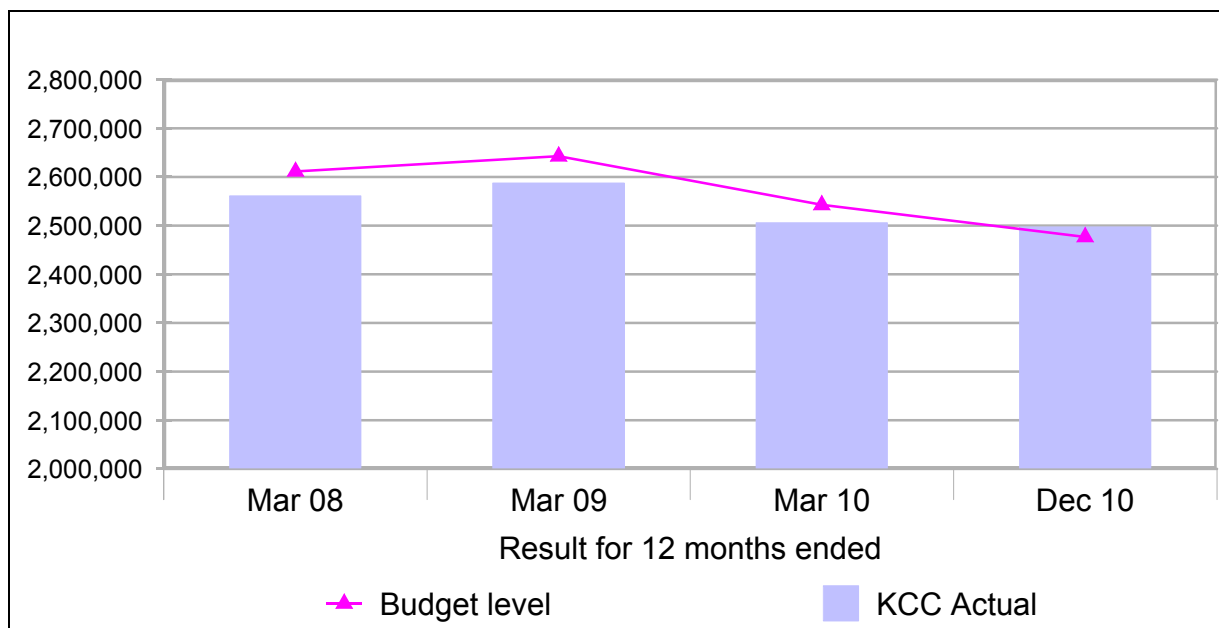
Kent has historically maintained a lower level of usage of nursing care than the national average, although the national average has been reducing significantly in the last few years.

**Data Notes:**

- Previous year data and national benchmarks are taken from the National Adult Social Care Intelligence Service.
- Data includes all clients whether placed in in-house provision or with external providers.
- Client data rounded to nearest 10.

**Hours of independent domiciliary home care funded by KCC and provided to people aged 65 and over**

**Amber**



Lower result is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Dec 10 Provisional
Hours care provided (000's)	2,561	2,587 ↓	2,506 ↑	2,497 ↑
Budget level	2,611	2,642	2,542	2,477
RAG Rating	●	●	●	●
Number of clients	6,740	6,490 ↑	6,230 ↑	6,060 ↑

Client numbers with externally provided domiciliary provision were 6,060 in December which is down from 6,230 in March. The number of hours of care provided in the last 12 months however has only slightly reduced. Currently the hours provided are 0.8% over the amount provided for in the budget.

The number of hours of externally purchased domiciliary care has decreased since 2008/09 and this was expected due to other services being provided such as intermediate care, telecare and telehealth and increased take up of direct payments as well as further development of provision through voluntary sector provision.

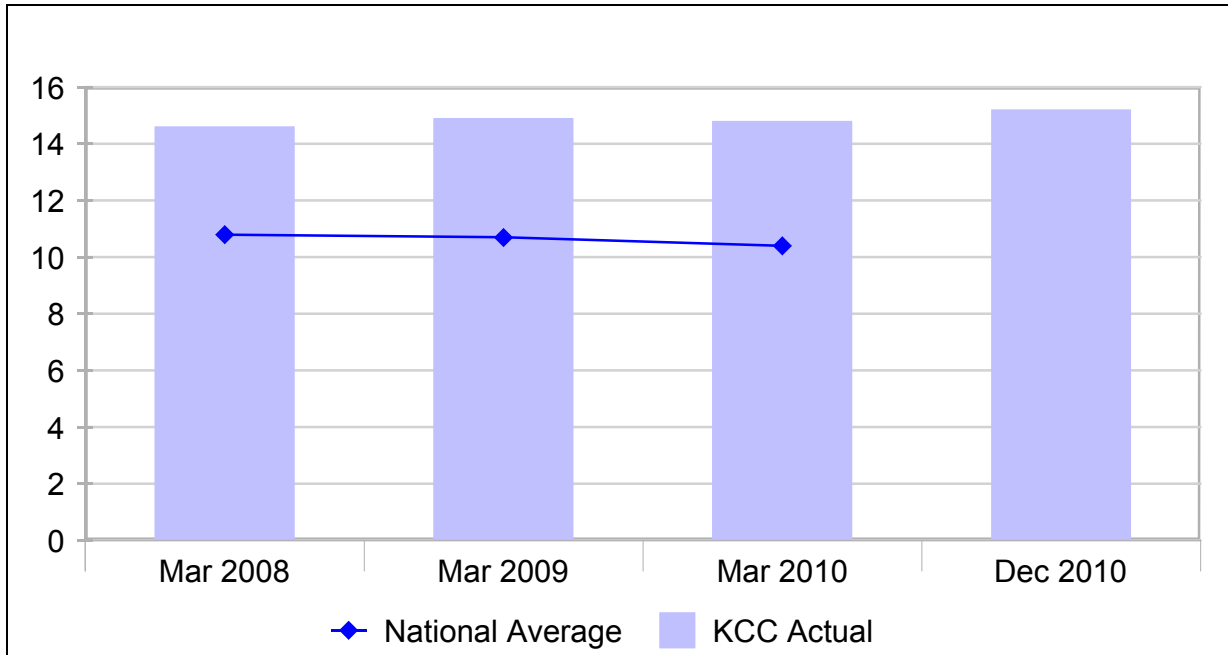
In addition, with the introduction of enablement, more people are able to return home with minimal or no care package. However, although the numbers of people who continue to receive a service are fewer, those that do may receive a more intensive care package.

Data notes:

- Client data rounded to nearest 10.

**Adult clients with learning disability supported in residential care, per 10,000 population aged 18 to 64**

**Red**



Lower result is better	Mar 08	Mar 09	Mar 10	Dec 10 Provisional
KCC Result	14.6	14.9 ↓	14.8 ↑	15.2 ↓
National average	10.8	10.7	10.4	N/a
RAG Rating	▲	▲	▲	▲
Number of clients	1,230	1,260	1,250	1,290

Demographic pressures and the NHS transfer continue to impact on Learning Disability Services, particularly residential care.

In addition, Kent has a higher than average proportion of preserved rights clients, which will impact on any benchmarking analysis. These are clients who have been in long term care, some of whom would have been placed in Kent from other parts of the country. Responsibility for these clients transferred from government to local authorities some time in the past and government provides a specific grant to meet the costs of care for these clients.

The number of clients in residential care excluding those with preserved rights at the end of December 2010 was 707, up from 632 in March. This includes NHS transfer figures.

**Data Notes:**

- Previous year data and national benchmarks are taken from the National Adult Social Care Intelligence Service.
- Client data rounded to nearest 10.

## **Environment, Highways and Waste**

### Waste

The overall tonnage of municipal waste continues to fall but at a slower rate than in previous years. Recycling performance remains on an upward trend, although the percentage of Kent's waste recycled and composted is not now set to change significantly until the full roll out of new services in Dover, Shepway and Maidstone during the next financial year.

Assuming recyclates markets remain stable, this is projected to increase Kent's overall recycling by a further 2-3%. Recyclate quality and contamination strongly influence marketability and therefore income derived, so extra emphasis is being placed on communications with the public about the careful separation of materials.

Further improvements have been made to Household Waste Recycling Centres (HWRC) to make them not only easier for the public to use, but to ensure the quantity and quality of recycled material is maximised. This minimises the amount of waste that needs to be disposed of via waste to energy or landfill. A modern new HWRC site to serve the Lydd/New Romney area is well advanced and will open in spring 2011.

### Kent Highway Services

There has been an overall improvement in highway repairs indicators over the last quarter, although pothole repairs times for the quarter remained significantly behind target.

The response time to streetlight repairs dipped marginally below target, though this is largely a seasonal trend with a three-fold increase in reported faults from levels in the summer, and response times were impacted by the diversion of staff onto emergency winter maintenance tasks. Streetlight repair time for UKNP showed good improvement in the quarter but performance remains behind target.

The damage caused by the snow and ice at the end of 2010 has been followed by a short and targeted find and fix programme where highway safety has been directly affected, and this will be followed in the spring by a larger programme of permanent repairs. The winter response provided by KHS benefitted from a number of key improvements over last year to assist the travelling public, including the earlier filling of salt bins, provision of salt bags to local communities and co-ordinated support from district councils. During the severe weather the number of highway related enquiries handled by the Contact Centre rose to 17,500 compared to a monthly average of 14,000, with 70% of these being resolved directly.

The procurement of the new highways maintenance contract remains on track and to programme. The Invitation to Submit Detailed Solutions (ISDS) stage from the three short listed contractors (May Gurney, Enterprise and Colas) was completed in January 2011 and final tenders will be submitted by the end of March, with the contract to be awarded in June 2011 for operational commencement in September 2011. The capital planned maintenance programme for 2010/11 is on schedule and all schemes currently in the programme are forecast for delivery within the current financial year and to budget.

During this period, the Government announced a significant in-year funding reduction of around £4.1 million in the Integrated Transport programme for local schemes. Working closely with Members, modifications were made to the project programme for the current year, resulting in a smaller programme of 74 local schemes going ahead within the revised budget of £4.7million.

On 1 April 2011, the responsibility for the statutory senior citizens and disabled concessionary travel scheme will transfer to KCC from the district councils. Current estimates suggest that there will be an overall funding shortfall from Government of £1.5m in 2011/12 and £1.0m in 2012/13 and these figures have needed to be budgeted for.

### Planning and Environment

The withdrawal of Pfizer from Sandwich emphasises the importance of securing further strategic infrastructure improvements for the area to underpin the economic and social future of the site and the wider area. We have been working closely with Network Rail on the business case for a Thanet Parkway station and line speed enhancements which could make a significant contribution to improving transport connections to and from London, and we have submitted a bid to the Regional Growth Fund for this.

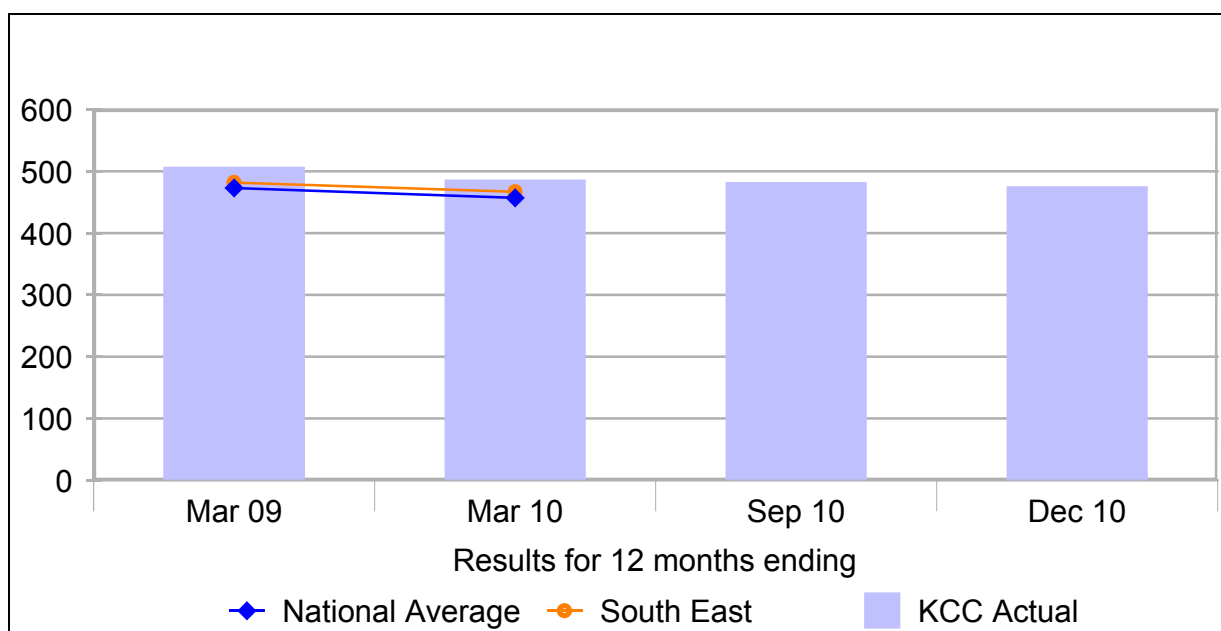
In December 2010 KCC launched “Growth Without Gridlock”, its bold 20 year vision for improvements in Kent’s road and rail infrastructure which will be needed to deliver managed economic growth. The strategy takes forward the overarching proposals set out in “Bold Steps for Kent” and incorporates other long-term transport objectives. KCC has submitted to the Department for Transport (DfT) its reports on the economic case for, and capacity issues of, the lower Thames crossing. The DfT plan to commission a detailed feasibility assessment of the options for an additional crossing in February 2011 and we are continuing to work closely with them. The consultation period for the third Local Transport Plan ended on 31 December, and we are now evaluating the many suggestions and comments. The draft Rail Action Plan for Kent has been launched for consultation, drawing on the extensive views expressed at the second Rail Summit in October 2010. A third Rail Summit will take place in April 2011.

The consultation on the Core Strategy for the Minerals and Waste Development Framework received 1,200 comments from 85 individuals and organisations. An initial summary of responses was reported to the Informal Member Group in January 2011 and a full analysis will be completed by the end of March to coincide with the production of the draft ‘Strategy & Directions’ document.

Funding from DEFRA has been confirmed to take forward our new statutory responsibilities as lead strategic authority on surface water flood risk. Work has commenced on the required Preliminary Flood Risk Assessment for Kent, guided by the Members of the Strategic Flood Risk Committee. At officer level a Kent Flood Risk Partnership has been established with key organisations involved in operational roles and with senior District Council officers.

## Kilograms of household waste collected per resident

**Amber**



Lower figure is better	Year ended Mar 09	Year ended Mar 10	Year ended Sep 10	Year ended Dec 10 Provisional
KCC Result	507	486 ↑	482 ↑	475 ↑
National Average	473	457	N/a	N/a
RAG Rating	●	●	●	●
South East	482	467	N/a	N/a

The total tonnage of household waste produced in Kent continues to decline and the amount collected per resident has been moving closer to the national average in recent years.

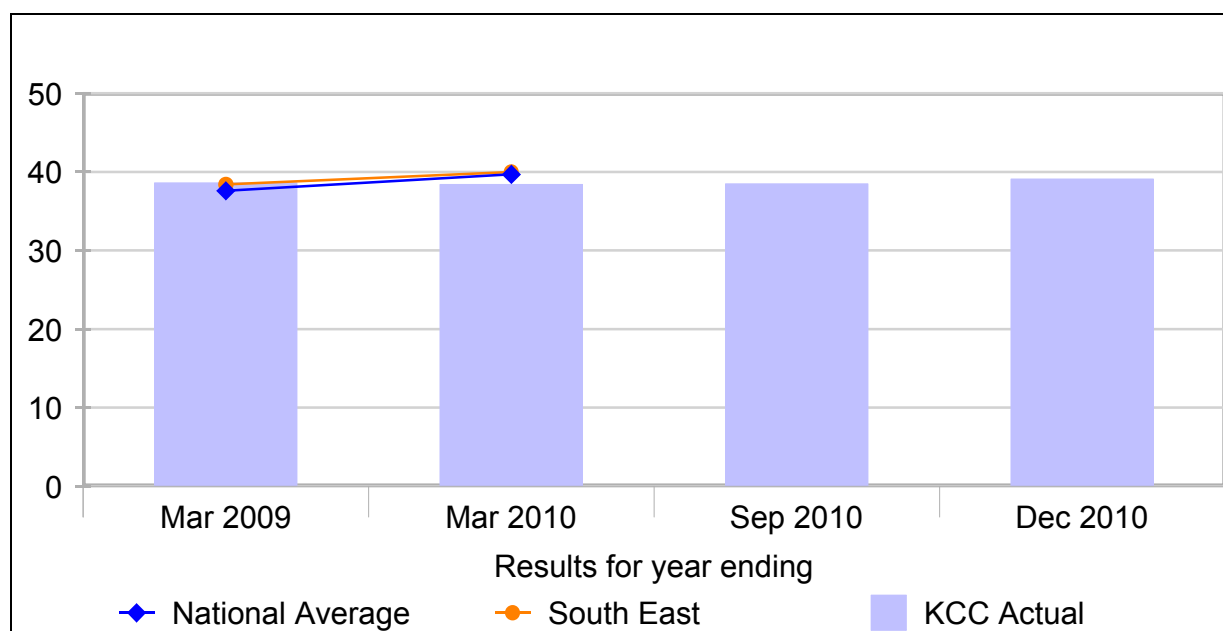
The forecast for the year ending March 2011 is for the kilograms collected per resident to be lower than the previous year for the fourth year running.

### Data Notes:

- Data extracted from KCC monitoring systems and national WasteDataFlow system.
- Recent data is provisional in nature as it includes some estimated tonnage figures which are based on previous trends; this may change slightly as final, validated information becomes available.
- The RAG ratings for September and December are based on comparison to the most recently published national average – March 2010.

**Percentage of household waste recycled or composted**

**Amber**



Higher figure is better	Year ended Mar 09	Year ended Mar 10	Year ended Sep 10	Year ended Dec 10 Provisional
KCC Result	38.6%	38.4% ↓	38.5% ↑	39.1% ↑
National average	37.6%	39.7%	N/a	N/a
RAG Rating	●	●	●	●
South East	38.4%	40.0%	N/a	N/a

The percentage of Kent's household waste recycled or composted has levelled off in recent years, as no significant additional district council kerbside recycling schemes have been put in place. However there has been a slight increase this year with a rate of 39.1% for the last 12 months. Plans for new collections are being implemented in Maidstone, Dover and Shepway in 2011, which should lead to a further increase in the level of recycling.

Over the next few years, as collection services are reviewed and contracts re-tendered, it is expected that the introduction of additional recycling and composting services will be possible.

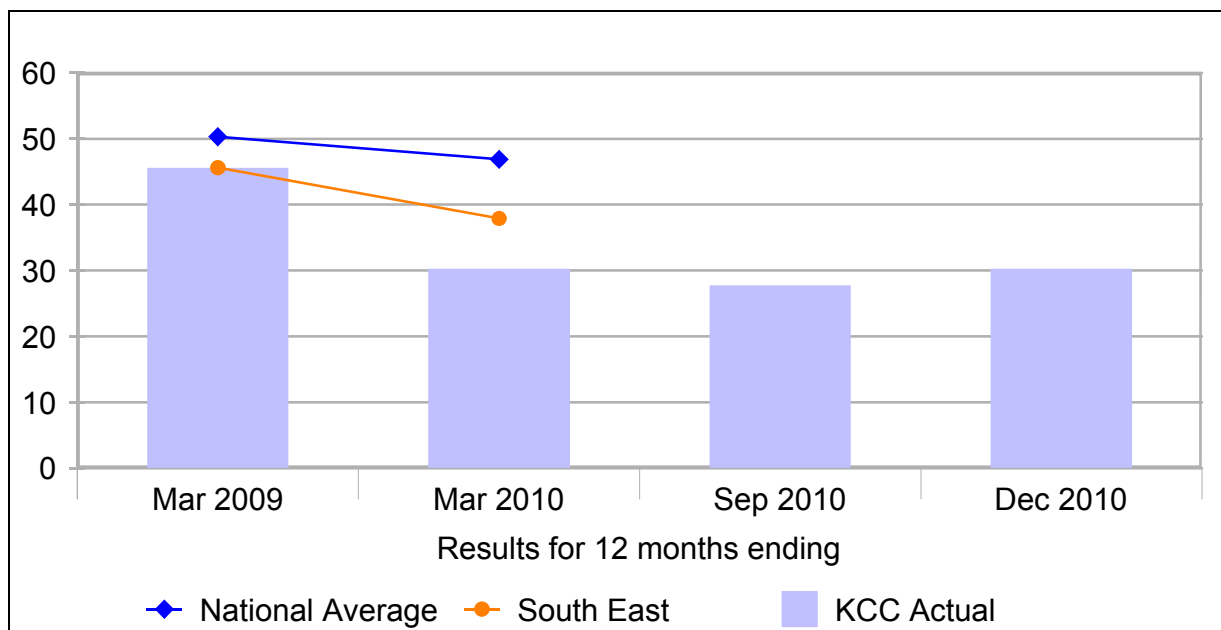
Current national targets are to achieve a household waste recycling rate of 45% by 2015 and 50% by 2020.

**Data Notes:**

- Data extracted from KCC monitoring systems and national WasteDataFlow system.
- Recent data is provisional in nature as it includes some estimated tonnage figures which are based on previous trends; this may change slightly as final, validated information becomes available.
- The RAG ratings for September and December are based on comparison to the most recently published national average – March 2010.

**Percentage of municipal waste taken to landfill**

**Green**



Lower figure is better	Year ended Mar 09	Year ended Mar 10	Year ended Sep 10	Year ended Dec 10 Provisional
KCC Result	45.5%	30.2% ↑	27.7% ↑	30.2% ↓
National average	50.3%	46.9%	N/a	N/a
RAG Rating	●	★	★	★
South East	45.6%	37.9%	N/a	N/a

In recent years Kent has been significantly ahead of the national and south east averages for the percentage of municipal waste going to landfill.

Currently nearly 40% of waste is recycled or composted with 30% being managed via the Allington waste to energy plant. A further reduction in waste going to landfill is forecast for the future, and plans are in place to landfill less than 15% by 2013/14.

Between September and December 2010 there was an increase in the amount of waste going to landfill, as waste was temporarily diverted from Allington to landfill, due to maintenance work at the facility.

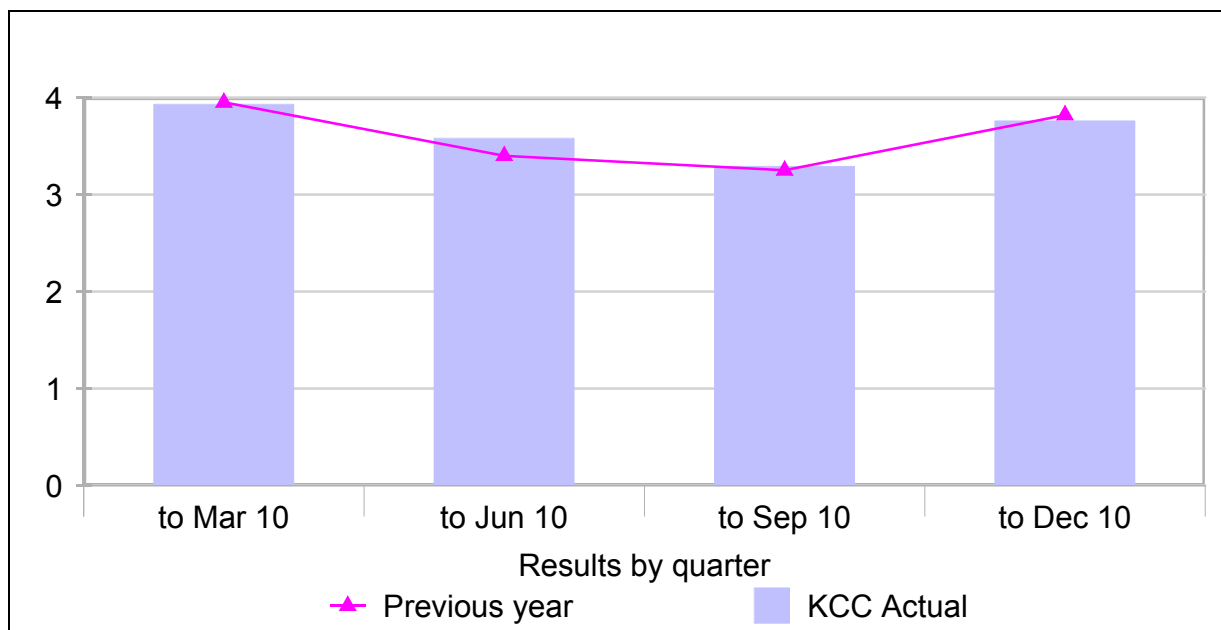
**Data Notes:**

- Data extracted from KCC monitoring systems and national WasteDataFlow system.
- Recent data is provisional in nature as it includes some estimated tonnage figures which are based on previous trends; this may change slightly as final, validated information becomes available.
- The RAG ratings for September and December are based on comparison to the most recently published national average – March 2010.



**Average minutes per mile for AM peak travel time  
in Maidstone on inbound links**

**Amber**



Lower figure is better	Qtr to Mar	Qtr to Jun	Qtr to Sept	Qtr to Dec
KCC Result 2010	3.93	3.58	3.29	3.76
Previous year	3.95	3.40	3.25	3.82
RAG Rating	●	●	●	●

Average journey times into Maidstone have been similar this year to last year and a clear seasonal pattern has emerged now that we have collected data for two full years.

Journey time data for a sample of routes in Tunbridge Wells is programmed to be available from February 2011. Our budget plans for 2011/12 include further Automatic Number Plate Recognition (ANPR) cameras for Dartford.

Continued investment in this area helps us to understand those issues that affect journey times and cause travel delays, improving our network intelligence and allowing us to use this information to improve journey reliability.

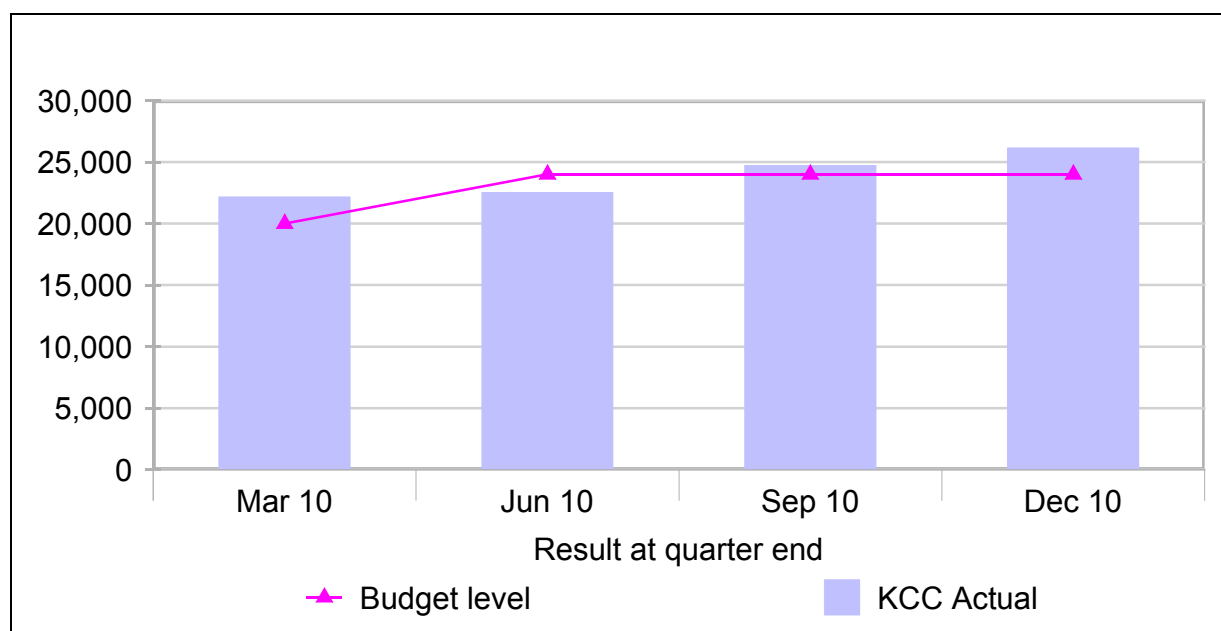
A more dynamic measure of journey time reliability has been developed and in future we intend to report the proportion of weekdays when the average journey time is higher than an established and acceptable threshold level.

**Data Notes:**

- Data has been subject to a very slight revision from the figures previously reported due to more accurate calculation of quarterly averages (i.e. full weighting of daily averages by traffic volumes experienced).
- Data is now assessed by comparison to the previous year's result, measured on a consistent basis. Previously the assessment was made against a target based on an old baseline measurement which was not collected on a consistent basis.
- The change in assessment method has resulted in the indicator now being reported as Amber (previously Green).

## Number of Freedom passes in issue

**Amber**



Lower figure is better in terms of cost	Qtr ended Mar 10	Qtr ended Jun 10	Qtr ended Sept 10	Qtr ended Dec 10
KCC Result	22,200	22,600	24,700	26,100
Budget level	20,000	24,000	24,000	24,000
RAG Rating	▲	●	●	●

The Kent Freedom Pass continues to be a great success with the start of the new academic year. As of December 2010, 26,100 passes had been issued. This is 24% higher than for the equivalent period last year.

While this is good news in terms of the success of the scheme it also presents a budget pressure as the number of passes issued now exceeds the level provided for in the budget.

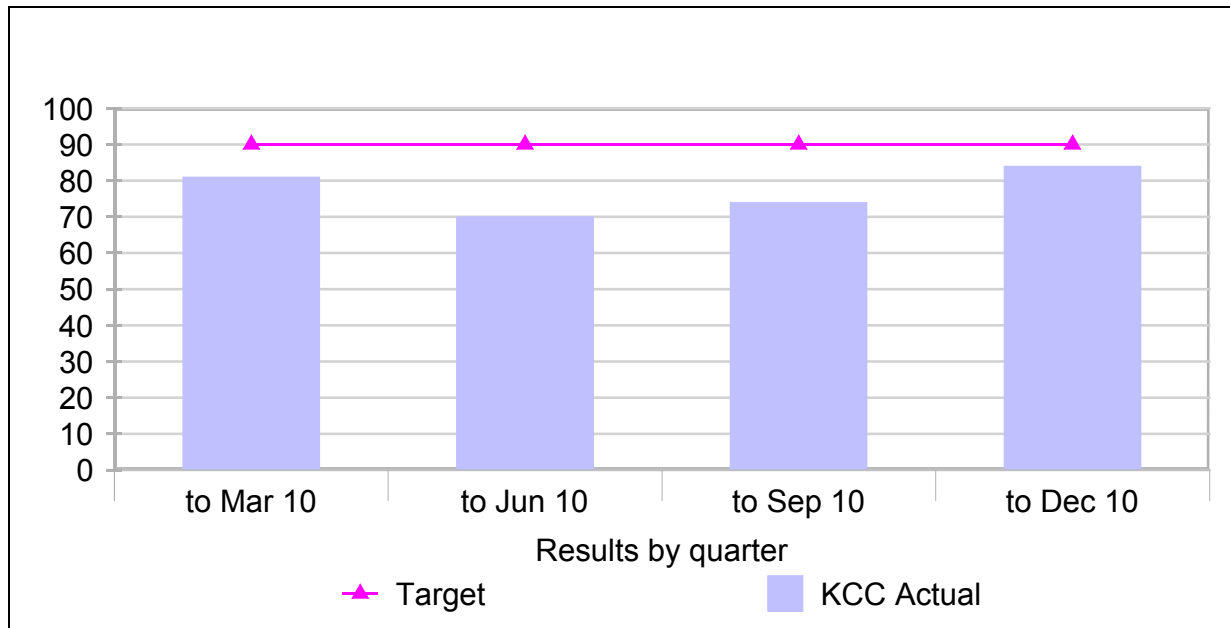
Survey work in the year has indicated that some 6% of pass holders have now chosen a different school as a consequence of the scheme, indicating that the scheme has allowed new choices for users of the pass.

#### Data Notes:

- Freedom passes are issued by academic year. Most passes are issued at the beginning of the year in the quarter to September, but new applications continue to be made throughout the year.

**Percentage of routine highway repairs completed within 28 days**

**Amber**



Higher figure is better	Qtr to Mar 10	Qtr to Jun 10	Qtr to Sept 10	Qtr to Dec 10
KCC Result	81%	70% ↓	74% ↑	84% ↑
Target	90%	90%	90%	90%
RAG Rating	●	▲	▲	●

Performance has been on an improving trend since June and results for this quarter are now close to our 90% target with 85% of routine highway repairs due for completion within December completed within the 28 days target.

The recent winter weather has significantly increased the number of routine highway repairs reported by the public and we are working hard to keep up with this volume. Enquiries in December rose to over 3,500 per week compared to an average summer volume of around 1,500 per week.

Due to the hard winter last year we had over 2,500 enquires that had reached over 100 days old during August. We have now reduced this backlog to almost zero. Furthermore, over this period we have seen enquiries that are between 29-99 days old fall from over 1,600 to less than 500.

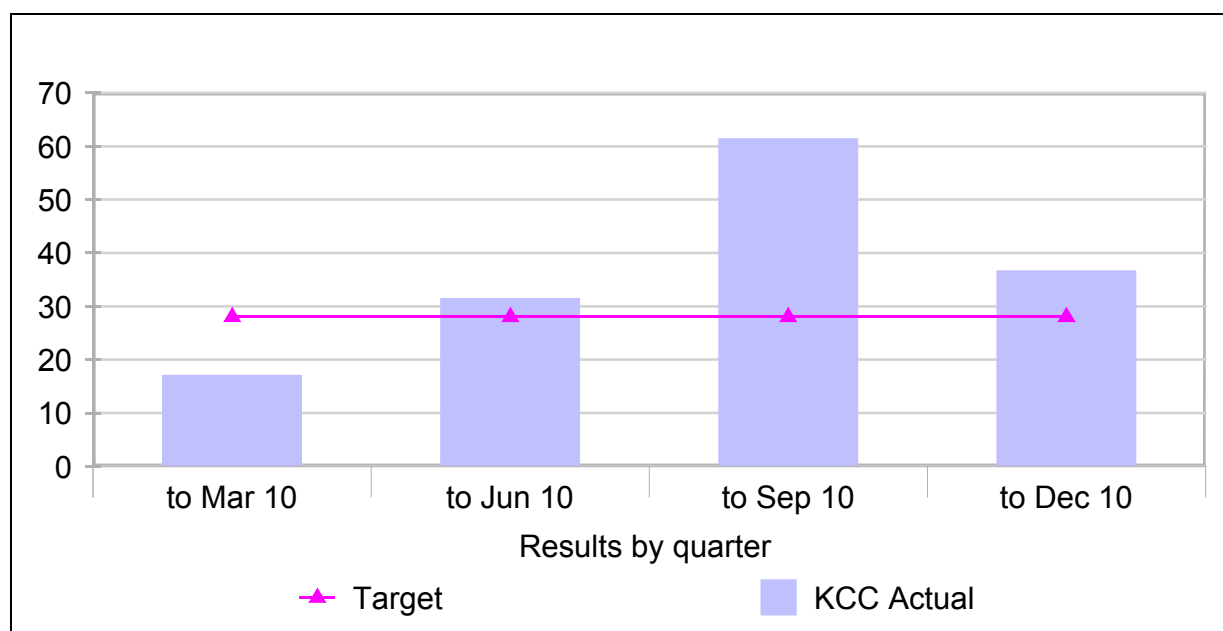
Keeping on top of the backlog of enquiries will continue be a top priority and we are currently monitoring on a weekly basis both the number of enquiries that are open as well as those that are going above the 28 day target.

**Data Notes:**

- The indicator only measures new requests completed within 28 days and does not show the amount of backlog or how quickly backlogs are addressed.

## Average number of days to repair potholes

Red



Lower figure is better	Qtr to Mar 10	Qtr to Jun 10	Qtr to Sept 10	Qtr to Dec 10
KCC Result	17.1	31.5 ↓	61.4 ↓	36.6 ↑
Target	28	28	28	28
RAG Rating	★	●	▲	▲

Significant work to clear the backlog of potholes was completed before the onset of the recent winter weather. This resulted in a high average repair time being reported last quarter.

Average repair time improved significantly this quarter and although for the month of December the average repair time met the 28 day target, for the quarter as a whole performance was still some way behind target.

As a result of the snow and ice in December, we are receiving a significant increase in pothole enquiries. To help with the level of repairs required we have employed extra repair gangs from Ringway, and have also recently mobilised the set of local contractors who successfully delivered the first find and fix programme last summer.

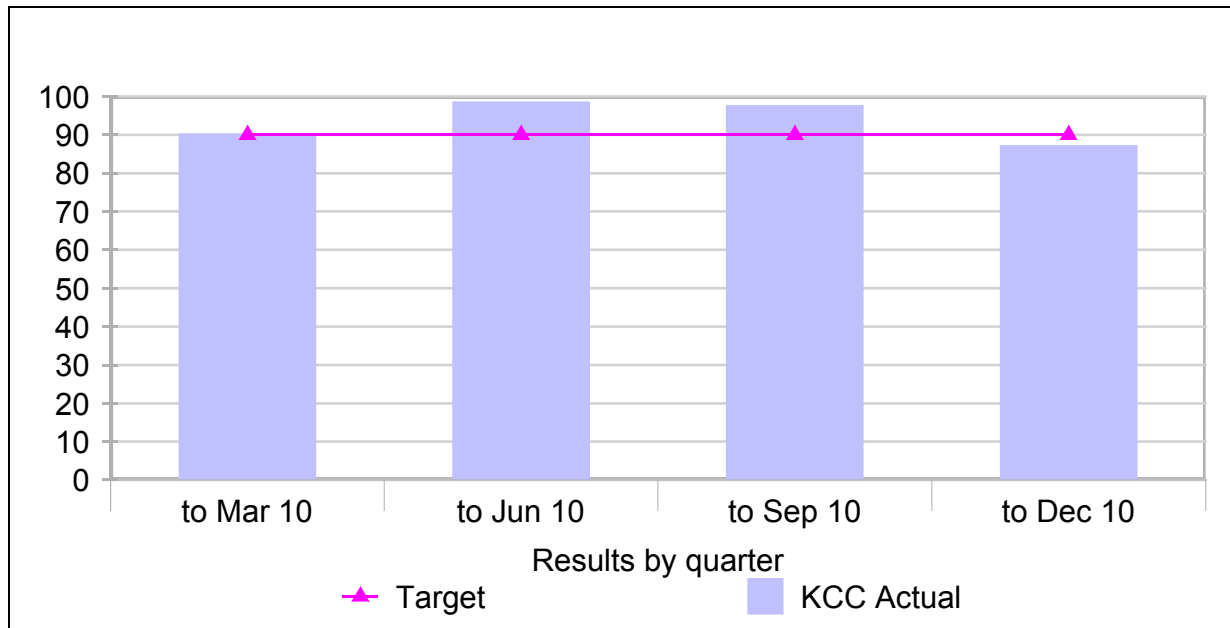
We are currently planning a new find and fix programme for the spring when the weather is more favourable to undertaking permanent road repairs.

### Data Notes:

- This indicator includes all repairs completed during the period being measured, including the backlog.
- The indicator is calculated on the number of jobs, so where several potholes are fixed in the same location at the same time, this is only counted once.

**Percentage of streetlight faults attended to within 28 days – KCC responsible**

**Amber**



Higher figure is better	Qtr to Mar 10	Qtr to Jun 10	Qtr to Sept 10	Qtr to Dec 10
KCC result	90.2%	98.6% ↑	97.7% ↓	87.2% ↓
Target	90%	90%	90%	90%
RAG Rating	★	★	★	●

Performance in the last quarter has dipped slightly below our 90% standard.

There has been a significant increase in the volume of faults - a three-fold increase from levels in the summer. This seasonal variation is due to the longer, dark nights and the subsequent increased public awareness of street lighting.

There was also a period during the bad winter weather when lighting operatives were diverted onto winter maintenance activities for several weeks.

As we approach the spring and summer seasons we expect the performance levels to quickly return to our published standard.

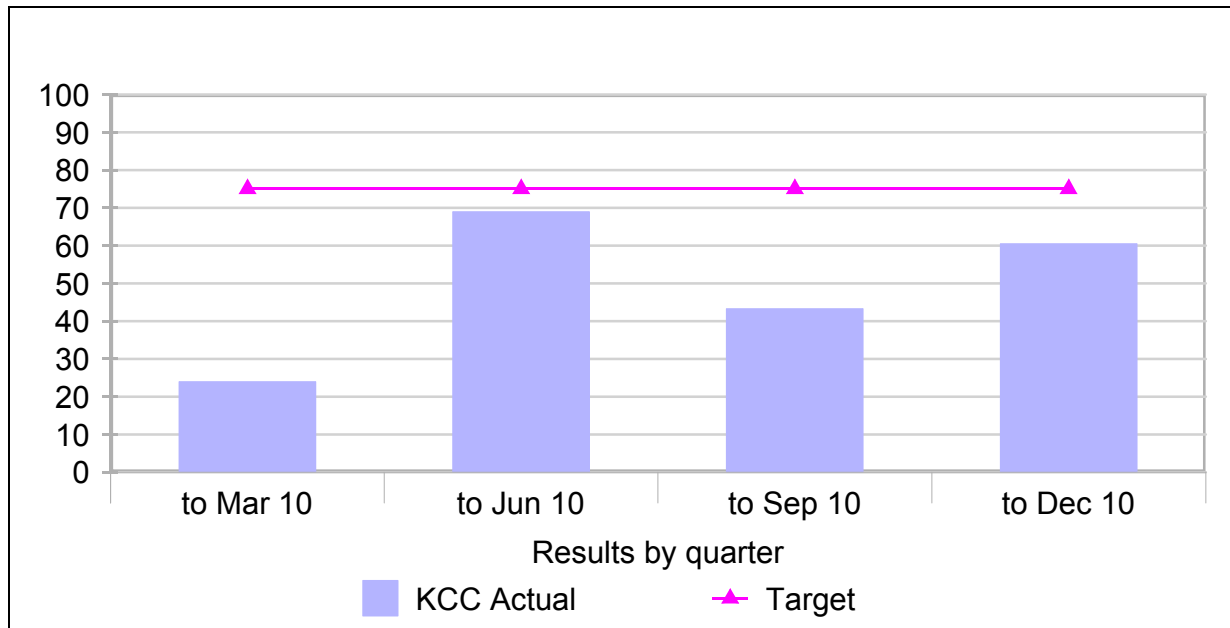
During the quarter to December 2010 we completed 10,081 streetlight repairs (8,141 previous quarter).

**Data Notes:**

- The indicator is calculated on the same basis as the previous national indicator for this service which is on the basis of first attending to the fault. In most cases a fault can be fixed when first attended to by a bulb replacement. However, in a minor number of cases major works such as column replacement are required and these are then scheduled under a different works programme and the completion of these major works are not captured by this indicator.

**Percentage of streetlight faults attended to within 28 days – UKPN responsible**

**Red**



Higher figure is better	Qtr to Mar 10	Qtr to Jun 10	Qtr to Sept 10	Qtr to Dec 10
UKPN Result	24.0%	69.0% ↑	43.3% ↓	60.5% ↑
Target	75%	75%	75%	75%
RAG Rating	▲	●	▲	▲

By working much more closely with UK Power Networks (formerly EDF) we have seen much better performance in work turnaround where their input is needed.

The key ingredient here has been the very successful introduction of the “rent-a-jointer” process that allows KHS to manage the UK Power Networks (UKPN) crews directly.

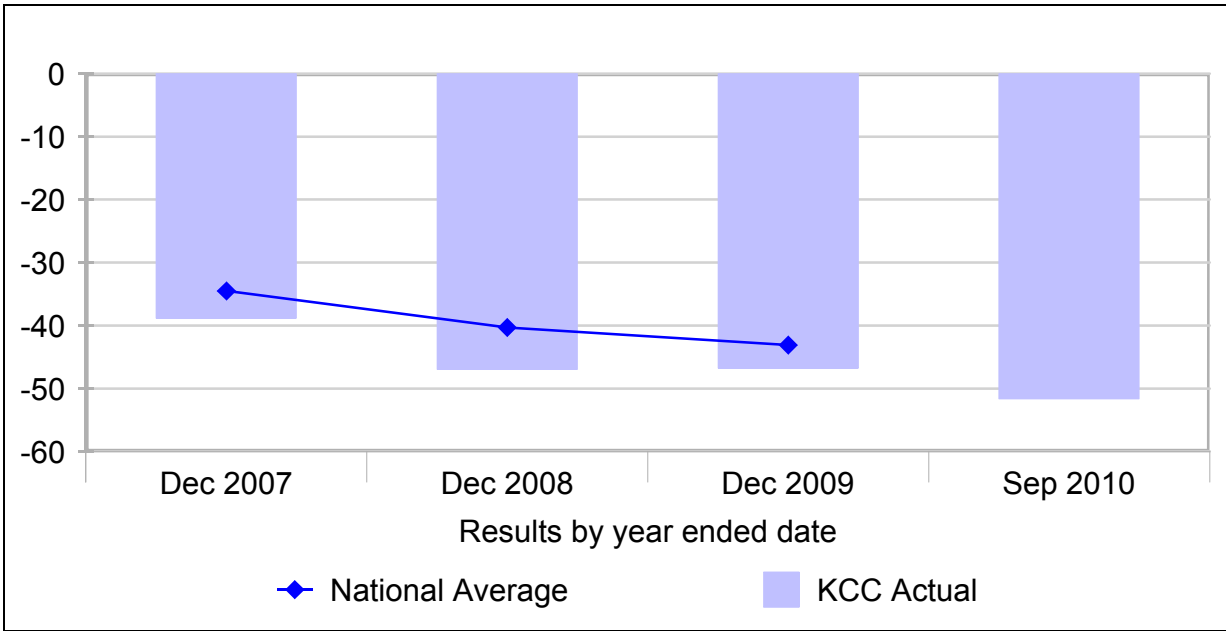
Connections are now carried out through the rent-a-jointer scheme but network faults remain with UKPN.

During the quarter to December 2010 UKPN completed 114 streetlight repairs (453 previous quarter).

**Data Notes:**

- A lower target for completion is set for UKPN repairs due to the works covered by UKPN being more in the nature of major works and not simply bulb replacement.

<b>Percentage reduction in the number of people killed or seriously injured (KSI) on the roads compared to 1994-98 average</b>	<b>Green</b>
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Larger negative figure better	Year ended Dec 07	Year ended Dec 08	Year ended Dec 09	Year ended Sept 10 Provisional
KCC Result	-38.9%	-47.0% ↑	-46.8% ↓	-51.7% ↑
National average	-34.5%	-40.3%	-43.1%	N/a
RAG Rating	★	★	●	★
Number of people KSI	723	627	629	571

Data for the first nine months of the year show a continued and significant reduction in the number of people killed or seriously injured in road traffic accidents.

The reduction achieved in Kent has in most previous years been significantly better than the reduction recorded as the national average.

With the level of reduction seen in Kent in the current year, we expect to continue to be significantly better than the national average when national data becomes available later in 2011. Provisional data to the end of December which is still being validated shows continued reductions being achieved.

**Data Notes:**

- There is a long delay in processing all records and although provisional data is available up to the end of December, it was not sufficiently complete or reliable enough at the time of producing this report to include the information.
- The data table shows a change in RAG rating from Amber to Green as this compares the latest performance with the position at the end of last year. This indicator has however been rated as Green for each quarter so far this year.
- The RAG ratings for September is based on comparison to the most recently published national average – December 2009.

## **Communities Directorate**

### Background

The services within the Communities Directorate are developing detailed action plans to deliver the very tough KCC 2011-13 Medium Term Financial Plan, as well as preparing for the transition to the new KCC structures as set out in the 'Change to Keep Succeeding' document.

Service plans for 2011/12 are particularly focusing on how services contribute to achieving "Bold Steps for Kent" over the coming four years and concentrating on the critical pieces of work for the year ahead, in light of reduced resources.

The Youth offending service (YOS) is working with partners to prepare for its inspection from 11<sup>th</sup> to 15<sup>th</sup> April, including conducting increased levels of case audits. The inspection will no doubt be challenging but the significant majority of cases audited by YOS so far have been in good order. The service has recently been congratulated by the Chair of the national Youth Justice Board for its ground-breaking work helping young people turn their backs on crime, which has led to an 18% reduction in proven offences across the county.

The new Customer and Communities Directorate is taking shape. The current Communities senior management team is monitoring transition issues to be dealt with during the coming weeks, to make the move to new arrangements as smooth as possible.

### Core Monitoring Indicators

Physical visits and book loans in libraries have been affected by the modernisation programme. Several libraries are currently operating out of temporary accommodation, while refurbishment or new-build projects are in progress. The launch of an eBook loan service has proved popular since its launch in July 2010, with over 7,000 eBooks loaned; 3,500 in the Oct-Dec 2010 period. In addition, the new self-service system in libraries will bring a number of opportunities to increase loans including having library staff spending more time floor walking and helping customers. The offer of public WiFi access in library and archives centres will also be expanded in the first quarter of 2011/12.

A new library strategy will be developed during the coming months to better reflect the needs of new and existing customers.

The Kent Apprenticeship scheme continues to be popular, with 28 new apprentices taking up placements in quarter 3 of 2010/11. Current performance exceeds the "Bold Steps for Kent" target levels at this early stage, although there will be no complacency, as the upcoming re-structuring and tough financial climate will present challenges in the coming years.

The number of first time entrants to the youth justice system in Kent continues to decline (improve), which is testament to positive partnership working in the county during the past few years.



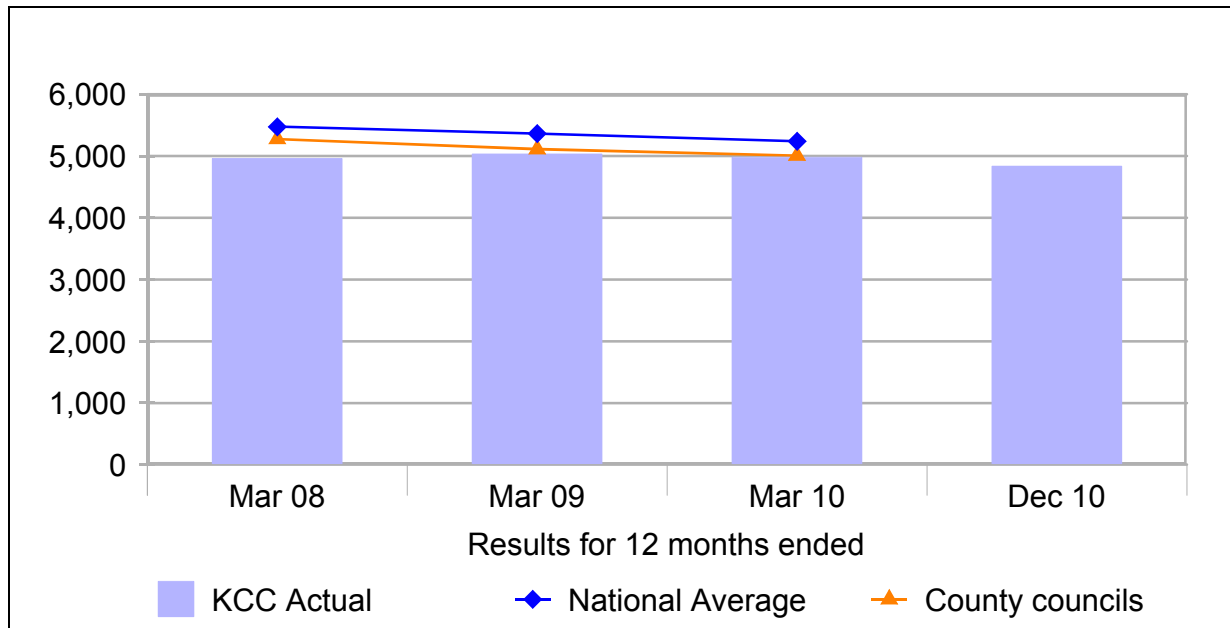
The proportion of young people known to the Youth offending service that are in full-time education, training and employment (ETE) has remained stable in the last quarter and is on par with national average. A range of initiatives such as 'New Skills, New Lives' and apprenticeships, provided in partnership with the Connexions Service, are engaging these young people to reduce their chances of re-offending.

The proportion of adults leaving drug treatment free of dependency is a new indicator included in this report and shows that Kent is performing well above national average on this key measure, which is part of the national drug strategy.

The percentage of clients leaving supported accommodation moving on to independent living has increased over the past two quarters, according to local provisional figures. The totals can fluctuate each quarter and there are some known inconsistencies in reporting nationally, but it is still positive to see Kent performance above the national average, and exceeding the original local target set by the Kent Supporting People Commissioning Body.

**Number of visits to libraries per 1,000 residents**

**Amber**



Higher value is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Dec 10 Provisional
KCC Result	4,960	5,030 ↑	4,979 ↓	4,832 ↓
National average	5,475	5,363	5,241	N/a
RAG Rating	●	●	●	●
County council average	5,276	5,112	5,006	N/a

Footfall in Kent libraries is being affected by several temporary library re-locations as part of the modernisation programme, with visits in the first 3 quarters of 2010/11 lower than the first 3 quarters of 2009/10.

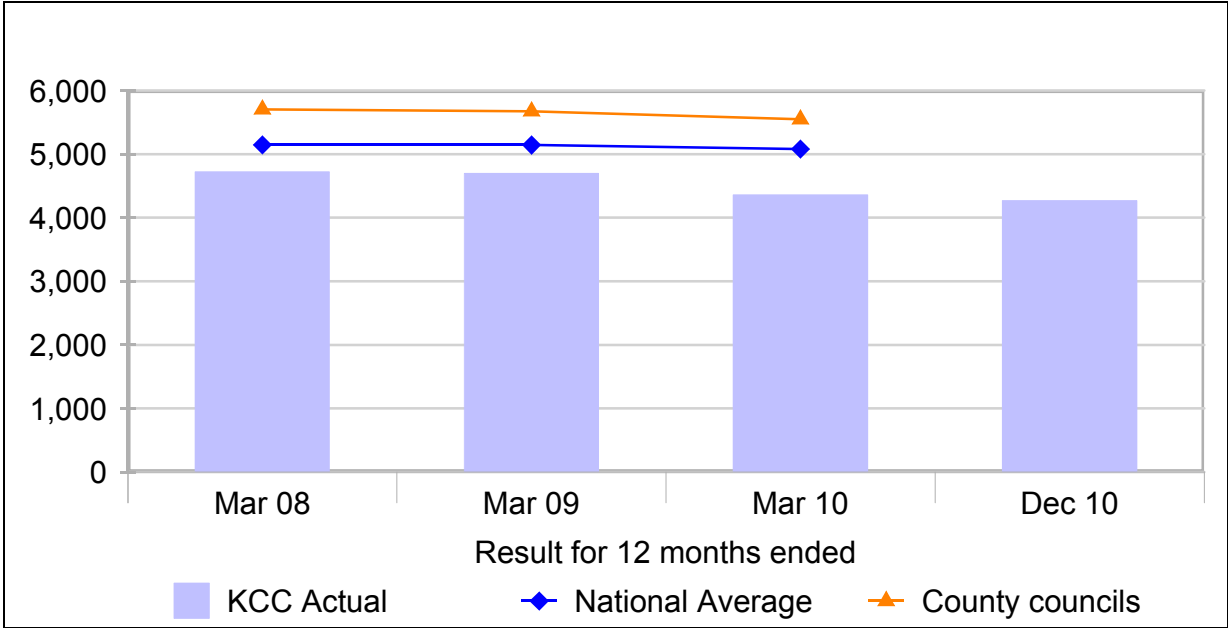
However, the number of activities such as Reading Clubs and Baby Bounce & Rhyme Time continues to increase in 2010/11.

There are 300,000 more 'virtual visits' forecast in 2010/11 compared to 2009/10, reflecting an alternative or complementary way of accessing library services.

**Data Notes:**

- Comparative data drawn from annual CIPFA statistics.
- The RAG ratings for December is based on comparison to the most recently published national average – March 2010.

<b>Number of library book issues per 1,000 residents</b>	<b>Red</b>
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Higher value is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Dec 10 Provisional
KCC Result	4,724	4,695 ↓	4,361 ↓	4,269 ↓
National average	5,147	5,143	5,081	N/a
RAG Rating	●	●	▲	▲
County council average	5,705	5,675	5,547	N/a

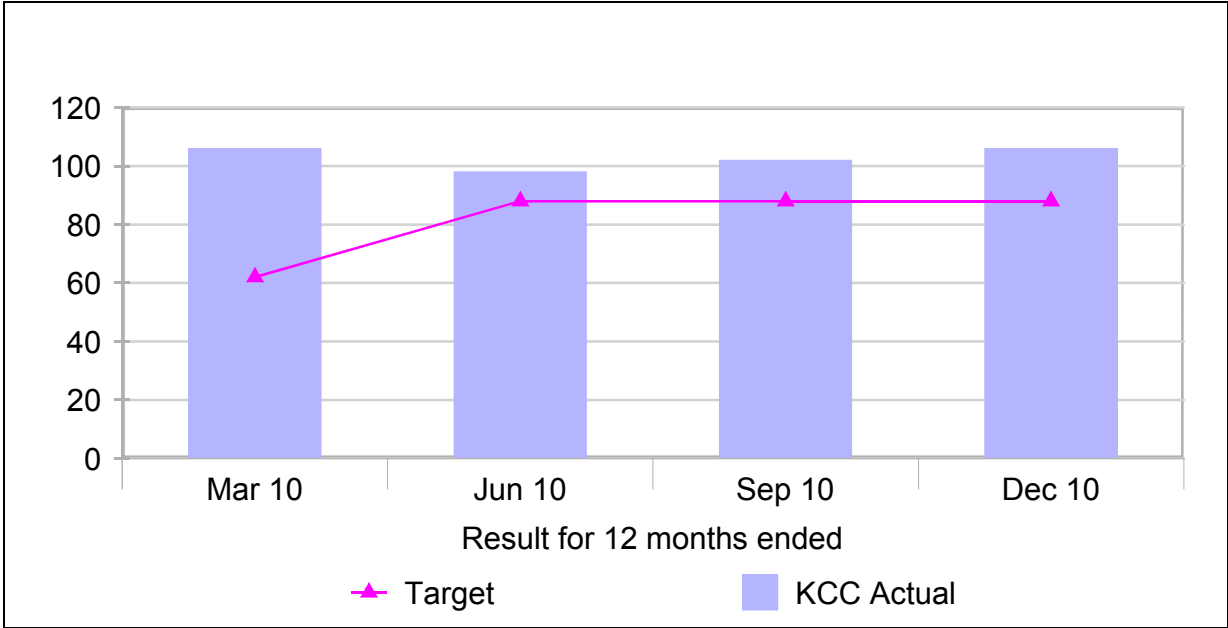
The number of books loaned in Kent has historically been below the national average and other county councils.

More recently, the number of book loans has been affected by the libraries modernisation programme over the past 18 months. In particular, three of the county’s busiest libraries (Gravesend, Ashford and Canterbury) are currently operating out of temporary accommodation.

New initiatives in libraries will bring a number of opportunities to increase loans. These include the self-service system in libraries, allowing library staff to spend more time floor walking and helping customers; and e-books, which can be downloaded 24 hours a day, seven days a week, and taps into a growing market.

- Data Notes:
- Comparative data drawn from annual CIPFA statistics.
  - The RAG ratings for December is based on comparison to the most recently published national average – March 2010.

<b>Number of new starts on the KCC Apprenticeship scheme</b>	<b>Green</b>
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Higher figure is better	Year ending Mar 10	Year ending Jun 10	Year ending Sep 10	Year ending Dec 10
KCC Result	106	98 ↓	102 ↑	106 ↑
Target	63	88	88	88
RAG Rating	★	★	★	★

The number of KCC apprenticeship starts continues to exceed target levels.

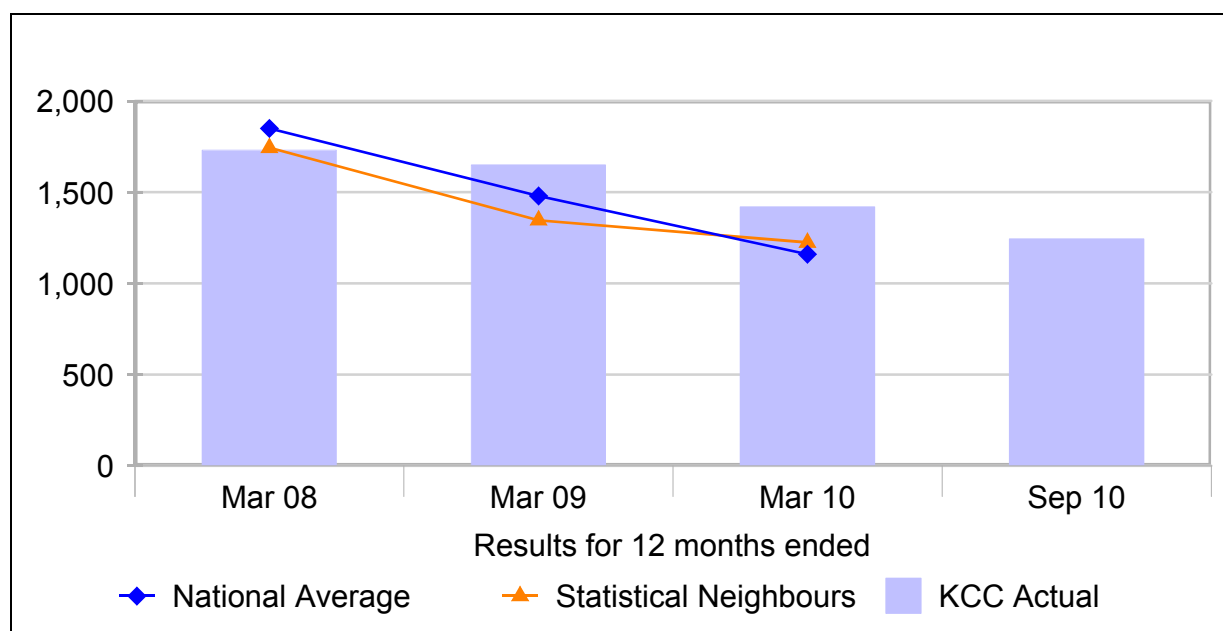
In future, all vacant posts at staff grades KR2-4 and which are considered suitable for an apprenticeship will be filled by apprentices in all cases, unless these is an existing member of staff at risk of redundancy, who would be suitable for and who could be deployed to the position.

**Data Notes:**

- The target level shown for June, September and December 2010 is based on 350 new starts over a four year period, as stated in "Bold Steps for Kent".

**Number of first time entrants to the youth justice system per 100,000 population aged 10 to 17**

**Amber**



Lower value is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Sep 10 Provisional
KCC Result (PNC data)	1,730	1,650 ↑	1,420 ↑	1,240 ↑
National average	1,850	1,480	1,160	N/a
RAG Rating	●	●	▲	●
Statistical neighbours	1,744	1,347	1,225	N/a
Number of young people	2,570	2,450	2,080	1,820

The numbers of first time entrants to the youth justice system in Kent continue to reduce (improve), although reductions in recent years have lagged behind those seen nationally.

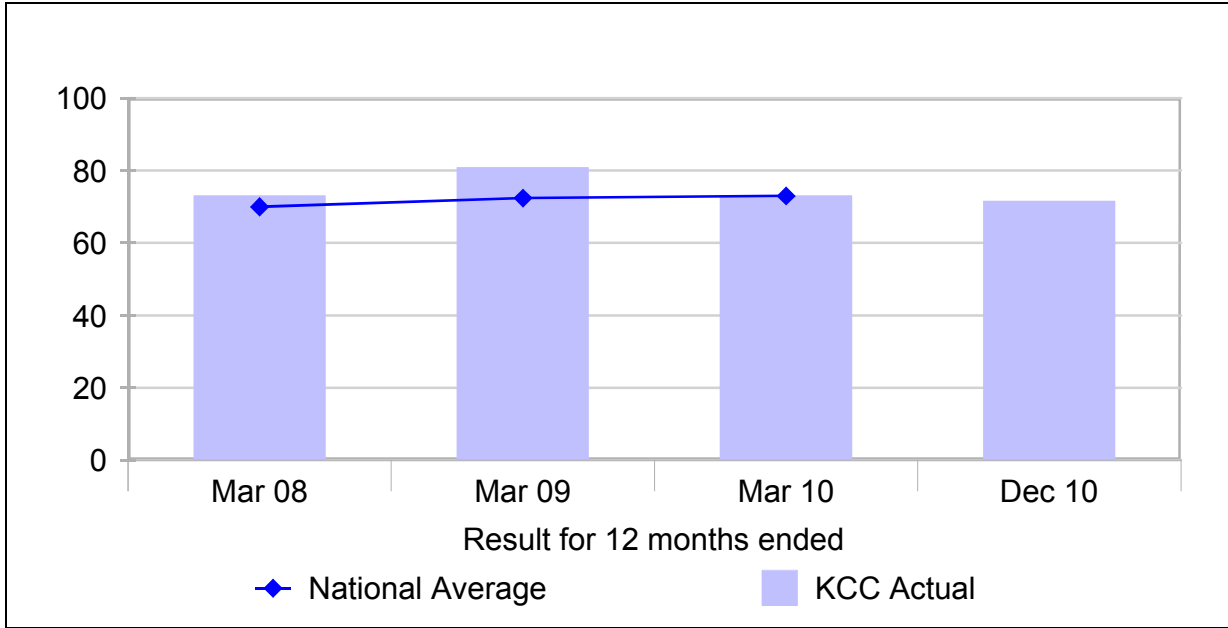
The reasons for the large drop seen both nationally and locally include: a stronger focus on targeted youth crime prevention strategies, an increasing use of informal sanctions (such as restorative justice approaches) in place of a formal reprimand and changes in police policy with a greater focus on more serious offences.

Restorative justice approaches have been implemented by Kent Police during 2010. The youth offending service (YOS) will work with the police to expand “Triage” work in 2011/12 which will lead to closer involvement by YOS staff in police decision making, to enable diversion from the youth justice system of young people coming to their attention. Youth Inclusion Support Panels (YISPs) will be retained in 2011/12 to deliver a preventative strategy.

**Data notes:**

- Data to March 10 is based on national statistics taken from Police National Computer (PNC).
- The data for September 10 is based on local records of young people known to local youth offending teams with an uplift of 8% to account for differences to PNC data.
- The data table shows a change in RAG rating from Red to Amber, as this compares the latest performance with the position at the end of last year. However, this indicator was also rated as Amber in the last quarter’s report.

<b>Percentage of young offenders in education, employment or training</b>	<b>Amber</b>
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Higher value is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Dec 10 Provisional
KCC Result	73%	81% ↑	73% ↓	72% ↓
National average	70%	72%	73%	N/a
RAG Rating	●	★	●	●

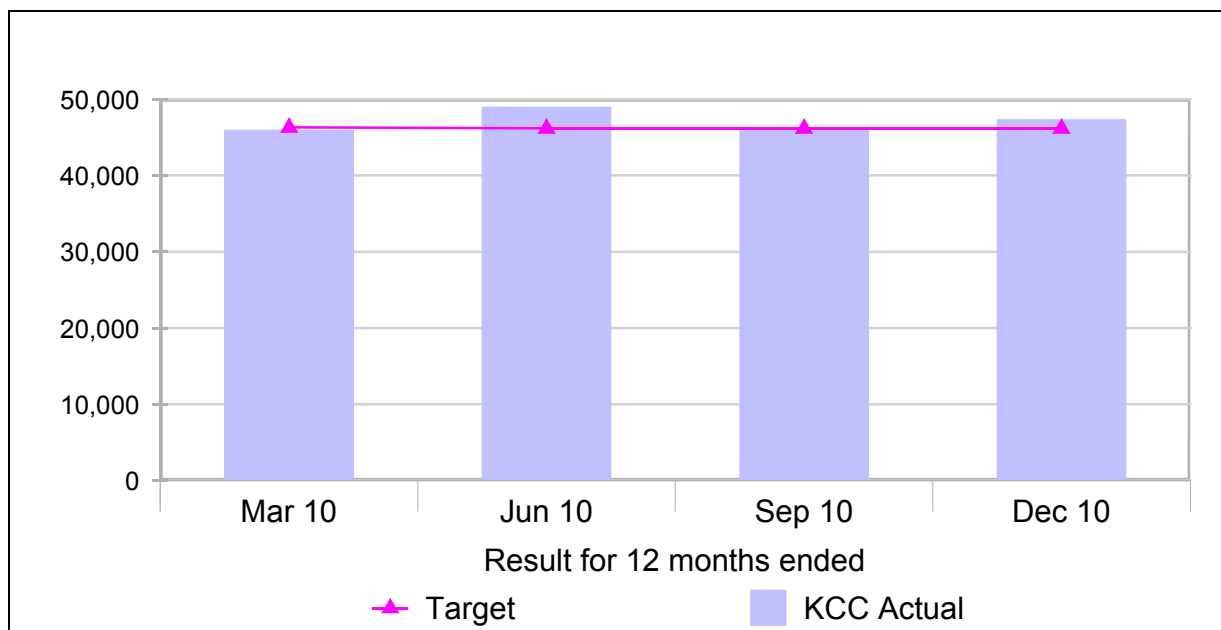
Improved recording methodology adopted by Kent in 2009/10, ensuring that only those young people actively engaged in education, training or employment were included, led to a lower figure being reported.

Performance in 2009/10 matched the national average and 2010/11 sees performance continue at a similar level.

Data notes:

- Data source is YOS Careworks case management system. Data cross-referenced with KCC Education 'Impulse' system.

<b>Number of adult education and Key Training enrolments</b>	<b>Green</b>
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Higher figure is better	Year ended Mar 10	Year ended Jun 10	Year ended Sept 10	Year ended Dec 10 Provisional
KCC Result current yr	46,000	49,000 ↑	46,300 ↓	47,300 ↑
Targets	46,300	46,200	46,200	46,200
RAG Rating	●	★	★	★

Adult education and Key Training enrolments are marginally above target for the year ending December 2010.

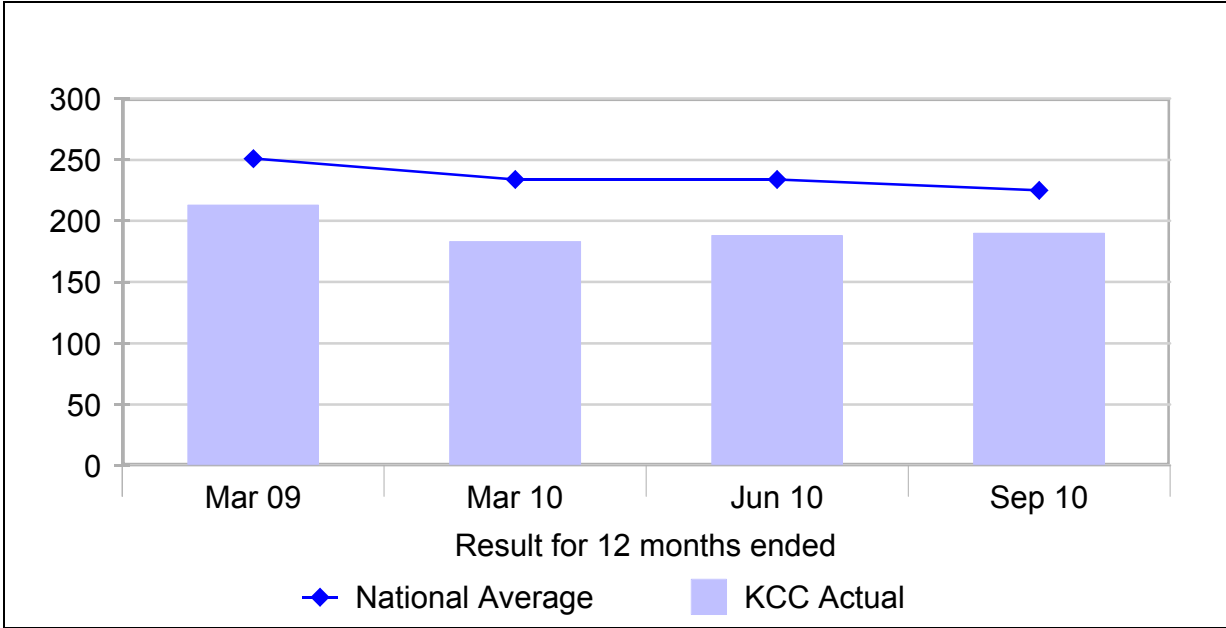
Fee-paying enrolments are slightly down against target but this is compensated for by higher fees on some courses (in line with government direction).

There has been an increase in enrolments for courses without fees due to the client profile of enrolments on Family Learning Courses, and also because additional unplanned funds for community projects under the "aiming high" scheme have been obtained.

Data Notes:

- Learner data produced locally and subject to annual audit by the Skills Funding Agency.

<b>Percentage of adult drug users leaving treatment free of dependency</b>	<b>Green</b>
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Higher value is better	Qtr to Mar 10	Qtr to Jun 10	Qtr to Sept 10	Qtr to Dec 10
KCC Result	67%	63% ↓	56% ↓	58% ↑
National average	42%	43%	43%	42%
RAG Rating	★	★	★	★
Number of adults leaving treatment	176	359	399	391

Previously reported figures showed the number of all adult drug users starting new treatment, which gave an indication of activity but did not focus on outcomes.

The data above now shows successful treatment completions presented as a proportion of those in treatment. This indicator has been identified in the national drug strategy and the draft Public Health Outcomes Framework as being the key measure for drug services.

Quarterly results for this indicator show some variation in Kent due to the different types of clients who may be in treatment at any given time. However, Kent retains a higher recorded success rate on this indicator than the national average.

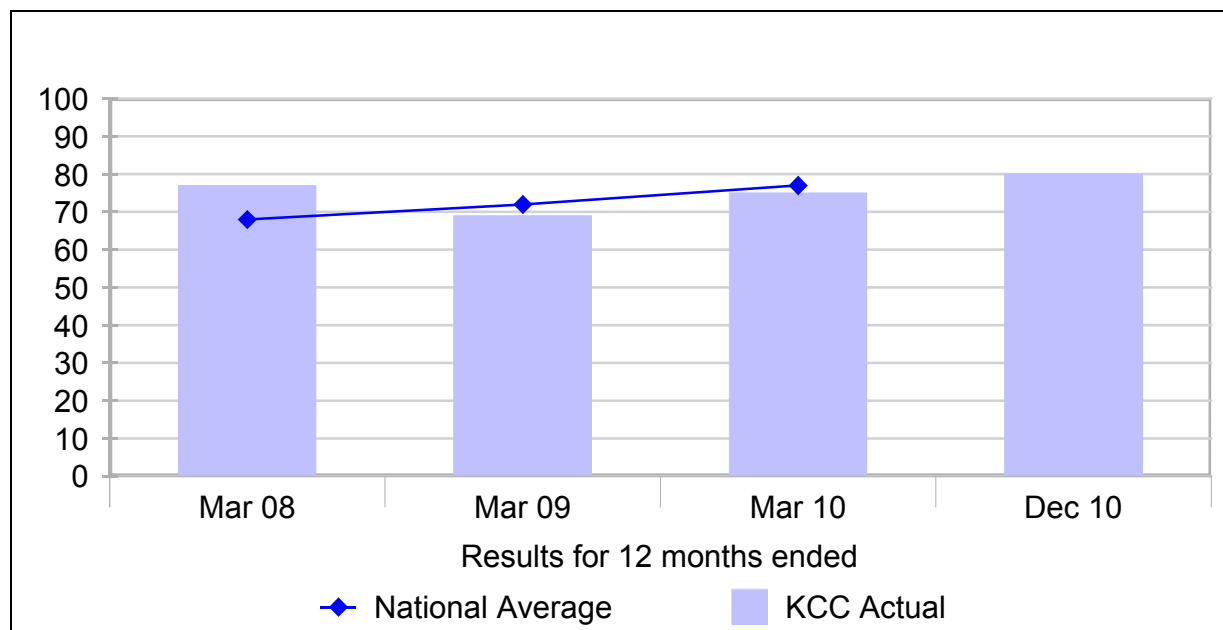
**Data notes:**

- Data relates to individual quarters rather than cumulative figures.



**Percentage of clients leaving supported accommodation who moved onto independent living**

**Amber**



Higher value is better	Year ended Mar 08	Year ended Mar 09	Year ended Mar 10	Year ended Dec 10 Provisional
KCC Result	77%	69% ↓	75% ↑	80% ↑
National average	68%	72%	77%	N/a
RAG Rating	★	●	●	●
Number of clients moving on	990	1,760	1,880	2,010

The Kent results for the key performance indicator for the Supporting People services have been behind the national average for the last two years but the gap has been reduced and Kent is now close to the national average.

However, Kent results exceed the 71% target originally set by the Supporting People Commissioning Body as part of the Local Area Agreement.

Data notes:

- Client numbers rounded to nearest 10.
- Data for December 2010 is provisional, unvalidated and may be subject to later revision.
- The descriptions of services across the country are not consistent and therefore benchmark comparisons should be treated with caution.

## Appendix: Comparative Benchmarks

In most cases the data is presented with the national average as the comparative benchmark. The national average will refer to data for all English councils.

We are developing the report to include more comparative information where relevant. For some services, the outcomes and performance will be correlated or related to various factors which are different in different places. Often the social and economic background of a local authority area will have a significant influence on the outcomes that are reported for key service areas. There are different comparators for different service areas and these are known as statistical neighbours.

For indicators for children, families and education we have included the average performance for the relevant statistical neighbour list, which is made up of the following local authority areas:

East Sussex
Essex
Lancashire
Northamptonshire
Nottinghamshire
Staffordshire
Warwickshire
West Sussex
Worcestershire
Swindon UA

For indicators relating to libraries we have provided a comparative benchmark for all county councils, as no agreed statistical neighbour list exists for this service but county council areas have similar geography to each other in terms of rural communities, whereas cities and metropolitan areas will have very different factors influencing the delivery of the service.

In relation to staffing data comparative benchmarks for local government and the civil service are used. These are used as workforces are similar in terms of size of organisation, age profile, gender balance and occupation. For example, staff sickness levels are highly influenced by age profile and gender balance of the workforce, the size of the organisation and the type of work. The nearest statistical neighbours for staffing matters such as sickness are therefore organisations which are similar on these characteristics such as other local government bodies and the civil service.