

SELECTION AND MEMBER SERVICES COMMITTEE

Friday, 25th April, 2014

2.30 pm

Darent Room, Sessions House, County Hall, Maidstone





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Friday, 25 April 2014, at 2.30 pm
Darent Room, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (9)

Conservative (5): Mrs A D Allen (Chairman), Mr P B Carter, CBE, Mr G Cooke,
Mr M C Dance and Mr B J Sweetland

UKIP (2) Mr R A Latchford, OBE and Mr B E MacDowall

Labour (1) Ms A Harrison

Liberal Democrat (1): Mrs T Dean

UNRESTRICTED ITEMS

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

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.

- 1 Substitutes
- 2 Declarations of Interests by Members in items on the Agenda for this meeting.
- 3 Minutes - 27 November 2013 (Pages 5 - 8)

- 4 Members' Allowances and Expenses 2013/14 (Pages 9 - 22)
- 5 Amendments to County Car Policy (Pages 23 - 26)
- 6 Member Development Charter Plus (Pages 27 - 28)
- 7 Petition Scheme Review (Pages 29 - 42)
- 8 Revision to the Joint Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services (Pages 43 - 50)
- 9 Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Tuesday, 15 April 2014

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Wednesday, 27 November 2013.

PRESENT: Mrs A D Allen (Chairman), Mr M A C Balfour (Substitute for Mr P B Carter), Mr G Cooke, Mr M C Dance, Mrs T Dean, Ms A Harrison, Mr R A Latchford, OBE, Mr B E MacDowall and Mr B J Sweetland

IN ATTENDANCE: Mr P Sass (Head of Democratic Services), Ms D Fitch (Democratic Services Manager (Council)), Mr P D Wickenden (Democratic Services Manager (Members)) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

31. Minutes - 4 September 2013

(Item 3)

RESOLVED that, subject to the deletion of the words “should be published” at the end of the first sentence of Minute 26 (5) and to Minute 30 (1) being amended to clarify that Mrs P A V Stockell had been appointed to serve on the LGA Rural Commission instead of “the LGA Urban Commission”, the Minutes of the meeting held on 4 September 2013 are correctly recorded and that they be signed by the Chairman.

32. Dates of meetings in 2014

(Item 4)

The Committee noted the following meeting dates in 2014:-

Monday, 27 January 2014;
Thursday, 6 March 2014;
Friday, 25 April 2014;
Thursday, 26 June 2014;
Wednesday, 8 October 2014;
Thursday, 20 November 2014.

All meetings will start at 2.30 pm.

33. Transformation Programme and Member Development

(Item 5)

(1) The Cabinet Member for Corporate and Democratic Services agreed to write to his Cabinet colleagues to request that the training dates set out in paragraph 3 of the report be kept free from Member meetings and briefings. The Head of Democratic Services undertook to write along similar lines to the Heads of Service, stressing the importance of ensuring that the corporate online committee calendar was kept up to date and checked by anyone arranging meetings for Members.

- (2) RESOLVED that the programme to support Members in taking forward the County Council Transformation Plan be endorsed as set out in the Appendix to the report.

34. Committee membership

(Item 6)

(1) The Cabinet Member for Corporate and Democratic Services agreed to discuss possible flexibility in the application of the proportionality rules for Transport Appeal Panels with the Chairman of Regulation Committee.

(2) RESOLVED that:-

- (a) the revised proportionality calculations be noted following the creation of the Independents group; and
- (b) the proposed changes to the composition of the Regulation Committee Panels and Transport Appeal Panels be agreed as set out in section 2 of the report.

35. Review of Policies and Procedures in relation to the reimbursement of Business Expenses

(Item 7)

(1) During discussion of this item, Members identified various matters as being appropriate for clarification in a future report either to the Committee or the Member Remuneration Panel. These included a definition of "Members' household" set out on paragraph 2 (2), the extent and limits of the role of Democratic Services staff in checking the Members' expenses claims, and the definition of "Outside Bodies" for the purposes of claiming expenses.

(2) RESOLVED that agreement be given to:-

- (a) the guidance relating to the completion of the online expense claim form being made available in the KNet Member area;
- (b) the amendment for recommendation to the County Council, subject to the views of the Member Remuneration Panel, of the description relating to Dependent Carers Allowance in the Members' Allowance Scheme as detailed in paragraphs 2 (2) and 2 (3) of the report;
- (c) the amendment of the online expenses claim form to include a statement that the claim is made in good faith and does not include any misleading or fraudulent information; and
- (d) the purpose of the journey made in a County Car being entered in the log before the journey is made.

36. The Leader's Oral report to the County Council

(Item 8)

(1) During discussion of the item, the Cabinet Member for Corporate and Democratic Services undertook to consider and consult on whether more wide-ranging changes to the County Council's procedures should be suggested for the Committee's consideration.

(2) RESOLVED that with effect from the next meeting of the County Council in December 2013, paragraph 1.19 (5) of Appendix 4 Part 1 of the Constitution be amended to read:-

"The Leader's report shall not exceed ten minutes; his reply shall not exceed six minutes. The Leader of the Opposition may speak for up to six minutes; the Leader of the second largest Opposition Group may speak for up to five minutes; the Leader of the third largest Opposition Group may speak for up to four minutes; and the Leader of the fourth largest Opposition Group may speak for up to three minutes."

37. Webcasting Protocol and extension of webcasting to other meetings

(Item 9)

(1) On being put to the vote, the recommendations contained in paragraph 4 of the report were agreed by 8 votes to 1.

(2) Mrs T Dean requested, pursuant to Committee Procedure Rule 2.26 (3), that her vote against the proposal be recorded in the Minutes.

(3) RESOLVED that:-

- (a) the draft webcasting protocol set out in Appendix 1 to the report be agreed for application to all meetings that are webcast;
- (b) agreement be given to the phased approach to the extension of webcasting to Committees open to the public, with the first phase starting on 1 January 2014 consisting of those Committees listed in paragraph 2 (2) of the report; and
- (c) the extension of webcasting to other formal meetings open to the press and public be considered as part of the review of the webcasting contract in early 2015.

38. Proposed amendment to the Terms of Reference of the Health and Wellbeing Board to allow the co-option of Members

(Item 10)

RESOLVED that the terms of reference of the Health and Wellbeing Board be amended to enable the co-option of non-voting Members through the addition of the text set out below to the paragraph on membership in the terms of reference of the Health and Wellbeing Board set out in Appendix 2 Part 5 of the Constitution:-

"Any other persons or representatives as the Health and Wellbeing Board considers appropriate may be co-opted with the agreement of the Board. Such co-optees will

be non-voting members of the Board and their membership will be reviewed annually by the Board.”

39. John Wallis Church of England Academy

(Item)

(1) Mrs T Dean raised the matter of Liberal Democrat Group representation on LGA bodies. The Chairman reminded the Committee of the decision on Outside Body appointments taken by the Committee in September 2013. She said that arrangements could, however, be made in respect of any LGA -organised conferences that Members of the Liberal Democrat Group wished to attend.

(2) RESOLVED that Mr D Smyth be appointed as the County Council's representative on the Trust Board and Governing Body of the John Wallis Church of England Academy.

By: Director of Governance and Law

To: Selection and Member Services Committee – 25 April 2014

Subject: MEMBERS' ALLOWANCES AND EXPENSES 2013/14

Status: Unrestricted

Summary: The Committee is invited to note and approve for publication the annual return for Members' allowances and expenses, together with details of the costs of the County Car service and taxis for Members for 2013/14.

FOR INFORMATION

Introduction

1. In accordance paragraph 15 of The Local Authorities (Members' Allowances) (England) Regulations 2003, Kent County Council is required to publish annually the allowances paid to Members, which includes the Basic, Special Responsibility, Travelling and Subsistence, Dependent Carers and Co-optees Allowances. The Committee will also be aware of the legal requirement for the County Council to have a Member Remuneration Panel to advise the Council on the level of allowances and expenses Members should receive..

Details for 2013/14

2. The schedule of Members' Allowances and Expenses for the period 1 April 2013 to 31 March 2014 is attached as **Appendix A**. The total cost of all allowances and expenses for Members in 2013/14 is £1,697,772 which represents a 5% reduction in total costs compared to 2012/13 of £1,784,219

3. At its meeting on 13 July 2011, this Committee agreed that the costs incurred by Members using the County Cars and taxis that were booked directly by KCC should also be reported on an annual basis. The total net cost of the County Car service in 2013/14 was £41,258, compared to £51,585 in 2012/13, as detailed in **Appendix B**.

Recommendation:

4. The Committee is requested to note this report and agree to the publication of the allowances and expenses for 2013/14 as detailed in **Appendix A** as required by the Local Authorities (Members' Allowances) (England) Regulations 2003.

Paul Wickenden
Democratic Services Manager (Members)
Tel No: 01622 694486

e-mail: paul.wickenden@kent.gov.uk

Background Information: Members' Expenses records for 2013/14 held by Kent County Council.

This page is intentionally left blank

Council Members Expenses and Allowances Paid April 2013 - March 2014

Name	Initials	Casual User Allowance	Public Transport	Subsistance	Total Expenses	Basic Allowances	Special Responsibility Allowance	Carers Attendance Allowance	Total Allowances	Grand Total
		£	£	£	£		£	£	£	£
Allen	A D	2,378	1		2,379	12,805	11,838		24,642	27,022
Angell	M J	1,609	46		1,655	12,805	2,159		14,964	16,619
Baker	D W	1,127			1,127	10,671			10,671	11,798
Baldock	M	241			241	10,671	861		11,532	11,772
Balfour	M A	766	100		867	11,531	11,105		22,636	23,503
Bayford	R W	132			132	1,274			1,274	1,406
Bird	R H	0	0		0	12,805	322		13,127	13,127
Birkby	H G	332	582		914	11,531	861		12,392	13,306
Bond	N	870			870	11,222			11,222	12,092
Bowles	A H	1,058			1,058	12,805	1,256		14,061	15,120
Brazier	D L	3,874	288		4,162	12,805	25,826		38,631	42,793
Brivio	P M	1,030	12		1,042	11,531			11,531	12,574
Brookbank	R E	1,426			1,426	12,805	7,052		19,857	21,283
Bullock	J R				0	1,274			1,274	1,274
Burgess	L	(239)			(239)	11,531	592		12,124	11,885
Burgess	R B	239			239	1,274			1,274	1,512
Caller	C W	748			748	11,531	649		12,180	12,928
Capon	C J				0	979			979	979
Carey	S J	2,597	35		2,632	12,805	12,361		25,166	27,798
Carter	P B	2,282		58	2,340	12,805	42,109		54,914	57,254
Chard	N J	501			501	12,805			12,805	13,306
Chell	A R				0	1,274			1,274	1,274
Chittenden	I				0	12,805	322		13,127	13,127
Christie	L	363	4		367	1,249			1,249	1,616
Clark	B				0	10,671			10,671	10,671
Cole	P T	1,043			1,043	12,805			12,805	13,848
Collor	N J	(0)			(0)	1,274			1,274	1,274
Cooke	G				0	12,805	25,826		38,631	38,631
Cope	B R	76			76	1,274			1,274	1,349
Cowan	G	2,942			2,942	12,805	5,123		17,928	20,870
Crabtree	M E	2,026	89		2,115	11,531	11,105		22,636	24,751

Name	Initials	Casual User Allowance	Public Transport	Subsistance	Total Expenses	Basic Allowances	Special Responsibility Allowance	Carers Attendance Allowance	Total Allowances	Grand Total
		£	£	£	£		£	£	£	£
Craske	H J				0	1,274			1,274	1,274
Cribbon	C J	306			306	11,531	649		12,180	12,486
Crowther	A D	1,398			1,398	12,805	271		13,076	14,474
Cubitt	J M	0			0	1,274	1,256		2,530	2,530
Dagger	V J				0	12,805			12,805	12,805
Daley	D S				0	12,805	322		13,127	13,127
Dance	M C	4,346	78		4,424	12,805	27,224		40,029	44,452
Davies	J A	1,133	81		1,214	12,805	8,866		21,671	22,884
Dean	T	281	46		328	12,805	3,853		16,658	16,986
Eddy	M R	1,245			1,245	11,531	649		12,180	13,425
Elenor	J	1,825			1,825	10,671	861		11,532	13,356
Elenor	M	165			165	9,604	796		10,400	10,564
Ferrin	K A				0	1,274			1,274	1,274
Gates	T	839	4		843	12,805			12,805	13,647
Gibbens	G K	2,049	1,784		3,833	12,805	27,224		40,029	43,861
Gough	R W	4,430	371		4,801	12,805	27,224		40,029	44,829
Green	E	398			398	1,274			1,274	1,672
Harman	P M	240			240	9,604			9,604	9,843
Harrison	A	956	3		960	10,671			10,671	11,630
Harrison	M J	2,288	32		2,320	12,805	8,677		21,482	23,802
Hayton	W A	126			126	1,274	733		2,007	2,133
Heale	M	1,331			1,331	11,531			11,531	12,863
Hibberd	C	99	12		112	1,274			1,274	1,385
Hill	P M	3,065	343	186	3,595	12,805	27,224		40,029	43,623
Hirst	D	0			0	1,274	733		2,007	2,007
Hoare	C	31			31	10,671	861		11,532	11,562
Hohler	A E	72			72	1,274	733		2,007	2,079
Hohler	S V	1,087	27		1,115	12,564	6,319		18,883	19,998
Holden	S	1,940	168		2,107	10,671	10,527		21,198	23,305
Homewood	P J	57			57	12,805	7,052		19,857	19,914
Hotson	E E	1,084			1,084	12,805	12,966		25,771	26,855
Howes	S J	224			224	11,531			11,531	11,755
Jarvis	M J	96			96	1,274			1,274	1,370
King	A J	174			174	12,805	9,042		21,847	22,021
King	R E	164			164	1,859	2,017		3,876	4,040

Name	Initials	Casual User Allowance	Public Transport	Subsistance	Total Expenses	Basic Allowances	Special Responsibility Allowance	Carers Attendance Allowance	Total Allowances	Grand Total
		£	£	£	£		£	£	£	£
Kirby	J D	37			37	1,274			1,274	1,310
Kite	J A				0	12,805	8,575		21,380	21,380
Koowaree	S J	447			447	12,805	322		13,127	13,574
Lake	P W	0			0	1,274	1,256		2,530	2,530
Latchford	R A	4,420	45		4,465	11,531	3,504		15,036	19,500
Law	J P	89			89	1,274			1,274	1,363
Lees	R J				0	1,274			1,274	1,274
London	J F				0	1,274			1,274	1,274
Long	R L	245			245	12,805	7,052		19,857	20,103
Lymer	G	3,179	57		3,236	10,671	10,527		21,198	24,434
Macdowall	B	297			297	9,604			9,604	9,901
Maddison	T A	1,936	5		1,941	11,531	649		12,180	14,121
Manion	S C	1,548			1,548	12,805			12,805	14,353
Manning	R F	158			158	1,274	733		2,007	2,165
Marsh	R A	755			755	12,805			12,805	13,560
McKenna	F				0	11,531	861		12,392	12,392
Neaves	R G				0	11,531	861		12,392	12,392
Northey	M J	2,958	46		3,004	12,805	11,105		23,910	26,914
Oakford	P J	384			384	11,531			11,531	11,915
Ozog	J M				0	12,805			12,805	12,805
Parry	R J	1,260	19		1,279	12,805	6,319		19,124	20,403
Pascoe	R A	61			61	1,274			1,274	1,335
Pearman	C R	1,794	11		1,805	10,671			10,671	12,476
Prater	T				0	1,274	322		1,595	1,595
Pugh	K H	65			65	1,274	1,256		2,530	2,595
Ridings	L B	6,209	11		6,220	12,805	7,052		19,857	26,077
Rook	J				0	1,274			1,274	1,274
Rowbotham	E D	2,089	8	145	2,242	11,428			11,428	13,670
Sandhu	A S				0	1,274			1,274	1,274
Scholes	J E	236	39		275	12,805	7,052		19,857	20,132
Scobie	W	960			960	11,531			11,531	12,491
Shonk	T L	591			591	10,671			10,671	11,262
Simkins	C E	856	54		910	11,531			11,531	12,442
Simmonds	J D	3,641			3,641	12,805	27,224		40,029	43,669
Smith	C J	42			42	1,274	(59)		1,214	1,256

Name	Initials	Casual User Allowance	Public Transport	Subsistance	Total Expenses	Basic Allowances	Special Responsibility Allowance	Carers Attendance Allowance	Total Allowances	Grand Total
		£	£	£	£		£	£	£	£
Smith	C P	1,207	5		1,212	12,805	11,838		24,642	25,855
Smyth	D	108	533		640	8,537	533		9,070	9,710
Stockell	P A	703	82		785	12,805	7,052		19,857	20,642
Sweetland	B	1,470	94		1,564	12,805	27,224		40,029	41,593
Tansley	A J	49			49	1,136			1,136	1,185
Terry	N A	918			918	10,671			10,671	11,588
Thandi	N S	233			233	11,531			11,531	11,764
Tolputt	R	119	0		119	1,274			1,274	1,393
Truelove	R	422			422	10,671	1,622		12,293	12,715
Tweed	E	25	0		25	1,274	733		2,007	2,031
Vye	M J	1,101	84		1,185	12,805	2,756		15,561	16,747
Waters	C J	0			0	1,274	1,256		2,530	2,530
Wedgbury	J N	225			225	12,805			12,805	13,030
Wells	C T				0	1,274			1,274	1,274
Whiting	M J	377	0		377	1,274	2,722		3,996	4,373
Whittle	J	1,073	44	0	1,117	12,805	27,224		40,029	41,146
Whybrow	M E				0	9,604			9,604	9,604
Wickham	M A	1,851	415		2,267	12,805	11,838		24,642	26,909
Willicombe	A T	0			0	1,274			1,274	1,274
Wiltshire	Z P	499	224		723	10,671	1,216		11,887	12,610
Grand Total		103,508	5,883	389	109,780	1,051,925	536,067	0	1,587,992	1,697,772

Note: Following the County Council elections on the 2 May 2013 a new Council was elected. The information above therefore covers 2 Councils.

Appendix B

Running Costs of Members Cars

	2013-14 £	2012-13 £	2011-12 £	2010-11 £	2009-10 £	2008-9 £	2007-08 £
Vehicle Repairs & Maintenance	3,867	7,436	4,873	7,063	2,749	2,573	4,306
Petrol	5,633	6,786	6,612	9,222	7,617	10,287	9,443
Congestion Charges	436	933	759	833	842	778	744
G Vrakopolous 45% of costs	13,907	14,558	13,799	13,823	13,890	14,346	12,671
Chauffeurs Employment costs	17,415	22,362	25,393	34,887	32,709	44,345	53,749
Less Chauffeur Recharges		(490)	(1,057)	(380)	(2,645)	(3,714)	(9,196)
	41,258	51,585	50,379	65,448	55,162	68,615	71,717

Plus

Lease Charges - 4 cars until 24/10/06 then 3 cars only
 Purchase of 3 cars (invoice date 14/12/09) spread over 2 years

				11,514	21,970	21,020
			10,000	10,620		
0	0	0	10,000	22,134	21,970	21,020

This page is intentionally left blank

Total Driving Hours for each member 2013—2014

Summary

Members	Hours
Mr Carter	380
Mr King	230.5
Chairman	639
Vice Chairman	135
Mr Dance	482
Mr Harrison	35
Mr Bowles	16
Mr Whiting	7.5
Mr Brazier	4
Mr Simmonds	22
Mr Hill	21
Mr Davies	14
Mr Cowan	0.5
Mrs Dean	0.5
Mr Gibbens	18.5
Mr Chard	1
Mrs Stockell	11.5
TOTAL	2018

This page is intentionally left blank

Members use of Taxis for 2013—2014

Summary

Members	Cost
Mr A J King *	£ 2,712.50
Mrs T Dean	£ 6.50
Mr A Crowther *	£ 70
Mr I Chittenden *	£ 19.80
TOTAL	£ 2,808.80

*Members were unable to drive their own vehicles on medical advice.

This page is intentionally left blank

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services
John Simmonds, Deputy Leader and Cabinet Member for Finance and Procurement
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 25 April 2014

Subject: Amendments to County Car policy

Classification Unrestricted

Summary: The report recommends a minor amendment to the County Car Policy agreed by the Committee on 13 June 2012 to reflect Her Majesty's Revenue and Customs (HMRC) guidance.

1. Introduction

- (1) The policy for the use of the County Car fleet was last considered and approved by this Committee on 13 June 2012.
- (2) The recent advice from HMRC impacts on the use of the County Cars and, as a consequence, the County Car Policy requires a minor amendment.

2. Minor Amendment to the County Car Policy

- (1) To comply with HMRC regulation and guidance, Paragraph 8 of the policy requires amendment as the fleet of County Council cars cannot be used for travel between home and County Hall as this will breach the 'pool car' rules. A journey from a Members' home to County Hall is private mileage and is therefore liable to tax as it is deemed as normal commuting, unless the Member routinely sees constituents in their own home.
- (2) However, the County Cars can be used for official business travel from a Member's home to destinations other than County Hall and from destinations other than County Hall to a Member's home.
- (3) Appended to this report is the County Car Policy agreed by this Committee on 13 June 2012 with the proposed tracked change amendment to ensure that the Policy meets HMRC regulation and guidance.

3. RECOMMENDATION

The Committee is asked to approve the amended County Council Car Policy.

MINUTES APPENDIX

(Minute 12 applies)

KENT COUNTY COUNCIL

County Car Policy

(as approved by Selection & Member Services Committee on 13 June 2012)

INTRODUCTION

This Policy should be read in conjunction with the Code of Member Conduct. Where there is doubt about the meaning or interpretation of any aspect of this Policy, advice should be sought from the Section 151 Officer and/or the Monitoring Officer.

1. County Cars are provided for use primarily by the Chairman, Vice Chairman, Leader, Deputy Leader, Leader of the Opposition and Cabinet Members when on official council business, i.e. representing KCC at meetings and events where the Member is an official KCC representative, acting in their capacity as a County Councillor, undertaking KCC business.
2. When not required for this purpose, County Cars are available for use by other Members on official council business.
3. County Cars/drivers may also be made available to senior officers and third parties when it appears to the Head of Democratic Services that it would be in the interests of the County Council to do so.
4. Optimum use of all the County Cars will be made on a daily basis, using a number of sessional drivers, based on a common-sense assessment of the relative importance of each journey.
5. If no County Car is available, Members should use their own car or public transport wherever possible. They may also use taxis in the circumstances described in paragraph 6, below.
6. A Member may use a taxi on official council business if:
 - (a) they do not have their own car available and
 - (b) they do not have easy access to public transport
7. All taxi fares for official journeys should be paid by the Member concerned and claimed back via the expenses system on the production of a valid receipt (not including gratuities), except where KCC officers are able to secure a cheaper alternative by booking and paying direct.
8. ~~Travel by County Cars may not be used for travel or taxi between from a Member's home and County Hall. However, travel by taxi between a Member's home and County Hall should be regarded as an exception to normal travelling arrangements for all Members and only authorised is possible~~ in the following specific circumstances:
 - (a) to drive the Chairman, Leader, Deputy Leader or Leader of the Opposition or their spouse/partner or other guest from home and back for the purposes of attending formal meetings or engagements that the Chairman, Leader, Deputy Leader or Leader of the

Opposition is required to attend on behalf of Kent County Council as part of their official duties

- (b) where a Member is ill or incapacitated
 - (c) on limited occasions where, on a temporary basis, the Member's own vehicle or normal mode of travel is unavailable for any reason, including the non-availability of public transport
9. No use of the County Cars other than on official business is permitted. However, in the event that the Chairman, Vice Chairman, Leader or Cabinet Members wish to combine journeys on official council business with journeys of a private nature, they may arrange for the services of a KCC driver to be provided to drive their own cars. The cost of the driver for any private journey shall be reimbursed by the Member (based on a formula to be determined on each occasion by the Section 151 Officer) and the Member may only claim expenses for the KCC element of the journey. In this regard, the Member concerned must ensure that the KCC driver(s) they use are added to their private motor vehicle policy as a named driver for the specific purpose for which they would be driving.
10. Bookings of County Cars/drivers should be made as early as possible in advance of the date required by contacting ~~the Grigorios Vrakopoulos~~, County Car Administrator (01622 694440). In order that the most efficient use can be made of the County Cars, when making a booking all Members are asked to:
- (a) state the purpose of their journey together with details of date, times and destination
 - (b) not specify a particular car or driver
 - (c) be flexible about collection/drop-off times, wherever possible
 - (d) be willing to share a car with another Member or Officer travelling in the same direction
11. Details of all journeys undertaken in the County Cars will be recorded and retained for audit and reporting purposes and Members will be asked to counter-sign the driver's timesheet

This page is intentionally left blank

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Andrew Bowles, Chairman of the Member Development Steering Group
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 25 April 2014

Subject: MEMBER DEVELOPMENT CHARTER PLUS

Status: Unrestricted

Summary: The Committee is invited to endorse the re-commitment to the Member Development Charter Plus Standard.

Introduction

1. At its meeting on 4 September 2013 the Committee:
 - a. noted the outcome of the mid-term review against the Member Development Charter Plus Standard;
 - b. agreed to the re-establishment of the cross-party Member Development Steering Group; and
 - c. recommended the proposed Member Policy Statement to the County Council for approval.
2. The Member Development Charter Plus Standard once awarded is for three years, so the County Council will need to be reassessed against the Charter Plus Standard in September 2014.

Member Development Charter Plus – Next Steps

3. The Member Development Steering Group will now oversee the preparation of the self-assessment template against which the Council will be assessed and will share this informally with the assessment body, the South East Employers Organisation.
4. The Steering Group will also take into account the recommendations made by South East Employers following the mid-term review last August. To remind the Committee the outcomes of this review were as follows:

“I am pleased to confirm that the council continues to meet the standard of the Charter Plus and a full re-assessment will be required in September 2014 with a re-commitment due in April 2014.

Following the elections and the successful new member induction programme I would like to suggest the following actions:

- The Member Development Steering Group (MDSG) to schedule a series of meetings, agree terms of reference and determine its work programme
- The MDSG to identify the key development priorities to support members to achieve the Transformation programme and a development programme to be put together to respond accordingly
- New role profiles to be developed to reflect the changing role of the councillor
- Personal Development Plans to be offered to all Members with a target of 70% take up and completion
- The MDSG to consider the future approach to 360 degree feedback to support development.”

5. We have agreed with South East Employers to set aside Wednesday, 17 September 2014 for the Assessment Panel to reassess the County Council against the Member Development Charter Plus Standard.

6. Recommendation:

The Committee are asked to endorse the re-commitment of the County Council to the Member Development Charter Plus Standard.

Paul Wickenden
 Democratic Services Manager (Members)
 Tel No: 01622 694486
 e-mail: paul.wickenden@kent.gov.uk

By: Gary Cooke, Cabinet Member, Corporate and Democratic Services

Peter Sass - Head of Democratic Services

To: Selection and Member Services Committee – 25 April 2014

Subject: Petition Scheme – Review

Classification: Unrestricted

Summary: This report reviews the Petition Scheme as agreed at County Council on 13 September 2012.

Introduction

1. The County Council's scheme for responding to petitions came into force on 1 September 2010 and was last reviewed and by this Committee in July 2012. The Committee made recommendations to the County Council in September 2012 which were approved. The main amendment was to the reduce number of signatures required for a petition debate at County Council on a County wide matter to 10,000 and to introduce a requirement for a petition debate at a Cabinet Committee if 2,500 signatures were received. A copy of the current scheme is attached as **Appendix 1**

Petition Scheme

2. (1) The Petition Scheme sets out for the public the process for submitting a valid petition, either a paper petition or an e-petition. The Petition Scheme makes it clear that if a valid petition is submitted it will receive a response and, depending on the amount of signatures, it may lead to a debate at County Council, a Cabinet Committee or be referred to another appropriate meeting.

(2) Set out below are the signature threshold levels required to trigger the different types of response. It should be noted that all petitions will receive a written response.

Type of Petition	Number of Signatures	Response
County Council Matter relating to a specific District Area	Less than 1,000	Written response to petition organiser from the appropriate Cabinet Member setting out what action, if any, is going to be taken.
County Council Matter relating to a specific	1,000 or more	Referred for debate at the most appropriate

Type of Petition	Number of Signatures	Response
District Area		meeting e.g. Local Forum/Board or Joint Transportation Board
County Council matter	Less than 2,500	Written response to petition organiser from the appropriate Cabinet Member setting out what action, if any, is going to be taken.
County Council matter	2,500 and 9,999	Debated at the appropriate Cabinet Committee and petition organiser invited to speak on the petition.
County Council matter	10,000 or more	Debated at County Council and petition organiser invited to speak on the petition.

Petitions Received

3. (1) The petition scheme is administered by Democratic Services. The majority of petitions received are paper petitions but the County Council does provide a facility for e-petitions to be hosted on Kent.gov. http://www.kent.gov.uk/your_council/have_your_say/petitions.aspx.

Although there are fewer e-petitions submitted compared to paper petitions they do have the potential via social media etc to generate a high numbers of signatures.

(2) Attached as **Appendix 2** is a list of petitions received from 1 August 2012 to 31 March 2014. The majority of petitions received relate to highways and transportation matters with high profile issues such as the changes to Children's Centres attracting a number of large petitions in a short space of time.

(3) Prior to the amendment to the Petition Scheme in September 2012, there were a number of petitions which led to a debate at County Council, the majority of which related to a County Matter in a District area. Although this raised the profile of the issue, the majority of these related to executive functions so the County Council could only make recommendations to the relevant Cabinet Member as to how s/he should respond to the petition.

(4) Since the scheme was amended and the threshold for a petition debate at County Council lowered from 12,000 signatures to 10,000 signatures and provision made for a debate at a Cabinet Committee for petitions achieving 2,500 signatures there has been one debate at County Council and one debate at a Cabinet Committee. There is due to be another debate at a Cabinet

Committee in April 2014 on extending the Freedom Pass to 18 year olds due to the submission of a petition containing 3114 signatures.

(5) The debate at County Council in July 2013 related to the extension of the Kent Freedom Pass triggered by a petition of 10,089 signatures.

(6) A petition debate on the proposed changes to Kent's Children's Centres, was held at the meeting of the Social Care and Public Health Cabinet Committee on 5 December 2013, following receipt of a petition containing 3,234 signatures. At the same meeting the Committee considered the decision to be taken on this matter by the Cabinet Members and had the opportunity to take into account the petition debate in considering what comments and recommendations to make to the Cabinet Member on this decision.

(7) Petitions relating to County Council Highways matters for a District area which achieve 1,000 signatures or more will be referred to the appropriate Joint Transportation Board (JTB). During this period one such petition was referred to the appropriate JTB. However, a number of other petitions which did not achieve 1,000 signatures but related to matters under consideration by the JTB were referred to at the appropriate JTB meeting.

Conclusion

4. The Cabinet Member for Corporate and Democratic Services is of the view that the scheme last revised in September 2012 is working well and providing the residents of Kent with a clear and transparent way of making their views known to the County Council during the decision-making process, which includes the provision for petitions containing certain numbers of signatures to be debated formally at a Member level body. Accordingly, no further changes are recommended to the current scheme at this time but it is suggested that the Committee should review the scheme again in 18 months' time.

<p>4. Recommendation: The Committee is requested to note the update on petitions received and that a further review will be undertaken in 18 months' time.</p>

Peter Sass
Tel No: 01622 694002
e-mail: peter.sass@kent.gov.uk

Background Information: *None*

Petition Scheme

1. What are the guidelines for submitting a Petition?

- (a) Petitions submitted to the County Council must include:
 - (i) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take.
 - (ii) the name and address of the petition organiser (this is the person we will contact to explain how we will respond to the petition), and
 - (iii) the name and address and signature of any person supporting the petition (petitions can be signed by people who live, work or study in the County Council's area).
- (b) Petitions which are considered to be vexatious*, abusive or otherwise inappropriate will not be accepted and you will be contacted to explain the reasons for this.
- (c) * In deciding if a petition is vexatious, the starting point will be the guidance used for the Freedom of Information Act:

"Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause"
- (d) In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
- (e) Petitions for a County Council debate should be submitted to the Head of Democratic Services at least 14 days before the next available meeting. The Chairman shall have discretion to accept petitions on urgent matters after that deadline following consultation with the political Group Leaders.
- (f) If a petition does not follow the guidelines set out above, the County Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

2. What will the County Council do when it receives my petition?

- (a) An acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- (b) If we can do what your petition asks for, the acknowledgement may confirm that we have already taken the action requested and the petition

will be closed. If the petition has enough signatures to trigger a County Council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

- (c) If the petition applies to a planning application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.
- (d) To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

3. How will the County Council respond to petitions?

- (a) The County Council will tell you what it intends to do with the petition within 20 working days of receipt of the paper petition or the close of an e-petition.
- (b) Each Petition that does not have the required number of signatures to trigger a debate will receive a written response from the appropriate Cabinet Member(s), which will set out their views on the petition and what action, if any, will be taken.
- (c) If your petition is about something over which the County Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The County Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with County Council policy), then we will set out the reasons for this to you. You can find more information on the [services](#) for which the County Council is responsible here.
- (d) If your petition is about something that a different council is responsible for, or for which we have joint responsibility, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council for them to respond to or comment on, but could involve other steps. In any event we will always notify you of the action we have taken.

4. Petition debates

- (a) If your petition relates to a County Council matter that relates to a specific District Council area and contains at least 1,000 signatures it will be debated at the most appropriate local meeting (usually a Local Board, Locality Board or Joint Transportation Board).
- (b) If your petition relates to a County Council matter and contains between 2,500 and 9,999 signatures, it will be debated at the appropriate Cabinet Committee.
- (c) If your petition relates to a County Council matter and contains at least 10,000 signatures, it will be debated by the County Council.

5. County Council and Cabinet Committee debates

- (a) The County Council or relevant Cabinet Committee will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. No more than two separate petition debates will take place at any County Council or Cabinet Committee meeting.
- (b) The lead petitioner, or their named representative will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive by 5:00pm on the Monday of the week before the County Council or Cabinet Committee meeting. The relevant Directorate should also submit a brief position statement/briefing note by the same deadline;
- (c) At the meeting of the County Council or Cabinet Committee the petition organiser, or their named representative, will be given five minutes to present the petition at the meeting and the petition will then be discussed by Elected Members. The relevant Cabinet Member will be invited to speak for up to five minutes on the Petition. The total time for a petition debate will be 45 minutes. If the lead petitioner, or their named representative, does not attend the County Council or Cabinet Committee meeting then the petition will be considered in their absence.
- (d) The County Council or Cabinet Committee will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by the relevant Cabinet Member or committee.
- (e) Where the issue is one on which the County Council's Executive is required to make the final decision, the County Council or Cabinet Committee will decide whether to make recommendations to inform that decision.

- (f) The petition organiser will receive written confirmation of the Council's or Cabinet Committee's decision, which will also be published on our website.
- (g) The County Council or Cabinet Committee will not debate a petition on the same decision/issue as one debated within the previous six months.

5. E-petitions

- (a) The Council welcomes [e-petitions](#) which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions (as set out above). The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions remain open for a maximum of 3 months, but a shorter or longer timescale can be agreed with the petition organiser if appropriate.
- (b) When you create an e-petition, it may take up to 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically follow the same process as a paper petition (as set out above)
- (c) In the same way as a paper petition, you will receive an acknowledgement within 5 working days of the close of the e-petition. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

7. How do I 'sign' an e-petition?

You can see all the [e-petitions](#) currently available for signature on the Council's website. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

8. What can I do if I feel my petition has not been dealt with properly?

- (a) If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the steps that the County Council has taken in response to your petition are reviewed. All reviews will be considered by the Selection and Member Services Committee.

- (b) It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the County Council's response is not considered to be adequate.
- (c) The Selection and Member Services Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.
- (d) Should the Selection and Member Services Committee determine that the County Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the County Council's Executive and arranging for the matter to be considered at a meeting of the full County Council.
- (e) Once the appeal has been considered, the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website

Approved by the County Council on 13 September 2012

List of petitions received

Petitions received 1 August 2012 –14 February 2014

Subject	No of signatures
Growth, Environment and Transport Petitions	
Tree Planting on Old Dover Road and The Foreland	58
Warnett Court and Willowside request for street lighting	53
Traffic Calming in West Street Deal	106
Extending 30mph on A274	254
Installation of Speed Camera on College Road	102
A262 – A28 Highway Proposal	108
Reduction in speed limit on the A224 Orpington Bypass and road safety/traffic calming on A224 and Old London Road	65
Grove Green Lane / Weaving Street - dangerous junction	57
Safety improvements to the highway on Childsbridge Lane between Seal and Kemsing, Kent, TN15	34
Retain speed limit on Childsbridge Lane between Seal and Kemsing, Kent, TN15	2
safety improvements to the highway on Childsbridge Lane between Seal and Kemsing, Kent, TN15	34
Keep Kent's streetlights on	195
Pedestrian crossing request on Major Yorks Road	192
Approve the floodlight application at The Skinners' Kent Academy	147
Bus service required hourly from Peregrine Drive to Sittingbourne town centre	64
The state of Nursery Close, Sheerness	20
Road safety measures on Sheals Crescent, Postley Road & Hayle Road	809
Bring back the 490 bus	56
Speed limit in Mountain Street to be reduced to 20 MPH	40

Subject	No of signatures
Request for a zebra crossing at the Coop, Faversham Rd. Or 20mph speed limit / speed bumps	24
Improve the road safety of Four Elms crossroads x 2	225
Safe crossing request outside of Eastchurch Primary School	80
The Cinque Ports cycle way	1514
Request for footpath from the village hall to Bensted Close so they can provide a walking bus service.	34
Grass verges on Birdwood Estate being damaged by parking - request for area to be tarmaced	2
Strong opposition - bus lane Sutton Road/Loose Road.	899
81-106 Beagles Wood Road - parking issues	14
Lack of street lighting serving approach to front doors of dwellings - Pippin Way.	12
Plans for surplus street lighting switch off .	87
We the undersigned petition the council to re-install a barrier/gate at the top of Hythe high street to stop vehicles accidentally driving down the high street during pedestrian hours (11-3pm).	57
We the undersigned petition the council to I would like a zebra crossing installed outside Cliftonville primary school. Northumberland avenue Margate Kent.	19
Damage to properties from HGV vibrations.	10
Road safety -- Pedestrian crossing, speed camera and interactive signs request.	124
We the undersigned petition the council to Consider on safety grounds a reduction in the speed limit on the A260 Densole, through the main part of the village.	260
We the undersigned petition the council to restrict the speed along routes to Broadstairs schools to 20mph and actively enforce this through creation of safer crossing points, clearer signage and road markings, and more parking restrictions outside schools.	294
Yalding weight restriction zone.	54

Subject	No of signatures
Zebra Crossing at Cliftonville Primary School.	427
campaign to improve the "Tank" roundabout on the A28 in Ashford, particularly when driving from Templer Way onto Chart Road.	221
Remove the wooden posts on the pavement of Read Way.	43
Speed limit request - Brenchley Rd & Coppers Lane, Matfield.	503
Re-routing of bus services via London Road.	112
Request for an earlier bus through Wittersham village to Tenterden.	175
Road safety measures on Ramsgate Road, Margate	19
Kent County Council: Introduce Traffic Calming Measures in Eynsford.	166
Repairs to be undertaken to improve the condition of The Sheilings. .	12
New pedestrian crossing - A224 London Road, Riverhead.	661
Residents of St Philips Court, Sandhurst Road - parking arrangements at the entrance/exit.	66
Residents of Trinity Gardens, Dartford - parking issues.	33
Ashen Tree Cottages, Preston Hill - speeding traffic.	15
Planted areas in Mollinson Rise – proposals.	12
Petition for double yellow lines on Bessels Green Road and Park Place, Bessels Green, TN13 2QA.	173
Petition for double yellow lines outside George & Dragon, Chipstead, TN13 2RQ	159
Freedom pass extension 16-18 year olds.	10,098
Parking on Wellfield near Ash Road junction.	33
Provision of street lighting and safe pavements in Maytham Rd (between Village Hall and Glebe Field).	44

Subject	No of signatures
Safe pedestrian crossing on Lansdowne Road, Tunbridge Wells.	Current e-petition (14)
Proposal for addition of grass reinforcement protection mesh on green area to facilitate parking.	13
Public footpath to be put down Bekesbourne Lane, Canterbury.	2
A mirror at the junction of Tenterden Way and Millmead Road.	11
Speed reduction to 30mph and pedestrian crossing on Bradbourne Vale Road Sevenoaks.	191
Belton Close, Whitstable proposal for addition of a grass reinforcement protection mesh on green area to facilitate parking.	15
A251 Leaveland-Faversham condition	Current e-petition (24)
Scrap the £350 cap on Kent Freedom Pass	Current e-petition (4637)
Second Avenue, Sheerness – damage to grass verges and request to introduce parking lay-bys	18
Remove the road hump on the Grove Park estate	100
Freedom pass extension 16-18 year olds	3114
Provision of a pedestrian crossing in Church Road, Folkestone	Current e-petition (42)
More Bridleway Access	Current e-petition (92)
Kent Plant Pots outside “Crafted Naturally”	Current e-petition (25)
Horn Street Bridge	Current e-petition (45)
Young Persons Travel Pass for those 16 -19 to the same level as the proposed travel pass	Current e-petition (1983)
Parking on verges – Second Avenue Sheerness	18
Petition against the waiting restrictions – Bevan Close, Deal	19
Freedom Pass – extend post 16	117
Rainwater drainage problems – Hastings Road, Pembury	9
Bus overcrowding – 638 Whitstable	54
Turn Charing Hill’s Street Lights back on at night	37

Subject	No of signatures
Ingraham Road – Street Lights – turn back on at night	26
Langley Parish Council – 30mph A274	148
Close Honeysuckle Road Ramsgate to through traffic	16
Education and Young People	
Save Briary Children's Centre.	242
"The Marden Parent Action Group is opposed to the closure of Marden Children's Centre, especially at a time when we need more community services due to the expansion plan for the village".	335
Do not reduce the opening hours of Temple Hill Sure Start Children's Centre.	170
We call upon Kent County Council to commit to keeping every Sure Start Children's Centre in Kent open and fully funded	3234
Asking KCC to consider options other than closure for Children's Centres	55
FACES of Kent	113
Against the closure of Chaucer School	549
Other Petitions	
Save Kent's Badgers from culling	193
Reduce Number of Kent Councillors	16
Tomorrows People – Key Worker in the Parkwood and Shepway area of Maidstone	20
Cruelty free cleaning products to be used by KCC	Current e-petitions (44)
TOTAL No. of Petitions received - 91	

The petitions in **bold** have triggered a debate at County Council/Cabinet Committee/JTB

This page is intentionally left blank

By: David Cockburn, Corporate Director Strategic and Corporate Services

To: Selection and Member Services Committee – 25 April 2014

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

Summary: This paper presents the revised Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services which forms part of the Constitution. Changes are required to reflect the statutory guidance issued by the Secretary of State for Education in April 2013, and in response to the new Directorate Structure approved by County Council in December 2013.

Recommendation:

That the Selection and Member Services Committee is asked to:

- (i) **Recommend** to the County Council that it adopts the revised Accountability Protocol for the Director of Children's Services and Lead Member for Children's attached as Appendix 1.

For Decision

1. INTRODUCTION:

1.1 In July 2012, the County Council approved the Joint Accountability Protocol to ensure the fulfilment of the Director of Children's Services (DCS) and Lead Member for Children's Services (LMCS) roles under the existing organisational structure.

1.2 The Protocol, which forms part of the Constitution of the County Council, ensures accountability against organisational structure has regard to statutory guidance and is used to provide assurance to the Secretary of State and Ofsted that the Council is meeting its duties with regard to the statutory roles of the DCS and LMCS.

1.3 The latest statutory guidance on the roles and responsibilities of the DCS and LMCS was issued in April 2013 under section 7 of the Local Authority Social Services Act 1970. It requires local authorities to have regard to the guidance unless they can demonstrate good reasons for departing from it. It acknowledges that it is for individual local authorities to determine their organisational structures in the light of local circumstances. Therefore, whilst the Council's arrangements do not strictly reflect the statutory guidance in not having both a single officer and a single elected member each responsible for

both education and children's social care, there are good reasons for doing so, as set out below.

1.4 KCC has strong and resilient director-level support in place to assist the DCS, with matching Executive-side arrangements for the LMCS. These arrangements have been subject to external review, including Ofsted inspections in 2013 and most recently through the LGA Corporate Peer Challenge in March 2014, as well engagement with NHS England.

1.5 The Kent Integrated Children's Service Board exercises a senior level oversight and leadership role for the Council, with a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children. The Council can be assured that arrangements are in place to enable the effective discharge of the responsibilities outlined in the statutory guidance in relation to education and children's social care.

1.6 The Protocol now needs to be updated in the light of the latest statutory guidance and the "Facing the Challenge: Phase 1 update and new directorate structure", approved by the Council in December 2013. This revision also provides the opportunity to strengthen the Protocol, in light of our distributed model of accountability for Children's Services, taking account of the lessons learned from its application during the last 18 months. The revised Protocol is attached as **Appendix 1**. Consultation is still taking place at the time of publication therefore the Committee will be provided with updated information if there are any additional changes.

2. CHANGES AS A RESULT OF TOP TIER REALIGNMENT:

2.1 The Protocol has been updated throughout to reflect the roles and responsibilities of the Director of Social Care, Health and Wellbeing and the Director of Education and Young Peoples Services within the new organisational structure.

3. REVISIONS TO STRENGTHEN THE PROTOCOL:

3.1 In order for the DCS and LMCS to gain assurance about any concerns they may have regarding the delivery of those responsibilities allocated to other Corporate Directors or Cabinet Members, the Protocol now includes a time-framed process for escalation (Paragraphs 18-20).

3.2 The Protocol includes a description of the pre-conditions that would prompt referral to the process of escalation (Paragraph 20).

3.3 The Protocol will be reviewed as required to account for any future changes to relevant statutory guidance, and sets out the arrangements for review of its efficacy, which will be reported and managed through the Council's Annual Governance Statement process (Paragraph 21).

RECOMMENDATION:

That the Selection and Member Services Committee is asked to:

- (i) **Recommend to the County Council** the revised Accountability Protocol for the Director of Children's Services and Lead Member for Children's attached as Appendix 1.

CONTACT OFFICERS

Michael Thomas-Sam
Strategic Business Adviser, BSS Policy and Strategic Relationships
01622 696116
michael.thomas-sam@kent.gov.uk

Amanda Hornsby
Policy Manager, BSS Policy and Strategic Relationships
01622 694540
amanda.hornsby@kent.gov.uk

KENT COUNTY COUNCIL

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

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 2013) – 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 Social Care, Health and Wellbeing is appointed by the Council as its statutory Director of Children's Services (DCS) ; and the Cabinet Member for Specialist Children's Services is designated by the Leader as the Council's statutory Lead Member for Children's Services (LMCS).
3. The range of services that fall across the statutory accountabilities of the DCS and LMCS are managed within the Social Care, Health and Wellbeing Directorate and the Education and Young Peoples Services Directorate and by the respective Cabinet Members for those services.
4. 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.
5. The DCS and the Corporate Director Education and Young People's Services (CDEY) are both members of the Corporate Management Team and are directly accountable to the Head of Paid Service for the performance of their duties. The CDEY is accountable to the DCS (as the statutory post holder) and is required to provide pro-active assurance and accountability to the DCS for the functions described in Paragraph 10 and the requirements of this Protocol through the mechanism set out in Paragraph 11.
6. At all other times the two corporate directors referred to in this Protocol will be considered as equal colleagues and equal and full members of the Corporate Management Team.
7. The DCS is responsible for
 - (a) improving outcomes for children and young people, children's social care functions and local cooperation arrangements for children's services;

- (b) driving the development of the local Joint Strategic Needs Assessment (JSNA) and joint health and wellbeing strategy;
 - (c) promoting the interests of children, young people and their families;
 - (d) joining up local commissioning plans for clinical and public health services with children's social care and education, where appropriate, to address the identified local needs through JSNA and Joint Health and Wellbeing Strategy;
 - (e) making a key contribution to ensuring effective working relationships between the health and wellbeing board and the LSCB;
 - (f) any agreements made under section 75 of the National Health Service (NHS) Act 2006 between the council and NHS relating to children and young people, e.g. pooled budgets for commissioning and/or delivering integrated services covering children's health, social care and education;
 - (g) ensuring collaboration and dialogue with the family courts so that high quality local authority assessments and other evidence contribute to effective and timely court processes for children;
8. The LMCS is an elected Member with delegated responsibility from the Council, through the Leader, for children's services. The LMCS, as a member of the Council's Executive, has political responsibility for the leadership, strategy and effectiveness of local authority children's services. The LMCS is also democratically accountable to local communities and has a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council.
9. The LMCS is a Cabinet Member and accountable to the Leader of the County Council for children's services as set out within this Protocol. Other Cabinet Members, who the Leader appoints and carry some responsibilities beyond the LMCS that are relevant to the delivery of this Protocol, are also accountable to the Leader for their responsibilities as set out in Appendix 2 Part 4 of the Constitution of Kent County Council.
10. The DCS and LMCS in their respective roles:
- (a) have 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;
 - (b) ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed;
 - (c) understand local need and secure provision of services taking account of the benefits of prevention and early intervention and the importance of co- operating with other agencies to offer early help to children, young people and families;
 - (d) ensure there are clear and effective arrangements to protect children and young people from harm (including those attending independent schools);
 - (e) work together to provide strong, strategic local leadership and development of an increasingly autonomous and diverse education and children's services sector;

- (f) ensure that children's services are integrated across the council to support, for example, a smooth transition from children's to adults' services;
- (g) involve and listen to parents, carers, children and young people;
- (h) 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;
- (i) lead, promote and create opportunities for co-operation with local partners (e.g. health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers) to improve the well-being of children and young people;
- (j) establish local co-operation arrangements to reduce child poverty, prepare and publish a local child poverty needs assessment, and prepare a local child poverty strategy;
- (k) promote children's and young people's participation in public decision-making so they can influence local commissioners;
- (l) ensure that children and young people are involved in the development and delivery of local services;

And through the work of other relevant Cabinet Members, the CDEY and their director-level support:

- (a) ensure 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;
- (b) ensure 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;
- (c) ensure 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;
- (d) ensure that headteachers, school governors and academy sponsors and principals are supported in the drive for high educational standards for all children and young people;
- (e) ensure provision for suitable home to school transport arrangements;
- (f) ensure a diverse supply of strong schools is actively promoted;
- (g) ensure the promotion of high quality early years provision, and ensure there are sufficient Sure Start children's centre services to meet local need and sufficient childcare for working parents;
- (h) ensure access for young people to sufficient educational and recreational leisure-time activities and facilities for the improvement of their well-being and personal and social development;
- (i) ensure fair access to all schools for every child in accordance with the statutory School Admissions and School Admissions Appeal Codes;
- (j) ensure the promotion of participation in education or training of young people, including securing provision for young people aged 16-19 (or 25 for those with learning difficulties/disabilities);

- (k) ensure rapid and decisive action is taken in relation to poorly performing schools;
 - (l) ensure the development of robust school improvement strategies;
 - (m) ensure the promotion of high standards in education by the support of effective school-to-school collaboration and the provision of local leadership for tackling issues needing attention which cut across more than one school;
 - (n) ensure that maintained schools are supported 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);
 - (o) ensure a schools forum is established for the Kent area, a scheme is maintained for financing maintained schools and financial information is provided;
 - (p) ensure that responsibilities in relation to staffing and governance of maintained schools are undertaken;
 - (q) ensure that the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers, are addressed;
11. This Protocol is enacted through regular meetings of a Kent Integrated Children's Services Board, established to ensure strong governance, facilitate and seek pro-active assurance regarding the execution of the duties and accountabilities of the LMCS and the DCS and provide the primary mechanism for raising and remedying concerns or challenges.
 12. The Board is not primarily responsible for service delivery, nor is it intended to replace or substitute the active management of services, but it is responsible for the efficacy of all services to children delivered by the Council (and those delivered in partnership as covered by the remit of the role of the DCS and LMCS as described in this Protocol).
 13. All Corporate Directors and Cabinet Members shall provide pro-active assurance to the Board of the effective discharge of those responsibilities that fall within the remit of the DCS and LMCS.
 14. 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) CDEY
 - (e) Other relevant Cabinet Member(s)(see paragraph 9, above)
 15. These meetings:
 - (a) provide a regular and formal opportunity for the DCS and LMCS to be proactively assured that their statutory duties are being met by the relevant Cabinet Members, Corporate Directors, Directors and Heads of Service;

- (b) enable the DCS and LMCS to validate, challenge and, as necessary, direct activity to ensure that their statutory duties are being met;
 - (c) are minuted and maintained as a formal record of the discharge of this Protocol.
16. Should the DCS identify particular areas of concern or consider that their statutory duties are not being met, this should be raised with the Head of Paid Service within three working days.
17. Should the LMCS identify particular areas of concern or consider that their statutory duties are not being met, this should be raised with the Leader within three working days.
18. The arrangements for review of the efficacy of this protocol are:
- (a) Every six months the DCS and the LMCS will provide the Head of Paid Service and the Leader with assurance that they are satisfied this Protocol is sufficient to discharge their statutory responsibilities;
 - (b) The efficacy of this Protocol will be reviewed as part of assurance activity on the overall corporate governance of the Council undertaken on a periodic basis by the Council's internal audit function;
 - (c) Any issues or concerns regarding the efficacy of this Protocol will be reported and resolved through the Council's Annual Governance process.