

## 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, 1 June 2011.

PRESENT: Mrs T Dean (Chairman), Mr G Cowan, 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 J Lees, Mr R L H Long, TD, Mr M J Northey, Mr J E Scholes and Mr C P Smith

PARENT GOVERNORS: Mr P Myers

ALSO PRESENT: Mrs J Whittle, Mr C T Wells and Mr P M Hill, OBE

IN ATTENDANCE: Mr M Newsam (Interim Corporate Director of Families and Social Care), Mrs A Beer (Director of Personnel & Development), Ms A Slaven (Director of Service Improvement), Turner (Project Manager, Major Projects), Mr K Tilson (Head of Finance for Policy and Resources), Mr P Sass (Head of Democratic Services) and Mr A Webb (Research Officer to the Cabinet Scrutiny Committee)

### UNRESTRICTED ITEMS

#### **12. Introduction/Webcasting**

*(Item A1)*

(1) The Chairman advised the Committee that, in addition to being webcast, some of the meeting would be filmed by local media.

#### **13. Committee Membership**

*(Item A2)*

(1) The Chairman advised the Committee that Mr Gordon Cowan, having been elected to the position of Leader of the Labour Group, had replaced Mr Leslie Christie as the Labour Spokesperson on the Cabinet Scrutiny Committee. The Chairman welcomed Mr Cowan on behalf of the Committee and paid tribute to the work carried out by Mr Christie while he was Labour Spokesperson.

#### **14. Minutes of the meeting held on 9 February 2011**

*(Item A5)*

RESOLVED: that the minutes of the meeting held on 9 February 2011 are correctly recorded and that they be signed by the Chairman.

*Matters arising:*

(1) Referring to agenda item 7 of the minutes, the Chairman informed Members that the outstanding recommendations relating to the Budget would be pursued at the Informal Member Group on Budgetary Issues.

(2) The Chairman asked that the outstanding actions from item 7 (paragraphs 18 and 23) and item 8 (paragraphs 4 and 14) be pursued.

## **15. Minutes of the meeting held on 28 March 2011**

*(Item A6)*

RESOLVED: that the minutes of the meeting held on 28 March 2011 are correctly recorded and that they be signed by the Chairman.

*Matters arising:*

(1) The Chairman inquired whether anything had been done to improve sound quality of the equipment used for amplification at the meeting in Edenbridge. Mr Sass explained that the venue, rather than the equipment used, was the principle reason for the poor quality of sound on the day.

(2) Mr Manning expressed a view that district council offices should be used for meetings taking place away from County Hall; The Chairman explained that a number of venues had been explored for the Edenbridge meeting, and that the sports hall was the most suitable venue available on that day.

## **16. Follow-up Items from Cabinet Scrutiny Committee**

*(Item A7)*

*Bold Steps for Kent – the Medium Term Plan to 2014*

(1) The Chairman explained that a response had been received to Recommendation 5 in the form of a report written in respect of the relevant Towards 2010 target. It was not yet possible to see the effect on Small and Medium sized Enterprises, particularly as there had been a reduction in the number of local contractors accessing KCC contracts because the overall number of contractors had also reduced. It was agreed that the issue would be passed to the Regeneration and Economic Development Policy Overview and Scrutiny Committee (REDPOSC) for follow-up.

*Older Person's Modernisation*

(2) The Chairman reminded Members that the papers provided in response to the recommendations were not considered at the 9 February meeting due to the fact that they were provided sufficiently in advance of the meeting. Regarding recommendation 11, the Chairman welcomed the high-level commitment to Member involvement from the Group Managing Director and asked that the Committee Report Format be circulated.

(3) Referring to the consultation process, the Chairman stated that there had been complaints from Hawkhurst and Capel Parish Councils that they had not been formally consulted. She had been informed by the lead officer that individual Parish Councillors had been written to or invited to meetings, but Parish Councils had not been consulted formally via Parish Clerks. The officer had accepted that this was an error and had apologised to the two Parish Councils, and the consultation protocol had been amended as a result.

## *Edenbridge Community Centre*

(4) The point was made that the report provided by the Cabinet Member in response to the recommendations dealt with the closure of the school, yet local people appeared to be more concerned with the closure of the library and the opening of the community centre.

(5) Recommendations 6 – 11 related to consulting with or contacting local businesses and it was agreed that these outstanding recommendations be dealt with by the Customer and Communities POSC.

(6) Having made reference to Recommendation 2, the Chairman initiated a discussion about the attendance of Cabinet Members at Cabinet Scrutiny Committee, and invited Mr Sass to inform Members of the relevant legislation. Mr Sass quoted from subsections 13 and 14 of section 21 of the Local Government Act 2000, which state that an overview and scrutiny committee may require members of the executive to attend before it to answer questions, and that it is the duty of those members to comply with this requirement.

(7) A number of comments and views were expressed during the discussion, including that:

- the Cabinet Member and Deputy Cabinet Member had been unable to attend the Edenbridge meeting despite many dates being offered
- members of the Executive could frustrate the Committee by not making themselves available
- the circumstances surrounding the Edenbridge meeting made it difficult for the Cabinet Member to attend (i.e. the fact that the meeting was held outside County Hall and was not a diarised meeting)
- it was a rare occurrence when Cabinet Members did not appear before the Committee
- that the diaries of Cabinet Members tend to be full for the ensuing six weeks, and whilst they could keep scrutiny committee dates free, it was often not possible to attend non-diarised meetings at short notice.

(8) Referring to the response to recommendation 3, which stated that there had been no request at the POSC agenda setting for a report on the Edenbridge Centre, the Chairman expressed a view that it was the responsibility of Cabinet Members and officers to ask for items to go on to the agenda. She suggested that this issue be considered in the forthcoming report to the County Council on the committee structure.

### **17. Informal Member Group on Budgetary Issues held on 1 April 2011**

*(Item A8)*

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 1 April 2011.

## **18. Informal Member Group on Budgetary Issues held on 19 May 2011**

*(Item A9)*

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 19 May 2011.

## **19. Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services**

*(Item C1)*

*Mrs J Whittle, Cabinet Member, Specialist Children's Services, Mr C Wells, former Cabinet Member, Children, Families and Education, Mr M Newsam, Interim Corporate Director, Families and Social Care and Ms A Beer, Corporate Director of Human Resources were present for this item.*

(1) There was a discussion about the nature of the call-in, with some Members questioning why it had been brought before the Committee, in view of the fact that Members had had an opportunity to debate it at full council and that the ultimate sanction of the Committee was to refer to full council in any case. Mr Sass reiterated the legal position, which was that the Committee had called in the Cabinet's decision to note the Improvement Plan and that the scope of the debate was limited to that.

(2) The Chairman expressed a view that Members should raise their concerns about call-ins in advance of the actual meeting. She went on to express some of her reasons for the call-in, including:

- that there had been no discussion about costs and sustainability
- to explore the outstanding issues raised at the December 2010 meeting of the Committee

(3) The Chairman explained that at the December 2010 meeting, the Committee was informed that the Improvement Plan would be shared, and it would take 6-7 weeks for it to be drafted. The Improvement Plan was made available on 7 April, and having exercised a call-in, the Committee was advised that it could not be discussed as it was in a completed form.

(4) Mr Newsam explained that he was not at KCC in December, but it was important that the Improvement Plan responded not only to the Ofsted recommendations but also their causes. He felt that the version from January would not have been of the required standard, and it was normal for the Local Authority (LA) to draft the Improvement Plan before taking it to the Improvement Board and thence the Department for Education. Mr Newsam stated that if the Improvement Plan had gone to Cabinet, Cabinet Scrutiny Committee and then the Improvement Board it would have been an expensive exercise, and that perhaps the Committee had received incorrect advice back in December.

(5) In response to a question about whether the Improvement Plan could have gone to Cabinet for Member's views, Mr Newsam explained that there was no set procedure, and that common sense and judgement had been applied. The Improvement Plan had been signed off by all the KCC partners and the External Board because all the stakeholders must endorse an Improvement Plan.

(6) The Chairman asked when Members would know who underperformed, whether they were replaced and who misrepresented the situation. She referred to the fact that the Leader had said there would be a '*post mortem*' and the recommendation, endorsed by many Members at the December meeting, that a report be brought back to the Committee.

(7) Mrs Whittle, who had been brought into the Cabinet to focus on the improvement of Children's Services, referred to page 117 of the agenda, and made the point that the culture within Children's Services had previously not been open and transparent, but since then a cross-party Children's Services Improvement Panel had been established where Members had been extremely challenging. The Ofsted report had been very open about the challenges the Council faced, including the social worker vacancy rate and the Integrated Children's System (ICS) not being fit for purpose.

(8) Mrs Whittle felt there had been a long *post mortem*, including covering what went wrong in an all-Member briefing, and it was unhelpful to keep going over what had happened instead of focussing on rebuilding the service and the morale of staff. The Chairman and Mr Cowan both rejected the suggestion that the request for a *post mortem* was political, and felt that the public wanted to know who was to blame. Mr Wells argued that Members should not be judging Children's Social Services by its failures, and that there was a danger of turning the issue into a tabloid headline and care needed to be taken given the recent developments relating to the former Director of Children's Services in Haringey. Mr Cowan felt that the issues had been skirted over at County Council and wanted to see rolling progress reports on the six key themes of the Improvement Plan.

(9) A Member made the point that audit had not been covered in the report, and that he would have liked to have seen the Head of Audit on the task force. Mr Newsam felt this was a helpful suggestion, and explained that there would be practice audits over the next few months carried out by senior managers.

(10) The Chairman referred to data provided in respect of recommendations 5 and 6 from the December meeting, which covered the period from January 2010 to November 2011, and asked if data going back to 2008 could be provided since this was when the Joint Area Review was carried out and a glowing report had been received. Mr Newsam referred to the presentation he gave at County Council, which showed the increase in Looked After Children (LAC) and Child Protection Plans since 2005, and a steep climb at the beginning of 2008 which had been higher than that in other LAs. This increase in demand had occurred while the number of staff in the service had remained static. A number of LAs which had also failed their Ofsted inspections had experienced the same issues as Kent and it would be necessary to tackle all of them systematically. Mr Newsam explained that he could make data available for the period since 2008, but would caution on its accuracy due to failures in the quality of management information and performance management, and the fact that ICS was implemented in 2008. It would take several weeks or months to improve the integrity of the data, and this was one of the 'Core Tasks' of the Improvement Plan but it was possible to identify trends in numbers of LAC and children on the Child Protection Register, since these had been independently triangulated.

(11) The Chairman explained that the former Chief Executive of KCC, Peter Gilroy, and the lead inspector from Ofsted who carried out the inspection in 2010, Stephen Hart, had both declined the invitation to attend the meeting and invited Mr Sass to

read aloud the emails of apology which had been sent the previous day. The Chairman expressed disappointment that neither Mr Gilroy nor a representative from Ofsted felt able to attend, since she wanted to know how the situation had developed, considering that KCC had received a four star rating from Ofsted in preceding years.

(12) Responding to a question about whether he had any concerns about the issues that were subsequently highlighted by Ofsted during his tenure as Cabinet Member for Children, Families and Education, Mr Wells made the following points:

- The inspection regime / JAR in 2008 was very different to those which followed the Peter Connelly case
- KCC was judged in 2008 by the outcome of an inspection and nationally LAs had become very focussed on inspection
- Members who did not know what social work was like on the ground took comfort in inspection results
- It was possible for authorities to have their social services assessed as four-star on the basis of a snapshot without actually having a four-star service.

(13) In reply to a question about whether he was satisfied that the information that Members would receive in the future would answer questions and highlight any issues, Mr Wells stated that:

- The world of Children's Services was very different to that three years previously.
- The then Government had a strong belief in computer systems, yet there had been a number of failures (e.g NHS Patient Management Information system)
- The Every Child Matters approach had taken an area of work focussed on a small number of vulnerable children and applied universality
- That the Improvement Plan would go further than just responding to the inspection.

(14) Referring to the increased requirement for social workers to carry out assessments and other inputs and how this had put staff under pressure, a Member asked if an increase to the number of social workers had been discussed in the previous three years. Mr Wells responded that in 2008 the vacancy rates were between 15% and 22% and there had been a debate about it but historically the service did not look at what pressures existed in individual districts. At the time ability to recruit was the main limiting factor.

(15) Mrs Whittle suggested that recommendations 6 and 7 which arose from the discussion at Cabinet Scrutiny Committee in December 2010 could be addressed at the Children's Services Improvement Panel. The Chairman felt that the information should instead be analysed in the public arena; A Policy Overview and Scrutiny Committee (POSC) might be a possible forum for this.

(16) Responding to a query about whether only the Ofsted report had been used as the basis for the Improvement Plan, or whether forensic work had been carried out, Mr Newsam explained that the way that KCC carried out improvement was more important than the Improvement Plan itself, and that every time officers were answering questions or doing research about the past they were not focussing on improvement and the ten core tasks which would be implemented over the following six months. The Improvement Plan would have to evolve when there was more clarity in the future, with the current document only taking the Council through to the end of the calendar year.

(17) Mr Cowan referred to the fact that the service had failed to respond to growing pressures and had not invested in prevention. He asked why there had been such low investment, and whether the Council now had enough money to make sure the improvement did not fail. Mr Wells referred to a steady upward trend in Child Protection plans which had then been compounded by the 'Baby P effect', which resulted in a 47% increase in referrals to social services and a situation which was almost impossible to cope with. Many agencies thought that referring to social services was the end of their interest, rather than seeking to engage with other partners as advocated by Every Child Matters.

(18) Mrs Whittle explained that money had been invested in recruiting a peripatetic team to clear backlogs and recruiting social workers both experienced and newly-qualified. To contextualise, she explained there had been a 20% increase in LAC over the previous three years with an average increase of two months being spent in care. Whilst the Council had committed a resource to strengthening the service, it would not be in a position to do so in the future and better care planning would result in better outcomes and reduced spending, since the increase in the number of LAC and time spent in care alone cost the Council an additional £4m per year.

(19) Responding to a question about how progress would be monitored in future, including the quality as well as number of social workers, Mr Newsam explained that:

- transparency was one of the key behaviours the service was working towards
- social worker vacancies had decreased, but many were still learning their trade
- that the programme was the most scrutinised in the Council, and progress was being monitored at
  - monthly meetings with all managers
  - weekly meetings with the Cabinet Member
  - monthly meetings with Children's Services Improvement Panel; and
  - monthly meetings with the external board

(20) In reply to a query about the hardest thing the Council would need to achieve, Mrs Whittle mentioned a number of elements, including:

- Rebuilding the level of trust Members have in the information provided on Children's Services
- Building and strengthening social work teams and retaining staff
- Rebuilding the reputation of the Council

All of these would require a relentless focus on the performance of the service.

(21) There was a brief discussion about why there were fewer men in the social work profession, with Mr Newsam stating that historically there had been more women entering the caring professions, particularly through the unqualified route, with a greater tendency for men in the profession to aspire to management with women more likely to stay in front line roles. Ms Beer stated that this was something that the Council would need to look at over the longer term, and that alongside its recruitment campaign it would be highlighting the valuable work done by social workers, including using some male role models if possible.

(22) Following on from a point made by Mrs Whittle about how Ofsted had been critical of KCC's corporate parenting role and that there was a need to strengthen the role of Members, the Chairman made the point that she and other Members had

sometimes experienced a dismissive response from the service when attempting to take up cases on behalf of constituents. She felt that there was nothing in the report that referred to Members being used as a resource for helping to monitor the service, but accepted there may be a need for training to help them better understand it. Mr Newsam gave a commitment that if Members felt that they were being shut out in any way they could raise this directly with him, and if he knew the specific cases he could look at whether any perception of poor practice was unfairly judgemental or appropriately critical.

(23) On the involvement of local Members, Mr Newsam also made the following points:

- Mrs Whittle had made a clear commitment to open up the service, including offering the opportunity for Members to shadow social workers
- Officers would be happy to train and support local Members in their role as corporate parents
- That he and Mrs Whittle were keen to develop the role of Members on Locality Boards to take ownership so they could take ownership of social care issues in their communities. Where areas did not have a Locality Board, there were Local Children's Trusts although there would need to be a decision in the future about how they worked alongside each other.

(24) In response to a question about the sustainability of the Improvement Plan and the resources required for some of the measures which had not been costed, Mr Newsam explained that:

- the core cost of improvement was £1.3m, which paid for the peripatetic team
- the cost of improved terms and conditions for social workers was around £1.8m for the current year
- the Council had made total provision of £3.5m for improvement, but it was difficult to be sure of future costs, because of unknowns such as:
  - how many cases would translate into high cost packages; and
  - the right number of staff that would be required in each part of the county (this 'baselining' had not been done previously)
- establishment numbers would need to increase in the short term due to current pressures, but as improvements happened in partnership-working and preventative services there would be less assessments, less LAC and less people on the children on the Child Protection register, resulting in less social workers being required.
- that some improvements were already required before the Ofsted judgement, including to accommodation and ICS, and that these should not be conflated with the specific improvement measures.

(25) Responding to a suggestion that after six months he would have a better idea of the cost of running the service, Mr Newsam indicated that he hoped to come back in the Autumn with a clearer financial model of would be required in the current year and future years, and this could influence the budget setting process for 2012/13.

RESOLVED: that the Cabinet Scrutiny Committee:

(26) Thank Mrs Whittle, Mr Wells, Mr Newsam and Ms Beer for attending the meeting and answering Members' questions.



(27) Make no comments on the decision of the Cabinet to note the progress made on the Improvement Plan

*In relation to the follow-up items from 8 December 2010:*

(28) Express regret that Members were not informed that a copy of the draft Improvement Plan could not be provided to the Committee.

(29) Ask the Cabinet Member, Specialist Children's Services, to consider whether an officer from Audit should be added to the membership of the Improvement Board.

(30) Express disappointment that information requested at the meeting on 8 December 2010 relating to the outcome of the meeting with the Minister, the outcome of the review into the circumstances surrounding the judgements and historical data relating to social worker posts, vacancies and safeguarding referrals had not been provided.

## **20. Revenue & Capital Budget Monitoring Exception Report 2010-11**

*(Item C2)*

*Mr M Hill, Cabinet Member, Customer and Communities, Ms A Slaven, Director of Service Improvement, Mr J Turner, Assistant Head of Youth Service and Mr K Tilson, Head of Finance, Customer and Communities were present for this item.*

(1) Mr Cowan, who had requested the call in, explained that his local youth centre raised funds that could then be reinvested, for example in subsidising day trips for youths from deprived areas who otherwise would not be able to go. There were youth centres across the county that were efficiently run and generated income for the benefit of the young people they served, and Mr Cowan questioned what incentive they would have to raise these additional funds if they would be taken away and put in a central reserve. He went onto explain that youth centres, including in his area, had been asked if money had been ear-marked for specific projects yet this had still been taken away, and therefore questioned the purpose of asking them.

(2) Mr Hill explained that the purpose of the exercise was primarily financial tidying up. During the previous twenty years the youth centres had maintained separate bank accounts, with money raised from letting out KCC buildings kept distinct from that raised through other charitable activities. It had since been pointed out by Finance that these separate KCC bank accounts were not permitted. Underspends would normally be rolled into a central reserve, but Mr Hill had negotiated with the Cabinet Member for Finance and the Cabinet that the underspend be retained within the Youth Service.

(3) Responding to a question about whether this process had already occurred and whether there had been a formal decision on the Forward Plan, Mr Tilson stated that there had not been a formal decision. He explained that the youth centres had been rolling their underspends into reserves when they were part of Education, but that accounting legislation only permitted schools to roll forward any income generated during the year.

(4) The Chairman asked for clarification of why the decision to create a Youth Centre reserve had not been a Key Decision, since it was likely to affect a significant amount

of people, and some youth centres served more than one electoral division. Mr Hill explained that the situation was an anomaly that had built up over a number of years, and when he discovered that it would be illegal to allow it to continue he had no choice but to take the decision

(5) On the question of whether Local Members and young people were informed that the changes would be occurring, Mr Turner responded that this had not happened, mainly because there was no longer a management committee at every youth project but that it was the Council's money, raised through the hiring of its premises.

(6) Replying to an inquiry regarding the length of time that youth centres had to use up their underspends in advance of the monies being clawed back on 31 March, Mr Tilson explained that the process had been ongoing throughout the previous year and clarified that not all of the youth centres' unused funds would have been reclaimed, due to the fact that money could have originated from external grant funding or pre-existing financial commitments (rather than 'ear-marking'). Mr Turner added that the underspends has been discussed over the previous three to four years and there had consistently been a sum of around £500k rolled forward each year. Since not every youth centre was able to make as significant a sum from letting their premises as others, this initiative would also allow the Youth Service to look more strategically at the use of the funds and target areas of deprivation.

(7) In response to a concern that youth workers would no longer have an incentive to go out into communities and bring people into KCC premises to generate additional income, Ms Slaven stated that youth workers were committed to young people and would therefore continue to fund raise.

(8) The Chairman referred to three questions that had been sent in by email. Two of these questions referred to the discouraging effect of monies being reclaimed from youth centres, with the third asking where the money to maintain the buildings would come from if it was now going to be rolled into a reserve. Mr Turner responded that there were at least 17 youth workers who were not based in a youth centre and did not have the ability to let the premises and this could be seen as inequitable. Despite that fact they still managed to raise money for local activities.

(9) Responding to a request for more detail on how the two year programme of commissioning of youth services would work, Mr Hill explained that the programme to transform youth services would be unveiled later that year, and it would involve commissioning services from the voluntary sector while building capacity in the voluntary sector so it could take a greater role in youth work in Kent. The dedicated reserve would help enable the implementation of this new model.

(10) Mr Tilson explained that each youth centre was given a contribution to its running costs each year, but they still had an incentive to generate income since this does not cover the whole cost. However the more expensive maintenance element had been removed since this was now covered by the Directorate's capital programme

(11) In reply to a question asking how it was possible to be accurate about the sources of money held in youth centre bank accounts, Mr Tilson explained that the finance team held records of which grants had been received and external funders would also keep track of how grant money was spent. Where there were funds

committed to projects in the first few months of the financial year these would be honoured and bids could be submitted for additional monies for summer programmes. Responding to follow-up questions about whether there was time for applications to be submitted and approved and whether young people could be involved in the process, Ms Slaven and Mr Turner explained that applications were still being received, and that young people could get involved either through the Kent Youth County Council or through the bid selection process.

RESOLVED: that the Cabinet Scrutiny Committee:

(12) Thank Mr Hill, Ms Slaven, Mr Turner and Mr Tilson for attending the meeting and answering Members' questions.

(13) Make no comments on the proposal.

**21. Appointment of 'Preferred Bidder' on new Kent Highway Services Contract  
(Item C3)**

*This item was withdrawn from the agenda.*