



Summons to and  
Agenda for a  
Meeting on  
**Thursday, 10th  
December, 2015**  
at **9.30 am**

**Please note the earlier start time for this meeting**





DEMOCRATIC SERVICES  
SESSIONS HOUSE  
MAIDSTONE

Wednesday, 2 December 2015

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, 10 December 2015 at **9.30 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 the live or subsequent broadcast via the Council's internet site or by any member of the public or press present.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

### **Voting at County Council Meetings**

Before a vote is taken the Chairman will announce that a vote is to be taken and the division bell shall be rung for 60 seconds unless the Chairman is satisfied that all Members are present in the Chamber.

**20 seconds** are allowed for electronic voting to take place and the Chairman will announce that the vote has closed and the result.

## **A G E N D A**

1. Apologies for Absence
2. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda
3. Minutes of the meeting held on 22 October 2015 and, if in order, to **(Pages 5 - 14)** be approved as a correct record
4. Chairman's Announcements

5. Questions
6. Report by Leader of the Council (Oral)
7. Proposed establishment of the Statutory Officer Independent Panel **(Pages 15 - 24)**
8. Dependent Carers' Allowance **(Pages 25 - 28)**
9. Strategic Support to Corporate Director Social Care Health & Wellbeing **(Pages 29 - 30)**
10. Select Committee - Corporate Parenting **(Pages 31 - 48)**
11. Health and Wellbeing Board - Annual Report **(Pages 49 - 70)**
12. Embedding strategic commissioning as business as usual **(Pages 71 - 80)**
13. Motion for Time Limited Debate  
Retaining and recruiting GPs

Dr Eddy will propose and Ms Harrison will second.

"This Council is increasingly concerned by the problem of retaining and recruiting GPs in Kent and calls on Government to address the situation as a matter of urgency by:

1. Improving funding to practices which are prepared to accept for retraining those GPs returning to practise after absence for childcare or work overseas;
2. Reducing the burdens of bureaucracy on GPs; and
3. Increasing the opportunities for training practice nurses to support GPs."



Peter Sass  
Head of Democratic Services



## KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 22 October 2015.

**PRESENT:**

Mr M J Harrison (Chairman)

Mr T Gates (Vice-Chairman)

Mrs A D Allen, MBE, Mr M J Angell, Mr M A C Balfour, Mr R H Bird, Mr H Birkby, Mr N J Bond, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr L Burgess, Mr C W Caller, Miss S J Carey, Mr P B Carter, CBE, Mr N J D Chard, Mr B E Clark, Mrs P T Cole, Mr G Cooke, Mr G Cowan, Mrs M E Crabtree, Mr A D Crowther, Mr D S Daley, Mr M C Dance, Mr J A Davies, Mrs T Dean, MBE, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr G K Gibbens, Mr R W Gough, Mr P M Harman, Ms A Harrison, Mr M Heale, Mr P M Hill, OBE, Mr C P D Hoare, Mrs S V Hohler, Mr S Holden, Mr P J Homewood, Mr E E C Hotson, Mrs S Howes, Mr J A Kite, MBE, Mr R L H Long, TD, Mr G Lymer, Mr T A Maddison, Mr S C Manion, Mr R A Marsh, Mr F McKenna, Mr B Neaves, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr C R Pearman, Mr L B Ridings, MBE, Mrs E D Rowbotham, Mr J E Scholes, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, MBE, Mr C P Smith, Mr D Smyth, Mrs P A V Stockell, Mr B J Sweetland, Mr A Terry, Mr N S Thandi, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, Mrs J Whittle, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: David Cockburn (Corporate Director Strategic & Corporate Services), Geoff Wild (Director of Governance and Law) and Peter Sass (Head of Democratic Services)

### UNRESTRICTED ITEMS

#### **35. Apologies for Absence**

The Director of Governance and Law reported apologies from Mr Baldock, Mrs Brivio, Mr Chittenden, Mrs Dagger, Mr King, Mr Koowaree, Mr Latchford, Mr MacDowall and Mr Truelove.

#### **36. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda**

None

#### **37. Minutes of the meeting held on 17 September 2015 and, if in order, to be approved as a correct record**

RESOLVED that the minutes of the meeting held on 17 September 2015 be approved as a correct record subject to the word "Residents" being replaced by "Refugee" in the last sentence in minute 30, paragraph (17).

### **38. Revised Proportionality Calculations and Committee Membership - Urgent Business**

(1) The Chairman stated that he had agreed to take this item as urgent business due to the need to review proportionality and Committee membership at the first County Council meeting following Mr Elenor's change in political status.

(2) The Chairman moved and the Vice- Chairman seconded the following motion:

"The County Council is invited to:

(a) agree the revised proportionality calculations and decide (in accordance with the overall proportionality rules) whether Mr Elenor should be invited to fill two additional committee places at the expense of UKIP or whether these places shall remain vacant; and

(b) agree that the decision on which two seats the UKIP Group has to give up to either a vacancy or Mr Elenor be delegated to the Head of Democratic Services in consultation with the Leader of the UKIP Group and (if appropriate) Mr Elenor."

(3) The Leader updated the Council on the current situation regarding the filling of the two Committee places referred to in paragraph (1) (a) above.

(4) The following was agreed without a formal vote.

(5) RESOLVED that:

(a) the revised proportionality calculations be agreed; and

(b) in accordance with the overall proportionality rules the two additional committee places remain vacant pending discussions between Group Leaders and Mr Elenor and a further report be submitted to the December meeting of the County Council if necessary; and

(c) the decision on which two seats the UKIP Group has to give up to in light of the revised proportionality calculations be delegated to the Head of Democratic Services in consultation with the Leader of the UKIP Group.

### **39. Chairman's Announcements**

#### **(a) Mr William Whelan**

(1) The Chairman stated that it was with regret that he had to inform Members of the death of Mr William Whelan, on 15 August 2015. The celebration of Mr Whelan's life took place in August. The family had asked that anyone wishing to make a donation could do so to any charity supporting Parkinson's Disease.

(2) Mr Sass explained that this was the first County Council meeting following him being informed by Mr Whelan's family of his passing.

(3) Mr Whelan was the former Conservative Member for Margate East from 1989-1993 and 2001-2005. During his time with KCC he served on the Appeal Committee,

Governance and Audit Committee, Education and Libraries Committee and the Regulation Committee.

(4) The Chairman and Mr Birkby, on behalf of Mr Latchford, paid tribute to Mr Whelan.

(5) Members stood in silence in memory of Mr Whelan

(6) After the minute's silence the Chairman moved, the Vice-Chairman seconded and it was resolved unanimously that this Council desires to record the sense of loss it feels on the sad passing of Mr Whelan and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.

**(b) Petition from Lamberhurst Parish Council**

(7) The Chairman explained that Mr King was due to present a petition from Lamberhurst Parish Council but unfortunately he was unwell and had given his apologies for this meeting. The Chairman stated that officers would ensure that this petition was passed to the Cabinet Member for a response.

**(c) Consultation Briefing - 22nd October at 2:00pm - Council Chamber.**

(8) The Chairman reminded Members that there was an additional Consultation briefing being held in the Chamber at 2.00pm today, or at the conclusion of the meeting whichever was the later, for those Members who had not been able to attend a previous session. He emphasised the importance of all Members, particularly Cabinet Members as decision makers, attending one of these sessions

**(d) The year so far in pictures**

(9) The Chairman made reference to how busy he and the Vice- Chairman had been on behalf of the County Council, and invited Members to contact his office if they had any events in their area that would benefit from the attendance of himself and/or the Vice-Chairman.

(10) The Chairman then introduced a PowerPoint slide show which illustrated some of the events that he had attended since becoming Chairman.

**(e) Sandwich Flood Defence works – winner of the Canal and River Trust's 'Living Waterways Award for Contribution to the Built Environment 2015'**

(11) The Chairman invited Mr Balfour to introduce a short film on the multi- award winning Sandwich Flood defence works.

(12) The Chairman expressed congratulations on behalf of all Members of the Council.

**40. Questions**

In accordance with Procedure Rule 1.17(4), three questions were put and the answers given at the meeting. These are available [online](#) with the papers for this meeting.

#### **41. Report by Leader of the Council (Oral)**

(1) The Leader stated his intention to update the Council on the potential crisis in the future delivery of social care, particularly in relation to the spending review announcement on 25 November 2015. He also intended to refer to the asylum issue, progress in moving towards a commissioning authority, the approval of the new Sevenoaks grammar school annex and English devolution.

(2) In relation to social care funding Mr Carter referred to the efforts of the Cabinet Member, the County Council Network and the Association of Directors of Adult Social Services in pressing the essential need for an additional £2 billion to take up the cost of the increased demand and the impact of the living wage. He stated that he was optimistic that the need for adequate funding was high up the risk register of the government and the treasury.

(3) Mr Carter referred to the asylum issue and stated that the number of young people who were the responsibility of Kent was approaching 1400, which included those over 18, and the additional cost was nearing £8m. He expressed his gratitude to Mr Clarke, MP, Chairman of the Cabinet Sub-Committee on refugee and asylum issues, which was working towards identifying the additional funding not only for Kent but also to encourage other Local Authorities to participate in a dispersal system. There had been a meeting with civil servants who had validated Kent's additional costs of £7.5m to £8m. He anticipated an announcement shortly on the dispersal system and a related funding package. There was general acceptance that the current situation, both in relation to unaccompanied asylum seeking children, and children placed in Kent by other local authorities, was totally untenable and acknowledged its potential to interrupt the support to Kent's own indigenous young people.

(4) Mr Carter made reference to the endorsement by the Secretary of State for Education of the expansion of the Weald of Kent Grammar School, with an annex in Sevenoaks. He expressed his thanks to the Headteacher of the Weald of Kent Grammar School and her Governors for the work that they had put into the detailed submission and acknowledged the efforts of parents in Sevenoaks.

(5) Regarding Commissioning, Mr Carter emphasised the importance of making sure that the £700m to £800m worth of public money spent every year in the provision of services was used to deliver best value, good quality services from providers which supported the strategic aims of this authority. He referred to the importance of the role of Members in having an over-sight of the parts of the commissioning process and service delivery. He confirmed that the Commissioning Advisory Board would continue, although it might have a slight change of direction. He and the Chairmen of the Cabinet Committees would be meeting to produce options which would be taken to a future meeting of the County Council.

(6) Mr Carter then referred to English devolution, with the removal of the rate support grant and the repatriation of commercial rates to local government, there was a move away from a bespoke devolution with a directly elected mayor. There was the opportunity to have responsibility around the extra £11 billion worth of public money, which affected and supported the residents of Kent. There was now by early

spring the potential to submit an ambitious devolution proposal which would ask for significant freedoms and flexibilities in the way that money was applied. Also with much greater reach and influence in shaping how the rest of public services were delivered across this county. He hoped that this would not only be a Kent County Council proposal but one with the 12 boroughs/districts, possibly Medway and of course with the cooperation and help and support of public sector partners.

(7) Mr Birkby, the Deputy Leader of the UKIP Group (addressing the meeting on behalf of the Leader of the Opposition), stated that Mr Latchford had attended the Budget press launch and has said that it was a good PR exercise but was dependant upon the government grant settlement. He referred to the Budget consultation and expressed the view that the questionnaire had too many leading questions, and in some cases was not comparing like with like. He acknowledged the financial difficulties around the funding for adult social care.

(8) Mr Birkby expressed the view that devolution in England was the most effective way of creating jobs, strengthening healthy communities, building homes and having the ability to protect the vulnerable. He emphasised that there should not be a one size fits all solution and that a fair allocation of funding should follow the devolution of powers, the detail would need to be looked at very carefully.

(9) Mr Birkby welcomed the Sevenoaks grammar school annex. He stated that support for grammar schools was a UKIP manifesto commitment and he congratulated Cabinet Members and officers for their work to achieve this result.

(10) Mr Birkby referred to the Commissioning Advisory Board, and stated that he had gained a lot of knowledge from being a member of the Select Committee on Commissioning. He welcomed the Leader's decision to retain the Board, which enabled members to be involved in this area of the County Council's business.

(11) Mr Cowan, Leader of the Labour Group, referred to the current budget situation and the promises made by the Chancellor of the Exchequer in 2010 and the difficult financial pressures on the County Council. He welcomed the statement made by Mr Simmonds at the launch of the budget consultation that KCC had reached the stage where difficult decisions would have to be considered regarding the potential reduction, restriction of access and the cessation of some front line services. He referred to the 2015/16 budget review presented to Cabinet which showed an underlying over-spend of £12.958 million, which illustrated the challenge of reaching a balanced budget this year. He mentioned the awaited outcome of the Comprehensive Spending Review which was due on 25 November and the subsequent provisional settlement. He stated that his Group would keep uppermost in their minds how it affected those of middle and lower incomes.

(12) Mr Cowan expressed disappointment that the government did not welcome Kent's cross party call to reform the South-East Local Enterprise Partnership (LEP) and asked the Leader a series of questions relating to this situation.

(13) Mr Cowan referred to the Commissioning Advisory Board and stated that, as a member of the Select Committee on Commissioning, he was pleased that it was going to continue its work. He mentioned his groups stance on making sure that the County Council retained control of a minimum of 51% of the services commissioned

out. He stated that the information that Members had been given had been very much valued and they had learned a lot about the role of commissioning authorities.

(14) In relation to grammar schools, Mr Cowan questioned why the Weald of Kent annexe was being provided in Sevenoaks and not on the Weald of Kent site.

(15) Mrs Dean, Leader of the Liberal Democrat Group, referred to the social care budget, the cuts to the welfare benefits system and the negative impact that these would have on the vulnerable.

(16) In relation to asylum she agreed with the Leader that a national dispersal system had to be put in place. She referred to what the breakdown of the 20,000 refugees would mean for each district, for example in Tonbridge and Malling it would mean 8 per year, and for Kent it would mean 400 over the five year period. This gave a more local context to inform a sensible debate.

(17) In terms of devolution, Mrs Dean referred to government statements on intervention to determine fracking applications centrally in certain circumstances, the suggestion that the regional growth fund may be withdrawn, the possibility of government establishing a national infrastructure framework and consideration of the merging of 89 local authority pension funds to ensure their investment in infrastructure.

(18) Regarding the budget, Mrs Dean expressed the view that what had happened recently in terms of commissioning had convinced her that the County Council needed to be looking at smaller packages of contracts, in order to increase the number of potential bidders.

(19) Mr Whybrow, Leader of the Independents Group, stated that he was very pleased that the Commissioning Advisory Board would be continuing. The work done by Members of that Board had been exceptional. He expressed the view that the County Council was getting better at commissioning and he hoped that staff could now proceed to a period of calm following the decision to keep the back office in house.

(20) Referring to Mr Carter's update on devolution, Mr Whybrow stated that he was cynical particularly in relation to Councils retaining business rate income, based on the introduction of the living wage combined with cutting working tax credits. Mr Whybrow also referred to the scope for inequality within the devolution agenda particularly in relation to business rates. The Local Government Chronicle had estimated that the south east needed to retain 62% of its business rates to be self-sufficient but the comparable figure for the north east was £131%.

(21) In relation to the budget, Mr Whybrow referred to the Spending Review and Autumn Statement announcement due on 25 November 2015 and Kent's net projected over-spend of £14.6m which demonstrated the struggle that the County Council was having to cope within its current budget.

(22) In replying to the other Leaders comments, Mr Carter referred to the grammar school issue and expressed the intention to seek the establishment of a Select Committee to look at increasing social mobility into grammar schools to be chaired by Mrs Whittle. He referred to the major role that primary schools should play in making

sure that young people with the potential for a grammar school education, irrespective of class or background, got the support that they needed to go to a school that matched their academic ability. He hoped that the opposition groups would take part in this piece of work.

(23) Regarding the budget consultation, he stated that it was still not known whether Kent would be funded for the additionality of the living wage and the pressures in social care. The spending review would either be a disappointment or an opportunity to address those massive challenges. If funding was not made available then some unpleasant decisions would need to be made in the diminishing of services currently enjoyed by Kent residents. The percentage of local government budgets being spent on children's services and adult social care was becoming an increasingly large proportion of the totality of local government budgets. He hoped that the spending review would address these concerns.

(24) In relation to devolution, he stated that Mr Cowan's questions about a LEP devolving to Kent and Medway out of the South East LEP was appropriate to the devolution debate. There had not been a formal explanation as to why the break-up of the South East LEP was not going ahead. However, there was now a real federation where Kent and Medway could arrive at their own priorities and decisions for the vast amount of funding streams that flow through the LEP.

(25) Mr Carter mentioned Mr Cowan's reference to the savings that this authority had delivered over the past 5 years. Mr Carter stated that although the challenges ahead would increase he hoped that there would be some redress for those growing issues in social care budgets across the county.

(26) In response to a point of clarification from Mrs Dean relating to the reinstatement of free school transport to grammar schools, Mr Carter stated that he believed that the withdrawal of free school transport to grammar schools had been the right decision due to equity and affordability issues, and put £8m into the universal young people's travel pass.

(27) The County Council noted the Leader's oral report.

#### **42. Kent's response to the Syrian refugee crisis**

(1) Mr Oakford moved and Mrs Whittle seconded the following motion:

"The County Council is asked to comment on the report and endorse:

- (a) The proposal to support those districts that wish to take part in the Syrian Vulnerable Persons Relocation Scheme with the caveats outlined in section 7 of the report and
- (b) The continuing efforts to persuade Government to develop a sustainable national dispersal scheme for unaccompanied asylum seeking children."

The motion was agreed without a formal vote.

RESOLVED that

- (a) the comments on the report be noted, and
- (b) the proposal to support those districts that wish to take part in the Syrian Vulnerable Persons Relocation Scheme, with the caveats outlined in section 7 of the report, and the continuing efforts to persuade Government to develop a sustainable national dispersal scheme for unaccompanied asylum seeking children be endorsed.

### **43. Motion for Time Limited Debate**

(1) Mr Vye moved and Mr Bird seconded the following motion:

“That this Council supports the Universal Infant Free School Meals initiative brought in by the last Coalition Government, and welcomes the news that, despite earlier reports, funding for such a vital scheme will not after all be cut in the Spending Review to be announced on the 25th of November.

We recognise the importance of the initiative, which education professionals affirm is helping so many young Kent children to be more focused in their learning, is giving them a nutritious and healthy meal each day, and has avoided the stigma of means testing.

We propose that, at this time when there continues to be uncertainty about where the significant cuts to Government funding will fall, the Chairman should write to the Prime Minister stating how valuable this scheme has been for the young children and families of Kent.”

(2) Mr Kite moved and Mr Parry seconded the procedural motion “that the question be put”, the Chairman put this to the vote and the votes cast were as follows:

For (64)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr N Bond, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Mr A Crowther, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Ms A Harrison, Mr M Harrison, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Ms S Howes, Mr J Kite, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr L Ridings, Mrs E Rowbotham, Mr J Scholes, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr N Thandi, Mrs C Waters, Mrs J Whittle, Mr M Whybrow, Mr A Wickham, Mrs Z Wiltshire

Against (4)

Mr R Bird, Mr B Clark, Mr M Vye, Mr J Wedgbury,



Abstain (4)

Mr H Birkby, Mr J Elenor, Mrs M Elenor, Mr M Heale,

*Procedural motion carried*

(3) The Chairman then put the motion outlined in paragraph (1) above to the vote and the votes cast were as follows:

For (62)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr R Bird, Mr N Bond, Mr D Brazier, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mr B Clark, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Mr A Crowther, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Ms A Harrison, Mr M Hill, Mr C Hoare, Mrs S Hohler, Ms S Howes, Mr J Kite, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr L Ridings, Mrs E Rowbotham, Mr J Scholes, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr N Thandi, Mr M Vye, Mrs C Waters, Mrs J Whittle, Mr M Whybrow, Mr A Wickham, Mrs Z Wiltshire

Against (3)

Mr A Bowles, Mr J Elenor, Mrs M Elenor,

Abstain (1)

Mr H Birkby

*Motion carried*

(4) RESOLVED that

(a) this Council supports the Universal Infant Free School Meals initiative brought in by the last Coalition Government, and welcomes the news that, despite earlier reports, funding for such a vital scheme will not after all be cut in the Spending Review to be announced on the 25th of November 2015 and recognises the importance of the initiative, which education professionals affirm is helping so many young Kent children to be more focused in their learning, is giving them a nutritious and healthy meal each day, and has avoided the stigma of means testing and at this time when there continues to be uncertainty about where the significant cuts to Government funding will fall, and

(b) the Chairman write to the Prime Minister stating how valuable this scheme has been for the young children and families of Kent.

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**By:** Peter Sass – Head of Democratic Services  
Gary Cooke – Cabinet Member for Corporate and Democratic Services

**To:** County Council

**Date:** 11 December 2015

**Subject:** **Establishment of the Statutory Officer Independent Panel**

**Classification:** Unrestricted

**Past Pathway:** Personnel Committee – 30 April 2015

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**SUMMARY:** This report invites the County Council to establish the Statutory Officer Independent Panel; approve its Terms of Reference; and agree the necessary amendments to the Constitution outlined in sections 5 and 6 of the report.

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**Background:**

1. The enactment of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”) requires that a decision to dismiss one of the County Council’s statutory officers must be taken by the full Council, with regard being given to a report on the dismissal from a panel comprising at least two independent persons. These persons to be drawn from those people appointed under Section 28(7) of the Localism Act 2011 (the Independent Persons appointed in relation to the investigation of ethical standards complaints about elected and co-opted Members).
2. At its meeting on 30 April 2015, the Personnel Committee considered a report of the Corporate Director Engagement, Organisational Design and Development in relation to Statutory Officer Disciplinary Procedures (attached at **Appendix 1**) and made the following decision:

*“Resolved: that, subject to the Members of this Committee being satisfied that the Independent Persons are suitable for this role, the County Council be recommended to approve for inclusion in the Personnel Management Rules provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer, as outlined in the report, with provision for the panel to appoint their own advisors for non-Personnel matters, and that this process be extended to include all statutory roles, including the Director of Children’s Services, Director of Adult Social Services and the Director of Public Health.”*

**The Statutory Officer Independent Panel:**

3. The role of the Statutory Officer Independent Panel will be to make a recommendation to the Personnel Committee who will consider this alongside any advice, the conclusions of any investigations into the

proposed dismissal and the representations of the officer concerned. The Personnel Committee agreed that there would be an explicit assumption that the Council would abide by the recommendations of the Statutory Officer Independent Panel unless there were exceptional reasons to justify departing from them. The Personnel Committee will then make a recommendation to the County Council if a dismissal is required so that it can make a formal decision as required by the Regulations. Specifically, paragraph 8 of the Regulations requires the Council to take into account:

- a. Any advice, views or recommendations of the Panel;
  - b. Any conclusions of any investigation into the proposed dismissal; and
  - c. Any representations from the relevant officer.
4. The Regulations also state that at least two independent persons should constitute the Statutory Officer Independent Panel to consider any proposed dismissal of a statutory officer. Currently, KCC has one Independent Person appointed under Section 28(7). However, there is a reciprocal arrangement in place with the Kent and Medway Fire and Rescue Authority to use their Independent Person in situations where the Council's Independent Person may not be available or is conflicted, so there is scope to appoint a panel of two Independent Persons under the Regulations. If one or both of the people identified above cannot be appointed to the Statutory Officer Independent Panel, there is also scope to use the Kent Secretaries' Network with other authorities in Kent in order to ensure an appropriately constituted panel.

#### **Proposed Changes to the Constitution:**

5. The County Council is asked to formally appoint the Statutory Officer Independent Panel and agree its Terms of Reference for inclusion in Appendix 2 Part 2 of the Constitution as follows:

##### Powers:

- a. The Statutory Officer Independent Panel is established under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to act in an advisory capacity where the Personnel Committee is considering the dismissal of a statutory officer.
- b. For these purposes, a statutory officer means either the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Director of Children's Services, the Director of Adult Social Services or the Director of Public Health.

##### Membership:

The panel is an advisory committee established under Section 102(4) of the Local Government Act 1972 comprising solely of non-elected Members. The panel will comprise of two persons falling within the definition of Independent Persons for the purposes of Section 28(7) of the Localism Act 2011; being those appointed by Kent County Council and the Kent and Medway Fire and Rescue

Authority or, in their absence, from those appointed by other Kent local authorities.

Meetings:

- a. The panel will meet when the Personnel Committee is considering the dismissal of a statutory officer.
- b. The panel will consider the matter and may make its views, advice or recommendations to the Personnel Committee and to the County Council.
- c. The panel must be established no less than 20 working days before its report is submitted to the County Council.
- d. The standing chairman of the panel will be the person appointed by the County Council as its Independent Person under Section 28(7) of the Localism Act 2011. In his/her absence, a Chairman will be elected as the first item of business when the panel meets.

Quorum:

- e. There is no quorum; therefore a meeting of the panel can only proceed with two independent persons present.
6. The County Council is also recommended to make the following consequential amendments to Appendix 2 Part 1 of the Constitution:

**2. Appointments**

- (i) In paragraph 2(d), remove the words “or dismissal”.
- (ii) Insert a new 2(e):

“To consider and determine a recommendation of the Personnel Committee and the report of the Statutory Officer Independent Panel in relation to the proposed dismissal of a statutory officer”

- (iii) Re-number 2(e) to 2(g) as 2(f) to 2(h).

**Recommendations:**

7. The County Council is invited to approve the establishment of and Terms of Reference for the Statutory Officer Independent Panel, together with the necessary amendments to the Constitution as set out in Sections 5 and 6 above.

Report Author:

Peter Sass

Head of Democratic Services

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Tel: (03000) 416647

Background Papers: Report to the Personnel Committee on Statutory Officer Disciplinary Procedures on 30 April 2015.

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**By:** Amanda Beer, Corporate Director – Engagement, Organisation Design and Development

**To:** Personnel Committee

**Date:** 30 April 2015

**Subject:** **STATUTORY OFFICER DISCIPLINARY PROCEDURES**

**Classification:** **Unrestricted**

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## **SUMMARY:**

To consider and make recommendations to the County Council in response to the Department for Communities and Local Government's (DCLG) proposal to remove the "Designated Independent Person" (DIP) from the disciplinary process for the Head of Paid Service, Chief Finance Officer and Monitoring Officer, and to reduce legal, financial and reputational risk and cost to the Council of managing statutory officer disciplinary processes.

## **RECOMMENDATIONS**

The County Council is requested to approve for inclusion in the Personnel Management Rules provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer as outlined in this report, and that this process be extended to include all statutory roles, including the Director of Children's Services, Director of Adult Social Services and Director of Public Health.

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## **BACKGROUND**

1. The current DIP procedure dates from 1993, but the origins of the concept of 'statutory protection' – whereby an officer of a local authority is protected from capricious or unjustified disciplining or dismissal by a prior requirement for an independent review of the alleged justification – are much older than that. Section 4(3) of the Local Government (Clerks) Act 1931 provided that ministerial consent was required to dismiss the clerk of a county council, even though that office was held "*during the pleasure of the council*," and this, repeated in section 100 of the Local Government Act 1933, was the position until 1974.
2. By 1974, when the reform of local government under the Local Government Act 1972 took effect and some 1,500 principal local authorities were reduced to 454, the concept of tribunal redress for unfair dismissal had been introduced under the Industrial Relations Act 1971.
3. In the mid-1980s, the government appointed the Widdicombe Committee. Their report *The Conduct of Local Authority Business* was published in June 1986. No. 49 of 88 recommendations was that "the legislation should be

amended to prevent a local authority dismissing a chief executive except on the vote of two thirds of the membership of the council” (a statutory requirement to appoint a chief executive had been the subject of recommendation 35). It is worthwhile revisiting the argument in paragraph 6.203 of the report that led to recommendation 49. The latter part of that paragraph reads:

*“In some cases the exercise of these [new chief executive] responsibilities would require them to be unpopular with the majority party. These recommendations would be undermined if the majority party could get rid of chief executives, and no less so simply because the chief executive leaves by mutual agreement. Accordingly we propose that a chief executive may only be dismissed on the vote of two-thirds of the members of the council. The two-thirds test is preceded by the requirement in the local Government (Scotland) Act 1947...but we have deliberately phrased it more stringently so that it applies to the whole council not just those voting.”*

4. Three years later the Local Government and Housing Act 1989 enacted both these recommendations, but in a modified form. A *head of paid service*, rather than a chief executive, had to be appointed, while the statutory protection that the Widdicombe report recommended came in the form of council standing orders, required to be adopted under the Local Authorities (Standing Orders) Regulations 1993. The DIP requirement was included in paragraph 4(1) of Part I of Schedule 1 to these regulations, rather than a requirement for a two-thirds majority vote.
5. These provisions were amended and augmented by the subsequent Local Authorities (Standing Orders) (England) Regulations 2001. As well as heads of paid service, the same statutory protection has since been extended to chief financial (“section 151”) officers and monitoring officers.

### **The use and impact of the Statutory Protection provisions**

6. Regulation 7 refers to its “*appearing to the local authority that an allegation of misconduct...requires to be investigated*” before requiring that a DIP must be appointed for that investigation. Such a requirement can only formally come to appear necessary to the authority by the taking of a legally valid decision to that effect. That decision in itself must comply with the statutory procedure; accordingly the authority may well carry out, or appoint someone to carry out, a preliminary investigation or inquiry to help them decide if the test of regulation 7(1) is met. Any such person carrying out such preliminary inquiries is not a statutory DIP, but must still take care not to act in a prejudicial manner.
7. The 1993 Regulations were hardly used in their first few years, but more recently there have been a number of cases being referred by councils for ‘full’ investigation by a DIP. However, the number of cases where the process has been completed, leading to a recommendation to the council by the appointed DIP, is very small, as often the reference to a DIP (or even the possibility of such reference) has had the effect of encouraging reluctant



parties to consider alternative resolution of the issue in view of the time and costs potentially involved.

8. After some twenty years' experience of these protection rules, it is safe to say that their continued existence acted as a powerful tool in ensuring good governance and the maintenance of high standards of legal, ethical and financial conduct and probity by an authority. It is important, therefore, that Kent County Council implements the new regulations in a way that ensures that protection is maintained while effectively managing and reducing the cost and any risks to the Council.

### **Protection of Statutory Officers**

9. The relevant local authority statutory officers affected are the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. Their statutory responsibilities are manifold, but can be summarised as follows:
  - Head of Paid Service - has a duty to report to Council where he considers it to be appropriate in respect of the co-ordination of the discharge of the various functions of the authority, or the adequacy or pay of staff, or its organisation or management.
  - Monitoring Officer - has a duty to report where he is of the opinion that the authority has or proposes to act unlawfully.
  - Chief Finance Officer - has a duty to report where there is unlawful or improper expenditure/financial dealings, etc.
10. These are important regulatory functions to protect the Council's ability to discharge its functions effectively and lawfully, to prevent the politicisation of employees and to safeguard against the inappropriate or illegal use of public resources. Exercising these functions could bring the statutory officers into conflict with the political leadership of the Council.
11. The DCLG has proposed the replacement of the current DIP process with a requirement that decisions to dismiss a statutory officer must be taken by full Council, with regard being given to a report on the dismissal from a panel consisting of at least two independent persons. These persons to be drawn from those people appointed under section 28(7) of the Localism Act 2011. The DCLG considers that the current arrangements lead to a higher prevalence and high overall cost of severance payments as part of compromise agreements, which are implemented instead of disciplinary proceedings requiring a DIP.
12. The DCLG conducted a 4 week consultation on the proposals in March 2013 and has now followed it up with a further short consultation on draft amendments to the Local Authorities (Standing Orders) (England) Regulations 2001. This has resulted in regulations that require the new process to be approved by the County Council no later than its first ordinary meeting after 11 May 2015.
13. It is important that those statutory officers who have a responsibility to serve the wider public good must also have the freedom 'to speak truth unto power' without undue fear of summary removal from office for so doing. The

cost and risk to the Council, in terms of local democracy, reputation, probity and good governance would be threatened if a statutory officer was reluctant to properly discharge their functions in case they may be subject to dismissal as a consequence

14. It may be considered that removal of the DIP process may weaken the Council's ability to discharge its functions effectively and lawfully and to safeguard against the inappropriate or illegal use of public resources. However, the 2015 regulations do not remove the possibility of the appointment an investigator if required to report to the panel of independent persons.

### **Cost of Severance Payments**

15. There are understandable concerns about the length of time as well as the financial costs of using the DIP process, particularly where an employee remains suspended whilst the matter is dealt with by the appointed DIP. There is little evidence that the DCLG's changes will significantly reduce the cost of dismissing the officers under consideration.
16. Consideration of cost also needs to consider the impact of the statutory employment protection regime currently in place whilst KCC needs to be confident that the decisions made are sound within this context. The Authority needs to ensure that decisions made are defensible in the face of any unfair or wrongful dismissal claims made to an Employment Tribunal or High Court.
17. Therefore, scope to appoint someone to investigate the matters and recommend to the panel, if required, can support the mitigation of any risk in relation to the dismissal decision. The timescales and costs of this can be managed by the use of a "Select List" with set fee arrangements.
18. Equally, high severance settlements do not arise when an authority seeks to dismiss a statutory officer for good cause, but are high only when it seeks to do so without a case which would stand up to scrutiny in an Employment Tribunal or Court. If the Council has a strong disciplinary case, then it should have no fear of pursuing disciplinary action.
19. Outside of disciplinary procedures, it is however important that there is still sufficient scope to allow lawful and defensible settlements where continuation of a statutory officer contract is untenable because there has been a fundamental breakdown in trust and confidence.
20. The existing disciplinary process is enhanced by there being a limitation on the Council's ability to suspend a statutory officer for a period of more than two months, which can only be extended with the consent of the DIP. This restriction encourages the Council to conduct the investigation expeditiously and so limits the cost of paying salary during a prolonged period of suspension. There is merit in retaining an equivalent provision in any revised procedure.

**Proposed KCC Procedure**

21. In consideration of the context in this report it is proposed that the Council adopts a procedure as provided for in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
22. This will require the Council to appoint a panel of at least two independent persons to consider any case for dismissal made against the Head of Paid Service, Chief Finance Officer and Monitoring Officer. In addition to the requirements of the regulations a 'Select List' of investigators is maintained for use if the panel requires their services.
23. The panel will make a recommendation on the dismissal to Personnel Committee who will consider this alongside any advice, the conclusions of any investigation into the proposed dismissal and representations from the officer concerned.
24. Under the 2015 regulations if a committee discharges, on behalf of the Council, the decision to dismiss, full Council must approve that dismissal before notice of dismissal is given. Therefore it is proposed that Personnel Committee makes the recommendation to County Council if a dismissal is required so it can make a decision as required by the regulations.
25. There would be an explicit assumption that the Council would abide by the recommendations of the independent panel unless there were exceptional reasons to justify departing from them.
26. It would be proposed that a statutory officer may only be dismissed on the vote of two-thirds of the members of the Council, as per the original Widdicombe Committee recommendation referred to in paragraph 3. It should be noted that as any decision to dismiss will be taken by the County Council it will not be possible to provide any internal appeal process.
27. The proposed procedure to manage a dismissal is, therefore:
  - Appointment of a panel of independent persons (arranged by the Head of Democratic Services)
  - Consideration of the appointment of an investigator
  - Consideration of the case against the post holder by the panel
  - The panel makes a recommendation on dismissal to Personnel Committee
  - A decision is made by Personnel Committee in consideration of the panel's recommendation
  - If Personnel Committee decides the post holder should be dismissed it recommends this action to County Council
  - County Council makes a decision on whether to dismiss or not

**Appointment of the Independent Persons**

28. The 2015 regulations state that two independent persons should consider any dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer. The people must be drawn from those appointed under

section 28(7) of the Localism Act 2011. Currently KCC has one person it calls upon in line with the minimum requirement under the 2011 Act.

29. KCC has a reciprocal arrangement with the Kent Fire Authority to use their appointed independent person in situations where the Council's may not be available or is conflicted. Therefore there is scope to appoint two people for the purposes of constituting a panel under the 2015 regulations.
30. If one or both of the people identified above cannot be appointed to the independent persons' panel, there is also scope to use the Kent Secretaries network with other authorities in order to ensure an appropriately constituted panel.

### **Extended Coverage of the Procedure**

31. This paper sets out why it is necessary to have a procedure in place that effectively manages any dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer which ensures the role of these officers in maintaining effective local democracy, reputation, probity and good governance is protected. There is an argument to be made that these considerations could also be extended to all statutory roles which would include the Director of Children's Services, Director of Adult Social Services and Director of Public Health. This paper recommends that extension to the Committee.

### **RECOMMENDATION**

32. The County Council is requested to approve for inclusion in the Personnel Management Rules provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer as outlined in this report, and that this process be extended to include all statutory roles, including the Director of Children's Services, Director of Adult Social Services and Director of Public Health.

**Background documents:** None

**Ian Allwright**  
**Employment Policy Manager**  
**Ext 415774**

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services  
Amanda Beer, Corporate Director Engagement, Organisation Design  
and Development  
Geoff Wild, Director of Governance and Law

To: County Council – 10 December 2015

Subject: Dependents' Carers' Allowance

Summary: Following consultation with relevant senior officer, the Member Remuneration Panel and the Selection and Member Services Committee the Selection and Member Services Committee recommend a minor amendment to the Dependents' Carers' Allowance paragraph in the Members' Allowance Scheme which will permit an elected Member with childcare responsibility to participate in the Childcare Voucher Scheme offered by the County Council to employees.

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## 1. Introduction

Following a request from an elected Member with childcare responsibility asking whether it would be possible for an elected Member to participate in the County Council childcare voucher scheme we have discussed this possibility with relevant senior officers and sought the advice of the independent Member Remuneration Panel prior to seeking the approval of the Selection and Member Services Committee.

## 2. Dependents' Carers' Allowance

(1) Within the Members' Allowance Scheme is the following paragraph on Dependents' Carers' Allowance

*"Members who incur expenses themselves in respect of care responsibilities for dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on Council duties, up to a maximum of £10 per hour for each dependent child or adult. Money paid to a member of the Member's household will not be reimbursed. In the case of an allowance for the care of a dependent relative, the relative must reside with the councillor, be reliant on the councillor and require constant care"*

(2) We have checked the feasibility of an elected Member, even though they are not employees, being able to participate in the Childcare Voucher Scheme and there is no reason why this is not possible.

(3) The proposal has also been checked with the County Council tax advisers who have confirmed that there is no reason why this facility cannot be made available to elected members from a tax standpoint. The internal auditor has also been consulted and is content.

### 3. Member Remuneration Panel

(1) Following this consultation process we have sought the views of the Member Remuneration Panel.

(2) The Panel unanimously support the re-wording of the Dependents' Carers' Allowance paragraph as follows with the additions shown in bold type face:

*"Members who incur expenses themselves in respect of care responsibilities for dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on Council duties, up to a maximum of £10 per hour for each dependent child or adult. Money paid to a member of the Member's household will not be reimbursed. In the case of an allowance for the care of a dependent relative, the relative must reside with the councillor, be reliant on the councillor and require constant care. **Subject to the Childcare Voucher Scheme's standard terms and conditions\* any Member may, if they wish, sacrifice a portion of their Basic Allowance for Childcare Vouchers which are not subject to tax and national insurance deductions.**"*

***\*For reference these terms and conditions include (but are not limited to):***

- ***The childcare provider must be OFSTED registered.***
- ***The children must be aged between 0 and 16.***
- ***A sacrifice agreement would need to be signed.***
- ***The amount that can be sacrificed varies depending on whether the applicant is a basic, higher or additional rate tax payer.***

(3) The Panel expressed the view that this extension to the scheme will be a valuable addition to attract those persons with childcare responsibility to take on the role of an elected Member.

### 4. Selection and Member Services Committee

(1) The Selection and Member Services Committee considered this request at its meeting on 19 November and agreed to recommend this minor amendment to the Members' Allowance Scheme to the County Council for approval.

(2) One of the questions raised at the Committee was whether both an elected Member and an employee of the County Council from the same family could participate in the scheme. This has been checked again with the operators of the scheme. It has been confirmed that both parents or guardians can be a member of the Childcare Voucher salary sacrifice scheme if they are either employed by the County Council or an elected Member.

## **5. RECOMMENDATION**

The County Council is asked to agree the rewording of the Dependents' Carers' Allowance paragraph in the Members' Allowance Scheme as set out in paragraph 3 (2) above.

### Contact details:

Paul D Wickenden  
Democratic Services Manager (Members)  
Tel: 03000 416836

Background Documents : [Report to Selection and Members Services Committee – 19 November 2015](#)

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**By:** Paul Carter – Chairman of Personnel Committee  
David Cockburn – Head of Paid Service

**To:** County Council – 10 December 2015

**Subject:** Strategic Support to Corporate Director Social Care Health & Wellbeing

**Classification:** Unrestricted

**Summary:** This paper recommends the introduction of a new senior post to the Authority's top tier operating framework. It sets out the rationale for the post of Strategy & Business Support and summarises the key responsibilities of the postholder.

## 1. Introduction

- 1.1 The role of Corporate Director Social Care Health and Wellbeing is of significant size and complexity as recognised in its grade and status compared to other service Corporate Director roles. The Directorate currently has five Director level jobs with responsibility for service delivery, service policy and commissioning and the Corporate Director is supported by a personal office with a staff officer and PA. However, because of the significance of the current agenda in this Directorate it is clear that additional senior management support is required if this Corporate Director role is to be viable in its current format.
- 1.2 The job description for the Corporate Director sets out a role which is designed to concentrate on issues at a strategic level. The Director roles which report in to the Corporate Director are all significant in their own right and none naturally lends itself to act as a deputy Corporate Director easily able to take a whole Directorate approach. It is therefore proposed to introduce a new senior level role which can support the Corporate Director with cross Directorate activity, relieving the Corporate Director of the need to be involved in issues and meetings which do not need that level of input.
- 1.3 The post has been the subject of formal job evaluation and is graded at KR16, the salary for which is up to £91,261. The job title will be Strategy & Business Support, Social Care, Health and Wellbeing. The post has the full support of the Corporate Director and the Cabinet Members for Specialist Children's Services and Adult Social Care and Public Health.
- 1.4 In summary, responsibilities are:
  - to lead, on behalf of the Corporate Director, on cross Directorate policy formulation and major projects;
  - resource planning and monitoring;
  - to act as client for corporate support services;

- to represent the Directorate on regular and ad hoc cross council working groups;
- to oversee the management of input to formal member meetings, including Cabinet Committees, Cabinet Members' Meeting, Corporate Board, Corporate Management Team, and other ad hoc Member meetings and task and finish groups;
- to ensure (as appropriate) a consistent approach to implementation of corporate policy and quality standards, including dealing with complaints;
- to ensure sharing of best practice across the Directorate.

## **2. JOB PURPOSE**

- 2.1 As a member of the Directorate Management team, support the Corporate Director in developing, implementing and monitoring effective whole Directorate policy and practice relevant to and supportive of the effective provision of the services provided by the Directorate.
- 2.2 Act as deputy to the Corporate Director.

## **3. RECOMMENDATION**

- 3.1 The County Council is asked to approve the establishment of a new senior level role in the Social Care Health and Wellbeing Directorate.

**Amanda Beer**  
**Ext 415835**

**From:** Peter Oakford, Cabinet Member for Specialist Children's Services  
Andrew Ireland, Corporate Director Social Care, Health and Wellbeing

**To:** County Council – 10 December 2015

**Subject:** Corporate Parenting Select Committee Report

**Classification:** Unrestricted

**Past Pathway of Paper:** CMM – 9 November 2015; Cabinet – 30 November 2015

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## Summary

The Corporate Parenting Select Committee conducted a review of Members role as elected corporate parents. The report makes a number of recommendations for improving Members oversight role as corporate parents.

## Recommendations

County Council is asked to:

- (i) **APPLAUD** the Select Committee's work for producing an instructive and timely report;
- (ii) **RECOGNISE** the contribution of the witnesses who provided evidence and the officers who supported the Select Committee's work;
- (iii) **ENDORSE** the report and its recommendations.

---

## 1. Introduction

- 1.1 The Corporate Parenting Select Committee was established in February 2015 to review Kent County Council's corporate parenting arrangements and make recommendations for endorsement by the County Council.

## 2. The Select Committee

- 2.1 The Select Committee was chaired by Mrs Zita Wilshire and the other Members of the Select Committee were Mr Robert Brookbank, Ms Jane Cribbon, Mr George Koowaree, Mr Bob Neeves, Mr Michael Northey, Mr Richard Parry, Mrs Pauline Stockell and Mrs Jenny Whittle.
- 2.2 The terms of reference for the review were agreed on 3 February 2015 and they are as follows:

- To consider the definition of ‘Corporate Parent’ and the variety of roles and duties associated with it.
- To engage with, amongst others, children and young people in care to better understand what works well for them and what KCC can do to improve the fulfilment of its corporate parenting responsibilities.
- To investigate best practice across the country and abroad of how elected representatives within local government engage with and support children in care.
- To examine the extent to which the monitoring mechanisms available to KCC Members are effective in ensuring the safety and wellbeing of children in care.
- For the Corporate Parenting Select Committee to make recommendations after having gathered evidence and information throughout the review.

2.3 Substantive time of the Select Committee was dedicated to Evidence Gathering Hearings where internal and external witnesses were invited to give evidence. The full details of all the evidence hearing at the public meetings can be accessed via <https://democracy.kent.gov.uk>. In addition, written evidence was submitted by identified interested organisations.

2.4 The Select Committee also made a number of site visits as part of extended evidence gathering. These opportunities were used to meet and explore issues with children and young people in care and a cross section of frontline social workers.

### **3. Report’s Key Findings and Recommendations**

3.1 The main report discusses some of the key topics and issues that have the most significant impact on health, wellbeing and education of the children in our care. Each chapter highlights the key points and high-level responsibilities that Members, as elected corporate parents should consider. The report also gives a brief account of the Kent picture for the main topics and issues considered. Three important questions are also addressed in the report. These are:

- what are we trying to achieve?;
- what are we doing at present?; and
- what more could be done?

The final section of each chapter puts forward recommendations and questions that we may wish to ask as part of our assurance role as elected corporate parents in ensuring that children in our care continue to be well looked-after.

3.2 The Executive Summary (Appendix 1) is attached to this report. The full Select Committee report will be available to Members via the Member Information Bulletin. The report will also go on the Members' Area on the intranet. The 15 main recommendations of report aim to:

- Provide Members with a framework to ensure that they have a comprehensive understanding of their statutory responsibilities to the children within KCC's care.
- Ensure Members are aware of what they need to do and what questions they need to ask of officers in order to ensure KCC is doing the right things as an organisation to support and provide for its children and young people.
- Make sure KCC has the right systems and structures in place to fulfil its corporate parenting duties in the best and most effective way.
- Make certain that feedback from young people informs everything Kent does, from casework to organisational design and delivery.
- Strengthen the work KCC does with our partner agencies to ensure that the needs of Children in Care and care leavers are prioritised.

#### 4. Conclusion

- 4.1 Corporate parent legal obligations placed on the Kent County Council require Members and officers to work together along with partner agencies to ensure that children in care are well looked after.
- 4.2 Cabinet considered the Select Committee's report on 30 November 2015 and it commended the report to the County Council.
- 4.3 County Council should to express its appreciation to Mrs Zita Wiltshire, who chaired the Committee and the other Members of the Select Committee. The County Council should also extend its gratitude to all the witnesses who gave evidence in the course of the review.

#### 5. Recommendations

5.1 County Council is asked to:

- (i) **APPLAUD** the Select Committee's work for producing an instructive and well-timed report;
- (ii) **RECOGNISE** the contribution of the witnesses who provided evidence and the officers who supported the Select Committee's work;
- (iii) **ENDORSE** the report and its recommendations.

**Author Contact details:**

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Policy, Relationships and  
Corporate Assurance; Strategy  
and Corporate and Corporate  
Services ✉

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December 2015

# Corporate Parenting

Select Committee report: Executive Summary

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## Foreword

One of the most important duties that elected members accept when they take office is to assume the mantle of corporate parent.

The children and young people who have come into local authority care are some of the most vulnerable in our society; many have suffered significant levels of abuse and neglect prior to coming into care, and it is the collective responsibility of the whole council – members and officers alongside our partner agencies – to ensure that they receive the best possible support and protection.

All good parents want the very best for their children, and it is our statutory duty to ensure that every child we look after is able to flourish by being safe and happy, doing well at school, having good health and enjoying fulfilling relationships with their peers. As they grow towards adulthood, our young people should be equipped to lead independent lives and to make their way as young adults with good jobs, access to higher education and financial security.

Indeed, our primary aim is to ensure that our children achieve as well as those who do not require our intervention.

It is the responsibility of all members, not just the lead members for children's services, to work hard to ensure that our children receive the right support to enable them to reach their full potential.

The purpose of this report is to consider the quality of the involvement and oversight of Kent's corporate parents and to determine how we can make maximum impact in improving outcomes for children and young people in care. It also highlights a number of areas where we can improve our oversight as corporate parents and identifies some areas where further investigation is needed.

At Kent County Council (KCC), we take seriously our moral duty as well as our legal responsibilities to our children and we will continue to strive to improve our services so that our young people can experience happy and fulfilling lives.



**Zita Wiltshire**  
Chair of the Corporate  
Parenting Select  
Committee

# Members of the Select Committee

The Select Committee consisted of nine members of Kent County Council: five members representing the Conservative Party, two members representing the UK Independence Party, one member representing the Labour Party and one member representing the Liberal Democrats Party.



**Mr Robert Brookbank**  
Conservative  
Swanley



**Ms Jane Cribbon**  
Labour  
Gravesham  
East



**Mr George Koowaree**  
Liberal  
Democrat  
Ashford East



**Mr Bob Neaves**  
UKIP  
Folkestone  
South



**Mr Michael Northey**  
Conservative  
Canterbury  
South East



**Mr Richard Parry**  
Conservative  
Sevenoaks  
West



**Mrs Paulina Stockell**  
Conservative  
Maidstone  
Rural West

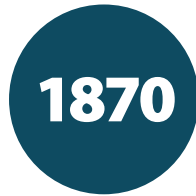


**Mrs Jenny Whittle**  
Conservative  
Maidstone  
Rural East



**Mrs Zita Wiltshire,  
Chair**  
UKIP  
Broadstairs  
and Sir Moses  
Montefiore

## Kent: Key Facts



Children in care  
on 31 March 2015



Children who started  
to be looked after by  
KCC on 31 March 2015



Children who ceased to  
be looked after by KCC on  
31 March 2015

- 69 %** the placement of our children in care population are in foster placements with our in-house services (69% of 1,870).
- 900** the number of registered foster carers in Kent in September 2015.
- 8 %** the proportion of Kent children in care who are disabled (September 2015; 8% of 2,206 or 173 children).
- 48 %** the proportion of disabled children in care living in foster care (September 2015; 48% of 173 children).
- 10.3 %** the proportion of children in residential care (August 2015; 10.3% of 1,948 or 200 children, including Unaccompanied Asylum Seeker Children (UASC)).
- 21 %** the proportion of KCC's children in care population that were adopted (year ending March 2015; 21% of 870 children, or 180 children)
- 81.3 %** the proportion of children in foster care placed within 20 miles from home (as at August 2015; 81.3% of 1,378 children or 1,121 children).
- 74.2 %** the proportion of children in care in the same placement for 2+ years as at August 2015 (74.2% of 561, or 416 children).
- 43 %** the extent of the attainment gap between children in care (whose results are eligible to be counted) and their non-cared for Kent peers in achieving 5 grade A\*-C GCSEs including English and Mathematics (provisional figures)
- 75 %** of Kent residential homes for children and young people were rated as good or outstanding by Ofsted in 2014/15.
- 82.9 %** the proportion of all Kent schools that were rated as good or outstanding by Ofsted on 2 October 2015.
- 0.6 %** the proportion Kent children in care that make up the under 18 Kent population.

## Introduction

Through this report we are reaffirming our longstanding commitment to continue to discharge our corporate parenting responsibilities to all our children in care. The principal focus of this review is to examine the vital role that all elected members, as elected corporate parents, should play in championing the rights and in appropriately engaging with our children and young people.

The launch of the Corporate Parenting Select Committee (*referred to as the Committee throughout this document*) reflects our acknowledgment that it is time to restate our political and officer corporate parent responsibilities, so that any necessary changes we agree to make as an organisation to improve the experiences and outcomes of our children in care are implemented successfully.

We remain resolute that our children in care should always be at the centre of service provision, whoever the provider may be. To enable us to do this, we will listen to the voices of our children and we will use their feedback to inform our service delivery. We will also continue to work with our local partners to ensure our provision is as effective as possible. The children in our care, like all children, need positive adult encouragement, to be cared for and supported to make the most of their talents, skills, abilities and to make the most of their educational opportunities as they grow into adult life. It is our statutory duty as corporate parents to ensure that our children are nurtured and that they benefit from the emotional and practical support, that all good parents wish to give to their children to ensure their best possible development in life.

The terms of reference for the review are as follows:

- **to consider the definition of 'corporate parent' and the variety of roles and duties associated with it**
- **to engage with, amongst others, children and young people in care to better understand what works well for them and what KCC can do to improve the fulfilment of its corporate parenting responsibilities**
- **to investigate best practice across the country and abroad of how elected representatives within local government engage with and support children in care**
- **to examine the extent to which the monitoring mechanisms available to KCC members are effective in ensuring the safety and wellbeing of children in care**
- **for the Corporate Parenting Select Committee to make recommendations after having gathered evidence and information throughout the review.**

## Key Findings and Recommendations

This review highlights some of the key topics and issues that have the most significant impact on the health, wellbeing and education of the children within our care.

This examination provides KCC with assurance that real progress is being made throughout our frontline services, as well as in relation to key performance areas across social care and education, to support our children and young people in care. We consider there are areas where we have made significant improvements (in relation to our Virtual School Kent and adoption, for example). However, there are other areas (Other Local Authority looked after children placed within Kent and CAMHS) that require further improvements to ensure we are making a real difference and doing as much as we can to enhance the life chances of our children and young people.

The following section gives an account of our key findings and recommendations against each of the main areas outlined in the terms of reference for the review.

## Corporate Parent Roles and Duties

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### Corporate parent: roles and responsibilities

#### **Corporate parenting is a shared responsibility between politicians and officers:**

Although the Select Committee review focuses mostly on Member roles and responsibilities as corporate parents, the national legal and policy frameworks place joint responsibility on both politicians and officers to safeguard and support the children within their care. In high level terms, the role of elected members is to take a strategic overview and to set the organisation's direction in relation to promoting the wellbeing of children and young people. They also have a role in challenging services where there is emerging evidence of worsening performance. It is also to seek assurances where necessary that KCC is actively managing critical matters with the aim of further improving outcomes for children and young people. In order to do this effectively, the core member role must be delivered at a strategic level rather than being drawn into the detailed day-to-day operational management of children's services. We believe that a comprehensive corporate parenting guide (handbook) should be developed to reinforce these joint responsibilities and to crystallise the distinctive role which all members need to play in providing for our children.

### **Recommendation 1**

**KCC should adopt a simply-worded and practical corporate parenting guide (handbook) for all members that clearly sets out what we need to know, including information about the fundamental areas crucial to running an effective children's services in fulfilment of our corporate parenting responsibilities. The handbook must include contact details of key officers within each division.**

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### Information about children in care

#### **Wide-ranging performance management framework, systems and processes:**

We are of the view that KCC has wide-ranging performance management frameworks, systems and processes in place for monitoring how well all children's services are doing. However, our review has highlighted that in spite of the myriad of performance dashboards that exist, all members as political corporate parents do not have access to accurate and meaningful information ie data that has been analysed and interpreted and which is readily available on a regular basis.

#### **Recommendation 2**

KCC should make available information about the fundamental areas of children's services such as education and health outcomes, placement stability and support for care leavers for all members on a regular schedule starting from March 2016.

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### Training for members

#### **Appropriate and timely training for all members that is focused on our corporate parent roles and responsibilities:**

We reached the conclusion that although training sessions for members have been organised in the past, there is a compelling need for the current training to be reviewed and replaced with a new, regular training programme which should be compulsory for all members to attend. This should take account of the necessity for refresher sessions and the need for new members to understand the particular responsibilities placed on them as corporate parents.

#### **Recommendation 3**

KCC should introduce a refreshed training programme for all KCC members as part of their induction after every county council election or upon their appointment. In the event of significant changes to corporate parenting, KCC members should be updated through additional training. All members are strongly advised to take advantage of this training offer. Consideration should be given to the best option for overseeing and reporting on training attendance.

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### Children in care from other local authorities living in the Kent area

#### **Other Local Authority 'looked after' children are particularly vulnerable and the high number in Kent puts additional pressure on KCC and partner agency resources:**

We heard from a number of key witnesses that the additional and wider impact of other local authority looked after children living in Kent is longstanding and of extreme concern. We understand that the revised Care Planning, Placement and Case Review (Regulations 2010) that came into force in January 2014 has strengthened requirements on local authority 'distant' placement decisions (notification of placement). We also understand that the revised Children's Homes Regulations 2015 has placed additional requirements on children's homes, though we are aware that Ofsted does not report on this on a routine basis. We believe more needs to be done to hold other local authorities to account in relation to their corporate parenting responsibilities to appropriately safeguard children within their care who are living out of area.

## Engagement of Children and Young People

### Recommendation 4

KCC should write to the Children's Minister to ask that a review of compliance to the new Regulations 2010 and the sufficiency duty should be carried out to ensure that responsible authorities are held to account in maintaining the welfare of children in their care.

### Corporate governance structure

We are aware that we currently have a number of statutory and non-statutory groups, each with oversight roles in relation to children in care and children subject to protection measures. These include the Corporate the Corporate Parenting Panel, the Kent Corporate Parenting Group and the Children's Health and Wellbeing Board. With increasing pressure on resources and the need take a proportionate approach to avoid any unnecessary drain on members' and officers' resources, the Select Committee believes that it is necessary for KCC to streamline the corporate parenting governance arrangements.

### Recommendation 5

KCC should adhere to the 'simplification' principle and merge the Corporate Parenting Panel and with the Kent Corporate Parenting Group to strengthen the focus on corporate parenting for a more powerful and streamlined oversight.

This is to be backed by the development of a memorandum on governance between the new group and relevant existing groups to reduce any avoidable overlap and/or duplication.

### Participation opportunities for members

**Knowledge of local arrangements, together with promoting the wellbeing of children in our care, is paramount:**

Apart from Cabinet and a few other members with some specific responsibilities for children's services, the evidence suggests that few members fully understand their corporate parenting responsibilities. More needs to be done to ensure that all members fully engage with their role as corporate parents. Members need to take practical steps to hear directly from the children in our care and their carers and to work with officers to assess how well we are undertaking the corporate parenting role. Members also need to understand how services can be further improved to ensure that our children and young people receive the best support to live happy and healthy lives both during their time with us and into adulthood.

### Recommendation 6

All KCC members should commit to actively championing and engaging with divisional and countywide participation events (eg Virtual School Kent activities, Achievement Award ceremonies and organised foster carer events) to hear about the achievements of our children and young people as well as finding out about emerging issues that concern those in our care. It must always be made the responsibility of the relevant service managers to extend an invitation to all members to events and meetings and ensure that this automatically happens, and that relevant information is included in the Member Bulletin (or the Members' Calendar) to give all members adequate notice and opportunity to attend.



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### Coordination of participation across children's services (*voice of the child*)

#### Management and oversight of different participation activities and capturing the experiences of children in care and their carers:

Whilst we acknowledge that a good range of participation events take place at individual and service levels, our review has highlighted that there are issues with the effective coordination of a variety of participation and involvement activities across the whole of children's services. Also, we think steps should be taken to evidence how this feedback informs service delivery and redesign. Additionally, KCC must consistently provide feedback to children, young people and their carers about the difference that their contribution has made.

#### Recommendation 7

KCC should identify a lead participation officer to coordinate how the views of children, young people and their carers are taken into account at the service level and for such information to be made available to members annually.

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### Care leavers' readiness for independent living

#### Suitable housing and adequate support for care leavers in gaining the relevant skills for independent living:

We heard from witnesses that access to suitable housing for our care leaver population can be challenging. We also noted a survey of our children in care which reported that a quarter of them felt they were not adequately supported in gaining the relevant skills needed for independent living. Our conclusion is that access to suitable housing and preparing care leavers with the right life skills and training in order to transition successfully into adulthood needs to be urgently addressed.

#### Recommendation 8

KCC should continue to strengthen work with our district partners (through council leaders and Joint Kent Chief Executives) to prioritise the needs of care leavers in gaining access to social housing and support. This partnership work should consider district partners supporting corporate parenting responsibilities in relation to the accommodation needs of care leavers through mechanisms such as the Kent Housing Strategy and the Joint Housing Protocol.

#### Recommendation 9

KCC should review the independent living skills support arrangements for care leavers (including the training provision and who care leavers to contact for support at whatever time).



## Investigation of Best Practice

There are a number of activities and initiatives which take place in Kent that enable members to engage with and directly speak to children and young people in care. These include Virtual School Kent activities, awards events and other local events. Some examples from other areas which KCC could learn from include:

### Elected members visits

Ofsted's 'From a distance' report 2014 identified members in good authorities that paid attention to children living in local authority children's homes (through Regulation 33 visits) and those living in homes that were run independently. The report also mentioned that some members paid particular attention to children living out of area as part of carrying out their corporate parenting responsibilities.

### Integrated corporate parenting approach

Ofsted cited Trafford Council in the Children's Social Care report in England 2015 as an authority that has been judged to be outstanding. The council has developed an integrated corporate parenting strategy which has enabled councillors to acquire a broad understanding of the children within their care by having the most salient information at their fingertips without being overwhelmed with data.

### Innovative training for county and district councillors

In Staffordshire two innovative training events were recently held to raise awareness of the corporate parenting role. These brought together county and district councillors and senior officers, as well as a range of practitioners and professionals who interacted with the audience and gave participants an insight into the lives of looked-after children.

## Monitoring Mechanisms

### Fostering services

#### Overseeing quality fostering service provision is an essential part of corporate parenting:

We recognise the important part that the fostering service plays in ensuring that children in our care benefit from good physical and emotional health, good or excellent education and, for those that need it, a good preparation for independent living. However, in the course of our review we heard about several areas (training, lack of access to CAMHS therapeutic support for young people, support for carers, stability and/or breakdown of placements, types and location of fostering) of the fostering service which require further attention. This has led us to make the following recommendation:

#### Recommendation 10

**KCC should conduct a review of the fostering service with the objective of improving the matching process and reducing the number of placement breakdowns. The review should take place six months after the county council has endorsed this Select Committee Report and report back to the Corporate Parenting Panel.**

### Emotional and mental wellbeing

#### We wish to ensure that our children and young people receive timely access to effective emotional and mental health support when they need it:

We are aware of the reasons why it is vital for good mental health services to be available to all children and young people when they need it. Nonetheless, we are deeply troubled by the negative impact that the lack of timely access to support can have on the cognitive development and educational outcomes of the most vulnerable young people. We are aware that the Kent Health and Wellbeing Board is overseeing the delivery plan which underpins the Emotional Wellbeing Strategy. We also know that work is progressing on a new service specification prior to a re-tendering exercise. However, we feel that all members need to have oversight of the process. Therefore, we recommend that:

### Recommendation 11

KCC and its commissioning partners produce regular progress reports to the Health Overview and Scrutiny Committee regarding the provision of Child and Adolescent Mental Health services, including evidence of the impact in relation to children in care – particularly the support offered to care leavers, disabled children and UASC and adopted children. Updates are to include key performance information, including waiting times and any geographical variances in access to services.

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### Young people not in education, employment or training (NEET)

#### Prioritising children in care in the selection process for KCC apprenticeships:

Data indicates that children in care experience major barriers to their achievement and attain less well academically than their peers. Not being in education, employment or training between certain ages is a key predictor of later unemployment. Being NEET has an impact on later job security, physical and mental health, youth offending and homelessness. We note that a NEET strategy and action plan is in development to support closing this attainment gap. It is important that we have regular updates of the initiatives that are being put in place, or that are planned to be implemented, in order to address the high numbers of care leavers not in education, training or employment.

### Recommendation 12

KCC should investigate what further measures can be adopted as part of the NEET strategy development to address the high numbers of care leavers not in education, training or employment and to improve the life skills 'offer' for the post 18s. Measures should be defined and implemented to address any areas in need of improvement. A report on progress should be brought to the Corporate Parenting Panel by June 2016.

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### Apprenticeships and other employment opportunities

#### Promoting apprenticeships and other employment opportunities to all young people in care:

We found that young people in care value apprenticeships very highly and we believe that this vocational training offers an important pathway to acquiring valuable skills that can underpin long-term employment security for young people. We believe that the county council should go one step further with its private, public and VCS sector partners to explore how young people could gain greater access to apprenticeship schemes and other employment opportunities.

### Recommendation 13

KCC and our partner agencies should explore the viability of developing opportunities for care leavers to have apprenticeship positions with KCC and/or partners thus increasing the range and access to further education and employment opportunities for young people in care who are in the NEET position.

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### Promoting the physical, emotional and mental health of children in our care

#### Children in care are likely to need additional and ongoing support:

We know that as corporate parents we should act on any early signs of emerging health issues in order to prevent the onset of illness where possible, and to improve the lifetime health and wellbeing of children and young people in our care. Yet we currently lack up-to-date data on the rates and profiles of mental health problems in Kent's children and young people. We also don't have a strategic, detailed understanding of the health needs of the children and young people in our care.

## Recommendation 14

KCC should ensure that work is undertaken to improve the information we collect regarding our children in care and care leavers and their health needs. The result of this work should be fully reflected in the revised Joint Strategic Needs Assessment and future commissioning arrangements.

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### Recruitment and retention of social workers and other care staff

**Recruitment and retention of social workers and other staff with the right skills to support our children and young people in care is paramount:**

KCC should continue to strive to ensure that social workers from across the UK view us as an 'employer of choice' with a competitive offer that attracts the right numbers of experienced and skilled qualified staff to do the challenging but rewarding job of working alongside Kent's children and young people.

## Recommendation 15

Processes need to be established to ensure all members take an active role in getting to know our frontline staff and their concerns, informally as well as via formal consultation exercises. We should also ensure that feedback from our social workers is informing the development of activities and planning at all levels of the organisation. Protocols must be established to clarify this process.

December 2015

# Corporate Parenting

Select Committee Report: Executive Summary

*Presented to County Council  
on 10 December 2015*

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can be explained in a range of languages

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**From:** Roger Gough – Cabinet Member for Education and Health Reform

**To:** County Council 10th December 2015

**Subject:** Kent Health and Wellbeing Board Annual Report 2014-2015

**Summary:** The Kent Health and Wellbeing Board is required to report annually to Kent County Council summarising how it has discharged its statutory duties and associated functions.

**Recommendations** – That the County Council is asked to agree that the Kent Health and Wellbeing Board has fulfilled its responsibilities under its Terms of Reference and to note the comments made by Members on the issues identified in the report for further consideration.

## **1. Background**

- 1.1 The Kent Health and Wellbeing Board was established following the enactment of the Health and Social Care Act 2012. From 1 April 2013 it became a committee of Kent County Council although from September 2011 the Health and Wellbeing Board operated in shadow form as part of the Government's Early Adopter programme.
- 1.2 Under the terms of reference for the Board it is required to submit an annual report to the County Council detailing how it has met its statutory obligations and performed other important functions that fall within its terms of reference. The report is not intended to be a comprehensive review of the Health and Social Care system in Kent but focusses on the work of the Board itself.

## **2. The Report**

- 2.1 The attached report details the activity of the Board during the period April 2014 to March 2015. Particular attention is given to how the Board discharged its statutory responsibilities as required under the Health and Social Care Act 2012.
- 2.2 Appendices to the report give detail on the agenda items considered, the terms of reference the Board operates within, and the structure of the Board and its subgroups and committees. Other sections of the report describe initiatives that have been developed with the involvement of the Board during the year and commentary on how some of the issues are being progressed in the current year.

## **5. Recommendations**

- 5.1 That the County Council is asked to agree that the Kent Health and Wellbeing Board has fulfilled its responsibilities under its Terms of Reference and to note the comments made by Members on the issues identified in the report for further consideration.

## **6. Contact details**

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## **The Kent Health and Wellbeing Board 2014-2015**

### **1. Introduction**

This is the annual report for the Kent Health and Wellbeing Board for 2014/15. During this time the health and social care system experienced serious challenges including rising demand and limited resources. These challenges have fuelled the necessity for finding alternative ways to provide the services and care people need whilst increasing the quality of care they experience. Government policy has also driven the requirement to integrate the services we jointly provide and the ways in which they are commissioned.

The Kent Health and Wellbeing Board is at the forefront of these developments and has attracted significant national attention for how it has gone about its business.

### **2. The changing world of health and social care**

As people enjoy longer lives, thanks in large part to advances in medical treatments, they also acquire long-term conditions that mean they need more help and support. In Kent population forecasts between 2010 and 2026 highlight that the number of 65+ year olds is to increase by 43.4% yet the population aged below 65 is only forecast to increase by 3.8% This will mean that Kent will have a relatively smaller population aged 20-49 years and considerable pressures on health and social care services as a result of services required for an ageing population.

Health and social care services will need to change to meet these different circumstances and the increased pressures they generate. This will affect the way services and care are funded, commissioned and provided. The Kent Health and Wellbeing Board brings together the key decision makers from across the County so that a more sustainable model of health and social care can be developed based, on integration. It is designed to improve the quality of care people receive and hopefully reduce costs, with more people living independently within the community, leading to less reliance on expensive and unnecessary hospital admissions.

Major initiatives from NHS England have been launched to find ways to meet these challenges such as the Health and Social Care Integration Pioneer Programme, the Better Care Fund and the Five Year Forward View and all have come within the scope of the Kent Health and Wellbeing Board.

### **3. The role of the Kent Board and its membership**

The Kent Health and Wellbeing Board is a statutory body established by the Health and Social Care Act 2012 as a formal committee of the County Council. The Kent Board is composed of all the organisations that are responsible for the planning and commissioning of health and social care services in the county. The Act specified a minimum membership that in Kent has been extended to include representatives of district councils, recognising we operate in a two tier authority area where district colleagues are critical partners.

The member organisations and their representatives are:

**Kent County Council**

Chair of the Board, Leader, Cabinet Members for Adult Social Care and Children's services, Director of Adult Social Care and Children's services, and Director of Public Health, Director of Clinical Engagement

**Seven Clinical Commissioning Groups**

The Accountable Officer and CCG Board Chair

**Healthwatch Kent County Council**

Chief Executive

**NHS England**

Area Team

**Three representatives from District Councils**

Selected by the Leaders of Kent councils

Under the Health and Social Care Act 2012 the Kent Board has five responsibilities:

- To ensure that a Joint Strategic Needs Assessment that identified the health priorities for the population is produced
- To ensure that a Pharmaceutical Needs Assessment is produced
- To ensure that a Joint Health and Wellbeing Strategy, based on the Joint Strategic Needs Assessment is produced
- To ensure that the commissioning plans of the CCG's and Kent County Council (social care and public health) properly reflect the needs identified in the Joint Strategic Needs Assessment and the priorities within the Joint Health and Wellbeing Strategy
- To promote the integration of health and social care

The Kent Health and Wellbeing Board is chaired by KCC Cabinet Member for Education and Health Reform, Cllr Roger Gough, and meets every two months. It met 6 times between April 2014 and March 2015. The Board does not have any dedicated resources and is administered as a Committee of Kent County Council by Democratic Services, a Secretariat of KCC.

The terms of reference for the Kent Health and Wellbeing Board are attached to this report as Appendix 2.

#### **4. Substructures**

In a county the size and complexity of Kent it is not possible for the Board to fulfil its responsibilities without a supporting structure where a lot of its work is conducted. In Kent a district based health and wellbeing board in Dover and Folkestone was established by the Department of Health in the period prior to the formal introduction of health and wellbeing boards as part of the "pathfinders" programme. To facilitate the work of the County level board Kent, uniquely, decided to expand this model and there are now seven local health and wellbeing boards, based on CCG geography, and with full representation from all relevant district councils that are formal subcommittees of the Kent board.



Other subgroups have been established to assist the Kent board for specific purposes.

The Kent Children's Health and Wellbeing Board focusses on issues relevant to our younger population.

The Kent Health and Social Care Integration Pioneer Steering Group is responsible for delivering the NHS England integration pioneer programme of which Kent was a founder member.

The Better Care Fund Assurance Group monitors the progress of the Better Care Fund (see below) plans developed to promote integration

The Multi-Agency Data and Information Group brings together the relevant data, information and intelligence from a variety of organisations to inform the business of the Board

Task and Finish groups are established as required. For example a group looking at workforce issues is currently meeting having been agreed in 14/15 to meet in 15/16.

## **5. The work of the Board**

The Board successfully fulfilled its statutory requirements (as described above) in 2014/15.

### **To ensure that a Joint Strategic Needs Assessment (JSNA) that details the health needs of the population is produced.**

The Board has received regular reports concerning development of the JSNA that was first completed in 2014. The JSNA is now due for substantial revision, having completed its first cycle, and this process has started. The new JSNA will be presented to the Board at its meeting of May 2016.

The current Kent Joint Strategic Needs Assessment can be found at:

<http://www.kmpho.nhs.uk/jsna/>

### **To ensure that a Pharmaceutical Needs Assessment is produced.**

The Pharmaceutical Needs Assessment for Kent was presented to the Board at its meeting of 18th March 2015 following interim consideration at the meeting of 17th September 2014.

The current Pharmaceutical Needs Assessment for Kent can be found at:

<http://www.kmpho.nhs.uk/reports-and-strategies/pharmaceutical-needs-assessments/kent-pharmaceutical-needs-assessments/>

### **To ensure that a Joint Health and Wellbeing Strategy that reflects the needs identified in the JSNA is produced.**

A new edition of the Joint Health and Wellbeing Strategy for 2014 - 2017 has been produced and was published in July 2014. This strategy builds on the initial one year strategy that was published in 2013.

The current Kent Joint Health and Wellbeing Strategy can be found at :

[http://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0014/12407/Joint-Health-and-Wellbeing-Strategy.pdf](http://www.kent.gov.uk/__data/assets/pdf_file/0014/12407/Joint-Health-and-Wellbeing-Strategy.pdf)

**To confirm that the commissioning plans of the Clinical Commissioning Groups (CCGs), and the local authority (social care and public health) correspond with the priorities of the Joint Health and Wellbeing Strategy**

The commissioning plans of the seven Clinical Commissioning Groups in Kent were presented to the Board and agreed at its meeting of 18th March 2015. Commissioning plans for Adult Social Care and NHS England, were considered and agreed at the meetings of 26th March 2014 and 20th May 2015. Children's Services and Public Health commissioning plans were agreed by the board at the meeting of 28th May 2014. These reports can be found at the following locations:

<https://democracy.kent.gov.uk/documents/g5465/Public%20reports%20pack%2026th-Mar-2014%2018.30%20Health%20and%20Wellbeing%20Board.pdf?T=10>

<https://democracy.kent.gov.uk/documents/g5466/Public%20reports%20pack%2028th-May-2014%2018.30%20Health%20and%20Wellbeing%20Board.pdf?T=10>

<https://democracy.kent.gov.uk/documents/g5833/Public%20reports%20pack%2020th-May-2015%2018.30%20Health%20and%20Wellbeing%20Board.pdf?T=10>

**To promote the integration of health and social care services**

The Board has devoted a lot of time to this responsibility. In particular it has overseen the introduction and implementation of the Better Care Fund. This programme was announced by government in 2013 to promote the pooling of budgets and the development of joint initiatives by health and social care organisations designed to reduce demand for hospital services. Implementation has required establishing statutory s75 agreements (pooled budget arrangements) with each of the seven CCGs in Kent that have brought £101 million of existing CCG budgets together.

The Kent proposals for the Better Care Fund were considered and endorsed by the Health and Wellbeing Board at the meetings of :

16<sup>th</sup> July 2014; 17<sup>th</sup> September 2014; 28<sup>th</sup> January 2015; and 18<sup>th</sup> March 2015.

The Better Care Fund plans can be found at:

[http://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0015/12471/Better-Care-Fund-introduction-and-vision.pdf](http://www.kent.gov.uk/__data/assets/pdf_file/0015/12471/Better-Care-Fund-introduction-and-vision.pdf)

The Board is also responsible for the Health and Social Care Integration Pioneer programme in Kent. This is a government initiative designed to bring all health and social care organisations in the county together to identify opportunities for more integrated working that is intended to improve the experience of patients whilst reducing costs. The Integration Pioneer programme should also identify the barriers that prevent organisations achieving the integration they aspire to.

The Kent Health and Social Care Integration Pioneer programme has reported progress to the Health and Wellbeing Board at the meetings of 19<sup>th</sup> November 2014 and 28<sup>th</sup> January 2015

The latest annual report for the Kent Integrated Care and Support Pioneer Programme can be found at:

<http://www.local.gov.uk/documents/10180/6927502/Integrated+Care+Pioneer+Programme+Annual+Report+2014/76d562c3-4f7d-4169-91bc-69f7a9be481c>

Kent's approaches towards the Better Care Fund and the Integration Pioneer programme have both attracted national recognition and have been cited as examples of good practice. Our Integration Pioneer programme has also developed an international reputation and is working in partnership with other countries in Europe and Japan.

Other national initiatives are also being trialled in Kent including the Prime Minister's Challenge to transform primary care services currently being implemented in Folkestone. This has successfully demonstrated how targeted investment can be used to develop co-operation between practices to deliver an 8:00 a.m. to 8:00 p.m. GP service for the area. The new working practices this entails may also be helpful in retaining and recruiting GPs who find them attractive.

## **6. Five Year Forward View – Vanguard Programme**

The Board is involved with the development of the "New Models of Care" being developed as part of the NHS England Five Year Forward View and how they are being implemented in Kent.

During 2014/15 developments at Whitstable Medical Practice (Estuary View) were recognised as one of 29 examples across the country within the Vanguard programme associated with the NHS England Five Year Forward View. This is a major initiative that has the potential to transform the delivery of primary, hospital and social care and provide a model for other areas to adopt.

## **7. Other business**

Apart from its statutory responsibilities the Kent Health and Wellbeing Board has also concerned itself with a number of other issues such as maintaining oversight of the implementation of the Joint Health and Wellbeing Strategy.

The five outcomes of the Joint Health and Wellbeing Strategy are:

- Every child has the best start in life
- Effective prevention of ill health by people taking greater responsibility for their health and wellbeing
- The quality of life for people with long term conditions is enhanced and they have access to good quality care and support
- People with mental health issues are supported to 'live well'
- People with dementia are assessed and treated earlier, and are supported to live well

The Kent Health and Wellbeing Board monitors progress and performance against key indicators for each of the five outcomes, tending to focus on specific outcomes at particular meetings. To this end

the Board has received reports and presentations on key issues throughout the year including dementia, learning disability, mental health and children and young people. Progress on all outcomes will continue to be reported to the Board in 2015/16 and beyond. Key indicators are also contained within the Assurance Framework (see below). In addition the local Health and Wellbeing Boards also maintain an oversight of how these outcomes are being delivered at a CCG level.

### **Winter 2014/15**

The pressures on the system generated by the changing demography of Kent residents became starkly apparent over the winter of 2014/15. Trends that have been observed over a number of years tested the system with an increased demand for hospital admissions from very old, frail and sick people. Bed occupancy rates in three of our four acute hospital trusts were significantly above 90% and the number of bed days identified as due to delayed transfers of care increased by 15% in the Winter quarter.

Whilst largely the increased demand emanated from people who needed to be admitted to hospital it became apparent that lack of high level support services or facilities elsewhere meant that they stayed longer than necessary. The “Out of Hours” service also experienced serious difficulty. In addition demand for highly intensive home care services exceeded the ability of the market to supply them and discharging patients became increasingly difficult.

Generally the system in Kent was able to deal with the pressures, indeed better than a number of other areas of the country, but the experience provided a focus for the Board to review how Kent as a whole had coped and what lessons needed to be learnt for the coming year.

### **The Kent Assurance Framework**

In response to the Francis report into the circumstances of the Mid Staffordshire hospital scandal and events at Winterbourne View the Board has developed an “Assurance Framework” that reports regularly on a suite of indicators designed to highlight when stresses may be appearing across the system, the indicators from the Joint Health and Wellbeing Strategy, and those relating to the Better Care Fund. In this way the Board is kept up to date with how the system is responding to the demands being placed upon it and progress towards the outcomes of the Health and Wellbeing Strategy. The Board has also commissioned Healthwatch Kent to identify and explore ways to address the key issues in the health and care system that may affect the quality of service that people experience.

## **8. Wider recognition and profile**

The Kent Health and Wellbeing Board has been recognised nationally as an example of good practice and its views are sought regularly on how boards more generally can be effective. The Chair of the Kent Board, Roger Gough has been invited to speak at a number of events concerning Health and Wellbeing Boards. This has ensured that the Kent Board has maintained a high profile at national level.

The Board itself has hosted events related to its activities and responsibilities. The Board brought all commissioners and providers alongside representatives from KCC, the Voluntary and Community Sector and district councils to begin discussions about the Better Care Fund following its announcement. This event led directly to significant system progression including a ground-breaking

Executive Programme Board in the North of the county designed to ensure effective development of new integration programmes.

A Provider Networking event took place on the 22nd September 2014, hosted by East Kent Hospitals University Foundation Trust.

In addition Simon Stevens, the Chief Executive of NHS England, welcomed an invitation to visit the Board and its wider group of stakeholders to discuss the implementation and implications of the Five Year Forward View, shortly after its publication.

## **9. Endorsement, consideration and support**

A number of issues have been presented to the Board for their consideration and endorsement. In 2014/15 these have included the implications of The Care Act, the Kent Accommodation Strategy that describes how Kent will meet the accommodation needs for people needing additional support, the contribution that the Kent Fire and Rescue Service can make towards people's health and wellbeing, systems resilience, and the restructure of the Early Years' Service.

## **10. Into 2015-2016**

### **Tackling the big issues**

The Health and Wellbeing Board has adopted a remit to try and tackle big structural issues within the system that are affecting our ability to deliver the care and treatment people need as we would wish. In a system as large and complex as health and social care there are many potential problems with the structures and processes we work within. The NHS financial system of Payment by Results is increasingly being recognised as being unhelpful to service redesign in some instances; managing the current financial situation is a challenge and the division between primary care and the acute sector can also be problematic. When Simon Stevens visited Kent he was clear that all of these needed to be addressed in order for the Five year Forward View to be able to succeed.

Above all problems related to workforce have been identified by all partners as an absolutely critical issue that is hindering the maintenance and development of the services they provide. These include difficulties in recruiting A&E Consultants, ensuring general practice is sustainable, finding sufficient and appropriately qualified nursing staff to ensure recommended safe staffing levels in hospitals, and very serious capacity problems in the social care workforce especially domiciliary care.

The problems are multi-faceted and long-standing. For example the age profile of GPs working in Kent means many will be retiring in the near future. New entrants to the profession are more likely to want to work part-time and are also less inclined to adopt the traditional model of GP employment as partners in their own practice "business". This produces a number of challenges, not only in training sufficient doctors, which takes on average 7 years, but also in changing the way practices operate to accommodate the changes to working practices that new GPs will find attractive.

More broadly the whole primary care workforce is changing, requiring a different mix of skills than in the past and working in different contexts. For example GPs may need different training in order to understand the needs of greater numbers of patients with complex health issues living in the community. In some areas of Kent paramedic practitioners are now working with primary care, not just in the ambulance service. These roles are also developing in GP practices to visit patients and determine their most appropriate treatment and care, thereby reducing the pressure on GPs and also helping to avoid unnecessary hospital admissions.

Nurse recruitment is also problematic. The new training initiatives proposed by NHS England depend not only on adequate finance but often more critically on the availability of training placements which are nationally in short supply. Proposals to increase the number of nurses in any particular specialty, for example Health Visitors, may in practice lead to qualified nurses from other disciplines, especially adult hospital nursing, moving from one to another. Recruitment from abroad is actively pursued by most of our major providers but this can lead to an “internal market” within Kent to recruit and train staff from overseas and there is an additional lure towards London hospitals which can offer higher rates of pay.

Social care staff are often paid at minimum wage levels and these can be less attractive than alternative opportunities offered in the retail and catering sectors where the work is arguably less demanding as well as being better re-numerated. High property prices and cost of living can also affect the ability to recruit and train local people into lower paid jobs.

All areas of the country are struggling with these challenges but unless we can recruit and retain appropriate numbers of the right staff we will not be able to establish a high quality and sustainable system in Kent. We will need to move away from specific job roles and understand the skills needed to deliver care differently. This will also bring challenges.

### **Finding solutions**

In Kent health and social care are facing shortages of GPs, some Consultants, nurses, therapists, and care workers.

The measures we are currently employing such as recruitment from abroad and use of agency staff offer only short term solutions. We need to find a way to ensure that the right workforce with the right qualifications is being created for the integrated services for health and social care we are developing.

Training opportunities within Kent need to be maximised to ensure we train our workforce and help them to stay in Kent but factors such as the lack of a teaching hospital in Kent makes “growing your own” more difficult. There are also other barriers that need to be removed such as the quota system for training places, especially nurses, that prevent universities offering more places on courses to meet demand.

We also have to devise new employment practices that respond to people’s changing expectations for part-time and flexible working and a healthy work/life balance. New career pathways need to be

introduced, especially within social care but also for the integrated services that are essential to provide the better care we need to deliver.

Following a presentation from NHS Health Education England that gave a comprehensive overview of workforce challenges the Kent Health and Wellbeing Board has established a working group with a specific remit to investigate the issues affecting the health and social care workforce in Kent. They are currently hearing from a wide range of stakeholders, including commissioners, providers, Healthwatch, NHS Health Education England, and NHS England to determine what we can do in Kent to improve our workforce situation. The group has received feedback from various sources across the County including a recent careers and workforce event for school pupils in East Kent and the working group will also draw on other work being undertaken by a range of others. In particular Canterbury Christchurch University is implementing new training programmes for nurses which include experience of working in general practice to familiarise student nurses with work in primary care. The intention is that this will encourage more nurses to opt to work in primary care when they qualify.

Recommendations from the working group will be reported early in the New Year.

## **Integration**

Kent has been at the forefront of the drive towards integration. Our Integration Pioneer programme and Better Care Fund plans are nationally respected as best practice. In addition we host one of the 29 original Vanguards for New Models of Care proposed in NHS England's Five Year Forward View. These Vanguards are designed to develop and test new approaches to services and care. Based on the concept of integration the Whitstable Medical Centre is a vanguard "Multi-specialty Community Provider" (MCP) that is redefining how Primary Care operates.

As an MCP Whitstable Medical Centre is bringing a variety of services and interventions that previously have been available only in hospitals much closer to the community of patients they serve. X ray and other diagnostic tests can be done on site, obviating the need for visits to the local hospital; minor operations can be done at the centre and emergency treatment for those not requiring all the facilities of a major hospital can also be carried out. Ambulances can deliver appropriate patients straight to the Whitstable Medical Practice, reducing pressure on hard pressed Accident and Emergency Units and reducing the likelihood of people being admitted to the hospital. Plans have already been developed for a nursing and residential care home facility on-site enabling rapid access to medical assistance if required, again reducing the need for people to go to hospital when taken ill. The Vanguard is intended to explore whether this model of care is robust enough to serve the needs of a population in excess of 100,000 people and how it could be rolled out to other areas or nationally.

Integration is also happening in other ways and other places in Kent. In the North of the County Commissioners and providers are working together to redesign how they deliver their services. The Executive Programme Board for Dartford, Gravesham, Swanley and Swale is developing a range of programmes to improve the experience of people receiving care and treatment whilst using resources more effectively through joint and partnership working. The extensive development in

the Ebbsfleet area, that is currently the subject of an application to the government's recently announced Healthy New Towns programme, provides a rare and exciting opportunity to design a local health and social care system from scratch.

The Better Care Fund also focussed attention on how integration was being progressed in Kent. Although its definition narrowed somewhat as it was implemented the BCF encouraged dialogue and partnership between different parts of the system. However it became apparent that, on its own, establishing the fund is not sufficient to deliver the scale and speed of integration necessary in Kent and we need to work hard at all the other aspects involved.

Similarly the Pioneer programme has provided a very useful forum to consider issues that can potentially impede progress towards better integration and produce solutions to overcome these. This has been particularly true in the very complex area of sharing information and data between different organisations within the system. Solutions generated by our Pioneer programme have been truly innovative and recognised nationally.

However, despite all the good work and progress on numerous issues much remains to be done, particularly with regard to increasing the pace of integration and evaluating and then rolling out successful programmes across the county. This will provide a major area of work for the Health and Wellbeing Board going forward.

### **The Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)**

The Health and Wellbeing Board is responsible for the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy. The updated strategy was published in 2014 and runs until 2017. The current JSNA is due for revision in 2016. The Health and Wellbeing Board continues to develop both of these to ensure they remain relevant to changing circumstances and needs of those that use them, especially commissioners who must take them into account when producing their plans and intentions.

A major event was held in June 2015 to consider how useful stakeholders were finding the JHWS. The feedback was that the strategy was broadly on track but that there were some changes in emphasis that would be helpful going forward.

The revision of the JSNA was the focus of another event held in September. A key challenge from Commissioners was that although the JSNA provided useful information it was less helpful in analysing the implications of the data to inform their decisions on investment, and disinvestment, in services. In Kent we are moving beyond the original conception of the JSNA and a working group is now looking at how a "JSNA Plus" can be developed that will include trend analysis, predictive modelling and value for money tools. A proposal on this model will be brought to the Health and Wellbeing Board in the New Year.



## **APPENDIX 1**

### **Substantive agenda items taken by the Kent Health and Wellbeing Board in 2014/15**

#### **28th May 2014**

Public Health Commissioning Plans  
Children's Commissioning Plans  
Health and Wellbeing Strategy and engagement plan  
Accommodation strategy  
Assurance Framework

#### **16th July**

Dementia care and support  
Kent Fire and Rescue Service  
Health and Wellbeing Strategy  
Better Care Fund (National Review)  
Potential merger Ashford and Canterbury and Coastal CCGs  
Assurance Framework  
Joint Strategic Needs Assessment /Joint Health and Wellbeing Strategy Steering Group report

#### **17th September**

BCF update  
Quality and the Health and Wellbeing Board  
Pharmaceutical Needs Assessment  
Healthwatch Annual Report

#### **19th November**

Joint Health and Social Care Self-Assessment – Learning Disability  
Kent Safeguarding Children Board Annual Report  
Care Act  
Integration Pioneer update  
System Resilience  
Minutes of local boards, Children and Young People's Health and Wellbeing Board and Emotional  
Health and Wellbeing Strategy  
Delivering the Joint Health and Wellbeing Strategy – reports from local boards

#### **28th January**

Strategic Workforce issues  
Early Years Restructure  
Integration Pioneer update and Five Year Forward View  
Assurance Framework and update on Quality  
Better Care Fund s75 arrangements  
Children's Health and Wellbeing Board minutes  
Local Health and Wellbeing Board minutes

**18th March**

Review of CCG commissioning plans

Better Care Fund s75 arrangements

Pharmaceutical Needs Assessment

Protocol for joint working between Health and Wellbeing Board, Children and Young People's

Health and Wellbeing Board, and the Kent Safeguarding Children Board

Minutes of local Health and Wellbeing Boards

## **APPENDIX 2**

### **Kent Health and Wellbeing Board**

#### **Governance Arrangements**

##### **Role**

The Kent Health and Wellbeing Board (HWB) leads and advises on work to improve the health and wellbeing of the people of Kent through joined up commissioning across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing) in order to:

- secure better health and wellbeing outcomes in Kent
- reduce health inequalities and
- ensure better quality of care for all patients and care users.

The HWB has a primary responsibility to make sure that health care services paid for by public monies are provided in a cost-effective manner.

The HWB also aims to increase the role of elected representatives in health and provide a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

##### **Terms of Reference:**

##### **The HWB:**

1. Commissions and endorses the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.
2. Commissions and endorses the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.
3. Commissions and endorses the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.
4. Reviews the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if it considers that they do not.
5. Has oversight of the activity of its sub committees (referred to as Clinical Commissioning Group level Health and Wellbeing Boards), focussing on their role in developing integrated local commissioning strategies and plans.
6. Works alongside the Health Overview and Scrutiny Committee (HOSC) to ensure that substantial variations in service provision by health care providers are appropriately scrutinised. The HWB itself will be subject to scrutiny by the HOSC.

7. Considers the totality of the resources in Kent for health and wellbeing and considers how and where investment in health improvement and prevention services could improve the overall health and wellbeing of Kent's residents.

8. Discharges its duty to encourage integrated working with relevant partners within Kent, which includes:

- endorsing and securing joint arrangements, including integrated commissioning where agreed and appropriate;
- use of pooled budgets for joint commissioning (s75);
- the development of appropriate partnership agreements for service integration, including the associated financial protocols and monitoring arrangements;
- making full use of the powers identified in all relevant NHS and local government legislation.

9. Works with existing partnership arrangements, e.g. children's commissioning, safeguarding and community safety, to ensure that the most appropriate mechanism is used to deliver service improvement in health, care and health inequalities.

10. Considers and advises Care Quality Commission (CQC) and NHS Commissioning Board; monitors providers in health and social care with regard to service reconfiguration.

11. Works with the HOSC and/or provides advice (as and when requested) to the County Council on service reconfigurations that may be subject to referral to the Secretary of State on resolution by the full County Council.

12. Is the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.

13. Reports to the full County Council on an annual basis on its activity and progress against the milestones set out in the Key Deliverables Plan.

14. Develops and implements a communication and engagement strategy for the work of the HWB; outlining how the work of the HWB will:

- reflect stakeholders' views
- discharge its specific consultation and engagement duties
- work closely with Local HealthWatch.

15. Represent Kent in relation to health and wellbeing issues in local areas as well as nationally and internationally.

16. May delegate those of its functions it considers appropriate to another committee established by one or more of the principal councils in Kent to carry out specified functions on its behalf for a specified period of time (subject to prior agreement and meeting the HWB's agreed criteria).

## Membership

The Chairman is elected by the HWB.

### 1. Kent County Council:

- The Leader of Kent County Council and/or their nominee\*
- Executive Director for Families and Social Care\*
- Director of Public Health\*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform
- Cabinet Member for Specialist Children's Services
- Any other County Council Member necessary for the effective discharge of HWB functions

2. Clinical Commissioning Group: up to a maximum of two representatives from each consortium (e.g. Chair of the CCG Board and Accountable Officer)\*

3. A representative of the Local HealthWatch\* organisation for the area of the local authority.

4. A representative of the NHS Commissioning Board Local Area Team\*

5. Three elected Members representing the Kent District/Borough/City councils (nominated through the Kent Council Leaders)

\*denotes statutory member.

## Procedure Rules

1. Conduct. Members of the HWB are expected to subscribe to and comply with the Kent County Council Code of Conduct. Non-elected representatives on the HWB (e.g. GPs and officers) will be co-opted members and, as such, covered by the Kent Code of Conduct for Members for any business they conduct as a member of the HWB.

2. Declaration of Disclosable Pecuniary Interests. Section 31(4) of the Localism Act 2011 (disclosable pecuniary interests in matters considered at meetings or by a single member) applies to the HWB and any sub committee of it. A register of disclosable pecuniary interests is held by the Clerk to the HWB, but HWB members do not have to leave the meeting once a disclosable pecuniary interest is declared.

3. Frequency of Meetings. The HWB meets at least quarterly. The date, time and venue of meetings is fixed in advance by the HWB in order to coincide with the key decision-points and the Forthcoming Decision List.

### 4. Meeting Administration.

- HWB meetings are advertised and held in public and administered by the County Council.
- The HWB may consider matters submitted to it by local partners.

- The County Council gives at least five clear working days' notice in writing to each member of every ordinary meeting of the HWB, to include any agenda of the business to be transacted at the meeting.
- Papers for each HWB meeting are sent out at least five clear working days in advance.
- Late papers may be sent out or tabled only in exceptional circumstances.
- The HWB holds meetings in private session when deemed appropriate in view of the nature of business to be discussed.
- The HWB meetings will be web cast where the facilities are in place
- The Chairman's decision on all procedural matters is final.

## 2. Meeting Administration of Sub Committees.

HWB sub-committees are administered by a principal local authority, in the case of the Clinical Commissioning Group level HWBs, by a District Council in that area. They will be subject to the provisions stated in these Procedure Rules.

## 3. Special Meetings.

The Chairman may convene special meetings of the HWB at short notice to consider matters of urgency. The notice convening such meetings shall state the particular business to be transacted and no other business will be transacted at such meeting.

The Chairman is required to convene a special meeting of the HWB if they are in receipt of a written requisition to do so signed by no less than three members of the HWB. Such requisition shall specify the business to be transacted and no other business shall be transacted at such a meeting. The meeting must be held within five clear working days of the Chairman's receipt of the requisition.

## 4. Minutes.

Minutes of all of HWB meetings are prepared recording:

- the names of all members present at a meeting and of those in attendance
- apologies
- details of all proceedings, decisions and resolutions of the meeting

Minutes are printed and circulated to each member before the next meeting of the HWB, when they are submitted for approval by the HWB and are signed by the Chairman.

## 5. Agenda.

The agenda for each meeting normally includes:

- Minutes of the previous meeting for approval and signing
- Reports seeking a decision from the HWB
- Any item which a member of the HWB wishes included on the agenda, provided it is relevant to the terms of reference of the HWB and notice has been given to the Clerk at least nine working days before the meeting.

The Chairman may decide that there are special circumstances that justify an item of business, not included in the agenda, being considered as a matter of urgency. He must state these reasons at the meeting and the Clerk shall record them in the minutes.

## 6. Chairman and Vice Chairman's Term of Office.

The Chairman and Vice Chairman's term of office terminates on 1 April each year, when they are either reappointed or replaced by another member, according to the decision of the HWB, at the first meeting of the HWB succeeding that date.

## 7. Absence of Members and of the Chairman.

If a member is unable to attend a meeting, then they may provide an appropriate alternate member to attend in their place, subject to them being of sufficient seniority to agree and discharge decisions of the Board within and for their own organisation.

The Clerk of the meeting should be notified of any absence and/or substitution at least five working days prior to the meeting. The Chairman presides at HWB meetings if they are present. In their absence the Vice- Chairman presides. If both are absent, the HWB appoints from amongst its members an Acting Chairman for the meeting in question.

## 8. Voting.

The HWB operates on a consensus basis. Where consensus cannot be achieved the subject (or meeting) is adjourned and the matter is reconsidered at a later time. If, at that point, a consensus still cannot be reached, the matter is put to a vote. The HWB decides all such matters by a simple majority of the members present. In the case of an equality of votes, the Chairman shall have a second or casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chairman. For clarity, each Clinical Commissioning Group has one vote, irrespective of whether both the Clinical Lead and Accountable Officer for that Clinical Commissioning Group attend the HWB.

## 9. Quorum.

A third of members form a quorum for HWB meetings. No business requiring a decision shall be transacted at any meeting of the HWB which is inquorate. If it arises during the course of a meeting

that a quorum is no longer present, the Chairman either suspends business until a quorum is re-established or declares the meeting at an end.

#### 10. Adjournments.

By the decision of the Chairman, or by the decision of a majority of those members present, meetings of the HWB may be adjourned at any time to be reconvened at any other day, hour and place, as the HWB decides.

#### 11. Order at Meetings.

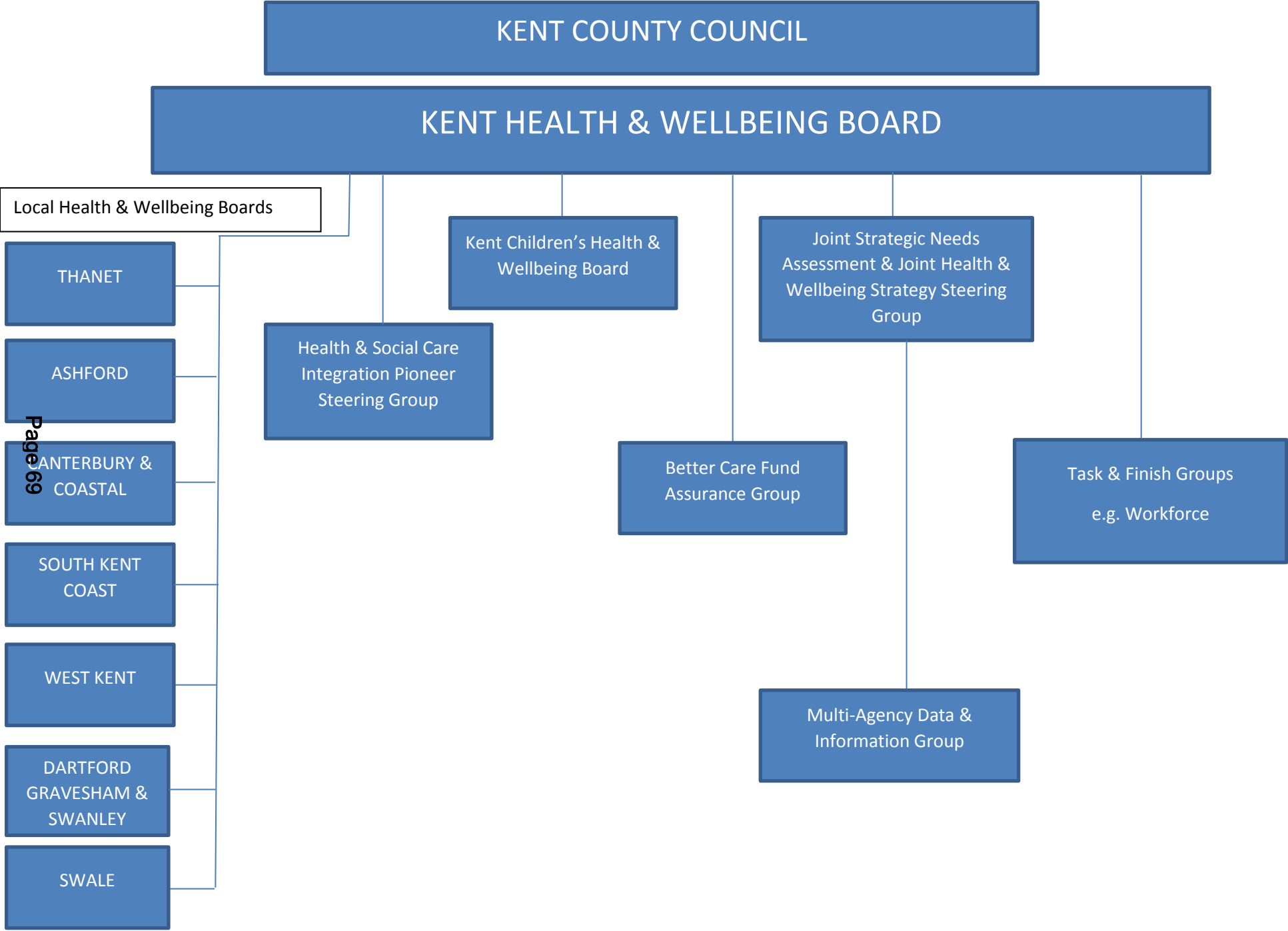
At all meetings of the HWB it is the duty of the Chairman to preserve order and to ensure that all members are treated fairly. They decide all questions of order that may arise.

#### 12. Suspension/disqualification of Members.

At the discretion of the Chairman, any body with a representative on the HWB will be asked to reconsider the position of their nominee if they fail to attend two or more consecutive meetings without good reason or without the prior consent of the Chairman, or if they breach the Kent Code of Conduct for Members.

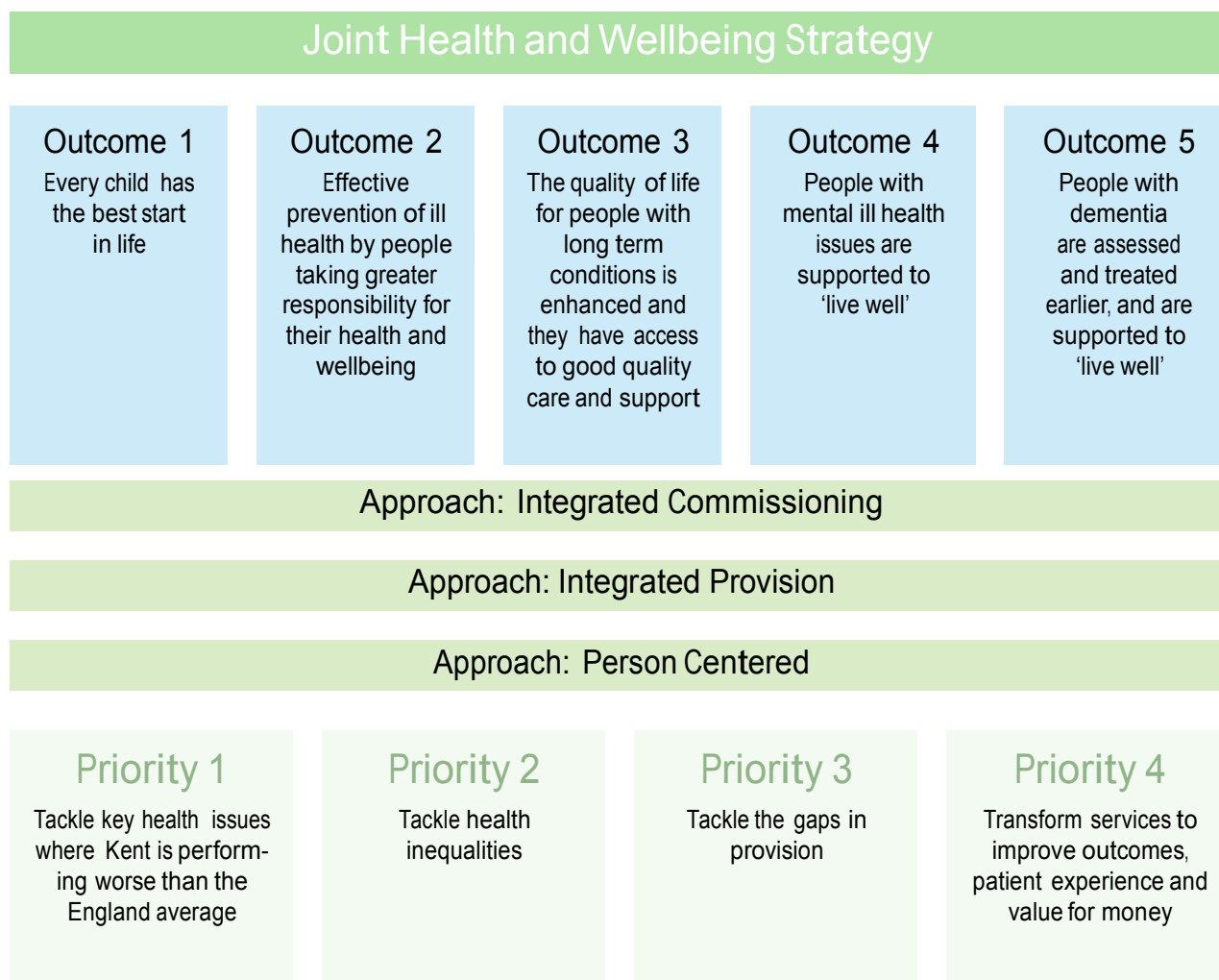


THE KENT HEALTH & WELLBEING BOARD STRUCTURE



## Appendix 4

*The outcomes will be delivered by focusing on our priorities within each of the outcome areas, whilst ensuring that any intervention is informed by the three approaches, i.e. that it is centred around the person), that it is provided in a joined up way, and where appropriate it is jointly commissioned.*



**By:** Paul Carter, Leader of the Council

David Cockburn, Corporate Director, Strategic & Corporate Services and Head of Paid Service

**To:** County Council – 10 December 2015

**Subject:** Embedding strategic commissioning as business as usual

**Summary:** Moving KCC towards becoming a strategic commissioning authority has focussed, so far, on the Facing the Challenge transformation programme and agreeing the strategic policy framework through the outcomes and commissioning frameworks for the council. As the Facing the Challenge transformation programme concludes, this paper makes recommendations to further embed the strategic commissioning approach as business as usual.

# **RECOMMENDATIONS:**

County Council is asked to:

1. Note the changes being made to the business planning arrangements which will require directorates to better identify the pipeline of future strategic commissioning decisions.
2. Agree to reform executive member governance arrangements so that it better fits the strategic commissioning cycle, including:
  - (a) The creation of a Strategic Commissioning Board through the merger of the existing Transformation Advisory Group (TAG) and the Procurement Board (PB).
  - (b) The creation of a Budget & Performance Board through the merger of existing Budget Programme Board (BPB) and the existing Performance & Evaluation Board (PEB).
3. Agree to the continuation of the Commissioning Advisory Board (CAB) as a vehicle for non-executive member engagement on strategic commissioning for a further 12 month period
4. Note the need for Cabinet Committees operating arrangements to change to ensure their role in the strategic commissioning cycle is secured and effective, and the engagement with Chairman of Cabinet Committee to consider options
5. Note the work undertaken and ongoing to ensure that there are clear roles, responsibilities and accountability to support strategic commissioning approach through:
  - (a) Better demarcating those officers with accountability for strategic commissioning of services and those responsible for the operational delivery of KCC services.
  - (b) Ensuring that opportunities for joint / integrated commissioning and service design with partners are optimised.

## 1. INTRODUCTION:

1.1 In May 2014 County Council considered and approved *Towards a Strategic Commissioning Authority: The Next Steps*. This paper set out three recommendations to support the development of a strategic commissioning approach in KCC. These were to:

- Agree an outcomes framework for the council;
- Agree a commissioning framework for the council; and
- Develop the commissioning support offer for the council.

1.2 All three recommendations have been, or are currently being, successfully taken forward. The commissioning framework was approved by County Council in December 2014, the outcomes framework likewise in March 2015, and the restructure of the Strategic and Corporate Services Directorate, and in particular the creation of a new Business Development and Intelligence Division will improve our strategic commissioning, commercial and contract management capability both corporately and as support offer to Directorates. Alongside these changes has been the successful development of the Commissioning Advisory Board (CAB), which has strengthened the non-executive role in strategic commissioning process, with a particular focus on considering the outcomes of the Facing the Challenge Phase 1 and Phase 2 service reviews.

1.3 However, as Facing the Challenge service reviews conclude, and in some cases move to either contract or programme mobilisation, and with a far greater focus of transformation activity now being delivered through our Portfolio Boards (Adults, 0-25, GET and Business Capability) than when the Facing the Challenge Programme began in September 2013, **we must move our approach to strategic commissioning beyond the Facing the Challenge transformation programme to become the new business as usual**, and in particular, to ensure KCC as a strategic commissioning authority remains an effective member-led authority. The risk to the authority is that whilst the strategy and policy framework for a strategic commissioning authority is agreed on paper, it has insufficient purchase and structure to drive activity across all directorates and services on an ongoing basis.

## 2. CURRENT ISSUES:

2.1 To effectively mitigate against this risk there must be clarity on a) what strategic commissioning decisions are forthcoming; b) where strategic commissioning issues are considered and by whom, c) who takes responsibility for strategic commissioning within Directorates and services. The following issues will need to be addressed if greater clarity is to be provided:

- a) **The business planning process doesn't sufficiently identify the pipeline of strategic commissioning decisions and where services are in the strategic commissioning cycle:** The 2014/15 business planning process made a number of changes to the directorate business plans, in particular identifying whether services are delivered in-house or externally and, where services are delivered externally, contract value and end-date. However, the directorate business plans are not yet built around the strategic commissioning cycle, and despite seeking to identify significant and major commissioning and service redesign decisions over

a three-year period, are too focussed on a short-term 12-month cycle. This limits member's ability to fully consider strategic commissioning options in sufficient time, including whether resident or community need still needs to be met by KCC, full evaluation of existing service arrangement and potential alternatives, and any possible future joint commissioning options with partners.

- b) **Executive Member governance and oversight isn't structured around the strategic commissioning cycle:** Currently executive member governance and oversight of commissioning is through a mixture of business as usual meetings (such as Budget Programme Board, Procurement Board) alongside ad-hoc arrangements that have supported the management of the transformation programme (Transformation Advisory Group and Transformation Board / Commissioning Advisory Board). Whilst the governance for transformation has been effective in steering a complex and ambitious programme to conclusion, it has led to duplication in agendas and confusion about the most appropriate governance route for officers to seek member engagement outside (and before) the formal Key Decision process. There has been a long standing ambition to rationalise the number of member boards and groups into something more manageable, and the opportunity to reboot executive member governance around the strategic commissioning cycle provides an opportunity to achieve this.
- c) **Non-executive member engagement in strategic commissioning through the Commissioning Advisory Board (CAB) is effective, but Cabinet Committees have not yet embedded contract / provider management and review into their work:** Whilst CAB is a very effective mechanism for non-executive member engagement in strategic commissioning, the aim is for all members to have a role in the strategic commissioning cycle and as such, the role of Cabinet Committees in providing non-executive member input and oversight of contract management and provider performance is crucial. However, Cabinet Committees have not yet fully developed this role and as such it is necessary to ensure that the future operation of Cabinet Committees is effective so that they have the capacity to discharge this important aspect of the strategic commissioning cycle.
- d) **Our structure needs to better set out responsibilities and accountabilities for strategic commissioning vis-à-vis operational service delivery:** As identified in the review of commissioning authority arrangements considered by Corporate Board in May 2015, there was clear appetite for greater clarity across the Director Group and Cabinet in regards to accountabilities for strategic commissioning, and for this to be achieved without the need for a restructure, but through clarifying responsibilities and within existing Directorate structures. However, given that strategic commissioning is as much about identifying opportunities for joint and integrated commissioning and service redesign with other public sector partners, who often operate on a different or specific sub-county geographic basis (e.g. District / CCG), we also need to be confident that our area/locality based operating arrangements are sufficient to support effective integration and joint working. As a result, work to clarify both strategic commissioning and operational responsibilities needs to be take place not just at tier 1 and 2 level of officers, but more deeply through each Directorate.

### **3. ADDRESSING THESE ISSUES:**

#### **Changes to the business planning process**

3.1 The technical changes to improve the business planning process ability to identify the strategic commissioning pipeline have already been considered by the Policy & Resources Committee on the 10<sup>th</sup> September. The critical aim of the changes for the forthcoming business planning round (2016/17) is for Directorate business plans to identify where each service is within the commissioning cycle (analyse, plan, do, review) including in-house services, and when each service will move to the next stage of the commissioning cycle. The aim of incorporating in-house services into the commissioning cycle is to begin embedding the principle of contestability (the principle that all services should be subject to cyclical review to examine alternative options on an agnostic basis to ensure value for money) into the organisation as business as usual. To date, only services that have already been externalised have been subject to anything approaching contestability as providers/services are evaluated as contracts come to an end (although it is largely accepted that the quality of this review is, at best, variable). Yet the principle that all services are subject to contestability is a critical component of moving towards a strategic commissioning authority model, as set out in the very first Facing the Challenge paper, approved by County Council in July 2013.

3.2 Critically, by making Directorates responsible for the identification, through their business plan, of the strategic commissioning cycle for their own services, in particular when in-house services will be subject to contestability, and by making Directorates responsible for delivering contestability review as part of the analyse stage of the commissioning cycle, it should be possible to avoid the inherent flaws that have frequently hindered service reviews when corporate or external resources are used to review alternative delivery options (e.g. lack of service expertise/buy-in; optimism bias; failings as reviews transfer back to services for implementation). This, of course, presumes and is dependent on there being a greater distinction within Directorate structures between those responsible for commissioning of all services (whether in-house or externalised) and those with operational responsibility for services.

3.3 By making these simple changes to the business planning process (which will require the Directorate plans to follow a stronger corporate template than recent years) outlined in the P&R paper, it will be possible to build a whole council picture of where all KCC services are in the strategic commissioning cycle, but also drive a more disciplined 'internal' approach to following the strategic commissioning cycle within each Directorate, to which they can be held to account more thoroughly.

#### **Executive member governance and oversight:**

3.4 Better identification of the pipeline of commissioning decisions and building the strategic commissioning cycle into each Directorate's business plan is insufficient, in and of itself, to drive a more disciplined approach to following the commissioning cycle if there is not clear member governance to oversee it and hold Directorates to account for delivery against their business plan. As noted earlier, existing governance arrangements for the Executive below Corporate Board are fragmented with a number of existing boards and groups covering 'business as usual' and transformation activity, but increasingly each having overlapping agendas and

objectives (and membership) which is not only inefficient, but leads to a confused governance which weakens, rather than strengthens, accountability to members.

3.5 For example, as Phase 1 and Phase 2 of Facing the Challenge service reviews come to an end, the Transformation Advisory Group is increasingly focussed on receiving updates on progress of projects and programmes, which is more appropriately considered by Performance and Evaluation Board (PEB) or Budget Programme Board (BPB) given that the vast majority of transformation and commissioning decisions have significant budget implications. The Procurement Board (PB) increasingly sees its role as challenging and testing the commissioning specification, not just the right route to market or the effective management of the procurement process itself, whilst there is no existing executive member board which takes on responsibility for strategic contract management and provider review.

3.6 What is required is a reboot of executive governance below Corporate Board to better mirror the strategic commissioning cycle. Given the size and scale of KCC, it is probably not realistic for one board to cover the entire commissioning cycle itself, and as such two boards would likely be required, with one covering the 'analyse' and 'plan' stages of the commissioning cycle and the other the 'do' and 'review' stages. Both board's agenda and workload would primarily be driven by the information and strategic commissioning timetable set out in the approved Directorate Business Plans, and would be supported corporately by the new business development and intelligence division, strategic policy, corporate assurance, internal audit and financial strategy functions.

3.7 The easiest way to create these two boards would be to merge pre-existing arrangements, with the Transformation Advisory Group and the Procurement Board merged to become a Strategic Commissioning Board, and the Budget Programme Board and Performance and Evaluation Board merging to become the Budget and Programme Delivery Board (all titles provisional). A draft broad division of responsibilities between these two new boards is set out in the table below:

Strategic Commissioning Board	Budget & Programme Delivery Board
<ul style="list-style-type: none"><li>• Link to strategic outcomes</li><li>• Data, customer and market analysis</li><li>• Draft service specification</li><li>• Agree commissioning and procurement plans</li><li>• Non-executive relationship: Commissioning Advisory Board</li></ul>	<ul style="list-style-type: none"><li>• Contract mobilisation and delivery</li><li>• Provider and contract monitoring</li><li>• Contract review</li><li>• Non-executive relationship: Cabinet Committees</li></ul>

#### **Non-executive member engagement:**

3.8 The opportunity of the changing the executive governance arrangements also provides an opportunity to formalise the non-executive member engagement with commissioning. On any objective analysis the Commissioning Advisory Board has been a success, meeting frequently on a non-partisan basis to consider and advise cabinet members and officers on a range of transformation decisions. Its membership has remained engaged and committed and there is a clear appetite from across all KCC political groups for it to continue for a further 12-month period (it was only established on an interim basis by County Council). In many respects, its role

would not change in the new structure, instead of its agenda largely mirroring TAG, it would mirror the new Strategic Commissioning Board, providing a non-executive member view and advising the Strategic Commissioning Board, Cabinet Members and commissioners on the analyse and planning stages of the strategic commissioning cycle.

3.9 What CAB cannot do is provide a mechanism for all Members to engage in commissioning decisions being as the agenda is simply too big for a single group or board to consider by itself (although the open invitation from the Chair for all elected Members to attend CAB meetings if they wish will continue). This is why it was when agreeing to establish the Commissioning Advisory Board that it should be Cabinet Committees role to consider the 'do' and 'review' stages of the commissioning cycle, including scrutinising any necessary Key Decisions before they are made by Cabinet/Cabinet Member and providing oversight of contract monitoring arrangements and provider performance.

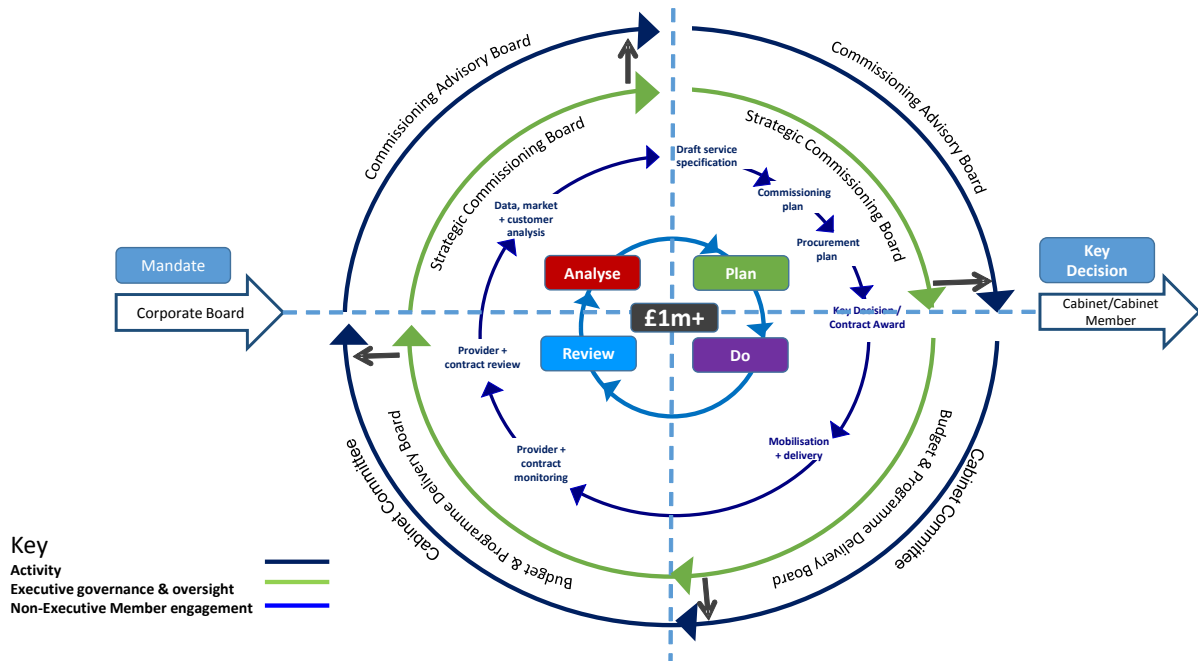
3.10 The issue to date has been that through Facing the Challenge programme, activity has not yet progressed to the 'do' and 'review' stages of the commissioning cycle. However, as we embed the strategic commissioning cycle into directorates through the business plans, and bring all council activity into the strategic commissioning cycle, it should be possible to better identify activity and services which are currently, or about to enter, the 'do' and 'review' stages of the commissioning cycle and for this to be included in Cabinet Committees forward agenda planning. Moreover, the Budget and Programme Delivery Board will invariably receive reports on contract management and review which it may wish to take to Cabinet Committees for their advice and consideration.

3.11 It is accepted that the requirement for Cabinet Committees to take a greater role in contract management and provider review of services under their purview is a significant additional responsibility, and it is recognised that some reform of Cabinet Committees operation will be necessary to create the capacity for them to undertake this important function. It may be that Cabinet Committees need to meet more often or for longer to deal with the volume of business, or that they form a contract monitoring and review sub-committee, or simply that the Committees themselves become more rigorous in agenda planning and only take items that are sufficiently substantive. The Leader has asked Mr Hotson, as Chair of the Commissioning Advisory Board, to work with Cabinet Committee chairman and report on options for ensuring Cabinet Committees are able to effectively discharge their role in the strategic commissioning cycle.



3.12 How executive member governance and oversight and non-executive member engagement would align to the strategic commissioning cycle is shown in the diagram below:

## Strategic Commissioning Governance



**Better demarcation between commissioning and operations:**

3.13 The need for better demarcation between commissioning and operational delivery of services is critical if the principle of contestability is to be embedded within KCC, as services themselves cannot be agnostic about their relative value compared to alternative options for delivery, or indeed, ceasing delivery if the need being met is no longer required or can be met by another agency.

3.14 In some authorities that are adopting the strategic commissioning model, the commissioner vs. operations / provider split has been taken literally, with the demarcation between strategic commissioning and operational service delivery being made through major structural reform to the organisation with a subsequent redrawing of top tier posts to reflect different responsibilities. It is important to reflect the inherent benefit to a formal demarcation between strategic commissioning and operational services is not just the strengthening of the commissioning function, but also increasing the freedom of in-house operational services to redesign their offer meet the internal commissioning specification in the most optimal way. Consequently, this freedom also increases accountability for service delivery.

3.15 The review of the commissioning framework carried out in May 2015 identified that whilst there was a clear appetite for greater clarity between commissioning and operations, there was little appetite for significant structural reform, as it was felt this would be disruptive and counterproductive given the significant level of transformational change ongoing across the authority.

3.16 Given this, there can be no corporate or universal template for how the demarcation between commissioning and operational service responsibility might be implemented in each Directorate. It should therefore be for each Directorate to determine how best this demarcation can be delivered within their existing arrangements and that they would reflect:

- a) **That those responsible for strategic commissioning within the Directorate are responsible for commissioning all services including those that are delivered in-house:** The key principle underpinning contestability and moving towards a strategic commissioning model is that in-house services are treated in the same way as services provided by external providers. As such, fragmented commissioning arrangements between internal and external providers would likely be unacceptable. This may or may not include the transfer of budgets from services to commissioners.
- b) **That those designated as having responsibility for strategic commissioning are of appropriate seniority to engage directly in discussions with Members (e.g. through the new Strategic Commissioning Board or Commissioning Advisory Board):** it is accepted that the lack of appetite for major structural reform to support the commissioner / operations split may mean that the demarcation between the commissioners and operations takes place further down each Directorate's hierarchy than at the Director level. Corporate Directors however will have to have confidence that those officers can be engaged, and engage directly with, Members in discussions on strategic commissioning matters.
- c) **How the proposed demarcation for each Directorate strengthens the arrangements for engagement and potential joint commissioning or service integration with partners:** moving towards becoming a strategic commissioning authority has always meant consideration as to how the total resources available in Kent, whether owned by the council or by partner agencies, can be harnessed and used more effectively and efficiently when targeting the same client group or seeking to achieve the similar outcomes. Concerns have recently been expressed by a number of partners that 'there is no clear front door' within KCC in which to have a strategic discussion about commissioning and service integration opportunities. Making the demarcation in commissioning and operations within each Directorate should seek to improve transparency for our partners about who they can and should engage.

3.17 Beyond these requirements, it would be up to each Directorate to decide how the demarcation between commissioning and service operations applies to it. This may be through a dedicated commissioning function/unit, but also it might simply be designating particular officers as primarily responsible for advisory/strategy/commissioning issues as opposed to direct service delivery. In any event, it is expected that to comply with the wishes for there to be no major structural changes when demarcating commissioning and service responsibilities, that any changes to JDs are minor or consequential.

#### **4. NEXT STEPS:**

4.1 Moving towards becoming a strategic commissioning authority is a journey in changing the systems, culture and approach the organisation takes to achieving its strategic objectives, with a sequential and iterative process that builds up through a series of step changes, rather than a single big-bang change which, on past evidence, simply doesn't succeed in KCC. The Facing the Challenge transformation programme has woken the organisation up to increasingly challenge its assumptions about how and why its services are structured in the way that they are, but as it ends the risk is that momentum will be lost. It is therefore important to make another step change and build on the momentum gained so far.

4.2 If the rationale in this paper is accepted, and the recommendations agreed by County Council, then the next steps will be to:

- a) Fully implement the proposed changes to the business planning process for 2016/17.
- b) Develop and agree membership and terms of reference for the new Strategic Commissioning Board and the Budget & Programme Delivery Board, with the intention that new arrangements will be in place by the end of March 2016, at the latest.
- c) Continue the work to require all Directorates to set out optimal arrangements for a clear demarcation between commissioning of all their services and service operations.

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