



Summons to and
Agenda for a
Meeting on
**Thursday, 19th July,
2012**
at **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 10 July 2012

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 19 July 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. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meeting held on 17 May 2012 and, if in order, to be approved as a correct record **(Pages 1 - 10)**
4. Chairman's Announcements
5. Questions **(Pages 11 - 18)**
6. Report by Leader of the Council (Oral)
7. Kent Safeguarding Children Board (KSCB) Annual Report 2011/12 **(Pages 19 - 60)**
8. Revision to the Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services **(Pages 61 - 68)**
9. Possible Nuclear Waste Facility in Shepway **(Pages 69 - 72)**
10. Localism Act 2011 - Adoption of a New Standards Regime **(Pages 73 - 120)**
11. Select Committee: Kent Children's Future at Key Stage 2 **(Pages 121 - 136)**

12. Petition Scheme Debate: SAT Campaign - School Allocation Trouble **(Pages 137 - 144)**
13. Quarterly Report of Urgent Key Decisions - The Granting of an Agreement for Lease & 125 Year Lease to Marsh Academy, Station Rd, New Romney, Kent TN28 8BB **(Pages 145 - 146)**
14. Minutes for Information **(Pages 147 - 162)**
Planning Applications Committee – 8 May and 12 June 2012
Regulation Committee – 15 May 2012
Superannuation Fund Committee – 18 May 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, 17 May 2012.

PRESENT:

Mr R E King (Chairman)
Mr E E C Hotson (Vice-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, Mr C J Capon, MBE, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, 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 K A Ferrin, MBE, Mr T Gates, Mr G K Gibbens, Mr R W Gough, 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 M J Jarvis, Mr A J King, MBE, Mr J D Kirby, 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 S C Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr R J Parry, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mrs J A Rook, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mr J N Wedgbury, 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

119. Election of Chairman

(Mrs P A V Stockell, the present Chairman, presided for this item)

(1) Mr G Gibbens moved, Mr A King seconded:

That Mr R E King be elected Chairman of the County Council

Carried without a vote

(2) Mr R E King thereupon took the Chair, made his Declaration of Acceptance of Office and returned thanks for his election.

(3) Mr R E King then paid tribute to Mrs Stockell and thanked her for the manner in which she had carried out her duties as Chairman of the Council from May 2011 to the present day.

(4) Mrs Stockell responded in suitable terms.

120. Election of Vice Chairman

(1) Mr Bullock moved, Mr Hayton seconded:

That Mr E E C Hotson be appointed Vice Chairman of the Council

Carried without a vote

(2) Mr Hotson thereupon made his Declaration of Acceptance of Office and returned thanks for his appointment.

121. Apologies for Absence

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

Mr Ian Chittenden
Mrs Elizabeth Green
Mr Richard Pascoe
Mr Malcolm Robertson
Mr Avtar Sandhu
Mrs Carole Waters
Mr Chris Wells

122. Minutes of the meeting held on 29 March 2012 and, if in order, to be approved as a correct record

(1) Mr Scholes requested that his apologies be noted in the Minutes of the meeting held on 29 March as he had been away playing chess for the country. He also asked that his name be removed from the vote shown on Minute 119 of the Petition Debate on the Closure of Richborough Household Waste Recycling Centre. He requested that the vote be changed to show Mr Manning as he suspected that the wrong button had been pressed in the voting process.

(2) The Chairman agreed that the Minutes would be amended accordingly.

(3) RESOLVED: that subject to the amendment above the Minutes of the meetings held on Thursday, 29 March 2012, be approved as a correct record and signed by the Chairman.

123. Declarations of Interest

Mr Lees declared a personal interest in Item 9 (Adult Social Care Transformation Programme) as his grandmother is a client of Kent's Adult Social Care service.

124. Chairman's Announcements

(1) The Chairman invited Mr Harrison to present a petition from the residents of Tankerton Road, Whitstable on the state of their road as the worst piece of highway in the county to the Cabinet Member for Environment, Highways and Waste, Mr Sweetland which he duly did.

(a) Death of Mr Kevin Lynes

(2) The Chairman informed Members of the sudden death of Kevin Lynes, Cabinet Member for Regeneration and Economic Development, on Friday 30 March 2012.

(3) The Chairman stated that Kevin was elected to the County Council in June 2001 as the Conservative Member for Tunbridge Wells Rural West, and most recently he represented the Tunbridge Wells East division of St James', Pembury and Sherwood.

(4) He added Kevin joined KCC's Cabinet in 2002, a year after his election, where he held the Resources portfolio from 2002 to 2005 and Adult Social Services from 2005 to 2008, before being appointed as Cabinet Member for Regeneration and Economic Development.

(5) The Chairman stated how Kevin was in the premier league of local government councillors nationally – hard working, dedicated and compassionate. He always put the residents he represented in Tunbridge Wells first. Most importantly, Kevin made a huge difference in carrying out his many roles at County Hall. As Cabinet Member for Regeneration and Economic Development, Kevin was in his element, supporting businesses of all shapes and sizes across the Kent economy. The Kent economy is in a better place as a result of Kevin's dedication and endeavours.

(6) The Chairman stated that Kevin would be enormously missed not only in the corridors of County Hall but around the county.

(7) Mr Carter, Mr Dance, Mrs Dean and Mr Cowan all paid tributes to Mr Lynes.

(b) Death of Councillor Mark Worrall, OBE

(8) The Chairman informed Members of the death of Mark Worrall, Tonbridge and Malling Borough Council Leader who died on 26 April 2012. Councillor Worrall was the representative for West Malling and Leybourne for 30 years.

(9) The Chairman stated that Councillor Worrall was Leader of Tonbridge and Malling Borough Council from 1985 to 1995 and again from 2003 to his death. He was elected Leader of the Conservative group in 1985. Despite suffering from multiple sclerosis and requiring a mobility scooter to get around, Councillor Worrall was awarded an OBE for services to local government in the Queen's Birthday Honours list in 2008.

(10) The Chairman added that David Hughes, the Borough Council's chief executive, had paid tribute to his former colleague and said: "Councillor Worrall was held in great esteem and he promoted a culture within the council of service to the community. It was undoubtedly as a result of his great skill and personal qualities that the council was judged by the Audit Commission to be the best in the country."

(11) Mr C Smith paid tribute to Councillor Worrall.

(c) Death of Sir Brandon Gough, DL

(12) The Chairman informed Members of the sad death of Sir Brandon Gough, DL. Sir Brandon passed away suddenly on 25 April 2012 at the age of 72.

(13) The Chairman stated that among many distinguished roles, Sir Brandon was a Kent Ambassador, a Deputy Lieutenant, Chairman of Locate in Kent, chairman of Leeds Castle Foundation and a trustee of Canterbury Cathedral.

(14) The Chairman added that Sir Brandon was a former Cambridge scholar and was installed as chancellor at the University of East Anglia in October 2003 where he played an active role in university life despite his ceremonial role. Sir Brandon read natural sciences and law at Cambridge University and was awarded an Open University degree in humanities with classical studies. Sir Brandon was a chartered accountant and for most of his business career was a partner at Coopers and Lybrand, where he spent 11 years as head of the firm and served terms as chairman of its international organisation.

(15) The Chairman stated that, in the public sector Sir Brandon was chairman of Yorkshire Water, chairman of the Higher Education Funding Council for England, from 1993 to 1997, and chairman of the Review Body on Doctors' and Dentists' Remuneration. Sir Brandon was awarded an honorary doctorate from City University and has also received honorary degrees from UEA and the University of Kent. A committed Christian, Sir Brandon was a big fan of the opera and a keen singer. He championed Knole Academy with head teacher Mary Boyle describing him as "a good and honest man – a true gentleman". He was knighted in 2002 for his public service.

(16) Mr A King and Mr Gough paid tribute to Sir Brandon.

(17) At the end of the tributes, all Members stood in silence in memory of Mr Lynes, Councillor Worrall, OBE and Sir Brandon Gough, DL.

(18) After the silence, it was moved by the Chairman, seconded by the Vice Chairman and:

(19) Resolved unanimously: that this Council desires to record the sense of loss it feels on the sad passing of Mr Kevin Lynes, Councillor Mark Worrall, OBE and Sir Brandon Gough, DL and extends to their family and friends our heartfelt sympathy to them in their sad bereavements.

(d) Petition Scheme Debate – Pedestrian Crossing on St. Stephen's Hill, Canterbury

(20) The Chairman announced that, as detailed in the letter to Members from the Head of Democratic Services, he proposed to defer consideration of this item until such time as the various outstanding investigations into a recent fatal accident on that road have been completed.

(21) The Vice Chairman seconded this proposal and it was agreed.

125. Questions

Under Procedure Rule 1.18 (4), 7 questions were asked and replies given.

126. Report by Leader of the Council (Oral)

(1) The Leader announced that, despite the number of tragic and untimely deaths in recent weeks, he felt it was good to focus on some of the good things that have been going on in the county since the last meeting at the end of March, as well as identifying one or two clouds on the horizon. He felt sure that all those representing the West Kent area were delighted to hear the announcement by the Roads minister following the persistent lobbying that Tunbridge Wells Borough Council, Kent County Council and the MP Greg Clark have carried out to try and bring forward the A21 dualling scheme.

(2) The Leader informed the Council of a very successful launch of the Expansion East Kent programme, giving detail around how KCC intend to go about fully utilising the £35m of Regional Growth Fund to stimulate and support economic growth in East Kent; with interest free loans to businesses of all shapes and sizes, provided they can take on more employees and they can grow the economy of East Kent, both the indigenous businesses of East Kent and encouraging new business start ups and getting inward investment to the area. He stated he was very pleased to announce that 133 bids had been for received to be recipients of the Regional Growth Fund. There would now be a series of sifting processes to ensure backing and support for the right business cases to enable KCC to recycle time and time again as much from this fund as possible.

(3) He also spoke about the additional £5m that would be utilised in addition to the £35m to secure the rail upgrade for High Speed 1 trains from Ashford and Canterbury through to East Kent.

(4) At the recent Kent 2020 business conference at Detling, the Leader launched the programme of 'Kent Jobs for Kent Young people' with an aim to double the number of apprenticeships for those aged 16-24 that are on offer across both public sector organisations and private businesses. It is intended to be a real marketing campaign to wake up all public sector organisations and private businesses to open their doors to give young people job opportunities and be good for young people and good for business. The Leader spoke about the pooling of government subsidies that are there to help to support employers as well as fully utilising £2m of the Big Society Fund to do exactly that. He was pleased to say there have been 80 new contacts from employers who have already pledged 90 new apprenticeships and there are already 7 new young people in modern apprenticeships that would not have otherwise had those jobs had the campaign not started. This, the Leader said, was one of a package of support mechanisms that were being introduced to make sure the Council does all it can alongside other public bodies to give young people the best training and skills for full time employment in the Kent economy.

(5) The Leader announced that, since the last County Council and the debate on the new governance arrangements, many of the new Cabinet Committees had now had their first meeting. These Cabinet Committees are there to focus on policy development, pre-scrutiny of the big decisions in the forward plan and also to make sure that there is an intelligent cycle of performance management through them. He stated that he would be working with the Chairmen of the Cabinet Committees and Cabinet Members on what was appropriate for Informal Member Groups and sub groups to those Cabinet Committees.

(6) The Leader stated that he was absolutely delighted that Kent County Council had been chosen as one of the only 16 government Troubled Families pilot. He stated that, as had been said before, there was a need to change that name because it sounded both condescending and demeaning. The Council has signed up to the full Troubled Families programme where there will be 1082 families in need of extra support geared at improving attendance at school, reducing permanent exclusions, reducing criminality and antisocial behaviour and supporting family members into full time employment and off benefits.

(7) He stated that this was a massive task. The programme would start in the autumn of this year and the Council will have to use all its creativity and innovation to work out how it is going to help and support those families to achieve the targets set by government. He was pleased to say that there was some £3m of forward funding for the first year to facilitate this and he was absolutely convinced that a significant part of the solution in delivering that support would be through joined up, integrated support services around the community based budget concept. He said there was a need for support to families with young children under the age of 11 and 12 to be joined up with working together with GPs, the service delivery out of Children's Centres and the new £400k investment in health visitors that are going to be brought in to help those families with young children across the county.

(8) The Leader stated that the Council needed to watch closely the talk of building an estuary airport and having more influence and control over the way train services are delivered, potentially at the detriment of Kent commuters.

(9) Finally the Leader spoke about the proposal to consult with the residents of Shepway on a significant nuclear waste dump on Romney Marsh. He stated that his Group was totally and utterly opposed to this proposition and he assured the residents of Kent that his administration would do all it could to stop this proposition as fast as possible and avoid blighting the beautiful county of Kent and inhibiting the exciting potential for the East Kent economy in future years.

127. Adult Social Care Transformation Programme

(1) Mr Mark Lobban, Director of Strategic Commissioning, Families and Social Care, gave a short presentation to Members.

(2) Mr Gibbens proposed, Mr Lake seconded that the Council notes the Adult Social Care Transformation Programme Blueprint and Preparation Plan.

(3) The Chairman put to the vote the recommendation as set out in (2) above, when the voting was as follows:

For (62)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr D Daley, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, 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 Kirby, Mr J Kite, Mr G Koowaree, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr R Long, Mr S

Manion, Mr R Manning, Mr M Northey, Mr T Prater, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mrs P Stockell, Mr R Tolputt, Mrs E Tweed, Mr M Vye, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (2)

Mr L Christie, Mr G Cowan

Carried

128. Student Journey Select Committee - final report

(1) The Chairman invited Mr Kit Smith, Chairman of the Select Committee to introduce his Committee's report.

(2) Mr Whiting proposed, Mr Cubitt seconded, the following recommendations, that the Council:

- (a) endorse the Select Committee report;
- (b) thank the Select Committee for a useful report on a complex and challenging issue; and
- (c) thank the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee.

(3) RESOLVED: that the above recommendations be agreed.

129. Review of the Code of Corporate Governance

(1) Mr Long proposed, Mr Snelling seconded, the following recommendations, that Council:

- (a) approve the draft revised Code of Corporate Governance; and
- (b) note the position in relation to the additional actions recommended following the 2010/11 Corporate Governance Audit.

(2) RESOLVED: that the recommendations above be agreed.

130. Local Government Ombudsman's Report

(1) The Chairman made reference to the supplementary paper that had been published and circulated to Members in respect of this item. Mr Whiting proposed, Mr Cubitt seconded that the County Council consider and approve the proposed response to the Local Government Ombudsman as set below:

(a) Testing

The County Council will investigate the principle of introducing a mechanism for re-testing in circumstances where a child has been placed at a significant disadvantage by a grave administrative error in the original testing process. In this regard, it is

proposed that the headteacher-led review group already in place to conduct a review of the wider selection process be asked to consider the issue of errors in testing and the implications of re-testing and make recommendations accordingly. It is, however, essential that any re-tests that might be offered in the future must be both comparable and secure and also represent good value for money for the County Council and the schools concerned. It is therefore proposed that any recommendations resulting from the review be reported to a future Education Cabinet Committee before a decision is taken.

(b) Invigilator Training

The County Council has already addressed the matter of invigilator training and introduced a set of record sheets for invigilators. The Council will continue to keep the matter under review, to ensure that all invigilators are adequately trained to deal with untoward events in testing.

(c) Panel arrangements

The Head of Democratic Services will continue to maintain and, where necessary, enhance the level of resources for both internal and external training for panel members and clerks on an annual basis, to ensure that the clerking service offered by the County Council is effective and complies with the law and statutory guidance. In addition, the Ombudsman is invited to note that the Head of Democratic Services will continue to reserve the right to suspend and re-train and/or dismiss any panel member or clerk if he is not satisfied with their performance, as well as continuing to advertise on a regular basis for new panel members and clerks so that new appointees are able to work alongside and shadow more experienced individuals before being given more responsibility, e.g. as a panel chairman or clerk.

With regard to decision letters, the Head of Democratic Services fully accepts that the content of the decision letters sent to parents must reflect the panels' decisions and the reasons for their decisions so that the decision letters can be owned by the Panel. A review of the number and content of standard decision letters has already been completed, which has resulted in there being fewer standard glossary letters and clerks are required to state on their decision record forms which lettered glossary letter should be used by the Democratic Services team to send to the parent. In addition, the panel clerk and panel chairman are required to include on the decision record form the precise reasons for the decision in respect of all of the cases they have considered, so in this way, the content of the decision letters are agreed with both the clerk and the chairman. Any apparent inconsistencies or omissions on the decision record forms are taken up by Democratic Services Officers directly with the relevant clerk before decision letters are sent out. The County Council wishes to express its gratitude to the Ombudsman for the opportunity of explaining the process for agreeing the content of decision letters and, on this basis, it is proposed that the continued use of the clerks' scanned electronic signatures is an efficient and appropriate method, particularly given the high number of appeals in Kent and the logistics of ensuring that decision letters are sent to parents in accordance with the timetable contained in the statutory appeals admissions code.

(2) RESOLVED: that the proposed response to the Local Government Ombudsman as set out in (1) (a), (b) and (c) above be agreed.

131. Petition Debate Scheme

The County Council agreed to defer consideration of the petition with regard to a proposed pedestrian crossing on St Stephen's Hill, Canterbury until such time as the various outstanding investigations into a recent fatal accident on that road had been completed.

132. Minutes for Approval

RESOLVED: that the Minutes of the meeting of the Governance and Audit Committee held on 18 April 2012 be noted.

133. Minutes for Information

Pursuant to Procedure Rule 1.10(8) and 1.24(4), the minutes of the Planning Applications Committee meetings held on 13 March and 10 April 2012 and the Superannuation Fund Committee meetings held on 2 March 2012 were noted.

This page is intentionally left blank

COUNTY COUNCIL**Thursday 19 July 2012****Question by Mike Harrison to****Mike Hill Cabinet Member for Customer and Communities**

Would Mr Hill, Cabinet Member for Customer and Communities, be kind to enough to give me and fellow members an explanation of the letter sent jointly from him and Mike Overbeke (Head of Regulatory Services Group - Countryside Access Service) to all Parish Councils in Kent. I refer to the letter dated 18th of April this year with a ref of CAS/GDR/11/VCC.

Personally I only found out about the contents of this letter at my one and only Parish Council when I contradicted the Chairman's comments about KCC are no longer funding Public Rights of Way (PROW) clearance! I have since contacted my local PROW officer and now have a copy of said letter but I would still ask Mr Hill for a more detailed explanation and also as to how local members might be able to assist with some funding now that we have been told we can no longer use our MHF on PROW?

Answer

The letter you refer to actually went out in April last year shortly after I inherited the PRow and Access Service after 30% cuts had been identified.

As a great supporter of this busy and popular service you will be aware how difficult identifying such a cut in an already lean service has been, indeed you were part of the debate. As you know the difficult conclusions officers made was to cut back areas that were most 'recoverable' from; vegetation clearance.

Although this has significant impact on the many users, the asset itself is not permanently damaged. However damage will occur if left too long and with the climate for more localism and a greater use of volunteers it was thought that a letter to all the parish councils seeking assistance would be a sensible and pragmatic way forward. Information about existing vegetation clearance programmes was sought, and a request for any assistance in carrying out the work was also made, as the letter makes clear.

You were quite correct to 'contradict' the Chairman of the parish council with his comment that "...KCC is no longer funding (PRow) clearance..." as this is not what the letter said. It was simply explaining that there will be a reduction in clearance and seeking support and assistance in carrying out and indeed improving this vital role.

I understand that the Environment, Highways and Waste Cabinet Committee on 4 July 2012 have endorsed that the Member Highway Fund can be extended to include Public Rights of Way schemes.

COUNTY COUNCIL MEETING

Thursday, 19 July 2012

Question by Mr Les Christie

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

Can the Cabinet Member for Education, Learning & Skills please inform me of:-

a) The number of Kent Schools which has successfully obtained funding under the Priority School Building Programme. If possible can he list these schools?

Kent has received funding for 14 schools of which 13 were included in the application made by Kent. Castle Community College made their own application.

- *Aylesham Primary School*
- *Castle Community College*
- *Chantry Primary School*
- *Culverstone Green Primary School*
- *Halfway Houses Primary School*
- *Laleham Gap School* * - **to receive a Capital Grant and we understand they will be in the earlier phases**
- *Meopham School*
- *Priory Fields School*
- *Sevenoaks Primary School*
- *Smarden Primary School*
- *St Philip Howard Catholic Primary School*
- *The Canterbury Primary School* * - **to receive a Capital Grant and we understand they will be in the earlier phases**
- *Westlands Primary School*
- *York Road Junior Academy*

b) The number of Kent School for which an application was made?

58

c) Whether the successful schools match the priority given by Kent County Council?

A standard application form had to be completed within the application process and there was no prioritisation allowed by Kent as schools were prioritised by the DfE.

d) What role will Kent County Council play in the procurement of those schools?

It is understood that these schools will be centrally procured and the role of Kent, if any, in this process is not yet known.

e) What the total cost of funding those schools will be?

The EFA have not provided any information to date on funding levels. The EFA will undertake a feasibility study for each school which will then be used to determine the work to be undertaken.

COUNTY COUNCIL MEETING

19 July 2012

Question by Martin Vye to Jenny Whittle, Cabinet Member for

Specialist Children's Services

Will the Cabinet Member for Specialist Children's Services inform the Council:

- a) what is being done to ensure that the County Council has a robust up-to-date and clear record of the numbers of vulnerable children running away or going missing from care or home;
- b) explain how KCC analyses the data to look for trends, identifies possible hotspots and the risks incurred in each case so that effective measures can be put in place to protect these children from harm and sexual exploitation;
- c) give details of the number of 'safe places' in Kent where runaways can seek support; and
- d) describe how KCC provides information to children/young people, professionals, parents and carers on the 'safe places' and on the risks of running away?

Answer

The Families and Social Care Management Information Unit produces a weekly report of vulnerable children who go missing and this is discussed by the Director of Specialist Children's Services and Assistant Directors. A joint protocol has been developed with Kent Police and incorporated into the Kent Safeguarding Children Board procedures for Missing and Runaway Children. These protocols define the roles and responsibilities of Kent Police and Specialist Children's Services, including referral and intervention strategies. Further work is also underway to review the multi-agency approach on missing children following the publication of the All Party Parliamentary Group report on missing and runaway children.

The weekly report on missing children is discussed by senior Directors and the Safeguarding Unit to ensure accurate reporting, identify trends and put in place actions to safeguard them, for example where there are concerns about trafficking or grooming. Multi-agency missing children's meetings, chaired by Kent Police, are established when high risks and vulnerability are identified and/or there have been repeated missing incidents, or possible hotspots identified through police intelligence gathering. The Kent Safeguarding Children Board has established a Trafficking and Sexual Exploitation sub-group to focus on vulnerable children and runaways and to address Kent's position as a gateway authority with the highest number of unaccompanied minors in the country. There has been strong partnership working with Kent Police and the United Kingdom Border Agency (UKBA) in managing the cases of missing children from or through the port.

If there is a concern that a child or young person may be at risk if returned home, they are referred to Specialist Children's Services in order to assess their needs and ensure appropriate arrangements for their accommodation are made. Urgent and Out of Hours referrals from the police trigger an agreed multi-agency protocol to provide a coherent response to their accommodation and support needs. A Kent-wide joint homelessness protocol and support packages for 16 and 17 year olds has been developed. This helps to facilitate joint assessments and ensure that vulnerable young people are not left homeless and without support. In addition, the £2.7m investment in preventative services agreed by the County Council at the February County Council meeting will be used to roll out a Crisis Intervention Service including adolescent 'crash pads' to provide accommodation for runaways and young people who are considering running away from home.

Awareness raising for children and young people at risk of running away takes place in schools as part of the Personal, Social, Health and Economic (PHSE) education. The KSCB is further developing information for vulnerable children and young people to enable them to access specific helplines and information on how to keep safe or who to contact if they have a problem. Missing children guidance is available to professionals, parents and foster carers online via the KSCB website. The KSCB also provides training courses to professionals including schools and carers on safeguarding children.

Kent is one of only three councils in the country as of last week that has signed up to implementing the Runaways Charter written by young people who have previously absconded and is being promoted by the Children's Society. I want to review the support we offer to runaways and how we can prevent children running away in the first place by focussing on the commitments made in the Charter e.g. prevention of repeated instances of running away.

COUNTY COUNCIL MEETING

19 July 2012

Question by Malcolm Robertson to Paul Carter, Leader of the Council

Will the Leader explain how the 'Compensation for loss of office' payment of £420,000* to the Managing Director accords with the numerous steps taken as a result of the urgent review of the procedures by the (same) Group Managing Director in response to the Leader's motion at the County Council meeting 22nd July 2010; in which he stated that procedures would be strengthened so as to minimise the risk of such large payments being made in the future?

* £420,000 'Compensation for loss of office' listed in [Draft Statement of Accounts 2011-12](#) (p.72) (part of a total remuneration package of £589,165 for a 9-month period of employment April – December 2011).

2011-12 Senior Employees *compensation for loss of office* packages (x2) totalled £592,000

2010-11 Senior Officers *compensation for loss of office* packages (x3) totalled £395,209

2011-12 Total Cost of Exit Packages £10,008,473

2010-11 Total Cost of Exit Packages £6,907,540

Footnote: [The Motion](#) – Mr Carter moved, Mr Gough seconded the following:

(1) Given the information in the public domain regarding a significant payment to a senior officer, this Council notes that the Group Managing Director has been asked to carry out an urgent review of the interview, appointment, contract and severance payment procedures, and report back to Members with proposals to strengthen those procedures so as to minimise the risk of such large payments being made in the future.

(2) This Council also agrees to lobby the Coalition Government to amend the Employment Rights Act 1996; in effect to make employment fixed term contracts "fixed term".

Resolved at County Council Thursday 22 July 2010

Answer

A review was carried out as a result of the motion, and interview and appointment procedures for senior staff were thoroughly reviewed to make sure the processes were rigorous and in line with best practice (both public and private sector). Contracts and severance pay procedures were reviewed and there is now a strengthened approval process for these which involves the Director of Governance and Law, Corporate Director of HR, Corporate Director of Finance and, where appropriate, elected Members.

The recruitment process is now far more robust as a result of the review, and includes stakeholder panels and full assessment centres facilitated by an external organisation. Appointments, probation periods and contracts have all been amended to provide KCC with an increased ability to manage the employment relationship. As an example, all contracts for senior officers have had their notice periods reduced by 50%.

Kent County Council did lobby the Coalition Government in an endeavour to get the Employment Rights Act 1996 amended and letters were written to the Secretary of State Eric Pickles in June 2010, as well an article being written and published by the LGC and Kent Messenger in July 2010 and I quote some lines from both.

From the letter:

'If the public sector is to get through these financially constrained times, it needs maximum flexibility and the ability to adapt to changing circumstances – not be weighed down by inappropriate and unfair employment law

It is clear that the forthcoming Comprehensive Spending Review (CSR) is not just an opportunity to identify spending priorities and savings – but is a once in a lifetime opportunity to examine the underpinning structural issues of how we deliver public services. To my mind this should include the framework of employment law and its application for those earning the very highest salaries in the public sector.'

From the article:

'We need to rebalance employment law in the UK so that it continues to protect individual employees, but is fair to employers and to the taxpayers who fund public services. Three fundamental changes need to occur. The first is that the employment rules governing dismissal of highly paid people on competency and performance grounds need to be changed to make it significantly quicker and easier to do so whilst limiting the liability on the public sector employer and ultimately the taxpayer. Secondly, we need to reverse the legal changes – made in 1999 and 2002 – which removed the ability of employers to allow inclusion of what had previously been a common clause in fixed term contracts – a waiver of a senior employee's right to claim unfair dismissal simply on a contract's expiry. Thirdly, we need to have the power to insert fixed or annual break clauses which allows an employer to end a fixed term contract early without it being classed as dismissal.'

I hope this explains why the severance payment to Group Managing Director was of a substantive quantum.

COUNTY COUNCIL

Thursday 19 July 2012

Question from Mr Tim Prater

To Mike Whiting, Cabinet Member for Education, Learning & Skills

A Primary School in Folkestone has started the process of consultation on the possible conversion to Academy status, and states in a letter to parents that "We are mindful that the Government aims to see all schools convert to academy status by no later than 2015".

Could the Cabinet Member for Education, Learning & Skills confirm if and when the Government has stated that it wants to see all schools (both Primary and Secondary) convert to Academies by 2015, and also clarify if it is Kent County Council's view that all Kent schools should seek to convert in that time?"

Answer

There are no official targets for the number of academies the government would like to see established.

All schools - primary, secondary and special - have been invited to convert to Academy status, but priority is being given to:

(a) those deemed by Ofsted to be "outstanding" or "performing well".

Other schools can also they apply but have to do so in a formal partnership with another good school.

(b) all schools that have been put in special measures, or been given a notice to improve by Ofsted, will become a sponsored academy, according to the SoS.

As at 1 May 2012, there were 1,807 academies open in England out of 21,528 state maintained schools (excluding nursery)

KCC recognises that the decision to move to academy status rests with individual Governing Bodies. We work to ensure that they take the decision from an informed basis and understanding the way forward for the school whether progressing through an academy route or remaining with KCC. Whatever their decision, we want to ensure to ensure that KCC works with all maintained schools and academies in partnership to ensure that the children and young people of Kent have the highest quality provision and are supported to achieve their potential.

By: Jenny Whittle, Cabinet Member for Specialist Children's Services
Andrew Ireland, Corporate Director, Families and Social Care
Maggie Blyth, Independent Chair of Kent Safeguarding Children Board

To: County Council – 19 July 2012

Subject: Kent Safeguarding Children Board – 2011/12 Annual Report

Classification: Unrestricted

Summary: This attached annual report from Kent Safeguarding Children Board describes the progress made in improving the safeguarding services provided to Kent's children and young people over 2011/12, and outlines the challenges ahead over the next year.

Recommendation: County Council is asked to COMMENT on the progress made and NOTE the 2011/12 Annual Report attached.

1. Introduction

- (1) This report presents the 2011/12 Annual Report produced and agreed by Kent Safeguarding Children Board. Current Government guidance captured in Working Together to Safeguard Children (2010) sets out the requirement introduced through The Apprenticeship, Skills, Children and Learning Act 2006 for Local Safeguarding Children Boards to produce and publish an annual report. This report should provide an assessment of the effectiveness of local arrangements to safeguard and promote the welfare of children, set against a comprehensive analysis of the local area safeguarding context.
- (2) The annual report should also demonstrate the extent to which the functions of the Local Safeguarding Children Board are being effectively discharged, including an assessment of policies and procedures to keep children safe.
- (3) In the proposed revisions to Working Together recently issued by the Department for Education for consultation (June 2012) it is recommended that once the report is published it should be submitted to the Chief Executive and Leader of the Council, the local Police and Crime Commissioner and the Chair of the Health and Wellbeing Board.

2. The 2011/12 Annual Report

- (1) The report details good progress with key performance indicators in relation to caseloads, inappropriate referrals and the number of children with child protection plans all reducing. They are now below average compared to Kent's statistical neighbours. This is very different to eighteen months ago.
- (2) As the report indicates although there is improvement in the quality of information being shared by practitioners across different sectors such as social work, policing, schools and health care, there is still some way to go in ensuring that all children get the right help at the right time and there is a common understanding of thresholds across the child protection partnership.
- (3) There has been significant progress over the last 12 months in consolidating the safeguarding partnership, through three key areas – clarifying governance arrangements; ensuring all professionals working with children have clear information on thresholds, eligibility and assessment processes for child protection support; and the development of a new quality assurance framework. This means Kent Safeguarding Children Board is better placed to know what works well in protecting children in the County and the areas that still need improving.
- (3) Specific challenges are highlighted around action taken to learn lessons from cases when things go wrong and where children are the subject of neglect, harm or abuse from their carers or other adults around them. Kent agencies are committed to transparency and openness in publically sharing the recommendations arising from Serious Case Reviews and the progress against actions taken. KSCB will require assurance from all Kent agencies that actions following SCRs are properly monitored and progress evidenced.
- (4) Additionally, the work of supporting Kent's 1,804 looked after children (including 186 unaccompanied asylum seeking children), as well as the 1,248 looked after children placed by other local authorities in the county, is placing massive pressures on public agencies responsible for supporting vulnerable children in Kent, including children's social services, schools, police, and health services. KSCB will require evidence that Kent agencies are adequately able to care for all children placed in certain areas such as Thanet.

3. Conclusions

- (1) The national Munro Review completed in 2011 provides a new focus on child protection. Professor Munro has provided her own analysis of how swiftly improvements are happening. Kent agencies have worked hard over the past year to address key failings in protecting children across the County.
- (2) However, when drilling down into the detail, it is clear that Kent Safeguarding Children Board must continue to improve its own quality assurance of Kent agencies and be confident to provide challenge, when

action is not taken swiftly to protect children. Further improvement is needed to really know how good Kent is in protecting the most vulnerable children across the entire county.

4. Recommendations

- (1) County Council is asked to:
 - (a) COMMENT on the progress and improvements made during 2011/12, as detailed in the Annual Report from Kent Safeguarding Children Board
 - (b) NOTE the 2011/12 Annual Report attached

5. Background Documents

None

6. Contact details

Julie Gethin
Interim Programme Manager
Kent Safeguarding Children Board, Families and Social Care
01622 694852
julie.gethin@kent.gov.uk

This page is intentionally left blank

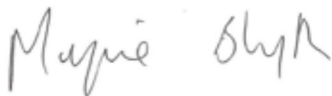
Annual Report 2011 -2012



Foreword by the Independent Chair

I am pleased to introduce the annual report for Kent Safeguarding Children Board 2011/12. I took up post as Independent Chair of the partnership that has oversight of child protection arrangements in Kent during this year and have been impressed by the determination and enthusiasm of all key partners to improve services for the most vulnerable children and young people in Kent. As this report indicates although there is improvement in the quality of information being shared by practitioners across different sectors such as social work, policing, schools and health care, we still have some way to go in ensuring that all children get the right help at the right time.

Furthermore, we must persevere in efforts to learn lessons from cases when things do go wrong and where children are the subject of neglect, harm or abuse from their carers or other adults around them. I am pleased that Kent agencies are committed to transparency and openness in publically sharing the recommendations arising from Serious Case Reviews and the progress against actions taken. I hope we can demonstrate over the following years continuing improvement and clarity over the complex challenges that will remain in ensuring we properly safeguard our children in Kent.



Maggie Blyth,
Independent Chair, KSCB

Foreword by the Leader of Kent County Council, Paul Carter

I very much welcome the format of the new KSCB annual report and the open, direct and frank way that the document addresses the difficult and challenging issues that children's safeguarding entails.

Clearly we are making very good progress, and it is enormously pleasing to see the primary indicators going in the right direction - caseloads are continuing to reduce, inappropriate referrals are coming sharply down and the number of children with a child protection plan is now below average to our statistical neighbours (very different to eighteen months ago). Transforming Children's Services remains our top priority and we have delivered on our promise that the necessary financial investment will be made to turn the services around, with some £23m of additional resources put into the service last year.

Our cabinet member, Jenny Whittle is right in highlighting the need to focus on getting all agencies that have a role in safeguarding to work together as a collective. Our ambition in future months is to deliver much greater coherence in the plethora of support services working with vulnerable families, bringing practitioners to work together in teams around the family and likewise integrated support teams for vulnerable adolescents.

This will be a major focus for the agencies involved, particularly so with health providers using the opportunities the health reform agenda will bring - with the aim to deliver a whole new range of community health and preventative services. The prospect of the national health service commissioning board investing in a whole new army of health visitors alongside community based Children's Centres brings new valuable opportunities. Kent having been chosen by national government as one of the 16 pilot authorities in the Troubled Families initiative will bring urgency and the need for innovation to the fore. This new integrated,

coherent, preventative agenda will play an increasingly vital part in being able to manage back down the number of children into care.

As we move forward, we must have renewed focus on the quality of services provided to looked after children. Our qualitative measures of performance will be centred on engaging with and listening to the children and young people and their carers, who are at the heart of what we do. Elected members have a key role to play as corporate parents and KCC's increasing shift to a localist approach will bring significant new opportunities.

A handwritten signature in black ink, appearing to read 'Paul Carter', with a horizontal line underneath the name.

Paul Carter,
Leader of Kent County Council

Introduction

In May 2011 an independent review was completed into the child protection system across the whole of the country. In response, the government has stated that Local Safeguarding Children Boards have a “unique, system-wide, role to play in protecting children and young people”.

In Kent we have worked hard over the past year to improve the ability of all of Kent’s statutory agencies and local communities to protect and promote the wellbeing of children in the county.

Local Safeguarding Children Boards have a “unique, system-wide, role to play in protecting children and young people”

Kent’s 2010 Ofsted inspection report of safeguarding and looked after children raised concerns about the effectiveness of the statutory partnership to protect children in Kent. It was critical of KSCB for not holding agencies to account.

There has been significant progress over the last 12 months in consolidating the safeguarding partnership, through three key areas – clarifying the KSCB’s governance arrangements; ensuring that all professionals working with children understand what are known as thresholds, eligibility and assessment processes for child protection support; and the development of a new quality assurance framework. We are now much better placed to know what works well in protecting children in Kent and the areas that still need improving.

“The KCSB has improved immeasurably in bringing partners around the table and having focused agendas. Going forward there needs to be a tighter focus on holding partners to account”

Councillor Jenny Whittle

There has been substantial activity to establish a robust partnership framework for child protection in Kent to ensure overall scrutiny of performance during 2011/12.

However over the year we have realised that further challenge is required if all agencies working with children are able to evidence how they protect all children all of the time.

On a positive note work because of improved multi-agency work across the partnership, Kent has reduced its previous high numbers of children with a child protection plan to a level below the average of our statistical neighbours. However, we also know from audits we have undertaken looking at referrals into Specialist Children’s Services that different professionals working with children have different expectations about what constitutes a child at risk. As a result of our analysis of different approaches in Kent we think that sometimes agencies are slow to share information about children at risk. This means it is not always possible to consider what would be the best support for a child, young person and their family/carers at any given time. This is an area which KSCB will be retaining a focus on over the coming months.

Chapter 1

How safe are our children and young people in Kent?

There are just over 310,000 children and young people living in Kent, making up 22% of the population.

It is impossible to offer a complete picture of the children whose safety is at risk in Kent because some abuse or neglect may be hidden, despite the best efforts of local services to identify, step in and support children who are being harmed. In Kent, trafficked children who arrive in British ports to be transported throughout the country are vulnerable because their traffickers work hard to keep them 'invisible'. In other cases, families themselves mask abuse or neglect and neighbours may turn a blind eye to a child's need for protection.

That is why the Department for Education 'Working Together' guidance (2010) emphasises the shared responsibility we all have in keeping children safe:

"All organisations need to listen and be responsive to the diverse needs of children, young people and their families and to recognise that safeguarding children and young people from harm must be everyone's business."

It might be helpful to start by looking at the categories of children and young people in Kent who have been identified by the Local Authority and other agencies as in need of protection:

Children with a Child Protection Plan (CPP)

Children who have a child protection plan are considered to be in need of protection from physical abuse, sexual abuse, emotional abuse and neglect. The CPP details the main areas of concern, what action will be taken to reduce those concerns, how the child will be kept safe, and how we will know when progress is being made.

Approximately 86% (as at 31/03/12) of all child protection plans in Kent are categorised as emotional abuse or neglect. Evidence nationally shows that children who grow up in families where there is domestic violence, mental illness and/or parental substance misuse are most likely to be at risk of serious harm. There continue to be low levels of children with plans relating to sexual abuse both nationally and in Kent.

Graph showing the rate of young people in Kent with a child protection plan



Data provided by Management Information, SCS Monthly Report, subject to change following DfE publication in October 2012

The previous graph shows a steady reduction in the past twelve months of the number of children in Kent with a child protection plan, a continuing decline from the year before. As at end of March 2012, there are 30.6 per 10,000 of the population under 18 in Kent on a child protection plan, meaning Kent have now achieved and exceeded the target of 40.1, the average for Kent's comparable statistical neighbours in 2010-11.

The reduction has largely been achieved during the course of this year because of a sustained focus on ensuring that the right children have plans at the right time. One of the factors that assisted the reduction was de-planning children who were in the care of the local authority where a child protection plan was no longer needed. These children are known as 'Looked After Children' (LAC). Meanwhile, greater scrutiny of existing plans to ensure that only those children who really need to be are

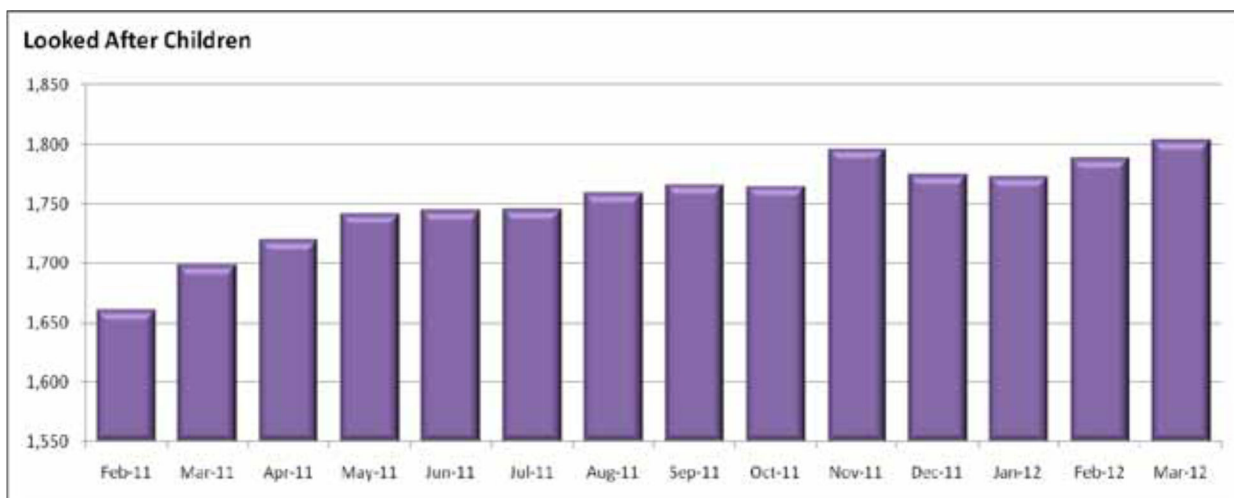
referred to specialist children's services has also contributed to the reduction.

Children who are 'Looked After'

To also understand how safe children are in Kent we can look at the number of LAC children. There are currently 1,804 LAC children in Kent, (included in this figure are 186 UASC – Unaccompanied Asylum Seeker Children). Kent also has 1,248* LAC from other local authorities placed within its boundaries. (data true as at 31 March 2012)

Only after exploring every possibility of protecting a child at home will the local authority seek a court decision to move a child away from his or her family. Such decisions, while incredibly difficult, are made when it is the best possible option to ensure the child's safety and wellbeing. Such a move can be the best way to support the family.

Graph showing the number of Looked After young people in Kent



Data provided by Management Information, SCS Quarterly report

The above graph shows that the number of LAC continues to be a challenge in Kent, with a gradual increase over the course of the year (although the numbers do appear to have stabilised overall). This is partly because many of the plans and strategies that aim to reduce these numbers are only just beginning. KSCB will monitor this action during the coming year.

Kent has a high number of children placed in the county by other local authority areas in England. During 2011/12 there were 1,248* children looked after in Kent who are not

normally resident in the County. In addition, during 2011/12 there were 136 unaccompanied asylum seeking children who arrived at Kent ports and for whom agencies in Kent provided a service.

* This information has a Confidence Rating of 60-65%. The data behind these figures is completely reliant on Other Local Authorities keeping KCC informed of which children are placed within Kent. The Management Information Unit (MIU) regularly contact these OLAs for up to date information, but replies are sometimes not forthcoming. The above rating is based upon the percentage of children in this current cohort where the OLA have satisfactorily responded to recent MIU requests. If further information is required with regard to the accuracy of specific figures.



Children who are 'Looked After' by Other Local Authorities

For many years Kent County Council has been calling on councils to place children in care closer to home to minimise the disruption following what is probably the most traumatic thing that can happen to a child. As of the end of April 2012, there were over 1260 children placed in Kent by other local authorities, with two thirds of them placed by London councils. The high number of other local authority looked after children placed in Kent has been consistent for many years – despite various measures introduced to try to reduce this (e.g. the sufficiency duty under Volume 2 of the Children Act 1989). Not all of these children are notified to Kent by their local authority and the Management Information Unit (MIU) in Kent (who are responsible for the collation of this data) reported in April 2012 that they have received notifications from other local authorities on 943 children only – only around 75% of the actual number of other local authority looked after children the County Council has identified as having been placed in Kent.

The Leader of Kent County Council, Paul Carter has written to the Mayor of London, Boris Johnson, to arrange a summit of London councils and representatives from Kent. The aim is to discuss how the 32 councils can work together to find foster carers and residential children's home placements in the capital.

He has also written to Children's Commissioner Maggie Atkinson, to highlight the need for all councils to place children closer to home, unless by exception. Placements can include family-and-friend foster carers, adoptive placements, and specialist residential accommodation to meet complex needs.

The work of supporting Kent's 1,804 looked after children (including 186 unaccompanied asylum seeking children), as well as the 1,248 looked after children placed by other local authorities in the county, is placing massive pressures on public agencies responsible for supporting vulnerable children in Kent, including children's social services, schools, police, and health services.

There are 63 privately registered children's homes and 32 independent fostering providers in the county, catering for 803 children placed by London councils and other authorities as far away as Manchester. While a small independent sector is welcome, to support local authorities in providing the right mix of placements, the size of this sector in Kent reflects the high number of children placed in the county by other councils.

Paul Carter, Jenny Whittle, KCC Cabinet Member for Specialist Children's Services and Maggie Blyth, Chair of Kent's Safeguarding Children Board met with the Children's Minister Tim Loughton in June 2012 calling on the government to introduce legislation that would:

- place a statutory obligation for local authorities to place children no more than 15 miles away from their home or school unless by exception
- require all councils to provide an annual statement to their Local Safeguarding Children Board detailing how many children are placed outside their local authority boundary and more than 15 miles away, and what safeguards have been put in place to protect these children from harm.
- require all 32 London councils to jointly commission fostering placements and residential children home placements in London. This would allow vulnerable children and young people to remain in their schools, with their friends, and reduce the extraordinary pressures on Kent's public agencies supporting 1,248 children from other local authorities

There are very good reasons why authorities place some children far away from home – with prospective adopters, with relatives, in specialist residential provision, catering for acute need or disability, which is not available closer. However, there are far too many vulnerable children and young people placed in Children's homes and with non-related foster carers miles away from home. It is extremely difficult to be an effective 'corporate parent'

and look after children placed so far away from home.

Following the conviction of nine members of a sex-grooming network in Rochdale, all councils must make sure they can properly safeguard teenagers placed in residential children's homes, particularly those placed many miles from home, which increases their sense of vulnerability. These are young people at particular risk of being exploited by sex-grooming networks and it is extremely difficult for London boroughs, as the corporate parents, to properly safeguard these young people when they are placed so many miles away. KSCB will want assurance from local agencies that Kent children placed in some areas of the county are appropriately safeguarded.

Trafficked children and asylum seekers

Some of the most vulnerable children in Kent arrive in Dover each year seeking entry into the UK. Most turn up seeking asylum whilst others have been trafficked for exploitation. Where the UK Border Agency identifies unaccompanied children, they pass responsibility for these children to Kent County Council.

There are significant child protection implications in how the local Immigration Team in Kent organizes the processing arrangement for these children, and also for the police and the local authority in how they deal with or receive these highly vulnerable children.

Support for these young people is delivered by the Unaccompanied Asylum Seeking Children (UASC) Service, but in a complex operational environment. The issue of asylum seekers receives high profile media and political attention prompting frequent legislative changes that affect Kent's protection arrangements for these children.

Moreover, there is an ongoing issue of some children and young people going missing. Some have run away for short periods of time and are found or return by themselves, others go missing and are never found.

Between 1 April 2011 and 31 March 2012, 17 UASC (under 18 yr olds) went missing and have not returned - a slight increase from 2010-2011. This is a serious concern as these children are especially vulnerable to exploitation. It is an area that KSCB must monitor closely. In October 2011, KSCB established its first Child Trafficking and Sexual Exploitation Sub Group to monitor progress across agencies in tackling this problem. This key priority will continue into 2012/13.

Disengaged and troubled teenagers

Kent Youth Offending Service was involved in the supervision of 130 LAC at 5th April 2012, 42.3% of whom had been placed in Kent by other Local Authorities. Out of a caseload of 551 during 2011/12; 12% of cases had "Child in Need" status, 3.8% were subject to a CP Plan, 6.9% of the LAC currently supervised by Kent YOS are serving a custodial sentence, Kent LAC account for 19.6% of the total number of young people in this cohort who are in custody.

Those in custody / leaving custody can frequently have profound safeguarding needs which may have been unmet.

The YOS data reflects a consistent picture with almost a quarter of the overall youth justice caseload in the county having a known vulnerability, also the importance of the youth offending teams – particularly in East Kent – being able to work in close co-operation with other local authorities.

The downturn in the economy has had a marked effect on young school leavers looking for work, leading to an increase in the numbers of young people not in education, employment or training (NEET) in Kent.

We have seen a rise in young people 16–18 NEET during the key counting points (Nov, Dec and Jan) this year rising up to 6.83% in November, the highest the figures have been throughout the contracting period 2011/12. During this period, the average NEET figure for Kent was 6.6%, compared to the South East which was 5.5%. At the same time "not knowns" have significantly reduced from

2.51% in December to 1.76% in January. This reduction is impressive when compared with the South East average of 9.1%.

In Kent, the typical NEET young person who needs our support now is; 18 years old, looking for training; has qualifications at Level 2 or lower but has no English or Maths; wishes to progress to level 3 but cannot due to having no English and Maths and cannot undertake another level 2 qualification as there is insufficient funding or a level 2 Apprenticeship as they have already achieved to this level. The challenge now is to meet the needs of older NEETs whilst maintaining our provision and support for 16 year olds.

Children with disabilities

During 2011/12 KSCB introduced new guidance for professionals working with children with disabilities. Following concerns that this group of children were not having their safeguarding needs met, in particular special schools in Kent, KSCB has commissioned The Children's Society to organise a training event in the September 2012 to share knowledge and experience of good practice in safeguarding disabled children and young people.

Children who are privately fostered

Last year KSCB identified that the low notification of private fostering arrangements for children under 10 years was a concern. Over 2011/12 a cross-partner analysis was undertaken to get a better picture of what is happening in Kent. The analysis demonstrated the need for further action and information to raise awareness amongst health and education staff.

Children exposed to domestic abuse

Evidence from analyses of serious case reviews nationally in 2011¹ revealed that domestic violence was present in almost three-quarters of families whose children died or sustained serious injury due to maltreatment. Children are likely to suffer damaging effects on their health and development if they live in households where there is domestic violence.

¹Biennial analysis SCRs, DfE 2011

Who is responsible for protecting Kent's children and young people?

Everybody has a part to play in protecting children. Local communities can help by identifying what is happening in their areas. Safeguarding is everybody's business.

But ultimately when there remain serious concerns about harm to a child a referral is made to Specialist Children's Services. Most contacts and referrals into Specialist Children's Services come from all sorts of other professionals such as police officers, teachers, health visitors, midwives, nurses, GPs, mental health professionals or other specialist services. Specialist Children's Services, to make their decisions, need lots of information from the person making the referral. All professionals have a responsibility to ensure that accurate information is provided swiftly and shared promptly.

A part of this is developing a common understanding of the levels of need in Kent – or what is sometimes known as agreement over "thresholds". Occasionally professionals have a different understanding of the criteria that should be met before making a referral to Specialist Children's Services.

During 2011/12 KSCB launched new guidance for all professionals working in Kent on 'thresholds' and provided training to all staff in establishing a common understanding of levels of need in Kent.

In November 2011 an audit was undertaken to check professional's understanding of thresholds following this training. We discovered that problems still remain.

- 46% of cases in the East of Kent were re-referrals.
- 25% of cases were considered to be inappropriate referrals.

This suggests that much more inter agency collaboration could have taken place before the referral was made to satisfy the referrer of the best course of action to take before a specialist intervention from Specialist Children's Services was considered essential.

It is also likely that agencies remain unconfident about the response they receive when having made a referral to social care, and therefore continue to re-refer. KSCB has highlighted this to statutory agencies in Kent to help inform a more effective prevention strategy to offer 'early help' to families, where this may be necessary.

In January 2012 Kent Specialist Children's Services, Kent Police and different health professionals in Kent opened Kent's first Central Referral Unit, where front line professionals are now working together to improve communication over how best to respond to children in need in the County.



Chapter 2

What is the Kent Safeguarding Children Board?

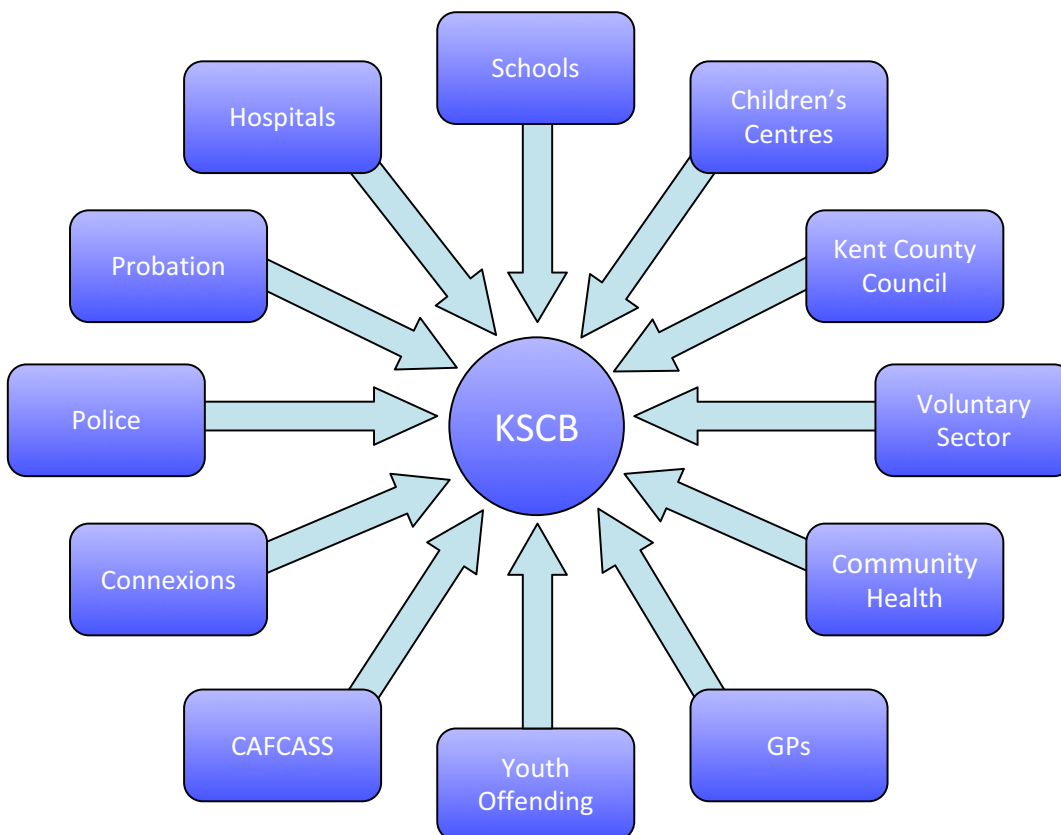
The Kent Safeguarding Children Board (KSCB) is the partnership body responsible for coordinating and ensuring the effectiveness of Kent services to protect and promote the welfare of children and young people. The Board is made up of senior representatives from all the main agencies and organisations in Kent concerned with child welfare.

What is the purpose of the KSCB?

The Kent Safeguarding Children Board was created on 1st April 2006 in line with the Children Act of 2004, which introduced Local Safeguarding Children Boards (LSCBs) for England and Wales.

LSCBs were set up to strengthen the ability of local authorities to effectively protect children and young people by promoting shared accountability, generating learning from practice, and monitoring the effectiveness of work with children and their families (DFES, 2007; DFE, 2011).

The Kent Safeguarding Children Board provides a vital link in the chain between various organisational efforts, both statutory and voluntary, to protect children and young people in Kent. Our aim is to ensure that all these efforts **work effectively in coordination** so that children and their families experience a harmonious and 'joined up' service.



The diagram to the left shows the range of organisations that participate and are represented within the KSCB.

A major undertaking of the KCSB is that it expects all statutory agencies, from the police to schools and hospitals, to be on the same page when it comes to looking after the safety and wellbeing of children in Kent. This is what we mean when we say the KCSB promotes a 'multi-agency' approach.

At the same time, the KCSB is responsible for scrutinizing the work of its partners to make certain that the services provided for children and young people in Kent are effective and actually **make a difference**. The effectiveness of KCSB relies upon its ability to champion the safeguarding agenda through exercising an independent voice.

KCSB is also responsible for **raising awareness** of child protection issues in Kent so that everybody in the community can play a role in making our county a safer place for children and young people to grow up. Our message is that protecting children from harm really is everyone's business.

"Kent police remain committed to working closely with our partner agencies to ensure that children are effectively safeguarded. We have established a multi-agency Central Referral Unit, based in Ashford, to promote the welfare of children and a "think family" approach. Each referral to the unit is considered from a joint perspective with action taken and support provided according to a tight timescale. The unit will continue to develop its effectiveness by the inclusion of additional partners so that a holistic approach to the safeguarding of children is assured."

Public Protection Unit, Kent Police

The objectives of a LSCB as set out in the Children Act 2004 are:

- a) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the authority by which it is established; and
- b) To ensure the effectiveness of what is done by each person or body for these purposes.

(Children Act 2004 s14)



What are the main roles for the Kent Safeguarding Children Board?

The roles for the KSCB are set out in its constitution, which was revised in June 2011 and include the following:

- Developing policies, standards, and procedures for safeguarding and promoting the welfare of children;
- Monitoring and evaluating the effectiveness of what is done by KCC, Kent Police, Kent NHS, Kent Probation Trust and Kent schools both collectively and individually;
- Recommending areas and priorities for the commissioning of children's services;
- Raising awareness of, and communicating, child protection issues to individuals and organisations;
- Establishing and carrying out a review in cases where a child has died or has been seriously harmed in order to advise on lessons that can be learned (known as Serious Case Reviews);
- Ensuring the provision of single agency and multi-agency training on safeguarding to correspond with local needs.

See Chapter 3 for more information on KSCB's work in each of these areas.

A changing landscape: What the Munro Review means for KSCB

The Munro Review was an independent examination of national safeguarding arrangements that took place in early 2011. The government response to the review in July 2011 made it clear that reformed LSCBs will still hold a unique position within local child protection structures. They will retain discretion over how they carry out their functions, so that priorities can be decided in light of local circumstances.

KSCB is still expected to monitor how professionals and services are working together, and to identify any problems that emerge.

KSCB is still expected to help front line practitioners learn from practice, respond to shortfalls and improve services.

Most importantly, KSCB must now assess the effectiveness of the work being done to protect children and support families in Kent. This will require a shift towards asking whether the right services are being commissioned and children are getting the right support at the right time.

An emphasis on impact is part of the move towards an outcome-focused approach for safeguarding boards.

Membership and structure of KSCB

Having explained the main priorities for safeguarding children in Kent, this section contains information about who is involved on the board and how it is organised.

KSCB has three tiers of activity:

1. Main Board

This is made up of representatives of the member agencies, as outlined in statutory government guidance. Board members must be sufficiently senior so as to ensure they are able to speak confidently and sign up to agreements on behalf of their agency and make sure that their agency abides by the policies, procedures and recommendations of KSCB.

[A full list of KSCB's membership for 2011-12 is available in Appendix A.](#)

2. The Executive Board

The Executive body is made up of senior representatives from the key member agencies. The Executive has strategic oversight of all Board activity and takes the lead on developing and driving the implementation of the Board's main activities and 'Business Plan'. It is also the body responsible for holding to account the work of sub-groups and their chairs.

3. Subgroups

The purpose of KSCB subgroups is to tackle the various areas of concern to the KSCB on a more targeted and thematic basis. The subgroups report to the executive board and are ultimately accountable to the main Kent Safeguarding Children Board.

[A diagram of the structure of KSCB – including information on the 8 subgroups - is available in Appendix B.](#)

Key roles

Independent Chair

All LSCBs appoint an Independent Chair who can bring expertise and a clear guiding hand to the Board, to make sure that the LSCB fulfils its roles effectively. The Independent Chair also frees up the board members to participate on an equal footing, without any single agency having the added influence of chairing the Board.

Maggie Blyth was recruited to this position in April 2011 and she is employed by KSCB for 3 days a month. The Chair is subject to an annual appraisal, to ensure the role is undertaken competently and that the post holder retains the confidence of the KSCB members.

Director of Children's Services

The Families and Social Care Corporate Director in Kent is required to sit on the main Board of KSCB as this is a pivotal role in the provision of education and children's social care within the Local Authority. This post is held by Andrew Ireland and he has a responsibility to make sure that the KSCB functions effectively and liaises closely with the Independent Chair who keeps him updated on progress.

Leader of Kent County Council

The ultimate responsibility for the effectiveness of the KSCB rests with the leader of Kent County Council, Paul Carter. The Families and Social Care Corporate Director is answerable to the leader, who forms the final link in this chain of accountability.

Lead Members

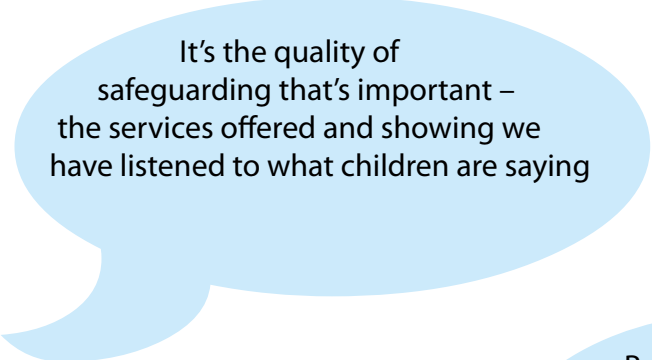
The Lead Member for Specialist Children's Services is the name given to the councillor elected locally with responsibility for making sure that the local authority fulfils its legal responsibilities to safeguard children and young people.

In Kent, Cabinet Member Jenny Whittle holds this position. Councillor Whittle contributes to the KSCB as a 'participating observer'. This means that she takes part in the discussion, asks questions and seeks clarity, but is not part of the decision-making process.

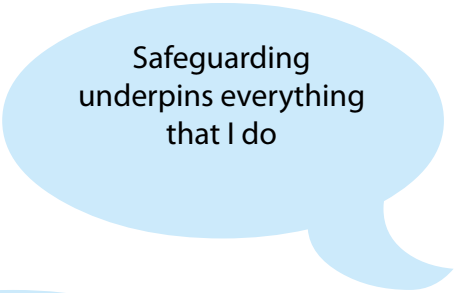
Lay Members

During 2011/12 KSCB appointed two lay members – that is local residents – to get the perspective of the community heard when it comes to child protection issues. In Kent, Roger Sykes and Mike Stevens play this role and have been active contributors to the board's discussions, keeping the wider community in focus and supporting stronger public engagement in local child safety issues.

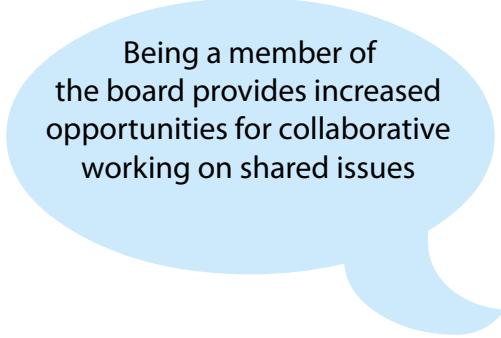
Members' views



It's the quality of safeguarding that's important – the services offered and showing we have listened to what children are saying



Safeguarding underpins everything that I do



Being a member of the board provides increased opportunities for collaborative working on shared issues

Interview with Lead Member [Jenny Whittle]

“Safeguarding children underpins nearly everything I do as Lead Member. I have overseen delivery of the Improvement Plan following the issuing of the Improvement Notice in January 2011. This includes making sure there are appropriate resources and that these resources are allocated to ensure that children are properly safeguarded.

This has centred on allocating a social worker to all referred children in good time and undertaking initial and core assessments in a timely manner. However, whilst we have got on top of the timeliness, we must now focus on delivering a high quality system of care for our most vulnerable children, preventing drift in care planning and instilling a sense of urgency in all professionals working to support these children. Safeguarding children also requires a fully staffed social workforce which is now in place, although we need to increase the percentage of permanently qualified staff and rely less on agency workers. We also need to do more to gain children’s feedback and use this information to improve service delivery to safeguard all vulnerable children and young people.

The greatest challenges to KSCB in the year ahead is to bring agencies responsible for safeguarding to work in partnership and be prepared to be scrutinised for their role in safeguarding. The greatest challenge is the potential for agencies to pull up the drawbridge on the pretext of dwindling resources. Alongside this, is the take-up of CAF and delivering qualitative improvements.

Young people on the Children in Care Council have complained about the turnover of social workers and have mixed experiences in foster care. Whilst children feel “safe”, the quality of support offered ranges hugely and we must focus on improving the quality of services that all agencies provide for children in care.”

Interview with Lay Member [Roger Sykes]

“I wanted to become a Lay Member because the role offers a unique opportunity for outside scrutiny of the work done by various agencies involving the safeguarding of children and to offer them critical support. I also believed that I would be able to be an effective member of the board in that role.

There is a real commitment among the various agencies represented on the board to work together effectively to safeguard children. The challenges presented by the issues of trafficked and sexually exploited children are now being addressed and this subgroup has been very busy.

As every local safeguarding board has to deal with broadly similar issues, there should be scope for formulating commonality of practice and procedures and identifying and implementing good practice and I am interested in exploring the possibility of establishing a regional grouping of lay members in the South East.

It is important for the board to set up a young people’s subgroup to form links between the board and the communities in Kent and work is underway to identify how this might best be organised. There are lots of current issues affecting young people such as internet bullying and the board has to listen to their views and to hear what they expect from the professionals who work for the agencies responsible for safeguarding.”

Key relationships

Children and Young People's Joint Commissioning Board (formerly Kent's Children's Trust)

New arrangements commenced in Kent during 2011 for commissioning services for Kent's children. The KSCB reports annually to this body on the matters facing children and young people at risk in Kent and we hold them to account to ensure they commission the services that are needed based on the recommendations we make.

A focus for multi-agency working at district level to identify support for vulnerable children has been provided by District Child Protection Partnerships.

The Health and Wellbeing Board

The Health and Wellbeing Board is a new structure, which will come into being in April 2012, subject to the formal approval of new legislation by Government. This Board will be concerned with services for both adults and children and will be responsible for co-ordinating the efforts of the local authority and the NHS for the whole population.

At this stage the relationship between the KSCB and the new Health and Wellbeing Board (HWB) is still emerging, and it is certain that there will need to be a clear and well-defined relationship.

As the HWB will be interested in the services to the whole population including adults and the elderly, KSCB must ensure that the needs of vulnerable children are kept in focus.

The Director of Specialist Children's Services and the Lead Member for Specialist Children's Services are members of this Board

Member agencies' management boards

KSCB Board members are senior officers within their own agencies providing a direct link between KSCB and the various agencies' management boards.

During 2011/12 Kent agencies have been subject to major public sector reform –

particularly the NHS – and communication lines sometimes change. It's essential that the management Boards of each statutory agency in Kent cement a close connection with the Safeguarding Children Board and invest in its work.

Clinical Commissioning Groups (CCGs)

During 2011/12 the arrangements in Kent for new GP commissioning were developed. KSCB was involved in talking directly to groups of GPs from Ashford and has provided wider training to GPs to ensure that the needs of children are taken into account as the new CCGs emerge across the County.

CCGs will be important contributors to the KSCB in the coming year as the landscape of health services changes under the direction of central government. The KSCB will hold partners to account in engaging with the CCGs.



Financial arrangements

During 2011/12 contributions from partners remained steady at £305,827. The variable income available to the Board this year was £592,363 which included residual funds of £457,173 brought forward from 2010/11. With a total income of £898,190 and expenditure of £444,253 this ensured the overall costs of running KSCB were met as they could not have been covered solely by the contributing partners.

KSCB has continued developing its support and sub group arrangements over the last year by bringing in external expertise to develop local capacity and specifically to respond to the Safeguarding and Looked After Children improvement notice issued by the Department for Education following the inadequate Ofsted Inspection in 2010.

Some of the costs associated with immersive learning which the Board is keen to introduce will be offset by the grant awarded to LSCBs from the Children's Workforce Development Council (CWDC) as part of the government's response to the Munro Review.

As a result of the changes to KSCB responsibilities during 2011/12 a financial review was instigated to look at partnership funding contributions and to make sure that the KSCB support functions are based on sound programme management. As KSCB has not been reviewed since its inception in 2006 any new plans are timely and will ensure that KSCB provides better value for money in the future.

[A copy of KSCB's budget for the financial year 2011-12 is available in Appendix C](#)

Chapter 3

Progress in key strategic areas 2011/2012

Focus on Child Protection

What did we do? How well did we do it?

During 2011/12 KSCB identified inconsistent understanding among member agencies about what constitutes the appropriate 'thresholds' for a child to be referred into specialist children's services.

There was a clear need to reinforce common thresholds so that children across Kent receive a consistent service. KSCB recognises that children and their families can be harmed rather than helped if they are subjected unnecessarily to formal child protection processes.

Mitigating undue harm is also about ensuring families, children and families have a common understanding about the referral process.

In 2011-2012, KSCB has taken steps to clarify understanding of thresholds across the partnership and in the community. Key achievements included:

- Revised and agreed clear thresholds for universal, targeted and specialist services introduced in May 2011 to make sure children at risk of harm receive appropriate care.
- Delivery of over 30 multi-agency localised workshops between May and July 2011 to make sure agencies understand the new thresholds and assessment processes.
- Playing a key role in supporting a new Central Referral Unit for Duty and Initial Assessment Teams which went live in January 2011, a multi-agency hub for processing all referrals into Specialist Children's Services leading to a steady reduction in the number of inappropriate referrals.

- Improved child protection processes so that families, children and professionals leave the conference clear about what happens next and what their part is in the change process.
- Requiring agencies to develop an Early Intervention and Prevention Strategy to ensure that all vulnerable children are provided with an 'early offer' of help
- Shared learning from 4 case reviews
- Completing 2 audits looking at multi-agency practice in relation to the use of thresholds and the child protection conference process.

All data included in this report is correct at the time of going to print. The data is subject to frequent updates as professionals log changes in their case files.

After production of this report the DfE will publish final data in October 2012 that will include further changes to some data items that will not be reflected in this document

Progress made in improving child protection arrangements... in numbers

- The number of referrals to Specialist Children's Services has sharply decreased to 16,824 compared to March 2011, when it was 23,091. The work in reducing referrals occurred as a result of practice changes in Specialist Children's Services, which included work on thresholds, setting up the central duty team and putting qualified social workers in the team to make thresholds decisions and manage referrals.
- The % of re-referrals within 12 months has not seen such a significant improvement. It is currently at 30.4% against a target of 23%. This suggests there may still be inconsistency in understanding across partnerships on what constitutes a child at risk.
- 76.2% of **initial assessments** were completed within 7 working days indicating that better performance management practices are now the norm. Clearly, this still does not reflect any quality of assessments.
- Overall, 69% of **core assessments** are completed within 35 days, against a target of 80.4%. Across the Districts some are performing better than others. During planned Deep Dive sessions (in-depth analysis within Specialist Children's Services), it was found that this is because the volume of Core Assessments being undertaken generally in Kent is still too high.
- At the beginning of April 2011 there were 562 cases which had not been allocated to a qualified social worker for more than 28 days. By the end of May 2011 this had reduced to 71, and from August reduced to single figures. At the end of March 2012 there were 8 cases that were not allocated to a qualified social worker for more than 28 days. These were all Children in Need cases, none were LAC or Child Protection cases. These reductions demonstrate the focus given to ensuring cases are appropriately allocated, and the introduction of exception reporting ensures that Senior Managers are kept informed on a weekly basis.
- Total **caseloads** have continued to reduce as more cases continue to be closed than the number of new cases being opened. The average caseload of social workers in fieldwork teams was 20.6 per person as at 25 March 2012, compared to 25.1 per person as at 27 March 2011.
- The number of children with a **Child Protection Plan** has fallen from 1,621 in March 2011 to 959 in March 2012, this can be attributed to ongoing work in the districts to appropriately close plans that no longer need that level of intervention.
- Kent's end of year figure for % of children and young people with a Child Protection Plan for a second or subsequent time in 2011/12 of 16.4% is above our target set of 13.7%. Comparison will need to be made both nationally and against our statistical neighbours following the national publication of 2011/12's figures to ascertain if the rise in performance is a national trend. The statistical neighbour average for 2010/11 was 13.4% with a national average of 13.3%. By analysing the re-registrations for 2011/12, it is apparent that a large number of sibling groups accounts for a proportion of this co-hort.
- There are 1,804 **children looked after** in Kent, of this figure 186 are UASC. This figure continues to rise proving to be an ongoing challenge for Kent.
- Kent has an additional 1,248* children placed in Kent by other authority areas. (* See Page 7)
- Against a target of 58.9 **Common Assessment Frameworks** being completed per 10,000 of the population in 2011/12, Kent had achieved 68.5 by the end of March 2012. This exceeds the target set and provides a good base for future improvements.

The challenges ahead

Despite the progress made over the past 12 months, as mentioned in Chapter 1, Kent continues to have comparatively high numbers of children with a child protection plan, including children with a plan lasting two years or more. This is inconsistent with the volumes experienced by Kent’s statistical neighbours and nationally.

It is vital that we build on the progress made to improve the protection arrangements for children and young people. Ensuring member agencies understand and implement KSCB’s recommended policies and procedures around thresholds, the Common Assessment Framework and early intervention remains our biggest challenge and is reflected in KSCB’s three strategic priorities for 2012-13.

Increasing scrutiny, quality and effectiveness

What did we do? How well did we do it?

During 2011/12 the Quality and Effectiveness subgroup has been responsible for leading KSCB’s work in this area, with the aim to drive the quality of service improvement and delivery of outcomes vigilantly, transparently and consistently across the partnership.

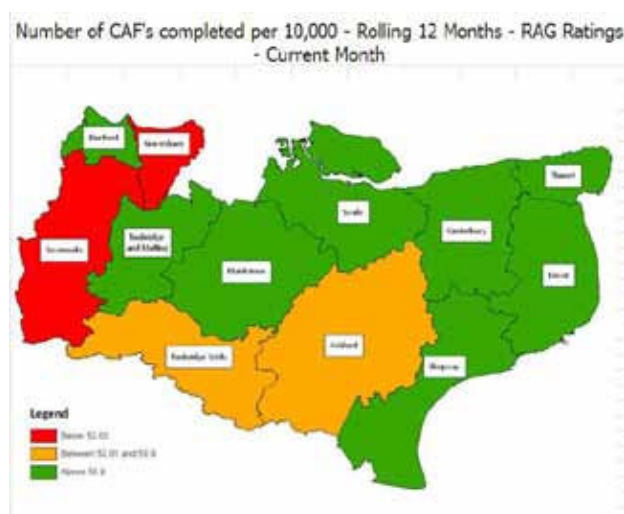
In October 2011, KSCB launched an extensive and comprehensive Quality and Effectiveness Framework to ensure clear analysis is reported by each agency to provide detailed and headline messages about individual safeguarding concerns in Kent. Key achievements included:

- The Quality and Effectiveness Framework has been accompanied by training for all agencies supported by C4EO in using the new dataset.
- A dedicated performance analyst post commenced employment in January 2012.

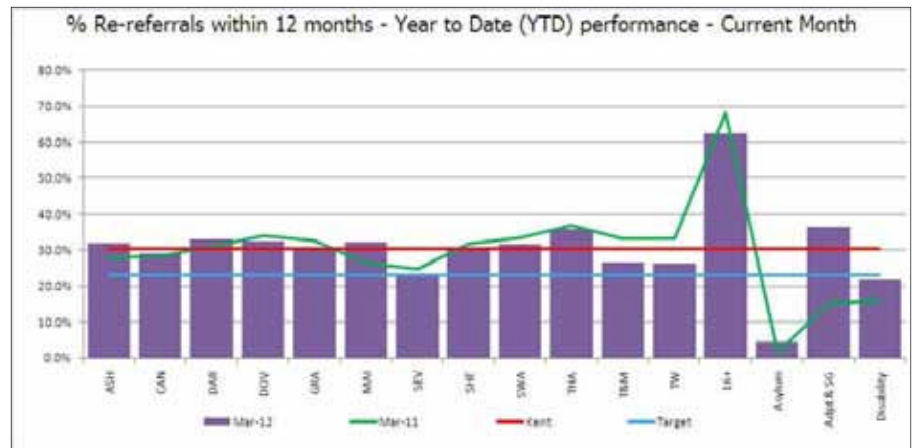
The challenges ahead

Continuing the work to improve KSCB’s approach to performance management and quality assurance in a way that strengthens the scrutiny and challenge role of the Board is our main priority. Our success should be reflected in the outcomes for young people. The charts below show a snapshot of the key reporting areas on KSCB activity during 2011/12.

A quarterly report is produced for KSCB and the charts below are extracts from Quarter 4 – March 2011/12.

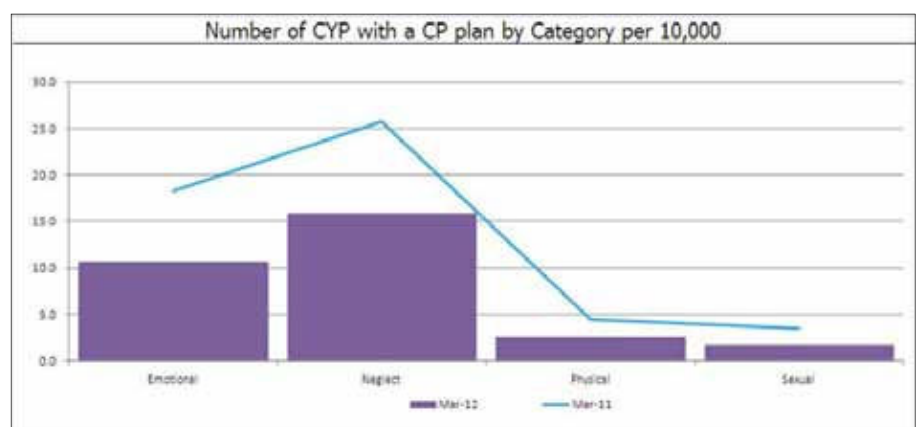


Performance by Kent Districts in March 2012 – % of re-referrals within twelve months. The Asylum and Disability teams, along with Sevenoaks District, are all achieving the target set. All other areas are performing below this target.



Performance by Districts in Kent for reported crimes against children in Quarter 4 of 2011/12

Comparison showing the rate of children and young people per 10,000 population subject to a child protection plan by category of abuse - March 2011 compared to March 2012



What did we do? How well did we do it?

KSCB has examined its constitution over the past year and put in place new governance arrangements following an independent review. This is part of its swift reply to the new expectations arising from Professor Munro's expectations and as a response to the Kent Improvement Plan.

Moreover, it has been necessary to take account of the changes that are currently taking place within the public sector more broadly. KSCB has monitored reforms to the health economy and criminal justice agencies to ensure safeguarding arrangements are not put at risk. Key achievements included:

- Appointment of strategic leads to act as Sub Group chairs with responsibility for implementing the high level priorities of KSCB through their sub group work plan.
- Establishment of a Child Trafficking and Sexual Exploitation Sub Group in November 2011 following discussion between the Children's Commissioner and KSCB Independent Chair.
- Clarification of statutory representation from the health and education sectors.
- The appointment of a voluntary sector representative.

The challenges ahead

During 2012/13 new Clinical Commissioning Groups will become the structures for ensuring that children are adequately safeguarded in Kent. How we liaise with these is not yet known. In addition a new Police and Crime Commissioner should be appointed later in 2012, a key role in deciding which public protection concerns should be prioritised. We are waiting to find out what impact this may have in safeguarding children.

What did we do? How well did we do it?

Key achievements included:

- Representation on the Board of the voluntary sector through Kent Children's Fund Network.
- Setting up an Education Advisory Group to ensure there is a good line of communication between KSCB and the education sector
- Representation of KSCB on the Children's and Young People's Joint Commissioning Board to ensure that agencies are working in partnership to jointly commission services for vulnerable children and families

The challenges ahead

While our new board member representing the voluntary sector is a step, KSCB still has a long way to go towards ensuring engagement across all community organisations so that these voices are better represented in the KSCB.

KSCB is mindful of the impact locally of the national education reforms and recognises the increasing challenge of sustaining and improving the engagement of all organisations in this sector.

Update on Multi-agency Training

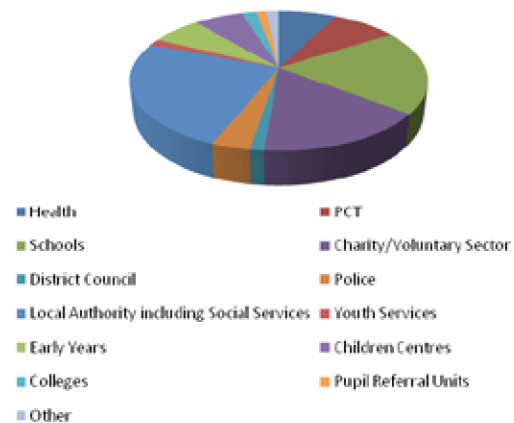
The KSCB has a statutory responsibility to ensure that appropriate child protection training is provided in Kent in order to meet local needs. This covers both the training provided by single agencies to their own staff and multi-agency training where staff from different agencies train together. The delivery of multi-agency basic awareness training by practitioners from all agencies through the KSCB College of Trainers has proved to be an effective model of collaborative working in Kent with 1558 staff receiving the basic awareness training.

During 2011-12, the Learning and Development sub group has been responsible for leading KSCB's work in this area, with the aim to strengthen the competency and confidence of Kent's workforce in child protection matters. The training programme delivered this year was developed based on emerging themes identified through recommendations from Serious Case Reviews, high profile local cases and from operational practitioners and managers. A total of 176 courses were delivered this year with 4887 staff attending.

Following the recommendations and action plan from the KCC Ofsted Report 2010, the Learning and Development sub group has developed and taken on additional safeguarding training throughout the year that was not planned or foreseen when the yearly training programme was originally published, e.g. the Eligibility and Threshold Criteria Workshops that were produced and delivered in May, June and July 2011. This accounted for 33 sessions attended by 1610 multi-agency staff. The 'before and after' evaluation undertaken as part of this training indicated that, almost without exception, staff felt more knowledgeable and confident around the thresholds and their practical application.

This year has also seen a greater involvement with the Voluntary Sector, in particular with Voluntary Action within Kent and the Kent Children Fund Network. These relationships have resulted in more members of the voluntary sector receiving child protection training than ever before, (67 courses with 1001 attendees).

The multi-agency breakdown of attendees on the KSCB programme (not including E-Learning) is outlined here:



In association with Kent and Medway NHS Trust, a Safeguarding Children conference was delivered to GP's in March 2011 from the County's General Practices with over 240 practices being represented. This is the first time such a County event has been held.

Following a multi-agency re-launch, the 13 safeguarding E-learning courses this year had 889 participants. This included a significant number of General Practice Health staff who previously had not received safeguarding training.

As mentioned above, the Learning and Development sub group has established a College of Trainers from across the agencies. Currently, the number of Trainers is 17. They have received specific training (provided by the NSPCC or Canterbury Christchurch University) to qualify them to deliver this training and there is a trainer support programme in place to ensure consistent quality and continued professional development. Additional trainers have been commissioned to assist in the delivery of the more specialist elements of the programme. This approach to multi-agency training is planned to continue.

Ongoing development of the training programme is being undertaken in response to recent Government reports (e.g. Munro 2011). The sub group is looking at more detailed evaluation of training and exploring the use of immersive learning. The aim of this is to ensure staff engage in more critical thinking and risk assessment and management, and ultimately become more reflective in their practice.

"It has enabled me to think differently about how I make assessments of children's needs and to listen to the information that families share"

Health Professional

"I really enjoyed the different perspectives and views from the other professionals attending the training day"

Police Officer

"The whole session was extremely useful and well delivered. Each topic was very useful so I gained a greater understanding in all areas"

Voluntary Sector Worker

Update on the KSCB Improvement Plan

Kent's 2010 OFSTED inspection report revealed concerns about the adequacy of the Kent Safeguarding Children Board and its partner agencies. It was identified that Kent had not been effective in challenging and improving child protection practice and affecting change across the partnership to improve outcomes for the County's most vulnerable children. This was in spite of previous audits and inspections identifying areas that needed to be improved and KSCB agreeing to take key recommendations forward.

Throughout 2011, Kent child protection arrangements have been under improvement notice from Central Government with a monthly improvement board composed of DFE officials and representatives from all the agencies across Kent to monitor and improve child protection arrangements.

The Improvement Plan endorsed by the Kent Improvement Board in April 2011 sets out the overall context, governance arrangements, and planned actions by partners in Kent to improve services to children and support looked after children.

There has been substantial progress made across all ten of the initial core tasks identified in the Plan during the first half of 2011, with focus on a further six areas in the second half of the year.

The response from the Children's Minister to Kent agencies in February 2012 stated that he would take a personal interest in how the Central Referral Unit developed and how front line staff share information on the children most at risk in Kent.

KSCB will continue to monitor the areas it has identified as weak in Kent, outlined in the next chapter particularly concerning a common understanding of thresholds across different professionals.

It will also undertake detailed examination of all actions arising from Serious Case Reviews since 2009 to ensure that appropriate challenge is

provided to all agencies working with children to improve policy and practice in Kent.

Strategic Priorities for 2012/13

The Kent Safeguarding Children Board has three priorities for the coming year, as agreed in its business plan endorsed by members in April 2012.

1) A focus on common understanding of thresholds across the partnership including a reduction in the number of case re-referrals to children's specialist services.

KSCB will continue work in 2012-13 to reduce the number of 'inappropriate' contacts and referrals to Specialist Children's Services. Guidance and policies have been issued to partner agencies and members across the KSCB, offering greater clarity on how to make use of the Common Assessment Framework.

We will know we have made a difference when thresholds for access to services for children in need are understood across all agencies and cases of 'inappropriate' contact and referrals, including re-referrals, are reduced. We will monitor this through a series of audits and through regular reporting of the Quality Assurance Framework.

2) Ensuring the right children are subject to child protection plans.

Over the next 12 months, KSCB will work hard to ensure child protection plans are only in place when there is a clear need for them. Particular scrutiny will be applied in cases where children are subject to a child protection plan for a second or subsequent year. The objective must be more effective and robust service support throughout Kent for children and families so that children do not remain with a child protection plan year on year. This will involve reinforcing the child protection planning and processes (including through a multi-agency training programme), effective multi-agency case conferences, strategy meetings and core groups and by strengthening the multi agency screening hub.

We will know we have made a difference when our audits shows that assessments are robust, responsive and facilitate multi-agency working. We will expect to see a reduction in the number of children in Kent with a child protection plan when compared to high performing areas and in the rate of re-referrals.

3) Increasing the number and quality of Common Assessments in the context of scrutiny of Kent's early intervention strategy.

Enhancing the competence and confidence of professionals across the whole system of safeguarding children to accept responsibility for, and work with partners to manage risk is the single biggest challenge we face. The Common Assessment Framework (CAF) is designed to ensure professionals across the sector – be they teachers, GPs, police or health visitors – carry out precise and detailed assessments of risk in every child's case and work together with other agencies to help build as complete as possible a picture of a child's needs.

Part of this is working to ensure children's needs are met at the earliest opportunity and families get the support they need quickly. In the next year, KSCB will focus on improving the quality and consistency of CAFs so that they are used across the partnership to inform early intervention.

KSCB will work with partner agencies to increase their commitment to use the CAF, and the new Family CAF, and ensure this is reflected in all agencies' priorities and budgets. CAF assessment forms will be reviewed to be more user friendly and family focused and CAF targets will be agreed for partner agencies like health providers and education.

We will know we have made a difference when strategic plans and priorities of partner agencies reflect targets relating to CAF and when children and families are receiving the support they need in the community when they are closed to Specialist Children's Services.

Chapter 4

What happens when a child dies or is seriously harmed in Kent?

There are two processes for responding to a child death in Kent, depending on whether abuse or neglect is known or suspected to be a factor in the death.

The first is called a **Child Death Review Process**. Since 2008, Child Death Reviews have been a statutory requirement for Local Safeguarding Children Boards who are expected to review the circumstances of all children's deaths (up to the age of 18).

In Kent the Child Death Overview Panel has oversight of the processes, ensuring that:

- reviews occur in a timely fashion;
- the information, support and investigation of each death is appropriate and compassionate;
- there is appropriate investigation or referral of any deaths where there are safeguarding or criminal issues;
- where issues or lessons emerge that have broader relevance, or public health implications, they are effectively disseminated;
- information is appropriately collated and reported to the Department for Education.

The second is known as a **Serious Case Review**. LSCBs are required to consider holding a Serious Case Review (SCR) when abuse or neglect is known or suspected to be a factor in a child's death and there are concerns about how professionals may have worked together.

The purpose of a SCR is to:

- establish whether there are lessons to be learnt from the case about the way in which local professionals and organisations work together to safeguard and promote the welfare of children;
- identify clearly what those lessons are, how they will be acted upon and what is expected to change as a result; and
- as a consequence, improve multi-agency working when it comes to protecting children.

KSCB takes seriously its responsibilities to ensure that lessons learned when children die or are seriously harmed are swiftly embedded and messages are used to support improvement across agencies.

We are committed to publishing our Serious Case Reviews as part of our accountability to the wider community in Kent

Child Deaths Reviews in Kent 11/12

The Child Death Overview Panel has a statutory responsibility to review the death of all children who are resident within KSCB's geographical area from birth up to the age of 18 years.

In 2011/12 there have been 94 deaths, 40 of which were unexpected. This number has remained fairly constant over the 4 years that CDOP has been in operation.

This year the Panel, supported by its Expert Advisory Group, completed the review of 106 cases. This comprised of 48 deaths (13 unexpected) from 2011/12 and 58 deaths (19 unexpected) from 2010/11. In 2010/11 the Panel reviewed 51 cases. Due to improvements in efficiencies and better data collection the Panel were able to review more cases in the current year. These improvements have continued with an independent review of the CDOP procedures in order to further streamline the service that is offered.

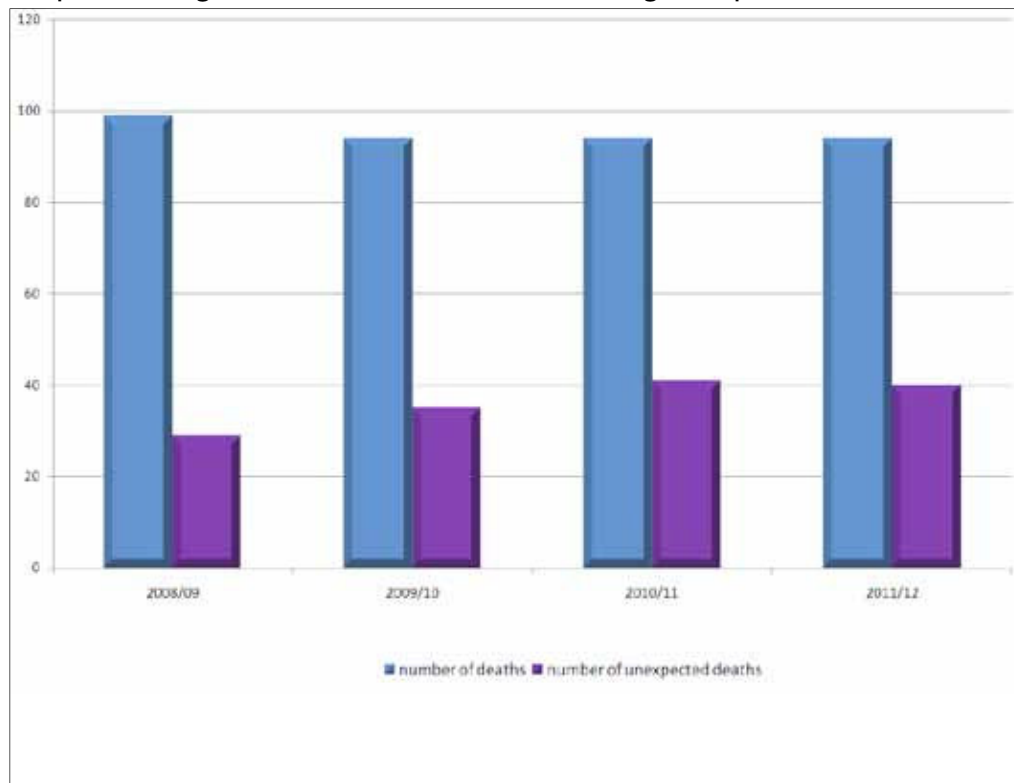
The CDOP procedures also looks at whether there were any modifiable factors which may help prevent similar deaths in the future, and seek to identify any lessons to be learnt from the death, or patterns of similar deaths in the area.

Of the 106 cases reviewed there were 14 where factors were identified which may have made a difference to the outcome. From the cases that the Panel has reviewed over the last four years, a key theme which affects child death relates to safe sleeping.

These issues include:

- Maternal smoking in pregnancy
- Parental smoking and alcohol use
- Co-sleeping (sharing a sleeping surface with an infant under 6 months)
- Environment being too hot or damp.

Graph showing number of child deaths including unexpected deaths



In response to this, a Safe Sleeping campaign was carried out, including additional advice around alcohol and smoking in the run up to Christmas. The feedback from this campaign has been positive from both parents and professionals, and this campaign will be developed over the coming months.

The Panel is required to categorise each death, and identify whether there were any modifiable factors in the circumstances around the death. This information is used to formulate any training or future campaigns to promote safeguarding practices. The deaths reviewed during the period have been identified as being in the following categories:

Table showing the categories of child death

Category of Death

	2010/11	2011/12
Deliberately inflicted injury, abuse or neglect		
Suicide or deliberate self-inflicted harm	0	0
Trauma and other external factors	<5	<5
Malignancy	<5	5
Acute medical or surgical condition	<5	9
Chronic medical condition	0	0
Chromosomal, genetic and congenital anomalies	0	<5
Perinatal/neonatal event	5	7
Infection	34	20
Sudden unexpected, unexplained death	<5	<5
	11	<5

Serious Case Reviews in Kent 11/12

KSCB commissioned two Serious Case Reviews (SCRs), one Root Cause Analysis (RCA) and one independent review during 2011/12.

Ashley's Story

Ashley was just 4 months old when he was taken to hospital. He had been shaken badly and he died. His mother had mental health problems and his father was known to be violent and drink heavily. Agencies did not share all the information they knew about the family.

Key recommendations from this case were to engage with and observe children as part of any child assessment process and to maintain an inquisitive nature about the impact of adult's behaviour on children around them. This will ensure there is ongoing evaluation of any risks to children from adults around them.

Antonio's Story

Antonio was taken to hospital, with multiple injuries. He was just a few weeks old. Neither Antonio nor his parents were known to any statutory agencies in Kent. Antonio recovered from his injuries and was placed with foster parents. The review of this case recognised the impressive speed and thoroughness of all the response from all agencies after the discovery of Antonio's injuries. They worked together to manage a distressing and difficult situation.

Rebecca's Story

Rebecca was found unconscious at home. She was 16 months old. When she arrived at hospital she was found to be badly injured. The family was well known to Kent Social Services, different health professionals and Kent Police. Rebecca and her brother had previously been the subject of a Child Protection Plan.

Concerns included domestic violence, lack of stimulation and neglect. The family did not want to work with any statutory agencies and tried to mislead professionals. They were hostile to support.

Key recommendations from this case were for all agencies to ensure they are aware of the implications of new partners joining the family and the importance of always sharing information with each other. There is also the challenge of not accepting everything at face value when working with families who on the surface seem to be very co-operative.

The challenges ahead

Actions from serious case reviews must be fully evidenced, with agencies routinely providing information to update action plans in a timely manner. KSCB remains concerned that actions arising from SCRs are not effectively monitored with sufficiently robust challenge given to any agency failing to evidence improvement.

Conclusion

Where next for child protection in Kent?

The national Munro Review completed in 2011 provides us all with a new focus on child protection. As we publish this annual report Professor Munro has provided her own analysis of how swiftly improvements are happening. Kent agencies have worked hard over the past year, in KSCB's view, to address key failings in protecting children across the County. However, when drilling down into the detail, it is clear that KSCB must continue to improve its own quality assurance of Kent agencies and be confident to provide challenge, when action is not taken swiftly to protect children. We need to get better at really knowing how good Kent is in protecting the most vulnerable children across the entire county.

Unless Kent Safeguarding Children Board is an effective partnership body that provides scrutiny of the 'front door' we won't be able to see what has really changed in Kent.

We hope this annual report has given you some flavour of what has improved in Kent during 2011/12 and what remains to be tackled.. We are confident that the priorities we have chosen for the coming year are clearly based on what we know are the safeguarding challenges for 2012/13.

KSCB takes its responsibility to safeguarding children and young people in Kent seriously and will report annually to the Leader of Kent County Council, the new Police and Crime Commissioner and the developing Clinical Commissioning Groups in Kent to inform them of how safe children are in the county. We will also publish information at least once a year so all those people living in Kent are informed of what's happening and what has changed to improve the services offered to the county's most vulnerable children and their families.

Finally and most importantly, the judgement for how well KSCB is doing will lie in its contribution to the outcomes for and experience of those children in the child protection system.

"I believe that Social Services are fair and clear"

Young Person, Child Protection Case Conference Audit

"I don't think I was let to get my point across even if most of the report that was given was incorrect"

Parent, Child Protection Case Conference Audit

"I think the meeting was handled very well, everyone got a fair say and all issues were aired"

Parent, Child Protection Case Conference Audit

"Listen don't speak over as if they aren't needed to be listened to"

Young Person, Child Protection Case Conference Audit

Messages for local politicians

- You can be the eyes and ears of vulnerable children and families in your Ward. Councillor Jenny Whittle, the Lead Member, is your route to making sure their voices are heard by KSCB.
- We are in the midst of recession. It's very likely that the services for children, young people and families in your Ward will be feeling the effects of this. This may have a knock on effect on the well being of the most vulnerable children and young people in your Ward too.
- When you scrutinise any plans for Kent, keep the protection of children at the front of your mind. Ask questions about how any plans will affect children and young people.

Messages for non-executive directors

- Non-executive directors (NEDs) in the health service have a key role in scrutinising the governance and planning across a range of organisations.
- NEDs are therefore well placed to examine each organisation's consideration of children and young people in their planning, ensuring this receives appropriate priority.

Messages for Chief Executives and Directors

- Ensure your workforce is able to contribute to the provision of KSCB safeguarding training and to attend training courses and learning events .
- Your agency's contribution to the work of KSCB must be categorised as of the highest priority .
- The KSCB needs to understand the impact of any organisational restructures on your capacity to safeguard children and young people in Kent.

Messages for children's workforce

- Ensure you are booked onto, and attend, all safeguarding courses and learning events required by KSCB for your role .
- Be familiar with, and use when necessary, KSCB's Escalation Policy to ensure an appropriate response to children and families .
- Use your representative on KSCB to make sure the voices of children and young people and front line practitioners are heard.

Messages for the community

- You are in the best place to look out for children and young people and to raise the alarm if something is going wrong for them .
- We all share responsibility for protecting children. If you are worried about a child, follow the steps on the KSCB website www.kscb.org.uk

Messages for the local media

- Communicating the message that safeguarding is everyone's responsibility is crucial to the KSCB and you are ideally positioned to help do this .
- The work of KSCB will be of great interest to your readers and listeners .
- Your contribution to safeguarding children and young people in Kent, through public awareness raising campaigns, is potentially very significant .

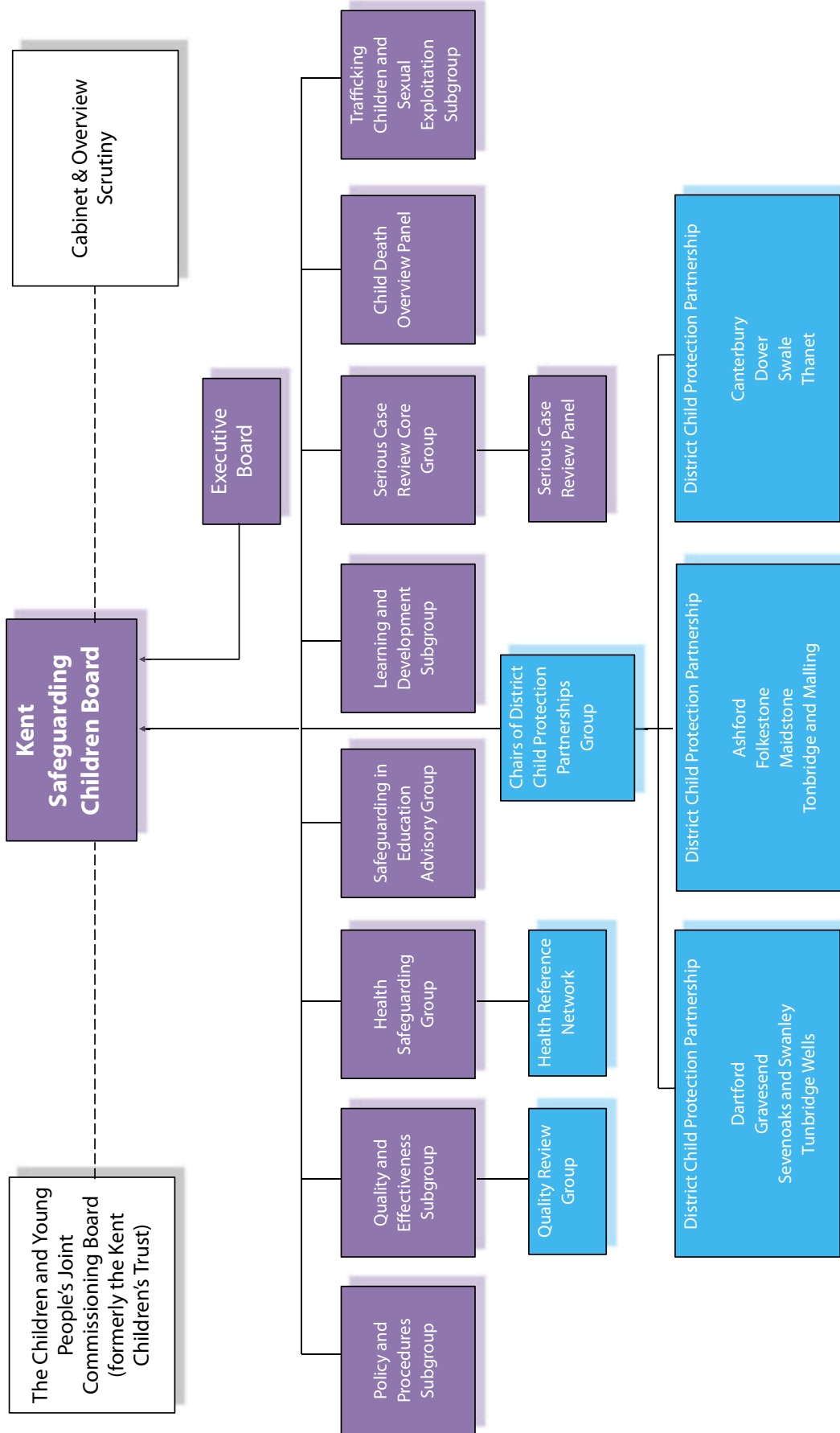
Appendix A

Membership of KSCB as at June 2011

Name	Role
Maggie Blyth	Independent Chair
Alan Dowie	Director Kent Probation Trust
Andrew Ireland	Corporate Director Family and Social Care
Angela Slaven	Director of Service Improvement
David Hughes	District Councils representative - Chief Executive
Donna Marriot	Head of Safeguarding Children's Services
Jean Imray	Interim Director Children's Specialist Services
Lorraine Goodsell	Commissioner Representative Health - Director
Maria Shepherd	Superintendent Kent Police
Mark Shepperd	Provider Representative: Director Community Health
Meradin Peachey	Director of Public Health
Mike Stevens	Lay Member
Nick Sherlock	Head of Safeguarding Adult Services
Patrick Leeson	Corporate Director Education
Roger Sykes	Lay Member
Rowena Linn	Head Teacher (Primary)
Sarah Andrews	Director of Nursing and Quality, NHS Kent and Medway
Sean Kearns	Chief Executive Connexions
Steve Dabrowski	Voluntary Sector Representative
Steve Hunt	Head of Service CAF/CASS
TBA	Early Years Manager
TBA	Head Teacher (Secondary or primary)

PARTICIPANT OBSERVER

Jenny Whittle	Lead Member for Specialist Children's Services
----------------------	--



Appendix C

Budget Statement 2011/12

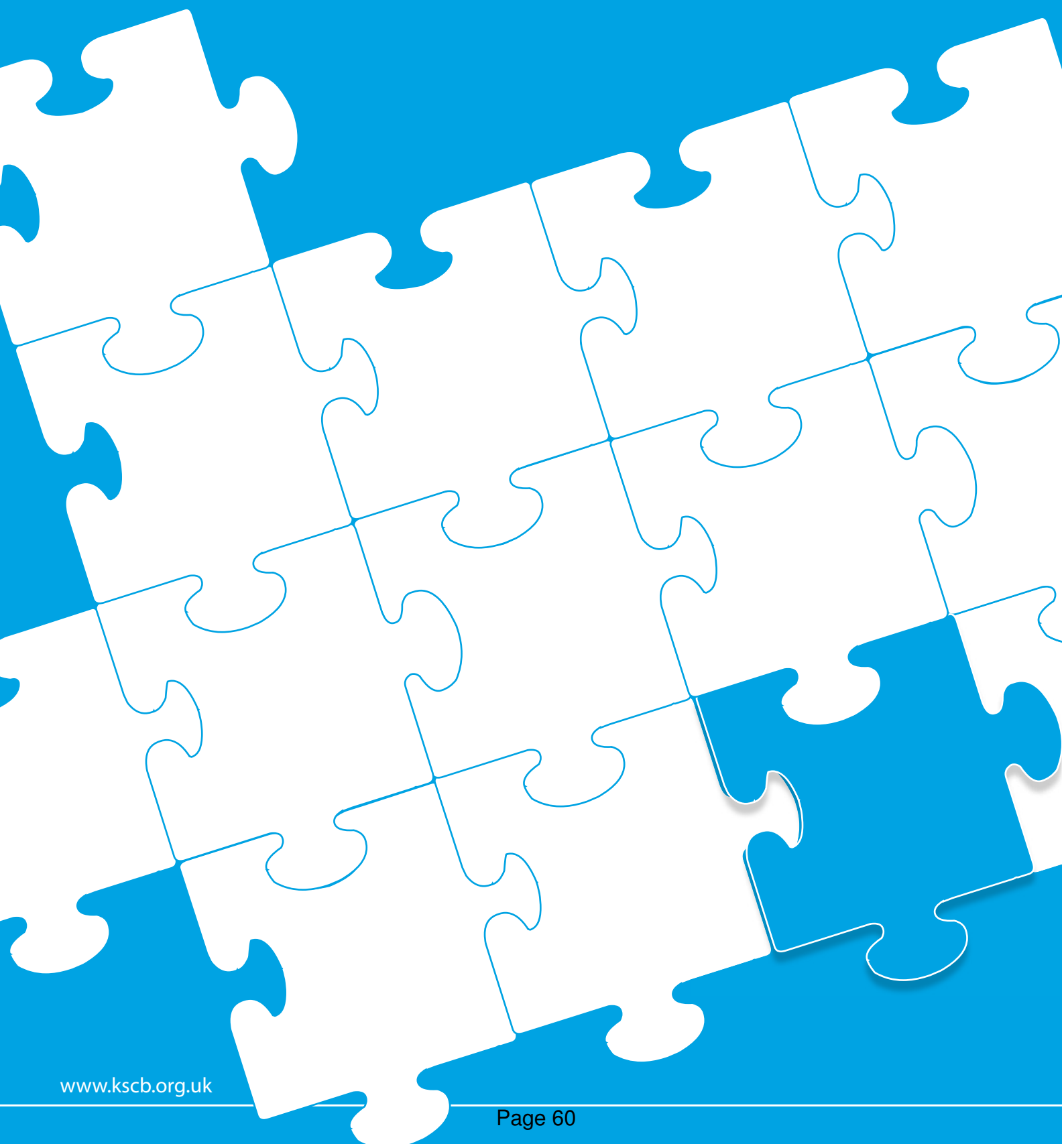
Expenditure	Projected
Salaries	£284,167
Mobile working	£1,098
Travel	£2,283
ICT consumables, hardware and software and equipment	£10,877
Direct business unit staffing costs	£298,435
Printing and publications	£1,814
Room hire & refreshments (including training events)	£26,997
Stationery	£3,598
Grants to 12 District Child Protection Partnerships	£6,000
Independent Chair	£36,204
Total Board and sub group support	£74,613
Serious case reviews	£26,178
Implementing Munro and immersive learning	£21,918
E-learning, external trainers and annual conference	£23,119
Total Learning and Development	£45,037
Total Expenditure	£444,253

Income	Projected
CAFCASS	£550
Connexions	£10,000
Eastern and Coastal Kent PCT	£39,664
Kent County Council – Education Safeguarding	£40,167
Kent County Council – Specialist Children’s Services	£101,000
Kent Police	£50,000
Kent Probation	£6,276
West Kent PCT	£50,170
Youth Offending Service	£8,000
Total from contributing partners	£305,827
Child Death Grant	£96,741
Income from training	£38,449
Residual funds brought forward from 2010/11	£457,173
Total variable income	£592,363
Total Income	£898,190
Balance available to carry forward into 2012/13	£453,937

Kent Safeguarding Children Board
Sessions House
Maidstone
Kent

01622 694659
www.kscb.org.uk

Written by Penny Davies, Kent Safeguarding Children Board Manager



From: Jenny Whittle, Cabinet Member for Specialist Children’s Services
 Geoff Wild, Director of Governance and Law

To: County Council, 19 July 2012

Subject: Revision to the Accountability Protocol for the Director of Children’s Services and the Lead Member for Children’s Services

Classification: Unrestricted

Summary: Following the issue of revised statutory guidance regarding the role of the Director of Children’s Services and the Lead Member for Children’s Services, the County Council is invited to approve a revised Accountability Protocol to ensure that the requirements of the new statutory guidance are met.

Recommendations:

That the County Council:

- (1) Approves the revised Accountability Protocol for the Director of Children’s Services and Lead Member for Children’s Services appended to this report; and
- (2) Notes that the Accountability Protocol will be reviewed on a regular basis and that any amendments resulting from this will come back to the County Council for approval.

1. In April 2011, the County Council approved an Accountability Protocol to ensure the fulfilling of the Director of Children’s Services (DCS) responsibilities under the current operating framework.

2. The Protocol now needs to be revised in the light of the 15 December 2011 report to County Council: Change to keep Succeeding – the Next Steps, which approved changes at senior management level, including the deletion of the post of Managing Director, followed in April 2012 by Department for Education’s (DfE) revised guidance on the role and the responsibilities of both the DCS and the Lead Member for Children’s Services (LMCS).

3. The current Protocol, which forms part of the Constitution of the County Council, ensured accountability against the operating framework and compliance with the previous statutory guidance. The current Protocol does not, however, take account of the additional information provided around the accountabilities of the DCS, nor does it cover the accountabilities of the role of the LMCS as set out in the revised guidance.

4. The Protocol (attached as **Appendix 1**) has been revised to:

- incorporate the new guidance; and

- include the accountabilities of the LMCS and the delegated responsibilities of the Cabinet Members for Customer and Communities and Education, Learning and Skills.

5. The Leader will subsequently consider amendments to Appendix 2 Part 4 of the Constitution of Kent County Council, which records the arrangements made by the Leader for the allocation of responsibilities and discharge of executive functions by himself, Cabinet Members and Officers.

6. The Council is required to provide assurance to the Secretary of State that it is meeting its statutory duties with regard to the role of the DCS and LMCS. In light of this, the Protocol will be reviewed on a regular basis to account for any future changes to relevant statutory guidance and in the light of our own internal or external assurance reviews. It is intended to bring in an external agency in the autumn to review the arrangements which will include a review of the revised Protocol.

7. Members are requested to agree the recommendations as printed at the beginning of this report.

Background Documents:

- Accountability Protocol for the Director of Children's Services, Report to County Council, 6 April 2011
- Change to keep Succeeding – the Next Steps, Report to County Council, 15 December 2011
- Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services, Department for Education, April 2012

Contact details:

Marisa White

Business Strategy Adviser, BSS Policy and Strategic Relationships

Tel: 01622 696583

Email: marisa.white@kent.gov.uk

Amanda Hornsby

Policy Manager, BSS Policy and Strategic Relationships

Tel: 01622 694540

Email: amanda.hornsby@kent.gov.uk

KENT COUNTY COUNCIL

Accountability Protocol for the Director of Children Services and Lead Member for Children's Services

(as adopted by the County Council on 19 July 2012)

1. This protocol is designed to ensure that the Council fulfils the legal requirement to designate both a single officer and a single elected member, each responsible for both education and children's social care, and meets the accountability requirements as set out in the Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services (April 2012.) – ensuring that between them, the Director of Children's Services and Lead Member for Children's Services provide a clear and unambiguous line of local accountability for improving outcomes for children and young people.
2. The Corporate Director for Families and Social care (CDFSC) is designated as the Council's statutory Director of Children's Services (DCS).
3. The Cabinet Member for Specialist Children's Services is designated as the Council's statutory Lead Member for Children's Services (LMCS).
4. A range of services that falls under the statutory accountabilities of the DCS and LMCS is managed within other directorates of the Council by the Corporate Director of Education, Learning and Skills (CDELS) and the Corporate Director of Customer and Communities (CDCC). These services are overseen by the Cabinet Member for Education, Learning and Skills and the Cabinet Member for Customer and Communities.
5. This Protocol ensures that the DCS and the LMCS are able to meet their statutory responsibilities and have an integrated children's services brief, ensuring the safety and the educational, social and emotional needs of children and young people.
6. The CDFSC, the CDELS and the CDCC are all members of the Corporate Management Team and are directly accountable to the Head of Paid Service and the Leader of the County Council for the performance of their duties. In addition, the CDELS and the CDCC are accountable to the CDFSC for the functions specified below.
7. The CDFSC, as the statutory DCS, is accountable for ensuring that:
 - (a) there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools)
 - (b) Local need is understood and the provision of services is secured, taking account of the benefits of prevention and early intervention and the importance of cooperating with other agencies to offer early help to children, young people and families.

- (c) partnership working takes place to improve the outcomes and wellbeing of children and young people
 - (d) Children and young people are involved in the development and delivery of local services.
 - (e) The LMCS and other elected Members are supplied with full and accurate information about children's services in the local authority area and for children outside the area for whom the authority is responsible.
 - (f) there are sufficient financial, human and other resources available across the Council to discharge the authority's statutory children's services functions and maintain service standards in the future within the allocated budget; and
 - (g) staff are supported and developed so that they are effective, competent and confident.
8. The LMCS is democratically accountable to local communities and has overall political responsibility for the leadership, strategy and effectiveness of children's services; providing strong, strategic leadership and support and challenge to the DCS and relevant members of their senior team.
9. The LMCS is a Cabinet Member and accountable to the Leader of the County Council for children's services as set out within the guidance. The Cabinet Member for Education, Learning and Skills and Cabinet Member for Customer and Communities are directly accountable to the Leader for their responsibilities as set out in Appendix 2 Part 4 of the Constitution of Kent County Council. The LMCS has overall accountability for the functions specified below:
- (a) Defining the local vision and setting political priorities for children's services within the broader political context of the council.
 - (b) Ensuring that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed
 - (c) Working closely with other local partners to improve the outcomes and wellbeing of children and young people.
 - (d) Ensuring that children and young people are involved in the development and delivery of local services.
 - (e) Ensuring there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools)
 - (f) Having a shared responsibility with all officers and members of the local authority to act as effective and caring corporate parents for looked after children, with key roles in improving their educational attainment, providing stable and high quality placements and proper planning for when they leave care.
10. This protocol is enacted through regular meetings of a Board, specifically established to ensure strong governance and facilitate the execution of the duties and accountabilities of the LMCS and the DCS. The timing of meetings is determined by the DCS and LMCS, but should be not less than quarterly. Membership will include, but not be limited to:
- (a) the Leader
 - (b) DCS

- (c) LMCS
- (d) CDELS
- (e) Cabinet Member for Education, Learning and Skills
- (f) CDCC
- (g) Cabinet Member Customer and Communities.

11. These meetings:

- (a) provide a regular and formal opportunity for the DCS and LMCS to be assured that their statutory duties are being met;
- (b) enable the DCS and LMCS to check, challenge and also direct activity to ensure that their statutory duties are being met;
- (c) are minuted and maintained as a formal record of assurance.

12. At all other times the three corporate directors referred to in this Protocol will be considered as equal colleagues and equal and full members of the Corporate Management Team.

13. If there is any dispute recorded in these formal assurance meetings or any concerns registered by the DCS or LMCS that their statutory duties are not being met, or that remedial action appears not to be being taken or that new direction to ensure those duties will be met is not being accepted, accountability for resolution rests with the Head of Paid Service or the Leader.

14. The CDELS has accountability to the CDFSC in the following areas:

- (a) ensuring fair access to all schools for every child in accordance with the statutory School Admissions and School Admissions Appeal Codes and ensuring appropriate information is provided to parents;
- (b) ensuring provision for suitable home to school transport arrangements;
- (c) actively promoting a diverse supply of strong schools, including by encouraging good schools to expand and, where there is a need for a new school, seeking proposals for an academy or Free School;
- (d) narrowing the gap in outcomes between the most disadvantaged and other children and young people;
- (e) promoting high quality early years provision, including helping to develop the market, securing free early education for all three- and four-year-olds and for all disadvantaged two-year-olds;
- (f) providing information, advice and assistance to parents and prospective parents, and ensuring there are sufficient Sure Start children's centre services to meet local need and sufficient childcare for working parents;
- (g) ensuring that disabled children and those with special educational needs (SEN) can access high quality provision that meets their needs and fund provision for children with statements of SEN;
- (h) ensuring that arrangements are in place for alternative provision for children outside mainstream education or missing education (e.g. due to permanent exclusion or illness) to receive suitable full-time education;
- (i) promoting participation in education or training of young people, including by securing provision for young people aged 16-19 (or 25 for those with learning difficulties or disabilities);

- (j) Working with headteachers, school governors and academy sponsors and principals, local authorities promote educational excellence for all children and young people by:
 - (i) taking rapid and decisive action in relation to poorly performing schools, including using their intervention powers with regard to maintained schools and considering alternative structural and operational solutions;
 - (ii) developing robust school improvement strategies, including choosing whether to offer such services in a competitive and open school improvement market, working beyond local authority boundaries;
 - (iii) promoting high standards in education by supporting effective school-to-school collaboration and providing local leadership for tackling issues needing attention which cut across more than one school, such as poor performance in a particular subject area across a cluster of schools;
 - (iv) supporting maintained schools in delivering an appropriate National Curriculum and early years providers in meeting the requirements of the Early Years Foundation Stage (as outlined in the EYFS Statutory Framework);
 - (v) establishing a schools forum for their area, maintain a scheme for financing maintained schools and provide financial information; and
 - (vi) undertaking specified responsibilities in relation to staffing and governance of maintained schools.

15. The CDCC has accountability to the CDFSC in the following areas:

- (a) ensuring that young offenders have access to the services and support that they need to reduce re-offending. This includes ensuring that there is a joined up approach to resettlement plans and that services are delivered appropriately;
- (b) putting in place procedures which enable youth offending teams to escalate and resolve issues where resettlement services are not being delivered to young people leaving custody;
- (c) facilitating closer links between youth justice and the wider crime and disorder agenda, taking into account the needs of the victim as well as those of the offender;
- (d) ensuring that there are effective safeguarding arrangements in place in all youth justice settings and within the workforce directly accountable to them and be a member of the Kent Safeguarding Children Board;
- (e) ensuring that there is coherent planning between all agencies providing services for children involved in the youth justice system (including those leaving custody), secure the provision of education for young people in custody and ensure that safeguarding responsibilities are effectively carried out;
- (f) securing access for young people to sufficient educational and recreational leisure-time activities and facilities for the improvement of their wellbeing and personal and social development;
- (g) promoting children's and young people's participation in public decision-making so they can influence local commissioners.
- (h) provision of housing related support for vulnerable young people through the Supporting People programme.

16. Section 10 of the Children Act 2004 places a duty on local authorities and certain named partners (including health) to co-operate to improve children's well-being. In so doing, the DCS and LMCS must:
 - (a) Lead, promote and create opportunities for co-operation with local partners to improve the well-being of children and young people;
 - (b) Involve and listen to parents, carers, children and young people
 - (c) Have a key role in ensuring that the local voluntary and community sector, charities, social enterprises, the private sector and children and young people themselves are included in the scope of local authority planning, commissioning and delivery of children's services, where appropriate.
17. These accountabilities are delivered through the business of the Kent Children and Young People's Joint Commissioning Board, the Youth Justice Board, the Kent Drug and Alcohol Action Team and (with effect from April 2013) the Kent Health and Wellbeing Board.
18. Section 11 of the Children Act 2004 requires local authorities and other named statutory partners to make arrangements to ensure that their functions are discharged with a view to safeguarding and promoting the welfare of children. The DCS is a member of the Kent Safeguarding Children Board (KSCB) and is accountable to the Head of Paid Service for the effective working of the KSCB.

This page is intentionally left blank

By: Paul Carter, Leader of the Council
 Paul Crick, Director of Planning & Environment

To: County Council – 19 July 2012

Subject: Possible Nuclear Waste Facility in Shepway

Classification: Unrestricted

<p>Summary: On Thursday 17 May 2012, Shepway District Council launched a leaflet drop to residents and businesses on Romney Marsh, asking them whether or not Shepway District Council should submit an Expression of Interest to the Government, on the community's behalf, in order to find out more information about a possible Nuclear Research and Disposal Facility (NRDF) on Romney Marsh. This report sets out the reasons why an NRDF anywhere near or around Kent must be resisted in the strongest possible way.</p>
--

1. Introduction

This report provides members with information about the current 'soundings' exercise being undertaken by Shepway DC to potentially build/construct a Nuclear Research and Development Facility (NRDF) on Romney Marsh, provides a summary of what is proposed by an NRDF and sets out why Romney Marsh is the wrong location for storing nuclear waste, and a completely unacceptable proposition. The report goes on to conclude that, should Shepway DC decide to take this proposal further, the County Council should consider seeking the views of the whole of the Kent community by way of a public referendum.

2. Financial Implications

None at this stage. It is estimated that a Kent wide referendum will cost in the region of £50,000, should it be decided to pursue this at a future date.

3. Bold Steps for Kent and Policy Framework

The proposed decision aims to protect the massive steps taken in recent years by KCC and several partner bodies to promote and secure viable economic plans for the East Kent economy, and the much improved perception of Kent and, in particular East Kent, as a place to invest in and do business. This accords with ambitions 1 and 2 – helping the economy to grow and tackling disadvantage and Bold Steps priority 8 in particular – respond to key regeneration challenges working with our partners.

4. The Report

(1) The Government is looking for a way to safely manage the radioactive by-products from the country's nuclear industry. This includes Higher Level Waste, Spent Fuel, Intermediate Level Waste and a small amount of Low Level Waste.

(2) Much of this material is currently stored above ground. The Government and its expert advisers believe that in the long term it would be much safer to store it deep underground, inside a suitable rock formation in a purpose built facility, where it could slowly decay over time and be secure from, for example, the risk of terrorism. When full, the facility could be permanently sealed.

(3) The waste would be stored in secure containers, which themselves would be surrounded by thousands of metres of concrete. This process is known as geological disposal. It is likely that the larger part of the facility would be underground in vaults and tunnels between 200m and 1000m below the surface. The area needed for an NRDF would be in the region of four square kilometres. At ground level there would be research, handling, office, transport and other facilities covering an area of about one square kilometre. If it went ahead, the facility would be expected to become a UK centre of nuclear expertise.

(4) KCC, along with Ashford Borough, Dover District, Canterbury City and Thanet District Councils were invited to a briefing by Shepway District Council on 11 May 2012 on their proposal to seek soundings from residents and businesses of Romney Marsh whether or not they want Shepway DC to submit an Expression of Interest to the Government to host an NRDF. The Leader and Deputy Leader, along with senior officers attended for KCC. The Leader is totally opposed to the "consultation" in line with the views of other districts. We were advised that Shepway DC would not decide to go ahead with the soundings exercise until the evening of Monday 14 May. On Tuesday 15 May, Shepway DC advised KCC that they would be commencing the soundings exercise on Wednesday 16 May by way of a press briefing. The Community of Romney Marsh has been given a deadline of Friday 20 July to make their views known.

(5) The impact of an NRDF in Kent would be immense:-

- Nuclear waste can remain radioactive for up to 2 million years.
- An NRDF facility would be big enough to house Wembley Stadium 20 times over – it should be in a remote area, not in a relatively densely populated area close to London and the Home Counties that will involve transporting of high activity waste through London and the South East.
- KCC already operates a number of projects and programmes which will help to deliver local economic growth on Romney Marsh and East Kent.
 - The Regional Growth Fund £35 million Expansion East Kent programme to encourage new businesses and grow existing companies
 - A national marketing campaign to attract relocating businesses to East Kent
 - The Regional Growth Fund £5 million investment into High Speed Rail to reduce journey times to East Kent and improve connectivity to Manston Airport
 - Cultural regeneration in the area

- The Kent Downs and Marshes Leader programme, which has provided grant support to farm diversification, rural business and tourism development projects
 - The Kent Employment Programme, providing additional support for employers in employing apprentices and recent graduates
 - Rollout of the Make Kent Quicker campaign to provide superfast broadband to 90% of homes by 2015 (and universal access to at least 2mb per second)
 - The emerging development of a county-wide programme to support flexible incubator space for small businesses, which could potentially support proposed developments on the Marsh.
 - Advocating a greater role for Lydd Airport to help meet the demand for aviation capacity in the south east, as outlined in KCC's discussion document, Bold Steps for Aviation.
 - A concerted campaign with local MPs to build Dungeness C and extend the life of industry.
- The area has a history of seismic activity – 5 earthquakes in the last 400 years – and existing fault lines make the area geologically unstable.
 - Located in an area with one of the busiest shipping lanes in the world.
 - Proposal would create more rubble and mess than the Channel Tunnel.
 - Job creation would not be until 2025 when construction would begin. Ongoing operation of the site would only employ around 100 people to manage and administer the site – so not a long term economic solution.
 - Blight – the danger of starting this process is that the suggestion of this unviable proposal could lead to a detrimental effect for the growth of Kent's economy, which is bristling with opportunity.

(6) East Sussex County Council have also raised their opposition to the proposal.

(7) An opportunity for new employment in the nuclear sector exists with the potential for the development of Dungeness C as a new nuclear power station. This was proposed by EDF Energy (the current operators of Dungeness B) in an initial list of potential sites published in 2009. However, Dungeness C has not so far been taken forward on the Government's list of preferred sites within the National Policy Statement due to environmental constraints. Nevertheless, evidence of local support for Dungeness C, proximity to electricity demand and the presence of existing local infrastructure may mean that the potential for a new power station could be revisited. Kent County Council has commissioned further work to explore the potential case and a public meeting to discuss the opportunity was held on 21 June.

(8) In addition, it should also be noted that the owners of Lydd Airport have submitted an application for expansion. This application has been through

examination in public and has been called in by the Secretary of State for determination. The outcome of the Secretary of State's decision is awaited and we continue to press for a decision to be made.

5. Conclusions

(1) The perils of Shepway DC taking this proposal any further forward is that this unviable proposal could lead to a detrimental effect for the growth of Kent's economy, particularly in East Kent, which is bristling with opportunity.

(2) An NRDF would be totally counterproductive to the far larger, wider and better alternative economic opportunities in prospect both immediately and in the longer term, and to host such a 'bad neighbour' facility anywhere near or around Kent must therefore be resisted in the strongest possible way.

(3) Shepway DC have only sought soundings from residents and businesses on Romney Marsh. This proposal would have such an impact on Kent as a whole, that residents and businesses across Kent should be given the opportunity to have their say, should this proposal be progressed further.

6. Recommendations

It is recommended that:

1. The County Council totally opposes the establishment of a Nuclear Research and Development Facility in Kent.
2. Should Shepway DC decide to progress this proposal further, the County Council should review whether or not to hold a Kent-wide referendum on this proposition at a future date.

7. Background Documents

Shepway DC consultation leaflet 'Have your say' dated May 2012.

8. Contact details;

Paul Carter
Leader of the Council
01622 224310
paul.carter-LEADER@kent.gov.uk

Paul Crick
Director of Planning & Environment
01622 221527
paul.crick@kent.gov.uk

Planning and Environment
Kent County Council
July 2012

By: Alex King, Deputy Leader
Geoff Wild, Director of Governance and Law

To: County Council – 19 July 2012

Subject: Localism Act 2011 – Adoption of a New Standards Regime

Classification: Unrestricted

FOR DECISION

SUMMARY

Under the provisions of the Localism Act 2011 the existing Standards regime ceased to operate from midnight on 30 June 2012. The transitional arrangements are very limited and do not allow for the old arrangements to continue. The Act puts in place a system of requiring Members to notify the Monitoring Officer of a new category of interests (Disclosable Pecuniary Interests "DPI") and requires him to maintain a public register of those interests. Additionally, the Council must, with effect from 1 July 2012 adopt a new code of conduct and put in place arrangements for investigating allegations of failure to comply with the Code and for making decisions in respect of those allegations. This report was considered at a meeting of the County Council's former Standards Committee on 26 June 2012 and the recommendations contained within this report reflect the deliberations and conclusions of that Committee and further discussions with the Deputy Leader.

1. Introduction and Background

(1) As a result of the recommendations of the Committee on Standards in Public Life, the Local Government Act 2000 put in place a regime for regulating the conduct required of elected Members. This was developed from the seven "Nolan Principles of Standards in Public Life". Central to the regime was a Model Code of Conduct containing mandatory provisions which councils were required to adopt and procedures for dealing with complaints, which were prescribed by law. This was all overseen by Standards for England (previously known as the Standards Board for England) which variously had regulatory, investigatory and advisory functions together with an overall co-ordinating role.

(2) It was a manifesto commitment of the Conservative party, which also featured in the publication "The Coalition – Our Programme for Government", to abolish the Standards Board regime. Early indications that the review would result in the total abolition of a statutory standards regime for elected members did not materialise. The vehicle for the delivery of the changes to the regime was the Localism Bill. Early drafts of the Bill proposed the almost wholesale repeal of those parts of the Local Government Act 2000 dealing with standards. However, during the late stages of its passage through the parliamentary process, the Bill was significantly revised resulting in the requirement to have in place a formal standards regime that has more locally determined aspects but which still operates within a statutory framework.

(3) The new draft Code of Conduct has therefore been brought about as a result of recent changes in the law arising out of the Localism Act 2011 and subsequent regulations plus ministerial guidance. The old Standards Board regime has been abolished, alongside the old Standards Committee and old Code. In its place, will be a new code and new investigation procedure, but within a different regulatory framework and accompanied by different sanctions. Some of these are more onerous (criminal offences) but others are much lighter than before.

(4) The striking feature of the new code is the fact that it is Kent-wide. For the first time, all Kent districts worked closely with the County Council and the Fire Authority to create together a single code that would apply to all four tiers of local authority in the county. This is the only example of its kind nationwide. It will ensure that those Members who are twin, triple or even quadruple hatted, all operate to the same standards and principles, whether that be at Town/Parish, District, County or Fire Authority level.

(5) Each authority gave its officers a clear mandate to incorporate some of the more valuable provisions of the old code into the new one and were tasked with reaching agreement with others across Kent to deliver a single unified code that Members in all tiers of local government could recognise and abide by. In KCC, that mandate was given by the Standards Committee and the Deputy Leader, who were keen to ensure that the public perception of standards and ethics within KCC was maintained at the highest possible level.

(6) A great many hours of detailed work was put in by all concerned aimed at enhancing and protecting the reputations of the Kent authorities and their Members as well as bringing all the authorities closer together.

(7) What follows has been developed adopting that joint approach, which has already been (or is about to be) formally adopted by 12 out of the 14 Kent authorities. The new code is shorter, simpler and less onerous than the old one. It is, however, longer than the government's draft code and that of the Local Government Association because of:

- (a) inconsistencies between the draft code and the legislation
- (b) the requirements placed on officers by their respective authorities and
- (c) the need to build in safeguards to promote and protect the authority and its Members in terms of public perception and against false or malicious accusations of wrongdoing

(8) The new code is robust and fit for purpose, and is designed to maintain public confidence in its elected Members, but reduce significantly the number of spurious complaints that can be made, thus protecting Members from unscrupulous and damaging attacks on their integrity, reputation and standing. Under the new code, spiteful, politically motivated or anonymous complaints can all be dismissed without further attention - which the old code did not allow.

2. Features of the New Arrangements.

As enacted, the Localism Act 2011 puts in place a standards regime which includes the following features and requirements:

- (a) A duty to promote and maintain high standards of conduct by elected and co-opted members of the authority.
- (b) A requirement to have a Code of Conduct dealing with the conduct that is expected of members when they are acting in that capacity
- (c) A requirement for the Code of Conduct, when viewed as a whole, to be consistent with the principles of selflessness; integrity; objectivity; accountability; openness; honesty and leadership (the Model Code attached to this report at **Appendix 1** sets out these seven principles together with a commentary on each).
- (d) A requirement to have in place arrangements under which allegations that a Member has failed to comply with the Code can be investigated and also under which decisions relating to those allegations can be made.
- (e) A requirement for the authority to appoint an 'independent person' whose views must be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate. Additionally, the views of the independent person may be sought by the authority and by a Member in other limited circumstances specified in the Act.
- (f) A regime for requiring the notification to the Monitoring Officer of Disclosable Pecuniary Interests (DPIs) to enable him to establish and maintain a register of interests, backed by criminal sanctions. Under the new regime it is not only the interests of the Member that must be notified and registered, but also those of a spouse or civil partner; a person with whom the Member is living as husband or wife, or as civil partners.
- (g) The authority must also secure that its Code of Conduct includes appropriate provisions in respect of the registration of DPIs and interests other than DPIs.
- (h) As with the current regime, the new provisions allow for the withholding of sensitive information from the register where the Member concerned and the Monitoring Officer consider that the disclosure of details of the interest could lead to violence or intimidation.
- (i) As with the existing regime there are provisions for obtaining dispensations to allow a Member to speak and vote notwithstanding an interest.

3. Significant Departures from the Current Arrangements

(1) In accordance with the underlying policy intentions behind the legislation, there are some significant differences from the current regime. These can be summarised as follows:

- (a) The 10 general principles are replaced by 7. This has some consequences, for example, the statutory underpinning for codes of conduct dealing with 'respect' has gone.
- (b) The Model Codes and undertakings to comply with them have gone, although the requirement to have a Code remains.
- (c) Standards for England has been abolished together with its various functions.
- (d) The jurisdiction of the First Tier Tribunal to hear appeals has gone.
- (e) The classification of personal and prejudicial interests under the existing code has gone and is replaced by new registration and disclosure requirements. The legislation itself introduces the concept of DPIs and

- other interests which, under the Kent Model, are referred to as 'Other Significant Interests' ('OSIs').
- (f) The new registration requirements for DPs are wider in that they apply to the interests of spouses, etc. It should be noted that where known about, a Member must register these interests otherwise a criminal offence is committed. There are no exemptions other than for sensitive information. These criminal offences are automatically matters for police investigation.
 - (g) The concept of a statutory standards committee no longer features. The consequence of this is that any committee now appointed to deal with standards issues is now an ordinary local authority committee subject to all of the usual procedure rules, including a requirement for it to be politically balanced (although the Council can resolve to dis-apply proportionality). This means that its processes will be more open to public scrutiny because of the application of Schedule 12A of the Local Government Act 1972. A further consequence is that the role of independent members no longer exists as we have known it.
 - (h) It follows from the abolition of the statutory standards committee that the statutory processes of initial assessment of complaints, review, consideration and hearing have all now gone. It is now solely for the authority to determine how allegations are to be received and processed.
 - (i) The powers of the Council to impose specific sanctions for breach of the Code have been removed. Particularly, no facility exists to disqualify or suspend a Member for a breach of the code. In effect, the powers of a standards committee dealing with a complaint will be limited to censure and making recommendations to the authority (or political leaders where the political balance rules apply) that a Member be removed from a particular office or committee.

4. Implementation

(1) The law requires the authority to adopt a new Code of Conduct in furtherance of its duty to promote and maintain high standards of conduct by Members and co-opted members. This Code must be retrospectively effective from 1 July 2012.

(2) It was hoped that a single national 'model' code would be produced that could be commended to the council for adoption. This has not happened and the situation has become complicated because there are now at least three Model Codes in circulation. These comprise a model produced by the Local Government Association; what is described as an illustrative text produced by the Department for Communities and Local Government; and a template Model Code produced by the National Association of Local Councils (NALC).

(3) In the absence of a single national Model Code, it was proposed that a Model Code of Conduct be designed for use by Kent authorities of all tiers. Many councillors are members of different councils operating at different tiers and this, together with the increased incidence of shared working, led to the conclusion that it would simplify matters for all if members of authorities of all tiers were operating in accordance with a common code of conduct. This is attached at **Appendix 1** and has already been endorsed by the former Standards Committee and the Deputy Leader, and is recommended to the Council for adoption.

(4) Earlier this year, 1 July was indicated by the Department of Communities and Local Government (DCLG) as the commencement date for the new code and arrangements. However, the extreme lateness of the regulations dealing with interests, transitional arrangements and commencement led to the assumption that implementation was to be delayed. It was therefore with some surprise when it was discovered that the necessary regulations were tabled in parliament on 6 June to bring the provisions into force on 1 July. Significantly, the early drafts of the regulations were not made generally available so as to be able to inform the earlier preparation of codes of conduct and arrangements. Without the detail of the regulations it was impossible for authorities to frame their codes in advance of the 1 July deadline.

(5) In addition to the Code, the authority must also have in place "Arrangements" which set out:

- (a) How it will deal with allegations
- (b) How it will decide whether an allegation requires investigation
- (c) How it will decide whether there has been a failure to comply with the relevant code (i.e. a local hearing)
- (d) What actions it might take as a result of the failure to comply with the local code.

(6) The intention is to gain experience and within a year to review the operation of the Kent Code and arrangements and, if necessary, make recommendations for change. However, it is recognised that experience may demonstrate that more urgent review of the provisions of the code or the arrangements may be necessary on a local basis, in which case the Monitoring Officer will report to the Council or Standards Committee as appropriate.

5. The Code and the Arrangements

Kent Code

(1) The Kent Code is attached at **Appendix 1**. It only applies to conduct when acting as a Member. There is no application of the Code to a Member's private life. In terms of statutory requirements, the Code complies with the 7 principles mentioned above and sets out the provisions the authority considers appropriate in respect of the registration in its register and disclosure of Disclosable Pecuniary Interests and Other Significant Interests.

(2) The approach taken by the Kent Code is only to require the registration of DPIs as prescribed under the Localism Act 2011. However, it was recognised that in view of the categories of persons by reference to which DPIs arise, this would not address the issue of disclosure to meetings of interests relating to those of wider family and friends. By way of example, if the Kent Code did not expand on the disclosure requirements there would be nothing to require a Member to disclose to a meeting and withdraw from the consideration of his brother's planning application or interest in a contract. In the preparation of the Kent Code it was felt that both Members and the wider public would consider it necessary, in the interests of good governance, to address such issues, which are defined as Other Significant Interests. The overall effect of this is to require Members to disclose to meetings the nature of interests and to withdraw in much the same circumstances as maintained in the case

of personal and prejudicial interests under the current regime. Therefore, if a Member needs to declare an interest in accordance with the requirements of the new code they will, in nearly all circumstances, be required to leave the meeting. For legal reasons this needs to be reinforced by a Procedure Rule requiring a Member to declare and withdraw. **Appendix 3** includes proposals for a Procedure Rule which it is suggested should be included in the County Council's Constitution.

(3) Provisions in the Code will require Members to notify the Monitoring Officer of all DPIs within 28 days of the Code coming into effect, i.e. by 28 July 2012. These provisions have been included because, under the Localism Act itself, Members would not be required to register DPIs until re-elected unless a matter came before a meeting which concerned a DPI. In such a case, the Member would be required to declare the interest at the meeting and notify the Monitoring Officer within 28 days so as to enable registration of the specific DPI.

(4) Members are reminded that there are criminal sanctions for failure to declare and notify DPIs. Additionally, Members' attention is drawn to the attached arrangements at **Appendix 2** (Arrangements for Dealing with Code of conduct complaints under the Localism Act 2011), which consider the relationship between an allegation of a criminal matter and a breach of the Code and how this would be dealt with in practice.

(5) All Members have been asked to complete a new Disclosable Pecuniary Interest form as required by the legislation within 28 days of the implementation of the new regime, i.e. by 28 July 2012.

(6) Questions have already arisen as to whether or not membership of another local authority, e.g. a district or parish council or the fire authority, constitutes a Disclosable Pecuniary Interest. This is one of those questions that the government in all its deliberations, drafting and guidance, failed to make clear. Especially where Members are in receipt of an allowance, it is arguable that being a member of another local authority is "an office...carried on for...gain". In order to remove any doubt, it is proposed that a dispensation be granted to all County Council multi-hatted members, relieving them of the restrictions on participating in discussions and voting. A dispensation under this section must specify the period for which it has effect, which may not exceed four years. The wording of the dispensation is set out below for endorsement:

In accordance with section 33 of the Localism Act 2011 ("the Act"), the Council grants a dispensation from section 31(4) of the Act to all those members of the County Council who are members of another local authority, or public body, or who have been appointed as the Council's representative on an outside body on the grounds that:

- (i) without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business*
- (ii) it is in the interests of persons living in the authority's area*
- (iii) it is otherwise appropriate to grant such a dispensation*

The dispensation granted above will last for a period of four years.

(7) The general obligations in the Kent Code will be familiar to Members as they are not dissimilar to the existing code. One notable exception is the non-inclusion of a provision relating to respect. This is because the statutory underpinning for this is regarded as weak but, perhaps more significantly, because experience has shown that this provision has generated some of the more trivial and time consuming complaints under the current regime. The retention of the bullying provision and the disrepute provision is aimed at adequately addressing those cases which should properly be investigated.

(8) Declaration and registration of gifts and hospitality is also included, even though not statutorily required. It is highly likely that a member of the public would not expect a Member, who has received gifts and hospitality from an individual or organisation, to also be able to take part in decisions in respect of that individual or organisation without being in any way biased or prejudiced in their favour. Far better that such things are made open and transparent, in order to protect Members from damaging attacks on the credibility and reputation.

Standards Committee

(9) The Localism Act 2011 contains no requirement for the establishment of a Standards Committee. Notwithstanding this, Members will note that the Kent Code does provide for the establishment of such a committee in order to allow investigations into allegations to be considered by Members in a fair and transparent way. However, unlike the Standards Committee as formerly known (which owed its existence and derived its rules of procedure from specific statutory provision contained in the Local Government Act 2000), the new Standards Committee will be an ordinary local authority committee established under the Local Government Act 1972.

(10) The Localism Act requires the Code of Conduct to be adopted by the full council. It is also a requirement that the Independent Person (see below) is appointed by the full council. These two functions excepted, it is proposed that the Standards Committee will discharge all functions associated with the new standards regime that have not been delegated to the Monitoring Officer (or ascribed to him by statute) once they have been established by council. **Appendix 3** sets out the proposed terms of reference/delegations to the Standards Committee.

(11) In order to consider reports into any allegations that are investigated, the Kent Code provides for the Standards Committee to establish sub-committees (Hearing Panels) from amongst its membership.

(12) **Appendix 2** comprises the Kent Model Arrangements (plus Annex 1 Procedure on receipt of a Complaint, Annex 2 Procedure for Investigating the Complaint and Annex 3 the Hearing Panel Procedure). The length of the Model Arrangements arises from the necessity to encapsulate within them material that is contained in statutory regulations and guidance.

(13) The former Standards Committee was of the view that a new Standards Committee should comprise three elected Members (one from each political group) and three independent persons. If the County Council chose to appoint independent persons to a re-constituted Standards Committee that independent person could only be in terms of the law a co-opted person with no voting rights. The views of the

former Standards Committee about the size of the new Standards Committee have been given further consideration by the Deputy Leader and it is considered that the new Committee should be small in number, but of a sufficient size to be able to form Hearing Panels as and when required to consider investigations, which would be difficult if one or more Members were absent for any reason, including being conflicted from considering a particular case. Accordingly, the County Council is recommended to re-constitute a Standards Committee dis-applying the proportionality arrangements. The suggested size of the Committee is 5 elected Members, 3 Conservative 1 Liberal Democrat and 1 Labour.

Independent Person

(14) The intention of the Localism Act 2011 is to secure impartial input into the standards regime through the requirement placed upon the authority to appoint an 'Independent Person' (IP). The Act requires that arrangements are put in place for the investigation of allegations, including provision for the appointment of at least one independent person. The role of the Independent Person is prescribed by section 28(7) of the Act as follows:

- "(7) Arrangements put in place...by a relevant authority must include provision for the appointment by the authority of at least one independent person –*
- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and*
 - (b) whose view may be sought –*
 - (i) by the authority in relation to an allegation in circumstances not within paragraph (a)*
 - (ii) by a member, or co-opted member of the authority if that person's behaviour is the subject of an allegation, and*
 - (iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.*

Thus, the independent person's functions are all related to 'allegations' and the independent person does not have a role in advising generally upon or monitoring the operation of the standards regime. This is fundamentally different from the role previously fulfilled by the independent representatives on the Standards Committee."

(15) The Localism Act 2011 contains detailed provisions as to who may and may not be regarded as an Independent Person. It also prescribes that an appointment as an Independent Person can only be made after public advertisement of a vacancy and receipt of an application by a candidate. The appointment must be approved by the majority of members of the authority. It should be noted that, as enacted, the Localism Act prohibited the appointment of an existing independent member of a Standards Committee as an Independent Person. However, the transitional arrangements (which are extremely limited) relaxed this to allow the appointment of a former independent member, provided that they only serve until 30 June 2013.

(16) Discussions have taken place with the Kent & Medway Fire Authority about the possibility of sharing an IP, and these have resulted in a proposal that the

Fire Authority and KCC should each appoint its own separate IP, but with the Council's IP acting as a substitute for the Fire Authority's (if theirs should be unable to act through, for example, holiday, illness, or a conflict of interest) and vice versa. The appointments would be for an initial period of four years (except if it was decided to appoint a former independent member of the Standards Committee, in which case the appointment would be until 30 June 2013).

(17) It is proposed that the Council and the Fire Authority would jointly advertise their IP posts by publishing a notice on their websites; circulating the notice to former independent members of Standards Committees throughout Kent and Medway, using the good offices of the Kent and Medway Independent Standards Committee Members' Liaison Group; and sending the notice to individuals who may potentially be interested in applying. Applicants would complete a single form, but would be able to indicate whether they wished only to be considered for the Council's IP post or the Fire Authority's IP post. There would then be a collaborative shortlisting process (so that neither authority appointed an IP who was unacceptable to the other), but the Council and the Fire Authority would interview their own shortlisted candidates separately.

(18) It is proposed that the appointment of the Council's IP is recommended by a Panel (not comprising Members of the Council) appointed by the Selection and Member Services Committee. The Council is asked to authorise the Director of Governance and Law, in consultation with the three Group Leaders and the Chairman of the Selection and Member Services Committee, to agree the composition of the appointment Panel for the IP. The IP selected for appointment will be recommended to the County Council at its meeting on 13 September 2012.

(19) Discussions with the Fire Authority have also covered the remuneration to be paid to the two authorities' IPs. The Standards Committee proposed that the Council's IP be paid an annual retainer of £500, plus a daily rate of £100 (pro rata for part of a day) when the IP is required to undertake any duties, and travel expenses at the same rate as for elected Members. The Fire Authority proposes to pay its IP an annual retainer of £250 (it is, of course, a much smaller authority), plus the same daily rate (plus travel expenses) as the Council, so each IP will receive the same daily rate whether acting for the Council or the Fire Authority. Naturally, if the Council's IP should be required to undertake any duties for the Fire Authority, the Fire Authority would pay the daily rate, and vice versa.

Training for all Elected Members and Independent Person(s)

(20) All Members will be invited to attend a training session on the new Standards regime. The following dates have been set aside to deliver this training: 20 July (pm), 24 July (all day) and 25 July (pm).

(21) In addition a 'webinar' is being prepared and will be delivered on a regular basis. This will enable Members/officers to engage in training at a time that is convenient to them.

Role of the Monitoring Officer

(22) The role of the Monitoring Officer is key to the administration of the registration of interests requirements of the new regime. However, whereas under

the existing arrangements the Monitoring Officer's role is to maintain the register and for Members to register their own interests, under the new arrangements, Members must notify the Monitoring Officer of their interests and it is the duty of the Monitoring Officer to register them.

(23) The proposed Kent Model Arrangements place responsibility on the Monitoring Officer for deciding, in consultation with the Independent Person and the Chairman of the Standards Committee, which allegations should be investigated and which should not (the equivalent of the process currently known as 'Initial Assessment'). Members will recall that under the previous regime this was a function that the law placed on the Standards Committee (and its sub-committees).

(24) The previous arrangements for initial assessment were bureaucratic, unwieldy and unnecessarily resource intensive. They did not admit of the possibility of trivial or ill-founded allegations being dismissed at a very early stage. They also required the process of initial assessment to be held in public.

(25) The proposed Kent Model Arrangements have the benefit of simplicity of operation in its treatment of the receipt of allegations, but at the price of placing considerable responsibilities on the Monitoring Officer. In recognition of this, the Kent Model Arrangements lay down comprehensive criteria by reference to which the Monitoring Officer will be required to exercise his judgment and includes the involvement of the Independent Person and the Chairman of the new Standards Committee.

6. Resource Implications

It is too early to assess the overall resource implication of the introduction of the new standards regime on the Council. On the one hand it can be anticipated that the new registration of interest requirements will create additional administrative work for the Monitoring Officer and his office support, particularly in its initial stages. However, other changes to the Code and a streamlined procedure for the assessment of allegations in their initial stages should reduce the need for meetings of the Standards Committee and any sub-committees.

7. Recommendations

1. That the Council adopts the Kent Model Code of Conduct as set out at Appendix 1 which deals with the conduct expected of members and co-opted members of this authority when they are acting in that capacity. The Code to be retrospectively effective from 1 July 2012.
2. That the Council notes the requirements of the Localism Act 2011 for members to notify the Monitoring Officer of any disclosable pecuniary interests ("DPs") by 28 July 2012 and the duty of the Monitoring Officer to establish and maintain a register of members' interests.
3. That the Council adopts the arrangements contained within Appendix 2, under which allegations of non-compliance with the Code can be investigated and under which decisions can be made. The arrangements shall be retrospectively effective from 1 July 2012.
4. That the dispensation set out in paragraph 5(6) be endorsed.
5. That the existing Standards Committee be formally dissolved with retrospective

- effect from midnight on 30 June. 2012.
6. That as from 1 July 2012 a new Standards Committee be established with the Terms of Reference/Delegations set out in Appendix 3.
 7. That Council appoints 5 members (3:1:1) to serve on the Standards Committee and dis-applies the proportionality arrangements.
 8. That the Director of Governance and Law in consultation with the three Group Leaders and the Chairman of the Selection and Member Services Committee be authorised to undertake the recruitment of an independent person as set out in paragraphs 5(18)-(20) to this report and appoints an independent person to discharge the functions ascribed by section 28 of the Localism Act 2011.
 9. That the arrangements set out in paragraph 21 for the remuneration, expenses and insurance of the independent person and substitute be approved.
 10. That the Scheme of Officer Delegations with regard to Council functions be amended as from 1 July 2012, so as to confer on the Monitoring Officer the delegation of functions set out in Appendix 3 and incorporated in the County Council Constitution.
 11. That the Procedure Rules set out in Appendix 3 be adopted with effect from 1 July 2012 and incorporated in the County Council Constitution.
 12. That the Monitoring Officer be requested to keep the Code and Arrangements under review and to report further to the Council or Standards Committee as necessary.

Kent County Council

Kent Code of Conduct for Members

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- (C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
 - (a) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.
 - (b) Fail to disclose the interest at Meetings where the interest is not entered in the Authority's register.
 - (c) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the Authority's register and is not the subject of a pending notification.
 - (d) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the interest which are being considered at the meeting.
 - (e) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.
 - (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
 - (g) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

“Associated Person” means (either in the singular or in the plural):

- (a) a family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

“Authority” means the Kent County Council.

“Authority Function” means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

“Code” means this Code of Conduct.

“Co-opted Member” means a person who is not an elected member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or
- (b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

“Disclosable Pecuniary Interest” means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) your interest or

- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

“Interests” means Disclosable Pecuniary Interests and Other Significant Interests.

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

“Member” means a person who is an elected member of the Authority and includes a Co-opted Member.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than:
 - (i) the majority of other council tax payers, ratepayers or inhabitants of the electoral division affected by the decision; or
 - (ii) (in other cases) the majority of other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

“Register of Members' Interests” means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

“Sensitive Interest” means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:
 - (a) act in accordance with the Authority's reasonable requirements; and

- (b) ensure that such resources are not used improperly for political purposes (including party political purposes).

(2) You must not:

- (a) bully any person;
- (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
- (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the written consent of a person authorised to give it; or
 - (ii) you are required by law to do so; or
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority;
- (e) prevent another person from gaining access to information to which that person is entitled by law;
- (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

Declaring Interests

5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
- (a) disclose the Interest; and
 - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under para 5(4):
 - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:
- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
 - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
 - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

8. (1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

Selflessness. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership. Holders of public office should promote and support these principles by leadership and example.

The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations.

Disclosable Pecuniary Interests

(as prescribed by regulations)

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

“**the Act**” means the Localism Act 2011

“**body in which the relevant person has a beneficial interest**” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

“**director**” includes a member of the committee of management of an industrial and provident society

“**land**” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

“**M**” means a member of the relevant authority

“**member**” includes a co-opted member

“**relevant authority**” means the authority of which M is a member

“**relevant period**” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

“**relevant person**” means M or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

“**securities**” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

	<p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Arrangements For Dealing With Code Of Conduct Complaints Under The Localism Act 2011

1. Context

- 1.1 These Arrangements are made under section 28 of the Localism Act 2011. They set out the process that the County Council has adopted for dealing with complaints that an elected or co-opted member has failed to comply with the Code of Conduct.

2. Interpretation

- 2.1 'County Council' means the Kent County Council.
- 2.2 'Code of Conduct' means the Code of Conduct, which the County Council has adopted under section 27(2) of the Localism Act 2011.
- 2.3 'Complainant' means a person who has submitted a complaint in accordance with these Arrangements alleging that a Subject Member has breached the Code of Conduct.
- 2.4 'Disclosable Pecuniary Interest' means those disclosable pecuniary interests that meet the definition prescribed by regulations (as amended from time to time) as set out in Annex 2 to the Code of Conduct.
- 2.5 'Hearing Panel' means the panel appointed by the Standards Committee to determine the outcome of any complaint alleging a breach of the Code of Conduct by a Subject Member in accordance with these Arrangements.
- 2.6 'Independent Person' means a person or persons appointed by the County Council under section 28(7) of the Localism Act 2011:
- (a) whose views must be sought and taken into account by the County Council before a decision is made on any complaint alleging a breach of the Code of Conduct by a Subject Member;
 - (b) who may be consulted by the Subject Member about the complaint.
- 2.7 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake a formal investigation of a complaint alleging a breach of the Code of Conduct by a Subject Member. The Investigating Officer may be another senior officer of the County Council, an officer of another authority or an external investigator.
- 2.8 'Monitoring Officer' is a senior officer of the County Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the arrangements for dealing with any complaint alleging a breach of the Code of Conduct by a Subject Member. It includes any other officer of the County Council nominated by the Monitoring Officer to act on their behalf.
- 2.9 'Parties' means the Complainant, Subject Member and the Investigating Officer, as appropriate.

- 2.10 'Subject Member' means an elected member or co-opted member of the County Council against whom a complaint has been made alleging a breach the Code of Conduct.

3. Appointment of Independent Person

- 3.1 The County Council will appoint the Independent Person (and any substitute) in accordance with the requirements of section 27 of the Localism Act 2011 upon such terms as to remuneration and expenses as may be determined by the County Council from time to time.
- 3.2 The Independent Person (and any substitute) will be treated as if they were a member of the County Council for the purposes of the County Council's arrangements for indemnifying and insuring its Members.

4. Making a complaint

- 4.1 A complaint alleging a breach of the Code of Conduct by a Subject Member must be made in writing and addressed to the Monitoring Officer using the Complaint Form at Annex 1 to these Arrangements. Complainants who find difficulty in making their complaint in writing (e.g. because of a disability), will be offered assistance.
- 4.2 The Subject Member will normally be informed of the identity of the Complainant and details of the complaint made against them, but the Complainant's identity and/or details of their complaint may be withheld at the Complainant's request if it appears to the Monitoring Officer that there are sound reasons for granting such a request (refer to paragraph 5 of Annex 1 to these Arrangements).
- 4.3 The Monitoring Officer will normally acknowledge receipt of a complaint within 5 working days of receiving it. At the same time (and subject to para. 4.2 above), the Monitoring Officer will send a copy of the complaint to the Subject Member in accordance with paragraph 2 of Annex 1 to these Arrangements.

5. Criminal conduct

- 5.1 In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, a Member of the Authority:
- (a) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day on which the Member becomes, or is re-appointed, a Member or Co-opted Member of the Authority;
 - (b) fails to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
 - (c) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day on which the Member discloses it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
 - (d) takes part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted;
 - (e) knowingly or recklessly provides false or misleading information in any of the above disclosures or notifications.
- 5.2 Where a complaint against a Subject Member relates to conduct of a criminal nature referred to above, the Monitoring Officer will deal with the complaint in accordance with paragraph 4(4) of Annex 1 to these Arrangements.

6. Anonymous complaints

- 6.1 Complainants must provide their full name and address. An anonymous complaint will only be accepted by the Monitoring Officer in consultation with the Independent Person, providing it is accompanied by independent documentary evidence substantiating or indicating to the Monitoring Officer that the complaint is exceptionally serious or significant.

7. Role of Independent Person

- 7.1 The Independent Person must be consulted and have their views taken into account before the Authority makes a finding as to whether a Member has failed to comply with the Code or decides on action to be taken in respect of that Member. At any other stage of the complaints process under these Arrangements, the Independent Person may be consulted by the Monitoring Officer and/or the Subject Member.

8. Preliminary tests

- 8.1 The Monitoring Officer will, in consultation with the Independent Person, put the complaint through a number of preliminary tests, in accordance with paragraph 1 of Annex 1 to these Arrangements.
- 8.2 In the event that the Independent Person is unavailable or unable to act, the time limits specified in paragraph 1 of Annex 1 to these Arrangements (whether without the need for an investigation or before or after an investigation has been commenced or concluded) may be extended as necessary.

9. Informal resolution

- 9.1 The Monitoring Officer, in consultation with the Independent Person, may consider that the complaint can be resolved informally at any stage in accordance with paragraph 6 of Annex 1 to these Arrangements.

10. Investigation

- 10.1 If the Monitoring Officer, in consultation with the Independent Person and the Chairman of the Standards Committee, decides that the complaint merits formal investigation, they will, within 10 working days of receiving it, appoint an Investigating Officer to undertake the investigation, and inform the Parties of the appointment.
- 10.2 The Investigating Officer will investigate the complaint in accordance with Annex 2 to these Arrangements.

11. Hearing

- 11.1 If the Monitoring Officer, in consultation with the Independent Person, considers that informal resolution is not appropriate or is unlikely to be achieved, then they will convene a meeting of the Hearing Panel to determine the outcome of the complaint in accordance with Annex 3 to these Arrangements.

12. Sanctions

- 12.1 Where a Subject Member has been found by the Hearing Panel to have breached the Code of Conduct, the Hearing Panel may apply any one or more sanctions in accordance with paragraph 4 of Annex 3 to these Arrangements.

13. Appeal

- 13.1 There is no right of appeal for the Complainant or the Subject Member against decisions of either the Monitoring Officer or the Hearing Panel.

14. Revision of these Arrangements

- 14.1 The County Council may by resolution agree to amend these Arrangements and has delegated to the Monitoring Officer and the Hearing Panel the right to depart from these Arrangements, where considered expedient to do so in order to secure the effective and fair consideration of any matter.

Procedure On Receipt Of A Complaint

1. Preliminary tests

1.1 The complaint will be assessed by the Monitoring Officer alone or in consultation with the Independent Person against the legal jurisdiction test in paragraph 1.2 and, if applicable, the local assessment criteria test in paragraph 1.4 below.

1.2 Legal jurisdiction criteria test:

- (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
- (b) Was the person complained of a member of the County Council at the time of the alleged conduct?
- (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority?
- (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
- (f) The complaint is about dissatisfaction with the County Council's decisions, policies and priorities, etc.

1.3 If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

1.4 Local assessment criteria test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous, unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or 'tit-for-tat';
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 3 months ago;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;

(l) The complaint is about a person who is no longer a County Councillor or Co-opted Member.

1.5 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

2. Notification of complaint to Subject Member

2.1 Subject to any representations from the Complainant on confidentiality (see paragraph 5 below), the Monitoring Officer will notify the Subject Member of the complaint.

2.2 The Monitoring Officer may invite the Subject Member to submit initial views on the complaint within 10 working days, which will be taken into account by the Monitoring Officer when they decide how to deal with the complaint (see paragraph 4 below). Views received from the Subject Member after the 10 working day time limit may be taken into account at the discretion of the Monitoring Officer, providing the views are received before the Monitoring Officer issues their written decision on how the complaint will be dealt with.

3. Asking for additional information

3.1 The Monitoring Officer may ask the Complainant and the Subject Member for additional information before deciding how to deal with the complaint.

4. What process to apply - informal resolution or investigation and/or no action?

4.1 The Monitoring Officer may at any stage (whether without the need for an investigation or before or after the commencement or conclusion of an investigation) seek to resolve the complaint informally in accordance with paragraph 6 below. Where the Subject Member or the Monitoring Officer make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.2 The Monitoring Officer, in consultation with the Independent Person and the Chairman of the Standards Committee, may refer the complaint for investigation when:

(a) it is serious enough, if proven, to justify the range of sanctions available to the Standards Committee (see paragraph 4 of Annex 3 to these Arrangements);

(b) the Subject Member's behaviour is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the County Council and there is no other avenue left to deal with it short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.

4.3 Where the complaint is referred for investigation, the Monitoring Officer will appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Annex 2 to these Arrangements.

4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Member or any other person, the Complainant will be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. In such cases, the complaints process under these Arrangements

will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.

- 4.5 The Monitoring Officer, in consultation with the Independent Person, will take no action on the complaint when one or more of the following apply:
- (a) on-going criminal proceedings or a police investigation into the Subject Member's conduct or where the complaint is suspended in accordance with paragraph 4.4 above;
 - (b) investigation cannot be proceeded with, without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceedings;
 - (c) the investigation might prejudice another investigation or court proceedings;
 - (d) genuine long term (3 months or more) unavailability of a key party;
 - (e) serious illness of a key party.
- 4.6 Within 20 working days of receipt of the complaint, the Monitoring Officer will notify the Complainant, Subject Member of their decision and reasons for applying one of the following processes in the format of the Decision Notice template (appended to this Annex 1:
- (a) not to refer the complaint for investigation; or
 - (b) to refer the complaint for investigation; or
 - (c) to apply the informal resolution process either before or after an investigation; or
 - (d) to refer the complaint to the relevant political group leader for action.
- 4.7 The decision notice will be published on the County Council's website. There is no right of appeal against the Monitoring Officer's decision. However, in the event that the Complainant submits additional relevant information, the Monitoring Officer will consider and decide if the matter warrants further consideration under these Arrangements, in which case it shall be treated as a fresh complaint.

5. Confidentiality

- 5.1 If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer in consultation with the Independent Person when they initially assess the complaint (see paragraph 1 above).
- 5.2 As a matter of fairness and natural justice, the Subject Member will usually be told who the Complainant is and will also receive details of the complaint. However, in exceptional circumstances, it may be appropriate to keep the Complainant's identity confidential or not disclose details of the complaint to the Subject Member during the early stages of an investigation. The Monitoring Officer may withhold the Complainant's identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Complainant or any other person (e.g. a witness):

- (a) is either vulnerable or at risk of threat, harm or reprisal;
- (b) may suffer intimidation or be victimised or harassed;
- (c) works closely with the Subject Member and are afraid of the consequences, e.g. fear of losing their job;
- (d) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
- (e) may receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing County Council service provision or any tender/contract they may have with or are about to submit to the County Council.

OR where early disclosure of the complaint:

- (a) may lead to evidence being compromised or destroyed; or
- (b) may impede or prejudice the investigation; or
- (c) would not be in the public interest.

5.3 Relevant public interest factors favouring disclosure (not an exhaustive list) include:

- (a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
- (b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
- (c) justice to an individual: the balance of the public interest may favour disclosure of the complaint to the Subject Member when it may not be in the public interest to disclose it to the world at large;
- (d) bringing out in the open serious concerns about the behaviour/conduct of an individual.

5.4 The Monitoring Officer, in consultation with the Independent Person, will balance whether the public interest in accepting the complaint outweighs the Complainant's wish to have their identity (or that of another person) withheld from the Subject Member. If the Monitoring Officer decides to refuse the Complainant's request for confidentiality, they will offer the Complainant the option to withdraw their complaint. The Complainant will be notified of the Monitoring Officer's decision, with reasons, within 15 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision to refuse the Complainant's request for confidentiality.

6. Informal resolution

6.1 The Monitoring Officer may, after consultation with the Independent Person, seek to resolve a complaint informally at any stage in the process, whether without the need for an investigation or before or after an investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

6.2 Informal resolution may be the simplest and most cost effective way of resolving the complaint and may be appropriate where:

- (a) The Subject Member appears to have a poor understanding of the Code of Conduct and/or related County Council procedures; or
- (b) There appears to be a breakdown in the relationship between the Complainant and the Subject Member; or
- (c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct; or
- (d) The conduct complained of appears common to a number of members of the County Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other County Council procedures, etc; or
- (e) The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or
- (f) The complaint appears to reveal a lack of guidance, protocols and procedures within the County Council; or
- (g) The Complainant and the Subject Member are amenable to engaging in an informal resolution; or
- (h) The complaint consists of allegations and retaliatory allegations between councillors; or
- (i) The complaint consists of allegations about how formal meetings are conducted; or
- (j) The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

6.3 Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Subject Member, but may extend to other members, including the whole County Council where it may be useful to address systemic behaviour:

- (a) training;
- (b) conciliation/mediation;
- (c) mentoring;
- (d) apology;
- (e) instituting changes to the County Council's procedures;
- (f) conflict management;
- (g) development of the County Council's protocols;
- (h) other remedial action by the County Council;
- (i) other steps (other than investigation) if it appears appropriate to the Monitoring Officer in consultation with the Independent Person.

6.4 If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

6.5 Where the Subject Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Subject Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards Committee.

Kent County Council

Code of Conduct Complaint Form

Your Details

1. Please provide us with your name and contact details.

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the Standards Committee
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee
- Other (please give details) _____

3. Please provide us with the name of the councillor(s) you believe has breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

5. It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he (acting in consultation with the Independent Person and the Chairman of the Standards Committee) decides whether to take any action on your complaint. For example:
 - (a) You should be specific about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor has conducted himself in a manner which could reasonably be regarded as bringing his office or the Authority into disrepute you, you should state what it was they said or did.
 - (b) You should provide the dates of the alleged incidents.
 - (c) You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details.
 - (d) You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

6. **Only complete this next section if you are requesting that your identity is kept confidential. Please see the notes in the accompanying leaflet "How to make a complaint".**

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Signed: _____

Date: _____

Return Address: The Monitoring Officer
 c/o The Head of Democratic Services
 Kent County Council
 Sessions House
 County Hall
 Maidstone
 Kent ME14 1XQ

Complaints Form – Monitoring Information

In order to ensure we target our services in the most effective way for our community, we would appreciate if it you would give answers to the following questions:

Q1. Ethnic Group

- White:**
British
 Irish
 Any other white background
- Black or black British:**
Caribbean
 African
 Any other black background
- Asian or Asian British:**
Indian
 Pakistani
 Bangladeshi
 Any other Asian background

Q2. Sex

- Male
 Female

Q3. Partnership Status

- Single
 Married/Civil Partner
 Separated
 Divorced
 Widow/Widower

Q4. Age Group

- Under 16
 16-19
 20-24
 25-59
 60-64
 65 and above

Q5. Do you have a disability?

- Yes
 No

Q6. What is the nature of your disability?

- Difficulty getting around
- Mental health problems
- Learning difficulty
- Difficulty seeing
- Hearing difficulty
- Other

Q7. To help us monitor issues for different sections of our community, we would appreciate it if you would tell us which faith group, if any, you belong to. If lack of faith is an issue in itself we would also like to know.

EXAMPLE TEMPLATE - DECISION NOTICE (of the Monitoring Officer): e.g. REFERRAL FOR INVESTIGATION

Parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information.

Complaint No:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of Kent County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Decision

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer has decided to refer the complaint for investigation.

Potential breaches of the Code of Conduct identified

At this stage, the Monitoring Officer is not required to decide if the Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

[detail relevant Code of Conduct paragraphs]

Notification of decision

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- [Borough] [District] [City] Council's Monitoring Officer (*applicable only where the Subject Member is serving at both [Borough] [District] [City] and County level*).

What happens now?

The complaint will now be investigated under the County Council's Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011.

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Additional Help

If you need additional support in relation to this decision notice or future contact with the County Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to the attached Community Interpreting Service leaflet or contact our Customer Services on [insert telephone number] or email [insert email address].

Signed:

Date

Print name:

Send to:

G D Wild
Monitoring Officer
Kent County Council
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

Procedure For Investigating The Complaint

1. Preliminaries

- 1.1 The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 1998, Equality Act 2010, the Human Rights Act 1998 and other relevant legislation.
- 1.2 The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.
- 1.3 The Subject Member and the Complainant will be advised that the investigation is for fact finding purposes only.
- 1.4 Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.
- 1.5 The Investigating Officer will not make recommendations on sanctions.
- 1.6 Within 10 working days of being appointed, the Investigating Officer will notify the Subject Member and the Complainant of their appointment and:
 - (a) provide details of the complaint to the Subject Member;
 - (b) detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
 - (c) detail the sections of the Code of Conduct that appear to be relevant to the complaint;
 - (d) request contact details of any potential witnesses;
 - (e) require that confidentiality is maintained and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation. However, the fact that an investigation is being conducted does not need to remain confidential.
- 1.7 It may be necessary for the Investigating Officer to agree with the Subject Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Subject Member's case and which are relevant to the complaint.
- 1.8 The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Hearing Panel.

2. The draft report

- 2.1 On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT') to the Monitoring Officer for review.

2.2 Following review by the Monitoring Officer, the draft report will be sent in confidence to the Subject Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'CONFIDENTIAL' and will detail:

- (a) the relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
- (b) a summary of the complaint;
- (c) the Subject Member's response to the complaint;
- (d) relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;
- (e) a list of any documents relevant to the matter;
- (f) a list of those persons/organisations who have been interviewed;
- (g) a statement of the Investigating Officer's draft findings of fact and reasons;
- (h) the Investigating Officer's conclusion as to whether the Subject Member has or has not failed to comply with the Authority's Code of Conduct;
- (i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.

2.3 Once the Investigating Officer has received any responses from the Subject Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled 'FINAL'.

3. Consideration of Investigating Officer's final report

3.1 The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person.

3.2 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. There is no right of appeal against the Monitoring Officer's decision.

3.3 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:

- (a) take no action or
- (b) seek informal resolution or
- (c) refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Annex 1 to these Arrangements.

Hearing Panel Procedure

1. Rules of procedure

- 1.1 The Hearing Panel consists of the Members of the Standards Committee.
- 1.2 The quorum for a meeting of the Hearing Panel is three.
- 1.3 The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearing Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.
- 1.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings of the Hearing Panel where it is likely that confidential or exempt information will be disclosed.
- 1.5 Once a hearing has started, the County Council Rules of Substitution do not apply to the Hearing Panel's proceedings.
- 1.6 All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 1.7 Where the Subject Member fails to attend the Hearing Panel and where the Hearing Panel is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.¹

2. Right to be accompanied by a representative

The Subject Member may choose to be accompanied and/or represented at the Hearing Panel by a fellow councillor, friend or colleague.

3. The conduct of the hearing

¹ Janik v Standards Board for England & Adjudication Panel for England (2007)

3.1 Subject to paragraph 3.2 below, the order of business will be as follows:

- (a) elect a Chairman;
- (b) apologies for absence;
- (c) declarations of interests;
- (d) in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 1.11 above);
- (e) introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor, complainant and the Subject Member and their representative;
- (f) to receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;
- (g) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.

3.2 The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

3.3 The Hearing Panel may adjourn the hearing at any time.

3.4 **Presentation of the complaint**

- (a) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
- (b) The Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
- (c) The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

3.5 **Presentation of the Subject Member's case**

- (a) The Subject Member or their representative presents their case and calls their witnesses;
- (b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member;
- (c) The Hearing Panel may question the Subject Member and any witnesses called by the Subject Member.

3.6 **Summing up**

- (a) The Investigating Officer sums up the complaint;
- (b) The Subject Member or their representative sums up their case.

3.7 **Views/Submissions of the Independent Person**

The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

3.8 **Deliberations of the Hearing Panel**

Deliberation in private

- (a) The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- (b) The Hearing Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and from whom.

Announcing decision on facts found

- 3.9 (a) The Hearing Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct
- (b) Where the Hearing Panel finds that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person, the Subject Member and the Monitoring Officer to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.
 - (c) When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:
 - (i) What was the Subject Member's intention and did they know that they were failing to follow the County Council's Code of Conduct?
 - (ii) Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
 - (iii) Has there been a breach of trust?
 - (iv) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
 - (v) What was the result/impact of failing to follow the County Council's Code of Conduct?
 - (vi) How serious was the incident?
 - (vii) Does the Subject Member accept that they were at fault?
 - (viii) Did the Subject Member apologise to the relevant persons?
 - (ix) Has the Subject Member previously been reprimanded or warned for similar misconduct?
 - (x) Has the Subject Member previously breached of the County Council's Code of Conduct?
 - (xi) Is there likely to be a repetition of the incident?
 - (d) Having heard the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.
 - (e) If evidence presented to the Hearing Panel highlights other potential breaches of the County Council's Code of Conduct, then the Chairman will outline the Hearing Panel's concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.

Formal Announcement of Decision

- 3.10 (a) Where the complaint has a number of aspects, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- (b) The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.
- (c) Having taken into account the representations of the Independent Person, the Subject Member and the Monitoring Officer's on the application of sanctions, the Hearing Panel will reconvene the hearing in public and the Chairman will announce:
- (i) the Panel's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
 - (ii) the sanctions (if any) to be applied;
 - (iii) the recommendations (if any) to be made to the County Council or Monitoring Officer;
 - (iv) that there is no right of appeal against the Panel's decision and/or recommendations.

4. Range of possible sanctions

4.1 Subject to paragraph 4.4 below, where the Hearing Panel determines that the Subject Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:

- (a) Recommending to the County Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
- (b) Recommending to the Subject Member's Group Leader, or in the case of a ungrouped Subject Member, to the County Council that they be removed from committees or sub-committees of the Council;
- (c) Recommending to the Leader of the County Council that the Subject Member be removed from the Cabinet or removed from particular Portfolio responsibilities;
- (d) Instructing the Monitoring Officer to arrange training for the Subject Member;
- (e) Recommending to the County Council that the Subject Member be removed from one or more outside appointments to which they have been appointed or nominated by the County Council;
- (f) Recommending to the County Council that it withdraws facilities provided to the Subject Member by the Council, such as a computer, website and/or email and internet access;
- (g) Recommending to the County Council the exclusion of the Subject Member from the County Council's offices or other premises, with the exception of meeting rooms as necessary for attending County Council committee and sub-committee meetings;
- (h) Reporting the Panel's findings to the County Council for information;
- (i) Instructing the Monitoring Officer to apply the informal resolution process;
- (j) Sending a formal letter to the Subject Member;
- (k) Recommending to the County Council to issue a press release or other form of publicity;
- (l) Publishing its findings in respect of the Subject Member's conduct in such manner as the Panel considers appropriate.

4.2 The Hearing Panel has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

4.3 The Hearing Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

5. Publication and notification of the Hearing Panel's decision and recommendations

5.1 Within 10 working days of the Hearing Panel's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Hearing Panel's decision and recommendations and reasons for the decision and recommendations on the County Council's website.

5.2 Within 10 working days of the announcement of the Hearing Panel's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, in the format of the Decision Notice template below to:

(a) the Subject Member;

(b) the Complainant;

(c) the relevant Borough, District or City Council's Standards Committee (*applicable only where the Subject Member is serving at both Borough/District/City and County level*).

5.3 The Monitoring Officer will report the Hearing Panel's decision and recommendations to the next ordinary meeting of the Standards Committee for information.

TEMPLATE - DECISION NOTICE (of Hearing Panel)

Complaint No: xxxx

On [insert date], the Hearing Panel of the Kent County Council considered a report of an investigation into the alleged conduct of [insert name of councillor], a member of Kent County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Findings

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decision(s):

[Summarise the finding of facts and the Hearing Panel's decision against each finding of fact in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel, but substitute the Investigating Officer for the Hearing Panel. Please note that the Hearing Panel's findings may differ from that of the Investigating Officer]

The Hearing Panel also made the following recommendation(s)

[Detail recommendations]

Sanctions applied

The breach of the Kent County Council's Code of Conduct warrants a [detail sanctions applied].

Appeal

There is no right of appeal against the Hearing Panel's decision.

Notification of decision

This decision notice is sent to the:

- Councillor [name of councillor]
- Complainant
- the relevant Borough, District or City Council's Standards Committee (*applicable only where the Subject Member is serving at both Borough/District/City and County level*).

Additional help

If you need additional support in relation to this decision notice or future contact with the County Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to

the attached Community Interpreting Service leaflet or contact our Customer Services on [insert telephone number] or email [insert email address].

Signed:

Date

Print name:

Send to:

Chairman of the Hearing Panel
Kent County Council
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

Standards Committee Terms of Reference

To discharge the functions (other than those which are reserved to Council) as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

1. To promote and maintain high standards of conduct by Members and Co-opted Members of the County Council and to make recommendations to Council on improving standards.
2. To advise the County Council on the adoption of or revisions to its Code of Conduct.
3. To advise, train or arrange to train County Members and Co-opted Members on matters relating to the Code of Conduct.
4. To assist the County Councillors and Co-opted Members to observe their respective Codes of Conduct.
5. To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
6. To advise on local ethical governance protocols and procedures.
7. To maintain oversight of the County Council's arrangements for dealing with Code of Conduct complaints.
8. To act as an advisory body in respect of ethical governance matters.
9. To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
10. To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
11. To receive an annual report on the County Council's ethical governance arrangements.
12. To appointment a sub-committee to deal with Code of Conduct complaints, following investigation.
13. To grant dispensations pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or
 - (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.

PROCEDURE RULES

1. A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:
 - (b) disclose the interest; and
 - (c) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 5 of this Procedure Rule); and unless they have been granted a dispensation:
 - (d) not participate in any discussion of, or vote taken on, the matter at the meeting; and
 - (e) withdraw from the meeting room whenever it becomes apparent that the business is being considered; and
 - (f) not seek improperly to influence a decision about that business.

2. A Member with an Other Significant Interest, may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions or giving evidence.
3. Where a Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter under discussion (unless a dispensation has been granted in accordance with paragraph 1 of this Procedure Rule), chooses to participate in the discussion and vote, the Chairman will refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all.
4. The Chairman may request that a Member declare a Disclosable Pecuniary Interest or an Other Significant Interest and, if appropriate, leave the meeting room, should they have reason to believe that the provisions of the Code of Conduct and/or this Procedure Rule are being breached.
5. Where a Disclosable Pecuniary Interest, or an Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.
6. This Procedure Rule applies to a Cabinet member acting alone under portfolio powers and to a local Member who discharges functions at divisional level.
7. Disclosable Pecuniary Interests and Other Significant Interests will be reported to the Standards Committee on an annual basis.

MONITORING OFFICER DELEGATIONS

1. Appointed as Proper Officer for the purposes of receiving applications for dispensation pursuant to section 33(1) of the Localism Act 2011.
2. To grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where:
 - (iv) so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or
 - (v) without a dispensation, no member of the executive would be able to participate on a particular item of business.
3. Appointed to receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted Arrangements for dealing with Code of Conduct Complaints.
4. The right to depart from the arrangements for dealing with code of conduct complaints, where considered expedient to do so in order to secure the effective and fair consideration of any matter.

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

To: County Council – 19 July 2012

Subject: Select Committee: Kent Children's Future at Key Stage 2

Summary: To comment on and endorse the report of the Select Committee on attainment at Key stage Two.

1. Introduction

1.1 The Scrutiny Board (As was prior to new governance arrangements) agreed a proposal to establish a Select Committee to look at reasons for variations of attainment at Key Stage 2. The Committee set out to determine what might explain the variation in results at KS2 and the factors which have enabled some schools to have seemingly broken the link between predictors of poor attainment (such as deprivation) and actual poor attainment.

1.2 The KS2 report was shared with the Cabinet Member, Corporate Director of ELS, and Head of Standards and Improvement on 2 April 2012 and was considered at Cabinet on 14th May 2012.

2. Select Committee

2.1 Membership

The Chairman of the Select Committee was Mr Chris Wells, other members being Mrs Penny Cole, Mr Harold Craske, Mr Peter Homewood, Mr Richard Parry, Mr Leyland Ridings MBE, Mr Kit Smith, Mr Martin Vye.

2.2 Terms of Reference

The agreed Terms of Reference were

To examine the reasons for variations in KS2 performance of all Kent schools with a focus to those schools in areas of deprivation.

The report

- examines levels of attainment at KS2 by providing a detailed quantitative overview of current performance across the County.
- describes the nationally agreed factors that contribute to differential achievement in deprived areas and how those factors impact on a child's individual attainment and on overall school performance
- and asks how some schools have seemingly broken this link between deprivation and poor attainment, exploring what measures have been put in place in schools and their surrounding communities to mitigate the effects of disadvantage or low attainment.

2.3 The report considers the impact of deprivation on attainment and to what extent factors about Schools, Pupils, Parents, and Communities/localities have impacted on Key Stage 2 performance. It considers the role of KCC in the future within a fast changing environment, and the Government policy agenda. The factors considered include:

- the impact of **Deprivation**
- **performance** at KS2 in Kent and compared to other local authorities with similar proportions of pupils eligible for FSM
- **factors about Schools** including Quality of teaching, Quality of leadership, Aspirations and expectations for pupils, Assessment Systems, Quality of Pastoral care and the engagement of governors.
- **factors about Pupils** including Attendance, Behaviour, Aspirations, prior attainment
- **factors about Parents** including pupil mobility, engagement and relationships with parents, parents aspirations for children
- **factors about communities and localities** including concentrations of deprivation

2.4 Evidence

The Committee used a number of evidence sources to inform its investigations, including:

- a) Quantitative Overview to analyze Kent Key Stage 2 performance data
- b) Comparison of Kent to Statistical neighbours and other authorities
- c) National research on factors that contribute to differential achievement in schools and specifically in deprived areas.
- d) Information and insights from briefings and discussion with key stakeholders including Preventative Service Managers, District Heads (now Kent Challenge Lead Advisors, Education Welfare Officers, KCC Education service leads)
- e) Analysis of KS2 Attainment data to identify a final study group of schools. The final study group focused mainly on schools with High levels of FSM and IMD that were doing well, and also schools with high levels of FSM that were consistently well below floor targets.
- f) Interrogation and analysis of Ofsted reports for comments that highlight factors contributing to improving outcomes or inhibited effective learning, these were then themed.
- g) Evidence gathered from visits to study group schools from Chair of Governors, Headteachers and Key Stage 2 teachers.
- h) Insights gathered from focus groups and activities with parents and children.
- i) Consideration of overview of the future role of KCC in a changing landscape.

2.5 The Full report

An Executive Summary of the report is attached at Appendix 1.

A copy of the full report and key findings is available online at [www.kent.gov.uk/your council/how the council works/decisions/overview and scrutiny/select committee reports.aspx](http://www.kent.gov.uk/your-council/how-the-council-works/decisions/overview-and-scrutiny/select-committee-reports.aspx) , or please contact Democratic Services, Tel: 01622 694269.

3. Conclusion

3.1 We welcome the report and would like to congratulate the Select Committee on completing this challenging piece of work.

3.2 We would also like to thank all those witnesses, particularly Headteachers, Chairs of Governors and teachers, who gave evidence to the Select Committee and the officers who supported it.

3.3 Mr Chris Wells, Select Committee Chairman and Mr Martin Vye will present the report to County Council.

4. Recommendations

We recommend that:-

- (a) the Select Committee report be endorsed by the County Council;
- (b) the Select Committee be thanked for a useful, relevant and balanced 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

This page is intentionally left blank

Kent Children's Future at Key Stage 2

“Together we care and achieve”



Executive Summary

The KS2 Select Committee report which examines the reasons for variations in KS2 performance with a focus on schools in areas of deprivation.

Executive Summary

This report

- examines levels of attainment at KS2 by providing a detailed quantitative overview of current performance across the County,
- describes the nationally agreed factors that contribute to differential achievement in deprived areas and how those factors are presumed to impact on a child's individual attainment
- and asks how some schools have seemingly broken this link between deprivation and poor attainment.

The report considers to what extent factors about Schools, Pupils, Parents, and Communities/localities have impacted on Key Stage 2 performance of primary schools that have high proportions of children from low income families. It considers what role KCC may have in the future to assist these schools, in the context of the current Government policy agenda. The factors considered include:

- the impact of **Deprivation**
- **performance** at KS2 in Kent and compared to other local authorities with similar proportions of pupils eligible for FSM
- **factors about Schools** including Quality of teaching, Quality of leadership, Aspirations and expectations for pupils, Assessment Systems, Quality of Pastoral care and the engagement of governors.
- **factors about Pupils** including Attendance, Behaviour, Aspirations, prior attainment
- **factors about Parents** including pupil mobility, engagement and relationships with parents, parents aspirations for children
- **factors about communities/localities** including concentrations of deprivation

Deprivation research

Analysis shows that overall pupils eligible for FSM are less likely to achieve Key Stage 2 threshold measures of level 4+ English and Maths and that there is a clear, measurable gap between the achievement levels of young people living in the most and least deprived areas of the county. In 2010 performance in Kent showed an achievement gap between pupils eligible for free school meals and their peers achieving Level 4+ in English and Maths combined of 28%, compared nationally to a gap of 21%.¹ Analysis shows that eligibility for free school meals is strongly associated with poorer performance at every key stage. **By Key Stage 2, the odds of a non FSM pupil achieving level 4+ in English and Maths are 3.4 times higher than that of a FSM pupil.**

The link between deprivation and lower educational attainment is well proven in national and international research. This report demonstrates that the relationship between deprivation and low educational attainment is sustained and persistent, regardless of the age at which educational attainment is measured. Of greater significance, is that this is not automatic or inevitable. **Deprivation is clearly a disadvantage, but the evidence shows it is an answerable challenge, and not an excuse for low attainment.**

¹ Data for 2010 does not include schools who boycotted the KS2 tests

Schools that break the link

Understanding how this link between deprivation and attainment is seemingly broken by some schools is key to the findings of this report. Research suggests family characteristics and the home environment of children who experience deprivation have strong and persistent effect on life chances, and influences opportunities for learning. School strategies and approaches to these issues are important for deprived pupil outcomes, although effectiveness varies considerably between schools. The school attended makes a significant contribution to explaining differences between pupil attainment and progress, attitudes and behaviour (Mortimore et al 1988, cited DCSF 2009).

It is clear there is much that schools can do to minimise the impact of deprivation, and ensure pupils with deprived backgrounds are not permanently disadvantaged as their attainment and progress are supported. Some schools in Kent, despite higher than average levels of FSM and under considerable pressures from community disadvantage, have met or exceeded the threshold floor target for Pupils at KS2. How these schools have achieved this target is an important lesson in best practice.

The School Role

Schools are only part of the interventions that can challenge the impact of deprivation but do have considerable influence on children's lives. The emphasis is how to keep schools focused on learning, not overly distracted by high levels of deprivation, nor building programmes, or applying for academy status or frustration with other preventative service thresholds. Schools need to focus on what they are professionally good at, the things they can influence, not try to tackle the whole social situation. There are 3 basic ways in which schools work

1. What schools do within their own environment, functions within their gift – such as leadership and management
2. Things that school can influence – which are partially in their gift e.g. involvement of the parents and wider community
3. Factors outside their gift, housing, poverty, immigration, debt – they can respond to government policy but can only be distracted from their primary purpose by many of these bigger things

From the evidence, the successful schools controlled and changed what they do in school, then reached across to the community, which is a slower process. Schools were more successful where they supported their families and communities, and took a “whole child” approach to education. These schools have developed practical ways in working across school-home boundaries and addressing social and emotional development, physical and mental health and well-being; in the interests of better learning for the child.

Successful leadership dealt with the significant outside deprivation challenges affecting pupils and their schools by pragmatic management which enabled learning. Leaders removed barriers where they could, to minimise the impact of other barriers outside of their influence – focusing on pupils ‘readiness for learning’. Pupils’ outstanding progress was linked to the schools ability to address the profound and often multiple needs of its vulnerable pupils skilfully, instilling excellent attitudes to

teaching and learning, helping pupils to profit fully from good teaching and a well tailored curriculum.

The best Leaders and Managers improve standards through an unrelenting focus on quality of teaching and learning, assessment and tracking, and have good or outstanding schools despite challenging circumstances 'bucking the trend', and sometimes the expectation, of poor results. Conversely, where this is not the case, these factors are key reasons for under performance in some schools.

A broad, challenging, and motivating curriculum is vital in sustaining and promoting educational attainment. Pupils with a high level of engagement and enjoyment of a balanced, broad and quality curriculum ensure significant impact on pupil learning and outcomes. Using a creative, and rich, curriculum, vibrant, engaging teachers, 'should wake up thinking in children', and motivate them, engaging pupils in their own learning progress. If children look forward to coming to school, and enjoy the experience, they are in a better frame of mind to learn.

Good teaching is where we begin

Those schools where Leaders insist that good teaching is the minimum standard, and expect outstanding teaching and planning, can address the learning needs of different groups of pupils to achieve better outcomes. Leaders need a specific set of skills, including being able to analyse what goes on in the classroom and how to address the issues that arise. Where there are inadequacies in teaching style, or not enough good teachers, schools are assessed as only satisfactory. A 'satisfactory' level of teaching is not good enough for pupils to make good progress, and requires improvement. Improved consistency to good or better teaching is the key to successful outcomes for pupils.

The essential issue is less about individual teachers, all get good initial training; it is the culture of the school. Some teachers are strong, and would be good whatever the culture of the school. The evidence highlighted teachers who reportedly were previously satisfactory, but had flourished under excellent leadership, support to improve, and worked in a culture driving for improving standards. The strategic issue is whether the school is the kind of place where all teachers are helped to be at least good, something all schools should have a system to achieve. The school must monitor the teaching consistency regularly, feedback on improvement points, and give help and support where necessary. There should be peer review, evaluation and development points, within a set process so that teachers are not just judged on what is observed on a particular day. The school must look at the impact of teaching on pupil progress, and the pupils work. In the final analysis, teaching is only good if you can see it reflected in the work of the pupils, their progress, and what these confirm of their experiences.

The children in challenging schools that had bucked the trend knew they were being helped to learn, were motivated and eager to continue with their learning. The successful schools had a whole set of processes to raise the level of teaching, through a team culture and joint commitment to improve and deliver 'the best'. Teachers need to up-skill first, through effective monitoring and support to improve, and be accountable and challenged on pupils progress. Leadership needs to know how to improve the quality of teaching and accelerate the rate of learning.

Using evidence from assessment to adapt teaching to meet needs of learners is a significant factor, and fundamental in addressing underachievement. Robust assessment and tracking systems contributed significantly to improving standards, through regular monitoring, identifying where teaching and learning could be enhanced to accelerate progress. The systems for tracking pupil progress and teachers' understanding of how well pupils are doing has proved effective in raising expectations, identifying pupils at risk of falling behind, thus needing extra help, and showing where pupils need extra challenge. This has had a big impact on pupil progress by enabling teachers to respond by identifying where teaching can be strengthened, adapting their planning, setting appropriate challenge, and targeting resources quickly to ensure pupils make good progress.

Pupils driving progress

From the evidence, it is clear pupils made better progress when it was identified what they needed to do to improve to reach the next level – allowing the learner to drive their learning. The schools that did well knew how to accelerate learning for pupils who needed to make more progress and did not accept a pupil's background determines poor attainment.

Pupils need challenge, and to challenge themselves. To be able to do this a learner needs to be able to explain what they have learned. Children may not naturally relate learning so they need to acquire this habit, and this is something that teaching can do to make the learning explicit. Teachers must help to make the understanding clear for the learner, and also have the learner say what they find difficult, and how they apply the learning. When you put the learner in charge you have a position where they can say what they need to do or what they want to try or do next. Good consistent marking that is timely and regular, feedback, and individual targets, with understanding of where they are and what they need to do next to improve, are significant drivers for improved outcomes – as the children become the drivers. The whole process should make what learning is about clearer, and when this is done well it challenges the learner to learn at a higher level.

Headteachers and Governors

Finding high calibre Headteachers is a national issue, 25% of Kent Headteachers will retire in the next few years and it can be difficult to recruit Headteachers especially for schools in less advantaged areas. This is a key strategic issue. There is a need to grow our own Headteachers - it is not about a potential Headteacher having years of experience but having the right experience and skill set, and in the short term spreading the use of the best Headteachers via more collaboration between heads, thus spreading good practice across more schools.

A further variation is the engagement of governors in primary schools and their skills. The role of governors is critical and their engagement is impacting on Key Stage 2 performance. The evidence suggests school governance is an influential factor on attainment and that it needs to work closely with the school and also be able to hold them to account. Governors were most effective when they are 'fully involved in the school's self-evaluation and use the knowledge gained to challenge the school, understand its strengths and weaknesses and contribute to shaping its strategic direction'. (Ofsted April 11).

One of the reasons that the Government has given for schools moving to Academies is that there is evidence that Academy Governors are more challenging, but there is no reason why all school Governors should not challenge. There is a need to raise expectations, and understand the succession planning for a new generation of headteachers, and a new generation of governors to challenge the headteachers.

The learning continuum

The impact of low levels at entry in the early years was a factor. What is evident is that overall improvements in the Foundation Stage have been achieved and it is expected that this improvement will continue to be evidenced within both KS 1 results (which are demonstrating year on year improvements) through to KS 2. Fundamental to this is for schools to value and build on previous learning, therefore transition is important as well as a shared understanding that quality teaching first is fundamental for quality learning to follow. However it was clearly identified that there is a need to think of the 'destination continuum' – that there is a need to lift attainment at KS2, making sure it is part of a continuous improvement for young people and not a situation to be viewed in isolation.

A further factor to consider is that where interventions are delivered, how are they assessed and evaluated? Fundamentally do they close the gap long term or do they merely bring a child up to expected levels now, and then following the withdrawal of the intervention, the child "drops back" to below the expected level. There is more to do and there is a need to link Children centres, nurseries and primary schools to consider the pupils learning journey as a whole, sharing practice and training. The evidence identified a need to not only continue to improve levels at intake but that relationships with pre-schools, children centres and schools need strengthening and aligning, including a continuity of preventative services as children move into new schools.

Out of school

Extra curricula learning can have benefits for pupils from disadvantaged backgrounds, giving valuable experiences, enhancing the curriculum and enabling pupils to have cultural and sporting opportunities that extend beyond the communities where they live. Good education outside of classroom can lead to improved outcomes, including helping pupils to engage in learning, improving achievement, standards, motivation and personal development. It was noted that the success of enrichment and extended service activities is dependent on schools being able to target families and pupils most in need. The ethos and principles which underpin these activities in the county struck a chord and seem of particular relevance to the whole report:

The 5As

1. If you can raise a child's **Aspirations**;
2. It will improve their **Attitude** to learning;
3. Which will enhance their **Attendance**;
4. Thus improving their **Attainment** and
5. Life-long **Achievement**

Beginning at the borders

In Kent 60% of schools are deemed to be good or outstanding, with 3.6% in a category (notice to improve or special measures) and the remaining 36% satisfactory. There is, however, a significant proportion of primary schools in a borderline satisfactory category. These are schools where overall effectiveness is judged only to be satisfactory and achievement, teaching, leadership and management are also only satisfactory. The position in Kent is clear – In Ofsted terms “satisfactory” means “adequate” which is not something to be satisfied about. Children need to make good progress, and schools should have plans to move on from satisfactory to good and should understand what they need to do to achieve this. When Ofsted award “satisfactory” they make recommendations on how to make the school better than it is.

‘Satisfactory’ schools has direct relevance to ‘The social aspiration gap’, as ‘Satisfactory’ schools have a widespread impact on outcomes for disadvantaged children (and other children) as well as failing schools (Francis 2011). Given the importance of schooling for the life chances of disadvantaged pupils and concentrations of such pupils in ‘(un)satisfactory’ schools, a step change in the performance of these schools could make an important contribution to closing this aspect of the gap and improving overall performance. It is suggested that ‘longer term’ satisfactory schools have a lower capacity to improve and that these schools need better support and accountability to enable improvement. There is a key challenge for these schools in spreading the good practice which they do contain across the whole school. Lying behind the call both for greater support and guidance for these schools, is that the status of ‘satisfactory’ is only acceptable if it is explicitly seen as a foundation for improvement.

Aspirations and Involvement

Research identifies low aspirations in parents, and for their children, from deprived backgrounds has a negative influence on children’s outcomes, ability to engage, and learn from what is provided in the classroom.

Where child and parental aspirations are low, parents are often difficult to engage, insular, sometimes transient, or even 3rd or 4th generation unemployed, with no understanding of other lifestyles. Such characteristics often result in minimal support for education and learning. Where schools recognise these limitations on pupils, they commit not only to the children, but also to supporting the parents. There is a need to raise the aspirations of the children, and to do that effectively means influencing parents as well. This is often achieved through a more creative curriculum, which involves parents in the school, and their own understanding of learning, fostering positive attitudes.

The pupil voice provided valuable insight into the importance of happiness in pupils to enable them to be willing and able to engage in learning; increase in confidence; and succeed in reaching their potential. Overall, the results show children are most concerned that lack of money, poor secondary education, exam failure, poor health and/or family issues will prevent them from achieving in the future. Pupils love of learning, enjoyment and engagement with school came across strongly. The importance of a supportive environment, and an enjoyable, educational learning experience was clear.

Pupil role models seemed largely influenced and inspired by celebrity culture. There were fewer celebrity role models for the schools that had higher attainment, and for one such group, although 50% of the class named a celebrity as their role model, each choice related in some way to future career intentions. For example, children who named authors planned to be authors in the future.

The insights highlighted the importance of celebrity culture to children, and issues concerning their future including low self-worth, fear of injury, parental concerns and peer pressure.

Overall parents were very positive and had good relationships with school, commenting that their child was 'thriving', that they have 'lots of experiences and opportunities', 'are making progress', that their children 'love coming to school and enjoy their day'. Significantly, parents regarded the FLO PSA as being of particular help. This supported other research that in improving outcomes for pupils, enjoyment at school, good information about pupil progress, and how parents can help support this at home, is as important as good teaching, supporting children to reach their potential, approachability, and excellent pastoral care.

It was significant that not all parents included comments about how their children may achieve their goals, but those that did highlighted the need for their children to work hard and their role in providing support. Getting parents involved with their child's learning, getting them to read with their child and getting them to come into the school and take a real interest in what their child was doing, really improved the outcomes for those children.

Drugs and falling in with the 'wrong crowd' were highlighted by parents as the main barriers to their children achieving in the future.

The Kent Challenge

Although there is much to celebrate in Kent schools with evidence of outstanding leadership and classroom practice, innovation and dynamism, some schools are facing specific challenges and performance in some schools does not meet the high standards expected. Kent has introduced a new school improvement model and 'The Kent Challenge', looks to improve outcomes in failing schools but also to raise levels of practice in satisfactory schools. The Kent Challenge and Leadership Strategy will hopefully provide a more strategic approach, with more effective cross school participation and management. The Kent Challenge has clear expectations of school performance and pupil attainment and clear accountability. The plan is to address underachievement in schools and build on Kent's new model to help deliver **a county wide school improvement strategy, embracing all schools**, by shining a spotlight on the reasons for low performance of schools and the underachievement of pupils from disadvantaged backgrounds and communities.

Structural solutions have provided answers for some schools. There are a number of structural solutions:-

- 1) Loose collaboration – where schools can learn from each other.
- 2) Soft Federation – pool resources and share teachers
- 3) Hard Federation – Headship across a number of schools, shared resources and teaching, joint learning

4) Academy - can offer the same as 3) above

It is about sustainable improvement through a high calibre of leadership and management. The evidence gathered showed 2 Federations where the securing of effective Leadership had made significant improvement to outcomes or was making good steps to tackle standards of teaching, assessment and individual targets. Federations also provided advantages through opportunities to share resources and pool staff, and use budgets to bring in joint support when needed.

Challenges to services

The main reasons for underperformance and contributing factors are:

- insufficient high quality leadership
- too much teaching that is only satisfactory
- weak tracking and assessment systems
- difficulties recruiting and retaining staff
- governance not sufficiently challenging
- low expectations, low aspirations and poor attitudes to learning, low motivation
- contributing/complicating factors: high mobility, late arrivals in year 6, school managing significantly high levels of social service involvement which impact on child and learning, reduction in support from other services, low levels at entry to school. Although exceptionally challenging circumstances they are not an excuse for low attainment. However some schools are dealing with a large number of problems and a large number of pupils with these problems, i.e.. EAL, mobility, in year and late arrivals, and although they are doing well under the circumstances could be doing even better with a smaller number of these pupils.

Every day that children spend in classrooms where they are not learning properly is another day that they are held back from achieving their full potential. The Education, Learning and Skills Directorate are making considerable effort to raise levels of attainment, especially through the Kent Challenge programme, however there are still issues across the county, including:

- To significantly reduce the number of schools in category, or in Kent Challenge.
- To increase the number of headteachers with the ability to drive up standards and plan for an impending large number of retirees.
- To press Teachers more to acquire skills to raise attainment.
- To ensure the LA can provide enough ongoing challenge and support.
- To ensure Governors understand the required skills for new headteachers.
- To enable and ensure governors provide the right challenge to their headteachers. Levels of understanding of data and what it is telling governors about their schools is impacting on the ability of governors to challenge and set improvement priorities. Finding suitable governors with the right skills and time is a significant issue.

- To advise on and influence the targeting of Pupil Premium monies. Is the Pupil Premium designed to provide a resource to tackle the barriers to learning for children facing the biggest hurdles being used to shore up general school finances?
- To ensure directly provided LA support can meet demand and balancing this with budget pressures. Are we reducing directly provided LA support (Ed Psychs, specialist teachers, extended services coordinators) at the time they are most needed?
- To sustain the great improvement in EYFS results.
- To work with Specialist Children's Services to ensure that their work is focussed on raising attainment. With Children's Social Services concentrating on the most difficult and complex cases, will schools be able to cope with the problems many children present? Can preventative services keep pace with this demand?

Our challenge to Education, Learning and Skills Directorate (ELS)

There is only one recommendation from this report. In the spirit of challenge to schools, and their need to challenge their teachers and pupils, the Select Committee challenge ELS to take this information, and begin a process of sharing with stakeholders the purpose, relevance, and importance of this data and evidence, driving improvement in Kent Schools and ensuring the best quality leadership and teaching performance be targeted on our most disadvantaged schools and their communities.

The data and evidence point directly to 7 key points:

- **Change is possible with ELS(KCC), Governors, Schools and partners challenging and working together.**
- **Can transform schools in challenging circumstances.**
- **Can close the gap in attainment for pupils from more deprived backgrounds. Can ensure performance of deprived pupils improves significantly so that gaps in attainment close.**
- **Can transform schools and challenge them to be outstanding not satisfactory. Can ensure there are more significantly good or outstanding schools in Kent, and in more deprived areas.**
- **Can transform outcomes at Key Stage 2.**
- **Can be more transparent about outcomes at Key Stage 2.**
- **Can ensure future attainment is above National average at Key Stage 2 in Kent.**

The Key Findings of the report are set out at:

Quantitative Overview: Context and Impact of Deprivation page 36

Mosaic Analysis page 52

The School Effect page 62

- Important school based factors for success
- Factors contributing to success - agencies/outside partners
- Factors contributing to low performance

Parent Insights on schools and aspirations page 128

Pupil Insights on schools and aspirations page 134

The key findings summarise the main points arising. These are not exhaustive and do not give the full illustrations as in the body of the text.

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

To: County Council – 19 July 2012

Subject: Petition Scheme Debate: SAT Campaign – School Allocation Trouble

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 this petition relates 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 - We the undersigned petition the council to increase the intake of reception class children at the three local schools, Thurnham C of E, Madginford Park Infants and St John's CEP to make sure all local children attend local schools.

2. (1) This petition (a combination of an e-petition and a paper petition) achieved 1,171 signatures. A statement from the Lead Petitioner Mrs Smith is attached (**Appendix 1**) and Mrs Smith will also be speaking to the petition.

(2) A position statement from the Cabinet Member for Education, Learning and Skills in relation the petition is attached. (**Appendix 2**)

Recommendation

3. The County Council is invited to respond to the Cabinet Member for Education, Learning and Skills in relation to the Petition.

Peter Sass
Head of Democratic Services
01622 694002

Background Documents – none

This page is intentionally left blank



The SAT Campaign represents local families who have all found ourselves in a very stressful and exasperating situation. The school application system apparently gave us the opportunity to choose the school in which our children could be educated, but this choice has been taken away from us.

The families affected are not just complaining because they did not get their first choice. These are families whose choice has been disregarded altogether.

The three schools affected are St John's CEP, Thurnham Infants and Madginford Infants. The majority of the families affected live within one mile of these schools as the crow flies. St John's is situated on an estate that has 1800 houses most of which are family homes. When this estate was planned there were to be two schools, one taking at least two and a half forms of entry. For some reason this was not implemented and we are now paying the price for this. (see appendix 1)

We consider that St John's is not currently serving its community effectively and this is the key to solving the current problem. We understand that St John's is an academy and KCC's involvement is limited but even if there are difficulties to overcome these difficulties should be addressed to help to solve the wider problem.

Surely it is the duty of the council to ensure there are sufficient school places within in each community to meet the demand. The increase in birth rate unquestionably indicates that there was going to be a problem.

The early, formative years of a child's education are fundamental to their long term development both in terms of intellect and social skills. It should be a time filled with excitement and anticipation. It should provide the foundation for the rest of their lives. KCC's planning failure will have an adverse effect on our children's long-term future.

The SAT Campaign has identified the following problems resulting from out-of-community school allocation.

1. Provision in our area is not enough.
2. Children will not be able to walk to school.
3. There will be more cars crossing urban Maidstone at peak times adding to the congestion.
4. Multiple school drop offs in completely different geographical locations, resulting in many children being late to school.
5. Breaking down of local community.
6. Family homes built in the area but no additional schooling provision made.
7. The **distress our 4 year olds** are experiencing caused by not being able to attend school with their pre-school peers is unacceptable and as a parent **extremely stressful**.
8. KCC's Commissioning Plan for Education Provision Kent 2012 – 2017 is not being adhered to, its states in relation to the expansion of schools that

“The existence of surplus capacity in neighbouring less popular schools should not in itself be sufficient to prevent this expansion.”

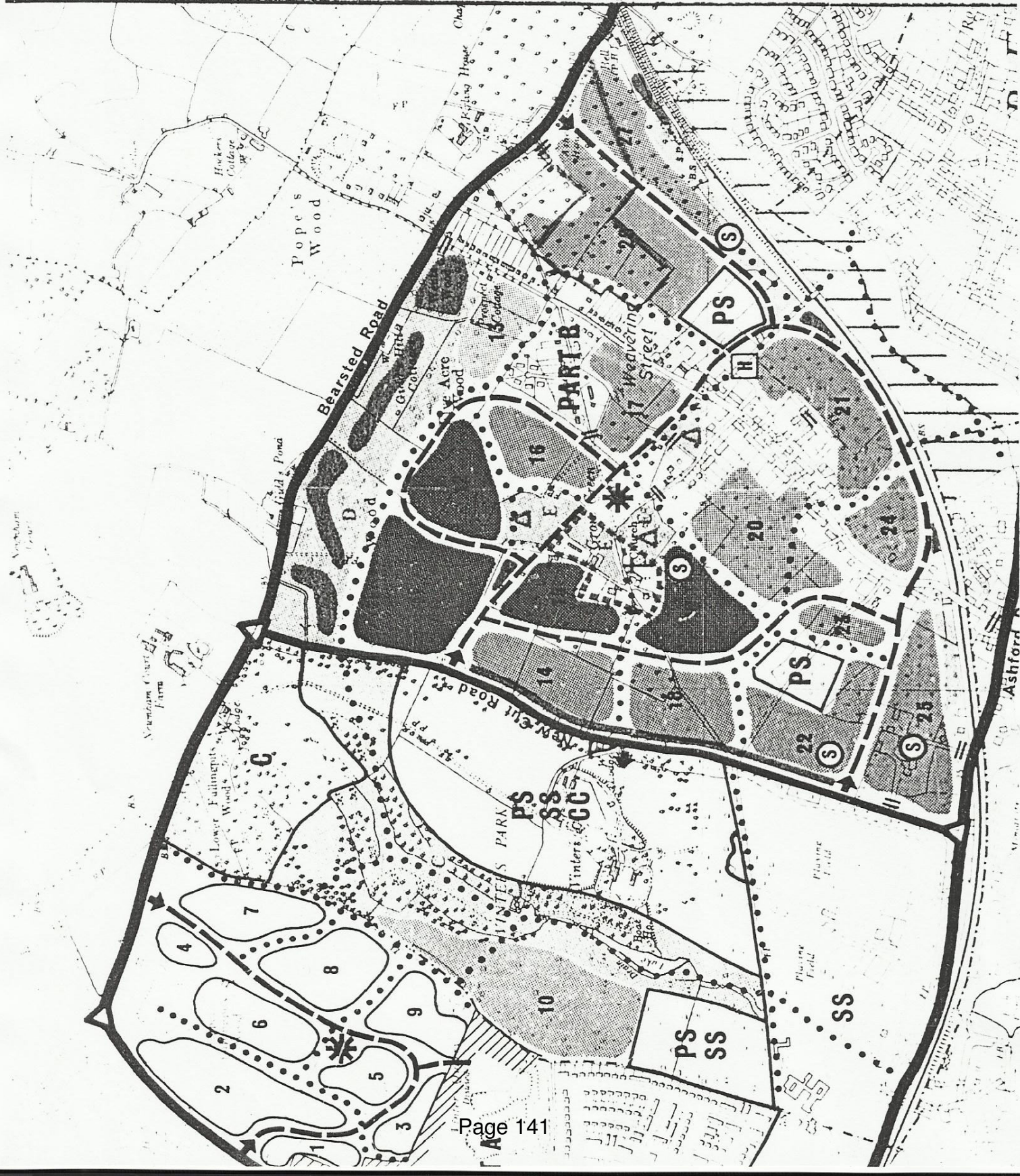
The Way Forward

1. Increase the admissions to St John's CEP School to two classes of 30. Therefore serving its community more effectively.
2. Build a new primary school in the area.

We are only asking for what we have been told is our right, CHOICE. Our children are our future and we must ensure that their needs are met.

- Access points
- Existing roads to be stop
- Housing areas (numbers 1-31)
- Low density
- Medium density
- High density
- Public open space and land
- Proposed tree planting
- Children's play spaces
- Proposed planting and em
- Rural area
- Minor centres
- Primary schools
- Secondary schools
- County college
- Grematorium
- Social services
- Church site
- Village hall
- Conservation area bounda

This sketch is for illustrati
of the Informal Action Are
Maps are available for Par



This page is intentionally left blank

To: County Council – 19 July 2012

Position Statement on Primary provision in the Grove Green/Bearsted area of Maidstone

1. Background

- 1) The County Council received an e’petition on 25 May 2012, with 1171 signatures (this was made up of an e-petition of 798 signatures and a paper-based petition of 373 signatures).
- 2) The wording of the petition is:

"We the undersigned petition the council to increase the intake of reception class children at the three local schools, Thurnham C of E, Madginford Park Infants and St John's CEP to make sure all local children attend local schools.

The aim of the ePetition is to create awareness of this situation and increase the infant class intake to eliminate the stress that many families in the Bearsted, Madginford, Weaving and Grove Green areas are currently experiencing."

2. Analysis of Primary Places in the Area

- 1) The five local schools serving Grove Green and Bearsted are St John’s CE Primary School, Thurnham CE Infant School, Roseacre Junior School, and Madginford Park Infant and Junior Schools.
- 2) For admission in to Year R in September 2012, the three infant/primary schools received the following numbers of applications:

St John’s CEPS	Total prefs: 160 (1 st = 42; 2 nd = 40; 3 rd = 78)
Thurnham CEIS	Total prefs: 248 (1 st = 116; 2 nd = 95; 3 rd = 37)
Madginford Park IS	Total prefs: 309 (1 st = 136; 2 nd = 114; 3 rd = 59)

- 3) At offer day on 30 March 2012, 12 children living in Grove Green, five children in East Bearsted, and three children in Madginford were not offered one of their families’ preferred schools. Instead they were offered places at an alternative infant school in Maidstone, which is rated a good school by Ofsted, however is not located within their local community, is over the two mile limit and is not on a bus route.
- 4) For some families difficulties are created by accepting a Reception place at Thurnhan CE Infant School, a voluntary controlled school, who would then need to access a place at age 7 at the neighbouring junior school, Roseacre, which is a foundation school. There is no admissions link for siblings between the two schools. This has led to a number of the families being offered Year 3 places at Roseacre for September 2013, or having older children in the school, while not being offered Year R places at Thurnham CE Infant School for their younger child.

- 5) St John's CE Primary School currently has one form of entry. The local Member and officers are discussing with the Governors the possibility of expansion.
- 6) Thurnham CE Infant School does not have accommodation to take more pupils, or sufficient space for temporary additional accommodation.
- 7) Madginford Park Infant School does not have accommodation to take more pupils or sufficient space for temporary accommodation.
- 8) Current numbers of the three schools are as follows:

School	PAN	PAN Cap	NOR 2011	1 st prefs Sep 2011	YR 2011	1 st prefs Sep 2012
St John's CEPS	30	210	220	42	30	42
Thurnham CEIS	90	270	266	83	87	116
Madginford Park IS	90	270	269	92	90	136
Totals	210	750	755	217	207	294

- 9) The current pre-school population in the area is 226, with a forecast decline to 178 by 2015. The pre-school population in the area in 2009 was 230, slightly higher than the current figure.

3. Capacity in the Wider Area

It was appreciated that Year Reception capacity in Maidstone in 2012 would be tight. In September 2011, 1622 pupils joined Year Reception classes in Maidstone. This will increase to 1726 in September 2012, and then decline in September 2013 to 1681. The Tiger (free) School will open in September 2012. This year they offered 78 places and 60 parents have accepted places. With this capacity, it is expected that 4% of Year R places will be vacant across the Borough in 2012/13, increasing to 7% in 2013/14. However, capacity will be reviewed at a more granular level and then published in the new Commissioning Plan for Education Provision.

4. Kent County Council Action

- 1) The Local Member and the Area Education Officer met with parents at a meeting convened by Bearsted Parish Council.
- 2) The Area Education Officer has written to parents of primary aged children in the Grove Green area asking them for information regarding their future preferences for school places. It is hoped that this information will provide a better understanding of the community's wishes, to inform future provision. The results of this survey will be reported to County Council on 19 July 2012. The outcome of this survey will inform any proposals brought forward.
- 3) The Cabinet Member for Education, Learning and Skills and local Member will update the Council Meeting on the outcomes of the aforementioned activities.

David Adams
 Area Education Officer, Mid Kent
 01233 898559
david.adams@kent.gov.uk

By: Mr Paul Carter – Leader of the Council
Mr Peter Sass – Head of Democratic Services

To: County Council – 19 July 2012

Subject: Quarterly Report on Urgent Key Decisions – The Granting of an Agreement for Lease & 125 Year Lease to Marsh Academy, Station Road, New Romney, Kent TN28 8BB

Classification: Unrestricted

Summary: To report an urgent Key Decision taken in the last quarter.

1. The Constitution requires the Leader to provide a quarterly report to the County Council of any Key Decisions which were taken as urgent matters during the previous three months.
2. The urgent Key Decision on the Granting of an Agreement for Lease & 125 Year Lease to Marsh Academy, Station Road, New Romney, Kent TN28 8BB was taken in the last quarter as set out below.

The Granting of an Agreement for Lease & 125 Year Lease to Marsh Academy, Station Road, New Romney, Kent TN28 8BB (12/01944)

An urgent key decision was taken on 22 June 2012, by Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform to authorise the Director of Property and Infrastructure Support to grant an Agreement for Lease & 125 Year Lease to Marsh Academy, Station Road, New Romney, Kent TN28 8BB.

This matter was deemed urgent to prevent the building programme for the new inclusion unit being further delayed and additional cost being incurred to the Marsh Academy.

Consultation

The Chairman and Spokespersons of the Scrutiny Committee were consulted about this matter and agreed that the decision should be taken as a matter of urgency.

Recommendation

3. The County Council is requested to note this report.

P B Carter
Leader of the Council

Enquiries: Peter Sass
Head of Democratic Services
(01622) 694002, peter.sass@kent.gov.uk

Background documents: Records of Decision 12/01944

This page is intentionally left blank

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, 8 May 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 R F Manning, Mr R J Parry, 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). Mr R Woolley from Jacobs was also in attendance.

UNRESTRICTED ITEMS

29. Minutes - 10 April 2012

(Item A3)

RESOLVED that the Minutes of the meeting held on 10 April 2012 are correctly recorded and that they be signed by the Chairman.

30. Site Meetings and Other Meetings

(Item A4)

(1) The Committee agreed to visit the site the proposed aggregates recycling facility at Ham Hill Quarry, Snodland during the afternoon of Tuesday, 12 June 2012 and to hold a public meeting in respect of that application during the evening.

(2) The Committee also noted that the afternoon of Tuesday, 24 July 2012 would be set aside for possible site visits in respect of proposed School and Academy developments.

31. Dates of meetings in 2013

(Item B1)

The Committee agreed the following meeting dates in 2013:-

Wednesday, 16 January 2013
 Tuesday, 12 February 2012
 Wednesday, 13 March 2013
 Wednesday, 10 April 2013
 Wednesday, 5 June 2013
 Wednesday, 17 July 2013
 Wednesday, 14 August 2013 (provisional)
 Wednesday, 11 September 2013

Wednesday, 9 October 2013
Wednesday, 6 November 2013
Wednesday, 11 December 2013.

32. Oral Updates by Head of Planning Applications Group *(Item)*

(1) The Head of Planning Applications Group reported that the County Council Development and Waste Planning Applications Validation Documents, which had been agreed for publication by the Committee in January 2011, were now in the process of being revised. This was in order to remove references to Planning Policy Statements and Planning Policy Guidance and to replace them with references to the National Planning Policy Framework. She agreed to send each Member of the Committee a hyperlink of the revised documents.

(2) The Head of Planning Applications Group gave an update on the called in planning application TM/10/2029 for the westerly extension to Hermitage Quarry in Aylesford (Minute 37/2011). She informed the Committee that a public inquiry would be held in late November 2012. There had been a delay as the applicant had asked the Secretary of State for the opportunity to update the ecological surveys that had accompanied the application, so as to reflect Natural England's Standing Advice. She said that she would inform the Committee of the results of the new surveys. The inquiry was scheduled to start on 27 November 2012 and to sit for an estimated 12 days. A pre-inquiry meeting was scheduled for 31 July 2012. The Council's Statement of Case and agreement of a Statement of Common Ground was required in July 2012 with the Proof of Evidence required in October 2012.

(3) The Head of Planning Applications Group informed the Committee that the Geological Society was hosting a lecture on Unconventional Gas on Wednesday, 9 May. She agreed to send all Members of the Committee the link for this lecture for training purposes, which they could supplement by watching the webcast over the two or three days following the lecture.

33. Application TM/11/2275 (KCC/TM/0372/2011) - Development of a recycled aggregate and topsoil production facility incorporating a primary aggregate, recycled aggregate and topsoil depot at Land at Sanderson Way, Tonbridge; Sheerness Recycling Ltd *(Item C1)*

(1) Mr Richard Woolley from Jacobs (KCC's Noise, Dust and Odour Consultant) was in attendance for this item and answered questions from Members of the Committee on noise levels.

(2) In agreeing the recommendations of the Head of Planning Applications Group, the Committee agreed that the Condition in respect of Noise would specify a requirement that noise arising from operations at the site should not exceed the background noise level at any residential property; would appropriately limit noise exposure at the nearest commercial property; and would require the submission of an updated noise assessment (confirming background noise levels at the nearest receptors; demonstrating compliance with the specified conditions; and including any further mitigation measures to be agreed by the County Council).

- (3) RESOLVED that permission be granted to the application subject to the conditions, including conditions covering adherence to the details contained in the planning application; the development commencing within 5 years; the number of vehicles; vehicle parking; volumes of throughput of materials; noise (as set out in (2) above); details of surface water drainage; the prevention of infiltration or surface water drainage into the ground; environmental monitoring and the submission of a maintenance plan; a remediation strategy for contamination; a hard and soft landscaping scheme; long-term tree and shrub protection and management; adherence to dust mitigation measures; the safeguarding of ecological interests and habitats; details of noise attenuation; hours of operation; crushing activity hours of operation; construction hours being restricted to 0800-1800 on Mondays to Fridays and 0800-1300 on Saturdays; no burning of waste on site; and details of external lighting.

34. Application DA/12/89 (KCC/DA/0485/2011) - Retrospective application for an amendment to Permission DA/10/1232 for the change of use of part of yard from open storage to waste separation using a trommel with a covered waste sorting facility and the provision of netting on top of the existing rear wall at Lee's Yard, Rochester Way, Dartford; Easy Load Ltd
(Item C2)

RESOLVED that permission be granted to the application subject to conditions, including conditions covering the development commencing within five years; the development being completed in accordance with the approved plans and scheme as submitted, together with any subsequently approved details including a single site access (with emergency access) and the footprint of the proposed waste stockpiles; a restriction on waste types, hours of operation, throughput and traffic movements to the level of those already permitted on site; the Trommel and picking station being of a fixed specification and location, including their precise heights and associated fencing and stand-off distances; the Stockpile heights being no greater than 5m above ground level; operational safeguarding measures to control noise, dust, odour, related emissions, surface run-off and drainage, litter, light pollution and mud and debris on the road; and remediation measures to handle any unsuspected site contamination issues that may arise during the carrying out of the development.

35. Proposal TM/12/564 (KCC/TM/0037/2012) - Provision of three modular buildings each incorporating two classrooms, toilets, cloakroom and store room at The Discovery School, Discovery Drive, Kings Hill; KCC Property and Infrastructure Support
(Item D1)

(1) The Head of Planning Applications Group informed the Committee that if it was minded to permit the application, this would need to be subject to the final views of Kent Highways Services on the revised School Travel Plan, as well as those of Sport England and, if Sport England maintained its objection, to the decision of the Secretary of State.

(2) Mrs Anne Vincent, a local resident addressed the Committee in opposition to the application. Mr D Adams from KCC Education, Learning and Skills spoke in reply.

(3) RESOLVED that:-

- (a) subject to Sport England's final views on the proposal and those of Kent Highways Services in respect of the revised School Travel Plan, the application be referred to the Secretary of State for Communities and Local Government, and subject to his decision, permission be granted to the application subject to conditions, including conditions covering a temporary consent for a period of 5 years from the date of permission; removal of the classroom units at the expiration of the 5 year period and the subsequent restoration of the site thereafter; the development being carried out in accordance with the permitted details; and the drop-off and pick-up facilities being provided and kept available for use by parents at the beginning and end of the school day, as well as for after school clubs and other activities outside of the main school day; and
- (b) an Informative be added to the decision highlighting the importance of continued commitment to the School Travel Plan process in seeking to reduce congestion and increase highway safety around the school.

36. Proposal MA/12/0385 (KCC/MA/0053/2012) - Gate and drop kerb access from Rayner Road for mower and landscape maintenance to the rear of the main school building at Sandling Primary School, Ashburnham Road, Penenden Heath; KCC Education, Learning and Skills
(Item D2)

- (1) Mr M B Robertson informed the Committee that he was acquainted with Cllr Mrs J Patterson who had objected to the application. As this was not a close association, he was able to approach the application with a fresh mind.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time condition specifying that the development be commenced within 5 years; the access only being used for grounds maintenance with no other general access to the school; the development being carried out in accordance with the submitted details and plans; precautions on site to guard against the transfer of mud and similar substances onto the public highway; and no scheduled use of the proposed gate during the morning peak drop-off time between 8.20 am and 8.45 am and the afternoon peak time between 3.10 pm and 3.40 pm.

37. 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.

This page is intentionally left blank

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 12 June 2012.

PRESENT: Mr J A Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr H J Craske (Substitute for Mr W A Hayton), Mrs V J Dagger (Substitute for Mr S C Manion), Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr J F London, Mr R F Manning, Mr R A Pascoe (Substitute for Mrs E M Tweed), Mr M B Robertson, Mrs P A V Stockell 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 R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

38. Membership

(Item)

The Committee noted the appointment of Mrs P A V Stockell in place of Mrs V J Dagger.

39. Minutes - 8 May 2012

(Item 4)

RESOLVED that the Minutes of the meeting held on 8 May 2012 are correctly recorded and that they be signed by the Chairman.

40. Site Meetings and Other Meetings

(Item A4)

(1) The Committee had previously been informed that the meeting would be followed by a presentation by the County Council's Waste Management Group on the County Council's Role and Responsibilities in Waste Management and Closed Landfill sites.

(2) The Committee noted that the site visit and public meeting in relation to the proposed aggregates recycling facility at Ham Hill, Snodland would now be held on Thursday, 28 June 2012.

(3) The Committee Members were asked to the afternoon of Tuesday, 24 July free for a possible site visit and public meeting in respect of an educational establishment.

41. Application KCC/TM/0094/2012 - Renewal of Permission TM/08/2654 (Change of use of land to use as a skip hire waste transfer and recycling

station along with the construction of a weighbridge, diesel and oil storage tanks, portacabin offices and industrial building) at Any Waste Solutions Ltd. The Brook, Sortmill Road, Snodland; Any Waste Solutions Ltd
(Item C1)

- (1) The Head of Planning Applications Group reported the views of the Local Member, Mrs S V Hohler raising no objection to the application whilst expressing the hope that the applicants would address local concerns in the application itself.
- (2) A representative from BNP Paribas Real Estate had indicated that she wished to speak to the Committee on behalf of the Royal Mail in opposition to the application. Even though she did not attend the meeting, Mr Lee May from Brachers was present in order to exercise the applicants' right of reply. The Chairman therefore agreed to vary the Committee's public speaking arrangements by permitting Mr May the opportunity to comment on the Royal Mail's objection.
- (3) RESOLVED that permission be granted to the extension of the time limit for the implementation of Permission TM/08/2654 for a further 3 years subject to those conditions previously imposed, including conditions covering a timescale for implementation; a contamination risk assessment; restriction on waste types; all waste being handled inside the building; no external storage of waste; a restriction on waste throughput; a restriction on vehicle access; a restriction on vehicle numbers to 174 (87 in/87 out) per day; a restriction on hours of operation; dust suppression measures; and an additional condition requiring provision of hard surfacing on land to the south.

42. Application CA/12/222 (KCC/CA/0492/2011) - Section 73 application to vary conditions 2 (approved plans) and 21 (landscaping) of Permission CA/09/1903 for the alteration and extension of the existing Household Waste Recycling Centre at Studd Hill HWRC, Westbrook Lane, Herne Bay; KCC Waste Management
(Item C2)

RESOLVED that permission be granted to the variation of Conditions 2 and 21 of permission CA/09/1903 subject to all other conditions previously imposed, including conditions covering the limitation of noise emissions; noise monitoring to ensure compliance; a Grampian condition regarding the redesign of the service access to discourage right turns out of the HGV access onto the Old Thanet Way; limits to the hours of use and operation; a limitation on times of use of the HGV service access; details of parking arrangements; details of parking and loading arrangements; dust mitigations measures; controls to prevent dirt and debris on the highway; site drainage controls; landscaping; nature conservation measures; the standard time limit for implementation; the standard condition limiting development to the approved plans; and two additional conditions specifying that the Household Waste Recycling Centre (HWRC) cannot be opened to public use until additional signage at the junction of Westbrook Lane and Whitstable Road is secured by agreement with KCC Highways & Transportation; and the submission and approval of outline arrangements to secure the HWRC operational area in the event that emergency access is required to the portion of Westbrook Lane enclosed within the site and subject to the Transport Regulation Order.

43. Proposal MA/12/488 (KCC/MA/0044/2012) - Modular building to provide two classrooms and extension to playground at St Francis Catholic School. Queens Road, Maidstone; KCC Property and Infrastructure Support
(Item D1)

(1) Mr M B Robertson informed the Committee that although he had corresponded with the Head of Planning Applications Group about the application, he had not expressed a view about its merits. He was therefore able to approach its determination with a fresh mind. He asked the Committee to include an Informative that the updated School Travel Plan should include improvements in the management of the drop-off facilities. This was agreed by the Committee.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including covering the consent being for a temporary period of 5 years with the building being removed at the expiration of this period and the site being restored thereafter; the development being carried out in accordance with the permitted details; controls on the construction phase to minimise any impact on the public highway during this period; and the submission of an updated school travel plan; and
- (b) the applicants be informed by Informative that:-
 - (i) they should be aware of the Environment Agency's advice concerning best practice during construction;
 - (ii) Kent Highways and Transportation has commented that it would wish to review the highways and parking implications again if at the end of this temporary consent planning permission is sought to retain the building or to provide alternative permanent facilities; and
 - (iii) the updated School Travel Plan should include improvements in the management of the drop-off facilities.

44. Matters dealt with under Delegated Powers
(Item E1)

(1) The Committee noted that Permission SW/12/167 now enabled use of rail sidings at Ridham Dock for the importation and transfer of waste to the proposed Kemsley Mill Sustainable Energy Plant.

(2) 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).

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 15 May 2012.

PRESENT: Mr M J Harrison (Chairman) Mr A D Crowther (Vice-Chairman) Mr M J Angell (Substitute for Mr T Gates), Mr A H T Bowles, Mr R E Brookbank, Mr I S Chittenden, Mr H J Craske, Mrs V J Dagger, Mr J A Davies, Mr W A Hayton, Mr R J Lees, Mr S C Manion, Mr R F Manning, Mr J M Ozog and Mr J N Wedgbury

ALSO PRESENT: Mr M J Whiting

IN ATTENDANCE: Mr S Bagshaw (Head of Admissions & Transport), Ms C Fenton (Learning Disability and Mental Health Officer), Ms D Divine (Policy Officer - Mental Health), Mr C Wade (Countryside Access Principal Case Officer), Mrs L Wilkins (Definitive Map Team Leader), Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer - Enforcement) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

8. Membership

(Item 1)

The Committee noted the appointment of Mr I S Chittenden in place of Mr S J G Koowaree.

9. Minutes

(Item 4)

RESOLVED that:-

- (a) the Minutes of the Committee meeting held on 24 January 2012, the Mental Health Guardianship Panel meeting held on 17 January 2012 and of the Member Panel meetings held on 20 March 2012 (2) are correctly recorded and that they be signed by the Chairman;
- (b) subject to the amendment of Minute 35 (b) to read "been rejected in respect of the rest of the application site", the Minutes of the Member Panel meeting held on 16 April 2012 are correctly recorded and that they be signed by the Chairman.

10. Mental Health Guardianship

(Item 5)

RESOLVED that the work of the Mental Health Guardianship Sub-Committee (formerly Panel) in ensuring the County Council's compliance with the Mental Health Act 1983 be noted.

11. Home to School Transport

(Item 6)

(1) Mr M J Whiting was present for this item pursuant to Committee Procedure Rule 2.21. He addressed the Committee in his role as Cabinet portfolio Holder for Education, Learning and Skills on the County Council's newly approved 16+ Travel Policy and explained that most 16+ transport appeals would now be considered by the School or College that the appellants attended.

(2) The Committee noted that Mr Geoff Rudd, the Assistant Democratic Services Manager would be retiring before the next meeting of the Committee. It expressed its appreciation for his many years of loyal service to the County Council and wished him well in the future.

(3) RESOLVED that the report be noted.

12. Update from the Definitive Map Team

(Item 7)

(1) The Senior Public Rights of Way Officer provided the annual update on the position in respect of applications to amend the definitive Map and Statement.

(2) RESOLVED that the report be noted.

13. Update from the Commons Registration Team

(Item 8)

(1) The PROW Team Manager provided a summary of the current position in respect of applications to register Town and Village greens. This included an update on the Newhaven Beach case.

(2) RESOLVED that the report be noted.

14. The National Planning Policy Framework (Oral presentation)

(Item 9)

(1) The Head of Planning Applications Group gave a presentation on the Localism Act 2011 and the National Planning Policy Framework 2012 and their implications for the County Council's Enforcement function. She agreed to send a copy of the presentation slides to all Members of the Committee.

(2) RESOLVED that the report be noted.

15. Update on Planning Enforcement Issues

(Item 10)

(1) The Committee noted that its planned visit to Shaw Grange, Charing would be held on Friday, 13 July 2012.

(2) RESOLVED that the report be noted and that the actions taken or contemplated on the respective cases set out in paragraphs 5 to 29 of the report be endorsed together with those contained within Schedules/Appendices 1,2 and 3 of the report.

This page is intentionally left blank

SUPERANNUATION FUND COMMITTEE

MINUTES of a meeting of the Superannuation Fund Committee held in the Medway Room, Sessions House, County Hall, Maidstone on Friday, 18 May 2012.

PRESENT: Mr J E Scholes (Chairman), Mr J Burden, Mr D C Carr, Mr P Clokie, Mr J A Davies, Ms J De Rochefort, Ms A Dickenson, Mr N Eden Green, Mr P J Homewood (Substitute for Mr J F London), Mr M J Jarvis, Mr R J Parry, Mr J Simmonds and Mr M V Snelling.

IN ATTENDANCE: Mr A Wood (Corporate Director of Finance and Procurement), Mr N Vickers (Head of Financial Services), Ms A Mings (Treasury & Investments Manager), Ms S Surana (Senior Accountant - Investments) and Mr S Tagg (Deputy Pensions Manager).

UNRESTRICTED ITEMS

A. COMMITTEE BUSINESS

17. Minutes

(Item A3)

RESOLVED that the minutes relating to unrestricted items of the meeting held on 2 March 2012 are correctly recorded and that they be signed by the Chairman.

C. MATTERS FOR REPORT/DECISION BY THE COMMITTEE

18. Minutes

RESOLVED that the minutes relating to exempt items of the meeting held on 2 March 2012 are correctly recorded and that they be signed by the Chairman.

19. Goldman Sachs Asset Management

(Item C1)

(1) Ms G Evans and Ms A Troop of Goldman Sachs Asset Management were in attendance for this item in order to give a presentation and answer questions from Committee members.

20. DTZ Investment Management

(Item C2)

(1) Mr P O'Gorman, Ms J Linacre, and Mr C Saunders of DTZ Investment Management were in attendance for this item in order to give a presentation and answer questions from Committee members.

21. Asset Allocation and Projects

(Items C3 and C4 - Report by the Chairman of the Superannuation Fund Committee and the Corporate Director of Finance and Procurement)

The Committee agreed a number of issues relating to Asset Allocation and Projects.

22. Pooled Property Funds

(Item C5-Report by the Chairman of the Superannuation Fund Committee and the Corporate Director of Finance and Procurement)

The Committee agreed an Option regarding Pooled Property Funds

D. MATTERS FOR REPORT/DECISION BY THE COMMITTEE

23. Appointment of a Tax Guarantor in Taiwan

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

RESOLVED that:-

- (a) the Corporate Director of Finance and Procurement be authorised to sign the Tax Guarantor Agreement; and
- (b) the Corporate Director of Finance and Procurement and Head of Financial Services be authorised to sign the Power of Attorney.
- (c) the Kent County Council seal can be affixed to the signed Power of Attorney.

24. Application for Admission to the Fund

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

RESOLVED that:-

- (a) the admission to the Kent County Council Pension Fund of Principal Catering Consultants Limited (regarding Our Lady of Hartley CP School, Longfield) be agreed:
- (b) the admission to the Kent County Council Pension Fund of the successful bidder for the Oakwood House contract be agreed; and
- (c) once legal agreements have been prepared for the above matters, the Kent County Council seal can be affixed to the legal documents.