



Summons to and
Agenda for the
Annual Meeting on
**Thursday, 17th May,
2012**
At **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 8 May 2012

To: All Members of the County Council

Please attend the Annual Meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 17 May 2012 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

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.

A G E N D A

1. Election of Chairman
2. Election of Vice Chairman
3. Apologies for Absence
4. Declarations of Interest
5. Minutes of the meeting held on 29 March 2012 and, if in order, to be approved as a correct record **(Pages 1 - 12)**
6. Chairman's Announcements
7. Questions **(Pages 13 - 22)**
8. Report by Leader of the Council (Oral)
9. Adult Social Care Transformation Programme **(Pages 23 - 74)**
10. Student Journey Select Committee - final report **(Pages 75 - 88)**
11. Review of the Code of Corporate Governance **(Pages 89 - 100)**
12. Local Government Ombudsman's Report **(Pages 101 - 136)**

13. Petition Scheme Debates **(Pages 137 - 144)**
Pedestrian crossing on St. Stephen's Hill, Canterbury
14. Minutes for Approval **(Pages 145 - 150)**
Governance and Audit Committee – 18 April 2012
15. Minutes for Information **(Pages 151 - 164)**
Planning Applications Committee – 13 March and 10 April 2012
Superannuation Fund Committee – 2 March 2012



Peter Sass
Head of Democratic Services
01622 694002

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 29 March 2012.

PRESENT:

Mrs P A V Stockell (Chairman)

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr J R Bullock, MBE, Mr R B Burgess, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr G Cowan, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr J A Davies, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr J A Kite, MBE, Mr S J G Koowaree, Mr P W A Lake, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr S C Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mr A Sandhu, MBE, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mrs C J Waters, Mr J N Wedgbury, Mr C T Wells, Mr M J Whiting, Mrs J Whittle, Mr M A Wickham and Mr A T Willicombe

IN ATTENDANCE: Geoff Wild, Director of Governance and Law and Peter Sass, Head of Democratic Services

UNRESTRICTED ITEMS

103. Apologies for Absence

The Director of Governance and Law reported apologies from the following Members:

Mr Chris Capon
Mr Keith Ferrin
Mr Tom Gates
Mr Richard King
Mr John Kirby
Mr Richard Pascoe
Mr Malcolm Robertson
Mrs Julie Rook
Mr Martin Vye

104. Declarations of Interest

(1) Mr Cowan declared a personal interest as a registered foster carer for KCC should this relate to any items that may come up during the meeting.

(2) Ms A Hohler declared a personal interest in Item 12 (Petition Scheme Debate: Grammar School for Sevenoaks) as some of the petitioner's children were at school with her children and her children attend grammar schools locally.

(3) Mr Gough declared a personal interest in Item 9 (Health Inequalities Action Plan) as a co-opted Member of the Kent and Medway NHS Cluster Board.

105. Minutes of the meeting held on 9 February 2012 and, if in order, to be approved as a correct record

Resolved: that the minutes of the meetings held on Thursday, 9 February 2012, be approved as a correct record and signed by the Chairman.

106. Chairman's Announcements

(a) Death of Edwin Boorman Esq OBE DL

The Chairman informed Members of the death of Edwin R P Boorman Esq OBE DL. Mr Boorman was well known within the County for his roles as managing director, chief executive, chairman and president of the family-owned Kent Messenger Group, which owns a portfolio of weekly newspapers, websites and radio stations across Kent. He was also a tireless charity champion, supporting many of the County's leading charities. He was particularly well known for his support and leadership of the Royal British Legion and in fact received an OBE in 2002 for his services to them.

Mr Boorman served as High Sheriff of Kent in 1997-98, became a Deputy Lieutenant of Kent in 2001 and also served as a Kent Ambassador. He received the Spirit of Kent Award from HRH The Prince of Wales in 2007 in recognition of his contribution to the County.

Mr A King and Mr Daley gave tributes to Mr Boorman.

At the end of the tributes, all Members stood in silence in memory of Mr Boorman.

After the silence, it was moved by the Chairman, seconded by Mr A King and:

Resolved unanimously: that this Council desires to record the sense of loss it feels on the sad passing of Mr Edwin Boorman and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.

(b) Kent Invicta Award

The Chairman stated that, later in the meeting, it would be her great pleasure to present the 2012 Kent Invicta Award to Radio Kent's John Warnett and that she envisaged the Awards Ceremony beginning at approximately 12.45pm.

(c) Customer Service Strategy

The Chairman advised Members that members of staff from the Customer Relationship team would be in the Darent Room and on the balcony during lunch to talk through the themes of the Customer Services Strategy with Members.

(d) Timing of speeches and possible extension of the meeting

The Chairman stated that she would like if possible to conclude the business on the agenda by 4.30pm, but that she wanted to ensure that as many Members as possible had the opportunity to speak on the governance report (item 7) and the three petitions from members of the public. She therefore proposed and Mr Carter seconded that, with the exception of the speeches on the Leader's oral report (item 6) and the Cabinet Members' responses to the Petition debates (item 12), speeches on all remaining items were limited to 3 minutes, instead of the usual 5 minutes.

Agreed

(e) Election of Committee Chairmen

The Chairman advised Members that, subject to the approval of the report on revised governance arrangements at item 7 on the agenda, there would be a number of formal Committee meetings on the rising of the County Council meeting for the sole purpose of electing chairmen for the new Committees. She requested that all Members remain in the Council Chamber after the close of business so that these meetings could take place as quickly as possible.

107. Questions

Under Procedure Rule 1.18 (4), 8 questions were asked and replies given.

108. Report by Leader of the Council (Oral)

(1) The Leader stated that it was his great pleasure to announce that the Head of Finance was predicting an outturn under spend for the financial year 2011/12 of over £12m. He stated that equally as important, the quality of our services had been preserved and enhanced with significant improvements in Highways and Children's Services being just two examples.

(2) He focussed on the outturn of the Council's capital programme over the last three/four years. He stated that this was an immensely complex programme including Building Schools for the Future contracts, PFI contracts, Academy contracts, entrepreneurial land swaps, acquisitions and sales. Over the last three/four years of the capital programme, the investment programme had been over £1bn with projects delivered very much on time and on budget such as Turner Contemporary and the Ashford, Sevenoaks and Gravesham Libraries. There had also been a massive investment in the school improvement programme; new special, primary, high and wide ability schools but there had been a markedly lower proportion of money going into grammar schools. Of the 30 new secondary schools that had been delivered, only one has been a grammar school, Dane Court in Thanet, and he felt that it was time to invest a little bit in the grammar school estate in West Kent.

(3) The Leader announced that in recent weeks KCC had received over £30m of the money deposited in Iceland, with the officers and advisers expecting the recovery of all of the remaining outstanding balance.

(4) He stated that as the authority moved into the new financial year, there were ambitious plans and solutions to deliver a challenging medium term budget very

much embracing the principles of localism and community based budgeting, joined up, customer focused, coherent customer service, free markets and open competition. He also spoke about the health commission work in Dover and Shepway joining up health and social care as a good example of community based budgeting.

(5) He also spoke about the campaign to support more young people into employment – ‘Kent Jobs for Kent Young People’ an intensive marketing campaign, aimed at getting employers, both from the private and public sector, to open their doors, offering more young people apprenticeships and long term employment opportunities. The aim was to create 1000 new jobs opportunities for young people in Kent.

(6) He spoke about the launch of the £35m Regional Growth Fund stating that this was a massive opportunity to support and grow the East Kent business economy. He explained that the message would be simple, ‘Want to grow a business? We are here to help with significant enterprise loans/grants and business support’ with the ambition being to create 5000 jobs over the medium term.

(7) Finally, he stated that he looked forward to the new financial year ahead with optimism and realism and delivering an ambitious agenda to the residents of Kent.

109. New Governance Arrangements for Kent County Council

(1) Mr Carter proposed, Mr A King seconded that the Council agree the recommendations as set out below:

(a) approve the proposals for the implementation of the new governance arrangements as described in this report, including the disbandment of the Policy Overview and Scrutiny Committee suite with effect from 31 March 2012 and the creation of the new Cabinet Committees and the Scrutiny Committee suite from 1 April 2012;

(b) having considered the recommendations of the Independent Remuneration Panel, to formally adopt the Members’ Allowances Scheme for the period 1 April 2012 to the Annual Council meeting in May 2013, as set out in Appendix 12 to this report;

(c) ask the Selection and Member Services Committee to develop a new Annual Review template and process in consultation with the three Group Leaders and the Head of Democratic Services and then share with the Independent Remuneration Panel before submitting to the County Council for approval

(d) note on the Independent Remuneration Panel and Standards Committee’s views on the proposed changes to the Member Role Descriptions and approve them accordingly;

(e) delegate authority to the Monitoring Officer to make any consequential changes to the Constitution necessary to implement the new governance arrangements from 1 April 2012;

(f) agree:

- (i) that KCC will be the lead authority for the Police and Crime Panel (PCP) for the purposes of planning and delivery of the PCP's work programme
- (ii) the provision of accommodation and officer support, as described in paragraph 5(5) of the report
- (iii) that a Shadow PCP be established by July 2012
- (iv) that KCC, in consultation with Medway Council, draft the procedure rules and panel arrangements for the PCP for discussion and refinement by the Shadow PCP, with a view to reporting back the detailed operating arrangements to a future meeting of the Kent Forum for endorsement, subject to each local authority approving this via their own decision-making processes at the appropriate time; and
- (v) the establishment of the Police and Crime Panel for Kent as a formal Joint Committee with Medway Council and the 12 District Councils in Kent, and note that the Panel will have two independent members appointed following a public advert.

(2) Following a debate on the new governance arrangements Mrs Dean proposed, and Mr Carter agreed that a separate vote be taken on recommendations a) and b).

(3) The Chairman put to the vote the two separate recommendations as set out in (1) a) and b) above, when the voting was as follows:

For (60)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr P Carter, Mr A Chell, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr G Gibbens, Mr R Gough, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kite, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (8)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr T Prater

Carried

(4) The Chairman put to the vote the remaining recommendations, c) to f), as set out in (1) above, when the voting was as follows:

For (69)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr P Carter, Mr A Chell, Mr I Chittenden, Mr L Christie, Mr N Collor, Mr G Cooke, Mr B Cope, Mr G Cowan, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Mr G Gibbens, Mr R Gough, Mrs E Green, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kite, Mr G Koowaree, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr T Prater, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (0)

Carried

(5) Resolved: that the recommendations above be approved.

110. Kent Safeguarding Children Board - Overview Update Report [March 2012] and Annual Report 2010-11

(1) Mrs Whittle proposed, Mr Lake seconded that the Council agree the recommendations in the report as follows:

- (a) comment on the progress that has been made since the inspection and the challenges that remain in relation to performance management, project management and business planning;
- (b) note Business plan priorities for 2012/13 KSCB Business Plan as outlined in the progress report; and
- (c) note the 2010-11 Annual report

(2) The Chairman put to the vote the above recommendations and all Members voted unanimously in their agreement.

Resolved: that the recommendations as set out above be approved.

111. Health Inequalities Action Plan

(1) Mrs Peachey gave a presentation on the Health Inequalities Action Plan.

(2) Mr Gibbens proposed, Mrs Whittle seconded that the Council agree the recommendations of the report as follows;

- (a) to adopt the report as the Health Inequalities Action Plan for Kent County Council;
- (b) to note that the Health Inequalities Action Plan will support the Health Inequalities agenda for the Health and Wellbeing Strategy and Ambition Board 2, Tackling Disadvantage;

- (c) to agree that the Kent Health Inequalities Steering Group be responsible for overseeing performance and report progress to the Public Health Directorate Management Team on a quarterly basis;
- (d) support and agree that Districts use the template of this Action Plan to develop localised specific Health Inequalities Action Plans relevant to each District. The template can also be adopted for specific subject areas such as Housing and Mental Health if required; and
- (e) agree to the development of mainstreaming a single assessment tool for policy, planning and commissioning. This process (the 4 point approach) will screen for impact on health inequalities and demonstrate that the County Council has considered and addressed health inequalities at every available opportunity.

Resolved: that the recommendations as set out above be approved.

112. Member Development Policy

- (1) Mr A King proposed, Mr Bowles seconded that the Council approve the draft updated Member Development Policy for incorporation in the Constitution.

Resolved: that the recommendation be approved.

113. Localism Act: Openness and accountability in local pay

- (1) Mr Gough proposed, Mr Pugh seconded that the Council endorse the Pay Policy Statement.

Resolved: that the recommendation be approved.

114. Kent Invicta Award

- (1) The Chairman of the County Council presented the Kent Invicta Award to John Warnett, Radio Kent presenter.

(2) The County Council heard that John Warnett had been presenting on Radio Kent since 1989. He was known as the voice of cricket and as pretty much *the* voice of Kent. A great supporter of charity, he is also a keen cricketer and golfer and has run in a number of marathons, raising £10,000 running the London marathon in 2009 for Demelza House, who the £5000 Kent Invicta Award money will go to.

(3) Members noted that John supported Produced in Kent, Visit Kent and Locate in Kent and other organisations that are all working to help and support the economies of the county.

(4) It was noted that he had also made a significant contribution to broadcasting and with his radio partner Clare McDonnell was the winner of the EDF Award for Best Broadcasting in Kent and the South East of England last year. John has a phenomenal knowledge of the county and, in partnership with whoever he is working with, he scrutinises both the public and private sectors and the Council's operations reporting with a straight bat to offer a fair and balanced view.

(5) In his address to the County Council, John said that the county is very important to him and that he tries to offer a snapshot of the county to people who tune in to hear him in the mornings.

115. Petition Scheme Debates

Grammar School for Sevenoaks

(1) The Chairman announced that the above debate would be recorded by BBC Radio 4 and BBC 5 Live.

(2) Mr and Mrs Shilling addressed the County Council on the above petition.

(3) The Chairman invited local Members to address the meeting on the subject of the petition. Mr Parry was the first Member to speak and he proposed, Mr Gough seconded the following motion:

that Kent County Council recommends to the Cabinet Member for Education, Learning & Skills that he pursues proposals to provide a 2 form entry of selective secondary provision for boys and a 2 form entry of selective secondary provision for girls in or close to Sevenoaks Town for students resident in the Sevenoaks area, that would meet legal requirements.

(4) Other local Members, Mr Lake, Mr Chard, Mr Brookbank, Ms Hohler and Mr Brazier, then addressed the meeting on the subject of the petition.

(5) The Chairman then opened up the debate to the floor and a number of other Members spoke on the petition.

(6) Mr Christie moved, Mr Cowan seconded the following amendment to Mr Parry's Motion:

First line – after “Kent County Council” insert “agrees to review the admission process and places, including costings, for selective secondary education in Kent and consult with other affected schools before it...”

(7) The Chairman put to the vote the amendment to the motion as set out in (6) above, when the voting was as follows:

For (5)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mrs E Green, Mr G Koowaree

Abstain (2)

Mrs T Dean, Mr T Prater

Against (60)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V

Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr J Kite, Mr P Lake, Mr J London, Mr R Long, Mr K Lynes, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Lost

(8) The Chairman put to the vote the original motion as set out in (3) above, when the voting was as follows:

For (67)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mr I Chittenden, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kite, Mr G Koowaree, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr T Prater, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (3)

Mr L Christie, Mr G Cowan, Mrs E Green

Carried

(9) The Chairman then invited Mr Whiting, Cabinet Member for Education, Learning and Skills, to respond to the debate and describe how he intended to take the petitioners concerns forward. Mr Whiting thanked the Shillings for bringing people power into the Council Chamber and praised them for their work on the website and the support they had gathered for their petition in a short space of time. He stated that KCC were investing millions of pounds in building new schools and creating new provision and he was looking forward to moving down the road of investing some money in selective education especially in the Sevenoaks area.

(10) Mr Whiting stated in relation to Mr Christie's amendment that he had already tasked a group of headteachers with reviewing the Kent Test to ensure it is fit for purpose. He said that the rise in population was the driving factor. In the West Kent area alone there had been an increase in some 3,500 secondary school places in the last 20 years with an expected 2,000 places in the next 10 years. He stated that there was a need to invest in many more secondary places in West Kent and that it was right and proper that a proportion of those places were selective.

(11) The Chairman thanked the petitioners for attending and advised them that their concerns had been noted and the issue of selective secondary education in

Sevenoaks would be taken forward as indicated by Mr Whiting and supported by the Council.

Save Ramsgate Youth Clubs

(12) The following individuals addressed the County Council on the above petition; Councillor Scobie, Thanet District Council and Mr Redmond, Thanet Wanderers Rugby Club.

(13) Relevant local Members, Mrs Green, Mr Jarvis, Mr Burgess and Mr Hayton addressed the meeting on the subject of the petition.

(14) The Chairman then opened up the debate to the floor and several other Members spoke on the petition.

(15) The Chairman then invited the Cabinet Member for Customer and Communities, Mr Hill, to respond to the debate and describe how he intended to take the petitioner's concerns forward.

(16) Mr Hill thanked the petitioners for their measured and constructive contribution and agreed that robust youth services in Ramsgate were needed. He praised the youth facilities and youth work provision by the voluntary sector and said it was just as good as anything offered by KCC. He clarified the provision of youth services in Thanet stating that in Ramsgate the intention for commissioning was primarily from the voluntary sector. At a cross-party meeting of district and county colleagues on 2 March the collective view was that there should be a buildings based youth provision in Ramsgate. Subject to Cabinet and Committee views this was the way forward and Mr Hill stated that all other aspects of the Thanet proposal had received cross-party agreement from those present at the meeting.

(17) The Chairman thanked the petitioners for their contribution.

Closure of Richborough Household Waste Recycling Centre

(18) Mr Loffman addressed the County Council on the above petition.

(19) Relevant local Members, Mr Ridings, Mr Kit Smith and Mr Burgess addressed the meeting on the subject of the petition.

(20) The Chairman then opened up the debate to the floor and a number of other Members spoke on the petition.

(21) Mr Prater proposed, Mr Chittenden seconded the following motion:

that the Council agrees that the proposed closure of the Richborough HWRC should be debated by the next appropriate meeting of the Cabinet Committee for Environment, Highways and Waste prior to decision by the Cabinet Member

(22) The Chairman then invited the Cabinet Member for Environment, Highways and Waste, Mr Sweetland, to respond to the debate and describe how he intended to take the petitioner's concerns forward.

(23) Mr Sweetland stated that his predecessor had been faced eighteen months ago with the options to close some sites, one of which had been Richborough, or close all sites a couple of days a week. An Informal Member Group had investigated the situation, there had been numerous site visits and meetings and now was the time to make a difficult decision.

(24) The Chairman put to the vote the motion as set out in (21) above, when the voting was as follows:

For (10)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mr W Hayton, Mrs E Green, Mr M Jarvis, Mr G Koowaree, Mr T Prater

Abstain (1)

Mr C Hibberd

Against (47)

Mr M Angell, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr P Lake, Mr J London, Mr R Long, Mr K Lynes, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Lost

(25) The Chairman thanked Mr Loffman and his supporters for his contribution to the debate and wished them well.

116. Quarterly Report on Urgent Key Decisions - Sheerness Gateway

Mr Carter proposed, Mr A King seconded that this report be noted.

Resolved: that the recommendation above be noted.

117. Minutes for Approval

Resolved: that the Minutes of the meeting of the Governance and Audit Committee held on 29 November 2011 be noted.

118. Minutes for Information

Pursuant to Procedure Rule 1.10(8) and 1.24(4), the minutes of the Planning Applications Committee meetings held on 6 December 2011 and 17 January and 14 February 2012, the Regulation Committee meeting held on 24 January 2012 and the Superannuation Fund Committee meetings held on 18 November 2011 and 10 February 2012 were noted.

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COUNTY COUNCIL**Thursday 17 May 2012****Question by Leslie Christie to****Mike Whiting, Cabinet Member for Education, Learning and Skills**

Could the Cabinet Member for Education, Learning and Skills provide the following information relating to GCSE results for the year 2011:-

- (i) the number of secondary schools in Kent which were at or below the floor standard of 35% for 5A* - Cs, including English and Maths
- (ii) the number of secondary schools in Kent, excluding grammar schools, which were at or below the floor standard of 35% for 5A* - Cs, including English and Maths
- (iii) the number of secondary schools in Kent which are grammar schools.

In providing the answer, could I ask for statistical neighbour comparisons and for all responses to be given both in numbers and percentage terms.

Answer

In 2011, in Kent, 87 secondary schools (87.9%) exceeded the floor standard set by the DfE of 35% of pupils achieving five GCSEs graded A* to C, including English and maths. Three schools (3%) achieved the floor standard, and nine schools were below it (9.1%). Of this last group, those below the floor standard, six are academies and three are maintained schools.

Excluding grammar schools, the number of secondary schools (66) which achieved the floor standard was three (4.5%), while the number below the floor standard was nine (13.6%).

None of those at or below the floor standard are grammar schools.

There are 33 grammar schools in Kent, which is 33% of the total (99).

Turning now to our statistical neighbours, these are East Sussex, Essex, Lancashire, Nottinghamshire, Northamptonshire, Staffordshire, Swindon, Warwickshire, West Sussex and Worcestershire. According to figures published by the DfE, their performance, in terms of the number of schools below floor standard, ranges from 0% in Swindon (total of 10 schools) and 5.3% in Northamptonshire (38 schools). I do not have figures for schools in our statistical neighbours who hit exactly the floor standard of 35%.

When we look at the results of the all pupils rather than the result of pupils per school, we see a very different picture.

Looking at the percentage of all pupils in each of those areas who achieved five GCSEs at A* to C, including English and maths, Kent lies in fourth place at 59.4%, with Warwickshire at 60.7% and Lancashire and Worcestershire both at 60.1%. I note that in Swindon, while no schools were below the floor, only 52.4% of their pupils achieved 5 A*-C GCSEs including English and Maths, which is 7% below what was achieved here in Kent.

Last week, we launched our Bold Steps for Education which outlines our ambition to be the most forward looking area in England for education and learning so that we are the best place for children and young people to grow up, learn, develop and achieve. We aim for Kent's key stage 4 attainment to be amongst the best for our statistical neighbours and improve to at least 70% of pupils attaining 5 good GCSEs including English and mathematics.

In order to bring about these rapid improvements we will work in partnerships with schools and governors through KAHT and the KGA to support that focus effort and energy in the same direction to ensure improvement is sustained and the pace of change increases.

COUNTY COUNCIL

Thursday 17 May 2012

Question by Mike Harrison to

Bryan Sweetland, Cabinet Member for Environment, Highways and Waste

It is now over six months since the change over of contracts for both KHS and the Street Lighting.

From a local Member's perception things would appear to be running smoothly apart, that is, from the odd hic-up with some of the street lights which would appear to be out of our hands.

Will the Cabinet Member be kind enough to bring we the Members up to date with these contracts?

Answer

Enterprise and KCC Highways have worked well together in the first 8 months of the contract and it's notable that both organisations have commented that there has been a common approach to deliver a successful contract that delivers work to high quality and to the negotiated price.

The Street Lighting element of the new contract encountered a few issues within the first few months. In response Enterprise appointed an experienced Manager in January 2012, who made several operational changes to improve the speed of repair.

There are still a few improvements to be made in other response times. These include those streetlights requiring attendance by UK Power Networks. These supply faults initially need to be investigated by KCC engineers or Enterprise, who then place the order for UKPN to resolve.

In March, thirty streetlights required attendance by UKPN, from the point of order these were completed in six days. The speed at which these investigations and orders were made needs further improvement by Kent Officers now that the backlog is cleared.

In March, 99% of Kent's 118,000 streetlights were on and working without fault and for the second month running, all Highways performance indicators were all met.

COUNTY COUNCIL

Thursday 17 May 2012

Question by Elizabeth Tweed to

Mike Whiting, Cabinet Member for Education, Learning and Skills

Can the Cabinet Member for Education, Learning and Skills confirm progress on two new schools for Ashford, namely Repton Park, due to open with two forms of entry in September this year, and Goat Lees, due to open with one form entry in September 2013?

Answer

Thank you Elizabeth. For those members not as familiar with the situation in Ashford, I think it might be useful to know that Repton Manor is a new primary school being built to serve the new Repton Park housing estate, a phased development of 1,250 units, sandwiched between the A28 and the A20.

I am pleased to report good progress is being made with regard to Repton Manor Primary School. To date, we have appointed a headteacher, Mr Matt Rawling, and a temporary governing body is in place. Interviews are currently underway for teaching staff.

The School has a planned admissions number of 60 this year and the reception year places have already been offered. Places for other year groups will be offered at the end of May.

I am looking forward to visiting the school in the autumn and seeing the ground, I helped to break, transformed into a modern, purpose-built primary school and nursery. The build is underway and the contractor is working well with Kent County Council to ensure that partial handover is delivered on time, so the school can open in September 2012. I say partial handover, because, due to the decision to construct the school in one, rather than two phases, a partial handover timetable has been agreed. As a foundation school, the governing body set the term dates to allow for a later opening in September in order to accommodate the build programme, and ensure no days were lost to pupils. The remaining Phase 2 works will be completed in February 2013.

The total budget cost for the construction of the 2FE school, including fees and fit out is £6.1million.

Turning to Goat Lees, this is a housing development comprising of 750 dwellings, and a new 1FE Primary School is planned to serve this community. The tender documents for the new school are being finalised, with a view to going out to tender in June 2012. Completion is expected in August 2013, at the very latest, with a view to opening the new school in September 2013.

COUNTY COUNCIL

Thursday 17 May 2012

Question by Dan Daley to

Graham Gibbens, Cabinet Member for Adult Social Care & Public Health

A recent Kent County Council (KCC) report states that vulnerable elderly people and disabled adults may have to stay home for longer instead of being moved into residential care. KCC will depend on voluntary and private sector providers, our *'Partners in the Community'*, to provide home based care for these vulnerable people whilst they wait to move into residential care.

Can the Cabinet Member tell us what safety nets will be in place to guarantee appropriate daily care for those whose transfer is delayed; and as the predictions are that many more people will reach one hundred and be living alone (possibly without nearby relatives) how does he propose to address issues such as increasing vulnerability or isolation in his plans for transformation of KCC's involvement or responsibilities?

Answer

As members know, we will be discussing the Adult Social Care Transformation Programme today. Mr. Daley is incorrect in suggesting the report states that either:

- 1) adults may have to stay in their home for longer, or
- 2) vulnerable people will have to wait to move into residential care.

People want to stay in their own homes for longer and these changes will improve the availability of preventative services to allow people to do so. This includes further developing services tackling social isolation, which is a major contributory factor for why some people enter residential care.

This is about giving people, and their carers, options and choice over the support they require. We will maximise the opportunity for people to recover with enablement support so that they don't have to take long term care decisions at a point of crisis. Where people can't stay in their own home they will be given the support and information to fully consider the options available to them, including extra care housing as a real alternative to residential care. For some people residential care will be a positive choice and their admission will not be delayed.

As for *'depending on voluntary and private sector providers'*, this is how we already run social care. 90% of all provision is commissioned from the private and voluntary sector organisations. During 2010/11 they supported nearly 15,000 people at home and nearly 8,000 people in residential care.

I take our responsibilities to these vulnerable people very seriously and we work closely with providers to ensure that safeguarding remains the top priority. This is done through regular reviews, actively monitoring contracts and continually seeking to improve safeguarding. It is worth noting that, although there are nearly twice as many people supported at home compared to in residential care, in 2010/11, there were just 125 safeguarding alerts about home care staff compared to 425 about residential care staff.

People feel safer in their own homes. It is where most people want to be cared for and, quite rightly, the Transformation Programme will help more people achieve this.

COUNTY COUNCIL

Thursday 17 May 2012

Question by Tim Prater to

John Simmonds, Cabinet Member for Finance & Procurement

In view of the damning KPMG report of governance of the Laser scheme and the lack of any committee scrutiny of the setting up of Kent Cultural Trading, will the Cabinet Member for Finance agree to a review of the Governance of all KCC Trading Companies & Business activities to ensure they all represent best value for Kent's residents?

Answer

Mr Prater is quite right that the report on Laser did reveal shortcomings in control and execution. I am pleased to confirm we have learnt from this and believe this strong business will continue to flourish with the appropriate controls. Valuable lessons were learnt.

Having confirmed Mr Prater's accuracy, I now have to disagree with him when he includes in his criticism, comments to the effect of a lack of any committee scrutiny of the setting up of Kent Cultural Trading. May I draw his attention to the minutes of the Governance & Audit Committee Trading Activities Sub-group 17th May 2010 at 2.30pm, Item 6 Business Case for the creation of Kent Cultural Trading. There is reference in the minutes to a question from Mr Prater to the Director of Cultural Services re: commercial opportunities in the Libraries to generate their income. The discussion concerned Kent Cultural Trading and the Committee resolves that approval be given to the business case for setting up Kent Cultural Trading Ltd. Hopefully Mr Prater will withdraw his suggestion that there was no committee scrutiny.

As Mr Prater will be aware there is new management within Commercial Services as our current portfolio of companies are re-evaluated. There would be no point in their existence if they did not represent good value for Kent Residents and substantially contribute to our income.

COUNTY COUNCIL

Thursday 17 May 2012

Question by George Koowaree to

Bryan Sweetland, Cabinet Member for Environment, Highways and Waste

Will the Cabinet Member for Environment, Highways and Waste inform this Council of the criteria for resurfacing deteriorated concrete roads, and provide me with copies of the analysis data reports for:

1. Bond Road, Ashford &
2. Osborne Road, Ashford

as both these roads have the same degree of surface deterioration as far as the travelling public are concerned, yet only Bond Road is listed for resurfacing in June.

Answer

The highway network including concrete roads is inspected on a regular basis in line with national standards. Concrete roads are therefore treated in the same manner as the rest of the network. Data collected from inspections is used to produce a prioritised list of schemes for treatment within the available budget.

Certain sites within the list can be elevated to address community needs enabling a balanced programme of schemes that utilises good asset management principles and responds to local feedback.

Bond Road is a concrete road with an asphalt overlay and has a number of old utility trenches that are deteriorating. The road is in the 2012/13 surface treatment programme and will receive a micro asphalt treatment, which will seal and restore the surface texture of the road and protect it from deterioration. Although, this scheme achieved a low ranking using the inspection condition data, it was elevated to a higher priority as a result of community feedback and to satisfy identified local needs.

Osborne Road is also a concrete road with an asphalt overlay but given its condition data, it has been ranked as a lower priority and has not been prioritised for treatment. The community and local needs have also been assessed but it has not been promoted for elevation in the priority ranking. Osborne Road, although not aesthetically pleasing, is considered to be in a safe and satisfactory condition.

Officers will provide Mr Koowaree with the data he has requested.

COUNTY COUNCIL

Thursday 17 May 2012

Question by Trudy Dean to

John Simmonds, Cabinet Member for Finance & Procurement

In view of the transfer to KCC employment of former Health Service employees whose pension schemes would not include investments in tobacco; will the Cabinet Member for Finance & Procurement reconsider KCC's previous stance on the withdrawal of Superannuation Fund investment in tobacco firms?

Answer

I reply to Mrs Dean as a lifetime non-smoker. As she will know as a Council we give full support to encouraging, particularly the young, not to smoke, or if they do, to stop doing so. In this way we support the Government's health objectives.

To the best of my knowledge the NHS Pension Scheme, like all the public sector pension schemes except the Local Government Pension Scheme, is not a funded scheme, it has no investments and the Government funds the pension liabilities out of general tax revenue. This same Tax revenue is highly dependent upon the quite rightly penal rates of tax imposed by the Government on cigarette sales. Does that position make Government any less opposed to smoking than we are, no it doesn't, it just reflects that large organisations in times of enormous financial restraints have to deal with economic reality.

And it is this economic reality which is at the core of the position of the Superannuation Fund Committee, whose sole concern is the well being of the pensioners for whom it is responsible. Unfortunately the reality is that the Tobacco sector in the UK has been by far the best performing sector in the FTSE over the last 20 years, not by a small amount but by a huge amount. The higher returns generated by these tobacco companies are paying for the cost of pensions and to sell them would lead directly to higher employer contribution rates, which means for all of the 300 employing bodies in the scheme that either cuts in services would have to be made to make good the loss, or an increase in council tax.

It is interesting to note, that the areas of investment which have produced the best returns since 1986, in order are tobacco, mining, oil and gas and beverages. In all these sectors there are lobbyists for their control, either for health or environmental reasons. Once you start the process of elimination of investment opportunities, where do you stop?

Nevertheless, we will continue to remain aware of the sensitivities of this issue, and the conflicting responsibilities we have.

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By: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health
 Andrew Ireland, Corporate Director, Families and Social Care

To: County Council – 17 May 2012

Subject: Adult Social Care Transformation Programme

Classification: Unrestricted

Summary: This report and the attached Adult Social Care Transformation Programme Blueprint and Preparation Plan set out the Families and Social Care directorate’s initial approach to the longer-term transformation of adult social care.

To achieve genuine service transformation which delivers better outcomes for less, we must take a sensible and intelligent approach which delivers a sustainable, improved service. Therefore this paper seeks to advise Members on our proposals for the first stage – while setting out timescales for final proposals.

Recommendation: County Council is asked to NOTE the Adult Social Care Transformation Programme Blueprint and Preparation Plan.

1. Introduction

- (1) This report outlines the approach the Families and Social Care directorate will take in order to contribute towards KCC’s overall savings agenda. The directorate has decided not to unilaterally cut spend, but to take a reasoned and planned approach to the redesign and transformation of adult social care. This approach is essential if it is to manage the complexities and interdependencies between the elements of the social care system, as well as the potential risk of making changes to services that could affect vulnerable people. The attached ‘blueprint and preparation plan’ sets out the initial vision, themes for transformation (coproduced with stakeholders) and next steps. Following a 6 month period of understanding and planning, more concrete plans for the transformation (and how the savings will be achieved) will be available.

2. Financial Implications

- (1) Whilst the overall objective of the adult social care transformation programme is to improve social care outcomes for the people of Kent - the programme must also contribute towards KCC’s overall savings target. This is a huge challenge. A significant amount of work is needed over the coming months to redesign a system which will continue to meet legal requirements, protect vulnerable people and operate effectively on a reduced budget.

3. Bold Steps for Kent and Policy Framework

- (1) The transformation programme will redesign adult social care in a way that moves KCC towards becoming a commissioning only authority. The transformation programme will also deliver the following bold steps priorities:
- Priority 1: Improve how we procure and commission services
 - Priority 2: Support the transformation of health and social care in Kent
 - Priority 7: Build a strong relationship with key business sectors across Kent
 - Priority 9: Support new housing growth that is affordable, sustainable and with the appropriate infrastructure
 - Priority 11: Improve access to public services and move towards a single initial assessment process
 - Priority 12: Empower social service users through increase use of personal budgets
 - Priority 13: Establish a Big Society Fund to support new social enterprise in Kent
 - Priority 14: Ensure the most robust and effective public protection arrangements
 - Priority 15: Improve services for the most vulnerable people in Kent
 - Priority 16: Support families with complex needs and increase the use of community budgets
- (2) The proposed decision does not relate to a plan or strategy set out in the Council's Policy Framework. The Adult Social Care Transformation programme may have significant impact on the FSC budget or services provided and is therefore included in the forward plan as a key decision.

4. The Report

- (1) Following a 3 month period of informal stakeholder engagement, FSC has co-produced an initial Adult Social Care Transformation Programme Blueprint and Preparation Plan (attached). The blueprint and preparation plan sets out the future vision for adult social care, highlights the key transformation themes and outlines the next 6 month phase of work.
- (2) From April to June 2012, FSC will carry out 20-30 projects, to understand areas of our business and how they are linked. This will include analysis of activity/productivity costs, outcomes/effectiveness, service user satisfaction, efficiency, value for money, comparisons with other local authorities/providers, strategic fit, etc. The combination of the understanding gained from this 3 month period will inform how we transform our business and ensure that any strategic decisions (made as part of the transformation programme) will not be made in isolation or be out of alignment with Bold Steps or the transformation vision. Stakeholder input will be an important element in reviewing the strengths, weakness, opportunities and threats of current services.
- (3) Following the period of understanding, there will be a 3 month period of planning (July-September). This will include the development of multiple options appraisals, investment appraisals, more detailed proposals for the transformation of social care and related equality impact assessments. It will also identify how savings will be achieved. Again, stakeholder involvement will

be an important element to this work and proposed changes are likely to result in a number of more formal consultations.

5. Conclusions

- (1) Savings of this magnitude cannot be made without transforming the way we commission and deliver services. The adult social care programme will go through a period of understanding and planning (between April - September) in order to fully understand and plan the transformation. Stakeholder engagement will be an important element of the redesign of adult social care. Equality impact assessments will be undertaken on any transformation option under consideration and formal consultations are likely before any transformation changes can be implemented.

6. Recommendation

- (1) County Council is asked to NOTE the Adult Social Care Transformation Programme Blueprint and Preparation Plan.

7. Background Documents

Adult Social Care Transformation Blueprint and Preparation Plan (v1.4) - April 2012
Equality Impact Assessment – Initial Screening

8. Contact details

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Adult Social Care Transformation Programme Blueprint and Preparation Plan

*A transformation programme that will deliver savings,
not a savings programme that will deliver transformation*

Version: 1.4
Date: 1 May 2012
Authors: Mark Lobban, Director Strategic Commissioning, Families & Social Care
Juliet Doswell, Project Manager, Families & Social Care
Melanie Hayes, Project Manager, Families & Social Care
Samantha Sheppard, Project Manager, Families & Social Care

Acronyms and Glossary

Blueprint:	A model or design for how the business will work in the future
Carer:	Anyone who provides an unpaid caring role to a friend or family member
Care navigator:	A person who understands the care system and can, when requested advise people about the care system
Clients/Service Users:	Users of services provided via Families and Social Care
Community Agent:	A person who works in the community supporting the needs of the members of the community (such as social care/health needs)
Co-production:	The public sector, organisations and citizens working together to design and develop services
Enablement:	An intensive short term service, available via KCC that encourages and assists people to learn or re-learn skills required to live as independent and fulfilling a life as possible, in the way that they choose. This is KCC's re-ablement service.
FSC:	Families and Social Care Directorate of Kent County Council. It is responsible for delivering frontline adults and children's services to the people of Kent – excluding Medway.
Intermediate Care:	A range of integrated services to promote faster recovery from illness, prevent unnecessary acute hospital admission and premature admission to long-term residential care, support timely discharge from hospital and maximise independent living
Non-Provision:	Assessment, case management, management and back office functions
Partners:	Any organisation that KCC needs to work in partnership with to maximise outcomes for its customers
Providers:	Any organisation that provides a service on behalf of KCC
Provision:	Services that are delivered directly to clients
Reablement:	Any services which help people to accommodate their illness or condition and maximise their level of independence by learning or relearning the skills necessary for daily living
Stakeholder:	Any individual, group, organisation or staff that can affect, can be affected by or perceive itself to be affected by the transformation programme
Staff:	The people employed to work within the Families and Social Care directorate, either directly with clients or providing back office support.
Self-Manage:	Clients (or their representatives) managing and purchasing support (with or without funding from the Council) to meet their needs, with little or no input from social care or NHS/Health staff.
Social worker:	A person professionally qualified in Social Work.

1 Foreword

Increasingly, citizens want better quality and greater choice in the services they require. For those with social care needs this may mean support that is more relevant to them and this must be reflected in the way we approach our business and the care sector as a whole. We will continue with our journey of greater personalisation of services and support, but this must now be achieved within the constraints of a challenging financial climate.

This document sets out Kent County Council's vision for the future of social care in Kent, and how our transformation programme will achieve this vision, whilst contributing towards KCC's overall savings agenda. Our transformation will have a determined focus on prevention and targeted intervention, ensuring that services respond rapidly and are more effective. We will encourage and empower individuals to do more for themselves and ensure greater support is available to carers. We will also develop a new deal with both voluntary and independent providers; one that is based upon trust and incentivisation.

We want to take this opportunity to give reassurance that people are at the heart of all the decisions we make, and where there is opportunity for involvement and co-production we will seek it and welcome it. Most importantly, ***this is a transformation programme that will deliver savings, not a savings programme that will deliver transformation.***



Graham Gibbens
Cabinet Member
Adult Social Care and Public Health



Andrew Ireland
Corporate Director
Families & Social Care

2 Executive summary

Our objective is to improve the social care outcomes for the people of Kent. We will achieve this whilst moving Families and Social Care (Adults) to a position where, by 2015, it can operate on a reduced budget.

This Blueprint and Preparation Plan is a starting point for the future shape of social care in Kent. It is written in light of the budget requirements of the Families and Social Care (FSC) directorate, as well as the direction of travel of the current government and Kent County Council (KCC). This report outlines the approach the Families and Social Care directorate will take in order to contribute towards KCC's overall savings agenda.

Social care is part of a system that includes not only health, housing and planning, but also citizens who source, manage and fund their social care services outside of the formal social care system. Many people who manage and fund their own support (including residential care) have limited or no contact with KCC. This makes it hard to judge the true size of the social care market for both paid services and unpaid/informal care and support.

As there are many linked components to the system, it means the actions of others affect the spend pattern of KCC's Families and Social Care Directorate. For many, a need for social care arises through other causes rather than through any intrinsic need for social care itself. It may be possible in the short term to manage down the costs of social care but, to achieve the substantial savings we require calls for a change in the circumstances that gave rise to the need for care in the first place; whether it be health, housing, psychological causes or other needs.

The Families and Social Care directorate has decided to approach the need for savings by taking a reasoned and planned approach to the redesign of adult social care and intends to make savings through transformation. This will be carried out with the full engagement of stakeholders over the three year period of the transformation programme. For our transformation to succeed we must take the time to truly understand our business, the social care market in Kent and how changes to the health and wealth of citizens will impact on our business. Service redesign will be achieved by understanding the relationship and interdependencies between our key activities, appraising the options and implementing the changes.

We will undertake a six month period of work (April – September 2012) to fully understand and plan how we will transform adult social care. Under no circumstances must we risk making decisions based on unfounded information. We will not put users of social care or their carers at risk of being without support that we have a statutory duty to provide. More

concrete plans of how we will transform, and the level of savings that can be achieved, will be shared following the completion of this work.

In the production of this Blueprint and Preparation Plan significant stakeholder engagement took place. Approximately 750 stakeholders took part in the engagement activities which resulted in the development of our six transformation themes. This engagement will continue for the lifetime of the transformation programme, and beyond, and co-production with all stakeholder groups will be critical to the success of this programme.

This Blueprint and Preparation Plan sets out our vision, the proposed 'themes' for transformation, feedback from stakeholders we have engaged with and the next phases to this programme. The following themes will provide the basis for our transformation:

- Prevention, independence and wellbeing
- Supporting recovery, maximising independence and assessing at the right time and in the right place
- Support at home and in the community
- Place to live
- Every penny counts
- Doing the right things well

The Adults' Transformation Programme will be how Families and Social Care will contribute to the delivery of the savings KCC needs to make and KCC's Medium Term Plan - '*Bold Steps for Kent*'. We will contribute to *Bold Steps for Kent* in a number of ways, but specifically we will ensure greater personalisation of budgets so that people have greater choice and control over the services they use.

In essence, our goal is straight forward: ***That people are at the heart of all adult social care activities, receiving integrated services that are easy to access, of good quality and that maximise their ability to live independently and safely in their community.***

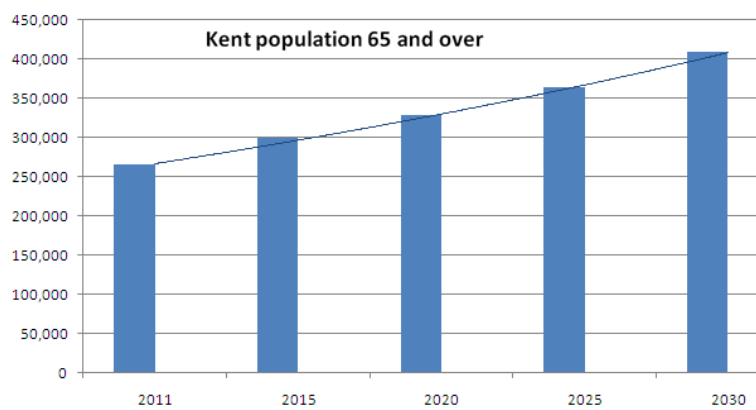
We believe this will be achieved by doing the right things well, at the right time and putting people at the heart of everything we do.

Our goal may sound simple, but this is still a daunting programme of change. We have an opportunity to re-shape both our organisation and social care in Kent, to truly empower those who can to self manage and create a sustainable business that can stand the test of time.

3 Challenges faced by adult social services

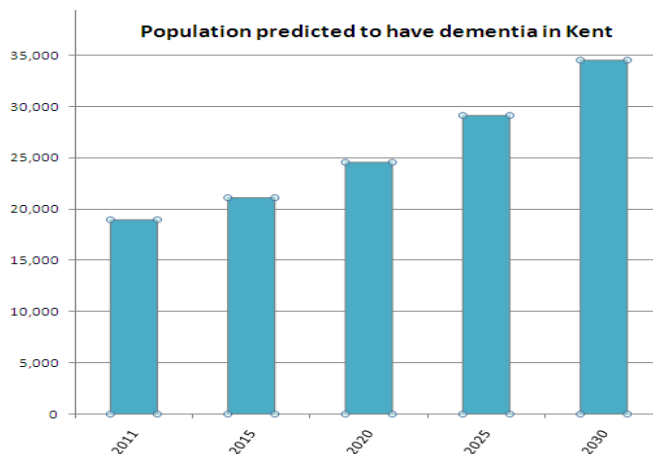
3.1 Demographic challenges

Social care is a demand led service. Advances in medical science, the promotion of healthier lifestyles along with an overall increase in general wellbeing for many, means the population is living longer. Kent’s over 65 population is predicted to grow year on year – increasing 55% by 2030. This could mean demand for adult social care will grow at a similar rate, but it may not. This could be for a number of reasons, including the health and wealth of the population.



Source: Projecting Older People Population Information System (2010)

Whilst many people live a long and healthy life and make limited use of the NHS or social care this is not the case for everyone. Many live with, often multiple, long term conditions or experience general frailty simply brought about by age. Long term conditions are predicted to increase at a similar rate as the over 65 population. People with conditions such as dementia will often require intensive and sometimes costly support. There is a risk that demographic changes will put a significant pressure on adult social care budgets.



Source: Projecting Older People Population Information System (2010)

3.2 Financial challenges

By 2015, Kent County Council is expecting to operate with a budget that is around £200 million less than it does now. This is a significant reduction, of which the Families and Social Care directorate will be expected to make a major contribution. We cannot continue with our current business model and achieve financial sustainability. Wholesale change is required.

3.3 Summary

So we can truly predict demand and plan the right services for the future we need to fully understand the impact of demographic changes and the changing health, wealth and preferences of people in Kent.

We also need to understand which preventative services we should invest in to provide the best returns. These activities will take place in the coming months and will enable us to forecast what we need to spend and consider how to deliver the best services we can within the budget available to us.

4 Meeting our challenges through transformation

Our objective is to improve the social care outcomes for the people of Kent. We will achieve this whilst moving the Families and Social Care (Adults) Directorate to a position where, by 2015, it can operate on a reduced budget.

The Families and Social Care directorate has decided to approach the need for savings by taking a reasoned and planned approach to the redesign of adult social care. It intends to make savings through transformation and radically changing its current investment profile. This requires a high level review of how social care is currently delivered. Service redesign will be achieved by understanding the relationship and interdependencies between our key activities, appraising the options and implementing the changes.

More than 90% of the services provided through adult social services are delivered through contracts with private and voluntary organisations. Although limited savings may be possible by outsourcing some of the remaining 10% of in-house provision, this alone will not be enough. We must review our assessment and back office functions; redesign the services we commission, increase our investment in preventative measures, use technology to its full advantage and work collaboratively with others to maximise efficiencies.

Savings will be achieved by either paying less, buying less or buying cheaper alternatives. We have already taken this approach to certain areas of our business. Continuing to focus on short term price reductions will not deliver the required savings and risks destabilising the market. This could have a significant negative impact on service users and carers and risks increasing demand for support from us. We must approach the challenge differently, and do things differently.

We must ensure those requiring social care services are in the right place for the right length of time and at the right cost. Those assessing them must ensure the assessment takes place in the right place and at the right time. This means decisions regarding longer term support must be made when a person has had sufficient time and support to gain or regain their optimum level of independence.

Our vision for 2015 is based upon a new investment profile within a significantly reduced budget. Whilst this is a huge challenge it is also a real opportunity for us all to review social care in a new light and influence how the money we do have is spent.

5 The vision for adult social care in Kent

The vision for adult social care in Kent is based upon adding maximum value by working with the NHS and other organisations involved in the social care system. This will be done with a determined focus on prevention and targeted intervention; ensuring that services respond rapidly and are more effective, supporting carers and empowering individuals to do more for themselves; a new deal - based upon trust and incentivisation - with both voluntary and independent providers; and daring to let go of things that we currently do ourselves.

Vision Statement

People are at the heart of all adult social care activities, receiving integrated services that are easy to access, of good quality and that maximise their ability to live independently and safely in their community.

We will achieve this by:

- *Empowering citizens to build a support network of trusted people, places and services tailored to their needs and minimising their dependence on formal services*
- *Working with communities to ensure people can develop or retain a choice of social links and networks to maintain health and prevent social isolation*
- *Making every penny count in achieving service user outcomes and value for money services*
- *Providing the right assessment at the right time to support people to achieve or regain their ability to manage their lives*
- *Commissioning housing options that support people to thrive in their community*
- *Developing a vibrant market of services from which people can find the right support*
- *Agreeing clear and consistent standards across the county, but recognising distinctive local solutions for delivery*
- *Encouraging a positive culture that enables our workforce to develop and deliver a quality service*

5.1 Re-designing adult social care in Kent

Where it is cost effective and improves outcomes Families and Social Care Adults will commission others to do more on our behalf, and we will do less ourselves.

By 2015 we aim to be only directly responsible for:

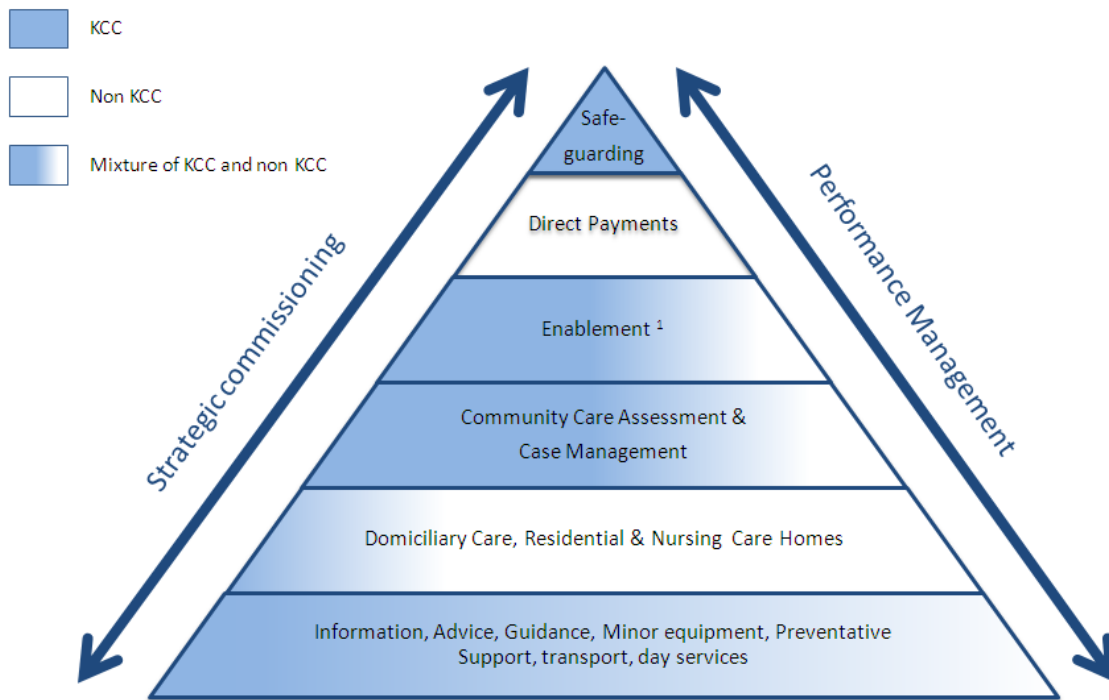
- Safeguarding vulnerable adults and statutory duties regarding adult protection
- High risk case management (where it cannot be done effectively by anybody else)
- Quality assuring the work others do on our behalf
- Strategic commissioning (contracting and market shaping) and joint commissioning
- Performance and commercial oversight of commissioned services

Design objectives include:

- Greater personalisation of services
- Greater focus on outcomes not activities
- Increased prevention and preventative support
- More effective demand management
- Increased focus on localism
- A shift towards more self management (wherever possible)
- More effective partnership working and co-production
- Greater focus on re-ablement and support that maximises independence
- A shift to integrated health and social care commissioning and provision
- Greater incentivisation of providers
- Greater focus on value for money
- Greater focus on efficient working – doing the right things well
- More robust evidence based decision making
- Greater focus on performance management and managing the required culture change needed in order to transform.

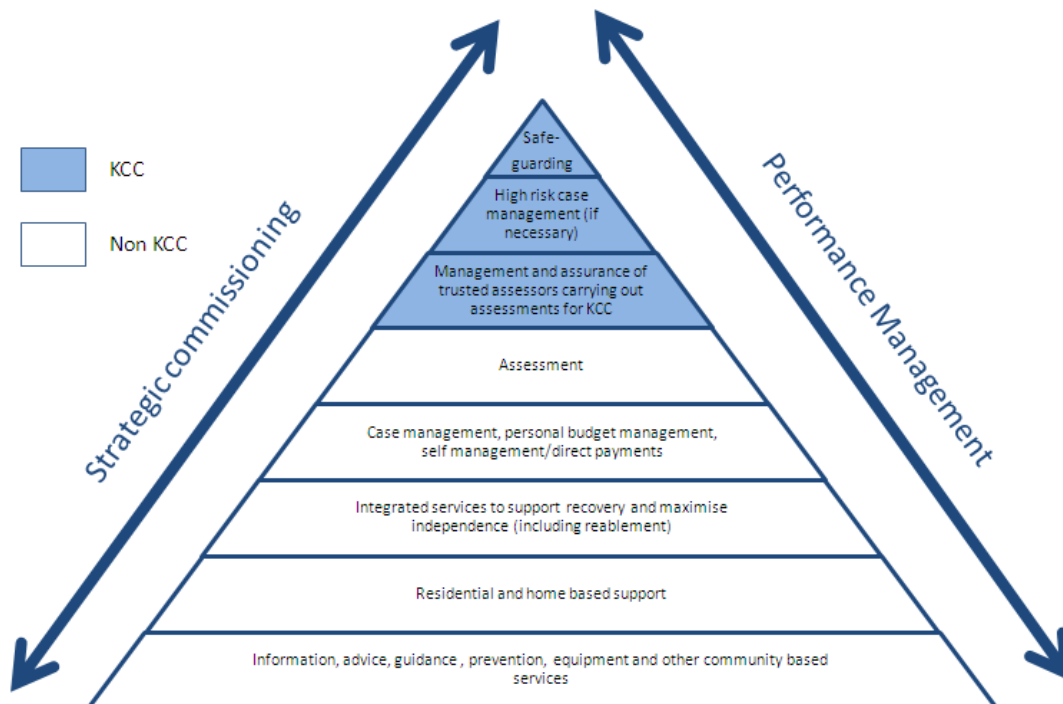
So that our clients benefit from a cohesive and effective system we will work with the “whole system” of health and social care.

An illustration of Families and Social Care (adults) now



¹ 85% In-house Enablement, 15% external enablement

An illustration of how Families and Social Care (adults) could look - should a viable business case be proven for this design.



5.2 The vision for social care in Kent and ‘Bold Steps’

The Adults’ Transformation Programme will be how Families and Social Care will contribute to KCC’s Medium Term Plan, ‘Bold Steps for Kent’.

The transformation programme will:

- Help to deliver integrated health and social care in Kent by making it easier for people to access services, implement a shared assessment process, share information across organisations to better manage demand/spend and share resources where possible to reduce management and accommodation costs
- Enable people to access social care information and services more easily by ensuring people can access the information they need – whether it be to deal with a current social care need, to prevent deterioration or to manage future need



Bold Steps for Kent

- Help the Kent economy grow by encouraging growth and diversification of the market by supporting the voluntary sector and encourage social enterprise
- Empower people to have greater choice and control over the support they receive through increased use of personal budgets, alternatives to KCC managed support and greater choice and flexibility on offer in the whole social care market
- Tackle disadvantage by making the best use of resources available in social care to improve outcomes, particularly for those most vulnerable, the frail elderly and those with dementia and adults with disabilities
- Provide the most robust and effective public protection arrangements for vulnerable adults and support the delivery of the children’s improvement plan.
- Procure and commission services more effectively. In addition to the responsibility of ensuring value for money, KCC’s vision through ‘Bold Steps for Kent’ is to become a commissioning authority and so will need to ensure steps are taken to move away from direct provision.

6 Transformation themes

The transformation programme is a real opportunity for all those involved in social care, whether providers, users or carers, to view social care in a new light. This is a chance to influence how the money that is available is spent. Reviewing and considering feedback and comments from recent stakeholder events, the transformation programme can broadly be categorised into six themes.

1

Prevention, independence and wellbeing

Enabling citizens to find solutions that meet their needs without entering the formal social care system.

2

Supporting recovery, maximising independence and assessing at the right time and in the right place

Providing short term crisis support and maximising the opportunity to recover prior to any long term care decisions being made. Those who do have long term social care needs will be able to access support that promotes independence.

3

Support at home and in the community

Greater choice in support and activities that encourage people to live independently and prevent social isolation.

4

Place to live

Accommodation solutions that increase the options available so people can live independently in a place of their choosing.

5

Every penny counts

Ensuring all spend provides value for money.

6

Doing the right things well

Ensuring the right processes are in place and applied consistently and effectively

1

Prevention, independence and wellbeing

Enabling citizens to find solutions that meet their needs without entering the formal social care system.

The vision for this theme is:

- Information, advice and guidance through a range of partner organisations that is easily accessible to all and supports people to make informed decisions about social care
- Access to a range of equipment, technology and services without intervention from adult social services, except when it is necessary
- Community based agents - who understand the social care system - supporting people to make decisions and access preventative services
- For KCC to provide professional expertise to care navigators
- Good quality appropriate community based services
- Shared information to better predict those at risk of needing social care/health support so needs can be managed before situations deteriorate (risk stratification)
- Investment in preventative services
- Online tools to access information, so people can make their own decisions and purchase their own solutions whether or not they receive funding from social services
- Ensure support is available to carers who wish to continue with their caring role, but need additional support to do this
- Volunteers working in partnership with other KCC departments
- Options for self assessment of needs, as well as financial self assessment, to enable a person to know quickly if they are eligible for support from KCC

What success looks like:

Greater number of people able to meet their own needs without entering the formal social care system

Those who need to enter the social care system will have the tools to self manage their own care needs with reduced involvement from KCC

Evidence of Success:

Increase in self assessments and use of community and voluntary services

High usage of self management tools

Evidence that prevention is delivering the required outcomes

Reduction in KCC activity/spend

Key Principles:

Demand Management

Prevention

Personalisation

Localism

Self management (where possible)

Partnership working

Prevention, Independence & Wellbeing

Bold Steps:

1. Improve how we procure and commission services

2. Support the transformation of health & social care

7. Building strong relationships with business

15. Improve services for the most vulnerable

2

Supporting recovery, maximising independence, assessing at the right time and in the right place

Short term crisis support and maximising the opportunity to recover prior to any long term care decisions being made. Those who have ongoing social care needs will be able to access support that promotes independence.

The vision for this theme is:

- Local integrated health and social care access points where people can request an assessment and access support
- Rapid/emergency response for those in crisis including 'Reablement' support that is commissioned/provided jointly between health and social care
- Access to support that promotes independence and inclusion in mainstream activities in the wider community
- No long term care decisions made during crisis situations
- Providers trained as trusted assessors completing assessments on behalf of Kent County Council with access to equipment and telecare (as needed)
- Use of technology that supports greater independence
- Removal of barriers cause by transition of clients moving from Children's Services to Adult Services
- Social workers working in partnership with providers, health partners and district/borough councils to offer expertise, support and assurance to providers when carrying out functions on behalf of KCC
- Shared information to better predict those at risk of needing social care/health support so needs can be managed before situations deteriorate (risk stratification)
- All people who have eligible on-going needs will be allocated a personal budget that can be spent on meeting their needs in ways they choose

What success looks like:

No long term care decisions made during crisis situations

Working in partnership with health and providers to be more efficient in how we support our clients

Evidence of success:

Reduction in spend by removing duplication in the assessment processes

Evidence that a focus on preventative and short term intensive services is reducing spend in long term services

Supporting recovery, maximising independence & assessing in the right place at the right time

Key Principles:

Demand management
Re-ablement Services
Health and social care integration
Personalisation
Incentivisation
Localism
Partnership working

Bold Steps:

2. Support transformation of health & social care
12. Empower users of social services through personal budgets
15. Improve services for most vulnerable

3

Support at home and in the community

Greater choice in support and activities that encourage people to live independently and prevent social isolation.

The vision for this theme is:

- Providers trained as trusted assessors – assessing the on-going needs of the people they support, adjusting care packages as required and putting in place equipment, telecare and Reablement when needed to maximise recovery and independence
- Providers of community care services trained to work with the people they support to maximise inclusion in the wider community and access to mainstream activities
- Kent County Council social workers allocated to specific home care providers to work in partnership to maximise opportunities for recovery, independence and personalisation for the people they support
- Providers working more flexibly to meet the changing needs and preferences of the people they support
- A greater range of services and activities that provide support in the home and the community regardless of whether people are KCC funded, self funded or both
- Care navigators that support people to access information, advice and guidance on making choices about care early enough to support recovery and maximise independence
- Opportunities to ensure people of a working age can access and maintain employment



4

Place to live

Accommodation solutions that increase the options available so people can live independently in a place of their choosing.

The vision for this theme is:

- Sufficient and suitable housing that offers a real alternative to residential and nursing care, with dedicated support including 24/7 on site support and technology for mixed tenure that encourages balanced communities
- Purpose built, short term housing to support short stay recovery and reablement
- Vacancy management that ensures available resources are maximised
- Explore opportunities for increasing use of the Adult Placement Scheme
- Home share schemes providing opportunities for people who own their own homes in need of a little support to be matched with people who require accommodation and can provide support that helps them stay living in their own home
- Residential providers trained as trusted assessors – assessing on-going needs, developing personalised support plans and putting in place equipment, telecare and in-reach Reablement, as required
- Kent County Council social workers allocated to specific residential providers who will work in partnership to maximise opportunities for recovery, independence and personalisation for the people they support
- Ensure throughput of specialist learning disability services so service users benefit, become independent and places can be freed up for other new service users
- Reablement and promotion of independent living skills in a residential care setting



5

Every penny counts

Ensuring all spend provides value for money.

The vision for this theme is:

- Understanding FSC's costs for all in-house and externally commissioned services – to ensure we achieve value for money
- Reviewing all FSC Adult services (through the 'Make, Buy, Sell' process) to ensure that services provide maximum value for money – this could mean outsourcing in-house services and KCC business activities where better value for money can be achieved externally
- All business processes streamlined to remove waste and maximise efficiency
- That organisations make the best use of community assets to maximise usage and provide maximum value for money
- Kent County Council managers accountable for every penny spent within their team or commissioning category
- Design an "access to resources" team that purchase support on behalf of people who do not want to manage their own support – using expertise and consistent processes to manage spend effectively
- Incentivising and rewarding providers who deliver the desired outcomes



6

Doing the right things well

Ensuring the right processes are in place and applied consistently

The vision for this theme is:

- All business processes streamlined to remove waste and maximise efficiency.
- All new business processes implemented as designed and consistently applied across the county
- Clear processes, roles and responsibilities for all
- Using staff effectively so that those qualified can focus on work that requires their specialist expertise and other staff carry out work which does not require specialist expertise
- Robust performance management that ensures Kent County Council staff and providers achieve what is expected of them
- Removal of barriers caused by transition of clients from children's services to adult services
- To fully understand costs and demand so that opportunities for prevention are maximised
- Monitoring direct payment spend to ensure unused monies are reclaimed and reinvested with other people needing support

What success looks like:

Consistent processes, roles and responsibilities across Kent
KCC applying an analytical approach to make robust business decisions
Staff and provider performance monitored regularly and action taken where needed

Evidence of success:

Staff following the processes, roles and responsibilities they have been given
Providers delivering outcomes as set out in their contracts
KCC achieving the savings target

Key principles:

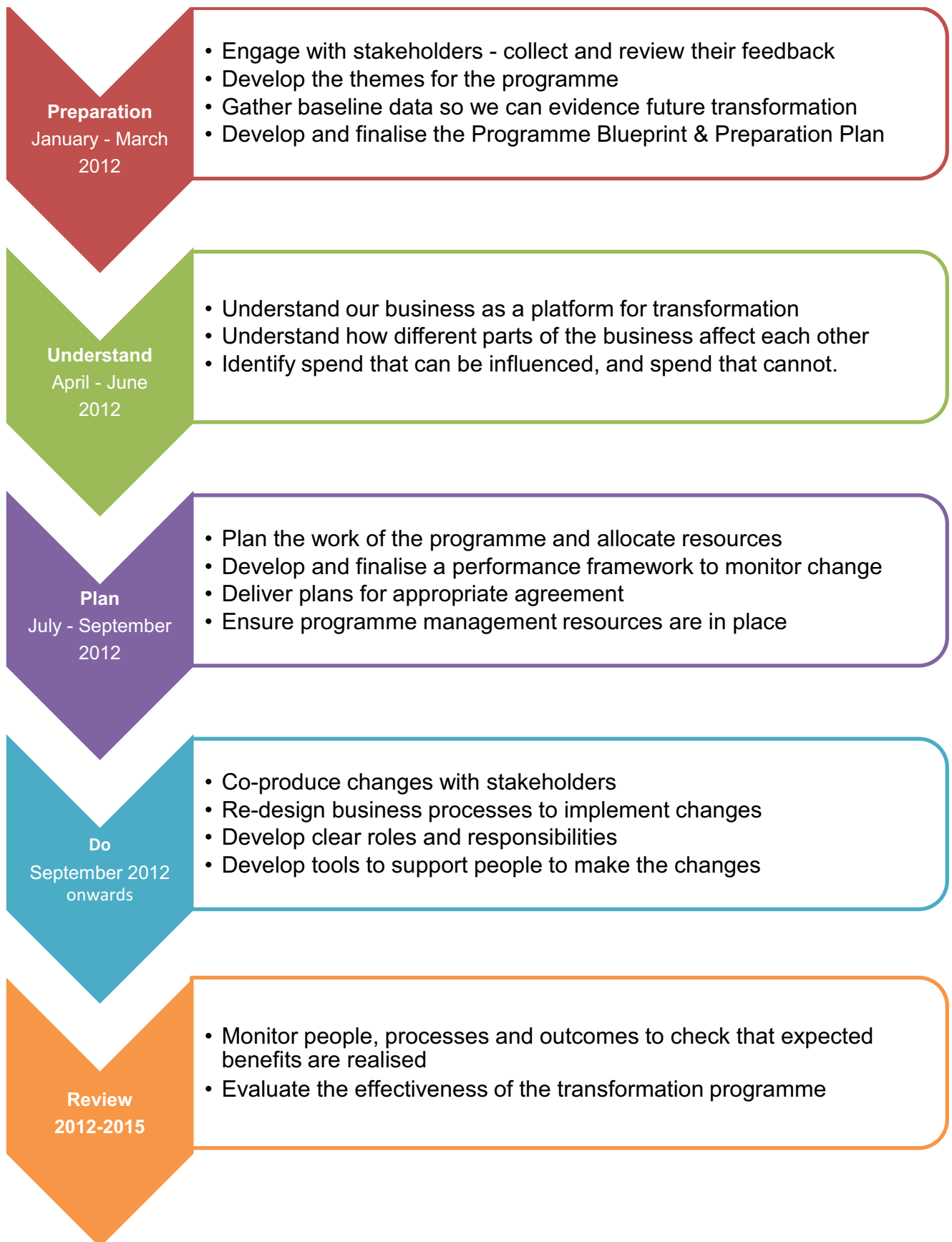
Demand management
Financial management
Performance management
Business process re-engineering
Efficiency
Consistency
Partnership working

Doing the right things well

Bold Steps:

2. Support transformation of health & social care
12. Empower social service users through personal budgets
15. Improve services for the most vulnerable people in Kent

7 Planning the transformation programme



7.1 Next Steps

The premise for the next stages of the transformation programme will be based upon the standard 'commissioning cycle' of Understand, Plan, Do, Review. In this document we cover the 'Understand' and the 'Plan' phases.

7.2 Understand Phase: April – June 2012

A period of 'understanding' is essential in order to get a full picture of both our business and the social care market in Kent. We propose a number of reviews or 'understand' projects in order for an assessment to be made. This will include services we commission from others, the services we provide ourselves (in-house) and other business activities/functions that we carry out ourselves. Only when this is complete will the planning phase begin.

In order to plan our transformation we must have a clear understanding of specific areas of our business and how they are linked. Any changes made in one area can have a knock on to another area. We need to understand our business with regards to transformation (as opposed to day to day management), and this requires a different level of information. These 'understand' projects will give us a clear picture of what we do currently - whether it is effective, how much it costs so we can analyse whether it provides value for money.

Potential 'understand' projects

We will gain a clear understanding of current:

1. Activity and spend data including research to compare data with other local authorities and examples of national best practice in transformation
2. Spend we can and cannot influence
3. Legal obligations placed on councils with adult social services responsibilities
4. The proportion of Council savings allocated to the FSC Directorate and any potential issues/risks which may need to be managed
5. Data regarding demographic, wealth and health changes (for all client groups)
6. Commissioning roles and responsibilities within FSC
7. Change projects, savings projects and health funded investments

8. Assessment processes and policy, including productivity data and costs
9. Housing solutions
10. Home adaptation options
11. Health and social care reablement/intermediate care activity
12. Options for brokerage
13. Purchasing processes, resourcing and interfaces with providers/care management
14. Information, advice and guidance
15. Residential care options
16. Preventative services
17. Community based solutions
18. Work of coordination teams/Mental Health recovery teams and Learning Disability teams to understand non-assessment tasks, resourcing and costs
19. Options for managing a personal budget
20. Technological solutions in use such as equipment, gadgets, telehealth, telecare services, on-line tools, social networking tools, etc
21. Community based volunteering activity
22. Availability of health and social care data to support risk stratification
23. Technology and systems in use including what we are committed to
24. Resources required to meet our safeguarding duty

Changes cannot be made to one part of the business without understanding the impact of that change on another part of the business. For this reason, during the next 6 months we will carry out the 'Understand' and the 'Planning' phases of the programme.

7.3 Planning Phase: July to September 2012

The planning phase will use the information and analysis from the “Understand Phase” as the basis the future design and delivery of services. The planning phase will include an analysis of the current market, in order to gain a clearer understanding of any viable alternative options for the delivery and commissioning of future services. We will also give further consideration to feedback received through current and previous stakeholder engagement process.

Any proposals for change will include an options appraisal of the relative advantages and disadvantages of the various options. Options could be to stop/decommission, outsource, retain in-house (but transform) or develop a joint venture. Options appraisals will be considered by the Families and Social Care Management Team and the KCC Commissioning and Procurement Board.

Once decisions have been made and we start to re-design our business (in consultation with stakeholders and service users) we will implement agreed changes and performance manage these to ensure that they are followed as designed.

7.4 Performance Management and Benefit Realisation

Part of the planning phase will identify the critical success factors and benefits of each of the transformation projects. Where there is a clear business case, and where it is agreed by the Transformation Board, projects will be implemented over the next two and a half years of the programme.

The success of the transformation programme is dependent on KCC’s ability to transform the way we do our business and our ability to make the required level of savings. We will be reliant of the ability of the wider health and social care system to transform with us and must successfully manage our relationship with the interrelated parts of the social care system.

Costs and benefits will be monitored as part of the transformation programme performance framework to ensure that benefits are achieved as planned. This will include performance management of KCC staff, providers and all other parts of the whole system involved in making the transformation successful.

It is acknowledged that significant cultural change is needed to successfully transform. This will be achieved through strong leadership and performance management of staff, providers and the wider social care system.

7.5 Programme Management and Governance Arrangements

The Senior Responsible Owner (SRO) for the programme will be Mark Lobban, Director of Strategic Commissioning, Families and Social Care. The SRO is ultimately accountable for the programme; for ensuring it meets its objectives and realises the expected benefits. Due to the size, complexity and risk of the programme, a programme team will be set up to manage the programme. This team will provide support to the Senior Responsible Owner in managing the day to day elements of the transformation programme, co-ordinating programme activity and ensuring that project leads are managing project delivery.

The Corporate Management Team will act as the sponsoring group for the programme. Andrew Ireland, Corporate Director for Families and Social Care, will take on the role of Programme Sponsor. A Transformation Board is set up and meets fortnightly. The Transformation Board will drive the programme forward. The members of the Transformation Board provide support to the SRO in the delivery of the programme; resolve strategic issues, define acceptable risk profiles and thresholds; ensure the programme delivers within its agreed parameters; and provide assurance for operational stability and effectiveness through the programme delivery cycle.

Once the programme is defined in more detail, specific projects will to make up the programme will be scoped. Project Boards will be set up to direct and manage project specific work. Project progress will be reported to the Transformation Board on a scheduled basis. The programme team and project leads will provide detailed proposals and progress updates on the programme/projects to the Budget Programme Board.

Programme Budget Board will carry out an internal assurance role – providing KCC with assurance that the programme will deliver the required savings; is aligned to Bold Steps and considers radical solutions that change current delivery methods. The programme team and project leads will report to the Commissioning and Procurement Board who advise and make recommendations on Make, Buy, Sell option appraisals; and expressions of interest received under the Right to Challenge and Right to Buy.

The Institute of Public Care (Oxford Brooks University) will provide additional expertise over the course of the 3 year transformation programme. This includes access to IPC resources/workshops/conferences and to the learning of other local authorities within the LGA/ADASS Efficiency Programme. IPC will act in a programme consultancy role and provide external programme assurance and challenge.

The transformation programme will be managed in line with the Office of Government Commerce best practice methodology (PRINCE2, Managing Successful Programmes and Management of Portfolios) alongside KCC's Statements of Required Management Practices.

8 Stakeholder engagement and feedback

Between January and March 2012 a series of events and initiatives took place. The purpose was to begin to get the message out regarding transformation and to gain the views of a wider variety of stakeholders.

The process of transformation is not just about transforming Kent County Council's social care business, but also about the social care market as a whole - looking at what it does and how it provides services and the people to that receive these services.. It is vital that all stakeholders are engaged and feel able to contribute, where possible, in order for transformation to be a success.

Events were held with providers of residential, nursing and domiciliary care for older people and providers of services for people with learning disabilities and mental health difficulties. Events were also held with housing providers, health partners and representatives from the voluntary and community sector.

Over 2,000 FSC Adults staff were informed via email and intranet and could complete an online questionnaire. Adults who use social care services and carers have also been engaged through local forums and through organisations that provide direct support to them. A total of approximately 750 individuals have participated in events or submitted feedback (see Appendix 1 for more details of events and participation).

Our stakeholders have been open and honest in sharing their views about what, as a local authority, we could be doing differently and more effectively; what preventative work we could invest in; and what other organisations could do on our behalf. Many have expressed appreciation for being included in these early discussions and are keen to remain involved as the transformation moves forward. Stakeholder engagement has and will continue to, form a fundamental part of the transformation process.

Key themes that have arisen from a variety of stakeholder events are:

- All stakeholders agree that KCC has an important role in empowering people to support themselves, and to prevent them entering the formal social care system, through providing comprehensive information, advice and guidance that is widely accessible.
- Stakeholders told us that the number of people entering residential care homes could be reduced by providing more effective support for them in their own homes through:
 - the provision of services 24 hours per day 7 days per week
 - extending the period of time Enablement is available

- providing equipment that reaches people more quickly through quicker assessment for major adaptations or specialist equipment and using trusted assessors for simple equipment.
- Providers thought that packages of care should be flexible and could be increased, reduced or stopped by them to reflect changes in need
- Stakeholders felt that more trusted assessors in voluntary and private sector organisations may enable individuals to receive personalised support quicker and so reduce the number of different people 'assessing' each individual - a significant issue for people who use social care services
- Carers and carers organisations asked us to think more creatively about respite services that would enable them to care longer. For example, short notice / emergency respite, one-off respite to allow carers to attend their own medical appointments, night time respite so that carers can sleep.
- Service users were keen that we improve how we monitor our commissioned services and hold Providers more accountable.
- Many Providers, and people who use services, told us that KCC needs to work more closely with health colleagues, health colleagues are keen for this to happen.

Close engagement with stakeholders will continue as the Transformation Programme moves into the understand, planning and implementation phases.

Further information regarding stakeholder feedback is in Appendix 1 and 2.

8.1 Equality Impact Assessment

An initial Equality Impact Assessment was completed in January 2012. Equality impact assessments will be completed throughout the lifetime of the programme and for the change projects associated with this transformation. See Appendix 4.

9 Transformation and integration of Health and Social Care

One of Kent County Council's 'Bold Steps' is to support the transformation of health and social care in Kent.

There are ever increasing challenges for health and social care services, with about 70% of health and social care funding being spent on people with long term conditions. We will work in partnership with the NHS to deliver major service transformation for those with long term conditions in order to manage demand within available funding.

There are three components to the long term condition model where there are opportunities to work differently and create efficiencies:

1. Risk stratification - using health and social care information to identify people who could benefit from an integrated health and social care approach that supports them to manage their own condition better
2. Integrated health and social care teams (see below)
3. Self management and shared decision making – supporting people to take more responsibility for managing their own health care, social care and support

Part of the transformation vision is to develop an integrated health and social care service that:

- Focuses on delivering outcomes that matter most to patients and local communities by delivering better co-ordination of care, in particular for disabled and older people with complex health and social care needs
- Enhances health and social care provisions to support avoidance of hospital admission and/or safe early discharge from hospital
- Improves access to services
- Provides better experiences and improved outcomes for individuals, carers and their families
- Addresses the anticipated growth in demand for health and social care
- Supports the principles of personalisation
- Delivers efficiencies through improving productivity through joint delivery and managing costs through shared commissioning

There are currently 7 clinical commissioning groups (CCGs) in Kent. The Kent Health Commission has already set out its vision for Dover and Shepway, covered by the South Kent Cost CCG. Families and Social Care will be aiming to produce joint commissioning

plans as part of the transformation programme, initially with the South Kent Coast CCG and then with other CCGs.

An example of how the six transformation themes will be delivered within a Clinical Commissioning Group is set out below:

1. Prevention, independence and wellbeing

- Analysis of health and social care data to jointly commission services
- Age triggered check ups to identify those at risk of health and social care support
- Shared IT systems for identifying those at risk of hospital admission or dependence on care services (risk stratification)
- Management of long term conditions

2. Recovery, independence and assessment

- Integrated health and social care assessments
- Fast access to joint intermediate care/reablement services
- Fast access to telecare and telehealth services

3. Support in the community

- Locally accessed services that can be personalised for people's needs and goals
- Shift of resources from acute setting to the community
- Brokerage model to help create a market place open to both private and voluntary sector providers
- Integrated personal health budgets

4. Place to live

- Shift of resources from acute setting to the community
- Brokerage model to help create a market place open to both private and voluntary sector providers

5. Every penny counts

- Pooled budgets for integrated health and social care assessment and commissioning
- Savings generated from removing unnecessary duplication
- Accountability to local people for the way money is spent
- Targeted preventative services that prevent dependency on more expensive care services

6. Doing the right things well

- Information flowing between providers and health and social care commissioners
- a simplified system that is easy for the public/ and professionals to understand and navigate
- Streamlined processes and reduced duplication
- Local and robust decisions made via Health and Wellbeing boards
- A greater focus on getting the right support in place for the right amount of time

10 Adult social services: background information

10.1 Statutory Duties of Adult Social Services

Many council departments have a statutory duty to provide certain services and these are bound by legislation. Adult social services has the following key duties:

Duty	Legislation
Duty to carry out assessment for community care services	NHS & Community Care Act 1990
Duty to provide or arrange residential accommodation	National Assistance Act 1948
Duty to provide services to disabled people	Chronically Sick and Disabled Persons Act 1970
Duty to provide after-care services to certain former mental health patients	section 117 Mental Health Act 1983
Duty to carry out carer's assessment	Carers Recognition and Services Act 1995
Safeguarding vulnerable adults	'No Secrets' Guidance NHS Community Care Act
Provide Care staff to emergency rest centres	The Civil Contingencies Act 2004 National Assistance Act 1948 Housing Act 1996 Children Act 2004
Duty to provide community services	NHS Act 2006

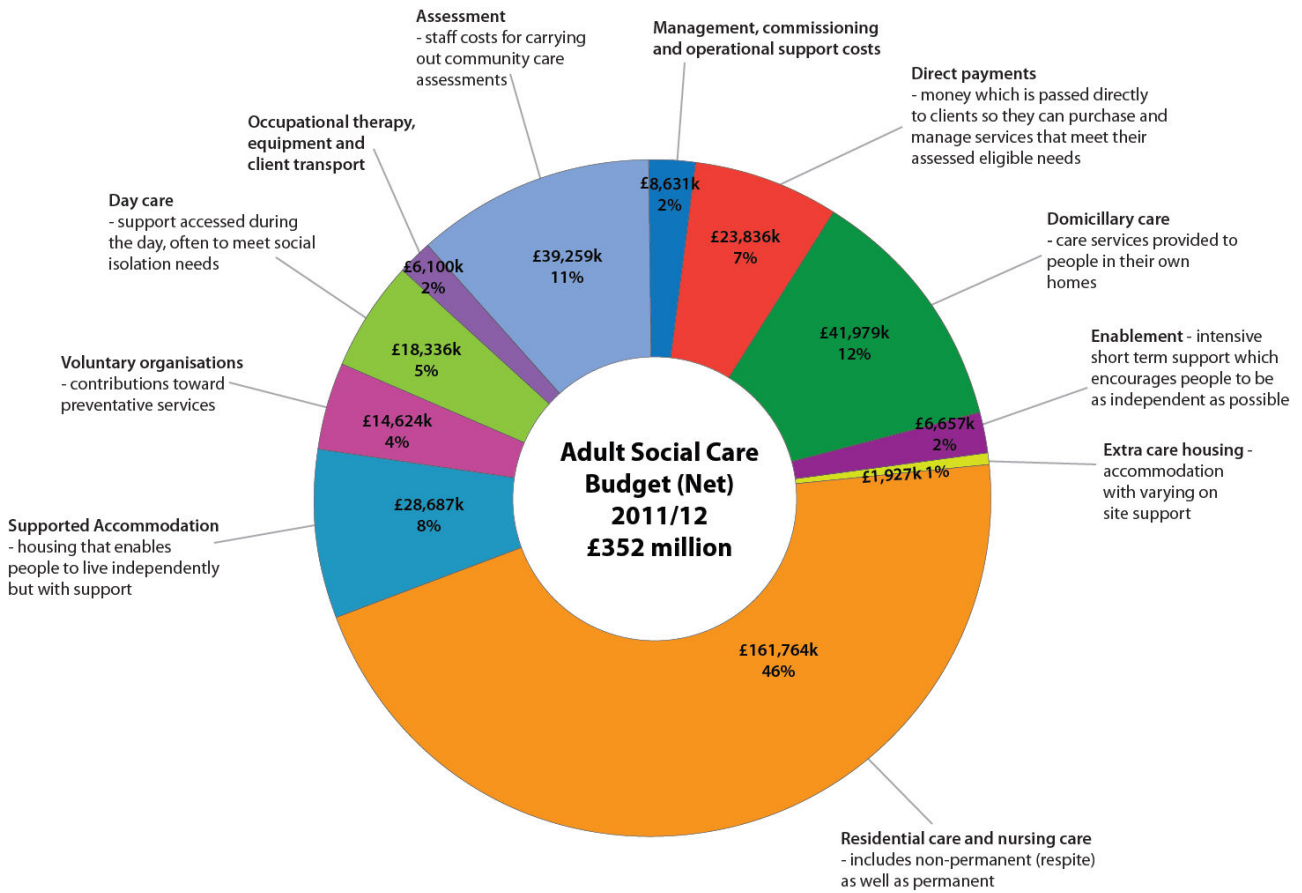
However, not all of the above duties have to be provided directly by the Council. The Duty to assess and provide services currently lies wholly with the Local Authority.

The Duty to provide services and accommodation can be contracted out to others, but the Duty to provide (and the oversight of this work) remains with the Local Authority.

Many social care services we provide are chargeable via a means tested financial assessment. Appendix 3 gives further detail regarding these services.

10.2 Financial Data

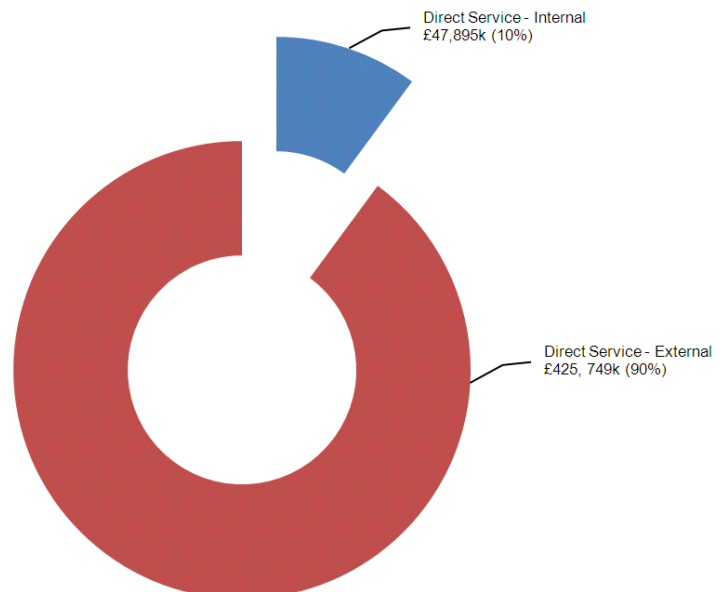
In 2011/12, Kent Adult Social Services budget was allocated as follows:



Note: Approximately 7% of residential/nursing activity and spend is non-permanent (respite)

This data will form the initial baseline which represents our business spend; against which changes implemented through the transformation programme will be measured. This baseline will be used to show where savings are made and clearly show any shift in financial resource.

It should be noted that 90% of services provide via adult social care are outsourced to the independent sector. The remaining 10% is delivered through in-house providers.



Note: Based on gross budget 2011/12

10.3 Activity data

Client activity numbers and recent trends can be seen in the table below:

Service	Figure Type	Client numbers Mar 2011	Client numbers based on Dec 2012 forecast	Client numbers based on Jan 2012 forecast
Older Persons				
Residential and Nursing (Permanent)				
Permanent Residential placements - KCC	Client Snapshot	196	123	123
Total Independent Residential permanent placements	Client Snapshot	2,912	2,852	2,849
Total Independent Nursing permanent placements	Client Snapshot	1,418	1,487	1,469
Residential and Nursing (Non Permanent)				
Non Permanent Placements - KCC	Cumulative Episodes (financial year)	2,784	2,345	2,380
Non permanent placements - Independent Residential	Cumulative Episodes (financial year)	1,236	1,076	1,098
Non Permanent Placements - Independent Nursing	Cumulative Episodes (financial year)	607	561	588
Domiciliary Clients	Client Snapshot	5,743	5,512	5,468
Enablement clients	Cumulative Clients (financial year)	3,729	5,860	6,178
Direct Payments (new)	Client Snapshot	726	875	843
Day care - KCC and Independent	Client Snapshot	658		498
Learning Disability				
Residential and Nursing (Permanent)				
Permanent residential placements	Client Snapshot	1,343	1,317	1,310
Residential and Nursing (Non Permanent)				
Non permanent placements - KCC	Cumulative Episodes (financial year)	1,335	1,493	1,518
Non Permanent placements - Independent	Cumulative Episodes (financial year)	450	359	391
Domiciliary clients	Client Snapshot	470	398	400
Independent Living Scheme	Client Snapshot	126	176	174
Direct Payments	Client Snapshot	745	767	767
Day care - KCC and Independent	Client Snapshot	1,141		873
Supported Accommodation and Adult Placement	Client Snapshot	491	618	616

Physical Disability				
Residential and Nursing (Permanent)				
Permanent Independent residential placements	Client Snapshot	263	273	273
Residential and Nursing (Non Permanent)				
Non permanent placements - KCC and Independent	Cumulative Episodes (financial year)	240	209	219
Domiciliary Clients				
	Client Snapshot	1,022	970	978
Enablement Clients				
	Cumulative Clients (financial year)	390	521	541
Direct Payments				
	Client Snapshot	858	981	909
Day care - KCC and Independent				
	Client Snapshot	212		193
Mental Health				
Residential and Nursing (Permanent)				
Permanent Residential Placements - Independent	Client Snapshot	252	243	245
Domiciliary care				
	Client Snapshot	221	189	183
Direct Payments				
	Client Snapshot	170	169	171
Supported Accommodation				
	Client Snapshot	61	74	74

The above data gives us an activity baseline against which we can measure the transformation. We will expect to see changes over the period of the 3 years transformation programme. For example we would expect to see:

- the current upward trend in Enablement to increase further – evidencing an increased use of enablement to promote independence and reduce the need for on-going social care support
- an upward trend in direct payments- evidencing that more people are choosing to arrange and manage their support
- a reduction in residential and nursing care activity in line with increased activity in other community based services.

Appendix 1: Stakeholder events

The content of this blueprint is a result of engagement with partners, providers, users, carers and staff. This approach was chosen to achieve innovative solutions, and importantly ownership of the challenge we face. As a local authority we can unilaterally cut services but we can only transform them with the full engagement of stakeholders.

The following activities were undertaken to involve stakeholders in co-producing the vision:

Co-production Activity	When	Attendance
Carers Provider Advisory Group	26 January 2012	25 providers
Kent Community Care Association Strategy Group	2 February 2012	12 providers
Domiciliary care providers	28 February 2012	64 attendees (+15 KCC) representing 55 providers
Preventative service providers – including voluntary & community orgs	1 March 2012	78 attendees representing 54 providers
Mental health service users/carers	5 March 2012	35 attendees representing 9 forums or organisations
Learning disability and mental health providers	6 March 2012	106 attendees (+16 KCC) representing 72 organisations
Residential and nursing care providers	15 March 2012	110 attendees representing 70 providers
KCC staff: Strategic Commissioning (Older People/Physical Disability) Directorate Management Team Extended and Joint Divisional Management Team Specific intranet page for FSC staff incl. feedback questionnaire	20 January 2012 1 February 2012 9 February 2012 March 2012	32 strategic commissioning staff 7 directors/business partners 49 managers Over 2000 staff sent out 33 responses
Housing partners	9 March 2012	25 attendees (representing 8 district councils and 11 providers)
Older People/Physical Disability service users/carers	15, 16, 19 March 2012	46 attendees
Sensory service users/carers	March 2012	4 responses
Health providers/partners	21 March 2012	13 attendees
Learning disability service users and carers	15 March 2012	90 attendees
Council Voluntary Services	27 March 2012	9 attendees
Day Opportunities Providers	30 March 2012	30 attendees

Appendix 2: Stakeholder Feedback

Below is a flavour of the feedback collated from stakeholders during the engagement phase. So far, we have collated over 800 suggestions. All feedback is in a separate document entitled '*Families and Social Care: Adults Transformation Programme Stakeholder Feedback*'.

Theme 1: Prevention, Independence and Wellbeing: Enabling citizens to find solutions that meet needs without having to enter the formal social care system

Service users and carers

- Provide accurate and up to date information, advice and guidance regarding services in a variety of formats
- Provide proactive preventative support to carers earlier in the journey
- Educate regarding purpose and function of social services
- Continue to fund preventative services

Providers

- Greater emphasis on raising aspirations for independence and employment in young people with learning disabilities and their families to avoid residential placements at school leaving age
- Joint working between the voluntary sector and GP surgeries to signpost people earlier to prevent them entering the formal social system if this is not necessary
- Invest in media campaign to raise profile of voluntary organisations and district guides with local services listed
- Make health and social care systems easier to access

Staff

- Post 80 Care Check
- "How to help yourself" campaign: communicate message of personal responsibility and support with self management tools
- Advice, guidance and signposting by professionals at day care facilities, GP surgeries, Gateways and clinics
- Open enablement up to self funders not wanting to be assessed but wanting to use it to get better

Theme 2: Supporting Recovery, Maximising Independence and Assessing at the Right Time and in the Right Place: Providing short term crisis support and maximising the opportunity to recover prior to any long term care decisions being made. Those who do have long term social care needs will be able to access support that promotes independence

Service users and carers

- Enablement to have more trusted assessors and to enable / promote skills
- Extend the enablement period
- Dementia outreach workers Crisis Project
- Carers assessments

Providers

- Using Providers as ‘trusted assessors’ to undertake assessments and reviews
- Case managers to give more information at point of access regarding options, including direct payment
- Joint referral panels where all organisations can meet to look at referrals and ensure the most suitable support is provided
- Improve equipment services to provide more rapid and urgent service

Staff

- Allow key strategic partners and individuals to amend services within parameters through introducing trusted assessor status and individual service funds
- Understand contents and reasons for small care packages of care and challenge whether it is really needed or whether other more suitable (cheaper) support is possible
- Wherever possible people assessed in their homes (i.e.: not hospital)
- Up scaling Telecare/Telehealth

Theme 3: Support at Home and in the Community: Greater choice in support and activities that encourage people to live independently and prevent social isolation.

Service users and carers

- Expand Kent Card
- Night care / respite
- Support carers to stay in work rather than supporting back to work
- Each service user to have one person to talk to

Providers

- Increase flexibility and choice over the times that services are provided
- Develop independent living skills in younger people with learning disabilities while supported at home
- Invest in assistive technology for people with learning disabilities and mental health issues
- Equipment: consider different options including lending and renting of equipment to make sure it reaches people more quickly and actually it meets their needs

Staff

- Wider supply of equipment that promotes independence as well as more focused, specialist equipment
- Increase services that direct payment can be used for
- On-line booking and purchasing systems which allow people to buy care themselves
- Night time care to people in their own homes

Theme 4: Place to Live: Accommodation solutions to increase the options available for people to remain living independently in a place of their own choosing.

Service users and carers

- Provide comprehensive information about available providers of independent living schemes
- Recognition that residential care for people with complex needs might be most appropriate setting
- Provision and publication of standards for independent living schemes
- More supported living accommodation

Providers

- KCC services to work together to free up property and brown sites for building / housing developments
- Build areas for children in care homes so that children can remain part of their grandparents lives and feel welcome to visit
- Choice based letting for adapted housing to reduce spend on major adaptations and restoring to original state.
- Discuss and plan housing options earlier in the individuals interface with social care

Staff

- Leasing flats in sheltered housing for short term 'trial' periods
- Increase amount of transitional housing for people with learning disabilities.
- Understanding that for some residential is most appropriate and cost effective living solution
- Provide support that enables supported / enhanced housing to continue to meet the needs of people that increase over time

Theme 5: Every Penny Counts: Ensuring all spend provides value for money.

Service users and carers

- NHS to provide funding for social care
- Everyone should pay something toward their care
- KCC to negotiate contracts better
- Prevent self funders needing higher levels of care

Providers

- Streamline Kent Card to allow cash payments and avoid fee to providers for visa payments
- Use of personal assistants to support groups of individuals rather than one-to-one
- Commission and contract residential, nursing and end of life services as a whole and remove artificial assessment lines between them
- Use service users to quality check service provision as 'mystery shoppers'

Staff

- Liaison with housing to move people into housing with existing adaptations rather than adapting existing homes
- Help service users to set up their own support through brokers, advocates, helplines, drop in sessions at Gateways
- Greater support for self funders to enable their funding to last longer as well as prevent people running up debt with us
- Outsource KCC provision and assessment related activity

Theme 6: Doing the right things well: Ensuring the right processes are in place and applied consistently and effectively in all areas of our business.

Service users and carers

- Single assessment / single point of access for services
- Improve quality monitoring of care provider contracts
- Communication that is easy to read
- For health to see people as more than medical condition

Providers

- Increase joined up procurement processes, including joint procurement with other KCC departments and children's services
- Make Kent Card more responsive
- Things should work because the system works and not be dependent on personalities
- Remove duplication of assessments. Identify one provider who owns the assessment for all services

Staff

- Enable administrative staff to complete paperwork related tasks that case managers currently undertake but which could be done by others
- Joint assessments as standard practice rather than the exception

Appendix 3: Services provided or commissioned by Adult Social Care

The services we provide directly or commission can be grouped into information and care management, residential and non-residential (i.e. community) services.

Service	Type	Chargeable via means tested financial assessment
Information, advice and guidance	Information, advice and guidance about all social care including support not given by the Council	No
Assessment, Enablement and Care Management	Assessment services for identify needs and if any needs meet social services eligibility criteria.	No
	Enablement: intensive support in the home for up to 6 weeks to assist people to have greater independence and learn or re-learn skills after a change in circumstances.	No
	Case management/support for long term conditions	No
Non permanent Residential/Community Based Services	Domiciliary care	Yes
	Provision of certain equipment	Free up to £1,000, thereafter means tested
	Extra care housing	Yes
	Day services	Yes
	Short term respite	Yes
	Shared lives service (adult placement),	Yes
	Learning Disability supported living scheme	Yes
	Carers support services	No
	Telecare and Telehealth	No
	Direct Payments (cash in lieu of services so the individual can commission and procure their choice of support to meet eligible need)	Yes
	Long term residential care and nursing care	Yes
	Transport	No
	Employment Support Services	No
Residential	Long term residential care and nursing care (Chargeable under 'Charging for Residential Accommodation Guidelines' - CRAG)	Yes

Appendix 4: Equalities Impact Assessment

KENT COUNTY COUNCIL - EQUALITY IMPACT ASSESSMENT Summary of Initial Screening - Adult Social Care Transformation Programme

Responsible Owner/ Senior Officer: Mark Lobban, Director of Strategic Commissioning, Families and Social Care

Completed by: Samantha Sheppard (Efficiency Manager)

Date of Initial Screening: 23 January 2012

Date of Initial Screening: 23 January 2012

Characteristic	Could this policy, procedure, project or service affect this group differently from others in Kent? YES/NO	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO	Assessment of potential impact		Provide details: a) Is internal action required? If yes, why? b) Is further assessment required? If yes, why? c) Explain how good practice can promote equal opportunities
			Positive	Negative	
Age	Yes	Yes	High	High	Full assessment can not be made at this time as the nature of change is yet to be determined. It is likely that service users, staff and providers of services across all protected groups will be impacted. Aim of transformation is to provide better services that improve outcomes for people who use our services and are value for money. Failure to achieve this could lead to high negative impact. Therefore, comprehensive initial and ongoing stakeholder engagement and consultation will mean that services will be designed with protected characteristics in mind leading to high positive impact.
Disability	Yes	Yes	High	High	
Gender	Yes	Yes	High	High	
Gender identity	Yes	Yes	High	High	
Race	Yes	Yes	High	High	
Religion or belief	Yes	Yes	High	High	
Sexual orientation	Yes	Yes	High	High	
Pregnancy and maternity	Yes	Yes	High	High	

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Age	No issues have been identified at this time.	Impact assessment will be regularly reviewed and updated to reflect actions needed to address issues arising from consultation and engagement.	Better outcomes for service users.	Mark Lobban	February 2012 – March 2015.	None have been identified at this time.
Disability	Issues are expected to arise through engagement and consultation process.	Individual work programmes will also complete impact assessment specific to that programme.	Increase in choice and control in type of services and how accessed.			Cost implications will be reviewed regularly as part of impact assessment.
Gender			Personalised support packages			
Gender Identity			Value for money services.			
Race			Achieve savings needed.			
Religion or Belief						
Sexual Orientation						
Pregnancy and Maternity						

Note: This is a summary version of the equalities impact assessment for the transformation programme. The full equalities impact assessment is owned by the FSC Efficiency team and available on request.

KENT COUNTY COUNCIL
EQUALITY IMPACT ASSESSMENT

Initial Screening

Directorate: Families and Social Care

Name of service

Transformation Programme

Type

Transformation of delivery of Adult Social Care

Responsible Owner/ Senior Officer

Mark Lobban, Director of Strategic Commissioning

Completed by: Samantha Sheppard (Efficiency Manager)

Date of Initial Screening

23 January 2012

Version	Author	Date	Comment
V01	Samantha Sheppard	23.01.12	
V01	Samantha Sheppard	23.01.12	Updated on advice of Equalities Officer
V03	Samantha Sheppard	01.05.12	Updated on advice of Equalities Officer

Screening Grid

Characteristic	Could this policy, procedure, project or service affect this group differently from others in Kent? YES/NO	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO	Assessment of potential impact HIGH/MEDIUM/LOW/ NONE/UNKNOWN		Provide details: a) Is internal action required? If yes, why? b) Is further assessment required? If yes, why? c) Explain how good practice can promote equal opportunities
			Positive	Negative	
Age	Yes	Yes	High	High	Full assessment can not be made at this time as the nature of change is yet to be determined. It is likely that service users, staff and providers of services across all protected groups will be impacted. Aim of transformation is to provide better services that improve outcomes for people who use our services and are value for money. Failure to achieve this could lead to high negative impact. Therefore, comprehensive initial and ongoing stakeholder engagement and consultation will mean that services will be designed with protected characteristics in mind leading to high positive impact.
Disability	Yes	Yes	High	High	
Gender	Yes	Yes	High	High	
Gender identity	Yes	Yes	High	High	
Race	Yes	Yes	High	High	
Religion or belief	Yes	Yes	High	High	
Sexual orientation	Yes	Yes	High	High	
Pregnancy and maternity	Yes	Yes	High	High	

Part 1: INITIAL SCREENING

Context

KCC is expecting to have to make savings of up to £200m between 2012 and 2015. A significant portion of these savings will need to be found from within Adult Social Care.

The focus to date has been on achieving short term efficiencies. However, savings of this magnitude will only be achieved through transformation. This requires a high level review and redesign of how social care is currently delivered. It will be fundamental to focus on many key activities at the same time, understanding the relationship and interdependencies between them and ensuring that they are done well and within required timescales.

The Adults' Transformation Programme will be how Families and Social Care (FSC) achieve this.

This initial screening has been carried out to identify any characteristics or considerations that need to be taken forward as the plans to transform adult social care take shape.

Aims and Objectives

The transformation programme is an opportunity to modernise the way that we do business, achieve savings and achieve improved outcomes for service users. This will likely result in changes to the services we deliver and commission. It will also involve changes to internal systems and processes in order to facilitate changes to service delivery.

Ultimately, this approach will enable service users to receive more personalised services within their local community.

Beneficiaries

Eligible service users and their carers will benefit from services which are designed to support their needs, and provide increased choice and control in the support that they receive.

KCC will benefit from meeting its equality duties, by improving outcomes for individuals who use its services and from becoming a more efficient and cost effective provider.

Consultation and data

Stakeholders, including staff, service users, carers and providers, will be involved in shaping the transformation programme throughout its duration. This will likely involve different levels of engagement with different stakeholder groups at different stages of the process (detailed in Transformation Programme Engagement Strategy).

Initial early engagement events will take place during February and March 2012. Please see below for details.

Stakeholder Group	Service	
	Learning Disability/Mental Health	Older People/Physical Disability/Sensory Services
Staff	Director level: involved in visioning meetings. Head of service level: involved in visioning and initial engagement events. All other staff: engaged through local team meetings, KNET page with information and questionnaire.	
Service users	Focus group	Engagement through existing service user forums
Carers	Engagement through carers support organisations.	Utilisation of feedback from significant engagement prior to transformation.
Private providers	Engagement event for all providers of learning disability and mental health services.	Series of events to involve preventative service providers, residential and nursing service providers and domiciliary providers.
Voluntary and Community Sector providers	Will be invited to the above provider events.	
Housing Partners	A joint engagement event is being held for housing providers.	
Health Partners	Health commissioners and partners have been invited to the provider events.	

The focus of the early engagement phase will be to generate ideas from stakeholder groups about how to transform our service delivery through removing bureaucracy, expanding best practice, investing in preventative services and enabling people to self-manage. The feedback provided will then be used to inform a blueprint for change.

As the transformation programme continues it is likely that engagement will also consist of co-production and consultation. For example,

Stakeholder Group	Level of engagement
Staff	Regular communication through KNET Engagement through roadshows occurring throughout the programme Full consultation once proposals for change are identified
Service users	Continued engagement through existing service user forums Full consultation once proposals for change are identified
Carers	Continued engagement through carers support organisations Full consultation once proposals for change are identified
Private providers	Continuing engagement to identify proposals for change Co-production of proposals for change and future service models with identified providers Full consultation once proposals for change are formalised

Voluntary and Community Sector providers	As above
Housing Partners	As above
Health Partners	As above

Co-production may necessarily involve restricted stakeholder involvement. However, engagement processes will aim to involve a wide range of stakeholder. Formal consultation on specific proposals will only occur following approval from Corporate Directors and Cabinet Member and will involve all stakeholders affected by the proposal.

Potential Impact

Initial screening notes that all service users are likely to be impacted by a transformation of adult social care.

The nature of the change is yet to be identified. The programme will enter into an Understand Phase (April – June 2012) and then a Planning Phase (July – September 2012). Future service options will be considered during the later phase.

It is difficult to determine whether certain characteristics will be impacted more than others. However, we will undertake to understand the proportions of our total number of service users and staff that meet each of the protected characteristics. This will enable us to understand more clearly whether any specific group is likely to be disproportionately impacted by change. This information will be considered within the programme as a whole and will be used to inform the development of options and Equality Impact Assessments for individual projects.

Once individual work streams are identified, additional screenings will be completed for each of them which will provide more information regarding potential impacts on specific characteristics.

No information has arisen from early engagement events to suggest that any protected group will be disproportionately impacted.

Adverse Impact:

The aim of transformation is to provide services that improve outcomes for people who use our services and are value for money. Failure to achieve this could lead to high negative impact for service users who may lose valued services, who may experience increased restrictions about the type and accessibility of the services that they need or who may not be able to access services that prevent them reaching higher levels of need.

Positive Impact:

The positive impact of the transformation programme could lead to increased choice and control for service users over the type of services they receive and how they access them. It can lead to increasingly personalised packages of care. This will lead to service users living independent lives within their own homes and communities for as long as possible.

JUDGEMENT

Option 1 – Screening Sufficient YES/NO

Following this initial screening our judgement is that Internal action is required (see below).

Justification:

There is insufficient information at this time to fully assess the impact of any future service models.

As noted, further screenings will be completed once individual work streams have been identified.

Feedback received during engagement events and subsequent consultations will be used to inform the EIA and any future decisions.

Option 2 – Internal Action Required YES/NO

There is potential for adverse impact on particular groups and we have found scope to improve the proposal.

Additional impact assessments will be completed throughout the transformation programme as specific programmes of work evolve.

Please see action plan at end of this document.

Option 3 – Full Impact Assessment YES/NO

Only go to full impact assessment if an adverse impact has been identified that will need to undertake further analysis, consultation and action

Equality Impact Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
Age	No issues have been identified at this time. Issues are expected to arise through engagement and consultation process.	Impact assessment will be regularly reviewed and updated to reflect actions needed to address issues arising from consultation and engagement. Individual work programmes will also complete impact assessment specific to that programme.	Better outcomes for service users. Increase in choice and control in type of services and how accessed. Personalised support packages Value for money services. Achieve savings needed.	Mark Lobban	February 2012 – March 2015.	None have been identified at this time. Cost implications will be reviewed regularly as part of impact assessment.
Disability						
Gender						
Gender identity						
Race						
Religion or belief						
Sexual orientation						
Pregnancy and maternity						

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By: Mr Mike Whiting, Cabinet Member for Education, Learning and Skills

To: County Council – 17 May 2012

Subject: Select Committee: The Student Journey

Summary: To comment on and endorse the report of the Select Committee on the Student Journey.

Introduction

1. The Chairman of the then Children, Families and Education (Learning and Development) POSC, and the Chairman of the then Regeneration and Economic Development POSC, proposed in October 2010 a select committee to explore ways to improve the employability of young people in Kent. This was agreed by the then Policy Overview Coordinating Committee at its meeting on 3 November 2010.

Select Committee Process

Membership

2. The Select Committee commenced its work in April 2011. The Chairman of the Select Committee was Mr Kit Smith. Other members of the Committee were Mr Alan Chell, Mr Ian Chittenden, Mr Mark Dance, Mr Peter Homewood, Mr Steve Manion, Mr Michael Northey and Mrs Carole Waters. In addition, Mr Richard Lees was co-opted onto the Committee.

Terms of Reference

3. The final terms of reference were:

- To investigate the extent to which learning and skills providers in Kent prepare young people for work, and enable them to apply their learning in the workplace.
- To explore the relevance of training and skills provision for young people against local labour market needs and growth industries in Kent.
- To seek out and listen to students' views about, and experiences with, their preparedness for work and their employability.
- To examine the efficacy of partnerships between local businesses and local educators, and the opportunities in Kent for young people hoping to enter the labour market at key transition points of their educational journey.
- To look into the extent to which careers information, advice and guidance (IAG) enables young people to make informed choices about their future education and employment at key transition points.
- To consider the potential impact of changes in national policy on the educational and employment opportunities, and choices, of young people in Kent.

- To make recommendations, after having gathered evidence and information throughout the review.

Evidence

4. The Committee used a number of evidence sources to inform its investigations, including oral and written evidence from a wide range of stakeholders, over 170 completed questionnaires, and evidence and information from nine official visits.

Report

5. A copy of the report's Executive Summary and its recommendations is attached in Appendix 1. The full report is available on request to the report's author, Gaetano Romagnuolo (gaetano.romagnuolo@kent.gov.uk or 01622 694292).

Conclusion

6. We would like to congratulate the Select Committee on completing this challenging piece of work. We would also like to thank all the witnesses who gave evidence to the Select Committee.

7. Recommendations

We recommend that:-

- (a) the Select Committee report be endorsed by the County Council;
- (b) the Select Committee be thanked for a useful report on a complex and challenging issue; and
- (c) the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee be thanked.

Background Information: *None*

Mr Mike Whiting, Cabinet Member for Education, Learning and Skills

The Student Journey Select Committee Report

Executive Summary

*Helping young people in their journeys through
education to employment*

May 2012

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1. Executive Summary

1.1. Committee Membership

1.1.1. The Committee consists of nine Members of Kent County Council (KCC): seven Members of the Conservative Party, one Member of the Liberal Democrat Party, and one Member of the Swanscombe and Greenhithe Residents' Association.



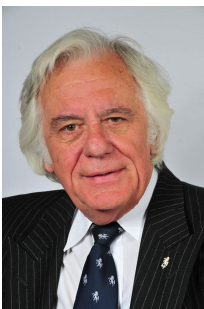
Mr Alan Chell
Conservative Member
for Maidstone South



Mr Ian Chittenden
Liberal Democrat
Member for Maidstone
North East



Mr Mark Dance
Conservative Member
for Whitstable



Mr Peter Homewood
Conservative Member for
Malling Rural
North East



Mr Richard Lees
Member for the
Swanscombe and
Greenhithe
Residents' Association



Mr Steve Manion
Conservative Member
for Dover North



Mr Michael Northey
Conservative Member
for Canterbury
South East



Mr Kit Smith
Conservative Member
for Deal
(Chairman)



Mrs Carole Waters
Conservative Member
for Romney Marsh

1.2. Scene Setting

1.2.1. Young people are the future for England and its economy. Raising their aspirations, and creating the right opportunities to improve their skills and attitudes so that they can enter sustainable employment, are crucial for their independence and the quality of their lives, as well as for the country's economic recovery and growth.

1.2.2. Global economic recession has resulted in falling youth employment. The proportion of unemployed young people aged 18 to 24 in Kent has risen dramatically, accounting today for more than a quarter of the youth labour population. But youth unemployment is not a single issue requiring one solution. Young people embark on different "student journeys", and the issues for those who lack qualifications or work experience are different from those who hold vocational or academic qualifications.

1.2.3. For many years the English education system has given rather greater emphasis to academic achievements than to practical, vocational training, leaving a shortage of appropriately trained and educated young people to fulfil the different needs of the economy. Formal qualifications are often a necessary but not sufficient condition for obtaining the types of jobs which young people aspire to.

1.2.4. Improving the employability of young people is a crucial task if we want to contribute to the country's economic recovery as well as to give the best possible prospects to future generations of workers in Kent.

1.3. Terms of Reference

- To investigate the extent to which learning and skills providers in Kent prepare young people for work, and enable them to apply their learning in the workplace.
- To explore the relevance of training and skills provision for young people against local labour market needs and growth industries in Kent.
- To seek out and listen to students' views about, and experiences with, their preparedness for work and their employability.
- To examine the efficacy of partnerships between local businesses and local educators, and the opportunities in Kent for young people hoping to enter the labour market at key transition points of their educational journey.
- To look into the extent to which careers information, advice and guidance (IAG) enables young people to make informed choices about their future education and employment at key transition points.
- To consider the potential impact of changes in national policy on the educational and employment opportunities, and choices, of young people in Kent.
- To make recommendations, after having gathered evidence and information throughout the review.

1.4. Scope

1.4.1. The breadth and complexity of this topic requires a clear and focused approach. Possible key themes and issues to be covered by the review are detailed below:

- To investigate the extent to which learning and skills providers in Kent prepare young people for work, and enable them to apply their learning in the work-place.
 - a. To consider the extent to which the content of courses in secondary schools, colleges and universities in Kent prepare young people for the world of work.
 - b. To investigate the extent to which secondary schools, colleges and universities in Kent adapt the structure of their courses to enable students to develop workplace skills and experience.
 - c. To investigate the reasons for student dropouts.
- To explore the relevance of vocational training and skills provision for young people against local labour market needs and growth industries in Kent.
 - a. To explore the extent to which current vocational training, apprenticeship and work experience schemes meet local labour market needs and the expectations of growth industries in Kent.
 - b. To consider whether additional training schemes, courses and qualifications are necessary in order to meet local labour market needs.
- To seek out and listen to students' views about, and experiences with, their preparedness for work and their employability.
 - a. To record the diversity of educational journeys that students take from dependent childhood into employment.
 - b. To explore students' views about, and experiences with, their employability and preparedness for work. The Committee should be innovative in gathering information and evidence from students.
 - c. To explore the social, economic, access and community dimensions affecting the journeys that students embark on.
- To examine the efficacy of partnerships between local businesses and local educators, and the opportunities in Kent for young people hoping to enter the labour market at key transition points of their educational journeys.
 - a. To investigate the effectiveness of current partnerships between employers and educators in Kent in helping young people to enter the labour market.

- b. To consider the job opportunities for young people in Kent, at the key transition points in their educational journeys (around 14, 16, 17/18 and 21 years).
- To look into the extent to which careers information, advice and guidance (IAG) enables young people to make informed choices about their future education and employment at key transition points.
 - a. To explore current policy and practices concerning careers IAG provision for young people in schools, colleges and universities in Kent at key transition points (around 14, 16, 17/18 and 21 years).
 - b. To consider whether the quality and reach of this provision could be enhanced.
- To consider the potential impact of changes in national policy on the educational and employment opportunities, and choices, of young people in Kent.
 - a. To consider whether there may be national policy changes affecting the educational and employment opportunities, and choices, of young people in Kent.
 - b. To examine the implications of the Wolf Report and the implementation of its recommendations by the Government.
 - c. To consider the potential impact of these changes – if any - on the educational and employment opportunities, and choices, of young people in Kent.
- To make recommendations after having gathered evidence and information throughout the review.
 - a. To report progress and developments to the (then) Scrutiny Board and the Policy Overview Scrutiny Committees throughout the review.
 - b. To make recommendations based on the evidence and information gathered during the review.

Recommendations

Recommendation 1

The Student Journey Select Committee recommends the strengthening of the 14-19 Strategic Forum, which should include representatives and leaders of learning and skills providers and of businesses in the County. The Committee proposes that the name of the Forum should be changed to the “14-24 Strategic Training and Employment Forum”.

Recommendation 2

The Committee recommends that KCC’s Skills and Employment Team facilitates the use of existing Local Planning Forums to promote dialogue between local learning and skills providers and local employers. Although strategic leadership is necessary to secure commitment at county-wide level, local issues and solutions are best discussed at local level, with local accountability residing within Locality Boards.

Recommendation 3

The Select Committee endorses Recommendations 4 and 11 of the Wolf Report and recommends that:

- KCC’s Cabinet Member for Education, Learning and Skills should write to the Secretary of State for Education to urge that performance management indicators and systems do not give schools incentives to divert low-attaining pupils on to courses and qualifications that are not recognised by employers or accepted by colleges for progression purposes.
- Funding for full-time students aged 16-18 should be on a programme basis, with a given level of funding per student. The funding should follow the student.

Recommendation 4

KCC’s Cabinet Member for Education, Learning and Skills should write to the Secretary of State for Education to press for the teaching of employability and “soft skills” in the curriculum from Key Stage 1, and for the improvement of young people’s literacy and numeracy standards, especially those of the lowest attaining learners.

Recommendation 5

The Skills and Employability Team should develop a personal, electronic version of a portfolio containing a list of activities that young people in Kent should undertake in order to improve their employability. This e-portfolio, which the Committee wishes to name “Footprints”, should be available to all students in Kent, from those in Years 5 and 6 in primary school to those in university; it should record the activities that will help students enhance their employment prospects during their different “student journeys”.

Recommendation 6

KCC's Cabinet Member for Education, Learning and Skills should write to the Secretary of State for Education to recommend the setting up of the proposed national kitemark scheme that validates the different CEIAG quality awards for schools, colleges and work-based learning providers.

Recommendation 7

The Skills and Employability Team should set up a pilot scheme, in at least two secondary schools/colleges per District, where suitably trained mentors are regularly available to give students careers information, advice and guidance.

The Skills and Employability Team should also pilot an online careers education mentoring website for Kent which is based on the national model of www.horsesmouth.co.uk. The website should provide a safe social network for informal mentoring and should enable users to search for a mentor. In addition, it should give information on how to become a mentor, and should be a source of inspirational mentoring stories. The scheme should encourage the recruitment of mentors from the business community.

Recommendation 8

KCC should channel part of the Early Intervention Grant to the Skills and Employability Team in order to enhance the employability of Kent young people aged 14-24.

Recommendation 9

KCC should support the Young Chamber project by meeting the Chamber's annual licence fee of £500.

Recommendation 10

KCC's Cabinet Member for Education, Learning and Skills should write to the Secretary of State for Education asking him to consider the allocation of more appropriate and proportional funding per student for International Baccalaureate courses.

Recommendation 11

KCC should not integrate the kentchoices4u website into the corporate KCC website. The Skills and Employability Team should instead promote the use of the kentchoices4u website by introducing, if possible, hyperlinks and QR codes in other KCC websites that are popular with young people.

The apprenticeships section in kentchoices4u should be expanded in order to offer more information to young people about the choices that are available to them.

Finally, access to this website should be extended to Kent children in the last two years of primary school. This is necessary for the effective delivery of Footprints and to support the consolidation of the employability skills of young people in Kent.

Recommendation 12

KCC should allow all its Divisions to use social media, such as Facebook and Twitter, in order to enhance their communication and engagement with young people, and to support them into employment. Social media access and usage should be moderated as appropriate.

Recommendation 13

The Committee recommends that KCC's Regeneration Board continues to support the GradsKent project by providing funding for a further 2 years. Any income generated by GradsKent should be re-invested into the project with the aim of making it self-sustaining.

The Committee recommends that GradsKent continues to work on the following objectives:

- Increasing the number and visibility of student and graduate employment opportunities, including internships and graduate careers.
- Working with businesses to identify skills shortages, and encouraging graduates with in-demand skills to work in Kent.
- Working with local universities to increase their students' employability.
- Engaging with students, graduates and employers through appropriate channels, including social networking sites, where return on investment can be demonstrated.
- Keeping pace with changing technology in order to remain accessible to users, particularly through developing GradsKent into a web app which offers increased functionality when visited on a smart phone.

Recommendation 14

The Skills and Employability Team, in partnership with employers, learning and skills providers and other local organisations, should:

- Set a target whereby 10% of 16-18 year old young people in each cohort in Kent are undertaking an apprenticeship within an agreed timeframe.
- Ensure that the take-up of work experience placements increases, by promoting and encouraging the organisation of more placements throughout the year and not exclusively in the summer months.

Recommendation 15

The Skills and Employability Team should increase its support, advice and guidance to young people and to local employers who offer, or intend to offer, apprenticeships, internships and work experience programmes in Kent. In particular, the Team should:

- Establish a dedicated unit which is charged with the development and delivery of the apprenticeships strategy in Kent.
- Ensure that the unit also acts as a single point of contact, providing support, advice and guidance to young people and to businesses that offer, or intend to offer, apprenticeships and work experience schemes. The unit should ensure that the staff who operate the main KCC switchboard are trained to put employers and young people seeking apprenticeship-related information through to the unit/contact point.
- Encourage the setting up of a database which maintains shared information and contacts on apprenticeships, internships, work experience, health and safety, and other related matters.
- Help to cut bureaucratic processes in order to ease the setting up of apprenticeships by employers and their take-up by young people.

Recommendation 16

- KCC endorses Recommendation 14 of the Wolf Report, and urges the Government to adopt and implement it. In view of Kent's special reliance on SMEs, particular incentives to help them should be considered.

Wolf Report – Recommendation 14

Employers who take on 16-18 year old apprentices should be eligible for payments (direct or indirect), because and when they bear some of the cost of education for an age-group with a right to free full-time participation. Such payments should be made only where 16-18 year old apprentices receive clearly identified off-the-job training and education, with broad transferable elements.

Recommendation 17

In order to fulfil its Corporate Parent responsibility, KCC should actively promote and increase the apprenticeship take-up of looked-after children, care leavers and other vulnerable young people, both within KCC and across Kent.

In addition, the Skills and Employability Team should ensure that apprenticeships are offered by a greater variety of teams within the Authority, and that the placements are not all office-based.

Recommendation 18

The Skills and Employability Team should encourage learning and skills providers to agree voluntary targets to reduce the number of young people who could potentially become NEETs when they leave school or college.

Recommendation 19

KCC should consider proposals, such as that of the Kent-based construction company Denne, to develop and support the delivery of work-focused programmes to be taught in secondary schools in Kent.

Recommendation 20

The Committee commends the valuable work that IMPACT Ashford does to help local young people who are not in education, employment or training to develop their social and academic skills and to enhance their employability.

The Committee recommends that the Skills and Employability Team promotes across Kent the work of organisations such as IMPACT Ashford as examples of good practice.

Recommendation 21

KCC should put in place measures to enable Kent employers to buy the Kent 16+ Travel Pass for their apprentices at KCC's purchase rates.

Recommendation 22

The Skills and Employability Team, the Kent Foundation and other proven agencies should further encourage schools to raise awareness amongst their students about the option of becoming self-employed, and to provide information about the support and guidance that are available.

The Kent Foundation should be supported in promoting entrepreneurship and self-employment, and in increasing the number of Kent young people starting up a business. The organisation should also be encouraged to deliver enterprise education to young people in Kent.

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By: Richard Long – Chairman of the Governance and Audit Committee
Geoff Wild – Director of Governance and Law

To: County Council – 17 May 2012

Subject: Review of the Code of Corporate Governance

Classification: Unrestricted

Summary

This report asks the County Council to approve the recommendation of the Governance and Audit Committee to endorse a revised Code of Corporate Governance. Revision of the Code was one of the actions arising from the 2010/11 Corporate Governance Audit, and this report also provides an update on other actions arising from that audit.

FOR DECISION

1. Introduction

(1) The final report of the 2010/11 Corporate Governance Audit identified the following actions for Democratic Services:

- (i) Appendix 10 of the Constitution (the Code of Corporate Governance) should be rewritten to ensure that it includes all requirements of 'Delivering Good Governance in Local Government (2007)', published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE).
- (ii) The Constitution should be updated to take full account of the CIPFA 'Statement on the role of the Chief Financial Officer in Local Government (2010)'.
- (iii) The roles of Scrutiny and regulatory committees should be clarified, particularly following the restructure of the authority. An assessment should be completed regarding what scrutiny committees are required, and their roles clarified and detailed in the Constitution.
- (iv) Consideration should be given as to the viability of extending the Forward Plan to ensure proper transparency and accountability for decisions taken by officers within their delegated limits.

2. The Code of Corporate Governance

(1) The audit findings relating to Appendix 10 of the Constitution specifically highlighted that the current Code of Corporate Governance should comprehensively

cover the recommendations of the CIPFA/SOLACE guidelines and that the code should be clarified around what corporate governance means to the authority.

(2) It should be noted that the Council is under no legal obligation to comply with the CIPFA/SOLACE guidelines, although they are recognised by the Audit Commission and the Local Government Association (amongst others) as representing best practise.

(3) A draft revised Code of Corporate Governance (**Appendix 1**) has been developed that takes into account the audit findings and which, in its electronic form, also provides immediate access to supporting policies and other key documents by way of hyperlinks.

(4) The revised Code was endorsed by the Corporate Management Team (CMT) on 24 January 2012 and approved by the Governance and Audit Committee on 18 April. The approval of the County Council is now sought.

3. The role of the Chief Financial Officer

(1) The CIPFA guidance on the role of the Chief Financial Officer (summary attached to the appended Audit report) runs to several pages, and explores ground covered within the KCC Financial Regulations. This raises the question of how best to embed such requirements within the governance arrangements of the Council without unnecessarily duplicating in the Constitution what may already exist in other key policies and protocols.

(2) As part of a comprehensive review of the Constitution it will be established how best to cover the required ground, including the option of appending the Financial Regulations to the Constitution.

4. Clarifying the roles of Scrutiny and regulatory committees

(1) The required clarity around scrutiny and regulatory functions formed part of the comprehensive review of governance arrangements, which has been approved by the Council and implemented in April 2012.

5. Extending the Forward Plan

(1) For some time there has been an ongoing dialogue around broadening the scope of the Forward Plan to include non-Key Member decisions. Further discussion is required to fully establish criteria for this, and also to explore the extent to which significant officer decisions should be included and on what basis.

(2) In considering the above, CMT have recommended that officers should:

- (a) Offer to set up regular (monthly) directorate briefings with opposition groups to advise them of forthcoming significant officer decisions;
- (b) Use the new Cabinet Committees for discussion of significant officer decisions;

- (c) Use the proposed new scheme of officer delegations to ensure appropriate Member consultation and involvement in significant officer decisions.

6. Recommendation

The County Council is asked to:

- (i) Approve the draft revised Code of Corporate Governance (Appendix 1); and
- (ii) Note the position in relation to the additional actions recommended following the 2010/11 Corporate Governance Audit

Background Documents:

1. 'Delivering Good Governance in Local Government (2007)', published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE).
2. CIPFA 'Statement on the role of the Chief Financial Officer in Local Government (2010)'.

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Code of Corporate Governance

Introduction to the Code of Corporate Governance

1. Corporate Governance is the system by which local authorities direct and control their functions in the best interests of their communities.
2. Good corporate governance is fundamental to securing confidence in public services, and so governance arrangements must be transparent to the community and other stakeholders, and promote their involvement, in order to demonstrate openness, integrity, and accountability.
3. Governance arrangements should be aligned with the Council's core vision and objectives, and ensure continuous improvement in the context of economy, efficiency and effectiveness.
4. The Code of Corporate Governance describes the principles applied by Kent County Council as the framework for good corporate governance, how we are achieving those principles, and the key policies and plans in place to support this.
5. The Code follows closely the six principles identified in 'Delivering Good Governance in Local Government (2007)', published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Society of Local Authority Chief Executives and Senior Managers (SOLACE), as a framework for local authorities.
6. The Council's governance arrangements are reviewed annually and reported, with any consequential recommendations, to the Governance and Audit Committee and the County Council for approval.

Principle One	How we achieve this	Policies/Plans
<p>Focusing on the purpose of the Council and on outcomes for the community, and creating and implementing a Vision for the local area:</p> <p>Exercising strategic leadership by developing and clearly communicating the Council’s purpose and vision, and it’s intended outcomes for citizens and service users</p> <p>Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning</p> <p>Ensuring the Council makes best use of resources, and that tax payers and service users receive excellent value for money</p>	<ul style="list-style-type: none"> • Develop and promote our purpose and vision to be used as a basis for corporate and service planning • Regularly review our vision for the local area and it’s impact on our governance and financial arrangements • Ensure that partnerships work to a common vision which all parties understand/agree • Publish annual reports communicating our activities and achievements, financial position and performance • Measure quality of service, and ensure availability of information needed to effectively review our service quality • Put in place effective procedures to identify and address failures in service delivery, including complaints and consultation mechanisms for our service users • Measure value for money, and ensure that we have the information needed to review value for money and performance effectively • Measure of the environmental impact of our policies, plans and decisions 	<p>Bold Steps for Kent</p> <p>Change to Keep Succeeding</p> <p>Vision for Kent 2011-2021</p> <p>Business Plans</p> <p>Complaints & Whistle-blowing procedures</p> <p>Kent Forum</p> <p>Medium Term Financial Plan</p> <p>Consultation Strategy</p> <p>Environment Policy</p> <p>Equality Impact Assessment</p>

Principle Two	How we achieve this	Policies/Plans
<p>Members and officers working together to achieve a common purpose with clearly defined functions and roles:</p> <p>Ensuring effective leadership throughout the Council and being clear about executive, non-executive and scrutiny functions/roles</p> <p>Ensuring that a constructive working relationship exists between Council Members and officers, and that the responsibilities of members and officers are carried out to a high standard</p> <p>Ensuring relationships between the Council and the public are clear so that each knows what to expect of each other</p>	<ul style="list-style-type: none"> • A clear statement of the respective roles and responsibilities of our executive, individual executive members, and the Scrutiny function, and our approach towards putting this into practice • A clear statement of the respective roles and responsibilities of our non-executive Members, Members generally, and our senior officers • A scheme of delegation and reserved powers within our Constitution, including a formal schedule of matters specifically reserved for collective decision of the Council, taking account of relevant legislation, to be monitored and revised as required • Making the Corporate Management Team responsible and accountable to the Council for all aspects of operational management • Protocols ensuring that the Leader and Chief Officers negotiate their respective roles and that a shared understanding of roles and objectives is maintained • Making a the Section 151 Officer responsible to the Council for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control • Making a the Monitoring Officer responsible to the Council for ensuring that agreed procedures are followed, and for ensuring compliance with all applicable statutes and regulations • Protocols to ensure effective communication between members and officers • Set out terms and conditions for remuneration of Members and officers, and an effective structure for managing the process, including an independent remuneration panel, and effective mechanisms for monitoring performance and service delivery • Ensuring that our vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated • When working in partnership, ensuring that our Members are clear about their roles and responsibilities, both individually and collectively in relation to the partnership and to the Council, that there is clarity about the legal status of the partnership, and that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions 	<p><u>Constitution:</u></p> <ul style="list-style-type: none"> • <i>Article 11 Roles of Statutory Officers</i> • <i>Executive/Overview & Scrutiny structures</i> • <i>Scheme of Delegation</i> <p>Financial Regulations</p> <p><u>Member & Officer Codes of Conduct</u></p> <p>Personnel policies (conditions of employment, JD/PS)</p> <p>Performance management</p> <p><u>Key Decisions/Forward Plan</u></p> <p><u>Members Allowances Scheme</u></p> <p>Protocol for KCC Companies</p> <p><u>Outside Body list</u></p> <p><u>IRP Annual Reports</u></p>

Principle Three	How we achieve this	Policies/Plans
<p>Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour:</p> <p>Ensuring Council members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance</p> <p>Ensuring that organisational values are put into practice and are effective</p>	<ul style="list-style-type: none"> • Ensure that our leadership sets a tone for the organisation by creating a climate of openness, accountability, integrity, support and respect • Ensure that standards of conduct and personal behaviour expected of our Members and officers, of work between our Members and officers, and between the Council, its partners and the community are defined and communicated through codes of conduct and protocols • Put in place arrangements to ensure that our Members and officers are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders, and put in place appropriate processes to ensure that they continue to operate in practice • Maintain shared values including leadership values for both the Members and officers reflecting public expectations, and communicate these with our Members, officers, the community and partners • Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice • Develop and maintain an effective ethical standards regime to ensure that high standards of conduct are embedded in our culture • Use our shared values to act as a guide for decision making, and as a basis for developing positive and trusting relationships within the Council • In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively 	<p>Member & Officer Codes of Conduct</p> <p>Equalities policy</p> <p>Transparency agenda & FOI</p> <p>Financial Regulations</p> <p>Standards Committee</p> <p>Whistle-blowing procedures</p> <p>Member & Officer Registers of personal interests</p> <p>Kent Partners Compact</p> <p>Member Development Policy and Learning & Development Strategy</p>

Principle Four	How we achieve this	Policies/Plans
<p>Taking informed and transparent decisions which are subject to effective scrutiny, and managing risk:</p> <p>Being rigorous and transparent about how decision are taken and listening and acting on the outcome of constructive scrutiny</p> <p>Having good quality information advice and support to ensure that services are delivered effectively and are what the community wants/needs</p> <p>Ensuring that an effective risk management system is in place</p> <p>Using legal powers to the full benefit of citizens and communities in the local area</p>	<ul style="list-style-type: none"> • Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances our performance overall, and that of any organisation form which it is responsible • Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based • Put in place arrangements to safeguard Members and officers against conflicts of interest, and put in place appropriate processes to ensure that they continue to operate in practice • Develop and maintain an effective Governance & Audit Committee which is independent of the executive and scrutiny functions • Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints • Ensure that those making decisions for the Council or its partnerships are provided with information that is fit for purpose (relevant, timely, and giving clear explanations of technical issues and their implications) • Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately • Ensure that risk management is embedded within our culture, with Members and officers at all levels recognising that risk management is part of their role • Ensure that arrangements are in place for whistle-blowing to which officers and all those contracting with the Council have access • Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law 	<p><u>Constitution:</u></p> <ul style="list-style-type: none"> • <i>Article 11 Roles of Statutory Officers</i> • <i>Decision making procedures</i> • <i>Scheme of Delegation</i> • <i>Scrutiny procedures</i> <p>Financial Regulations</p> <p><u>Member & Officer</u> Codes of Conduct</p> <p><u>Member & Officer</u> Registers of personal interests</p> <p><u>Complaints & whistle-blowing</u> procedures</p> <p>Members Induction</p> <p>Risk management (Strategy, Risk Register, Internal Audit)</p> <p><u>Key Decisions/Forward Plan</u></p> <p>Terms of Reference</p>

Principle Five	How we achieve this	Policies/Plans
<p>Developing the capacity and capability of members and officers to be effective:</p> <p>Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles</p> <p>Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as groups</p> <p>Encouraging new talent for membership of the Council so that best use can be made of individuals' skills and resources in balancing continuity and renewal</p>	<ul style="list-style-type: none"> • Provide induction programmes tailored to individual needs, and regular opportunities for Members and officers to update their knowledge • Ensure that statutory officers have the skills, resources and support necessary to perform their roles effectively, and that these roles are understood throughout the Council • Assess the skills required by our Members and officers, and make a commitment to develop those skills to enable roles to be carried out effectively • Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed • Ensure that effective arrangements are in place for reviewing the performance of our executive, and of individual Members, and addressing any training or development needs • Ensure that there are effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to, and participate in the work of the Council, including putting themselves forward for election as Members of the Council • Ensure that career structures are in place for Members and officers, to encourage participation and development 	<p>Staff Induction programme</p> <p>Staff Training & Development</p> <p>Constitution</p> <ul style="list-style-type: none"> • <i>Scheme of Delegation</i> • <i>Article 11, Roles of Statutory Officers</i> <p>Member Induction Programme and Member Training Plan/ Member PDPs</p> <p>Performance management</p> <p>Kent Forum</p> <p>Local Boards</p> <p>Kent Manager</p> <p>The Kent Show</p> <p>Webcasting of public meetings</p> <p>Independent school admissions appeal panels</p>

Principle Six	How we achieve this	Policies/Plans
<p>Engaging with local people and other stakeholders to ensure robust public accountability:</p> <p>Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships</p> <p>Taking an active and planned approach to dialogue with, and accountability to, the public to ensure effective/appropriate service delivery whether directly by the Council, in partnership or by commissioning</p> <p>Making best use of human resources by taking an active and planned approach to meet responsibility to staff</p>	<ul style="list-style-type: none"> • Making sure that the Council, all staff, and the community are clear about to whom the Council is accountable and for what • Consider those institutional stakeholders to whom the Council is accountable and assess the effectiveness of relationships and any changes required • Produce an annual report on the activity of the scrutiny function • Ensure clear channels of communication with all sections of the community and other stakeholders, with monitoring arrangements to ensure that they operate effectively • Hold meetings in public unless there are justifiable reasons for confidentiality • Ensure that there are arrangements enabling the Council to engage effectively with all sections of the community, recognising different priorities and establishing explicit processes for dealing with competing demands • Having a clear policy on what issues the Council will meaningfully consult on or engage with the public and service users about, including a feedback mechanism to demonstrate what has changed as a result • Publish an annual performance plan giving information on our vision, strategy, plans and financial statements as well as information about outcomes, achievements and the satisfaction of service users • Ensure that the Council is open and accessible to the community, service users and its staff, ensuring a commitment to openness and transparency in all dealings, including partnerships, subject only to specific circumstances where confidentiality is justified • Develop and maintain a clear policy on how our staff and their representatives are consulted and involved in decision making 	<p>Vision for Kent 2011-2021</p> <p>Business Plans</p> <p>Complaints & Whistle-blowing procedures</p> <p>Kent Forum</p> <p>Consultation Strategy</p> <p>Petitions Scheme</p> <p>Forward Plan</p> <p>Constitution</p> <p>Statement of Accounts</p> <p>Transparency agenda & FOI</p>

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By: Mike Whiting, Cabinet Member for Education, Learning and Skills
Patrick Leeson, Corporate Director Education, Learning and Skills

To: County Council – 17 May 2012

Subject: Local Government Ombudsman's Report

Classification: Unrestricted

Summary: In order to comply with Section 31(1)(a) of the Local Government Act 1974, Members of the Council are required to consider the Ombudsman's report and recommendations, and within three months of receiving the report (or longer, by the Ombudsman's written agreement) to notify the Ombudsman of the action they have taken or propose to take.

The attached report relates to eight cases of maladministration of the school admission appeals process for Tunbridge Wells Girls' Grammar School (administered by the Council on behalf of the school's governors) during 2010. One case, no. 09 010 311, turned on the outcome of maladministration of testing at a school acting as a test centre for out-county candidates, for which the only remedy offered by the Council had been the school admission appeal process. The report highlights a concern that the Council offers no mechanism to "retest" children who have taken the Kent Test, which is to the disadvantage of any candidate applying to a grammar school which ranks children for admission by aggregate test score.

Recommendations:

Members are asked to consider the recommendations set out in the Ombudsman's report (**Appendix 1**), and the response to the Ombudsman's report prepared by officers in September 2011 (**Appendix 2**), and to agree what actions they require officers to take on their behalf.

Members are asked to decide:

- (1) Whether the Council should commission and fund a further test to provide, as recommended by the Ombudsman "a means to enable, in appropriate circumstances, candidates to be retested." Such a test would then be an available element in future when serious incidents or errors affecting testing were investigated.
- (2) Whether officers should be required to put any further training of the type recommended into place for test invigilators, and to report on this to the Council.
- (3) Whether officers should be required to report on how the Council can ensure that any clerking service it provides is effective and complies with the law and statutory guidance.
- (4) Whether to instruct the Council's Democratic Services Unit to stop sending

appeal panel decision letters with the Clerks' facsimile signatures and ensure that any letter prepared on behalf of a panel is the one selected by the panel.

1. Introduction

(1) This report was issued by the Ombudsman at the end of June 2011, but was not placed before the Council for it to consider and respond to within three months of receiving it as required by the Local Government Act 1974 (LGA). Instead, the report was considered by the Council's Governance and Audit Committee on 14 September 2011. The three month period for consideration of the Ombudsman's report by the full Council can only be extended by the written agreement of the Ombudsman. Where the requirements of the LGA are not met the Ombudsman has the option of issuing a second critical report.

(2) The response from officers attached at Appendix 2 sets out the actions already taken, certain concerns about the recommendations, and some proposals for action to address the problems highlighted in the report. This was sent to the Ombudsman in September 2011, but did not meet the legal requirements of the LGA which requires the Council to respond to the report.

(3) The Ombudsman visited Kent on 11 May to discuss a number of matters with officers, including the outstanding recommendations, before deciding whether or not to issue a further report.

(4) In the interim, a review of all elements of the County Council's 11+ assessment process, including the tests, has begun, which may have some impact on the delivery of any solution. It may be appropriate to take the opportunity to consult with members of the teacher-led review group on the processes which are currently in place to address errors in testing, and to seek consensus on the desirability of retesting. The commissioning and standardisation of tests takes several months, so if the Council decides that additional tests must be made available, action will need to be taken promptly.

2. Financial Implications

2.1 Testing

(1) As reported to the Ombudsman in the course of her enquiries, one reason that a "retest" was not offered in the case of complainant Mrs K was that there were available no comparable, secure tests standardised in the same way as Kent's tests. In order to hold a set of tests in reserve for a situation where children applying for a "superselective" grammar school had been placed at a significant disadvantage by a grave administrative error, the Council would need to commission and standardise a further set of tests in advance. It is estimated that this would cost in the region of £65k.

(2) The cost could represent a single additional spend, but it would be repeated in any years when the "backup" tests were needed (and so required replacement), or if the format or content of the main tests changed, requiring the same changes to be reproduced in the backup tests.

2.2 Invigilator Training

(1) If it is deemed that the steps taken to date are insufficient, there would be costs attached to buying in or developing a training package of the type proposed for invigilators. Because of the number of candidates tested, several sessions would be required, to reach as many invigilators as possible. It is unlikely that the training would reach all invigilators, and it would need to be repeated at intervals to address staff turnover.

(2) It is estimated that this would cost £5k annually.

2.3 Clerking and the Use of Facsimile Signatures

(1) The response of the Council's officers is set out in the letter attached as Appendix 2. References to paragraphs in the School Admission Appeals Code are to the Code in force when the report was made, rather than the new Code, which came into force in February 2012. The new Code is shorter and simplified, but still recognises that an appeal administrator may make the necessary administrative arrangements for the appeal on behalf of the Clerk (para 1.11), requires the Clerk to send out the papers (para 2.10) and requires the Clerk or Chair to sign and send the decision letters (para 2.24).

(2) The response explains the way in which the Council's Democratic Services team organises the large number of appeals it administers, which makes the production and personal signature of glossary letters by clerks themselves impractical.

(3) Action has now been taken to help clerks distinguish between glossary letters, and the response proposes a means to enable the Clerk to identify and "sign off" a letter to be sent by the Council.

(4) If all letters must be signed in person, there is likely to be an increase in the costs associated with employing clerks (time and travel). Officers discussed this aspect of the report with the Ombudsman at the meeting on 11 May. In particular, her attention was drawn to advice given by the Ombudsman's Office in April 2011 to East Sussex County Council that scanned signatures on letters in the name of the clerk are acceptable.

(5) The Council is also asked to note that, in relation to the Ombudsman's comments about the actual appeal hearing, the Clerk has resigned and two of the Panel members have been dismissed from hearing appeals.

3. The Report

The Ombudsman's full and complete report is attached for consideration, together with the response sent by officers in September 2011.

4. Conclusions

(1) It is recognised that, in all the cases raised in the report, individuals acting on behalf of Kent County Council (the invigilator of the tests, the Clerk and appeal panel

and the team sending out decision letters) made errors which amounted to maladministration to a greater or lesser degree.

(2) In all cases, it is agreed that any injustice arising from that maladministration has been remedied, but the recommendations are made with the intention of preventing – insofar as it is possible – a recurrence of the same errors.

(3) If County Council Members are satisfied that any or all of the Ombudsman's recommendations are appropriate, it is suggested that they agree that those recommendations be pursued, and advise the Ombudsman of the actions they propose to take, asking officers to report back to a future meeting on how these have been taken forward.

(4) If in any case they wish to propose action other than that recommended by the Ombudsman, their proposal and the reasons for it should be recorded so that these, too, can be formally returned to the Ombudsman as required for her consideration.

5. Recommendations

The County Council is invited to agree/endorse the recommendations as printed on page 1 of this report.

6. Background Documents:

Appendix 1 – Local Government Ombudsman's Report

Appendix 2 – Comments on the report from the Council's officers, sent to the Ombudsman in September 2011

7. Contact details:

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Report

on an investigation into
complaint nos 09 010 311, 10 003 770,
10 003 787, 10 003 958, 10 004 090,
10 004 180, 10 005 068 and 10 007 257
against Kent County Council and
Tunbridge Wells Girls' Grammar School

29 June 2011

**Investigation into complaint nos 09 010 311,
10 003 770, 10 003 787, 10 003 958, 10 004 090,
10 004 180, 10 005 068 and 10 007 257
against Kent County Council and Tunbridge
Wells Girls' Grammar School**

Table of Contents	Page
Report summary	1
The complaints	3
The investigation	3
Legal and administrative background	3
Admission arrangements	4
Mrs K's complaint about the tests	5
What happened in the appeals – generally	7
What happened in Mrs K's appeal	8
What happened in other appeals	9
Mr and Mrs S's appeal	9
Mr N's appeal	9
Mr and Mrs P's appeal	9
Mrs M's appeal	9
Mrs E's appeal	10
Mr B's appeal	11
Findings – the general conduct of the hearings	11
Findings – the tests and Mrs K's appeal	12
The Council	12
The Panel	12
Findings – the conduct of the other appeals	13
Mr and Mrs S	13
Mr N	13
Mr and Mrs P	14
Mrs M	14
Mrs E	15
Mr B	15
Appeals – the Governors' response	15
Appeals – the Council's response	15
What happened – communicating the Panel's decision making	15
Communicating the decision on Mrs K's appeal	16

Communicating other Panel decisions	17
Communicating Panel decisions – the Council’s response.	17
Findings – Communicating Panel decisions	18
The Council	18
Conclusions – maladministration	18
Conclusions – injustice	20
Conclusions – remedies	20

Key to names used

Mrs K	A parent
Mr and Mrs S	Parents
Mr N	A parent
Mr and Mrs P	Parents
Mrs M	A parent
Mrs E	A parent
Mr B	A parent

The Local Government Act 1974, section 30(3) generally requires the Ombudsman to report without naming or identifying the complainants or other individuals. This report uses the initials or job titles of the people involved in this complaint.

Report summary

Subject

The parents of six girls complain about the way that an independent Appeal Panel dealt with their appeals for places at Tunbridge Wells Girls' Grammar School (TWGGS).

One parent, Mrs K, complains about the way Kent County Council administered the tests that her daughter sat as part of the admission arrangements. One of the tests was disrupted and her daughter's score in that test was significantly lower than in others. This meant that, although she passed the tests, she did not get a place because of the distance between her home and the School. Her score in the disrupted test meant she did not qualify for one of 14 governor places, which are allocated by score'.

Finding

The investigation established that Kent County Council had:

- failed to administer the tests properly and did not have any policy and procedure to deal with the situation of Mrs K's daughter;
- provided the School's Governors with a Clerk and an Appeal Panel who prove to be incapable of fulfilling the requirements of the Code and whose conduct of the appeal hearings was riven by maladministration;
- contravened the statutory Code by sending decision letters from its Legal and Democratic Services Section with the facsimile signature of the Panel Clerk ;
- substituted standard decision letters chosen by its Legal and Democratic Services section for those agreed by the Panel.

The Ombudsman found that the County Council had acted with maladministration.

The Ombudsman also found numerous instances of maladministration by the Appeal Panel including:

- failing to manage the hearings, the decision making and timing efficiently or effectively and to take account of the needs of parents during the hearings;
- failing to adequately record its proceedings, and particularly the advice it obtained during the hearings;
- causing one parent great offence by the Chair's inappropriate and irrelevant comments about his experience of part of the Middle East;
- trying to deter one child's parents from arguing that the School had not proven that admitting more children would create prejudice;
- showing, through the Chair, an irrelevant and inappropriate interest in the private affairs of those parents and in the Chair wasting valuable time in seeking discussions with them after the hearing;

- adjourning during one parent's hearing to seek advice and not informing the parent of that advice;
- going beyond its role and remit in commenting critically during the same parent's hearing on the School's Admissions Manager going into applicants' homes;
- becoming hopelessly muddled in its decision making and failing to adequately record its reasoning;
- failing to complete its decision making and leaving it to the Council's Legal and Democratic Services Section.

Recommended remedy

The Governors of TWGGS responded swiftly to the Ombudsman's concerns and offered fresh hearings for six girls whose parents had complained. The Governors will not use the Council to provide a panel and clerk for future appeals. The Ombudsman is satisfied that this was an adequate and appropriate remedy for the injustice caused to the parents and appreciates the Governors' positive approach.

The Council apologised to Mrs K for the disruption to her daughter's tests. As the Appeal Panel decided to give her daughter a place at TWGGS, the Ombudsman considers this to be an appropriate and adequate remedy for the injustice caused to Mrs K.

The Ombudsman is concerned that the maladministration by the Council identified in this report could recur and cause significant injustice to other parents. She recommends that the Council should:

- require its officers to consult on and introduce a procedure for reviewing incidents or errors affecting selective testing together with a means to enable, in appropriate circumstances, candidates to be retested;
- require its officers to report to it on how its test invigilators will be trained and supported to deal efficiently and calmly with untoward events during testing;
- require its officers to report to it on how it can ensure that any clerking and appeals service which it provides is effective and complies with the law and statutory guidance;
- instruct its Legal and Democratic Services Section to stop sending appeal panel decision letters with the Clerks' facsimile signatures and ensure that any letter that it prepares on behalf of a panel is the one selected by the panel.

The complaints

1. The parents of six girls complain about the way an independent Admission Appeal Panel dealt with their appeals for places at Tunbridge Wells Girls' Grammar School (TWGGS) for daughters for September 2010.
2. One parent, Mrs K, complains about the way Kent County Council administered the tests that her daughter sat as part of the admission arrangements.

The investigation

3. To investigate the complaints my staff:
 - met the Head Teacher, who had acted as the Governors' presenting officer at the appeal hearings, and the School's Admissions Manager, who accompanied the presenting officer at the hearings;
 - inspected the notes made by the Clerk to the Panel about all the hearings and about the Panel's decision making on all the appeals;
 - inspected the papers considered by the Panel for all the appeals it heard, including the parents' cases in support of their appeals and the Governors' cases opposing them;
 - inspected the notes of the hearings made by the School's Admissions Manager;
 - met separately with the Clerk to the Panel and all three members;
 - met the Council's Assistant Democratic Services Manager, responsible for the arrangements for Admission Appeal Panels (made in this case on the School's behalf and at its request).
 - met the Council Manager responsible for arranging tests that form part of the admission arrangements for selective schools in Kent.

Legal and administrative background

4. Parents who do not get a place for their child at the school they prefer can appeal to an independent Admission Appeal Panel established by the admission authority.
5. TWGGS is the admission authority and it engaged the Council to recruit and clerk its Appeal Panel.
6. There are two applicable statutory codes for admissions to schools and appeals – the School Admissions Code 2010 ('Admissions Code'), and the School Admission Appeals Code 2009 ('Appeals Code')¹.
7. Admission authorities, local authorities and Appeal Panels are required² to have regard to these Codes. The Codes contain mandatory provisions, as well as

¹ Laid by the former Secretary of State for Children, Schools and Families before Parliament under section 84 of the School Standards and Framework Act 1998 (SSFA) and approved by Parliament.

guidance. In this way, parts of the Codes are binding on admission authorities, local authorities and Appeal Panels.

8. Briefly, a panel dealing with secondary school admission appeals must decide whether:
 - the admission arrangements were lawful and properly applied to the child who is appealing; if not, and the fault would have made a difference to the outcome, offer the child a place;
 - the school has demonstrated that admitting more children would prejudice the efficient education of those who already have places or its use of resources;
 - the parent's reasons for wanting their child to attend the school outweigh any prejudice that would be caused to efficient education or use of resources.
9. If there are a number of appeals for the same school a Panel can arrange to hold its hearing in two parts – a 'grouped' hearing involving all the parents to deal with whether admitting more children would cause prejudice and then separate, individual hearings for each parent's case.
10. The Panel dealing with these complaints did not hold a two-stage hearing. This meant that, in each individual case, it should have considered whether the School had demonstrated that admitting more girls would cause prejudice, taking into account what the parent said.

Admission arrangements

11. TWGGS is a Foundation Grammar School for girls. It sets its own admission criteria.
12. Kent County Council has a duty to operate a co-ordinated scheme for transferring children from primary to secondary school. Over 30 schools in its area offer places to children based on academic ability as established by tests. Parents who want their children to attend one of these schools must register with Kent County Council for their child to take the tests. The Council organises the tests in maths, verbal reasoning, and non-verbal reasoning. The maximum score in each test is 140, so the total maximum score is 420. In 2010 to be considered for a place at a selective school a child had to achieve at least 117 in each test and a total score of at least 360. Passing the tests does not mean that a child will get a place at any of the schools.
13. The Council arranges for the tests to be marked and, firstly, informs primary schools of the results. A primary school can ask for a panel of head teachers to review a child who does not achieve the pass mark but was expected to do well. Based on other evidence of ability, the panel of head teachers can decide that a child who did not pass the test is suitable for grammar school education.

14. The County Council notifies parents of their child's test score about two weeks before the deadline for parents to submit a School Common Admission Form (SCAF) with their preference for three schools.
15. The Council sorts the SCAFs and notifies the relevant admission authority of the applications to it and, for the selective schools, the test score of each child. When there are more applications than places, an authority will use its published 'oversubscription criteria' to identify the children who should be offered places.
16. The planned admission number for TWGGS is 140. If there are more than 140 girls wanting and eligible for places (i.e. scoring at least 117 in all three tests and an overall score of 360 or above), the TWGGS Governors have decided that 126 of its 140 places will be allocated in the priority order of:
 - 'looked after children³'';
 - sisters of pupils who will be attending the school when the younger child is admitted;
 - girls living within the same scheme of education (the "scheme of education") as the school, with priority being given to those living in designated areas or parishes.
17. In all cases, home to school distance, measured in a straight line, would be the tiebreaker.

The remaining 14 places are allocated to those girls with the highest marks in the tests, who live in the 'scheme of education area' and who would not otherwise get a place. These are known as Governor places.

Mrs K's complaint about the tests

18. The tests that Mrs K's daughter sat were organised by the Council and supervised by two invigilators and an assistant. The non-verbal reasoning tests were disturbed by two incidents. One of the Council's invigilators became confused about the time, gave premature warning of the conclusion of a section of the non-verbal reasoning test and then ended it too soon.
19. An e-mail exchange between the principal invigilator and Council officers records that, in response to representations from candidates, the invigilator allowed a further five minutes for that section after she had first ended it.
20. The e-mail exchange includes a report from the principal invigilator to Council officers. The report is not clear and the Council acknowledges that it is '*of limited usefulness*'. The Council's invigilators did not provide a clear account about what happened.

21. From reading all the written submissions from all the parents who appealed to the Panel and the invigilators' accounts, it seems that another section of the non-verbal reasoning test was also affected by the disturbances, and that a further section was affected by another timing error.
22. Some parents quickly became aware that something had gone wrong in the tests. When Mrs K learned that things had gone wrong she asked the responsible Council Manager how the Council proposed to put matters right.
23. The responsible Council Manager apologised and acknowledged, on the Council's behalf, that the administration of the non-verbal reasoning test had not been managed correctly. She said that the test scores could not be expected to give a true reflection of ability. She went on to say that the Council and other admission authorities could not set aside their published admission criteria. She explained that Council's advice was that a parent whose child had been affected should express preferences for secondary schools in the usual way and, if appropriate, appeal to a Panel if their child did not get a place. The Manager undertook that the Council would make a report and other information about the testing available to supplement appeals.
24. When Mrs K complained to the Ombudsman the investigator suggested to the Council that her daughter should be allowed to resit the non-verbal reasoning test or its equivalent. The Council declined. It said that the co-ordinated arrangements did not allow for retesting and there were no suitable tests that it could use.
25. Mrs K applied for her daughter to have a place at TWGGS. Her daughter's total test score was 390 made up of 134 in maths, 139 in verbal reasoning and 117 in non-verbal reasoning. This meant that she qualified to be considered but, because more than 140 girls qualified, places were allocated in the order set by the over-subscription criteria. 126 places were allocated to girls living closer to TWGGS than Ms K's home.
26. All 14 Governor places had been allocated to girls with total scores of over 410. In March 2010 Mrs K learnt that her daughter had not been given a place at TWGGS or any other grammar school even though she had passed the tests.
27. Mrs K argued to the Council that her daughter's performance in the non-verbal reasoning test had been adversely affected by the disruption. She explained that, because of the way her daughter had been trained to answer questions, she had not benefited from the additional time allowed after a section of the test had been formally closed.
28. In February 2010 my investigator wrote to the School's Admissions Manager asking if the Governors '*might wish to take any steps to alleviate the situation.*' The Governors met and considered evidence from Mrs K, the invigilator's report to the Council and other information about the testing process. They took into account her daughter's marks from the first section of the non-verbal reasoning test, which had not been disturbed, and her marks in the other sections. The

Governors concluded that the girl's performance in the unaffected section of the test had not been sufficient to justify creating an additional Governor place for her, given that the school was full.

29. Mrs K and the parents of six other girls who were not given places as TWGGS appealed to an independent Appeal Panel and subsequently complained to me.

What happened in the appeals – generally

30. The Panel heard 46 appeals over six days. On the sixth and final day of the hearings, the last hearing was scheduled to end at 11.00am, leaving time afterwards to make decisions on all the appeals.
31. The Clerk's only experience of clerking admission appeals was from the previous year. She says that she:
- had not clerked appeals for places in selective or other secondary schools until these appeals for places at TWGGS
 - had considerable experience of servicing corporate bodies but would have preferred more training and shadowing before clerking hearings of such complexity and duration.
32. At interview, the two Panel members and the Clerk were critical of the way the Chair handled the appeals. They say:
- he did not manage the time well, so that appeals took too long and ran late
 - his introduction to appeals was overlong and inconsistent.
 - he introduced irrelevant matters, and drew on personal experience and reminiscence.
33. The Clerk said that the Chair did not relate well to parents functioning at a high level. The Chair accepts that he could have done better in chairing the Panel and in managing its business.
34. The Head Teacher and the School's Admissions Manager say that they found the Panel, particularly its Chair, inconsistent and disconcerting. They say:
- the Chair's rulings on what evidence was, or was not, in order were idiosyncratic.
 - the Panel did not always follow the Appeals Code or manage its time well.
35. Some of those involved recalled the Panel as "the Panel from hell."
36. The Panel members disagreed about procedures and by lunch on the first day the Chair had threatened to resign. He was persuaded to stay in order not to inconvenience the parents.

37. The Governors' detailed case that admitting more children would cause prejudice included the school's planned admission number of 140.
38. Each day the Chair endorsed a list of the appeals heard that day with a pre-printed note:

‘The Panel decided that the school could cope with [] additional pupils without causing serious prejudice. I confirm that I am satisfied that the Panel's decisions have been correctly recorded by the Clerk and that the information to be included in the decision letters has been agreed by me.’
39. On the last day, the Chair inserted the figure “10” in the blank space.

What happened in Mrs K's appeal

40. Mrs K appealed against the Governors' decision not to give her daughter a place.
41. The Panel considered written evidence provided in advance by Mrs K and by the Governors, and oral evidence from Mr and Mrs K and the Head Teacher on behalf of the Governors. The evidence included information about the disruption to the non-verbal reasoning tests and the timing errors.
42. The Clerk noted the Panel's conclusion that the admission arrangements had been correctly applied to Mrs K's daughter. Under the heading “Panel's comments and balancing points” the notes wrongly attribute evidence submitted by Mrs K to the Governors and record:

“...Panel asked p[resenting] o[fficer] regarding timing which contradicts letter from [Council Manager] to Mrs [K]: record of raw scores ([test location] n[on]-v[erbal] r[easoning] time error). Panel found that there was no time between the individual test sections given to the students contrary to the p[resenting] o[fficer]'s statement &, furthermore, noted that the length of disruption was precisely equivalent to ¼ of overall test time. In respect of evidence given, Panel therefore unable to ascertain if scores valid. On the balance of probabilities, the Panel felt that an administrative error occurred but unable to reach any conclusion given the evidence submitted.”
43. The Clerk's notes show that the Panel then went on to conclude that Mrs K's daughter could be admitted to TWGGS without causing prejudice. The notes do not record reasons for that decision or that the Panel balanced Mrs K's reasons for wanting her daughter to have a place case against the Governors' case about prejudice.
44. It is clear from information provided by one of the Panel members during this investigation that the Panel devised its own method of assessing whether, if she had not been disturbed, Mrs K's daughter would have achieved a better non-verbal reasoning score and thus a total score high enough to get one of the 14 Governor places.

What happened in other appeals

Mr and Mrs S's appeal

45. The papers for Mr and Mrs S's appeal included a letter offering another parent a place at a different school. The papers were sent to the panellists, their Clerk, the presenting officer and Mr and Mrs S. The state of the papers caused Mr and Mrs S to worry that some of the documents they had submitted may not have been sent to the Panel.

Mr N's appeal

46. Mr N's appeal raised the way the Governors had applied their admission arrangements. At interview my investigator was told that there was an animated discussion of this issue at his hearing. Mr N drew attention to what he believed to be an inconsistency between the ranking of criteria in descending order of priority, and the positioning of 14 Governor places. Mr N says that the Chair failed to resolve the issue and, instead, said that the Governors should clarify the way in which Governor places were allocated.
47. Mr N is of Middle Eastern origin. The Chair drew on his own experience of time spent in a different part of the Middle East. This offended Mr N, as it did not have regard to cultural differences between parts of the Middle East that were significant to him.

Mr and Mrs P's appeal

48. Mr and Mrs P's are concerned about the way in which the Panel, particularly the Chair, handled their evidence and the time available to consider it. The hearing had been scheduled to start at 3.00 pm, but began at 3.48 pm and ended at 5.15 pm. At the beginning two members of the Panel explained that the time available for the appeal was limited because they had evening engagements.
49. Mr and Mrs P's written case, submitted in advance, was substantial. It raised arguments about whether the School could admit more children without causing prejudice and as well as their reasons for wanting their daughter to attend TWGGS.
50. The Chair tried to discourage their arguments about prejudice but the Head Teacher explained that they had the right to make such arguments. The Chair accepts that he attempted to persuade Mr and Mrs P to curtail their questioning. The hearing became prolonged and confrontational. During the hearing, the Chair indicated that he would, after the hearing, ask about Mr and Mrs P's work in the media and did so, despite the pressure of time. The Chair told my investigator that it was in order to do this after and outside the hearing.

Mrs M's appeal

51. Mrs M complains with the support of an adviser. She is particularly concerned about the way in which the Panel considered evidence about a visit that the Governors' Admissions Manager had paid to her home to verify her residence.

Mrs M had left her daughter alone with the Admissions Manager. Her daughter believed that the visit meant that she would be given a place.

52. Mrs M also complains that the Admissions Manager had acted as a second presenting officer and that this is not allowed by the Appeals Code.
53. The Chair adjourned the hearing to take advice from the Council about the Admissions Manager's visit to Mrs M's home. At interview he could not remember who he spoke to but said that he obtained legal advice. The Clerk's notes of this matter are not full or clear, and do not record the Chair telling all the other participants in the hearing what advice he had received. The Clerk's notes say:

'Panel adjourned to discuss the statement about the school representative's visit during which a discussion took place with [Mrs M's daughter]. The Panel accepted the school's report about the visit and agreed to questions/remarks to be put to p[resenting] o[fficer]/Admissions Manager.'
54. One of the Panel members says the Chair asked him to tell the parties at the reconvened hearing about the Panel's conclusion on the advice. He says that, on the Panel's behalf, he criticised the Admissions Manager's visit to Mrs M's home and her conversation with Mrs M's daughter. He says that the Panel accepted the need for such visits but thought that the Admissions Manager should be discouraged from entering applicants' homes. Mrs M was not given an opportunity to comment further on the issue.
55. The advice the Chair had obtained was not set out in the Panel's decision letter and it has not been possible to establish whom the Chair telephoned.
56. The Panel member mentioned in paragraph 55 questioned Mrs M intently about what the Admissions Manager might have said. At interview, he acknowledged that he pressed Mrs M in order to satisfy himself on a point of law (promissory estoppel) that might have been helpful to her case. He says the Panel pointed out to the parties that the evidence about the visit was hearsay and gave them carefully considered reasons for its conclusions.

Mrs E's appeal

57. Mrs E's daughter had been allocated a place at a grammar school some distance from their home. Mrs E wanted to argue in her appeal that that distance was too great, and that her daughter would benefit more from a place at TWGGS. She says she felt inhibited from arguing that point, because a parent whose appeal was heard before hers told her that the Chair had discouraged her from raising transport issues.
58. At interview the Chair did not recall discouraging Mrs E from raising transport issues. A Panel member says that before Mrs E's appeal the Chair had discouraged a parent from raising transport issues and had provided his own evidence of local bus timetables.

Mr B's appeal

59. Mr B is particularly concerned about a Panel adjournment when one of the panel members was taken unwell. The Clerk's notes show that this adjournment took 16 minutes. Mr B says the hearing lost momentum afterwards, and that, on resumption, the Chair said words to the effect of: "Now, where are we?" Mr B argues that this caused considerable discontinuity.

Findings – the general conduct of the hearings

60. It is clear that the Appeal Panel, particularly its Chair and its Clerk, acted with maladministration in failing to manage the hearings, the decision making and their timing efficiently or effectively.
61. The Chair did not fulfil the role set out at paragraphs 1.18 and 1.19e of the Appeals Code:

'The panel chair plays a central part in directing the proceedings, having responsibility for conduct of the hearing and for controlling the hearing fairly and firmly. Part of the chair's role is to put the appellants at ease and ensure that the hearing is conducted in an informal but structured manner.'

and

'The panel chair is responsible for the overall conduct of the hearing, including effective time management (e.g. ensuring that everyone has the opportunity to state their case and to ask questions, but then to draw matters to a conclusion if arguments become repetitive...).'

62. The experience of many of the parents who complained to me was very different to that envisaged by paragraph 1.31 the Appeals Code which says:

'Appellants are appealing over a matter that is very important to them... The role of the appellant at the appeal hearing is a particularly difficult one and this needs to be taken account of at all times by the panel.'

63. There is no evidence that the Panel tested the School's case that admitting more than 140 girls would create prejudice or that it followed the two stage decision-making process set out at paragraph 3.1 of the Appeals Code:

*Panels **must** follow the two-stage process as set out below for all appeals...*

- a) **First Stage: establishing the facts**, at which the panel considers whether the school's published admission arrangements:
- (i) *comply with the mandatory requirements of the School Admissions Code and Part 3 of the SSFA 1998.*

(ii) *were correctly applied in the individual's case, and decides whether "prejudice" would arise were the child to be admitted. If this is proved, the panel moves on to the second stage.*

b) **Second Stage: balancing the arguments**, at which the panel exercises its discretion, balancing the degree of prejudice to the school against the appellant's case for the child being admitted to the preferred school, before arriving at a decision.

Findings – the tests and Mrs K's appeal

The Council

64. The Council's invigilators did not properly organise the tests that Mrs K's daughter sat – they gave the children wrong information about timings, stopped the tests at the wrong time and then restarted them. They failed to give a coherent account of the disturbance and of their actions. This was maladministration.
65. The Council has no policy, plan or procedure for when tests are disrupted. It relies partly on parents appealing and partly on primary schools referring for assessment by the head teacher's panel those children who unexpectedly don't pass the tests. This does not help children who pass but with a mark below that needed to get a 'super selective' place.

The Panel

66. The Panel's decision-making and conclusion on Mrs K's appeal was far from clear. Individual members of the Panel and the Clerk have different understandings and recollections of the basis on which the Panel decided to give Mrs K's daughter a place. The Panel gave a higher aggregate score in its "points system" to another girl whom it also found could be admitted without prejudice.
67. The Clerk and the Panel acted with maladministration by failing to fulfil the roles assigned to them at paragraph 1.26e of the Appeals Code that says the clerk's role is to:
- '...record the proceedings, attendance, voting outcomes, panel decisions and reasons in a form that the panel and clerk agree is appropriate. The panel must ensure a complete and accurate record is taken of the points raised at the hearing which makes clear what view the panel took in coming to its decision about important points raised by appellants.'
68. Mrs K's appeal concerned whether the admission arrangements for the non-verbal reasoning test had been properly applied to her daughter. The Panel should have reached a decision on her case before making decisions on other appeals.
69. If it had decided that the arrangements had not been correctly applied, it should then have considered whether that had made a difference to Mrs K's daughter

getting a place. If so, it should have given her a place without considering the prejudice argument. As far as can be judged from the Panel's confused proceedings, the Panel went onto consider the question of prejudice without considering whether the mistake had made a difference to the outcome of Mrs K's daughter's application. The Panel recorded that the admission arrangements had been properly applied. This was, however, wrong as it also recorded that the testing arrangements, which were part of the admission arrangements, were faulty. The Panel should have said clearly that the mistake had made a difference to the outcome, and offered Mrs K's daughter a place on the basis set out earlier in this paragraph.

70. The Panel acted with maladministration because it did not follow the decision making process prescribed in paragraph 3.1 of the Code.
71. The Panel devised its own method of trying to assess whether, without the disruption, Mrs K's daughter would have achieved a score high enough to get a Governor's place. The Appeals Code does not deal with these circumstances, but at paragraph 3.37 it says:

'The panel **must not** devise its own methods to assess suitability for a grammar school place unrelated to the evidence provided for the hearing. In determining to uphold an appeal, the panel **must** be satisfied that there is evidence to demonstrate that the child is of grammar school ability and, where applicable, that the appellant's arguments outweigh the admission authority's case that admission of additional children would cause prejudice.'

72. The score that Mrs K's daughter achieved in the tests was above the pass mark and so the Panel knew that she met the criteria for selective education. It acted with maladministration in trying to devise its own method of assessing the score she might have achieved without the disruption.

Findings – the conduct of the other appeals

Mr and Mrs S

73. Muddling papers from another hearing with those for Mr and Mrs S was maladministration.

Mr N

74. In commenting to Mr N about the Middle East, the Chair acted with maladministration and contravened paragraph 2.28b of the Appeals Code that says:

'Panel members may never make sweeping or potentially offensive statements about people from a particular community.'

Mr and Mrs P

75. The Chair acted with maladministration in trying to deter Mr and Mrs P from arguing that the School had not proven the admitting more children would create prejudice, in showing an irrelevant and inappropriate interest in their private affairs and in wasting valuable time in seeking discussions with them after the hearing.

Mrs M

76. Paragraphs 1.26 and 1.27 of the Appeals Code suggest that legal advice should be given to a Panel by or through the Clerk and paragraph 2.15 says:

‘But, during the hearing, the panel need only take note of the points raised rather than respond to them, and can take its own legal advice later before making its decision on the appeal.’

77. It was inappropriate for the Panel to adjourn during Mrs M’s appeal and for the Chair to telephone the Council for advice. The Clerk acted with maladministration by failing to make a note of who the Chair had spoken to and what he had been told.
78. At paragraph 1.27 the Appeals Code says that when a panel withdraws to make its decision *‘Where further advice has been offered, the Panel **must** repeat this to the parties (via the Clerk) and give them the opportunity to comment on it.’* Although the Panel had not reached the decision stage (and so paragraph 1.27 did not directly apply) it had adjourned to take advice without Mrs M present. In the particular circumstances the Panel acted with maladministration by not informing Mrs M and the Governors of the advice and giving them an opportunity to comment before making its decision on the point.
79. In his questioning of Mrs M on what he felt might be a point of law (promissory estoppel), one of the Panel members went beyond paragraph 2.32 of the Code: *‘Panel members may ask questions at any time during the hearing to clarify what is being said or if they want to ascertain further information in order to reach a decision.’* and failed to take account of the difficult role that parents have in appeals (paragraph 3.1 of the Code). It is not necessary for appeal panels to concern themselves with fine points of legal detail and in this case the point being pursued was irrelevant. The Panel acted with maladministration.
80. It is appropriate for appeal panels to providing feed-back to admissions authorities to improve ‘first instance’ decisions. It is not, however, appropriate for a Panel to do that during a hearing. The Panel acted with maladministration in commenting critically during Mrs M’s hearing on the School’s Admissions Manager going into applicants’ homes.
81. There was no maladministration in the School’s Admissions Manager assisting the head teacher in her responsibilities as the presenting officer and answering questions addressed to her about her own work.

Mrs E

82. Mrs E was not affected by maladministration specific to her appeal. It is, however, clear that the Chair acted with maladministration in another hearing by becoming deeply embroiled in the issue of bus timetables and proffering his own evidence to the Panel and this did affect Mrs E. I do not think that a Panel can be held accountable for information provided to a parent outside the appeal hearings by another parent.

Mr B

83. The Panel did not act with maladministration when one of the members became unwell. Although this did disrupt Mr B's hearing the event was outside the Panel's control and it was handled appropriately.

Appeals – the Governors' response

84. On learning of my investigator's concerns about the appeals, the Governors offered to arrange six fresh appeals with a Panel of completely different members and with a different Clerk.
85. Parents of three of the girls' parents accepted the Governors' offers. The appeals were reheard on 7 September 2010, and all three girls were given places and became pupils at TWGGS soon after the beginning of the school year.
86. The Governors say, in commenting on a draft of this report, that they had, in good faith, delegated the administration of the appeals to the Council. They say that, while their previous experience had been positive and professional, they had been very disappointed with the 2010 process. The Governors decided not to use Panels or Clerks provided by the Council again and will make their own arrangements.

Appeals – the Council's response

87. The Council says that, when the actions and record keeping of a panel and Clerk departed from good practice and the statutory guidance, it will provide training to emphasise what is expected of them.
88. The Council maintains that "*the Panel chose to uphold ten appeals and took the view that there would have been a degree of prejudice to the school to admit*" more than the 145 pupils whom "*the head teacher had suggested she was prepared to take.*" The Council says it was "*the Panel's prerogative to make such decisions*".

What happened – communicating the Panel's decision making

89. By about 8.00 pm on the Panel's final day it had not fully documented all its decisions. The Chair telephoned the Council's Assistant Democratic Services Manager about the possibility of reconvening the Panel the next week to finalise the decisions. The Assistant Democratic Services Manager advised that would not be possible, and that the Clerk should finalise the decisions in consultation with his office. There is no written note of these discussions.

90. The Panel did not complete its work and left officers of the Council's Legal and Democratic Services Section to finalise and to despatch the decision letters.
91. In making decisions, each Panel member either indicated his view that an appeal should not be allowed, or gave a score of between 1 and 4 to those he considered should be allowed. The Clerk added up the points and the Panel awarded places to the ten girls with the highest scores. The Panel decided that in those cases, admitting the girls would not create prejudice. In all other cases, it decided that prejudice would arise and was not outweighed by the parents' reasons for wanting places for their daughters.
92. The Clerk's notes of the hearings are extensive, but patchy. They omit important matters, such as the Panel's communications with others. The notes of the decision making are also patchy and, most significantly, inconsistent with the decision letters. It is not possible to understand precisely how the Panel made its decisions.
93. When it clerks an appeal panel the Council uses a range of standard letters. The Clerks identify which standard letter should be sent in each case and adds any additional wording agreed by a panel for a decision on a particular appeal. The Council's Legal and Democratic Services Section produces the letters, adds the Clerk's facsimile signature and posts them.
94. The Council says Clerks can seek advice from its Legal and Democratic Services Section to select the appropriate letter. When interviewed the members of the Panel were familiar with the standard letters and said they had expected to choose which letter to use and any additional wording.

Communicating the decision on Mrs K's appeal

95. The Clerk's notes of the decision making record that standard decision GL07 should be sent to Mrs K to tell her the outcome of her appeal.
96. The decision letter sent to Mrs K by the Council's Legal and Democratic Services Section was standard letter GL11. It included:

“The Panel decided that a place should be made available for [Mrs K's daughter] at [TWGGS]. In reaching its decision an Appeal Panel is obliged to consider first whether admission of an additional child would prejudice the provision of efficient education or the efficient use of resources. If it decides there would no such prejudice the appeal must be upheld unless there are other appellants whose cases are stronger. However, if the Panel concludes there would be prejudice, it must go on to consider whether that prejudice is outweighed by the strength of your representations. In this particular case members felt that although there was a degree of prejudice to the school, the circumstances of this case were sufficiently exceptional to justify upholding the appeal. In reaching its decision the Panel took into account the published admission

arrangements but felt that, in view of the case you put forward, your appeal should be granted.”

97. This information is different from the decision recorded by the Clerk that Mrs K’s daughter could be admitted *without* prejudice to the school.

Communicating other Panel decisions

98. My investigator examined a sample of the Clerk’s notes and the decision letters sent to other parents who had not complained to the Ombudsman.
99. He examined the papers for the ten girls that the Panel decided should be given places. The Clerk’s notes show that in all ten cases the Panel had decided that standard letter GL07 should be sent but the Council’s Legal and Democratic Services Section had sent standard letter GL11 instead. In one of these cases, the Clerk’s note that letter GL07 should be sent was annotated with a question mark and the further note “GL11” in a different hand.
100. None of the ten decision letters explains the Panel’s view on the girls’ ability – including two girls who had not passed the selection tests. The Clerk’s notes recorded that the Panel had satisfied itself that, in exceptional circumstances these two girls had reached the academic standard required for selective education and that their admission would not cause prejudice to education.
101. My investigator also examined the notes and decision letters for appeals that had not been allowed. In one case the parents of a girl who had passed the selection tests had challenged the Governor’s argument that admitting more girls would prejudice efficient education or use of resources. The Clerk’s notes record that the Panel considered that she was of selective ability but did not accept that her parents’ reasons for wanting her to have a place outweighed the prejudice that admitting her would create and that standard letter GL14 should be used. The Council’s Legal and Democratic Services Section’s file contains a copy of standard letter GL15 that appears to have been sent to the parents. The letter includes the incorrect statements that their daughter “*had not attained the standard required for admission to [TWGGS]*” and that the Panel “*was satisfied that the governing body had shown that [the candidate] did not meet the criteria for transfer to a grammar school*”.
102. In another appeal the Clerk’s notes do not record the Panel decision. It appears from the context that the Panel had intended not to admit the girl and that is what the decision letter says.

Communicating Panel decisions – the Council’s response.

103. The Council, while apologising for the errors, says that sending a different standard letter from that specified by the Clerk did not make a material difference, as in most of those appeals, the Panel decided to admit the girl. It also says that discrepancies in recording whether the Panel found that admitting more girls would cause prejudice are minor. It takes a similar view of “serious prejudice” (although this concept arises only in appeals where a mistake has been made in

applying the admission arrangements and the admission of all adversely affected appellants would lead to gross overcrowding).

Findings – Communicating Panel decisions

The Council

104. The statutory Appeals Code is clear about responsibility for communicating Panels' decisions:
- 2.35 The panel **must** communicate the decision of every appeal, including the reasons for that decision, in writing to the appellant and the admission authority.
 - 2.36 The panel chair or the clerk to the panel (not someone from the admission authority) must sign the decision letter, to be sent by the clerk...
 - 2.38d The panel chair **must** ensure that the letter gives clear and detailed reasons for the panel's decision, addressing the key questions that the panel considered.
105. The Council's practice of sending letters with the Clerks' facsimile signatures means that the checking required by the Code is not being done and that is maladministration.
106. The Council's Legal and Democratic Services Section's changed the standard letters decided upon by the Panel and substituted others. This was maladministration.

Conclusions – maladministration

107. I have found maladministration by the Council in:
- failing to administer properly the non-verbal reasoning test sat by Mrs K's daughter;
 - failing to have any policy and procedure to enable children whose tests are disrupted to be able to sit alternative tests;
 - providing the Governors of TWGGS with a Clerk and Panel who proved incapable of fulfilling the requirements of the Code and whose conduct of the appeal hearings was riven with maladministration;
 - sending decision letters from its Legal and Democratic Services Section with the facsimile signature of Panel Clerks – in breach of the clear requirements of the Code that letters must be signed by the Clerk or the Chair;
 - substituting standard decision letters chosen by its Legal and Democratic Services Section for those agreed by the Panel and notified to it by the Clerk.
108. I have found maladministration by the Panel in:
- issuing papers about other appeals with the papers for Mrs S's appeal;

- failing to manage the hearings, the decision making and their timing efficiently or effectively;
- failing, through its Chair, to take account of the needs of parents during the hearings;
- failing to test the School's case that admitting more than 140 girls would prejudice efficient education or use of resources;
- failing to follow the two-stage decision making process prescribed by the Code;
- failing to adequately record its proceedings, and particularly the advice it obtained during the hearings;
- failing to deal with the issue raised by Mrs K's appeal of whether the disruption to the tests that her daughter sat meant that the admission arrangements had not been properly applied to her daughter and whether or not it had made a difference to her getting a place, and failing to deal with the appeal accordingly;
- causing Mr N offence by the Chair's inappropriate and irrelevant comments about his experience of part of the Middle East;
- trying to deter Mr and Mrs P from arguing that the School had not proven the admitting more children would create prejudice;
- showing, through the Chair, an irrelevant and inappropriate interest in Mr and Mrs P's private affairs and in the Chair wasting valuable time in seeking discussions with them after the hearing;
- adjourning during Mrs M's hearing to seek advice and not informing her and the Governors of that advice;
- going beyond its role and remit in commenting critically during Mrs M's hearing on the actions of the School's Admissions Manager;
- becoming hopelessly muddled in its decision making and failing to adequately record its reasoning;
- failing to complete its decision making and leaving it to the Council's Legal and Democratic Services Section.

Conclusions – injustice

109. The Council's maladministration in invigilating the non-verbal reasoning test caused injustice to Mrs K and her daughter by the uncertainty about the reliability of the result that was of crucial importance to whether she would get a 'super selective' place at TWGGS. This was compounded by the Council's failure to have any means of dealing with the situation other than an appeal to an independent Appeal Panel. This prolonged the uncertainty for five months longer than necessary.
110. Mrs K was not given an accurate explanation of the Panel's decision on her appeal. The letter that she was sent by the Council's Legal and Democratic Services Section was different to the one that the Panel had decided to send. My investigator found that other parents who had not complained to me were also affected.
111. The Appeal Panel's eccentric and idiosyncratic consideration of the appeals and poor time keeping caused uncertainty for most of the parents who complained to me. A number of the parents were caused the injustice of not being treated fairly, equitably, and with proper respect.

Conclusions – remedies

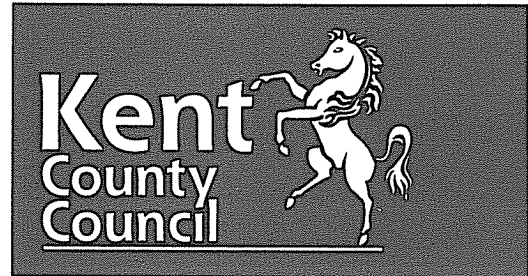
112. The Governors of TWGGS responded swiftly when informed of my investigator's concerns and offered fresh hearings to six of the parents who complained to me. I am satisfied that this was an adequate and appropriate remedy for the injustice caused to the parents. I appreciate the Governors' positive approach.
113. The Governors of TWGGS told me that for future appeals they would not use the Council to provide a panel and clerk. I am satisfied that this action reduces the chances of similar problems arising in future appeals about admissions to this School.
114. The Council apologised to Mrs K for the disruption to her daughter's tests. As the Appeal Panel decided to give her daughter a place at TWGGS, I consider that this is an appropriate and adequate remedy for the injustice caused to Mrs K.
115. I am concerned that the maladministration by the Council identified in this report could recur and cause significant injustice to other parents. I therefore recommend that the Council should:
 - require its officers to consult on and introduce a procedure for reviewing incidents or errors affecting selective testing together with a means to enable, in appropriate circumstances, candidates to be retested;
 - require its officers to report to it on how its test invigilators will be trained and supported to deal efficiently and calmly with untoward events during testing;

- require its officers to report to it on how it can ensure that any clerking and appeals service which it provides is effective and complies with the law and statutory guidance;
- instruct its Legal and Democratic Services Section to stop sending Appeal Panel decision letters with the Clerks' facsimile signatures and ensure that any letter that it prepares on behalf of a Panel is the one selected by the Panel.

**Anne Seex
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
LONDON SW1P 4QP**

29 June 2011

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Ms A Seex
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Fax: (01622) 694383
E-Mail Address: geoff.rudd@kent.gov.uk
Ask for: Geoff Rudd
Your ref: Various/EDR
Our ref:
Date: 28 September 2011

Dear Ms Seex

Complaints against Tunbridge Wells Girls Grammar School and the Kent County Council

Thank you for your report dated 29 June 2011 and your request for information on what action the County Council proposes to take on the recommendations contained in the report (regarding your investigation into complaints against the Council and the Governors of Tunbridge Wells Grammar School).

Whilst the County Council is in no way complacent as to the events leading up to your investigation, I do think that it is important that the findings of the report are taken in the context of the number of appeals that this Council administers. The number of appeals for places in Kent schools is the largest in the country and this point was acknowledged by your investigators Mr P Whitely and Mr D Roberts at the Council's last feedback meeting with them. In 2010 the Council heard approximately 2300 appeals. Of those appeals less than 4% of the appellants made a complaint to the Ombudsman. Re-hearings were agreed for approximately 30% of the complainants. This did not necessarily mean that the Council accepted that it was at fault but it felt that if there was any doubt it was prepared to re-hear cases in the interests of natural justice and good relations.

With regard to the specific recommendations made in paragraph 115 of the report, my comments are as follows:

Geoff Wild LL.B, Dip.LG, Solicitor
Director of Governance & Law



- Require its officers to consult on and introduce a procedure for reviewing incidents or errors affecting selective testing together with a means to enable, in appropriate circumstances, candidates to be retested.

When the complaint was originally investigated in 2009 /10 we explained to your investigators that there were no equivalent tests readily available - Kent would need each year to commission and have standardised two sets of tests, rather than one. In order to have an additional set of tests in place for September 2011, the Council would have had to commission them a year ago. Two sets of tests would each notionally have their own threshold, which might differ from one to another, and there are clear difficulties in allowing some children to qualify for admission to grammar school through a different set of tests from others, particularly where schools rank candidates for admission by test score. In these areas in particular we regularly have complaints that something has disrupted testing (e.g. noisy radiators, sunshine, building work next door, a child fainting in the room, etc) and it would give the council's officers the responsibility, if we had a second set of tests, of demonstrating why certain children should *not* be given access to them. It is worth mentioning, in regard to the issue of "appropriate circumstances", that the candidate in question scored well enough to be assessed suitable for admission to grammar school, so no intervention would have been necessary to secure an appropriate assessment.

We already have a well-established procedure for dealing with cases where a child's test scores may be unrepresentative, which will provide a remedy for testing mishaps affecting the performance of individuals or groups. An initial assessment based purely on scores can be overridden on the basis of additional evidence presented to a local Head Teacher Assessment panel and a grammar assessment recorded in its place. The only situation it does not address is where (against our advice) schools have chosen to use our test results to rank pupils for admission, because although a child's initial assessment can be altered, the test scores clearly cannot. As the majority of schools which have chosen to use Kent's 11+ assessment process do not rank by score, it seems disproportionate to require the Council to expand its process to accommodate those which do, none of which are Community grammar schools.

These schools are not prepared to change their admission arrangements, and our challenge that they were unfair was not accepted by the Schools Adjudicator. It does not seem reasonable to place the blame on the Council for injustice caused by an element in the admissions process that we cannot control. If we were to adopt the recommendation, it would significantly increase the cost of running Kent's 11+, and add to the administrative burden we already bear without necessarily providing a definitive solution.

- Require its officers to report to it on how its test invigilators will be trained and supported to deal efficiently and calmly with untoward events during testing.

The Council has already addressed the matter of invigilator training and introduced a set of record sheets for invigilators, as a response to the problem.

- Require its officers to report to it on how it can ensure that any clerking and appeals service which it provides is effective and complies with the law and Statutory guidance.

Whilst I agree that this particular set of appeals was not dealt with as effectively as we would have expected from one of the Council's Independent Appeals Panels, it was clearly an exception and not the norm.

The Council has always taken the training of its clerks and panel members very seriously and in fact representatives from your office very helpfully attended and contributed to the sessions held in 2010.

Since 2008 the following training has been provided for Panel members:

2008 – The new School Admission Appeals Code including constitution of panels, procedures before and after the hearing, decision making, effective questioning

2009 - The revised School Admission Appeals Codes, fair oversubscription criteria and the Kent 11+ selection procedure. Chairmen training included roles and responsibilities, preparation for the hearing and decision making.

2010 – The decision making process, new proforma for recording hearings, KS1 appeals and a presentation from the Local Government Ombudsman.

Training was held for new Appeal Panel Members including an overview of Education in Kent, the Admission and Appeals Codes, the appeal hearing, effective questioning and the decision making process.

2011 - The decision making process, questioning and time management, the new in year admission process, online admissions and the equalities act.

Clerks have also received the following training:

2008 - The new School Admission Appeals Code, management of the hearing and a newly developed Clerks information pack.

2009 - Training on panel administration

2010 – The Appeals Code, Clerk's role, decision making and a new proforma for recording decisions. Training for new clerks included an overview of education in Kent, the Admission and Appeals Codes and use of an agreed proforma to record decisions.

2011 - The decision making process, management of the appeal hearing, the new in year admission process, online admissions and the equalities act.

The issues identified in your report have already been targeted again as key areas to include in the 2012 training programme.

- Instruct its Legal and Democratic Services Section to stop sending Appeal Panel decision letters with the Clerks' facsimile signatures and ensure that any letter that it prepares on behalf of the Panel is the one selected by the Panel.

We are of the view that the Admissions Appeals Code definition of the role of the clerk is ambiguous in places and therefore open to interpretation. There are functions attributed to the clerk to the panel which are clearly the responsibility of those carrying out the administration of the appeals as opposed to the individual clerks specific responsibility for the management of the appeals that they are clerking on the day. Examples of this are found in paragraph 1.3 which states the *clerk must appoint the members to each panel* and also paragraph 2.21 which states that *it is the clerks role to send out appeal papers to the appellants, presenting officers and panel members*. The responsibilities described in both of these paragraphs are carried out by the Council's appeal panel administrators and not the individual clerks as it would be impractical for them to do so. Your investigators are aware of this but have chosen not to criticise this practice even though paragraph 1.3 is mandatory in its statement that it is the **clerk**. In our view the clerks signature of the letters should be considered in the same manner.

Kent employs external clerks during the busy appeals period and there are several reasons why your recommendation is not practical given the complexity and volume of the appeals administered and they are as follows:

- Because of the huge volume of appeals we in Kent have to deal with we use Impulse, which is an internal on-line database, and decision letters are generated via this system, to which external clerks do not have access.
- Occasionally clerks do select the wrong letter but excepting in the current case invariably on these rare occasions this is picked up by the Appeal Panel Administrators who are able to liaise with the clerk and send out the correct one.
- When letters are sent out by the Appeal Panel Administrators they are normally checked by two people. If a clerk was to do this from home that would be less likely to happen.
- Some clerks might not have access to a suitable printer.
- It is possible that holding letters would have to go out as there could be a delay with clerks sending out their own letters and undertaking the clerking of appeals. Who would be responsible for signing the holding letter?

We are, however, already looking at the glossary letters used by the Appeals Team to make these easier for clerks to identify.

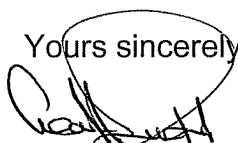
The clerks currently liaise with the Panel Chairman to confirm the Panel's decision and the reasons behind it. The clerks then identify the appropriate glossary letter to be used and email this information to the Appeal Panel Administrators on a template.

We propose that the clerk signs an endorsement to the template stating "Please send this letter (Glossary XXX) agreed by the Panel and signed on my behalf". The clerk will then return the signed confirmation to the appeal panel Administrators.

It is intended that these proposals will be submitted to a future meeting of the County Council's Governance and Audit Committee for endorsement.

The Council hopes in this letter that it has fully addressed the findings of your investigation but please do not hesitate to contact me should you require any further information or clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Geoff Rudd', is written over the closing 'Yours sincerely'.

Geoff Rudd
Assistant Democratic Services Manager

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From: Alex King – Deputy Leader
Peter Sass – Head of Democratic Services

To: County Council – 17 May 2012

Subject: Petition Scheme Debates

Classification: Unrestricted

Summary: Details of a Petition received which will be the subject of a debate in accordance with the County Council's Petition Scheme.

Introduction

1. (1) In accordance with the Petition Scheme agreed at the County Council meeting on 22 July 2010, any petition on a County Council matter relating to a specific District Council area that has more than 1,000 signatures will trigger a debate at County Council.

(2) The process for the each debate is that the Lead Petitioner(s) will be invited to speak to the petition for up to 5 minutes in total. There will then be a debate of up to 35 Minutes (with each Member speaking for 3 minutes) before the Cabinet Member is invited to respond for a maximum of 5 minutes. As the subject matters for these petitions relate to matters that are the responsibility of the Council's Executive, the County Council may decide whether to make a recommendation to the relevant Cabinet Members to inform the decision-making process.

Petition - Requesting the County Council to install a pedestrian crossing, either a Pelican crossing or other type if deemed more suitable, on St. Stephen's Hill, Canterbury to increase the safety of students and others crossing on this stretch of road.

2. (1) The above E-Petition has been available on KCC's website for signature since 8 March 2012 and was due to close on 7 June 2012. However, the petition attracted 1,141 signatures by 9 May 2012 and therefore has triggered a County Council Debate. A statement from the Lead Petitioner, Mr Buckland is attached (**Appendix 1**) and Mr Buckland will also be speaking to the petition.

(2) A briefing report from the Cabinet Member for Environment, Highways and Waste in relation to the petition is attached (**Appendix 2**).

Recommendation

3. The County Council is invited to respond to the Cabinet Member for Environment, Highways and Waste in relation to this Petition.

Background Documents: None

Peter Sass
Head of Democratic Services
01622 694002

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Written submission for e-petition - Pedestrian crossing on St. Stephen's Hill, Canterbury

The recent fatality on St. Stephen's Hill has highlighted the danger that pedestrians have to face crossing on this stretch of road. Hundreds of students and others cross at this point every day on their way to and from the university. It is only a matter of time before another accident happens. A Pelican crossing is desperately needed to aid crossing and stop traffic from hurting down the hill.

Dangers and Problems of crossing on St. Stephen's Hill:

1. This is a main road and at peak times pedestrians can wait for a very long time before a gap in the traffic appears. This makes them more likely to cross when it is not safe to do so, greatly increasing the chance of an accident.
2. Despite the speed bumps, traffic often travels at a high speed up and down the hill.
3. At the South end of the hill there is a blind corner with a junction (onto Downs Road) where many accidents have taken place due to vehicles not seeing the junction in time and braking too rapidly or vehicles pulling out in front of fast moving traffic and cycles coming down the hill.

Possible arguments against a crossing and their refutation:

1. *'Due to the blind corner and high speed of traffic, putting in a Pelican crossing would be dangerous.'*

The ideal place for the crossing is directly opposite the steps that go up to the university. At this point there would be a clear view of the crossing ahead due to the straight stretch of road coming down the hill. Going up the hill traffic is on the outside of the corner, giving a wide view of what is ahead and it also generally travels more slowly, meaning there is plenty of time to see a crossing. In addition to this good signage refutes this argument completely.

2. *'If the university closes the steps a crossing would be pointless.'*

This is clearly wrong as even if the steps were closed people would still need to cross the road. It happens that the pavement on the East side stops directly opposite the steps, so this would still be the ideal place for a crossing.

3. *'A foot bridge would be a much safer and better option.'*

It is true that a footbridge would be safer if people always used it, but as any urban designer will tell you, people are lazy and will take the shortest route available to them, especially after just climbing a steep hill. People would not always use a bridge and drivers would take less care to look out for pedestrians. Putting in railings would just make people cross lower down in a much more dangerous place.

Conclusion

A Pelican crossing is vitally needed here before another accident occurs. It would make crossing safer and easier and reduce accidents on the junction with Downs Road by slowing traffic descending the hill. Please take action before another young person loses their life.

Bruce Buckland

By: Mike Austerberry – Corporate Director of Enterprise & Environment
To: County Council – 17 May 2012
Subject: St. Stephens Hill, Canterbury Petition for the Installation of a Pedestrian Crossing

Classification: Unrestricted

1. Background

On Thursday 23 February 2012 a student from the University of Kent was fatality injured as a result of a road traffic crash when crossing St. Stephen's Hill in Canterbury. In response to this incident an e petition was raised on the County Council's web site requesting the Council install a pedestrian crossing on St. Stephen's Hill, Canterbury to increase the safety of students and others crossing on this stretch of road. The e petition began on 8 March 2012 and is due to close on 7 June 2012. So far 1139 people have signed the petition and under current procedures when an e-petition reaches 1000 signatures a full council debate should be held on the issue.

2. Locality

St Stephens Hill (C192) runs from St Stephens to Tyler Hill in Canterbury and links the University, City Centre and village of Chestfield. Traffic from the towns of Whitstable and Herne Bay use the route to the city centre. The road carries around 9,000 vehicles per day. The main University campus lays to the west adjacent of St Stephens Hill and there is a pedestrian entrance accessed directly off the road. Many students live to the east of St Stephens Hill in the residential area know as Hales Place which generates a significant pedestrian demand to cross the road between Downs Road and the pedestrian access steps leading to Rutherford College a distance of approximately 120 metres.

St Stephen's Hill was traffic calmed in 2002 by installing speed cushions and the 30mph speed limit was extended to north of its junction with Giles Lane and street lighting provided.

3. Road Safety Record

A previous petition was submitted in 2006 from students of Kent University requesting safety measures (mainly a pedestrian crossing) along St Stephens Hill following a crash involving a cyclist which at the time was cited as being a fatality. Police crash records did not show any fatal crashes at this location around this time. There were two serious incidents recorded, but both with extenuating circumstances, i.e. drugs/alcohol impairment and exceeding the speed limit. Neither of these incidents involved pedestrians. The petition was reported to the local Joint Transportation Board (JTB) on 18 July 2006.

The current personal injury crash record along St Stephens Hill between Downs Road and Giles Lane show that five crashes have resulted in personally injury in the last three years up to the end of 2011. This currently excludes the recent fatality as the County Council's records only include crashes that have been fully investigated by Kent Police and validated by the County Council. None of these previous incidents have involved pedestrians.

4. Recent Fatality

On Thursday 23 March a 20 year old female pedestrian was tragically killed crossing St Stephens Hill as a result of a road traffic crash. Kent Police are currently carrying out a full investigation in to this fatality and they do not expect the results of this investigation to be concluded until the middle of June at the earliest.

5. University of Kent

The University of Kent has contacted the County Council to arrange a meeting to discuss the possibilities of amending the pedestrian access along St Stephens Hill as their current arrangement of steps is not in line with current legislation for accessibility for all, and they are looking to replace the steps with a ramp. As part of the meeting it has been agreed to discuss opportunities for improving pedestrian safety along St Stephens Hill. A verbal update will be given to the County Council meeting on the outcome of this meeting.

6. Discussion

If a formal pedestrian crossing was to be installed in this location a traffic signal controlled crossing (Pelican) would be required. This is due to the nature of the pedestrians crossing in waves, the need to minimise traffic congestion and to comply with visibility requirements. The current estimated cost would be in the region of £50,000 to £60,000 but a full detailed design would be required to confirm the exact cost.

The County Council funds road improvements such as pedestrian crossings from its Integrated Transport Programme for Kent. The current 2012/13 budget for these improvements stands at £4.3m and is allocated to a number of schemes in Kent which address recorded road safety problems, reduce traffic congestion and assist public transport, walking and cycling.

Road safety improvements are funded from this same budget and are currently prioritised in terms of the reduction in crashes a scheme can be anticipated to achieve. As none of the injury crashes in the previous three years along St Stephens Hill involved pedestrians, the installation of a crossing would not have a received a high enough priority for inclusion in the current Integrated Transport Programme for Kent.

7. Background Documents

E-Petition to Kent County Council

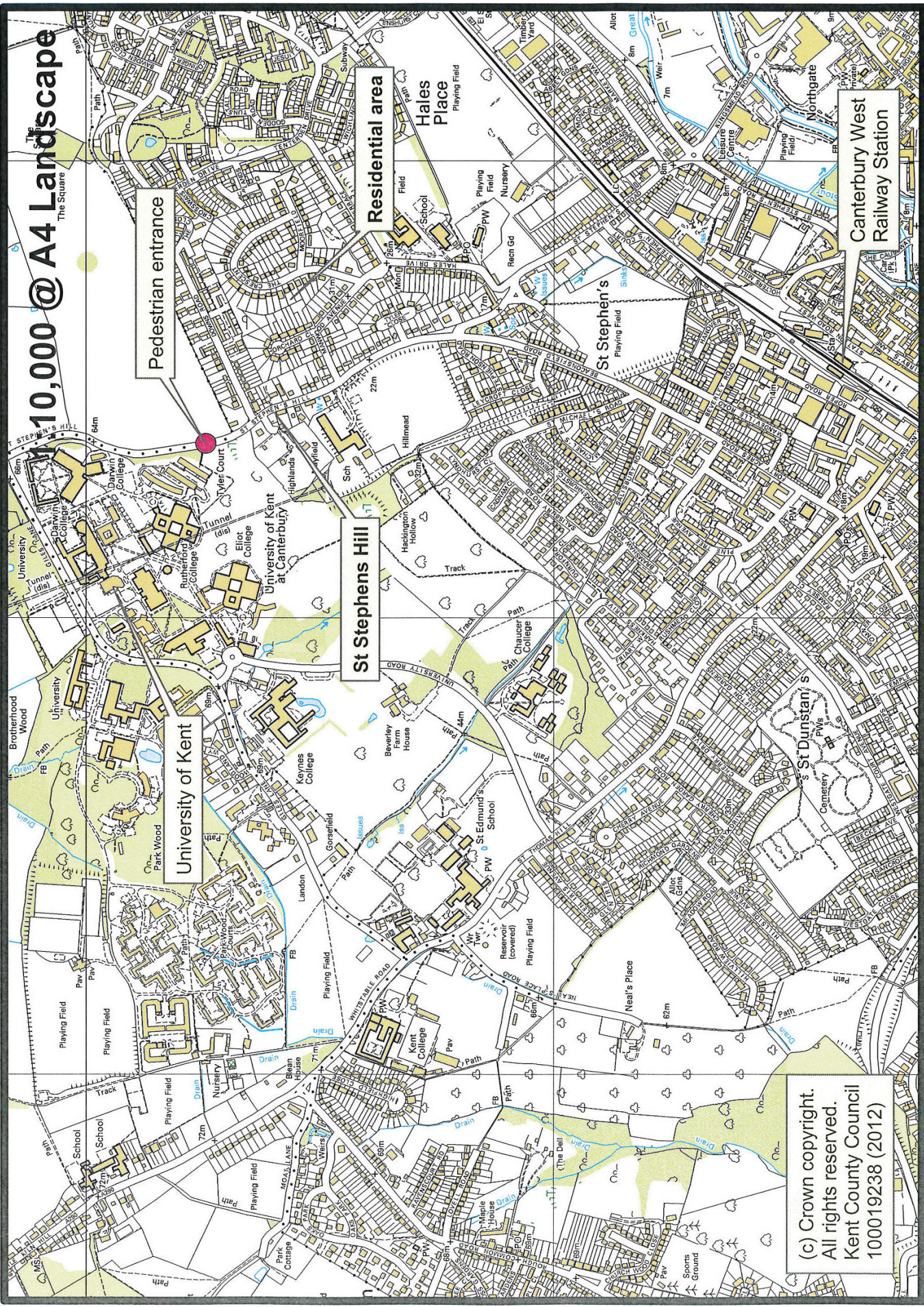
<https://democracy.kent.gov.uk/mgEPetitionDisplay.aspx?ID=186&RPID=4204667&HPID=4204667>

8. Contact details

Andy Corcoran
Member Highway Fund & Traffic Schemes Manager
andy.corcoran@kent.gov.uk
01233 648302

10,000 @ A4 Landscape

The Square



Pedestrian entrance

Residential area

Hales Place

Canterbury West
Railway Station

St Stephens Hill

University of Kent

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Kent County Council
100019238 (2012)

KENT COUNTY COUNCIL**GOVERNANCE AND AUDIT COMMITTEE**

MINUTES of a meeting of the Governance and Audit Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 18 April 2012.

PRESENT: Mr M V Snelling (Vice-Chairman, in the Chair), Mr N J D Chard (Substitute for Mr C T Wells), Mr A R Chell, Mr B R Cope, Mr K A Ferrin, MBE, Mr M J Harrison (Substitute for Ms A Hohler), Mr C Hibberd, Mr R F Manning (Substitute for Mr R L H Long, TD), Mr R A Marsh, Mr M J Northey (Substitute for Mr D A Hirst), Mr R J Parry, Mr T Prater and Mr R Tolputt

ALSO PRESENT: Mr A H T Bowles, Ms S J Carey, Mr P B Carter, Mr R W Gough, Mr J D Simmonds.

OFFICERS: Mr A Wood (Corporate Director of Finance and Procurement), Ms A Mings (Treasury & Investments Manager), Ms N Major (Interim Head of Internal Audit), Mr G Wild (Director of Governance and Law), Mr R Hallett (Head of Finance and Resources - EHW), Mr M Hardie (Interim Senior Risk Manager), Mrs A Beer (Corporate Director of Human Resources), Mr D Whittle (Head of Policy and Strategic Relationships) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mr D Wells and Ms E Olive from the Audit Commission.

UNRESTRICTED ITEMS**1. Minutes - 29 November 2011**

(Item 4)

RESOLVED that the Minutes of the meeting held on 29 November 2011 are correctly recorded and that they be signed by the Chairman.

2. Committee Work Programme

(Item 5)

(1) The Interim Head of Internal Audit presented a forward work programme to the Committee for approval.

(2) RESOLVED that the forward work programme be agreed for the period up to April 2013.

3. Member Development Programme

(Item 6)

(1) The Interim Head of Internal Audit provided an update on the introduction of the training programme.

(2) The Committee agreed to receive a report on the proposed Member Development Programme for the Committee following the local government elections in 2013. This would be considered at the first meeting of the Committee in 2013.

- (3) RESOLVED that approval be given to:-
- (a) the continuation of a training programme during 2012-13;
 - (b) the inclusion of risk management training just before the September 2012 Committee meeting and training on the role of a governance and audit committee before the first meeting after the local government elections in 2013;
 - (c) training sessions through the Financial Management Development programme on areas relevant to the Governance and Audit Committee; and
 - (d) a further report to the first meeting of the Committee in 2013 on the proposed Member Development Programme for the Committee following the local government elections in May 2013.

4. Corporate Risk Register

(Item 7)

(1) The Cabinet Member for Business Strategy, Performance and Health Reform and the Acting Head of Business Intelligence, Performance and Risk reported the development and management of the County Council's Corporate Risk Register. This was the mechanism for ensuring that Risk Management and Internal Control Systems were in place that were adequate for purpose and that they were effectively and effectively operated.

(2) The Committee noted the work being undertaken to accelerate the release of data through the use of technology and asked the Acting Head of Business Intelligence, Performance and Risk to send the updated version of the Corporate Risk Register to all Members of the Committee as soon as it was finalised.

(3) The Committee asked for the corporate risk to the authority through the impact of the deletion of the Group Managing Director post to be incorporated into the Register.

(4) RESOLVED that:-

- (a) the assurance provided in relation to the development and maintenance of the Corporate Risk Register appended to the report be noted; and
- (b) the Acting Head of Business Intelligence, Performance and Risk be requested to give consideration to incorporating the risk to the County Council through the impact of the deletion of the Group Managing Director post into the Register.

5. Treasury Management Quarterly Report

(Item 8)

(1) the Cabinet Member for Finance and Business Support and the Treasury and Investments Manager gave an update on treasury management issues.

(2) Mr K A Ferrin moved, seconded by Mr R Tolputt that the Cabinet Member for Finance and Business Support and the Corporate Director of Finance and Procurement be requested to review whether Santander UK should be on the approved list for deposits.

Carried 8 votes to 1

(3) RESOLVED that:-

(a) the report be noted for assurance; and

(b) the Cabinet Member for Finance and Business Support and the Corporate Director of Finance and Procurement be requested to review whether Santander UK should be on the approved list for deposits.

6. Update on Savings Programme

(Item 9)

(1) The Corporate Director of Finance and Procurement reported the current position in respect of the Savings Programme. He updated the forecast underspend figure for 2011-12 (set out in paragraph 1.1 of the report) to £14.3m.

(2) RESOLVED that the report be noted for assurance.

7. Update on Change to Keep Succeeding

(Item 10)

(1) The Cabinet Member for Business Strategy, Performance and Health reform and the Corporate Director Human Resources gave an update on the "Change to Keep Succeeding" programme of organisational change. The report covered progress on populating the senior level of the new operating framework, the changes to staffing across the Authority since April 2011 and other key organisational development activity.

(2) The Corporate Director Human Resources informed the Committee of the appointment of Mr Ian McPherson to the post of Director of Commercial Services. She agreed to provide Members of the Committee with the details of Mr McPherson's professional career.

(3) In discussion, Members of the Committee asked for greater stress to be placed on encouraging staff to attach photographs to their KNET details and to identify a colleague as an alternative person to contact when they were not available.

(4) RESOLVED that the report be noted for assurance.

8. Statements of Required Management Practice (SORPs)

(Item 11)

(1) The Cabinet Member for Business Strategy, Performance and Health Reform and the Head of Policy and Strategic Relationships, Business Strategy outlined

progress to date on the development of SORPs. This suggested a shift in approach from the lengthy SORP documents that set standards to light-touch and practical guidance to support managers.

- (2) The Committee agreed to receive annual updates on progress.
- (3) RESOLVED that agreement be given to:-
 - (a) the proposed shift in approach to developing management guidance for staff;
 - (b) the proposed light-touch approval process for signing off the content of the new management guidance; and
 - (c) continuing oversight through an annual report on the development and roll out of management guidance to staff.

9. Review of the Code of Corporate Governance

(Item 12)

- (1) The Director of Law and Governance reported a revised Code of Corporate Governance as well as other actions arising out of the 2010/11 Corporate Governance Audit.
- (2) RESOLVED that:-
 - (a) the draft revised Code of Corporate Governance (set out in Appendix 1 of the report) for submission to the County Council for consideration and final approval; and
 - (b) the position in relation to the additional actions recommended following the 2010/11 Corporate Governance Audit be noted.

10. Internal Audit Progress Report

(Item 13)

- (1) The Head of Internal Audit summarised the outcomes of Internal Audit activity since the previous Committee meeting in November 2011.
- (2) RESOLVED to note:-
 - (a) the amendments to and progress against the 2011/12 Audit Plan; and
 - (b) the assurance provided in relation to the County Council's control environment as a result of the outcome of Internal Audit work completed to date.

11. Internal Audit Strategy and Annual Audit Plan 2012/13

(Item 14)

- (1) The Interim Head of Internal Audit detailed the Internal Audit Strategy and Annual Audit Plan for 2012-13.
- (2) RESOLVED that the proposed Internal Audit Strategy and Annual Plan 2012/13 be agreed as appended to the report.

12. Audit Commission Certification of Claims and Returns Annual Report

(Item 15)

- (1) Ms E Olive from the Audit Commission summarised its work on the certification of funding received by the County Council from government grant-paying departments.
- (2) RESOLVED that the report be noted for assurance.

13. Audit Commission Report on Objection to 2010/11 Accounts

(Item 16)

- (1) Mr D Wells from the Audit Commission reported his conclusions on the formal objection to the 2010-11 Accounts. He said that he had not upheld the objection and that there was no evidence of fraud or misuse of public funds. He set out the report's two recommendations which were that the County Cars policy should be reviewed to consider and clarify "private use" and journeys from "home to County Hall" taking advice received from HMRC; and to consider including the cost of the County cars within the total costs of member allowances published on the Council website and within its annual statement of accounts.
- (2) Mr P B Carter was present for this item pursuant to Committee Procedure 2.24 and spoke. He made a declaration of Personal Interest in that the formal objection had included reference to the fact that he had on rare occasions, following the completion of Council business whilst using the County Car service, used the County Car for minor diversions in connection with his private business. He reported the Administration's work to date and its intended future approach towards implementing the recommendations contained in the Audit Commission report.
- (3) Mr K A Ferrin moved, seconded by Mr R A Marsh that the findings in the Audit Commission's report be noted.

Carried 12 votes to 1

- (4) RESOLVED that the findings in the Audit Commission's report be noted.

14. Audit Commission Audit Opinion Plans 2011/12 (Kent County Council and Kent Superannuation Fund)

(Item 17)

- (1) Ms E Olive from the Audit Commission set out the proposed work of the Audit Commission which would enable them to give an audit opinion on the County Council's 2011/12 financial statements, including the Kent Superannuation Fund.

- (2) RESOLVED that approval be given to the Audit Commission's Audit Plans for Kent County Council and the Superannuation Fund for 2011/12.

15. Revised accounting policies

(Item 18)

- (1) The Corporate Director of Finance and Procurement reported the amendments that were needed in respect of accounting for heritage Assets and the Carbon Reduction Commitment Energy Efficiency Scheme.
- (2) RESOLVED that approval be given to the additions and amendments to the accounting policies as set out in the report.

16. Anti-Fraud and Corruption Progress Report

(Item 19)

- (1) The Interim Head of Internal Audit provided a summary of the progress of anti-fraud and corruption activity as well as the outcome of irregularity investigations concluded since the previous Governance and Audit Committee meeting in November 2011. She updated the Committee on the conviction of Mr Ross Knowles for Fraud and on the new Government Strategy Document "Fighting Fraud Locally" which would underscore Internal Audit's work.
- (2) RESOLVED to note:-
- (a) the progress of anti-fraud and corruption activity; and
 - (b) the assurance provided in relation to anti-fraud culture and fraud prevention/investigation activity.

17. Audit Commission progress report on appointment of External Auditor

(Item 20)

- (1) Mr D Wells from the Audit Commission gave an update on the outsourcing of audit services by the Audit Commission. Seventy per cent of the audits of principal bodies currently delivered by the Audit Commission's in house audit practice had been put out to tender and the contract for the London (South), Surrey and Kent area had been awarded for a period of five years to Grant Thornton LLP.
- (2) RESOLVED that the Audit Commission's award of the audit contract for the London (South), Surrey and Kent region for 2012/13 and subsequent years to Grant Thornton LLP be noted.

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 13 March 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr S C Manion, Mr R F Manning, Mr M B Robertson, Mrs E M Tweed and Mr A T Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr J Moat (Planning Officer), Mr R White (Development Planning Manager), Mr A Tait (Democratic Services Officer) and Mr R Mansfield (Jacobs – Noise Consultants).

UNRESTRICTED ITEMS

14. Membership

(Item A1)

The Committee noted that Mrs E M Tweed had replaced Mr R A Pascoe

15. Minutes - 14 February 2012

(Item A4)

RESOLVED that the Minutes of the meeting held on 14 February 2012 are correctly recorded and that they be signed by the Chairman.

16. Site Meetings and Other Meetings

(Item A5)

- (1) The Committee confirmed arrangements for the site meeting at Cryalls Lane, Sittingbourne on Wednesday, 4 April 2012. A decision on whether to hold an additional public meeting would be taken after the site meeting had been held.
- (2) The Committee noted that the site visit to the land off Pluckley Road, Charing scheduled to be held on Tuesday, 10 April 2012 might not take place. The Committee Members would be informed separately of the final arrangements.

17. National Planning Policy Framework

(Item)

The Head of Planning Applications Group informed the Committee that the National Planning Policy Framework was due to be published in the very near future. An electronic copy would be sent to all Members of the Committee and nominated substitutes at the earliest opportunity in order that its provisions could inform the Committee's decision making at its next meeting.

18. Application SW/11/1227 (KCC/SW/0419/2011) - Change of use of land to undertake Waste Electrical and Electronic Equipment (WEEE) recycling activities, construction of storage facilities and variation to previously permitted hours at SWEEP Kuusakoski Ltd, Gas Road, Sittingbourne; SWEEP Kuusakoski Ltd

(Item C1)

(1) Mr R Mansfield from Jacobs, the Authority's Noise Consultant was present for this item and answered questions from Members of the Committee.

(2) The Head of Planning Applications Group reported correspondence from Swale Borough Council raising no objection to the amended application subject to appropriate Noise Controls.

(3) RESOLVED that permission be granted to the application subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; a cap of 46,000 tonnes per annum of waste electrical and electronic equipment (WEEE) being processed at the facility; a daily cap of 50 HGV movements (25 in, 25 out) per day; site operations only taking place between the hours of 0600 on Monday and 0600 on Sunday, with maintenance work only (as necessary) taking place between 0600 on Sunday and 0600 on Monday; a restriction of HGV movements to and from the site to between 0600 and 2300 on Monday to Friday, 0600 and 1800 on Saturdays, with no movements outside these periods; noise controls, as set out in paragraph (17 parts (i) and (ii)) of the report; car parking within "Area C" being retained in perpetuity for staff and visitor parking associated with the facility; details of fencing, gates and associated visibility splays into Area C being submitted for approval prior to their erection on site and before the first use of the car parking area hereby permitted; details of any new or realigned vehicular access points (including associated visibility splays) into Areas A or B being submitted for approval; methods being installed on site to control the transfer of mud and debris to the public highway; "Area C" only being used for the purposes of car parking and storage, with no processing taking place on that land; the submission of a Flood Evacuation Plan for approval; details of a surface water drainage scheme being submitted for approval prior to commencement of development on "Area C"; details of a buffer zone along Milton Creek and "Area C" being submitted for approval prior to commencement of the development; ground contamination; and hazardous waste storage only taking place in those areas of the site identified to be at the lowest risk of flooding.

19. Proposal SW/12/92 (KCC/SW/0009/2012) - Retrospective application for the removal of fencing and replacement with timber palisade fencing at Tunstall CEP School, Tunstall Road, Sittingbourne; Governors of Tunstall CEP School

(Item D1)

(1) Mr A T Willicombe informed the Committee that he was acquainted with the objectors in his capacity as the Local County Councillor. None of these acquaintanceships constituted a close personal relationship and he was therefore able to approach the determination of this proposal with a fresh mind.

(2) Correspondence from Mrs T Mills objecting to the proposal had been circulated to all Members of the Committee before the meeting. In addition, a photograph provided by Mrs Mills was placed on display in the Council Chamber and was referred to in the Head of Planning Applications Group's presentation to the Committee.

(3) The Head of Planning Applications Group reported comments from a Mrs A Spicer, a local resident objecting to the proposal.

(4) The Committee agreed to amend the recommendations of the Head of Planning Applications Group by the inclusion of an additional Informative reminding the applicants that they should engage with the local community and interested parties on planning matters.

(5) On being put to the vote, the amended recommendations of the Head of Planning Applications Group were carried by 11 votes to 3 with 1 Abstention.

(6) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including the standard time limit condition for implementation; and the development being completed in accordance with the approved plans; and
- (b) the applicant be advised by Informative: -
 - (i) that maintenance of the fencing should take place in order to keep the fencing tidy and in good repair in order to avoid it damaging the setting of the Listed Building and character and appearance of the Conservation Area;
 - (ii) of the additional planning controls that apply to developments affecting Listed Buildings and Conservation Areas; and
 - (iii) that they should engage with the local community and interested parties on planning matters.

20. Matters dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments (None);
- (c) County Council developments;

- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 10 April 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr J F London, Mr S C Manion, Mr R F Manning, Mr M B Robertson, Mrs E M Tweed and Mr A T Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Ms A H Hopkins (Principal Planning Officer - Enterprise and Environment), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

21. Minutes - 13 March 2012

(Item 4)

RESOLVED that the Minutes of the meeting held on 13 March 2012 are correctly recorded and that they be signed by the Chairman.

22. Site Meetings and Other Meetings

(Item A4)

The Committee noted that the site visit to Pluckley Road, Charing had been cancelled and agreed not to hold a public meeting to compliment the recent site visit to Cryalls Lane, Sittingbourne.

23. Publication of the National Planning Policy Framework (Oral Report)

(Item B1)

(1) The Head of Planning Applications Group gave a presentation on the National Planning Policy Framework. This covered amongst other matters, the purpose of planning, the delivery of sustainable development, the key planning roles, and the core planning principles.

24. Application DO/11/570 - Erection of light industrial building for the storage and sortage of non-ferrous metals at Former Corporation Yard, Western Road, Deal; E H Churley

(Item C1)

(1) Mr Ian Killbery, a local resident addressed the Committee in opposition to the application. Mr Clive Tidmarsh from "Designs" spoke in reply on behalf of the applicant.

- (2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee added conditions requiring the doors of the building to be shut during unloading operations and restricting the size of the lorries collecting the materials to those specified in the application.
- (3) RESOLVED that permission be granted to the application for the erection of a building for the sorting and storage of non - ferrous metals subject to conditions, including conditions covering the development being carried out as set out in the approved plans; hours of operation (construction and operational); the number of vehicle movements; volumes of throughput of materials; details of levels of the building; details of a flood damage prevention scheme; a detailed surface water drainage scheme to accommodate the mitigation of potential impacts on groundwater; a contamination risk assessment and remediation strategy; noise levels; the provision and retention of parking spaces for vehicles and covered cycle spaces; the safeguarding of vehicle turning areas; all material being tipped, salvaged and sorted within the building (and its doors remaining closed during unloading operations); no external storage of waste materials; the provision of loading/unloading and turning space for construction vehicles within the site during the construction period; parking for visitors and staff on site during the construction period; a detailed scheme of wheel wash facilities for the period of construction; and a restriction on the size of the lorries collecting the materials to those specified in the application.

25. Application AS/11/981 (KCC/AS/0365/2011) - Redevelopment of Household Waste Recycling Centre and construction of Waste Transfer Station at KCC Household Waste Recycling Centre, Brunswick Road, Cobbs Wood Industrial Estate, Ashford; KCC Waste Management Group
(Item C2)

- (1) The Head of Planning Applications Group reported correspondence from Mouchells on behalf of the applicants objecting to three of the proposed conditions. In particular, it asked the Committee to permit operations to commence on site before work on the highway improvements had commenced. The Committee decided that the conditions would stand as recommended.
- (2) RESOLVED that permission be granted to the application subject to conditions including conditions covering the development not commencing on site until the highway improvements to the junction of Brunswick Road and Chart Road (as indicated on drawing number 1035787-PR-100-001 Rev A) have been commenced; use of the development not commencing until the highway improvements to the junction of Brunswick Road and Chart Road (as indicated on drawing number 1035787-PR-100-001 Rev A) have been completed to an adoptable standard; the development commencing within 5 years; the development being carried out in accordance with the submitted plans and any subsequently approved in order to comply with the conditions attached to the Permission; the applicant providing written confirmation of the start date on site; the submission for approval of details of external materials; the

submission for approval of details of foul and surface water drainage, including a Sustainable Urban Drainage Scheme; the submission for approval of details of all external lighting; the submission for approval of details of all fencing and boundary treatment, including any retaining walls; the submission of a ground investigation report together with details for approval of any necessary remediation works; the submission for approval of a site waste management plan (including the dust and odour controls to be employed); the submission for approval of details of sustainable design and construction measures; the submission for approval of details of the method of construction statement, including details of the site compound, parking, access arrangements and storage of materials during construction; the implementation of a programme of archaeological work; the implementation of the mitigation measures proposed within the ecological survey; the construction operations being carried out in accordance with the precautionary measures detailed within the planning statement; precautions to guard against the deposit of mud on the highway; controls on the hours of operation during the construction period; the provision of access arrangements, vehicle parking and surface water drainage in accordance with the submitted plans; the provision of cycle parking; controls on the new access to ensure that HGVs enter and leave the site to the north-east; controls on the total combined waste throughput (to a maximum of 100,000tpa); controls on the overall number of HGV movements (to those applied for); all waste associated with the Transfer Station being loaded, unloaded, sorted and stored within the building; all biodegradable waste being removed within 48 hours of its arrival on site; controls on the hours of operation for the Waste Transfer Station (WTS); controls on the hours of operation for the Household Waste Recycling Centre (HWRC); controls on the noise to ensure that the rating noise level for the site does not exceed background noise at the nearest residential property; the entrances to the site being secured outside operational hours; HGV's leaving the site being sheeted or netted; use of the new access being restricted (except for site personnel) to commercial vehicle movements (HGVs and RCVs) in connection with the WTS; no HGVs entering the site via the HWRC access; the maintenance of visibility splays at the new access; any unauthorised material deposited on site being removed to an authorised waste disposal facility within 48 hours; and the terms of the planning permission being made known to any person(s) given responsibility for the management of the site.

26. Proposal DA/12/14 (KCC/DA/0537/2011) - redevelopment of existing school site including the erection of a 2-storey Academy building at Wilmington Academy, Common Lane, Wilmington; KCC Property and Infrastructure
(Item D1)

RESOLVED that:-

- (a) the proposal be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan on Green Belt grounds and that, subject to his decision permission be granted subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used

externally; details of all external lighting, including during hours of operation; control of noise from fixed plant; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; a habitat management plan/biodiversity enhancement strategy, including monitoring and management; protection of badgers from construction activities; the submission of a Reptile Survey and subsequent mitigation; no tree removal taking place during the bird breeding season; the development according with the recommendations of the ecological survey; the development being carried out in accordance with the details of fencing, gates and means of enclosure, including colour finishes, as detailed within the application; archaeological works including an historic landscape assessment (to include the wall to be demolished); details of foundation designs and below-ground excavations; and a programme of archaeological works; protection of the bridge abutment throughout the period of construction works; the demolition of all buildings proposed to be demolished prior to occupation of the development; Secured by Design principles being adopted; a BREEAM rating of 'Very Good' being achieved; details of community use relating to use of the indoor and outdoor facilities, including hours of use; the submission of an updated Travel Plan within six months of occupation, and its ongoing monitoring and review thereafter; the provision and retention of car parking, coach parking/waiting, cycle parking, access, circulatory routes and turning areas; the development to be carried out in accordance with the Flood Risk Assessment; further works with regards to contaminated land; control of surface water drainage; noise restrictions on fixed plant; hours of working during construction and demolition being restricted to between 0800 and 1800 hours on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management strategy, including access, lorry routing, parking and circulation within the site for contractors' and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway; and

- (b) the applicant be advised by Informative that:-
- (i) account should be taken of the Environment Agency's advice relating to drainage and soakaways, contamination, watercourses and fuel/chemical storage; and
 - (ii) replacement woodland planting should be provided at the site, should funds become available;

27. Proposal SH/12/109 (KCC/SH/0543/2011) - New modular two classroom building. additional car parking, fencing, fire access road and relocation of existing poly tunnel at Highview School, Moat Farm road, Folkestone; KCC Property and Infrastructure
(Item D2)

- (1) The Committee agreed by 10 votes to 4 that the permission would be granted for a four year period rather than the five years recommended.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the required removal of the double modular building from the site no later than four years from the date of the permission; the building being finished in light grey to match the adjoining building; fencing; provision and retention of the 8 additional car parking spaces; and a revised school travel plan being submitted for approval.

28. Matters dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments (None);
- (c) County Council developments;
- (d) Screening Opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping Opinions under Environmental Impact Assessment Regulations 1999 (None).

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KENT COUNTY COUNCIL

SUPERANNUATION FUND COMMITTEE

MINUTES of a meeting of the Superannuation Fund Committee held in the Medway Room, Sessions House, County Hall, Maidstone on Friday, 2 March 2012.

PRESENT: Mr J E Scholes (Chairman), Cllr J Burden, Mr D C Carr, Mr D S Daley, Mr J A Davies, Mrs J De Rochefort, Mr N Eden Green, Mr M J Jarvis, Mr J F London, Mr R A Marsh, Mr S Richards, Mr M V Snelling and Mrs M Wiggins.

IN ATTENDANCE: Mr A Wood (Corporate Director of Finance and Procurement), Mr N Vickers (Head of Financial Services), Mrs S Surana (Senior Accountant - Investments), Mr S Tagg (Deputy Pensions Manager), Mr G Rudd (Assistant Democratic Services Manager) and Mr A Ballard (Democratic Services - Business Support Officer).

UNRESTRICTED ITEMS

A. COMMITTEE BUSINESS

8. Minutes

(Item A3)

Resolved that the minutes relating to the unrestricted items of the meeting held on Friday, 10 February 2012 are correctly recorded and that they be signed by the Chairman.

C. MATTERS FOR REPORT/DECISION BY THE COMMITTEE

9. Minutes

(Item C1)

Resolved that the exempt minutes of the meeting held on Friday, 10 February 2012, are correctly recorded subject to the resolution in paragraph 5 (1) being amended to read Head of Financial Services reporting to the Committee, and that they be signed by the Chairman.

10. GMO

(Item C2)

Mr A Hene, Mr N Bashir & Ms H Wiley of GMO were in attendance for this item in order to give a presentation and answer questions from the Committee members.

11. Barnett Waddingham - Local Government Pension Scheme

(Item C3)

(1) Mr G Muir of Barnett Waddingham was in attendance for this item in order to give a presentation and answer questions from Committee Members.

(2) RESOLVED that the report be noted.

12. Fund Structure

(Item C4 - Report by the Chairman of the Superannuation Fund Committee and the Corporate Director Finance and Procurement).

The Committee agreed a number of issues relating to the structure and management of the fund.

D. MATTERS FOR REPORT/DECISION BY THE COMMITTEE

13. External Audit

(Item D1 - Report by the Chairman of the Superannuation Fund Committee and the Corporate Director Finance and Procurement).

(1) Mr D Wells and Ms E Olive of the Audit Commission were in attendance for this item in order to give a presentation and answer questions from Committee Members.

(2) The Committee RESOLVED that the report be noted.

14. Treasury Strategy

(Item D2 - Report by the Chairman of the Superannuation Fund Committee and the Corporate Director Finance and Procurement).

(1) This report was introduced by Mr N Vickers (Head of Financial Services) and provided members with an update on a range of issues.

(2) The Committee RESOLVED that the following counterparties be agreed;

- (a) JP Morgan Sterling Liquidity Fund - £20m limit
- (b) Scottish Widows Global Liquidity Fund - £20m limit
- (c) Insight Sterling Liquidity Fund - £20m limit
- (d) Blackrock Institutional Sterling Government Liquid Reserves Fund - £20m limit
- (e) Goldman Sachs Sterling Government Liquid Reserves Fund - £20m limit; and
- (f) Nat West SIBA - £20m limit.

15. Fund Position Statement

(Item D3 - Report by the Chairman of the Superannuation Fund Committee and the Corporate Director Finance and Procurement).

(1) This report was introduced by Mr N Vickers (Head of Financial Services) and the Committee discussed a number of issues;

(2) RESOLVED that the report be noted.

16. Application for Admissions to the Fund

(Item D4 - Report by the Chairman of the Superannuation Fund Committee and the Corporate Director Finance and Procurement).

(1) This report was introduced by Mr N Vickers (Head of Financial Services). An updated report was tabled during the meeting.

(2) The Committee RESOLVED that:

(a) the admission to the Kent County Council Pension Fund of NSL Limited be agreed;

(b) the admission to the Kent County Council Pension Fund of Steria Limited be agreed;

(c) the withdrawal of Northgate Managed Services Limited (Building Schools for the Future) as a participating employer in the Pension Fund be noted;

(d) the admission to the Kent County Council Pension Fund of Northgate Managed Services (regarding St George's School) be agreed;

(e) the admission to the Kent County Council Pension Fund of Northgate Managed Services (regarding St John's School) be agreed;

(f) the admission to the Kent County Council Pension Fund of Northgate Managed Services (regarding Thamesview School) be agreed;

(g) the withdrawal of ABM Catering as a participating employer in the Pension Fund be noted;

(h) agreement be given that a Deed of Modification can be entered into in respect of MCCH Society Limited; and

(i) once legal agreements have been prepared for the above matters, the Kent County Council seal can be affixed to the legal documents.

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