



Summons to and
Agenda for a
Meeting on
**Thursday, 13th
December, 2018**
at **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Wednesday, 5 December 2018

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, 13 December 2018 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30pm.**

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 18 October 2018 and, if in order, to **(Pages 7 - 18)** be approved as a correct record
4. Chairman's Announcements
5. Questions

6. Report by Leader of the Council (Oral)
7. Brexit Preparedness - Kent County Council Update **(Pages 19 - 36)**
8. Corporate Parenting Annual Report - 2017/18 **(Pages 37 - 56)**
9. Kent Adult Safeguarding Board - Annual Report **(Pages 57 - 102)**
10. Kent Minerals and Waste Local Plan 2013 – 2030 - Early Partial Review, Kent Mineral Sites Plan and revised Local Development Scheme **(Pages 103 - 118)**

Please note that this report is accompanied by a number of appendices. Given their size, these appendices have been published on the County Councils website alongside the [agenda](#) and are available via the modern.gov app. A hard copy of all the appendices is available in the Member's Room, the 3 Group Offices and on request from Members Desk (members.desk@kent.gov.uk).

11. Officer Delegations - Amendments **(Pages 119 - 128)**
12. Motion for Time Limited Debate - Support for prison leavers
Proposed by Mrs Dean and seconded by Ida Linfield

“While the Homelessness Reduction Act 2017 has taken steps to tackle the problem of ex-offenders having no accommodation, prisoners who are released following an incarceration period of over 14 days currently receive a discharge grant of just £46, which has not changed since 1997. If they are entitled to Universal Credit, the first payment will not be made until approximately 5 weeks* after the claim has been made. This leaves many discharged prisoners left to resort to food banks and increases the risk of them committing further crimes against Kent residents. In the event of the latter, it will also be Kent taxpayers left footing the bill when police resources need to be deployed.

The council believes that the current arrangements do not provide sufficient funds to cover the basic needs of an ex-offender residing in Kent. The council therefore calls on the UK government to carry out a review and ensure that sufficient provisions are in place for the interim period between an ex-offender leaving prison and receiving their first universal credit payment.”

**As stated by the Department for Work & Pensions*



Benjamin Watts
General Counsel
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KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber - Sessions House on Thursday, 18 October 2018.

PRESENT:

Mr M J Angell (Chairman)
Mrs A D Allen, MBE (Vice-Chairman)

Mr M A C Balfour, Mr P V Barrington-King, Mr P Bartlett, Mrs C Bell,
Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr T Bond, Mr A Booth,
Mr A H T Bowles, Mr D L Brazier, Mr D Butler, Miss S J Carey, Mr P B Carter, CBE,
Mrs S Chandler, Mr N J D Chard, Mr I S Chittenden, Mrs P T Cole, Mr N J Collor,
Mr G Cooke, Mr P C Cooper, Mr D S Daley, Miss E Dawson, Mrs T Dean, MBE,
Mr T Dhesi, Mr D Farrell, Mr G K Gibbens, Mr R W Gough, Ms S Hamilton,
Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr P J Homewood,
Mr A J Hook, Mr E E C Hotson, Mrs L Hurst, Mr P W A Lake, Mr B H Lewis,
Ida Linfield, Mr R L H Long, TD, Mr S C Manion, Mr R A Marsh, Ms D Marsh,
Mr J P McInroy, Mr P J Messenger, Mr D D Monk, Mr D Murphy, Mr M J Northey,
Mr P J Oakford, Mr J M Ozog, Mr M D Payne, Mrs S Prendergast, Mr K Pugh,
Miss C Rankin, Mr H Rayner, Mr A M Ridgers, Mr C Simkins, Mrs P A V Stockell,
Dr L Sullivan, Mr B J Sweetland, Mr I Thomas, Mr M Whiting, Mr M E Whybrow and
Mr J Wright

IN ATTENDANCE: Amanda Beer (Corporate Director Engagement, Organisation Design & Development), David Cockburn (Corporate Director Strategic & Corporate Services), Barbara Cooper (Corporate Director of Growth, Environment and Transport), Matt Dunkley CBE (Corporate Director for Children Young People and Education), Dave Shipton (Head of Finance (Policy, Planning and Strategy)), Penny Southern (Corporate Director, Adult Social Care and Health), Rebecca Spore (Director of Infrastructure) and Benjamin Watts (General Counsel)

UNRESTRICTED ITEMS

90. Apologies for Absence

The General Counsel reported apologies from Miss K Constantine, Mr A Cook, Mrs M Crabtree, Mr M Dance, Mrs L Game, Mrs S Gent, Mr P Harman, Mr M Horwood, Mr J Kite, Mr G Koowaree, Mr R Love and Mr G Lymer.

91. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda

Item 7 – Autumn Budget Statement

- (1) Mr Lewis declared an interest as his wife was employed by the County Council.
- (2) Dr Sullivan declared an interest as her husband was employed by the County Council as an Early Help and Prevention officer.

Item 12 – Motion for Time Limited Debate

(3) Mr Manion declared an interest as he undertook work in the oil and gas industry.

92. Minutes of the meeting held on 12 July 2018 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 12 July 2018 be approved as a correct record subject to:

- a. It being noted that the Appendix to the report on Members Allowances (minute no 87 refers) should have included an allowance for the Lead Member for Trading Services at the equivalent of Cabinet Member. This allowance was recommended by the Independent Member Remuneration Panel and agreed by the County Council on 13 July 2017.
- b. Minute no 86 (Brexit Preparedness – Kent County Council) being amended as follows:

“(3) **Mr Oakford** moved and **Mr Gibbens** seconded the procedural motion “that the question be put”

93. Chairman's Announcements

(a) Mr John Simmonds

(1) The Chairman stated that it was with regret that he had to inform Members of the death of Mr John Simmonds, Conservative Member for Canterbury North from June 2001. Mr Simmonds served as Deputy Leader of the Council from 2013 to 2017 and Cabinet Member for Finance from 2008 to 2018. Mr Simmonds' service of thanksgiving had taken place on Thursday 6th September 2018.

(2) A short film in memory of Mr Simmonds which had been produced by Miss Carey was played.

(3) The Chairman read a message to Members from Mr Simmonds' daughter, Nicola, thanking the KCC community for their kind words and messages of condolence.

(4) Mr Carter, Mr Bird, Mr Farrell, Mr Whybrow, Mr Gibbens, Mr Thomas and Mr Simkins paid tribute to Mr Simmonds.

(b) Mr Alfred Mersh

(6) The Chairman stated that at the July meeting he, with regret, had informed Members of the death of Mr Alfred Mersh on Tuesday 17 July, former Labour Member for Gravesend South from 2001 to 2005.

(7) Mrs Allen, Dr Sullivan and Mr Bird paid tribute to Mr Mersh.

(c) Mr John Ovenden

(8) The Chairman stated that it was with regret that he had to inform Members of the death of Mr John Ovenden, former Labour Member for Gravesend South between 1985 - 2001.

(9) Mr Ovenden's funeral had taken place on Monday 13th August 2018.

(10) Mrs Dean and Dr Sullivan paid tribute to Mr Ovenden.

(11) Following all of the tributes, all Members stood in silence in memory of Mr Simmonds, Mr Mersh and Mr Ovenden.

(12) After the one-minute silence the Chairman moved, the Vice-Chairman seconded, and it was resolved unanimously that:

(13) This Council records the sense of loss it feels on the sad passing of Mr Simmonds, Mr Mersh and Mr Ovenden, and extends to their families and friends its heartfelt sympathy in their sad bereavement.

(d) Hilary Lister

(14) The Chairman stated that it was with regret that he had to inform Members of the death of Hilary Lister, former recipient of Kent County Council's Invicta Award in April 2010 and a great friend of the County Council.

(15) Mr Hill paid tribute to Ms Lister.

(e) South East Region's Country Park of the Year – Brockhill Country Park, Hythe

(16) The Chairman informed Members that Brockhill Country Park in Hythe had won the South East Region's Country Park of the Year award for the first time in its history and congratulated and thanked Kent County Council's staff members and officers for their great efforts which contributed towards receiving the award.

(f) Armistice: Bell Ringing

(17) The Chairman reminded Members that November 2018 would mark the 100th anniversary of the end of the First World War.

(18) To mark this momentous occasion, the Department for Digital, Culture, Media & Sport had asked for bells, of any sort and in any location, to ring out in unison at

12.30pm on 11 November to mark the shift in emphasis from remembrance in the morning to thanksgiving in the afternoon for the end of the war.

(19) The Chairman encouraged Members to spread word of the initiative amongst their communities and encourage them to register their events on the digital web map.

94. Questions

In accordance with Procedure Rule 1.17(4), 7 questions were asked, and replies given. As Mr Koowaree was not able to attend the meeting a written response was provided to Question 5. A record of all questions put, and answers given at the meeting are available [online](#) with the papers for this meeting.

95. Report by Leader of the Council (Oral)

(1) The Leader updated the Council on events since the previous meeting.

(2) Mr Carter referred to the significant progress that had been made in finding solutions for the £94 million savings that needed to be found for the next Financial year, this would be considered later in the meeting.

(3) Mr Carter referred to the progress that had been made across all agencies, particularly Kent Police and Highways England to ensure that all Kent Highways were kept open at the ports of Folkestone and Dover post Brexit. In relation to post-Brexit M26 lorry park plans, Mr Carter had expressed his concerns to the Secretary of State. Mr Carter confirmed that Kent County Council supported the Traffic Assessment Project (TAP) which would allow both of the M20 carriageways to be kept open, with a contraflow system in both directions. He referred to an opportunity to introduce TAP in Lydden, Dover, in order to increase capacity as lorries embarked onto the ferry service. Mr Carter stated that he and Mr Whiting would be attending a multi-agency meeting with the Secretary of State in upcoming weeks to discuss the plan further.

(4) Mr Carter confirmed that Kent County Council were working closely with Bexley Council and Dartford Borough Council to promote the vision to construct a Crossrail extension from Abbey Wood to Ebbsfleet.

(5) Mr Carter referred to the challenges from the Sir John Armitt review of the Thames gateway.

(6) In relation to Local Enterprise Partnerships (LEPs) Mr Carter stated that Kent County Council was campaigning to change the Government's view on the proposed governance arrangements of LEPs. He expressed the view that LEPs could not operate without the help and input of County Councils. Mr Carter explained that signatures had been received from almost every leader in county governance, supporting the County Council's involvement in LEPs and asking the Secretary of State to re-consider.

(7) Mr Bird, the Leader of the Opposition, referred to the recent letter from the Secretary of State for Health and Social Care which announced that an extra £240 million would be allocated to Councils in the coming year and Mr Bird welcomed the £6 million that Kent County Council would receive.

(8) Mr Bird expressed his views on the need for a more radicalised approach to social care in the UK and the need for a closer integration of social care services. Mr Bird said that the pressure on providing hospital beds could be reduced by encouraging healthy lifestyles and healthy living environments.

(9) Mr Bird supported the views expressed by Mr Carter in relation to the extension of the Crossrail Elizabeth Line from Abbey Wood to Ebbsfleet.

(10) In relation to LEPs, Mr Bird agreed with Mr Carter that local authorities needed to be a significant part of the governance associated with LEPs, whilst ensuring that the governance of LEPs reflected the voice of communities.

(11) In conclusion, Mr Bird thanked Mr Carter for clarifying Kent County Council's views on the post-Brexit M26 lorry park plans and said that the plans, if implemented, would have a detrimental impact on Kent.

(12) Mr Farrell, Leader of the Labour Group, expressed his views on the LEP's governance arrangements and the Crossrail extension from Abbey Wood to Ebbsfleet, and welcomed the additional £6 million that Kent County Council would receive from the Secretary of State for Health and Social Care.

(13) Mr Farrell said that the Local Government Association had launched a nationwide consultation to start a debate which would seek ways to provide additional support to the social care services caring for older and disabled people.

(14) Mr Farrell expressed his views on social care services in the UK and said that whilst populations continued to rise, and social care needs became more complex, continuing to build bigger hospitals and social care facilities was not a logical solution to reducing the pressure on providing hospital beds.

(15) Mr Farrell referred to the Care Quality Commission's identification of areas in the country in which joined-up working between health and social care services could be improved, whilst the proposed appointment of a Director of Partnerships within the Adult Social Care Directorate was an important step in the right direction, much more needed to be done.

(16) Mr Farrell expressed his views on the additional £20 billion of funding that would be allocated to the NHS and said that the additional resource should focus on providing a good standard of social care to vulnerable individuals whilst promoting health and wellbeing.

(17) In conclusion, Mr Farrell welcomed a conversation between Kent County Council and the NHS to explore ways in which post-discharge beds could be provided in communities and halfway houses.

(18) Mr Whybrow, Leader of the Independents Group started by congratulating all of the staff at Brockhill Country Park that had been involved in the Country Park of the Year award, and congratulated country park staff for the work they had done to eradicate single use plastic.

(19) Mr Whybrow expressed his concerns relating to Operation Stack.

(20) Mr Whybrow supported the views expressed by Mr Farrell in relation to the Local Government Association consultation paper on adult social care.

(21) Mr Whybrow referred to the report of the Intergovernmental Panel on Climate Change and expressed his concerns about how the ever-increasing global temperature would affect every resident in Kent.

(22) Mr Whybrow referred to the need to put the Kent Environmental Strategy into the mainstream and have a zero-emissions strategy.

(23) In replying to the other Leaders' comments, Mr Carter referred to the additional money that Matt Hancock, Secretary of State for Health and Social Care, had provided for supporting social care to facilitate timely hospital discharge and to prevent people needing to be admitted to hospital.

(24) Mr Carter stated that the additional £20 billion that would be allocated to the NHS should be invested in local care to ensure that health, alongside social care, could deliver what was needed to continue to help and support the elderly, frail and vulnerable.

(25) Mr Carter referred to his work with the Sustainability and Transformation Partnership and stated that a key focus had been for the Local Care Implementation Board to ensure that a greater proportion of the NHS budget was invested into local care. He hoped that the awaited Adult Social Care Green Paper would support this approach and referred to the lobbying from the LGA and the County Council Network to encourage much-needed additional resource to be put into adult social care working alongside NHS partners.

96. Autumn Budget Statement

(1) The Chairman reminded Members that any Member of a Local Authority who was liable to pay Council Tax, and who had any unpaid Council Tax amount overdue for at least two months, even if there was an arrangement to pay off the arrears, must declare the fact that they were in arrears and must not cast their vote on anything related to KCC's Budget or Council Tax.

(2) The Chairman moved, and the Vice-Chairman seconded that:

(a) Procedure Rule 1.28 be suspended in order that the Leader and the Cabinet Member for Finance be allowed to speak for a maximum of 12 minutes in total and the Leaders of the Liberal Democrat, Labour and Independents Groups speak for 6, 5 and 4 minutes respectively.

(b) Procedure Rule 1.35 (1) be suspended in order to allow Members to speak more than once during the debate, at the discretion of the Chairman, the Cabinet Member for Finance and Traded Services, as seconder of the motion be allowed to speak again at the end of the debate.

(3) The Chairman put the motion set out in paragraph (2) above to the vote without a debate and the voting was as follows:

For (61)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mrs R Binks, Mr R Bird, Mr T Bond, Mr A Booth, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mr P Cooper, Mr D Daley, Mrs T Dean, Mr D Farrell, Mr R Gough, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr P Homewood, Mr A Hook, Mr E Hotson, Mrs L Hurst, Mr P Lake, Mr B Lewis, Ida Linfield, Mr R Long, Mr S Manion, Mr A Marsh, Ms D Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr M Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr H Rayner, Mr A Ridgers, Mr C Simkins, Mrs P Stockell, Dr L Sullivan, Mr B Sweetland, Mr I Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright.

Against (0), Abstained (0)

Motion Carried

(4) The Chairman then invited Mr Shipton, Head of Finance, to give a presentation to provide context for this item.

(5) Mr Carter moved and Mr Oakford seconded the following motion:

“The County Council is asked to:

- a) ENDORSE the application of capital receipts in 2017-18 and to date in 2018-19 to fund revenue costs as set out in table 1
- b) RECOGNISE the progress made towards setting a balanced budget for 2019-20 based on robust estimates and the remaining unidentified gap
- c) NOTE that Corporate Directors will need to be authorised to make the necessary arrangements to be able to deliver savings once the final budget has been approved in February
- d) NOTE that Cabinet and Corporate Directors need to develop further proposals to resolve the unidentified gap and resolve additional issues which may arise.

(6) Mr Bird proposed and Mrs Dean seconded the following amendment:

“The County Council is asked to:

- a) **RECOGNISE that the scope for making further deliverable savings has dramatically reduced and calls on the Government to maintain Kent’s Revenue Support Grant and other Government funding of council services at levels necessary to fulfil our statutory duties and to protect services from unacceptable cutbacks.**

- b) ENDORSE the application of capital receipts in 2017-18 and to date in 2018-19 to fund revenue costs as set out in table 1
- c) RECOGNISE the progress made towards setting a balanced budget for 2019-20 based on robust estimates and the remaining unidentified gap
- d) NOTE that Corporate Directors will need to be authorised to make the necessary arrangements to be able to deliver savings once the final budget has been approved in February
- e) NOTE that Cabinet and Corporate Directors need to develop further proposals to resolve the unidentified gap and resolve additional issues which may arise.”

(7) Mr Carter as proposer of the original motion, with the agreement of his seconder, agreed to amend the original motion as follows:

The County Council is asked to:

- a) **RECOGNISE that the scope for making further deliverable savings has dramatically reduced and calls on the Government to make available the extra resource to allow the continuation of the in-year social care grants of £405m for one more year in advance of the Local Government funding changes in 2020/21 and beyond plus truly reimburse the full cost of supporting asylum seeking youngsters up to the age of 25, maintain Government funding of council services at levels necessary to fulfil our statutory duties and to protect our frontline services.**
- b) ENDORSE the application of capital receipts in 2017-18 and to date in 2018-19 to fund revenue costs as set out in table 1
- c) RECOGNISE the progress made towards setting a balanced budget for 2019-20 based on robust estimates and the remaining unidentified gap
- d) NOTE that Corporate Directors will need to be authorised to make the necessary arrangements to be able to deliver savings once the final budget has been approved in February
- e) NOTE that Cabinet and Corporate Directors need to develop further proposals to resolve the unidentified gap and resolve additional issues which may arise.

(8) Mr Bird, with the agreement of his seconder, accepted the amended original motion and withdrew his amendment.

(9) Following the debate, the Chairman put the substantive motion set out in paragraph (7) above to the vote and the voting was as follows:

For (56)

Mrs A Allen, Mr M Angell, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mrs R Binks, Mr R Bird, Mr T Bond, Mr A Booth, Mr A Bowles, Mr D Brazier, Mr D Butler, Miss S Carey, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mr N Collor, Mr G Cooke, Mr P Cooper, Mr D Daley, Miss E Dawson, Mrs T Dean, Mr G Gibbens, Mr R Gough, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr A Hook, Mr E Hotson, Mrs L Hurst, Mr P Lake, Mr R Long, Mr S Manion, Ms D Marsh, Mr P Messenger, Mr D Monk, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr M Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr A Ridgers, Mr C Simkins, Mrs P Stockell, Mr B Sweetland, Mr I Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright.

Abstained (5)

Mr Dhesi, Mr D Farrell, Mr B Lewis, Ida Linfield, Dr L Sullivan.

Against (0)

Substantive motion Carried

(10) RESOLVED That the County Council:

- a) recognises that the scope for making further deliverable savings has dramatically reduced and calls on the Government to make available the extra resource to allow the continuation of the in-year social care grants of £405m for one more year in advance of the Local Government funding changes in 2020/21 and beyond plus truly reimburse the full cost of supporting asylum seeking youngsters up to the age of 25, maintain Government funding of council services at levels necessary to fulfil our statutory duties and to protect our frontline services
- b) endorses the application of capital receipts in 2017-18 and to date in 2018-19 to fund revenue costs as set out in table 1 in the report
- c) recognises the progress made towards setting a balanced budget for 2019-20 based on robust estimates and the remaining unidentified gap
- d) notes that Corporate Directors will need to be authorised to make the necessary arrangements to be able to deliver savings once the final budget has been approved in February
- e) notes that Cabinet and Corporate Directors need to develop further proposals to resolve the unidentified gap and resolve additional issues which may arise.

97. Treasury Management Annual Review 2017/18

(1) Mr Oakford moved and Miss Carey seconded the following motion:

“Members are asked to note the report.”

(2) Following the debate, the motion set out above was agreed without a formal vote.

(3) RESOLVED that the report be noted.

98. Kent Safeguarding Children Board – 2017/18 Annual Report

(1) Mr Gough moved and Mrs Prendergast seconded the following motion:

“The County Council is asked to:

Comment on the progress and improvements made during 2017/18, as detailed in the Annual Report from Kent Safeguarding Children Board and note the 2017/18 Annual Report.”

- (2) Ms Gill Rigg, Independent Chair of the Kent Safeguarding Children Board, addressed the meeting and answered a number of questions from Members.
- (3) Following the debate, the motion was agreed without a formal vote.
- (4) RESOLVED that the 2017/18 Annual Report from Kent Safeguarding Children Board and the comments made by Members be noted.

99. Increasing Opportunities, Improving Outcomes - Strategic Statement Annual Report 2018 - Progress

- (1) Mr Carter moved and Mr Oakford seconded the following motion:
“County Council is asked to Note and Comment on the *Increasing Opportunities, Improving Outcomes* Strategic Statement Annual Report 2018”
- (2) Following the debate, the motion set out above was agreed without a formal vote.
- (3) RESOLVED that the *Increasing Opportunities, Improving Outcomes* Strategic Statement Annual Report 2018 and the comments made by Members be noted.

100. Proposed changes to Top Tier posts in Adult Social Care and Health Directorate

- (1) Mr Gibbens moved and Mrs Bell seconded the following motion:
“The County Council is asked to agree:

The changes to the Director roles as outlined in section 3 above and the deletion of the current Director of OPPD and the Director of DCLDMH posts, and the introduction of 2 new director posts, Director of Operations and Director of Partnerships.”
- (2) Following the debate, the motion set out above was agreed without a formal vote.
- (3) RESOLVED that the changes to the Director roles as outlined in section 3 of the report and the deletion of the current Director of Older People and Physical Disability and the Director of Disabled Children, Adult Learning Disability and Mental Health posts, and the introduction of 2 new director posts, Director of Operations and Director of Partnerships be approved.

101. Motion for Time Limited Debate

- (1) Mr Whybrow moved and Mr Chittenden seconded the following motion:
“This Council notes:
 1. Kent County Council believes that local plans, local planning and local democratic decisions, including control of local mineral and fossil fuel development, should”

remain with local authorities. The council rejects the continued centralisation of local decision-making at the expense of local determination

2. As such, KCC rejects central government's proposal, via a Written Ministerial Statement (WMS), for the exploration phase of hydraulic fracturing (fracking) to be allowed under Permitted Development (PD), thereby removing the need for planning permission. KCC also rejects the proposal to bring the production phase of fracking under Nationally Significant Infrastructure Projects (NSIP), to be decided centrally by government and the planning inspectorate, thus further removing decision-making from local councils.
3. Accordingly, the Council requests the Cabinet Member for Planning, Highways, Transport & Waste to respond to the government consultation by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that local Minerals Planning Authorities should retain local control and primacy for all planning decisions at all stages for all types of oil and gas exploration."

- (2) Mr Dance proposed and Mr Holden seconded the following amendment:

"Kent County Council believes that local planning decision, including control of mineral and fossil fuel development, should remain with local authorities and, therefore, rejects government's proposal via its June 2018 consultation for the exploration phase of non-hydraulic fracturing to be allowed under Permitted Development (PD) rights. KCC also rejects the proposal to bring the production phase of shale gas development under the Nationally Significant Infrastructure Projects (NSIP), to be decided by government and the planning inspectorate, thereby removing local decision-making."

- (3) Mr Whybrow, as proposer of the original motion, with the support of his seconder agreed to accept the amendment.

- (4) Following the debate, the Chairman put the substantive motion set out in paragraph (2) above to the vote and the voting was as follows:

For (56)

Mrs A Allen, Mr M Angell, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mr R Bird, Mr A Booth, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr N Collor, Mr G Cooke, Miss E Dawson, Mrs T Dean, Mr T Dhesi, Mr D Farrell, Mr G Gibbens, Mr R Gough, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr A Hook, Mr E Hotson, Mrs L Hurst, Mr P Lake, Mr B Lewis, Ida Linfield, Mr R Long, Ms D Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr M Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr A Ridgers, Mr C Simkins, Dr L Sullivan, Mr B Sweetland, Mr I Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright.

Against (0), Abstained (0)

Substantive motion Carried

(5) RESOLVED that:

- a) this Council believes that local planning decision, including control of mineral and fossil fuel development, should remain with local authorities and, therefore, rejects government's proposal via its June 2018 consultation for the exploration phase of non-hydraulic fracturing to be allowed under Permitted Development (PD) rights. This Council also rejects the proposal to bring the production phase of shale gas development under the Nationally Significant Infrastructure Projects (NSIP), to be decided by government and the planning inspectorate, thereby removing local decision-making.

102. Member Development Strategy

(1) Mr Hotson moved and Mr Bowles seconded the following motion:

"The County Council is invited to comment on and formally adopt the plan and note the intention to move to external accreditation of the Plan in the future."

(2) Following the debate, the motion set out above was agreed without a formal vote.

(3) RESOLVED that the Member Development Strategy be adopted and the intention to move to external accreditation of the Plan in the future be noted.

103. Governance and Audit Committee - Terms of Reference

(1) Mr Hotson moved and Mr Long seconded the following motion:

"The County Council is asked to:

Approve the amendment of the Terms of Reference for the Governance and Audit Committee to include the responsibilities of the Trading Activities Sub-Committee, and that the disbanding of the Trading Activities Sub-Committee be noted."

(2) The motion set out above was agreed without a formal vote.

(3) RESOLVED that the amendment of the Terms of Reference for the Governance and Audit Committee to include the responsibilities of the Trading Activities Sub-Committee be approved, and that the disbanding of the Trading Activities Sub-Committee be noted."

From: Paul Carter, Leader

To: County Council, 13th December 2018

Subject: **Brexit Preparedness – Kent County Council Update**

Summary: This report updates Members on the work the County Council is undertaking to prepare in the event of a no-deal Brexit, including through the Kent Resilience Forum and with service-level Business Continuity Planning. The report also identifies further actions to be taken and requirements of Government to address the unique risks to Kent and to ensure that, as far as possible, Kent communities are kept moving and Kent remains open for business.

Recommendation(s):

County Council is asked to:

- (1) **Note** Kent County Council's preparations for a potential no-deal Brexit scenario.
- (2) **Agree** Kent County Council's call on Government to fully meet the identified costs to Kent.
- (3) **Agree** Kent County Council's requirements of Government to ensure effective preparations for a no-deal.

1. Introduction

- 1.1 Kent County Council (KCC) has a statutory obligation to deliver a range of core public services. KCC also provides valuable place leadership and therefore has an important role in supporting its communities and businesses as the UK's relationship with the EU changes. KCC are preparing for a number of outcomes to the UK-EU negotiations, including a potential no-deal which would require more immediate considerations.
- 1.2 Since the July 2018 County Council Brexit paper, KCC has been preparing contingency plans for a potential no-deal scenario. The Council has taken forward internal preparations, including reviewing our service-level Business Continuity Plans and, with partners through the Kent Resilience Forum, has devised local solutions to mitigate, as far as possible, the impacts from a potential no-deal particularly in relation to highways and borders. KCC has acted with the best endeavours to ensure KCC can meet its statutory obligations, that Kent's public services continue, communities are kept moving, and businesses can continue to trade.
- 1.3 There are significant interdependencies with national strategic planning. KCC has proactively sought information from Government to enable effective contingency planning. However, the planning assumptions continue to be fluid with a high degree of uncertainty. Since August 2018, the planning scenario proposed by Government has increased from three to six months of disruption,

although the rationale for this has not been provided by Government. The starting position of Kent's planning assumptions are scaled-up estimates of previous Operation Stack impacts and some high-level border checking impact analysis undertaken by Government, rather than on any specific changes to border arrangements. These have been further developed as part of the locally-led Traffic Management Plans to ensure Kent's highways continue to be open.

- 1.4 KCC has, and continues to, ask the Government to meet a range of identified capital investment and revenue support costs to manage traffic congestion on Kent's highways and to cover a new Trading Standards Border Team. This would ensure the Kent Taxpayer is not subsidising additional costs as a result of any nationally agreed position.
- 1.5 KCC has had a pivotal role in bringing Government departments and agencies together to support partners, communities and businesses in preparing for Brexit. The council has engaged nationally with:
 - Home Office-led Border Delivery Group;
 - Kent Border Steering Group (co-chaired by KCC and Government);
 - Major Ports Port Health Authorities Coordinating Group;
 - Local Government Association (LGA);
 - Government departments including Department for Transport, Home Office, Ministry of Housing, Communities and Local Government;
 - Other Government bodies including Food Standards Agency and National Trading Standards (NTS); and
 - EU Exit Local Government Delivery Board.
- 1.6 KCC and Kent partners also have robust local arrangements including:
 - the Kent Strategic Freight Forum;
 - the Kent Resilience Forum and Strategic Operation Fennel Group;
 - Kent Corridor Group;
 - Kent Leaders and Kent Joint Chiefs; and
 - Brexit Informal Cabinet Sub-Group and Brexit Coordination Group.

2. Kent Resilience Forum

- 2.1 As a Category 1 responder, under the Civil Contingencies Act, the County Council is responsible for working in collaboration with other Category 1 responders to support the County's response to, and recovery from, potential incidents.
- 2.2 The Kent Resilience Forum have increased their resource specifically focused on Brexit including recruiting a Brexit Co-ordinator (in October 2018), a Brexit Project Officer (in October 2018), and a Brexit Communications Officer

(currently being recruited). The Co-ordinator and Communications Officer posts are jointly funded by Kent County Council, Kent Fire and Rescue and Kent Police.

2.3 A Kent Resilience Forum Brexit Co-ordination Group has been established with workstreams (and relevant sub groups) focused on:

- Traffic Management (Operation Fennel);
- Community resilience;
- Environment and Waste;
- Health and social care;
- Supply chain resilience;
- Business continuity;
- Business resilience;
- Command and control;
- Media and communications; and
- Finance and data.

2.4 The Kent Resilience Forum have undertaken a number of meetings with key partners to discuss the potential impact of the UK's exit from the EU and risks to Kent's borders, strategic road network, the travelling public and communities. Agreement has been reached on tactical response plans and outstanding issues have been raised with Government departments. In addition to this engagement, four exercises are planned for early 2019 to test key partnership plans for the county, including the operation of the County Emergency Centre and Exercise Lundy to test the tactical plans for traffic management

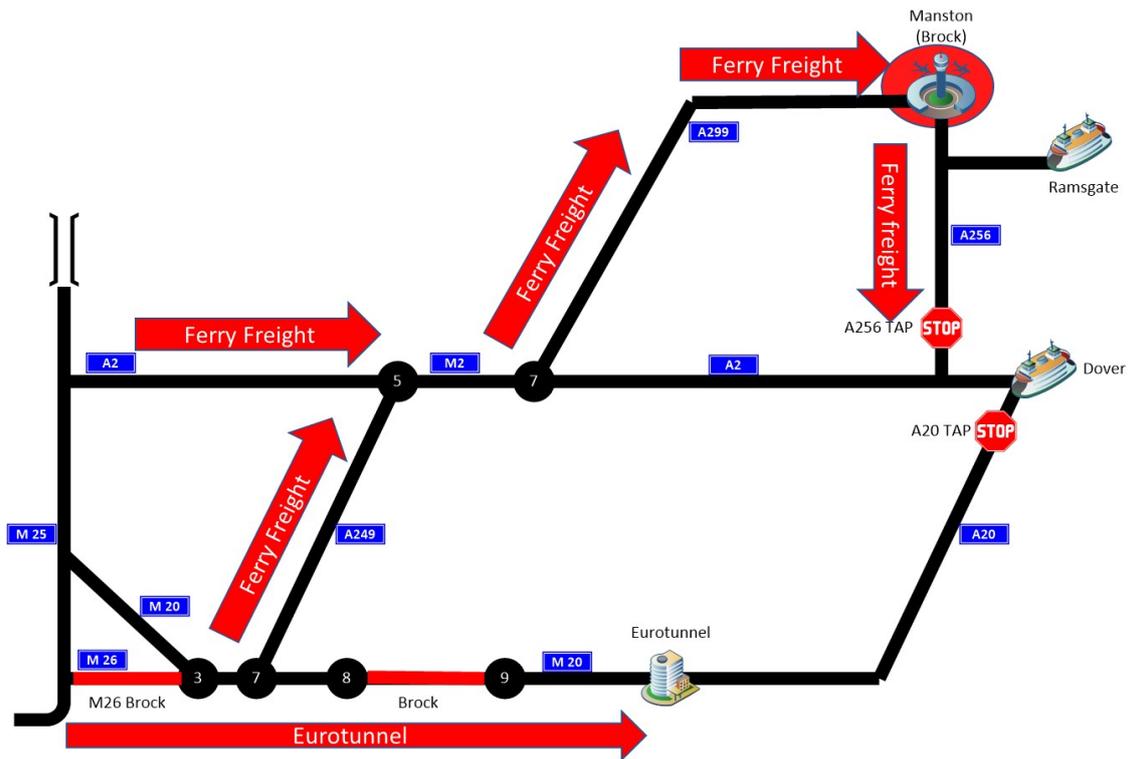
2.5 KCC is working closely with partners through the Kent Resilience Forum to ensure all stakeholders have sufficiently trained and experienced staff, and the Kent Resilience Forum is enhancing its training programme to support this. Twelve command and control training events will be delivered prior to 29th March for officers to be trained to act at Strategic, Tactical and Operational levels. A Kent Resilience Forum Partner pack is also in development to provide guidance and tools to prepare partner organisations and services for the impacts from Brexit.

2.6 KCC are currently developing a communications plan and working with local partners on joint messaging, including a joint communications strategy as part of Operation Fennel. Wider community and business engagement will begin from January 2019, when national communications campaigns will also run.

3. Transport

3.1 As the statutory Highways Authority, KCC is responsible for maintaining all roads within its administrative boundary, except the motorways and major (trunk) roads which are managed by Highways England.

- 3.2 Work to date has mainly focused on the likely impact on traffic congestion arising from changes at the border, based on an understanding of the capacity of Kent's ports and roads. It has been forecast that, in a no-deal Brexit scenario, Kent will need to cope with holding up to 10,000 HGVs on a routine basis. The potential impact upon passenger traffic is also being assessed.
- 3.3 Such congestion could exceed that of previous incidents experienced in Kent, including Operation Stack in 2015, which resulted in almost 7,000 HGVs contained on the M20 in Kent. Local Kent roads experienced significant gridlock and exceptionally high traffic volumes as a result. In 2016, due to weekend industrial action, the county saw significant delays at the UK border across all vehicle types (tourist and freight) and queues quickly formed across both strategic and local road networks, with delays of over twelve hours experienced.
- 3.4 Kent Police and partners use emergency powers contained in the Civil Contingency Act 2004 when deploying Operation Stack to regulate traffic. The Act enables the Police to apply to the Secretary of State to make emergency Regulations for up to 30 days at a time.
- 3.5 Through the Kent Resilience Forum, KCC Highways and partners have devised a dedicated 'Freight Traffic Management Plan', which contains various mitigations to maintain freight fluidity in the event of a no-deal Brexit. This has been possible due to the joint learning across all partners who dealt with the 2015 Operation Stack event and utilises the 'Operational Fennel' multi-agency group, consisting of Highways England, Kent Police, KCC Highways and other key stakeholders, set-up as a result. Work remains ongoing to finalise this operational plan. These plans will be completed by the end of December and a walk-through test will be carried out in January 2019.



BROCK STAGE	1	2	3	4	5
Includes	Use of Port of Dover and Eurotunnel Buffer Zones* Use of A20 TAP	M20 Junction 8-9 contraflow	Dover traffic to Manston Dover A245 TAP	M26 (last resort) Concerns remain that the implementation model with Highways remains unclear and untested	Hold freight outside of Kent
Freight capacity	Buffer Zones – 1200 A20 TAP - 550	M20 J8-9 - 2000	Manston - 5000-6000 A256 TAP - 300-800	M26 - 2000	

* Phase 1 capacity includes increased capacity at Port of Dover and Eurotunnel since Operation Stack. Traffic Management Plan subject to revision post testing.

3.6 In summary, the Brexit Freight Traffic Management Plan will be broken down into five phases, as outlined in the diagram and table above. During routine operations all freight for Eurotunnel and Port of Dover uses M20 and A20. Should the situation at either Port of Dover and Eurotunnel change and their buffer zones become full, Operational Fennel proposes:

- 1) A20 TAP will be initiated storing Port of Dover freight (Stage 1) once the Port of Dover buffer zone is full;
 - 2) When A20 TAP is reaching capacity, Eurotunnel and Port of Dover freight will be split at M20 junction 7 – Eurotunnel freight will be stored in Brock M20 (Stage 2), Port of Dover freight will be diverted to Manston and A256 TAP (Stage 3);
 - 3) If Eurotunnel freight capacity is greater than Brock M20, then Brock M26 would be used to hold additional Eurotunnel freight, with Port of Dover freight using A2/M2 (Stage 4).
 - 4) Government continue to develop plans to support Stage 5.
- 3.7 The Traffic Management Plans enable managed flow rates across Kent's highways through use of TAP arrangements and technology. These preparations should ensure all main corridor routes through Kent are kept moving, including the M20 which will continue to provide access to Port of Dover for prioritised freight, passenger traffic and any additional flow to ensure Port of Dover operates at available capacity. KCC's position remains that use of the M26 as phase four of the Traffic Management Plans should not be instigated unless absolutely necessary as a last resort.
- 3.8 KCC has been working closely with our partners, including Government and Kent Police, to ensure that the relevant Kent traffic authorities have the necessary powers to direct freight vehicles to the appropriate contingency locations. Enforcement is required to support compliance with the Traffic Management Plan to mitigate traffic disruption and will be an important determinant of the success of the plans. Enforcement and compliance should also include powers to flex tachograph enforcement and implementation of electronic enforcement signage on Kent's highways.
- 3.9 Under the Road Traffic Act 2004, the primary responsibility for road traffic management is vested in Highways England's Traffic Officers (HETOs), who have the power to stop, direct and divert vehicles on motorways and some 'A' class roads in England. KCC is seeking to extend these powers to address local road compliance.
- 3.10 KCC has been advised that there will be sufficient Police and HETOs to manage traffic flows and that Highways England are planning for 200 additional HETOs for the South East to support contingency plans. Although there is further detail to be developed, there will also be new enforcement points along the contingency routes within Kent.
- 3.11 Kent is dependent on, and awaiting details of, the Government's 'National Freight Plan' (Brock Stage 5) – including plans for priority passenger freight, and the 'National Ports Strategy'. We continue to encourage Government to develop measures to hold traffic outside of Kent. Arrangements for holding

freight outside of the county, or at source, when Kent no longer has capacity is another crucial element of the plans.

3.12 Following good progress with local arrangements, KCC now requires Government to take specific decisions. These include:

- Confirmation of the contract with Manston Airport to increase capacity and allow improved ingress and egress.
- Confirmation that NATS radar at Manston can be turned off. If not, this would reduce Manston capacity by circa. 1,000 lorries.
- Confirmation that Driver Hours Relaxation will be implemented.
- Implementation of cross-ticketing arrangements for Eurotunnel, P&O and DFDS.

3.13 KCC also requires Government to provide further information and advice on:

- Modelling for both freight and passenger traffic.
- Confirmation of progress on Port of Ramsgate, local dredging and potential use by other operators.
- Confirmation of national communications and coordination plan including cooperation with DfT, COBR, freight groups and road traffic groups.

3.14 Based on further decisions and information and advice from Government, the Kent Resilience Forum would consider resource implications before activating mutual aid arrangements. Emergency Services have national mutual aid arrangements, KCC has a mutual aid MOU with other local authorities, and local authorities within Kent have a mutual aid agreement.

4. Kent Trading Standards & Kent Scientific Services

4.1 As the market surveillance authority, KCC's Trading Standards team is responsible for inspecting goods crossing the UK border in Kent which are referred to the team via the National Trading Standards (NTS) Single Point of Contact (SPOC).

4.2 As reported to the [Growth Economic Development and Communities Cabinet Committee in September 2018](#), KCC Trading Standards has already seen an increase in referrals to inspect Third Country goods, following a number of developments unrelated to Brexit – including the opening of a 'Fast Parcel Hub' at Dartford and a review of the SPOC system of referring to Kent Trading Standards.

4.3 A range of different Brexit scenarios, and durations of disruption, have been considered for the Trading Standards service. These have included a no-deal scenario where full Third Country customs checks would be required at the border after 29 March 2019. Potential changes to the way that European goods

are handled post-Brexit, with the requirement for KCC Trading Standards to intervene on a more regular basis due to revised import/export requirements, would have a material impact upon the services' existing capacity. Any increase is highly dependent on HMRC and Border Force checks and active intelligence, however it is currently unclear the extent to which this activity will increase. These checks would also likely be based on reciprocity with EU arrangements.

- 4.4 Kent Scientific Services (KSS) provides scientific and calibration services, which includes the testing of food, checking of certain products of animal and plant origin, and chemical analysis for the Coroners Service involving collecting toxicology samples from hospitals within Kent. The service is one of only 5 public analyst laboratories in England and provide their services to private industry and local authorities, including Port Health Authorities, which includes the Port of Dover, and Port of London with its sites at Sheerness, Tilbury and London Gateway.
- 4.5 KSS's role requires the physical movement of food samples. How the service transports physical samples to the laboratory in Kings Hill could present a challenge in the event of potential traffic disruption within Kent. The testing equipment cannot be moved closer to the Port of Dover, due to the cost of the instrumentation. Currently an in-house van courier transports items from the Port to Kings Hill and the service is actively considering using alternative options.
- 4.6 To undertake analysis KSS use chemicals and consumables manufactured, or part-manufactured, in the EU. A no-deal scenario could disrupt their supply chain for border control work, and conversely the food supply chain, consequently, the service has costed for the stocking of supplies in advance of 29 March 2019.
- 4.7 In future, there could also be additional points of entry into the UK located in Kent, compared to the current three of the Port of Dover, Eurotunnel, and the 'Fast Parcel Hub' in Dartford. For example, it is understood Government recognise expansion of the port of Ramsgate could increase capacity on cross-channel routes and ensure trade can continue to move as freely as possible between the UK and Europe. However, this could further increase the activity of, and staffing required for, Trading Standards and Kent Scientific Services and our partners, and place a burden on Kent's highways. The potential new ports of entry include:
 - A new Port of Ramsgate Cross-Channel Freight Service.
 - The expansion of the container terminal at Dover to take non-perishable goods from Third Countries.
 - A potential increase in rail freight with inspection at Ebbsfleet.
 - Potential development of Sheerness for ferry traffic.

- 4.8 KCC has been advised that the Government are making contingency arrangements for priority freight movements including livestock, which will be in addition to the arrangements KCC has developed with partners to manage Eurotunnel and Channel Port freight traffic. KCC is therefore not required to make specific provision for livestock. KCC requires Government to provide confirmation of any priority goods requirements including live animal exports.
- 4.9 As a result of ongoing dialogue, KCC Trading Standards is increasing its staff numbers to ensure sufficient capacity to handle the impact of any changes to border arrangements after 29 March 2019. Additional recruitment is underway for a new permanently staffed Ports Team of between 6 and 14 inspection officers to be based at Dover, who will be managed initially by the Trading Standards Consumer and Product Safety Team, then by its own manager. The number is being kept under review in consultation with Government departments and agencies to ensure estimates of the likely required capacity are as accurate as possible.

5. Business Continuity Planning

- 5.1 Alongside responding to the direct impacts of a no-deal in March 2019, it is important for KCC to consider the implications that the changes to border and customs arrangements and resultant likely traffic congestion could have on our services.
- 5.2 The Council's Resilience and Emergency Planning Service (REPS) has worked with Corporate Management Team and Engagement, Organisational Design and Development (EODD) to recruit a new cohort of Duty Directors, with now 8 Response Directors and 8 Recovery Directors from across Extended Corporate Management Team. In addition, REPS and EODD are about to recruit a further round of tactical managers which would support KCC's response. This enhanced capacity will ensure that KCC has sufficient staff resilience at both strategic and tactical levels for managing a protracted response. A recruitment drive is also underway to expand the County Council's voluntary Emergency Response Team (ERT) cadre, which is tasked with a range of operational resilience roles. A new ERT E-Learning tool has also been produced to streamline their training.
- 5.3 REPS are supporting services across KCC to test their Business Continuity Plans against potential Brexit scenarios. The Business Continuity Planning training exercise has been circulated to the KCC Cross Directorate Resilience Group, introduced to KCC's senior managers at a 'Challenger' event on 8th November, and subsequently communicated to staff through KNet.

5.4 The training tool provides a number of scenarios to test the ability of current Business Continuity Plans to accommodate any changes. Potential implications from a no-deal scenario which staff have been asked to consider are:

- Prolonged disruption to passenger and freight networks impacting the strategic road and rail networks and the surrounding local road network;
- Disruption to the importation and exportation of goods, foodstuffs and other consumables, and medicines and other medical supplies due to changes in trading rules and regulations and from traffic congestion;
- Disruption to vulnerable individuals and communities affected by major traffic congestion resulting in an inability to attend schools, hospitals, etc.;
- Disruption to staff travel leading to staff shortages in key services such as social care and an inability to provide local services and individual appointments;
- An increase in the numbers of migrants arriving in Kent, including unaccompanied asylum-seeking children, as a consequence of the change in UK-EU relations.

5.5 A series of KCC-wide exercises are scheduled for late January and early February 2019 designed to test the Business Continuity Plans of all services against the latest planning assumptions. Outcomes from these exercises will inform service preparations. The Council's Cross-Directorate Resilience Group and Directorate Resilience Groups are meeting monthly ahead of March 2019 to review the findings from the Business Continuity Planning testing exercises and further develop the resilience of our services. A Business Continuity E-Learning package has recently been produced to support this programme of activity.

5.6 The following preparations have been rolled out across KCC services:

- **Children's Young People and Education Directorate (CYPE):** CYPE are providing a range of briefings for schools via their headteacher briefings and e-briefings, with fuller guidance to be provided to schools in January 2019. These briefings have specifically shared latest planning assumptions and identified a need for schools to review travel plans for staff and pupils; supply chain vulnerabilities (e.g. schools meals, etc); any plans for off-site travel in the three to six month planning assumption window; and the air quality impacts that may arise from the idling of HGV and other vehicles close to education settings in the event of traffic disruption. Further work is needed to explore the impacts on early year's settings.
- **Growth Environment and Transport Directorate (GET):** GET are exploring impacts on its wider services and putting in place contingency plans where possible. This includes exploring contingency planning for waste management, particularly the risk around access to waste transfer stations

which, if impacted, could compromise the collection of waste from kerbside, as well as the need to have contingency planning in place in respect of access to Allington Waste Facility. Other services with customer facing provision like libraries and country parks are exploring how to build in resilience into staffing rotas to maintain service provision to the greatest extent possible given possible traffic disruption. Other statutory services have obligations that could be compromised as a result of the resulting traffic congestion – such as the Coroners Service, for which travel around the county is fundamental.

- **Adult Social Care and Health Directorate (ASCH):** ASCH are working closely with suppliers to identify risks to service provision in the event of the no-deal planning assumptions being realised. In addition, work is being done to map the location of social care workers against clients, with the aim of exploring whether staff can be reallocated to clients closer to their place of residence – thereby mitigating the risk of travel to those workers accessing particularly vulnerable residents. A Brexit scenario exercise is also scheduled for operational commissioning staff to further assist identification of and preparation for any risks to this area of service delivery.
- **Strategic and Corporate Services (SCS):** SCS have been working to identify those support service requirements that will arise from the contingency plans that Directorates are now putting in place. This includes:
 - **Infrastructure** are working with services to identify demand for alternative locations from which officers can work in the event of staff being unable to travel to their normal base of employment. In addition, the service is engaging with its suppliers, particularly facilities management to communicate requirements of the Council in the event planning assumptions are realised.
 - **ICT** is working to identify the likely ICT requirements arising from the contingency plans put in place by Directorates, particularly what is anticipated to be a significant shift to remote working either with staff working from home or from alternative locations. An expansion of the network to enable this greater use of the network provided for remote working is being costed and may present a significant pressure to KCC's finances in preparing for Brexit.
 - **EODD** are engaging in increased communications activity within KCC with services and staff in preparation for Brexit. The Division's communications team are also playing a leading role in the coordination of Kent-wide messaging through a KRF communications group. Services will also develop clear communication plans to customers to explain how any changes to their service may impact on them.

5.7 From these contingency plans there are a number of common mitigation measures being put in place to accommodate the no-deal planning assumptions:

- **A shift to homeworking where possible for three to six months:** There will be an increased preparedness for staff across KCC to work from home where possible in the initial three to six-month period following 29 March 2019. KCC's ICT are exploring an expansion of the network to enable it to cope with the likely increase in volume of workers accessing systems remotely.
- **The opportunity for staff to work at libraries, gateways and other KCC offices closer to their homes is being explored:** This would apply where staff may have concerns about their home broadband connectivity or ICT equipment.
- **The Council is also exploring an opportunity for a coordinated approach to the communication of building openings and closures:** Currently, closures and opening hours for many of KCC's buildings are managed at a service-level. Work will be done to explore whether a central coordination of this information across all KCC's estate is a feasible option.
- **Some services will be employing flexibility in the way in which they deploy their workforces to minimise the impact of traffic disruption on their service delivery:** For instance, certain Adult Social Care and Children's Services are exploring how they allocate cases to social workers on a more local basis.
- **KCC Communications will be exploring how to provide additional staffing rotas through the Contact Centre:** There will be a need to ensure sufficient resource is available to direct customer inquiries and provide as much information as possible about any disruptions to service delivery.

5.8 The specific implications that have been identified for KCC service delivery arising from the no-deal scenario planning assumptions include:

- **KCC service standards could be impacted and services may not be able to operate to the same levels as prior to Brexit.**
- **Customer response times could be affected.**
- **Whilst a proportion of staff could work from home, there are some staff that need access to paper files as a result of their statutory responsibilities:** For example, children's services and Coroners' service staff need access to paper files in order to deliver their services.
- **There are a number of service peaks around the 29 March 2019 period that could be impacted:** Corporately, KCC will be undertaking year-end accounting processes for 18/19. For the registration service, there is generally an increase in weddings in April to June, and registrar involvement in these is likely to be affected by severe traffic congestion.
- **KCC's service delivery relies on supply chains which could be subject to impacts:** All services are now working as closely as possible with their suppliers to provide as much guidance on service requirements and likely

impacts to enable their preparedness; however, KCC is not directly in control of these suppliers.

- **Spring is generally a peak period for income-producing services, and as a result, KCC could see an increased pressure on its revenue budget from lost income during this period.** For example, KCC's Country Parks, which are almost 80% self-funding from customer income, historically have brought in strong income during the spring period when the traffic disruption could be at its highest.
- **An inability to travel around the county may have a direct impact on KCC's delivery of statutory services:** Specifically:
 - **Education:** There is a concern as to how schools, many of which are outside of KCC's direct remit as academies are independently run, would manage student attendance during the period of disruption. KCC's REPS is working with the Council's education team to develop tools and guidance which would be provided to schools, but how schools would respond and how they would put in place their own mitigations is a matter for individual academies.
 - **Education - Administration of GCSEs and SATs** through schools could be compromised if staff and pupils cannot effectively travel to exams.
 - **Education - Continued operation of Special Education Needs (SEN) transport** for pupils could be severely challenged in the event of traffic disruption.
 - **Registration Service:** All births must be registered within 42 days of the child being born and deaths should be registered by law within 5 days of the death, although certain religious groups require this to be done quicker. Registration must be completed face to face. KCC offer appointments in 28 libraries across the county, access to which would be affected by traffic disruption. The service is currently assessing their Business Continuity Plans and investigating increasing the availability of drop-in type appointments.
 - **Coroners Service:** could face difficulties with the transport of the deceased to post mortem or body storage facilities, the attendance of staff to hospital sites for identification purposes and travel by pathologists to mortuary to conduct post mortems. Whilst mitigation measures are being explored, there are limited options available to this service.
 - **Waste management:** District and borough collection services may be delayed and disrupted if there is significant traffic congestion, which could lead to a build up of waste awaiting collection. KCC's transfer station network requires planning permission to permit extended working hours so that districts can tip waste. Bulky waste treatment and waste wood are materials that rely on EU disposal, so the collection of these materials may be suspended to prevent blocking waste infrastructure.

5.9 More widely, KCC's REPS is working closely with Kent's District, Borough and City Councils to support their Business Continuity Planning. The Kent Resilience Team is also working to support our partners in developing their understanding of the implications of Brexit for individual Councils.

6. Resource requirements for KCC for Brexit planning:

6.1 KCC has engaged with Government on the likely impacts from a no-deal scenario and the resulting resource implications to the County Council. The table below sets out the short-term funding secured to date, and what is required from Government. In addition, the longer-term costs of any "new norm" arising from the changes to border arrangements, such as infrastructure and / or staffing, will also need to be identified. KCC services are also being asked to consider what additional resource they may require to manage their services in response to these impacts.

Requirement	Bid for 2018-19	Ongoing financial pressure from 19/20	Bid Status/ Source
Highways and transport capital and revenue support to accommodate impact of Op Fennel suite of travel plans: Capital funding for reinforcing Kent's roads to support increased flows and management of HGV traffic, as well as revenue funding for CCTV and staffing to support management of traffic on Kent's roads	£20,436,600	TBC	<i>In principle approved by Dept for Transport</i>
Trading standards recruitment: Employment of between 6 and 14 additional staff to provide a Trading Standards Border Team	£38,430 – part-funding for January to March 2019	£362,000 per annum (for 14 additional posts)	18/19 Confirmed - KCC
Trading standards – Border Team – accommodation: Set-up of the new Trading Standards Border Team office, nearer to the Port of Dover and Eurotunnel.	£10,000 running costs £15,000 set-up costs of new office	TBC	Confirmed - KCC & National Trading Standards
Kent Scientific Services advanced stocking: Advanced stocking of material prior to 19/20 financial year to mitigate any supply chain issues post Brexit	£22,750*	TBC	TBC - KCC
Emergency planning: Employment of additional emergency planning and business continuity capacity in KCC	£12,000	£73,000 per annum	TBC - KCC
Expansion of ICT infrastructure: Hardware upgrades, the purchase of additional licenses and implementation	£440,000	TBC	TBC - KCC

costs associated with meeting the significant increase in demand from working from home and remote locations as a result of mitigation measures.			
Increased staffing for Contact Point: Increased staffing costs for the Contact Point, in anticipation of increased enquiries	£391,448	£813,590	TBC - KCC
Increased staffing for Communications and Digital Services: Increased staffing and increased out-of-hours rotas to respond to anticipated Brexit enquiries.	£16,151	£54,841	TBC - KCC

**Some of this cost will be allocated to 19/20 to demonstrate that it is aligned to activity in that financial year, albeit purchased in advance – so not all of this is a pressure per se*

- 6.2 The impacts from a no-deal scenario, and associated resource implications to KCC, are dependent on further planning assumptions provided by Government and the future UK-EU relationship. KCC will continue to engage with Government to ensure any further resource implications are recognised and fully met by Government. It is anticipated that the Council’s decision-making processes will be used to allocate Government monies for 2018/19 in a timely manner and ensure Kent benefits from available no-deal preparation funding. This may include a requirement to utilise the urgency provisions within the decision-making rules.
- 6.3 In addition to these implications arising for KCC’s statutory obligations, there may be a direct cost to services as a result of a no-deal scenario. This cost is still to be fully confirmed, given the limited detail, and fluidity, of planning assumptions provided by Government. Kent Highways are currently developing a bid for additional items of expenditure from March 2019 including cleansing of the Highway as a result of debris from parked lorries. As further information from Government becomes available and our Business Continuity Planning preparations develop, KCC will further engage with Government on our resource implications, utilising the £2bn reserved for EU exit preparations in 2019/20 by HM Treasury.

7. Requirements of Government

- 7.1 KCC notes that the Government position is that a no-deal scenario is not their preferred option. However, KCC will continue to prepare, as far as possible, its statutory and non-statutory services for a no-deal. To support KCC preparations for a no-deal Brexit, the County Council is dependent on Government taking specific actions, including:

- **Provide appropriate funding** to meet additional resource implications as currently identified of a no-deal Brexit, as set out in Section 6, as well as any additional requirements to meet future costs.
- **Ensure Kent benefits from funds allocated to MHCLG by HM Treasury to support no-deal preparations.**
- **Provide mitigation funding** for District, Borough and City Councils materially affected by the 'Freight Traffic Management Plan', particularly Thanet District Council who have the Stone Hill Park site (Manston) in their District.
- **Taking decisions at pace on:**
 - Enforcement and compliance powers to be vested with Kent Police, KCC, and Highways England including powers to flex tachograph enforcement.
 - Ensuring use of electronic enforcement signage across Kent's highways.
 - Confirmation of the contract with Manston Airport to increase capacity and allow improved ingress and egress.
 - Confirmation of any priority goods requirements including live animal export.
 - Confirmation that NATS radar at Manston can be turned off. If not, this would reduce Manston capacity by circa. 1,000 lorries.
 - Confirmation that Driver Hours Relaxation will be implemented.
 - Implementation of cross-ticketing arrangements for Eurotunnel, P&O and DFDS.
- **Provide further information and advice**, including:
 - Clarification on the three to six-month planning assumptions for traffic disruption in the case of a 'no-deal'.
 - Publication of the National Freight Plan and National Ports Strategy as soon as possible.
 - Government to develop measures to effectively manage freight traffic outside of Kent, stopping freight outside of the county or at source.
 - Clarify police powers, through the Civil Contingencies Act, to direct and manage traffic on, and off, the highway in a non-emergency situation.
 - Clarify the Department for Transport's enforcement of transport plans to ensure that these are deliverable and that HGV and other traffic are not diverted onto Kent's local roads.
 - Receipt of modelling for both freight and passenger traffic.
 - Confirmation of progress on Port of Ramsgate, local dredging and potential use by other operators.
 - Confirmation of national communications and coordination plan including cooperation with DfT, COBR, freight groups and road traffic groups.
 - Further information on the likely operating arrangements of a post-Brexit Kent border.

7.2 As further decisions, information and advice are provided by Government, specific service issues will be brought to the relevant Cabinet Committee. In the case of a no-deal scenario remaining a potential outcome, whole-Council

considerations will be brought to a future Cabinet or County Council meeting as appropriate.

8. Recommendation(s)

Recommendation(s):

County Council is asked to:

- (1) **Note** Kent County Council's preparations for a potential no-deal Brexit scenario.
- (2) **Agree** Kent County Council's call on Government to fully meet the identified costs to Kent.
- (3) **Agree** Kent County Council's requirements of Government to ensure effective preparations for a no-deal.

9. Background Documents

- 'Brexit Preparedness – Kent County Council Position', County Council (July 2018).

10. Contact details

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From Ann Allen, MBE, Chairman of the Corporate Parenting Panel and Deputy Cabinet Member for Children, Young people and Education.
 Matt Dunkley CBE, Corporate Director for Children, Young People and Education
To: County Council - 13 December 2018
Subject: Corporate Parenting Annual Report - 2017/18
Classification: Unrestricted

Summary: This is the first annual report for Corporate Parenting and was written at the request of Ann Allen, MBE, Chairman of the Corporate Parenting Panel.

Recommendation: Members are asked to **NOTE** the annual report and their responsibilities as corporate parents.

1. Background

- 1.1 The Corporate Parenting Annual Report has been written for elected members and is presented at the request of the chair of the corporate parenting panel, to detail the work of the services for children and young people in the care of Kent County Council.
- 1.2 The report details the corporate parenting responsibilities for KCC staff, elected members and partner agencies and a summary of the work of the corporate parenting panel for September 2017-September 2018.
- 1.3 The report provides an overview of the role of our key corporate parenting services:
 Kent Fostering
 Adoption
 Virtual school Kent
 Care Leavers 18+ Service

Recommendations

County Council is asked to:

- (a) COMMENT on and NOTE the Corporate Parenting Annual Report 2017/18
- (b) Note Members responsibilities as Corporate Parents

2. Background documents

Corporate Parenting Annual Report September 2017-September 2018.

3. Contact details

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CORPORATE PARENTING ANNUAL REPORT

Making Kent a county that works for all children



SEPTEMBER 2017-SEPTEMBER 2018

KENT COUNTY COUNCIL
Corporate Parenting

Ann Allen, MBE Chair of the Corporate Parenting Panel and the Deputy Cabinet Member for Children, Young People and Education



Welcome to our first Annual Report for Corporate Parenting which details the work of the Corporate Parenting Panel and our services to children in care.

The contribution from our children in care council and our apprentices is invaluable and indeed I could not fulfil my role as a corporate parent or the chair of the panel without their guidance and support.

As parents we all want the best for our children. We are proud of their achievements and create opportunities to celebrate with them as families. As corporate parents it is our responsibility and duty to treat our children in care and care leavers as we would our own children.

I am proud of all our young people and their achievements and it is a privilege to work with them. As elected members in our role as a corporate parent we must take every opportunity to champion for them.

Caroline Smith, Interim Assistant Director for Corporate Parenting, Children's Social Work Services



I am delighted to welcome you all to our first Annual Report for Corporate Parenting. The report will outline our key services that support our children in care and care leavers and a summary of the work presented to the Corporate Parenting Panel for September 2017- September 2018.

The support and encouragement from the members of the Corporate Parenting Panel is invaluable to our children and young people. I am very proud to be a Corporate Parent to over 1,500 children and over 1,500 care leavers and be able to share with you the work of my services.

Our annual report is also an opportunity to celebrate the success and achievements of our children and young people, as we strive to be the best possible corporate parents we can be.

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Section 1

An introduction to Corporate Parenting

The government have introduced clear corporate parenting principles that require all departments within a local authority including staff, elected members and partner agencies to recognise their role as a corporate parent and encourage them to look at the support and services they provide. Kent County Council work to be the best corporate parents to our children and young people by following these key principles:

- To act in the best interest and promote the physical, mental health and wellbeing of those children and young people;
- To encourage those children and young people to express their views, wishes and feelings;
- To consider the views, wishes and feelings of those children and young people;
- To help those children and young people to gain access to, and make the best use of, the services provided by the local authority and its relevant partners;
- To promote high aspirations and seek to secure the best outcomes for those children and young people;
- To ensure those children and young people are safe and have stability in their home lives, relationships, education and/or work place;
- To prepare those children and young people for adulthood and independent living.

Corporate Parenting Panel and services

Our Corporate Parenting Services are overseen by the Assistant Director for Corporate Parenting and comprise four key services: Fostering, Adoption, Virtual School Kent and Care Leavers 18+ Service. The services work closely with our children's Early Help and Social Work teams, health, education, youth offending and key partners including the Young Lives Foundation (YLF). The services report into the Corporate Parenting Panel who meet 6 times per year and alongside elected members, the panel has a wide range of independent members including foster carers, health, YLF and our participation apprentices.

Each Corporate Parenting Panel includes a Cabinet Member update and performance scorecard that enables the panel to monitor our key targets and statutory requirements. This year has seen significant improvement across children in care services achieving a GREEN rating across our key performance indicators. Wherever possible, children and young people attend panel to meet their corporate parents. The voice of our children and young people is represented at all panels by our VSK apprentices and participation workers. Members of the panel are invited to attend celebration events which this year included the VSK awards, talent showcase, activity days and the foster carers awards.

Section 2

Our Fostering Service



Kent Fostering Service consists of seven fostering support teams and four specialist teams who focus on assessment and recruitment, training, disabled children and the Sense of Belonging service. Kent Fostering is managed by the Head of Fostering, who has direct management responsibility for the centralised teams and joint responsibility for the staff within the support teams.

The aim of our Fostering Service is to provide a range of high-quality appropriate foster placements, that meet the National minimum Standards (2011), whilst ensuring the best possible outcomes for our children and young people and supporting them to develop to their full potential.

What our children and young people can expect from our Fostering Service

Our children and young people can expect our Fostering Service to provide a range of quality family placements within a child's local area, to enable them to maintain attendance at their existing school and continue contact with family and friends.

The service promotes permanency for our children through early care planning to make sure that children are in a placement that can offer them permanency through to Staying Put as they become adults. Children and young people should be supported to achieve a Sense of Belonging within their foster family.

What our Fostering Service achieved during 2017-18

Corporate Parenting Panel received reports on:

- Safe Care for Children Living away from home;
- Prevent update following Parsons Green Attack including training implementation and Prevent Checklist implementation for foster carers;
- Fostering National Stocktake and Fostering Service Business plan 2018;
- Support by members for Foster Carer recruitment;

- Performance scorecard evidencing achievement across our key targets.

Since the introduction of the Fostering Review Team in 2016, the Fostering Service have achieved an outstanding 98% completion of annual reviews within their allocated timescales. The clear and consistent process across the county has improved the quality of practice particularly in relation to safeguarding, risk assessments, voice of the child and compliancy alongside providing an opportunity for reflection.

Sense of belonging

Implemented in September 2017, our Fostering Services' sense of belonging team support our foster carers and professionals at times of crisis and when the placement is at risk of disruption, to de-escalate the issue and thereby increase placement stability.

From January 2018 to June 2018, there have been 37 new referrals, and a total of 62 open cases in the Fostering Placement Stability Service. Of the 62 referrals, 35 cases have been closed and 27 cases are ongoing.

More than two thirds (71%) of referred cases are due to a placement being at risk of an immediate breakdown. The service has a dedicated clinical psychologist to support children and their foster carers and is having a significant impact on placement stability.

Making my mark 2017-2018

For our disabled children in care, their thoughts and feelings about their lives and experiences can often go unnoticed or unheard so we invited these children and young people, as well as their foster carers and Short Break families, to make their mark on a plain white canvas.

The result was an exhibition of very different and contrasting images that captured their voices in a variety of different ways. It sought to remind us that they are all individuals and when they come together they shine with a shared sense of belonging and positive self-worth.

The pictures were displayed throughout Kent including Sessions House Gallery, libraries and art galleries over the period of a year.



Foster Carer Recruitment

The recruitment of new foster carers remains a challenge in the current competitive market in Kent. We have recruited 30 experienced foster carer ambassadors to support in both recruitment and retention who now assist at all our recruitment events. Members of the Corporate Parenting Panel are sent details of Fostering events in their area and asked to support us in our work to promote Kent Fostering and the recruitment of foster carers for the local authority. In the period September 2017-September 2018 KCC approved 80 new foster carers.

Section 3

Our Adoption Service



The work of Kent County Council's Adoption Service is governed by the Adoption and Children Act 2002, the Adoption Agencies Regulations and Guidance 2013, and the Adoption National Minimum Standards (Care Standards Act 2000).

Kent County Council is committed to ensuring that children and young people can remain in the care of their parents and birth families wherever possible. However, where it is not possible to achieve stability for the child or young person within the birth family, our Adoption Service work to achieve alternative permanent arrangements for the child or young person within a family setting and these include adoption.

What our children and young people can expect from our Adoption Service

The purpose of our Adoption Service is to provide a comprehensive service to meet the needs of our children and young people who have been or may become adopted, birth families, and adoptive parents.

This will include services in relation to those children and young people in our care with an adoption plan, and in relation to the non-agency adoption service. To achieve it aims our Adoption Service will ensure that the needs and wishes, welfare and safety of the child are at the centre of the adoption process.

We will welcome those people, who are interested in becoming adoptive parents without prejudice, respond to them promptly and provide them with clear information about recruitment, assessment and approval.

What our Adoption Service achieved during 2017-18

Corporate Parenting Panel received reports on:

- Proposal to develop a Regional Adoption Agency (RAA)
- The Adoption Annual Report 2018
- Performance scorecard evidencing achievement across our key targets

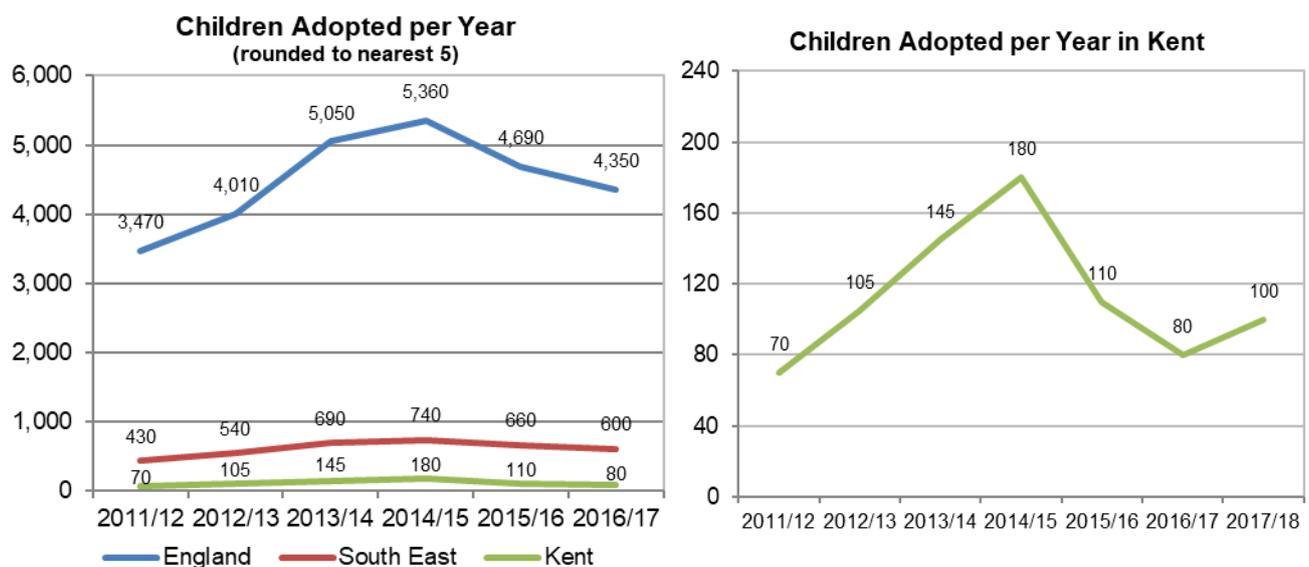
In 2017-18 our Kent Adoption Service was the second largest Local Authority in England in terms of the number of adoptions made, with the average time from the children and young people being placed into its care to the adoption order being granted being 215 days; this is a 13.6% reduction from the previous year.

Our Adoption Services' performance in relation to progressing children's plans of adoption is good and exceeds government targets.

There are various stages involved in the adoption process for a child and these are outlined below:

Indicator	2013-14	2014-15	2015-16	2016-17	2017-18
ADM best interest decisions	179	93	111	118	112
Placement orders	164	79	90	92	86
Matches approved	172	145	84	89	107
Children placed	170	143	89	84	107
Adoption orders granted	145	182	108	80	104

Number of adoption orders granted



Our adopters' journey, using our adoption data

Our Adoption Service's performance in relation to completing assessments of people wishing to become adoptive parents is outlined below.

There are two stages involved in the adoption process:

- Stage 1 – Which is adopter led;
- Stage 2 – Which includes the actual assessment.

The progression of adopter assessments is good and exceeds government targets.

Adopter activity	Number of families in 2016/17	Number of families in 2017/18
Enquiries in year (attended Information event)	261	275
Stage 1 starts in year	90	82
Stage 2 starts in year	74	86
Stage 2 ends in year	50	88
Adoptive families matched in year	54	77
Adoptive families with placements in year	53	77
Adoptive families with adoption orders in year	68	70



Robert Goodwill (Children's Minister, October 2017) meets members of the Post Adoption Support Team, Coram and adoptive parents

Our Adoption Services' approval timescales

Currently, our Adoption Service have 38 more adoptive households that were approved during 2017-2018 than the previous year.

Our Adoption Services' post-adoption support activities

Our post-adoption support team (PAST) provides a range of services including individualised support packages and group work to our adopted children and their families.

The interventions provided can help to bring a deeper understanding of our children and young people's state of mind, mental health and wellbeing; and to support our adoptive parents in parenting their children to bring about their social and emotional development.

During 1st April 2017 and 31st March 2018, 294 families requested post-adoption support. Following an assessment, 178 of these requests resulted in the provision of support and 7 assessments were still being carried out at 31st March. The remainder were signposted to other more appropriate sources of support or their request was resolved within the initial consultation.

PAST provided post-adoption support to 325 families during the year, 92 of which were funded by Kent and 233 funded by another route (such as the Adoption Support Fund). During national adoption week, October 2017, the PAST won a national award for Excellence in adoption practice.

Section 4

Our Virtual School Kent

Our Virtual School Kent acts as Kent County Council's champion to promote the progress and educational attainment of its children and care leavers, with its main objective being to support the children and young people to achieve educational outcomes comparable to their peers.

Our Virtual School for Kent ensures our children and young people receive high-quality education, as we believe that it is the foundation for improving life-opportunities and fulfilling career aspirations.

Our Virtual School for Kent ensures that our children and young people that it educates have their voice heard in all the school does whilst in return, providing their listening skills and producing positive service development and responses.

Our Virtual School for Kent has been successful since its development in 2011; this has been recognised in their successive Ofsted inspections.



Virtual School Kent Apprentices

Our Virtual School for Kent offers its young people apprenticeship opportunities, should they wish to work within the service. Care experienced young people are employed as Apprentice Participation Workers, whilst studying for a Level 2 or 3 qualification. One day each week is set aside to allow the apprentices to study and complete coursework in a supportive environment. This programme allows VSK to ensure that the apprentices gain a good qualification and have a better chance at finding employment in the future.

The apprentices' role is to raise the profile of the importance of hearing the voice of Children in Care and Young Care Leavers. They work to ensure that information and policies are communicated to young people in an accessible way; this can be by face to face meetings, creating young person friendly newsletters and leaflets, and being involved in the 'Kent Cares Town' website, a newly updated information portal for all age ranges.

Our VSK apprentices support participation training events for KCC staff and partner agencies. During 2018, they have been involved in Co-production Workshops for the senior management group, joint training for health, Life Long Links launch, awards ceremonies for children, young people and foster carers and a variety of conferences. They have also produced a film on "Stigma" which was viewed by members of the Corporate Parenting Panel. Our apprentices, alongside other young people, are trained to undertake interviewing of KCC staff. The participation team are currently working on supporting other KCC departments to offer apprenticeships for our Care Leavers. Corporate Parenting are very proud of the work and achievements of our apprentices and their representation at the Corporate Parenting Panel.

One of the key roles of our apprentices involves supporting a range of participation activities and events as detailed below:



The voice of our children and young people being heard is important to all the Corporate Parenting Services; as a result of this shared passion, our Virtual School for Kent has the responsibility for developing and supporting Kent County Council's children in care councils. Kent County Council's children and young people councils consist of 3 groups of children and young people: our young adult council (ages 16-21), children and young people council (ages 11-16) and the super council (ages 7-11).



The children and young people councils provide a forum for all our children and young people to allow their voice to be heard and be a part of the most essential changes within Kent County Council's care system.

Critical work within Kent County Council's Corporate Parenting Services has been undertaken to provide our children and young people who are placed out of Kent with an opportunity to be represented by our children and young people councils with priority being given to this cohort of our children and young people during 2018 and 2019.

Our Virtual School for Kent run activity days during the school holidays to promote a safe and fun environment for children and young people to meet other children in care and care leavers, establish friendships and hear about the children and young people councils and the process of getting their voice and experiences 'heard'.

What our children and young people can expect from our Virtual School for Kent

Children and young people can expect our Virtual School for Kent to provide them with:

- A service that has the highest aspirations for the children and young people that it educates and listens to their voice, to enact positive change.
- A service that prioritises participation and academic progress;
- A service that provides additional support and aid to the children and young people's progress;
- A service that works effectively with the network of professionals around the children and young people.

What our Virtual School for Kent achieved during 2017-18

Corporate Parenting Panel received reports on:

- Verbal update from Our Children and Young People's Council (OCYPC) on our events for children, including activity days, the talent show and awards ceremonies;

- Virtual School Kent Overview Report 2015-2016 (validated results) and 2016-2017 (un-validated results);
- Challenge cards from our children and young people on:
 - The prevention of using black sacks to move children’s belongings;
 - KCC acting as Rent Guarantors for care leavers;
 - Life Long Links being accessible for all children in care.

Our Virtual School for Kent have assisted our children and young people with their individual educational needs, leading to exceptional exam results, as laid out below:

Key stage/year	Exam results 2017
KS1	Above national average for all indicators except mathematics and science, which were broadly in line with the national average.
KS2	35.1% of our children and young people achieved their predicted grade combined at the end of KS2. Our children and young people outperformed the South Eastern average for children and young people in care in all indicators except mathematics, which was broadly in line with the national average.
KS4	20% of our children and young people achieved a 4 or above in their English GCSE with 16% achieving a 4 or above in their mathematics GCSE. 1 unaccompanied asylum-seeking young person achieved 5 A*-C GCSE qualifications despite being in the United Kingdom for approximately 2-years.
KS5	We currently have 20 young people who are currently attending university with young people who are not in education, training or employment reducing by 64% over the past 4 years.

Challenge cards

The development of a challenge card has been successful. The objective of challenge cards is to allow children and young people to *challenge* their corporate parents on various issues that they face whilst in or leaving care. The challenge cards provide a formal way to make sure that all children and young people feel that they have a voice and that their experiences can impact the changes in Children’s Social Work Services’ delivery in a positive manner.

The three challenge cards this year have created significant change, with the most significant change being Kent County Council agreeing to act of a guarantor for our Kent Care Leavers. The pilot scheme for this was implemented in July 2018. The other two challenge cards were KCC ensuring black bin bags are not used to transport children’s belongings and requesting that the Life Long Links project is available for all children in care in Kent.

Focus groups

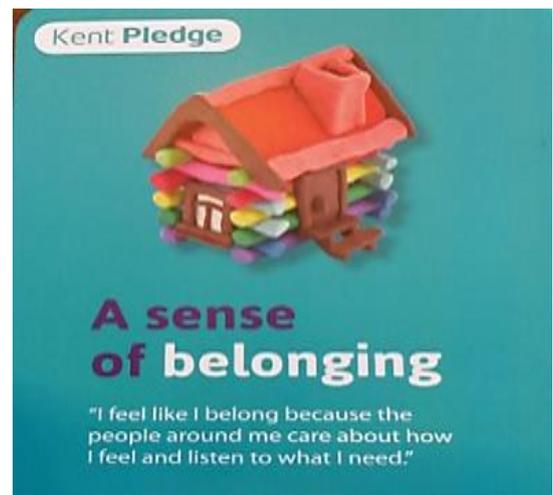
During 2017 and 2018, our Virtual School for Kent's participation team implemented a programme of focus groups which take place once each academic term in different locations around Kent.

These focus groups allow members, Kent County Council and other organisations working in the care sector, to gather the views of our children and young people about changes and developments which will affect them or others. Recent meetings have focused on the re-development of the Kent Cares Town website. The implementation of these focus groups will allow even more of our children and young people to participate and have their say on decisions that are important to them and other people.

Our pledge to Children in Care and Care Leavers

In 2018 our Virtual School for Kent's participation team have worked to design an 'easy-read' version of our Kent pledge, to help ensure all our children and young people have easy access to this document in a way that meets their needs. As corporate parents, we made a pledge to all our children in care based on the following themes:

- A sense of belonging;
- Getting ready for being an adult;
- Championing your needs and interests;
- An adult who is always there for you while you are in care;
- A good education;
- Good memories for the future.



Section 5

Our Care Leavers 18+ Service



Our Care Leavers 18+ Service is based in West Malling and Dover and is part of Kent County Council's Children's Social Work Corporate Parenting Service.

Our Care Leavers 18+ Service work closely with young people who are aged 18-25 years' old; the team is made up with Personal Advisers who will support care leavers with their journey to living independently and have a legal obligation to support all children and

young people in our care until their 25th birthday.

There are currently 1,529 care leavers being supported by our Care Leavers 18+ Service; 884 of these care leavers are unaccompanied asylum-seeking children and 645 are United Kingdom citizens.¹

What our young people can expect from our Care Leavers 18+ Service

Our Care Leavers 18+ Service can assist Kent County Council's young people in accessing housing, education, training, work experience and health services; whilst being there to support them to make the most of leaving our care to continue their journey on to independence and adulthood. Our Care Leavers 18+ Service are also there to assist our young people by providing advice, encouragement and financial advice to help our young people in making the most of their journey through our care system.

What our Care Leavers 18+ Service achieved during 2017-18

Corporate Parenting Panel received reports on:

- Corporate Parenting pilot scheme: Kent County Council acting as a guarantor for our care leavers;
- Report on the types of accommodation for our children in care and care leavers;
- Performance scorecard evidencing achievement across our key targets;
- Review of the Care Leavers Service September 2018.

¹ This data is from the care leavers 18+ services' records as of 17/08/2018.

	Action	Target	Achieving
1	Personal Adviser to have contact with all their allocated young people a minimum of once every 6-weeks.	85%	87.4%
2	Care leavers in suitable accommodation.	90%	94%
3	Young people in education, training or employment.	65%	66%
4	Pathway plans to be updated and reviewed every 6-months.	90%	97%
5	Number of young people receiving health history at aged 18.	100%	100%

Key new developments and initiatives

Transition

From 1st April 2018, the service has extended its statutory duty to support young people up until the age of 25 years (formerly 21 years), following the implementation of the Children and Social Work Act (2017). The service is working on the KCC Local Offer, which is due for publication in December 2018, which will set out our services and entitlements for Care Leavers.

The review of the service identified a gap in our provision during the transition period for young people aged 17-18 years, who are transitioning to the Care Leavers service. The service is now allocating a Personal Advisor earlier, to young people aged 17-years and 6-months old to actively support them through their transition to adulthood.

Lifelong Links

Our Care Leavers 18+ Service has recently started planning to identify 5 of our young people over the age of 18 who may be suitable for our upcoming pilot that follows the principle of Lifelong Links. This would allow our young people to develop a wider and more secure network of support as they transition into independence and adulthood. Lifelong Links has previously only worked with children and young people under the age of 18 years.

Drop-in service

Kent County Council's Corporate Parenting Service(s) are aware that young people may only want to meet with our Care Leavers 18+ Service on their terms. Considering this, we have structured a drop-in service where it is recognised that for some, disassociation from societal norms have been a factor in their care history and enforced activity could result in further alienation.

The main purpose of the care leavers drop-in service are:

- To offer networking opportunities for young people;
- To provide access to advice for education and careers for those who are not in education, training or employment;
- To maintain constructive contact with our isolated and vulnerable care leavers;
- To promote re-engagement with care services.

Section 6

Additional work, compliments and feedback

This year, the work of the Corporate Parenting Panel has also included attendance and reports covering the following:

- Young People Missing from Placement;
- Review and update of the Sufficiency, Placements and Commissioning Strategy;
- Safeguarding for young people in custody;
- Video's from our children and young people's councils on "Stigma for children in care" and the Talent Showcase June 2018;
- Adoption Conference March 2018;
- Initial Health Assessment Data Overview;
- Life Long Links Conference May 2018;
- Unaccompanied Asylum-Seeking Children (UASC) Conference June 2018;
- Meeting children and young people attending panel to hear their experiences of being in care June 2018;
- Revision of rates payable and charges levied for Children's Services in 2018-2019;
- Children's Celebration Events August and September 2018.

The Corporate Parenting Panel welcomes feedback from our service users. Corporate Parenting will be undertaking a Foster Carers Satisfaction Survey and Care Leavers Survey in 2018, to use this feedback to further improve and develop our services to children and young people.

Kent Fostering Services

"Absolutely fantastic! The best advice I have had since beginning my fostering journey has come from the psychologist. She saved me from going mad!" ***Sense of Belonging team***

"Thank you so much for your invaluable input over the last months. You have provided us with support and very helpful direction in some difficult times."

"My child's behaviour improved from being with a new peer group and from having male staff as positive role models."

"Our young person talked nonstop about the fun he had and asked when he could go again."

"He is still talking about the friends he made on the activity day and can't wait until the next one." ***Residential weekends at our KCC activity centres.***

Kent Adoption Services

“An invaluable experience with lots of new learning and reminder of the needs of children that we work with.”

“Excellent variety in speakers and appreciated the grounding in medical research, not just practice wisdom or social work practice.”

“Good balance of science, clinical practice, education and personal experiences. Nice balance (parent & young person’s voice represented too).”

Training events including the Adoption Conference.

Kent’s Virtual School

“My child had just come into care. It was so wonderful for her to meet others in the same position and talk! She made friends and just loved the day.”

“It gives the children the opportunity to make friends in similar situations as themselves, gives them a sense of feeling important in a non-judgemental way in a safe confidential way. They have fun and learn new skills.”

“Both children often refuse to TRY! when we are present, so leaving them with other children with the same worry of new things gave them reassurance that feeling was normal. They tried everything and they both said how proud they were of themselves.”

“She attended her first one. She was delighted. She is the only child in her school in care and has no one to talk to of her age. We support at a home but it’s not the same. She was so bouncy afterwards and feels she’s not the only one!”

Participation events including activity days.

Kent’s Care Leavers 18+ Service

“Thanks so much for your hard work. Hope one day I make you proud. It feels so good to not worry about the rent for few months. I feel so much better. I just wanted to let you know how happy you guys made me. Just wanted to share this with you and say thank you to you and to your team.”

“‘A’ has many attributes as a PA, the biggest one of which is her ability to relate to and communicate with our young people while remaining professional and respectful and always being realistic and reliable. ‘A’ is informative and never makes a promise she cannot keep. It is a pleasure to watch her work with young people who often need much more than

a typical person of their age. We would like to thank 'A' for everything she has done and is still doing for our teenagers." **Feedback from our care leavers.**

"C has been an absolute pleasure to work with the last few months, she shows a real genuine care for Care Leavers and the young men in our care, she is extremely meticulous and will try her hardest to help and support the men wherever she can, from sitting and having an informal chat with them when they have previously before been dubious about the service to bringing them clothes to support their basic needs.

C organised a Focus Group here at Elmley with all Care Leavers in Custody from the Kent area, although they did not originally seem keen to attend, once C explained who she was and why she was there, they were immediately at ease and comfortable discussing their past, issues they had and it instantly they felt comfortable and we had a successful meeting.

When I see the Men, they are always asking how C is and if they will be seeing her again, having someone so involved who is not their direct Personal Advisor is such a great support and something that we hope continues. C recently attended one of our Music Performances as one of the Care Leavers is on the course.

This is something that is completely unexpected of her role, but she was extremely keen to attend and show her support. This was pivotal to the Care Leaver as C was his only visitor to attend and he was extremely grateful." **Feedback from HMP Elmley.**

How can our elected members get involved?

All our Corporate Parenting services welcome visits from members and ask for their ongoing support for our children and young people. Whether this is through sharing in the children's achievements at our celebration events such as the VSK award ceremonies or through more formal training events such as our yearly conferences.

The children and young people welcome meeting their corporate parents at activity days, this helps them to understand the role of a corporate parent and be able to speak openly about their experiences.

Members are essential in being champions for our children and young people in care, to ensure their voice is heard. We also ask our elected members to promote the recruitment of foster carers for the Kent Fostering service and assist our vision to have more Kent families, to care for our Kent children and care leavers.

By: Graham Gibbens – Cabinet Member for Adult Social Care and Public Health

Penny Southern – Corporate Director, Adult Social Care and Health

Deborah Stuart-Angus – Independent Chair, Kent and Medway Safeguarding Adults Board

To: County Council – 13 December 2018

Subject: **KENT AND MEDWAY SAFEGUARDING ADULTS BOARD ANNUAL REPORT APRIL 2017 – MARCH 2018**

Classification: Unrestricted

Summary: This report introduces the Kent and Medway Safeguarding Adults Board's (KMSAB) Annual Report for April 2017–March 2018. The Annual Report sets out the responsibilities and structure of the Board and then details how the multiagency partnership delivered against its five priorities for the year. The report also provides safeguarding activity information and summarises the Board's priorities for 2018-2019. An easy read version of the report has been commissioned and will be made available on the Board's website.

Recommendations: County Council is asked to **COMMENT** on the progress and improvements made during 2017-18, as detailed in the Annual Report from the Kent and Medway Safeguarding Adults Board and **ENDORSE** the 2017-18 Annual Report attached as Appendix 1.

1. Introduction

- 1.1 This report presents the 2017-2018 Annual Report produced by Victoria Widden, Board Manager of the Kent and Medway Safeguarding Adults Board (KMSAB). It has been endorsed by Deborah Stuart Angus, the Independent Chair and by members of that Board.
- 1.2 Under the Care Act 2014 Safeguarding Adults is a statutory responsibility for all Agencies, with Local Authorities taking the lead. Safeguarding continues to be a key priority of the Adult Social Care and Health Directorate. In meeting this responsibility, it is essential that the Directorate plays a key role in the workings of the Kent and Medway Safeguarding Adults Board.
- 1.3 The Kent and Medway Safeguarding Adults Board (KMSAB) is a statutory multi-agency partnership which assures that adult safeguarding arrangements in Kent and Medway are in place and are effective. It

oversees how agencies co-ordinate services and work together to help keep Kent's and Medway's adults safe from harm, promote wellbeing, prevent abuse and protect the rights of citizens. The work of the Board is supported by KMSAB policies and procedures, which all agencies sign up to.

1.4 The Care Act 2014 placed Safeguarding Adults Boards on a statutory basis from April 2015. The Care Act (14.116) states that the following organisations **must** be represented on the Safeguarding Adults Board:

- Local Authority
- Clinical Commissioning Groups in the Local Authority's area
- Police

1.5 The Care Act (14.10) also requires that each Local Authority **must**:

- make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect; an enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom
- set up a Safeguarding Adults Board
- arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adults Review (SAR) where the adult has 'substantial difficulty' in being involved in the process and where there is no other suitable person to represent and support them
- co-operate with each of its relevant partners (as set out in Section 6 of the Care Act) in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority.

1.6 In line with the Care Act 2014, the Kent and Medway Safeguarding Adults Board is required to publish an Annual Report each financial year.

1.7 The following agencies are currently represented on the Kent and Medway Safeguarding Adults Board: Medway Council, Kent County Council, Kent Police, Acute Trusts, Clinical Commissioning Groups, Community Health Trusts, Kent and Medway NHS and Social Care Partnership Trust, NHS England, Kent Surrey and Sussex Community Rehabilitation Company, National Probation Service, Kent Fire & Rescue Service, Prison Service, Community Safety Partnerships, Healthwatch, District Councils, Advocacy Services, Housing providers, elected Members from both Kent County Council and Medway Council and representatives from independent provider organisations.

1.8 The Care Act 2014 states that once the Annual Report is published, it should be submitted to the Chief Executive (where one is in situ) and Leader of the Council, the local Police and Crime Commissioner and the Chair of the Health and Wellbeing Board.

2. Increasing Opportunities, Improving Outcomes

- 2.1 The work of the Kent and Medway Safeguarding Adults Board, which is detailed within the Annual Report, plays a key role in supporting KCC's Strategic Statement 2015-2020 'Increasing Opportunities, Improving Outcomes':

"Older and vulnerable residents are safe and supported with choices to live independently".

3. The 2017–2018 Annual Report

- 3.1 The report details how the Board delivered against its priorities for 2017 – 2018. Some of the key achievements during the reporting period include:

- The KMSAB held a development day on 14 July 2017, those present agreed the Board's vision mission statements and strategic priorities. The group then determined the most suitable structure to deliver these. The new structure (detailed on page 6 of the annual report) allows the Business Group to focus on how Working Groups and others are delivering the Strategic Plan. This enables the overarching Board to focus on strategic issues and priorities. Funding for the new structure was agreed and the new model became operational on 1 January 2018.
- Having agreed the KMSAB vision, mission statement and strategic priorities, members developed a three-year strategy and business plan. To accompany the publication of the KMSAB's annual report 2017-8, the Board is consulting on KMSAB Strategic Plan 2018-21. For more details please see the consultations directory, (<https://consultations.kent.gov.uk/consult.ti>) .
- Kent County Council and Medway Council ensure that Making Safeguarding Personal is integral to the safeguarding process and seeks the views and wishes of the adult concerned, throughout the Enquiry, and will try to meet their desired outcome(s) whenever possible. The Making Safeguarding Personal literature was reviewed to ensure that it was Care Act compliant and that the questions were clear and suitable for everyone to answer. Easy read versions are also available. An additional factsheet has been developed to provide more information on the safeguarding process for anyone experiencing this, should they require it.
- Board members arranged and held a safeguarding adults awareness raising campaign between 9-13 October 2017. The campaign was framed around the theme "Respect not Neglect", which reflected findings highlighted in recent KMSAB Safeguarding

Adults Reviews. The events were well attended, and very positive feedback was received.

- Three Safeguarding Adults Review (SAR) learning events took place in March 2018, reaching a total of over 460 members of multi-agency staff. In preparation for the events, working group members undertook a thematic review to establish the key learning from the four KMSAB SARs, two case audits and two out of area SARs, to share at the event. In addition to this thematic summary, the workshops considered one case in detail to emphasise the message that safeguarding is personal. One of the strengths of this section of the workshop was the involvement of relatives and carers, who spoke about what the person was like and their experiences of spending time with them. As self-neglect was one of the main concerns identified in the thematic review, the workshops consequently included a session on this. Feedback from the event was extremely positive.
- The Kent and Medway Safeguarding Adults Board commissions multi-agency safeguarding adults training specifically for staff from the statutory sector, covering the roles and responsibilities of statutory partners in relation to Safeguarding Adults Section 42 Enquiries. Following a successful tender process, the new multi-agency safeguarding adults training programme was launched in May 2017, and training commenced in June 2017. The Board's multi-agency training programme for 2017-18 was completed, with a total of 761 staff attending training.

3.2 Section 3 of the Annual Report provides an update on Safeguarding Adults Review (SAR) activity. To ensure a robust and consistent process for determining whether a case referred for a Safeguarding Adults Review meets the criteria, a multiagency decision-making panel, chaired by a member of the SAR working group, is convened when a new referral is received. Each agency brings a summary of their involvement, these are considered to assess if the referral meets the criteria for a SAR or whether any other review or action is required. The recommendation of the panel is sent to the Independent Chair of the KMSAB for a final decision.

3.3 The KMSAB received seven new SAR applications between April 2017 and March 2018, of these:

- 2 cases progressed using the case audit review methodology
- 2 cases did not meet the criteria and no further action was required
- 3 cases did not meet the criteria and were addressed through the NHS Safeguarding Management process.

3.4 Four SARs were completed and signed off by KMSAB members during the reporting period; Mrs D, Mrs C, Violet Hughes and Beryl Simpson (please note all names are pseudonyms). In addition, some KMSAB

agencies were also involved in two SARs which were led by other Safeguarding Adults Boards. The lessons from these SARs continue to influence the focus of KMSAB's policies, procedures and multi-agency training programme.

3.5 Section 5 of the report identifies the key priorities for the Kent and Medway Safeguarding Adults Board for 2018-2019:

- Prevention - to deliver a preventative approach in all that we do.
- Awareness - to improve awareness of adults at risk and safeguarding within, and across, our partner agencies and communities.
- Quality - to quality assure our work, learn from experience and consequently improve practice.

3.6 Section 6 outlines the activity data for adult safeguarding in Kent and Medway. This includes referral data, the background data in regard to victims and the current trends in relation to adult safeguarding in Kent and Medway.

3.7 There continues to be an increase in safeguarding enquiries. In 2016–2017 there were 5809 safeguarding enquiries in Kent compared to 5884 safeguarding enquiries in 2017-2018, a 1.3% increase. In Medway there was a 59.4% increase, from 308 safeguarding enquiries in 2016-2017 to 491 safeguarding enquiries in 2017–2018.

3.8 The increase in Enquiry levels observed in recent years can be attributed to operational changes introduced in October 2015 to ensure compliance with the Care Act. The increase observed in Kent in 2017-18 is far smaller than those observed during the two years prior, now that new process has been embedded. Going forward the year-on-year changes are likely to be smaller. Furthermore, Medway has promoted awareness of adult safeguarding and has carried out in-house training over the past year, and this is thought to have contributed to the increase in concerns and enquiries seen in Medway in 2017-18.

4. Conclusion

4.1 During 2017-18, KMSAB and our partner agencies have built on the good work from the previous year. The Board has continued with its scrutiny and challenge role through stricter governance and clearer lines of accountability, implementing more robust arrangements to reflect clear Board deliverables.

5. Recommendations

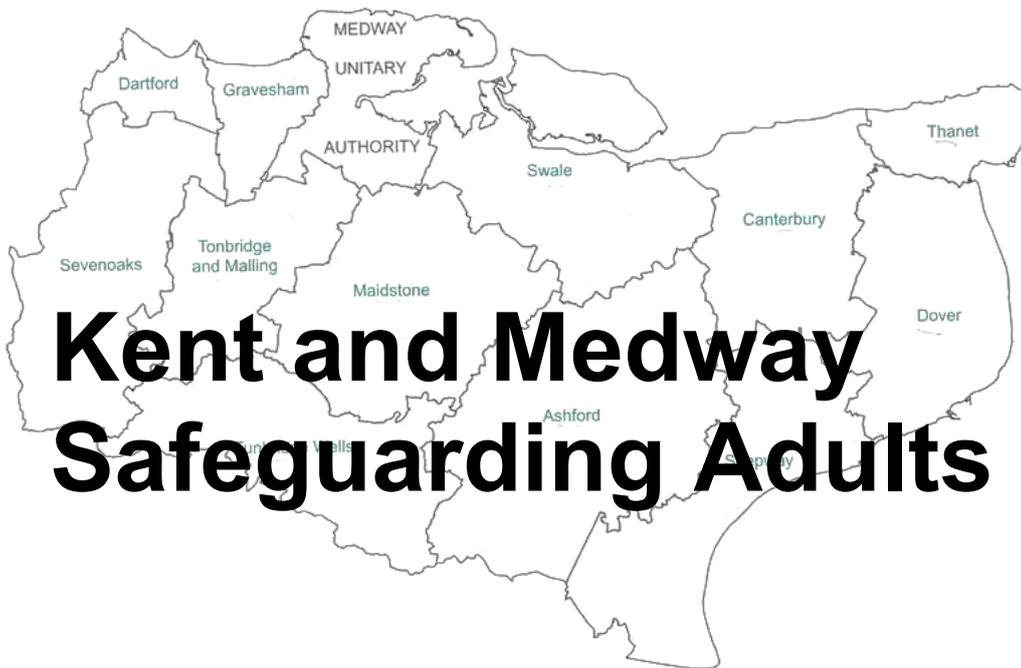
- 5.1 County Council is asked to **COMMENT** on the progress and improvements made during 2017-18, as detailed in the Annual Report from the Kent and Medway Safeguarding Adults Board and **ENDORSE** the 2017-18 Annual Report attached as Appendix 1.

6. Background Documents

None

7. Contact Details

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Kent and Medway Safeguarding Adults Board

Annual Report

April 2017 – March 2018

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Foreword from Deborah Stuart-Angus, Independent Chair, Kent and Medway Safeguarding Adults Board

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A handwritten signature in blue ink that reads "Deborah Stuart-Angus".

Deborah Stuart-Angus
*Independent Chair of the Kent and Medway Safeguarding
Adults Board*

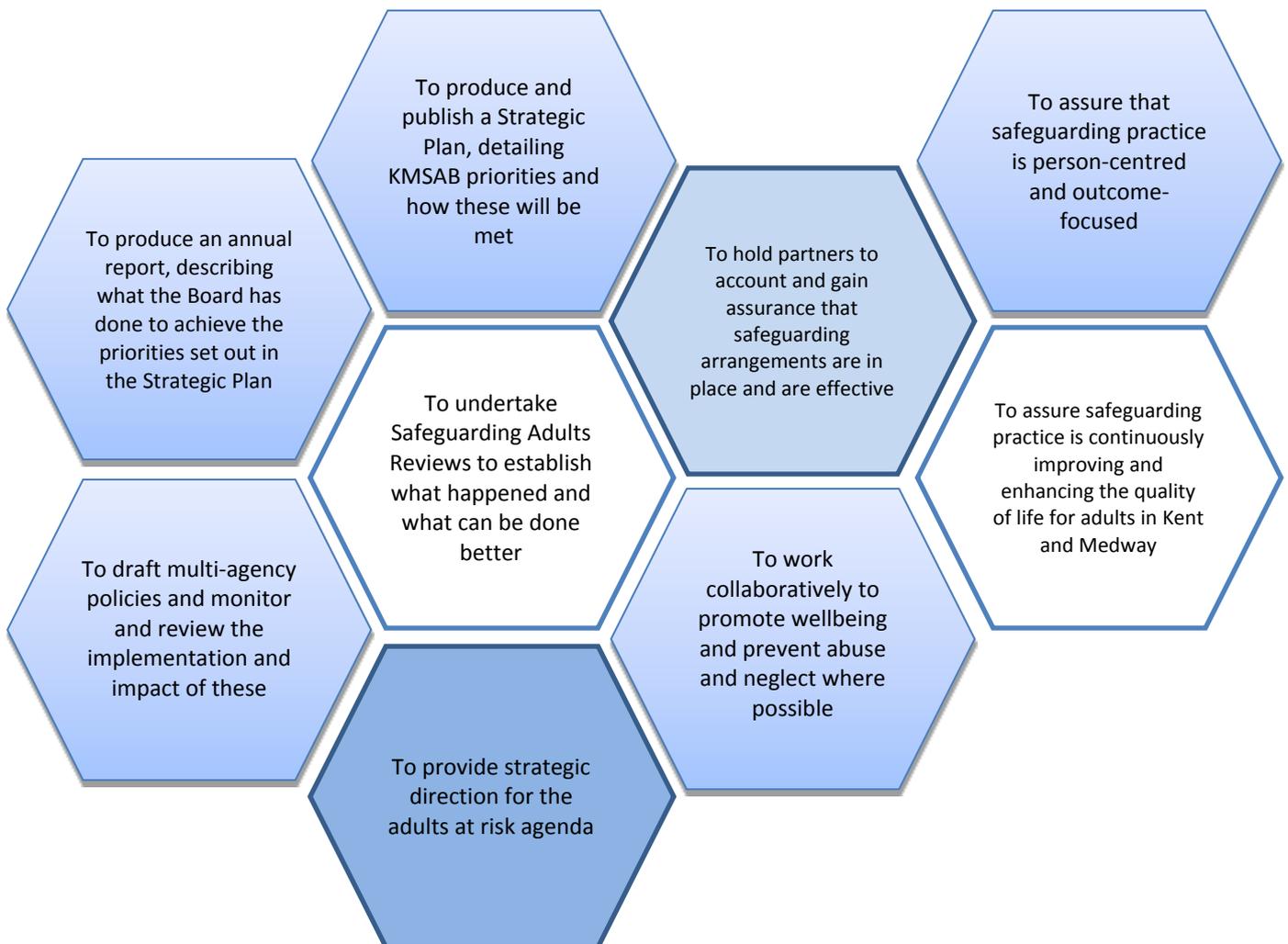
Section 1. Role of the Kent and Medway Safeguarding Adults Board

About us

The Kent and Medway Safeguarding Adults Board (KMSAB) is a statutory multi-agency partnership which assures that adult safeguarding arrangements in Kent and Medway are in place and are effective. It oversees how agencies co-ordinate services and work together to help keep Kent’s and Medway’s adults safe from harm, promote wellbeing, prevent abuse and protect the rights of citizens. The work of the Board is supported by KMSAB policies and procedures, which all agencies sign up to.

Our Purpose

The responsibilities of the KMSAB include:



Our Membership

KMSAB has an Independent Chair, Deborah Stuart-Angus, who provides leadership, vision and support.

The statutory partners are:

- Medway Council
- Kent County Council
- Kent Police
- NHS Clinical Commissioning Groups across Kent and Medway

In addition to the statutory members, the Board and/or its working groups include representation from the following agencies:

Advocacy for All	Maidstone and Tunbridge Wells NHS Trust
Dartford and Gravesham NHS Trust	Medway Community Healthcare
District and Borough Councils	Medway NHS Foundation Trust
East Kent Hospitals University NHS Foundation Trust	National Probation Service
HM Prison Service	NHS England
Kent and Medway NHS and Social Care Partnership Trust	Rapport Housing and Care
Kent Autistic Trust	SeAp (Advocacy)
Kent Community Health NHS Foundation Trust	South East Coast Ambulance Service NHS
Kent Fire & Rescue Service	Foundation Trust
Kent Integrated Care Alliance	Virgin Care
Kent Surrey and Sussex Community Rehabilitation Company	

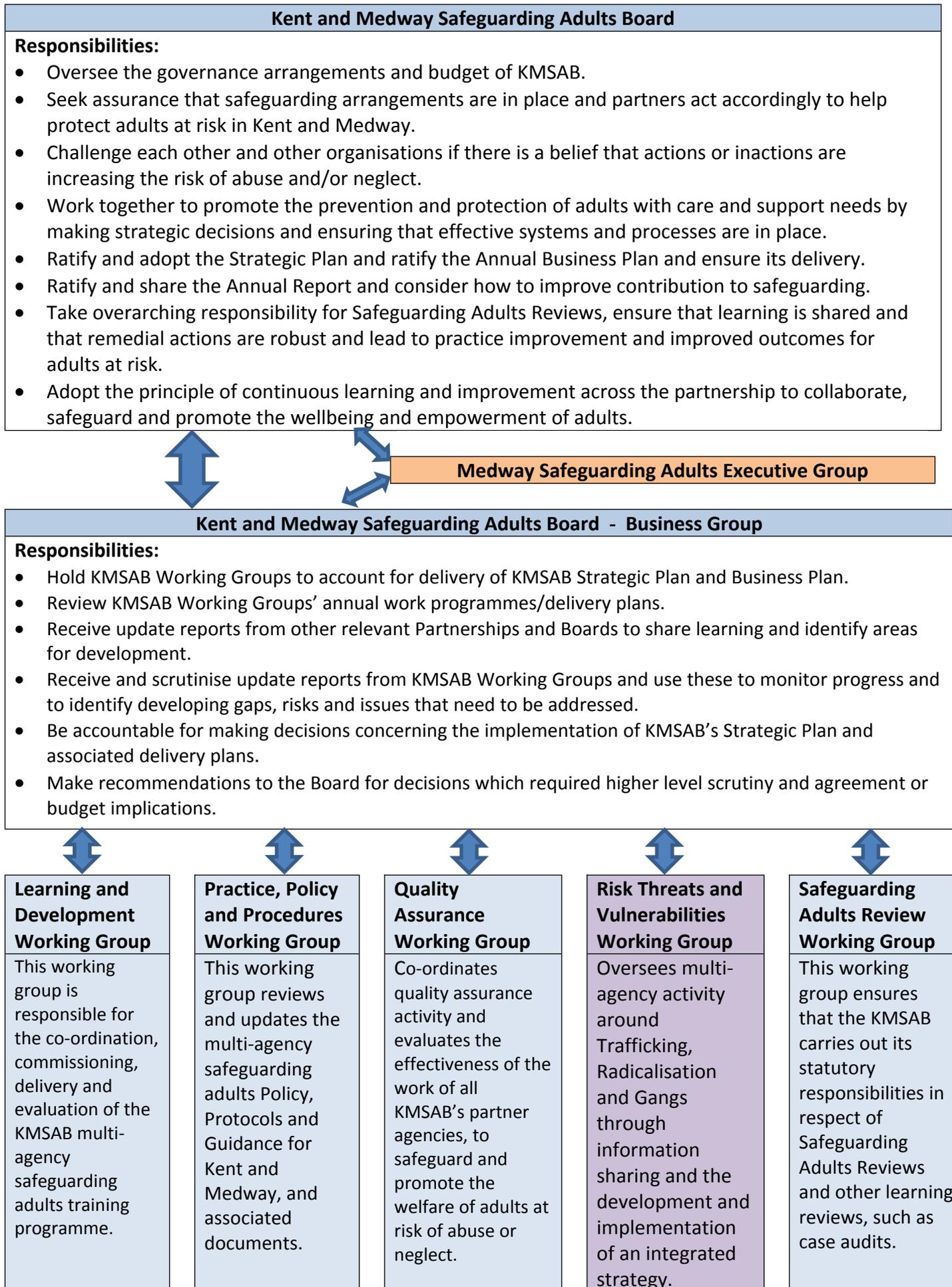
Engagement is not limited to the agencies listed above. The Board and partner agencies are committed to inviting contributions from other organisations and groups across Kent and Medway, such as faith groups and service user groups.

Our Structure

The structure of the Board is detailed on the next page. The terms of reference and membership for each group are reviewed annually, they can be found on the [KMSAB Website](#).

The Board works closely with other strategic groups and partnerships, such as Local Safeguarding Children Boards, Community Safety Partnerships and Health and Wellbeing Boards to ensure key priorities are shared, to promote efficiency and joint working and reduce duplication. For example, the Risk Threats and Vulnerabilities Working Group is a joint group with Kent and Medway's local Safeguarding Children Boards.

Medway Safeguarding Adults Executive Group (MSAEG) was established in 2016 to bring together senior representatives from the key agencies responsible for the effective delivery of Adult Safeguarding in Medway. The MSAEG works collaboratively to deliver the strategic priorities of the Kent and Medway Safeguarding Adults Board, strengthening local delivery, oversight and governance. Update reports are provided to the KMSAB Business Group at each meeting.



Section 2. Priorities and Achievements

This section details how we delivered against our priorities for 2017 – 2018

Priority one: We will engage with residents of Kent and Medway, empowering and enabling them to contribute to safeguarding and the work of the Board

What we aspired to

- The voices of Kent and Medway residents will be represented at KMSAB via a virtual citizens' panel
- Feedback will be used to influence the work of the Board, including policies, procedure and practice
- Residents of Kent and Medway will be more informed about the work and purpose of the Board
- Residents of Kent and Medway will be clear on how to recognise and report abuse and neglect

What we achieved

- Engagement and Communications Group - The KMSAB is continuously pursuing ways to engage with service users, carers and the public. The ambition is to provide ways for them to influence the work of the Board and empower and enable them to contribute to safeguarding in Kent and Medway. This is one of the top priorities for the Board, but due to the size and population of Kent and Medway it is also one of the most challenging. Having trialled different models of engaging with existing forums, KMSAB members agreed to establish an "Engagement and Communications Group" to progress this work. The Group will help the Board to raise its profile, reach service user and carer groups, and determine how best to ensure that important messages are delivered.
- Engagement of Family Members in Safeguarding Adults Reviews - The views of family members and carers are sought, where appropriate, as early in the Safeguarding Adults Review (SAR) process as possible and they are kept informed of progress by the Independent Author of the SAR. To support family members and carers once the Review is complete, and prior to any decision that needs to be made regarding possible publication, the Independent Author meets with agreed family representatives, to go through the report findings and answer any questions. At the end of the SAR, the Independent Chair of the Kent and Medway Safeguarding Adults Board sends a personal letter to all family members who may have been involved.

One of the strengths of the recent SAR learning workshops was the involvement of relatives and carers. When the findings of the SAR in respect of person 'D' were presented, carers spoke about what the person was like and their experiences of spending time with them. Although a relative did not feel able to speak at each event, they wrote some words about their loved one, which were read by someone on her behalf. Much of the feedback received praised relatives and carers, explaining that it was a very powerful and personal way to support and deploy learning.

Previously the Board has always anonymised SAR reports by using a title such as "Mrs C" and "Mrs D", but having listened to the views of family members involved in more recent reviews this has changed. A fully anonymised name, such as "Violet Hughes" is now used,

as family members consulted felt that this was more personal and meaningful. Going forward this may however have to be reviewed owing to changes in legislation.

The Safeguarding Adults Review Working Group is developing a SAR information leaflet for families and carers to explain the process. This will also be made available in 'easy read' format.

- Review of Making Safeguarding Personal Literature - Kent County Council and Medway Council ensure that Making Safeguarding Personal is integral to the safeguarding process and seeks the views and wishes of the adult concerned, throughout the Enquiry, and will try to meet their desired outcome(s) whenever possible. The Making Safeguarding Personal literature was reviewed to ensure that it was Care Act compliant and that the questions were clear and suitable for everyone to answer. Easy read versions are also available if required. An additional factsheet has been developed to provide more information on the safeguarding process for anyone experiencing this, should they require it.
- Safeguarding Adults Awareness Week 9-13 October 2017 - As well as being good practice, Safeguarding Adults Boards have a duty under the Care Act to prevent harm and "raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect"¹. Research has found that successful awareness raising campaigns can make a significant contribution to the identification and prevention of abuse.

To help spread the message on how to recognise and report abuse and neglect and highlight the support and services available for those at risk or experiencing abuse, Board members arranged and held a safeguarding adults awareness raising campaign between 9-13 October 2017. The campaign was framed around the theme "Respect not Neglect", which reflected findings highlighted in recent KMSAB Safeguarding Adults Reviews.



Each agency prepared a schedule of activities for the week. Events included:

- multi-agency information and community engagement events (one-stop shops) held in Bluewater, Dover, Sittingbourne, Chatham and the University of Kent, Medway Campus.
- awareness raising through social media and press coverage
- an information session on recognising and responding to radicalisation
- staff workshops and conferences
- domestic abuse one-stop shops
- a self-neglect workshop
- public information stalls and attendance at local community groups
- fraud and scam awareness sessions at banks

These events were well attended, and very positive feedback was received.

- Redesigned Self Assessment Framework (SAF) - All agencies represented on the Board are asked to complete an annual 'self assessment framework', a series of questions to measure progress against key quality standards. All responses are rated (red, amber and green) and evidence to support the rating is required. The completed assessment is reviewed by a peer

¹ [Care and Support Statutory Guidance Issued Under the Care Act 2014](#)

review panel to ensure consistency and to offer support and guidance. Any actions rated red or amber require regular update reports to the Quality Assurance Working Group (QAWG) and Board to ensure the required standards are achieved.

In 2017 the QAWG reviewed and strengthened the SAF document. Questions relating to participation and involvement include:

- Does your organisation have information, in a variety of formats, accessible to adults at risk and their families about safeguarding? This should include who to contact if they are concerned about an adult at risk.
- How does your organisation seek the views of those that experience your services – How often is this analysed?
- What are the themes and trends from service user feedback and how has this information been used?
- Can your agency demonstrate that service users are invited and supported to attend safeguarding meetings?
- Evidence or demonstrate how the views of adults at risk are specifically listened to.

What we need to do next

- Develop and implement a communications and engagement plan to:
 - ensure regular communications are set up with service user groups and outcomes are fed into future planning.
 - communicate safeguarding information to partners so that they can disseminate information on the Board's behalf
 - promote the work of the Board and messages on how to recognise and report abuse, throughout the year
- Plan and promote Safeguarding Adults Awareness Week 2018

Priority two: We will ensure that we learn from the outcomes of Safeguarding Adult Reviews (SARs), Domestic Homicide Reviews (DHRs) and Children's Serious Case Reviews (SCRs) and these directly influence practice improvements

What we aspired to

- All multi-agency partners are informed of the outcomes of reviews and share the learning across their agency to improve practice
- Outcomes are improved for people at risk of harm.
- There is a clear communication strategy/process for the dissemination of lessons learnt and related good practice examples, which lead to practice improvements

What we achieved

More information on individual SARs in progress and commissioned in 2017-18 is available in section three. Key achievements for priority two include:

- Updated SAR Communication Protocol - Members of the Safeguarding Adults Review Working Group (SARWG) worked with partner organisations' communications leads to update the SAR communications protocol. This document details the roles and responsibilities of each organisation at the point a SAR is published, to ensure information is shared, the views and wishes of family members are considered and any press release is co-ordinated. The revised protocol was approved by the KMSAB.
- Learning from SARs - Following the completion of a SAR, the Independent SAR Author is required to attend a KMSAB meeting to present the findings of their review to Board members. The recommendations made are considered in detail at this meeting and Board members have a responsibility to share the learning within their organisations. Four SARs were completed and presented to the Board during 2017-18. In addition to this, in 2017 the KMSAB held an extraordinary meeting to consider the findings of two SARs, which were linked to former residents of Kent, commissioned by other Safeguarding Adults Boards. The learning from these was circulated to KMSAB members to cascade within their organisations. Learning is also shared with the Learning and Development Working Group to inform training, and the Practice, Policies and Procedures Working Group, so they can make any required policy amendments.

If a SAR is to be published, the Independent Chair of the KMSAB sends a communication to all partner agencies, providing a brief overview of the key findings, learning points for staff and advising of the publication date. The member agencies share this with relevant staff in their organisation and wider.

- SAR Workshops - Three SAR learning events took place in March 2018, reaching a total of over 460 members of multi-agency staff. In preparation for the events, working group members undertook a thematic review to establish the key learning from the four KMSAB SARs, two case audits and two out of area SARs, to share at the event. In addition to this thematic summary, the workshops considered one case in detail to emphasise the message that safeguarding is personal. As self-neglect was one of the main concerns identified in the thematic review, the workshops consequently included a session on this. The multi-agency training provider also attended a session so that the learning could be shared throughout the commissioned training. Feedback from the event was extremely positive.

- SAR Action Plans - Once the recommendations of a SAR or case audit have been approved by the Board, partner agencies are required to produce an action plan to explain how they will address the recommendations made. Individual agencies' returns are collated into one action plan for each SAR, which is quality assured by the SAR Working Group. Once satisfied with the quality, the action plan is shared with KMSAB members for final approval and to progress.

To help monitor the progress of all actions agreed, an overarching action log has been developed to record all SAR actions. KMSAB members are required to provide a quarterly update on what they have achieved and what actions remain outstanding. This is discussed at each Working Group meeting and any key achievement or areas of concern are highlighted to the Board.

- Representation on Domestic Homicide Reviews (DHR) and Kent Children's Serious Case Review (SCR) steering/working groups - To encourage the sharing of learning between groups, a member of the SARWG now also attends the DHR and SCR Working Groups. In addition to this, representatives from the KMSAB, Medway Safeguarding Children Board, Kent Safeguarding Children Board and the Domestic Homicide Review lead have met to discuss recent review findings and to scope a more formal shared review of themes, with the intention that this can be used to inform areas for closer joint working. The KMSAB has also been engaging with the Learning Disabilities Mortality Review (LeDeR) Programme to establish how their reviews, of the deaths of people with learning disabilities, link with the SAR process and how lessons can be shared across the Boards.
- Quality Assurance of SARs – With regard to signing off each part of the SAR process, senior managers are required to make the decisions. Latter stages require sign off by Board members and the final sign off is made by the Independent Chair of the KMSAB. To help ensure greater consistency and to support managers, SAR Working Group members have developed a 'quality assurance sign off checklist'. This means that at each stage of sign off, managers have a list of things they must ensure have been addressed before they can approve the document.

The Chair of the SARWG has been involved in a joint task and finish group, led by Domestic Homicide Review (DHR) Steering Group, to review and strengthen the terms of assignment, contract, job description and recruitment process for Chairs/Authors undertaking DHRs and SARs. Following this, a successful recruitment campaign took place with new Chairs/Authors appointed.

What we need to do next

- Hold a joint thematic review to look at the findings of all recent, local SCRs, DHRs, SARs, LeDeRs and case audit findings to establish whether there are any consistent findings and how these can be addressed across Boards
- Greater engagement with LeDeR programme
- Work with communications leads to discuss more ways of sharing the learning
- Attendance at Medway Safeguarding Children Board Case Review Group
- Further engagement at national level regarding learning from other Boards via the results from research that is being developed and the consideration of the development of the national SAR library.

Priority three: We will ensure our structure and governance arrangements enable us to meet our statutory duties effectively and efficiently

What we aspired to

- KMSAB is well regarded and well respected
- All Board and Working Group members are clear on their roles and responsibilities
- KMSAB works effectively with other Boards

What we achieved

- Board Restructure - The KMSAB held a development day on 14 July 2017, those present agreed the Board's vision mission statements and strategic priorities. The group then determined the most suitable structure to deliver these. The new structure (page 6) allows the Business Group to focus on how Working Groups and others are delivering the Strategic Plan. This enables the over-arching Board to focus on strategic issues and priorities. Funding for the new structure was agreed and the new model became operational on 1 January 2018.
- KMSAB Membership – Throughout the restructure it was stressed that the KMSAB will only be effective if the right people are involved. Members of the Board have a strategic role for safeguarding and promoting the welfare of adults within their organisation, and therefore must be able to speak for their organisation with authority, commit their organisation on policy and practice matters and hold their organisation to account. Board members reviewed the membership of the Board, Business Group and all Working Groups to ensure that there was adequate representation from each agency and that those nominated had sufficient knowledge and authority to make the decisions required.
- Terms of Reference and Constitution – To support the new structure, the KMSAB Constitution and Terms of Reference for all KMSAB Working and Board groups were reviewed and updated. These documents detail the purpose of the group and what is expected of members. They are available on the [KMSAB website](#).
- Roles and Responsibilities - To ensure that all Board and Working Group members are clear on their roles and responsibilities, these were agreed and outlined in the following documents:
 - Restructure papers to the Board
 - KMSAB Constitution
 - Terms of Reference

The roles and responsibilities of the Independent Chair of the KMSAB and Board Business Unit were also detailed in these documents.

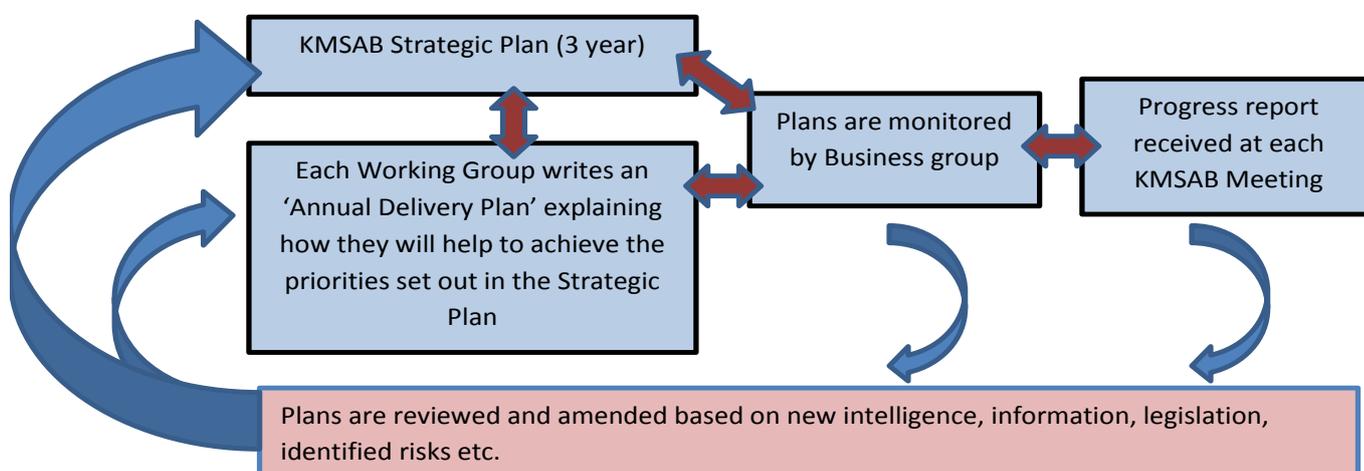
- Work with other Boards - The Board works with other strategic groups and partnerships, such as The Kent Safeguarding Children Boards, Medway Safeguarding Children Board and the Community Safety Partnerships. There is shared membership across many working groups and update reports from key Boards are received at each Business Group meeting.

- KMSAB Strategic Plan 2018-21** - Having agreed the KMSAB vision, mission statement and strategic priorities (see section 5), members developed a three-year strategy and business plan. This provides information on what the Board intends to achieve, how and within what timeframe. To support this high-level plan, each Working Group is required to produce an 'annual delivery plan' which goes into more detail about the tasks the Group will be undertaking to meet the three chosen priorities of Prevention, Awareness and Quality. Medway Safeguarding Adults Executive Group has also developed a delivery plan. The Chairs of each Working Group are required to provide a progress update at each Business Group meeting. The following ratings are used to measure progress against each action:

Blue	Action Complete
Green	Action on track and progressing to plan, no problems that will impact on schedule. No action required from KMSAB.
Amber	Some problems and or delays with the action but expected to recover. Highlighted to inform KMSAB, to be monitored and reviewed
Red	Major problems and issues threatening the action, behind schedule and not expected to recover. Requires intervention from KMSAB

If any tasks are rated amber or red, Working Group chairs must provide the reasons for this and explain what mitigating actions have been put in place.

Planning process:



What we need to do next

- Consult on and promote the Strategic Plan
- Achieve the actions set out in the 'Annual Delivery Plans'
- Continue to embed the new structure and arrange a peer review of the Board by Spring 2019
- Consider developing a KMSAB handbook for members

Priority four: We will ensure that our Policies, Procedures and Guidance documents are compliant, easy to use and reviewed and updated regularly

What we aspired to

- Staff in contact with an adult at risk understand their role and responsibility in responding to abuse and neglect

What we achieved

- Updated Policy, Procedures and Guidance - In accordance with the policy update schedule, the Practice, Policy and Procedures Working Group (PPPWG) reviewed and updated the following documents to ensure that they reflected emerging legislation, policy and any learning from Safeguarding Adults Reviews/other case reviews:
 - KMSAB Multi-agency Safeguarding Adults Policy, Protocols and Practitioner Guidance Document. The updated document can be found [here](#).
 - Kent and Medway Multi-Agency Policy and Procedures to Support People who Self-Neglect. The updated document can be found [here](#).
- Commenced a full re-write of the Multi-agency Safeguarding Adults Policy, Protocols and Guidance Document - when Working Group members completed the annual update of the Board's main policy, protocols and guidance document (PPG) it was agreed that a full re-write should be undertaken for the 2018-19 update. As this is particularly complex and highly labour intensive, a task and finish group was established to lead this work. Task and finish group members developed and circulated a questionnaire to practitioners from all agencies to ask for their views on the current document and what improvements they would like made. Task and finish group members reviewed the responses received and have used these to inform the future redesign.

What we need to do next

- Ensure all KMSAB policies and procedures are GDPR compliant
- Continue to review the Board's policies and procedures at the frequency determined in the policy update schedule, or sooner in response to any legislative or national policy changes or any other intelligence received by the KMSAB
- Complete the re-write of the Multi-agency Safeguarding Adults Policy, Protocols and Guidance Document

Priority five: We will provide a high quality multi-agency training offer

What we aspired to:

- Well informed and appropriately skilled workforce leads to practice improvements
- Course content is updated regularly to reflect best practice and lessons learned from local and national SARs as well as relevant DHRs and SCRs

What we achieved

- Commissioned new Training - The Kent and Medway Safeguarding Adults Board commissions multi-agency safeguarding adults training specifically for staff from the statutory sector, covering the roles and responsibilities of statutory partners in relation to Safeguarding Adults Section 42 Enquiries. Following a successful tender process, the new multi-agency safeguarding adults training programme was launched in May 2017, and training commenced in June, rolling out the following commissioned courses:

In relation to Section 42 Care Act 2014:

- Policies, Procedures and Agency Responsibilities
- Undertaking and Managing Enquiries
- Effective Contribution and Collaboration in Decision Making

More information on this training can be found [here](#).

Each agency’s introductory/foundation training sits below these multi-agency workshops, as has always been the case.

- Attendance Figures - The Board’s multi-agency training programme for 2017-18 was completed, with a total of 761 staff attending training - an increase of 85% from last year’s total of 412. This increase can be partly attributed to the fact that the training now comprises two one-day workshops, and one two-day workshop, whereas previously both the Level B and Level C courses were of two-day duration. Course take-up and attendance levels for the year are summarised below:

Course Name	No of workshops held in year	Total No. of persons attending	KCC	Medway Council	Health - KMPT	Health - Other	Kent Police	KFRS	Probation	Other
Policies, Procedures and Agency Responsibilities	17	299	164	43	15	37	21	5	12	2
Undertaking and Managing Enquiries	19	308	174	43	40	29	16	4	1	1
Effective Contribution and Collaboration in Decision Making	9	154	87	20	17	11	14	3	2	0
Annual Totals	45	761	425	106	72	77	51	12	15	3

In addition to the training detailed above, agencies may supplement this with their own training programmes.

- Developed a Training Evaluation Framework - The Learning and Development Working Group (LDWG) developed a framework to outline the formal methods to be used to obtain feedback on the effectiveness of the multi-agency training and the impact it has on practice, recognising that training is only one of a number of factors which impact on practice. The success of the evaluation framework is dependent on engagement from those on the course, their supervisors and LDWG members. The evaluation methods include:
 - “On the day” feedback
 - Delegates’ feedback 3 months after successful completion of course
 - Manager’s feedback
 - Experienced Observer Feedback
 - Informal ‘Ad Hoc’ Feedback
 - Feedback from Training Provider
- Agency Reporting - To ensure that training materials are kept up to date and relevant, the KMSAB regularly collates key information from agencies which may impact on training. This may include any policy or operational changes, learning from case reviews/audits, SARs, DHRs, etc., feedback from services users/MSP, delegates and any other relevant information. The Learning and Development Working Group has developed an agency reporting template for agencies to complete quarterly to capture this information. The completed returns are presented at each LDWG meeting for ratification before they are shared with the training provider. Any urgent issues arising during the intervening periods are notified to the KMSAB Co-ordinator, for reference to the training provider, and captured retrospectively on the template.
- Linkages with other Working Groups - The KMSAB Working Groups are inextricably linked and work closely together to ensure the KMSAB objectives are met in a co-ordinated, holistic way. Working Groups may make recommendations for training to the LDWG. For example: the PPPWG may request bespoke training to support the launch of a new policy; the QAWG may ask for training to be amended in response to themes identified through the completion of the self assessment framework and the SAR working group regularly shares learning with the LDWG to enable training to be improved, if required.

What we need to do next

- Continue to ensure that the training provider regularly updates course content and materials to reflect best practice and lessons learned from local and national SARs as well as relevant DHRs and SCRs
- Embed the training evaluation framework and use the findings from this to continually improve the training offer

Section 3. Safeguarding Adults Reviews

Purpose of a Safeguarding Adults Review

The KMSAB is required to review what has happened in cases when an adult who needs care and support either dies, or suffers serious harm, when abuse or neglect is thought to have been a factor. This is called a Safeguarding Adults Review, or SAR for short. A Safeguarding Adults Review is not an enquiry into how someone died or suffered injury nor does it look to allocate blame and it is separate from any investigation which may be undertaken by the police or a coroner. What a SAR does do is look at the case in detail to see whether any lessons can be learned about how organisations worked together, or not as the case may be, to support and protect the person.

Criteria for Conducting a Safeguarding Adults Review

KMSAB must arrange for there to be a review of a case, involving an adult in its area with needs for care and support (whether or not the local authority has been meeting any of those needs), if:

- An adult at risk dies (including death by suicide), **and** abuse or neglect is known or suspected to be a factor in their death.
- An adult at risk has sustained any of the following:
 - A life threatening injury through abuse or neglect
 - Serious sexual abuse
 - Serious or permanent impairment of development through abuse or neglect

OR

- Where there are multiple victims
- Where the abuse occurred in an institutional setting
- A culture of abuse was identified as a factor in the enquiry

AND

The case(s) give rise to concerns about the way in which local professionals and services worked together to protect and safeguard adult (s) at risk.

KMSAB must also arrange a SAR if the same circumstances apply where an adult is still alive but has experienced serious neglect or abuse. This may be where a case can provide useful insights into the way organisations are working together to prevent and reduce abuse and neglect of adults, and can include exploring examples of good practice.

More information on the SAR process is available [here](#).

SAR Activity

Referrals - To ensure a robust and consistent process for determining whether a case referred for a Safeguarding Adults Review meets the criteria, a multiagency decision-making panel, chaired by a member of the SARWG, is convened when a new referral is received. Each agency brings a summary of their involvement, these are considered to assess if the referral meets the criteria for a SAR or whether any other review or action is required. The recommendation of the panel is sent to the Independent Chair of the KMSAB for a final

decision. The KMSAB received seven new SAR applications between April 2017 and March 2018, of these:

- 2 cases progressed using the Case Review methodology
- 2 cases did not meet the criteria and no further action was required
- 3 cases did not meet the criteria and were addressed through the NHS Safeguarding Management process.

Completed SARs - The following SARs were completed and signed off by KMSAB members between April 2017 and March 2018 (please note all names are pseudonyms)

Anonymised name	Completion Date	Recommendations	Actions	% of action plan completed
Mrs D	17 July 2017	6	40	97
Mrs C	30 October 2017	17	63	89
Violet Hughes	30 October 2017	18	30	97
Beryl Simpson	10 January 2018	10	23	52

In addition to the above, some KMSAB agencies were also involved in two SARs which were led by other Safeguarding Adults Boards. The findings of these reviews were shared at an extraordinary meeting of the Board which was held in October 2017.

Themes of recent SARs - Some of the themes highlighted in recent reviews include:

- Quality of record keeping.
- Case co-ordination and management – the importance of clarifying who is leading a complex case when multiple agencies are involved.
- Importance of Mental Capacity Act in relation to Safeguarding.
- Strength of good multi –agency working/collaborative working.
- Leadership – the importance of case oversight and ownership of cases.
- Professional curiosity – what do professionals need to know? What are they concerned about? How are they going to find out? and how can appropriate lawful actions assist?
- Analytical skills – what happens to the information gathered? How it is utilised and deployed?
- Self-neglect – clarifying the threshold for safeguarding involvement.

The process for managing action plans and disseminating learning to all partner agencies is detailed in section 2 of this report (priority 2. Page 10)

Section 4. KMSAB Funding

The Kent and Medway Safeguarding Adults Board is funded by Kent County Council, Medway Council, Kent Police, Kent Fire & Rescue Service, Clinical Commissioning Groups and commissioned Health provider organisations. Each of these agencies made the following percentage contributions in 2017-18:

- Kent County Council – 40.4%
- Medway Council – 8.2%
- Kent Police – 14%
- NHS Kent and Medway – 35.8%
- Kent Fire & Rescue Service – 1.7%

The multi-agency budget covers Board salaries for the Independent Chair, Safeguarding Adults Board Co-ordinator and Administration Officer posts. It also covers the administration costs for the various multi-agency group meetings, Safeguarding Adults Reviews, including the commissioning of Independent Authors/Chairs, and covers the full provision of multi-agency training.

The table below sets out the budget contributions for the past three years

	2015-2016 Agreed contribution (£000's)	2016-2017 Agreed contribution (£000's)	2017-2018 Agreed contribution (£000's)
KCC	72.8	80.8	82
Medway Council	14.8	16.5	16.7
Local Health Commissioners and Providers	64.5	71.5	72.5
The Office of the Police and Crime Commissioner	25.3*	28.1	28.5
Kent Fire & Rescue Service	3	3.3	3.3
Reserve	1.9	10.0	20
Total	182.3	210.2	223

*21 received

Section 5. Priorities for 2018 - 2021

A development day for KMSAB members was held in July 2017. Members agreed the following vision and mission statements and strategic priorities for 2018 - 2021:

Vision - “The Kent and Medway Safeguarding Adults Board Partnership will all work together to ensure adults at risk of abuse or neglect are supported and empowered to live safely”

Mission - “To achieve the vision the Board is seeking assurance, through partnership working with agencies and local communities, to prioritise and deliver: prevention, awareness and quality of safeguarding”.

Priorities for the next three years:

Priority 1 : PREVENTION



“I want to feel and be safe in the community where I live”

Our priority is to deliver a preventative approach in all that we do. We will:

- assure that agencies are clear about their obligation to deliver safeguarding and that they are clear that this constitutes the prevention of abuse, crime, neglect and self-neglect
- assure partnership accountability
- raise public awareness of the work of the KMSAB and adult safeguarding
- listen to the voice of the adult and make sure that safeguarding is personal wherever possible

Priority 2: AWARENESS



“I know what abuse is and where to get help”

Our priority is to improve awareness of adults at risk and safeguarding within, and across, our partner agencies and communities. We will:

- improve awareness across Kent and Medway
- improve engagement with local communities
- assess the effectiveness of the work we do, and review and share the learning

Priority 3: QUALITY



“I am confident that professionals will work together and with me to achieve the best outcome for me”

Our priority is to quality assure our work, learn from experience and consequently improve practice. We will:

- ensure agencies are accountable for having competency and quality in practice
- ask for feedback, learn from people’s experiences and put learning into practice
- define our quality parameters and measure performance accordingly

The Strategic Plan is available on the Board’s website. It provides more detail on what actions the Board will take to make sure the priorities are delivered. In addition to this, each working group has developed an ‘annual delivery plan’ to outline how they will deliver the strategy.

Section 6. Safeguarding Activity

Background to data

The data for this report was extracted from the Kent County Council social care system (SWIFT) and the Medway Council Adult Social Care database (Frameworki).

Data included in this report is consistent with the Department of Health (DH) statutory returns: Abuse of Vulnerable Adults (AVA) for 2012-13, the Safeguarding Adults Return (SAR) for 2013-14 and 2014-15, and the Safeguarding Adults Collection (SAC) for 2015-16, 2016-17 and 2017-18.

Following the implementation of the Care Act 2014, terminology now used within safeguarding refers to safeguarding concerns and safeguarding enquiries. This terminology has been used within this report.

The first part of the report looks at new adults safeguarding concerns, which is a sign of suspected abuse or neglect that is reported to the local authority or identified by the local authority, and new safeguarding enquiries. Safeguarding enquiries are defined as the action taken, or instigated, by the Local Authority in response to a concern that abuse or neglect may be taking place.

The second part of the report summarises the outcome of safeguarding enquiries in Kent and Medway.

National comparator data was published on the [NHS Digital](#) site on 20 November 2018. To help interpret the data, NHS Digital have also developed an [Interactive Power-BI Tool](#).

New safeguarding concerns and enquiries

Number of safeguarding concerns

This section presents the number of safeguarding concerns that have been reported to each local authority. Anyone may report concerns regarding actual, alleged or suspected abuse or neglect. Reports can be made by phone, e-mail or in writing. Safeguarding concerns can include all types of risk, including domestic abuse, sexual exploitation, modern slavery, and self-neglect. Each local authority will then need to engage with referrers to determine whether the concerns raised constitute the need to undertake a safeguarding enquiry.

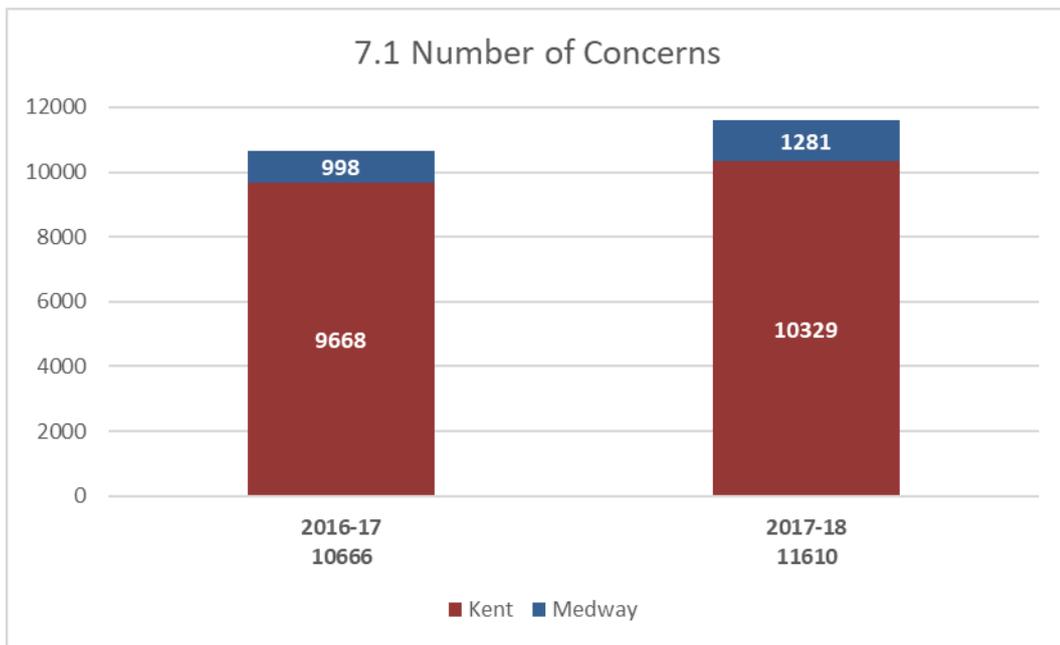


Fig 7.1: Number of safeguarding concerns received in Kent (red) and Medway (blue)

The number of concerns received represents significant activity in both Kent and Medway and an increase in the number of concerns in 2017-18 compared to the previous year. Kent saw an increase of 661 Safeguarding Concerns, an increase of 6.8%, whereas Medway observed a larger 28.4% increase (up 283). The higher figures in Medway are attributable to concerns from Hospital settings (up 42%), Community Health settings (up 132%) and figures from care homes or supported living settings (up 95%).

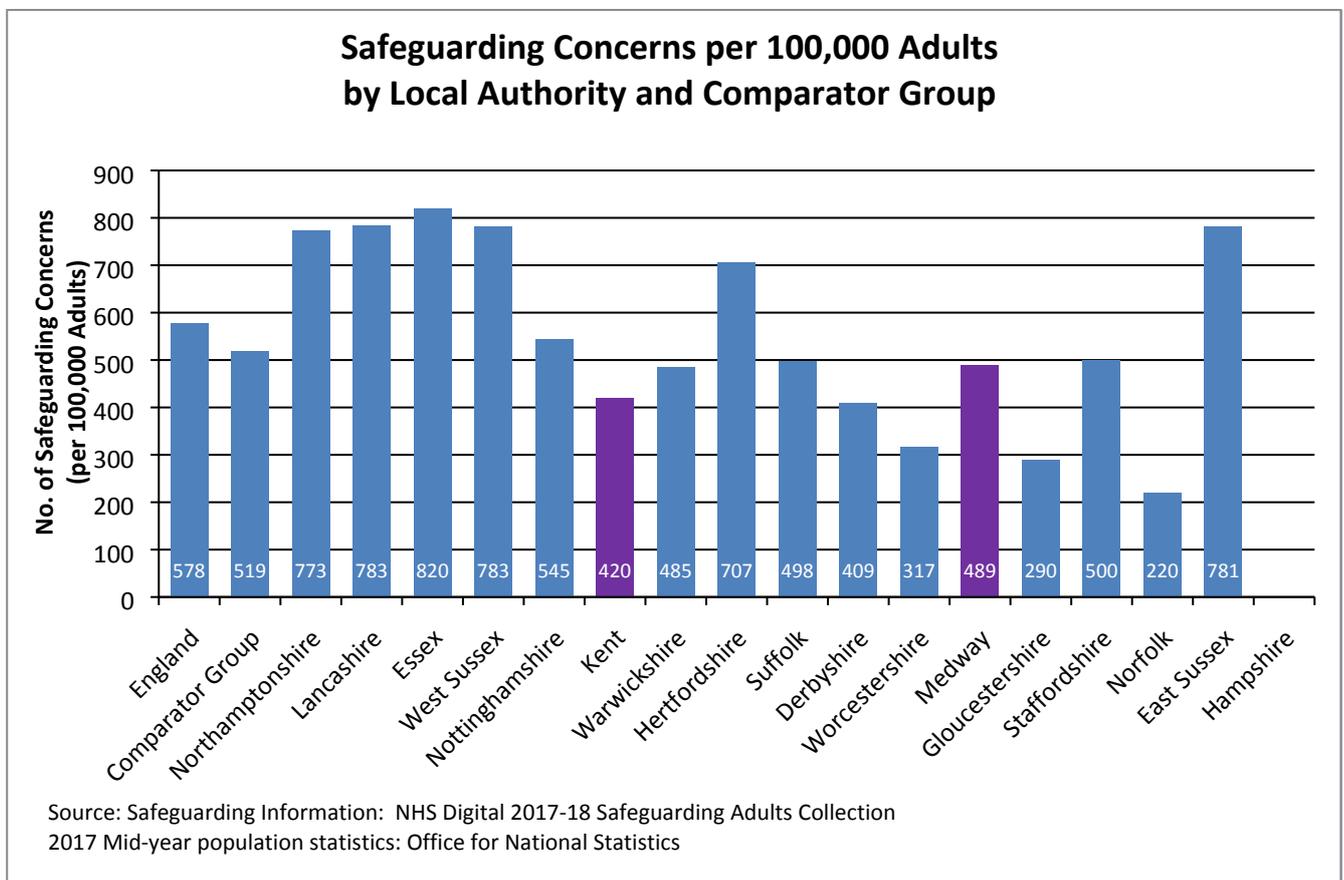


Figure 7.1a Safeguarding Concerns per 1,000 Adults by Local Authority and Comparator Group

Number of safeguarding enquiries and rate of change

In the period of April 2017 to March 2018, 6,375 new safeguarding enquiries were started, which reflects a 4.2% increase. The number of enquiries initiated in Kent was 75 higher than 2016-17 (up 1.3%) whilst a larger change was observed in Medway, with an increase of 59.4% seen in 2017-18 compared to the year before, up by 183 enquiries.

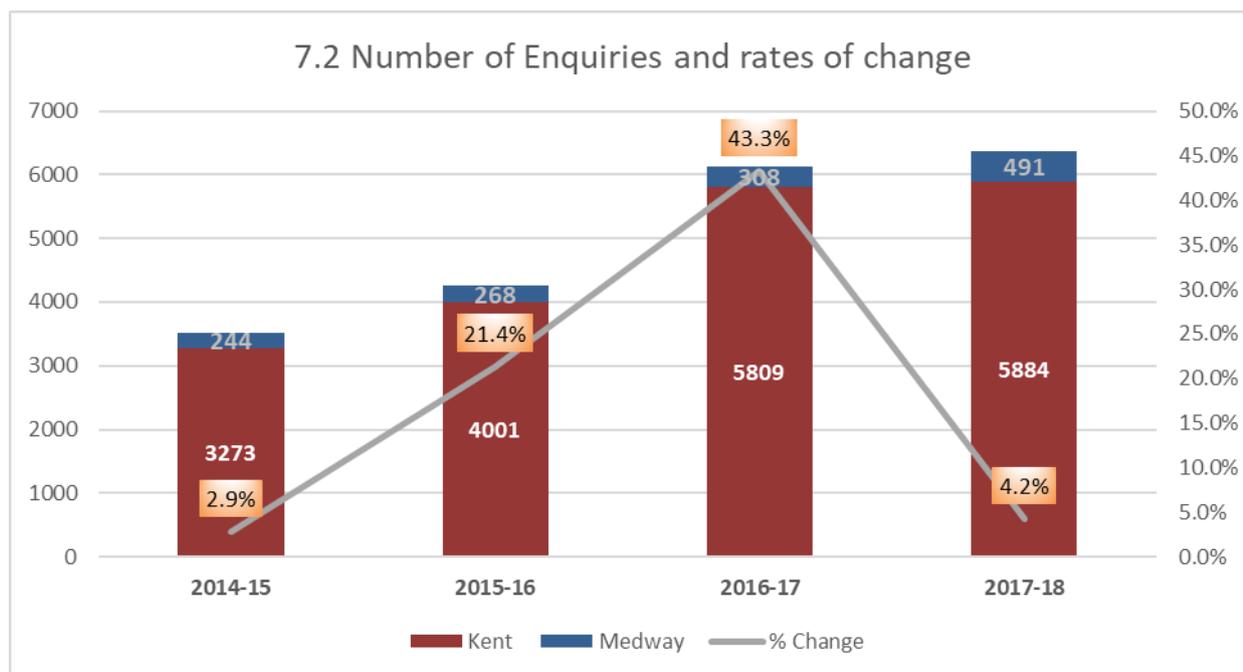


Fig 7.2: Number of enquiries year on year, and rate of change 2014-15 to 2017-18 (grey)

The increase in Enquiry levels observed in recent years can be attributed to operational changes introduced in October 2015 to ensure compliance with the Care Act. The increase observed in Kent in 2017-18 is far smaller than those observed during the two years prior, now that new process has been embedded. Going forward the year-on-year changes are likely to be smaller. Furthermore, Medway has increased and promoted awareness of adult safeguarding and has carried out in-house training over the past year, and this is thought to have contributed to the increase in concerns and enquiries seen in Medway in 2017-18.

During 2017-18 Kent undertook a number of targeted exercises aimed at resolving and closing down longstanding adult safeguarding cases. As a result, the overall number of closed safeguarding cases increased by 1,926 compared to 2016-17, an increase of 35.6%.

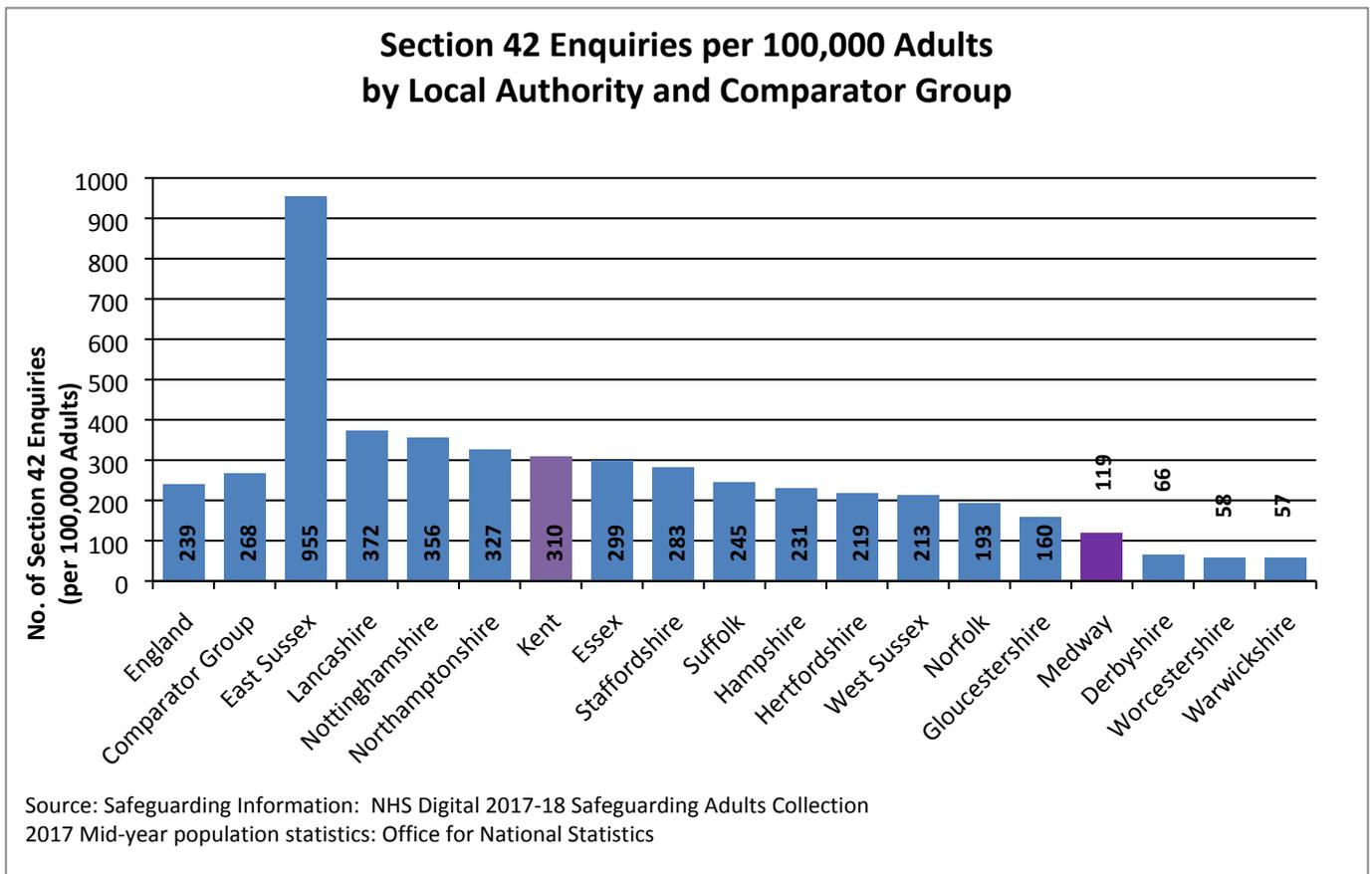


Figure 7.2a Section 42 Enquires per 100,000 Adults by Local Authority and Comparator Group

Age of alleged victims

The majority of all safeguarding enquiries were related to the 18-64 age group with 37.7% of enquiries (2,404) falling into this category, however this does represent a 0.4% decline from 2016-17. This is followed by the second majority falling in the 85+ age group with 27.2% (1,737), down by 0.7%.

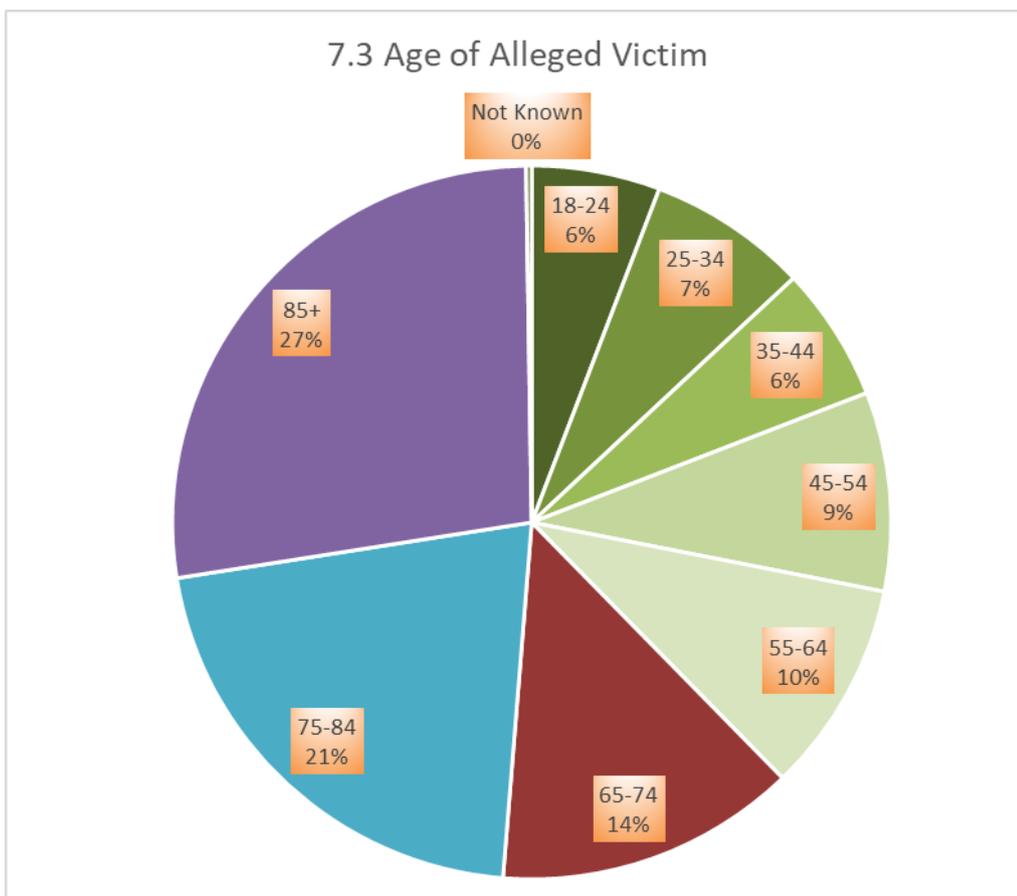


Fig 7.3: Age breakdown of alleged victims for 2017-18

NB: Caution should be taken if comparing the 18-24 age group, as this age group represents a smaller age band than all other age bands.

Of the 18-64 age group, the highest proportion of enquiries in this age band relate to the 55-64 age group, 9.6% (612) followed by the 45-54 age group, 9% (575). (The 18-24 age band, accounts for 5.8% of enquiries (368) however if equated with a 10-year age band, it would represent a 9.6% figure).

The percentage of clients falling into the 65-74-year age category has continued to rise, with a 1% increase observed this year. The percentage of enquiries where the age of the alleged victim is unknown has also increased slightly by 0.2%.

Gender of alleged victims

In 2017-18 the highest proportion of alleged victims remains female at 60.8% (3,879), which reflects an increase of 1.8% (233) compared with the 2016-17 percentage. Overall, the proportions remain consistent over the reporting periods.

It should be noted that a small cohort (less than 0.1%) falls into the *Indeterminate Gender* category.

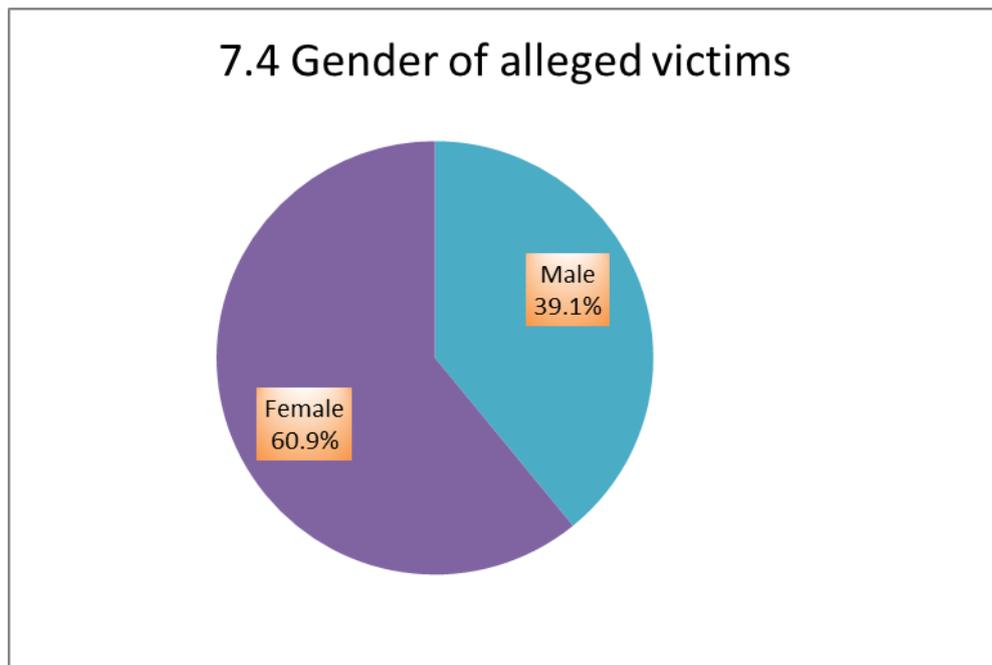


Fig 7.4 Gender of alleged victims 2017-18

Ethnicity of alleged victims

Of all Safeguarding Enquiries initiated during 2017-18, 83% related to people from a white ethnic background, down from 86% in 2016-17. For the third year running, an increase has been observed in the percentage of enquiries relating to people from a black and minority ethnic background, increasing 0.5% to 4.2%.

There has been a substantial increase in the percentage of cases where ethnicity data was unavailable; in some instances the client may have declined to supply the information, but in the majority of circumstances this information has not been sought and/or recorded. Efforts are being made by both authorities to promote the recording of this data.

Ethnic Group	2014-15		2015-16		2016-17		2017-18		DoT %
	Number	%	Number	%	Number	%	Number	%	
White*	3062	87.1%	3544	84.9%	5181	86.0%	5291	83.0%	↓
BME **	118	3.4%	136	3.3%	222	3.7%	265	4.2%	↑
Not stated/ obtained	337	9.6%	494	11.8%	620	10.3%	819	12.8%	↑
Total	3491	100%	3517	100%	4174	100%	6375	100%	↔

Table 7.5: Breakdown of Ethnic Group for the periods 2014-15 to 2017-18

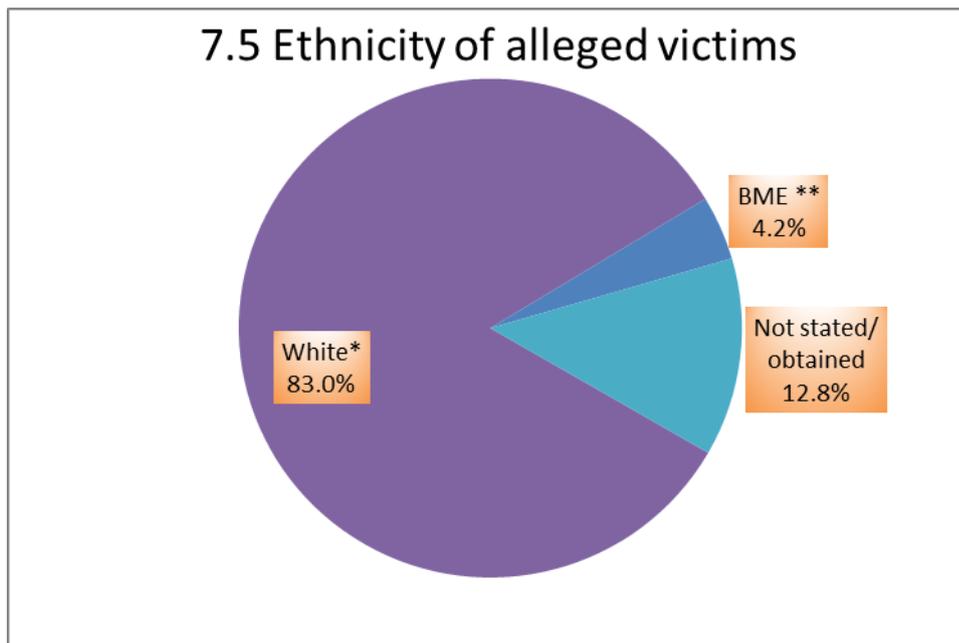


Fig 7.5: Breakdown of Ethnic Group 2017-18

* 'White' contains the DoH ethnic groups of White British, White Irish, Traveller of Irish Heritage, Gypsy/Roma, Other White Background

** 'BME' includes all Asian or Asian British, Black or Black British, Mixed and Other groups

Primary Support Reason of alleged victims

As in previous Annual Reports, in both Kent and Medway, the most prevalent support reason remains *Physical Support*. This is then followed by *No Support Reason* at the time of the alleged incident, with Kent and Medway reflecting 26.9% (1,584) and 22.8% (112) of cases respectively having no support reason. The percentage of cases with no support reason are in-line with those previously reported and is to be expected, as individuals subject to a safeguarding referral will not always be receiving support from the Local Authorities.

Primary Support Reason	Kent	Medway	Aggregated
Physical Support	36.5%	61.5%	38.4%
No Support Reason	26.9%	22.8%	26.6%
Learning Disability Support	10.2%	6.9%	10.0%
Mental Health Support	14.2%	4.5%	13.5%
Support with Memory & Cognition	9.0%	2.9%	8.5%
Social Support	1.3%	1.2%	1.3%
Sensory Support	1.8%	0.2%	1.7%
Total	100%	100%	100%

Table 7.6 Breakdown of Primary Support Reason (PSR) for the period 2017-18

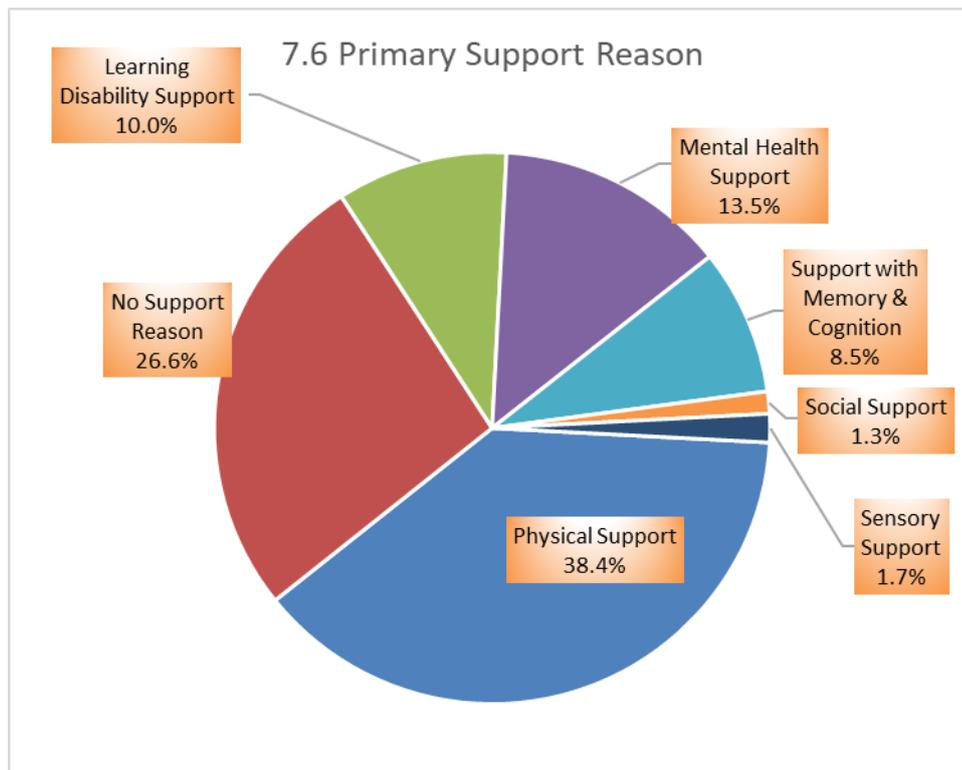


Fig 7.6 Breakdown of Primary Support Reason (PSR) for the period 2017-18 (aggregated)

Location of alleged abuse

Please note that from 2015-16 the method of calculating the location of alleged abuse is based on closed enquiries in the reporting year. Therefore, the total number of enquiries will not correlate with earlier sections of the report which detail number of enquiries received within the reporting period.

In 2017-18 the most prominent location for incidents of alleged abuse remained within the alleged victim's own home, representing 42.8% of all incident locations (3,145). This represents a moderate increase of 1.7% compared to 2016-17. The numeric increase (922) is a reflection of the work carried out to ensure that outstanding cases were closed appropriately as more safeguarding enquiries have been closed during 2017-18.

The care home setting is also a main setting of alleged incidences of abuse at 33.8% (2,481); this is a numeric increase of 549, though given the increase in the number of closed enquiries the percentage has actually fallen by 1.9%.

Location of Alleged Abuse	2014-15		2015-16		2016-17		2017-18		DoT %
	Number	%	Number	%	Number	%	Number	%	
Own Home	1209	34.4%	1262	34.7%	2223	41.1%	3145	42.8%	↑
In the community (exc. community services)	70	2.0%	-	-	190	3.5%	248	3.4%	↓
In a community service	116	3.3%	111	3.1%	199	3.7%	258	3.5%	↓
Care Home*	1359	38.6%	1528	42.0%	1932	35.7%	2481	33.8%	↓
Care Home - Nursing	-	-	-	-	420	7.8%	615	8.4%	↑
Care Home - Residential	-	-	-	-	1512	27.9%	1866	25.4%	↓
Hospital**	262	7.5%	171	4.7%	420	7.8%	655	8.9%	↑

Hospital - Acute	-	-	-	-	181	3.3%	422	5.7%	↑
Hospital - Mental Health	-	-	-	-	148	2.7%	151	2.1%	↓
Hospital - Community	-	-	-	-	91	1.7%	82	1.1%	↓
Other***	156	4.4%	563	15.5%	451	8.3%	554	8.3%	↓
Not Known	345	9.8%	-	-	-	-	-	-	↔

Table 7.7: Location of alleged abuse for the periods 2014-15 to 2017-18

The following conventions apply to table 7.7 above:

- Care home location is broken down into residential and nursing settings
- Hospital settings are broken down by acute, mental health hospital and community hospital locations
- The location of public place has been recoded under the setting of *In the community (excluding community services)*.

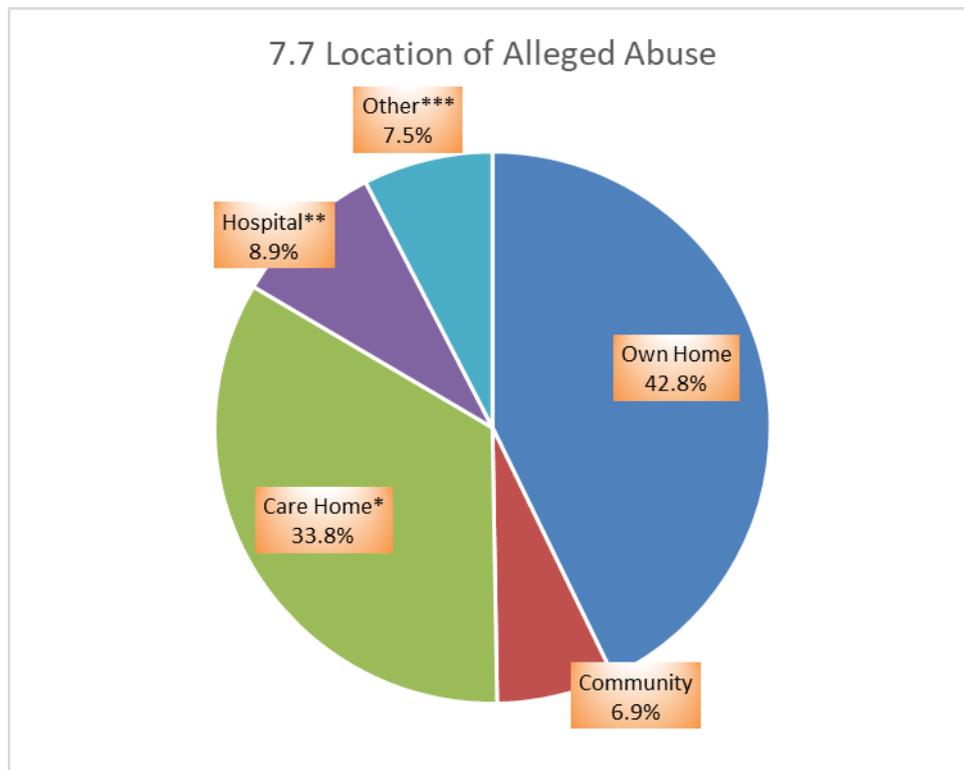


Fig 7.7: Location of alleged abuse for 2017-18

* All care home settings, including nursing care, permanent and temporary

** Acute, community hospitals and other health settings

*** Includes any other setting that does not fit into one of the above categories including Not Known.

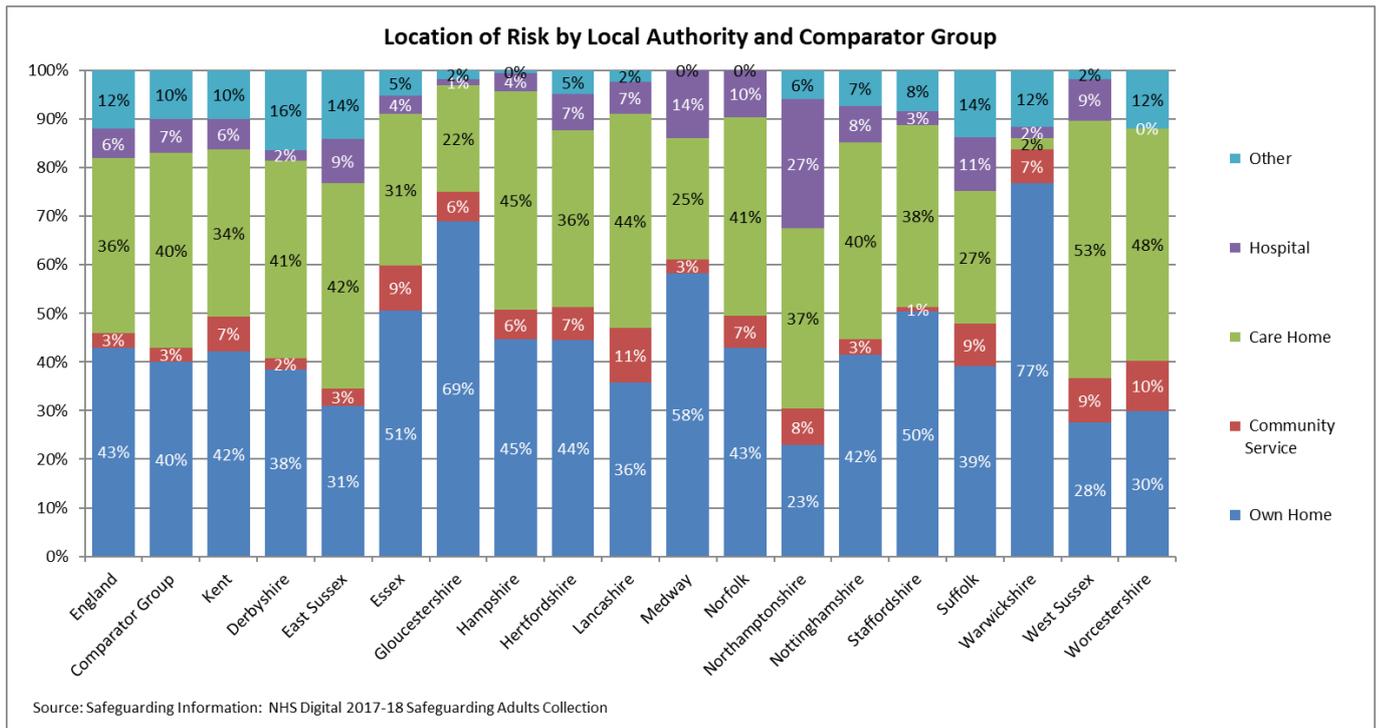


Figure 7.7a Location of Risk by Local Authority and Comparator Group

Category of alleged abuse

Based on concluded Safeguarding Enquiries, the most predominant category of risk has remained physical abuse over the four reporting years as shown in table 7.8. However, while the percentage of enquiries relating to physical abuse has increased 5.3% since 2014-15, there have been decreases observed in the three years following, culminating in a 1.5% fall in 2017-18. Numerically, the number of enquiries featuring physical abuse has actually increased by 624, with the percentage figure falling due to the increased number of closed cases.

Neglect and Acts of Omission has remained the second most prevalent category of risk, increasing by 563 cases compared to the previous year and representing an increase of 0.5%.

The Self-Neglect category has also seen a further 1.8% increase during 2017-18, equating to 278 enquiries, following a sharp upturn in 2016-17 when it increased by 5.8% of that year's total. This is thought to be related to increased professional awareness of self-neglect following the introduction of the Care Act.

Categories of alleged abuse	2014-15		2015-16		2016-17		2017-18		DoT %
	Number	%	Number	%	Number	%	Number	%	
Physical Abuse	1100	31.3%	1482	40.8%	2063	38.1%	2687	36.6%	↓
Neglect and Acts of Omission	750	21.3%	1090	30.0%	1477	27.3%	2040	27.8%	↑
Psychological Abuse	366	10.4%	656	18.0%	1017	18.8%	1383	18.8%	↑
Financial or Material Abuse	572	16.3%	600	16.5%	841	15.5%	1151	15.7%	↑
Sexual Abuse	146	4.2%	215	5.9%	302	5.6%	366	5.0%	↓
Organisational Abuse	65	1.8%	91	2.5%	135	2.5%	155	2.1%	↓
Domestic Abuse	-	-	75	2.1%	165	3.0%	238	3.2%	↑
Self-Neglect	-	-	62	1.7%	405	7.5%	683	9.3%	↑
Discriminatory Abuse	9	0.3%	24	0.7%	37	0.7%	81	1.1%	↑
Sexual Exploitation	-	-	5 or less	<1%	37	0.7%	63	0.9%	↑
Modern Slavery	-	-	5 or less	<1%	7	0.1%	16	0.2%	↑

Table 7.8: Category of Risk for the periods 2014-15 to 2017-18

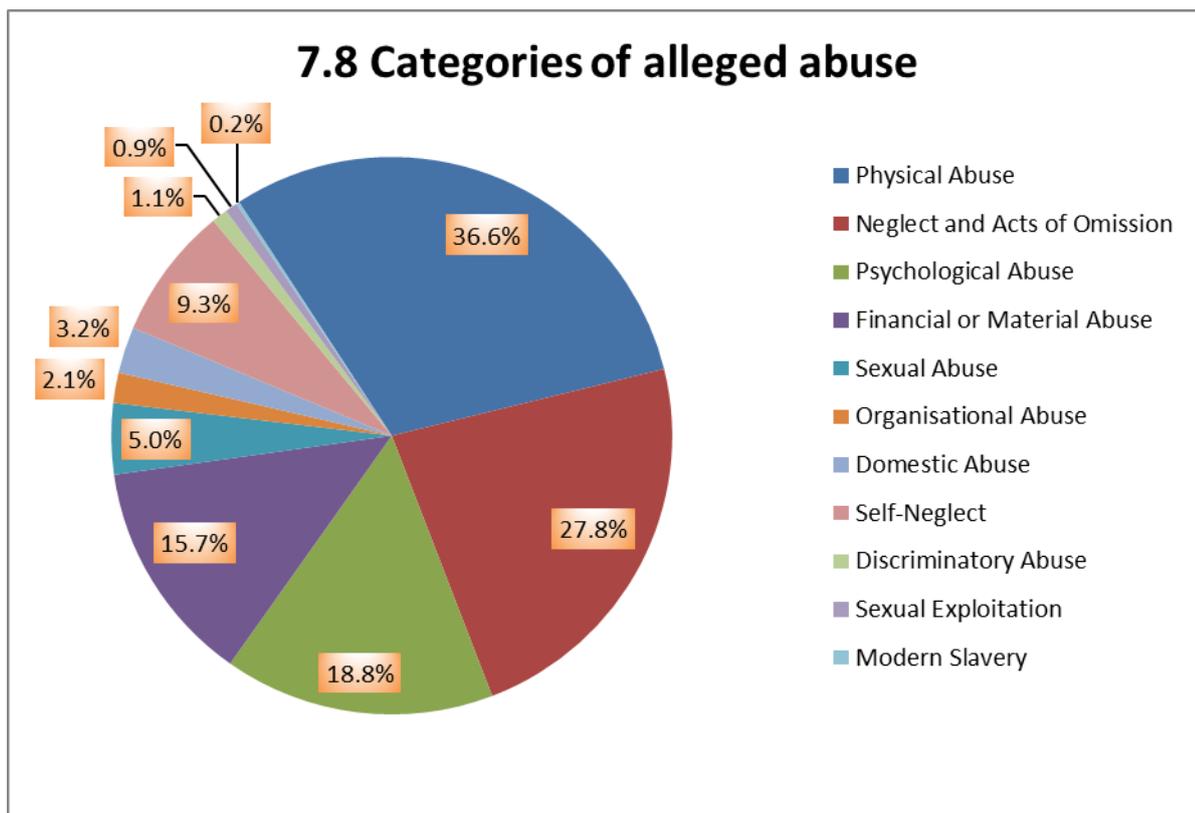


Fig 7.8: Category of alleged abuse, 2017-18

NB: an enquiry may have multiple categories of alleged abuse recorded; as the percentage figures relate to the proportion of all concluded Safeguarding enquiries, columns may therefore sum to more than 100%

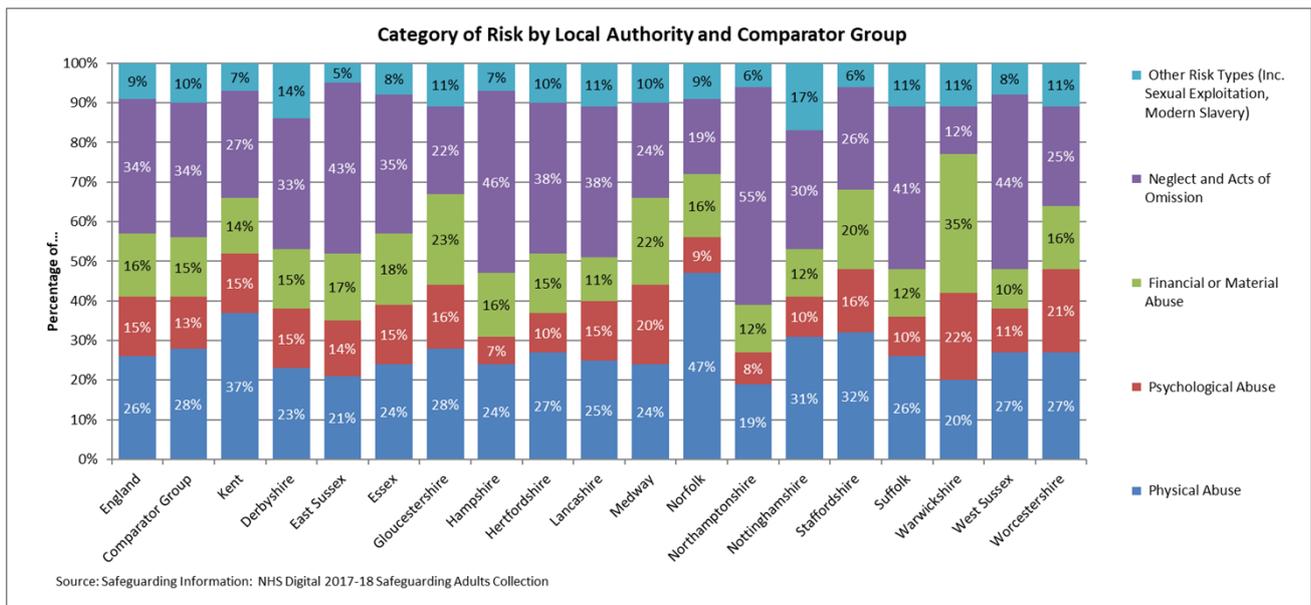


Figure 7.8a Category of risk by Local Authority and National Comparator Group. Source: NHS Digital Safeguarding Adults Collection

Source of safeguarding concern leading to safeguarding enquiry

Table 7.9 below shows the comparison of the sources of safeguarding concerns leading to safeguarding enquiries over the past four years. The majority of enquiries continue to come from social care staff, consistent with previous annual reports, however there has been a 2% percentage point decrease from 2016-17 in the reporting year (albeit a numeric increase of 26). Health staff form the next group where a majority of referrals come from, demonstrating a 2.5% (45 cases) decrease from 2016-17.

The ‘Other’ category (carers, voluntary agencies/independent sector, anonymous, legal, other LA, Benefits Agency, Probation Service and strangers) has reflected a 4.7% (333 cases) increase during 2017-18.

Both Kent and Medway have safeguarding websites and marketing materials, accessible to members of the public. Safeguarding Awareness Week is key to increasing safeguarding awareness amongst members of the public.

Source of safeguarding concern leading to enquiry	2014-15		2015-16		2016-17		2017-18		% point change 2016-17 to 2017-18	DoT %
	No.	%	No.	%	No.	%	No.	%		
Social Care staff	1602	45.6%	1701	43.5%	2654	44.1%	2680	42.0%	-2.0%	↓
Health Staff	827	23.5%	1032	26.4%	1937	32.2%	1892	29.7%	-2.5%	↓
Other	386	11.0%	553	14.2%	546	9.1%	879	13.8%	4.7%	↑
Police	132	3.8%	158	4.0%	225	3.7%	301	4.7%	1.0%	↑
Family member	202	5.7%	135	3.5%	109	1.8%	131	2.1%	0.2%	↑
Care Quality Commission	132	3.8%	125	3.2%	162	2.7%	119	1.9%	-0.8%	↓
Self-Referral	122	3.5%	105	2.7%	18	0.3%	17	0.3%	0.0%	↓
Housing	60	1.7%	66	1.7%	189	3.1%	162	2.5%	-0.6%	↓
Friend/Neighbour	25	0.7%	23	0.6%	17	0.3%	20	0.3%	0.0%	↑

Education/Training/ Workplace	22	0.6%	6	0.2%	23	0.4%	11	0.2%	-0.2%	↓
Other Service User	7	0.2%	5 or less	<1%	5 or less	<1%	5 or less	<1%	-0.1%	↓
Unknown	0	0.0%	5 or less	<1%	139	2.3%	163	2.6%	0.2%	↑
Total	3517	100%	3906	100%	6023	100%	6375	100%	-	↔

Table 7.9 Source of safeguarding concern leading to enquiry - for the periods 2014-15 to 2017-18

NB: The 2015-16 information does not include Medway data as this data was not collated. Prior to review of Medway Council's computer system in Spring 2016, the data relating to referral source was manually input into the computer system and was difficult to report on. Following review of the safeguarding adults computer system, this data can now be collected and Medway will run a report and analyse this data on a quarterly basis to determine high level of referrals and areas where referral numbers are low or non-existent. This will focus local awareness raising activity.

Closed referrals

Outcome of closed enquiries

The greatest proportion of case outcomes for Kent County Council relate to substantiated cases (33.7%), with 2,341 cases wholly substantiated. The biggest increase relates to the 'not determined/inconclusive/other interventions' outcome, reflecting a 6.3% increase. The number of 'Non substantiated' cases have fallen by 6.7% to 25.2% (1,751).

In Medway, the highest proportions of cases are 'not substantiated' at 30.6% (124 cases), down 1.5% from 2016-17. (Cases that are substantiated represent a slightly lower proportion in Medway when compared with Kent, with 121 Medway cases (29.9%) falling into this category. 12.8% of cases (52) are 'partly substantiated', a drop of 3.2% from 2015-16.

Area	Substantiated		Partly Substantiated		Not Substantiated		Not determined/ inconclusive/ Other Interventions		Investigation ceased at request of individual	
	No.	%	No.	%	No.	%	No.	%	No.	%
Kent	2341	33.7%	319	4.6%	1,751	25.2%	2,182	31.4%	346	5.0%
Last Year:	1,692	33.2%	270	5.3%	1,628	31.9%	1,283	25.1%	230	4.5%
Medway	121	29.9%	52	12.8%	124	30.6%	65	16.0%	43	10.6%
Last Year:	92	29.5%	50	16.0%	100	32.1%	49	15.7%	21	6.7%
Total	2462	33.5%	371	5.1%	1,875	25.5%	2,247	30.6%	389	5.3%
Last Year:	1,784	32.9%	320	5.9%	2,316	42.8%	744	13.7%	251	4.6%

Table 7.10: Outcome of closed enquiries in Kent and Medway 2016-17 and 2017-18

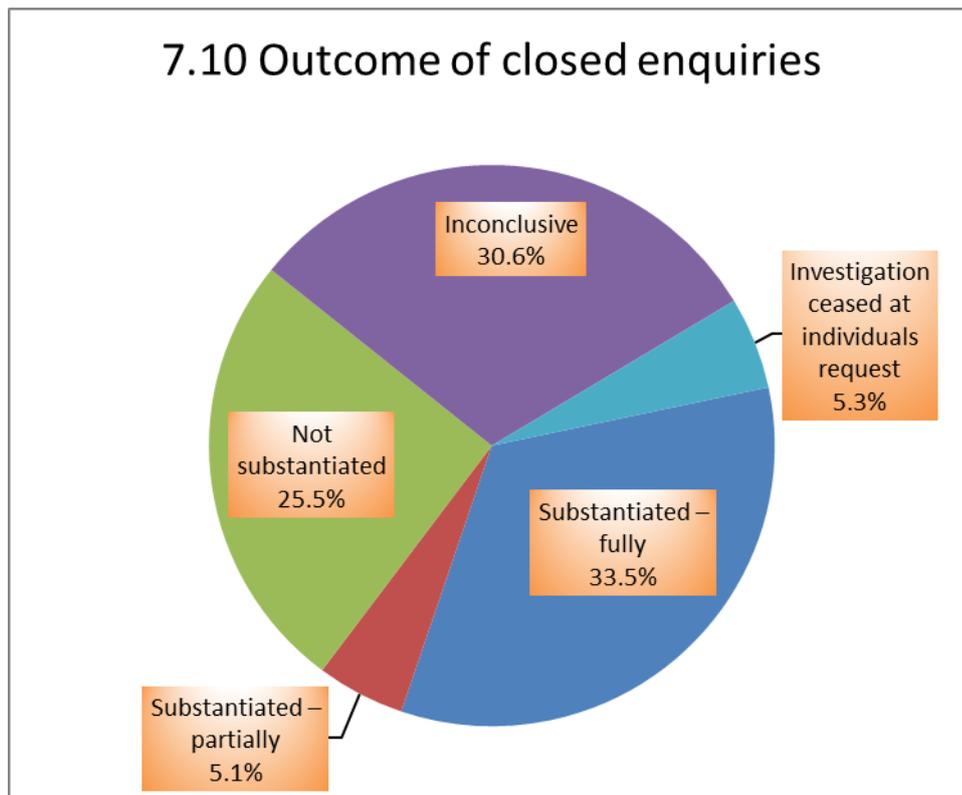


Fig 7.10: Outcome of closed enquiries in Kent and Medway 2017-18

The proportion of cases falling into the Not Substantiated, Not Determined/Inconclusive and Ceased categories is 61.4% in 2017-18, down very slightly from 61.1% in 2016-17.

Risk outcomes for closed enquiries

This section looks at where a risk was identified and what happened to the risk following action being taken. Action can include anything that has been done as a result of the safeguarding concern or enquiry. It can include examples such as disciplinary action for the source of risk or increased monitoring of the individual at risk.

Area	Risk Remained		Risk Reduced		Risk Removed	
	No.	%	No.	%	No.	%
Kent	160	4.3%	2,970	80.6%	557	15.1%
<i>Last Year:</i>	<i>101</i>	<i>3.9%</i>	<i>2096</i>	<i>80.3%</i>	<i>413</i>	<i>15.8%</i>
Medway	13	7.5%	76	43.9%	84	48.6%
<i>Last Year:</i>	<i>19</i>	<i>13.4%</i>	<i>80</i>	<i>56.3%</i>	<i>43</i>	<i>30.3%</i>
Total	173	4.5%	3,046	78.9%	641	16.6%
<i>Last Year:</i>	<i>120</i>	<i>4.4%</i>	<i>2176</i>	<i>79.1%</i>	<i>456</i>	<i>16.6%</i>

Table 7.11: Risk Outcomes for closed safeguarding enquiries 2017-18

Note: Only presents information for cases where a risk was identified

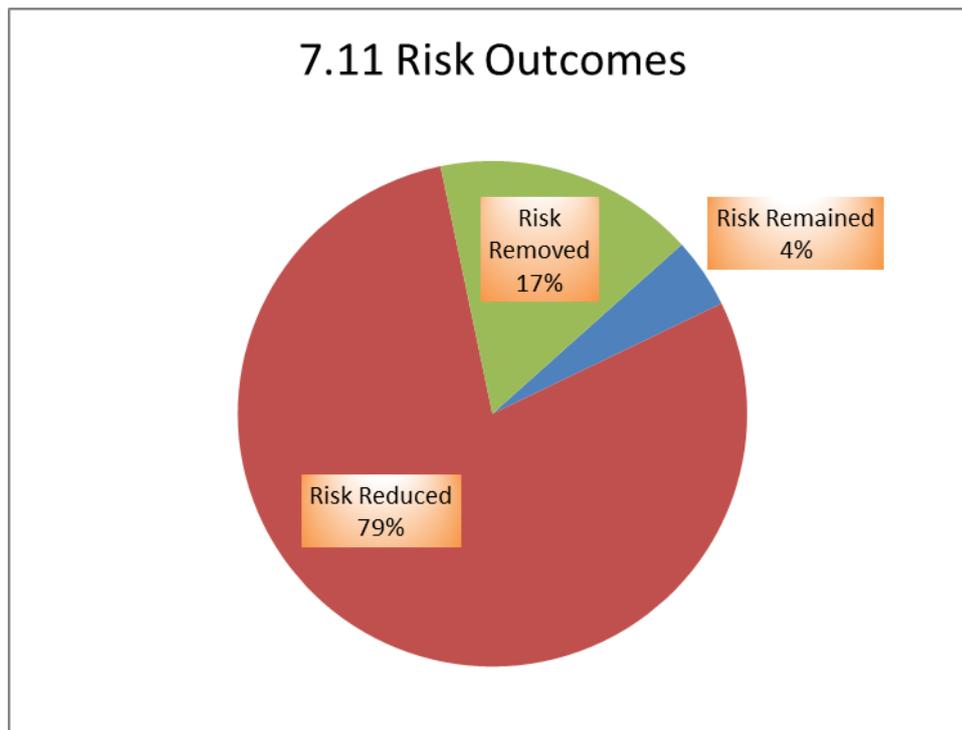


Fig 7.11: Risk Outcomes for closed safeguarding enquiries 2016-17

In Kent, there were 4.3% of cases where the circumstances causing the risk were unchanged and the same degree of risk remained – this is up from 3.9% last year. In Medway this risk outcome represents 7.5% of cases, down significantly from 13.4% in 2016-17. It should be acknowledged that there are valid reasons that a risk could remain, for example in the case of an individual wanting to maintain contact with a family member who was the source of the risk (in such an example action could still be taken to refer the individual at risk for counselling).

Table 7.11 demonstrates that in both Kent and Medway the greatest proportions relate to risk being reduced or removed; in 95.7% of cases where a risk was identified in Kent, the risk was either reduced or removed with the majority of cases falling into the *Reduced* category. In Medway a similar picture is presented, as in 92.5% of cases, where risk was identified and it was reduced or removed.

Glossary

Abuse	includes physical, sexual, emotional, psychological, financial, material, neglect and acts of omission, self-neglect, modern slavery, sexual exploitation, discriminatory and institutional abuse.
Advocacy	is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need.
DHR	A Domestic Homicide Review is a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by— <ul style="list-style-type: none"> (a) a person to whom he was related or with whom he was or had been in an intimate personal relationship, or (b) a member of the same household as himself, held with a view to identifying the lessons to be learnt from the death.
LDWG	Learning and Development Working Group. This group is responsible for the co-ordination, commissioning, delivery and evaluation of the KMSAB multi-agency safeguarding adults training programme.
LeDeR	Learning Disabilities Mortality Review Programme aims to improve the standard and quality of care for people with learning disabilities by reviewing premature deaths.
Policy	A policy sets out the organisations position (i.e. its shared beliefs, organisational intentions and commitments) and is a set of ideas or plan of what we should, or would do, in a particular situation. It sets out a course of action intended to influence and determine decisions, actions and other matters.
PPPWG	Practice, Policy and Procedures Working Group. This group reviews and updates the multi-agency safeguarding adults Policy, Protocols and Guidance for Kent and Medway, and associated documents.
Practice	The actual application or use of an idea or method, as opposed to the theories relating to it.
Procedure	An established or official way of doing something via a series of actions conducted in a certain order or manner.
Protocol	An official procedure or system of governing rules between organisations.
QAWG	Quality Assurance Working Group. This group co-ordinates quality assurance activity and evaluates the effectiveness of the work of all KMSAB's partner agencies, to safeguard and promote the welfare of adults at risk of abuse or neglect.
SAAW	Safeguarding Adults Awareness Week. An annual event where the Board and partner agencies seek to promote awareness of types of abuse, how to seek help and report abuse within Kent and Medway.

- SAF** Self-Assessment Framework. An annual set of questions posed to agencies by the Board to measure progress against key quality standards.
- Safeguarding Concern** is a sign of suspected abuse or neglect that is reported to the local authority or identified by the local authority.
- Safeguarding Enquiry** is defined as the action taken, or instigated, by the Local Authority in response to a concern that abuse or neglect may be taking place. an Enquiry is triggered when the safeguarding threshold is met, which is when someone has care and support needs, is being or suspected of being abused or neglected, and cannot protect themselves due to those care and support needs.
- SAR** The criteria for a Safeguarding Adults Review is detailed on page 17. Safeguarding Adults Reviews look at any lessons to be learnt about the way all local professionals and agencies worked together.
- SARWG** Safeguarding Adults Review Working Group. This group ensures that KMSAB carries out its statutory responsibilities in respect of Safeguarding Adults Reviews and other learning reviews, such as case audits, and monitors action plans resulting from these reviews.
- SCR** Kent Children's Serious Case Review takes place when a child has died or sustained serious abuse and investigates the involvement of organisations and professionals to determine any lessons to be learnt.
- Substantiated**
Where evidence has been provided to support or prove the truth of an allegation.



If you think you or another person is at risk of harm or abuse, please contact:

KENT

Tel: 03000 41 61 61

NGT: 18001 03000 416161

Kent.gov.uk/adultprotection

MEDWAY

Tel: 01634 334466

NGT: 18001 01634 334 466

Medway.gov.uk/abuse

If someone is in immediate risk contact the emergency services on 999

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From: Peter Oakford – Deputy Leader with delegated authority for Minerals and Waste Local Plan Matters

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: County Council – 13th December 2018

Decision No:

Subject: Kent Minerals and Waste Local Plan 2013 – 2030 Early Partial Review, Kent Mineral Sites Plan and revised Local Development Scheme

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee, Cabinet

Future Pathway of Paper:

Electoral Division: Countywide

Summary:

This report provides an update on the Kent Minerals and Waste Local Plan work following Council's adoption of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) in 2016. The KMWLP commits the County Council to prepare a Mineral and Waste Sites Plan to meet the need identified in the adopted Plan. The report includes Pre Submission drafts of the Kent Minerals Sites Plan and Early Partial Review of the KMWLP for County Council approval to submit to the Secretary of State for independent Examination.

Following a call for sites and site appraisal work, this report proposes a Pre-submission Draft of the Kent Mineral Sites Plan (Appendix 1) identifying sites considered suitable in principle to allocate for mineral development.

A reassessment of future waste capacity requirements in Kent as part of the Waste Sites Plan work, concluded that a Waste Sites Plan is no longer required. As a result, an Early Partial Review of the KMWLP is required. Implementation of KMWLP policies concerning mineral and waste safeguarding has also identified that modifications are necessary to improve their effectiveness. The attached Pre-Submission Draft of the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (Appendix 3) has been prepared to address changes proposed to the waste strategy and the safeguarding policies.

The local plan work has been considered by Environment and Transport Sub Committee (28th November 2018) and Cabinet (3rd December 2018). A decision to submit the Draft Submission Plans to the Secretary of State for independent examination is a matter for County Council. Prior to submission, the agreed Draft Plans will be subject to a statutory period for representations. Any representations received will be submitted with the Plans for consideration by the Secretary of State.

An updated Local Development Scheme is also proposed to reflect changes to the programme and timetable concerning the Early Partial Review and preparation of the Mineral Sites Plan.

Recommendation(s):

The County Council is asked to:

(i) Note the Council's legal advice and response in respect of the legal opinion from the promoter of the West Malling sandpit site concerning the green belt assessment.

(ii) (a) Approve and publish the Pre-Submission Drafts of the Kent Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan for a statutory period of representation and to submit the Draft Plans to the Secretary of State for independent examination; and,

(b) Delegate to the Corporate Director for Growth, Environment & Transport the authority to approve any non-material changes to the Mineral Sites Plan and Early Partial Review of the Kent Minerals and Waste Local Plan in consultation with the Deputy Leader prior to their publication and during their examination.

1. Introduction and Background

1.1 The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by the County Council in July 2016 as part of the Council's statutory responsibility to plan for future minerals supply and waste management within Kent. This Plan forms part of the Development Plan and is a key policy document for the determination of planning applications. The KMWLP sets out the County Council's strategy and policy framework for minerals and waste development in Kent which includes future capacity and supply requirements. The KMWLP commits the Council to identifying and allocating land considered suitable for minerals and waste development in a subsequent Waste Sites Plan and a Minerals Sites Plan.

1.2 At its meeting on 30 November 2017, the Environment and Transport Cabinet Committee (ETCC) considered a report on the progress of the Local Plan work. This included a reassessment of future waste capacity requirements in Kent that indicated that a Waste Sites Plan was no longer required and that an early Partial Review of the KMWLP was therefore needed. In addition, experience of implementing the Local Plan policies regarding mineral and waste safeguarding had revealed ambiguity in the wording of certain of their exempting criteria which was hindering the effectiveness of the policies. It was agreed that modifications were necessary to address this ambiguity. The Committee also recognised that a Mineral Sites Plan was still required.

1.3 The ETCC Committee in November 2017 resolved to:-

- i Undertake public consultation on options for minerals sites included in the Mineral Sites Plan – Options 2017 and associated Sustainability Appraisal Scoping Report;
- ii undertake an early partial review of the KWMLP concerning future requirements for waste management and mineral and waste safeguarding;
- iii as part of the early partial review, undertake associated public consultation on proposed modifications to the KMWLP and the associated Sustainability Appraisal Scoping Report; and,
- iv note the contents of an updated Local Development Scheme to reflect the Partial Review and changes to the timetable in terms of preparation of the Mineral Sites Plan.

Following consideration, the Cabinet Member responsible for the Local Plan took the decision to bring this resolution into effect.

1.4 This report provides an update on the Local Plan work following the public consultation referred to in paragraph 1.3 above. It proposes Pre-submission Drafts of the Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30

(Appendices 1 and 3 to these papers). As County Council policy documents, decisions to approve the Pre-Submission Drafts for submission to the Secretary of State for independent examination are a matter for County Council. The Draft Plans have therefore been considered by the Environment and Transport Cabinet Committee and Cabinet where views were sought on the Local Plan work to inform the Cabinet Member responsible for the Minerals and Waste Local Plan prior to presenting the matter to County Council. The consideration by Cabinet and Environment and Environment and Transport Cabinet Committee is set out in sections 5 and 6 below.

- 1.5 Prior to submission to the Secretary of State, the County Council is required by legislation to publish the Pre-Submission Drafts for a minimum six-week period for representations on soundness and legal compliance. Any representations received are then considered by the Inspector appointed by the Secretary of State to examine the soundness and legality of the Plan (in accordance with relevant planning policy and guidance).

2 Mineral Sites Plan

- 2.1 Following the adoption of the KMWLP, the County Council commenced work on the accompanying Mineral Sites Plan which will allocate sites in Kent for the types of minerals development needed to fulfil the vision and objectives of the KMWLP. This work included a review of the requirements for aggregates to be provided for by sites identified in the Mineral Sites Plan. Policy CSM2 of the KMWLP expects the Mineral Sites Plan to allocate sites for soft sand and for sharp sand and gravel based upon the most recent calculations of requirements set out in the Local Aggregates Assessment. To ensure that Kent is planning for sufficient requirements to the end of the Plan period, a review of need has been undertaken. This has identified a soft sand need of 2.5mt and a sharp sand and gravel need of 5.75 mt. However, it should be noted that the adopted KMWLP recognised that sharp sand and gravel resources in Kent are rapidly depleting. Policy CSM2 of the KMWLP therefore recognises that the need for sharp sand and gravel requirements can only be met whilst resources allow. In light of the greater abundance of soft sand resources there is no similar policy test for soft sand requirements.
- 2.2 Work began with a “Call for Sites” in late 2016, which invited nominations (e.g. from landowners and potential minerals operators) for sites to be considered for allocation to meet the KMWLP mineral supply requirements. All those parties that had previously had an interest in the Minerals and Waste Local Plan work were notified of the Call for Sites and invited to nominate sites as well as comment on a draft Site Selection Methodology. This included residents who have previously expressed an interest in minerals and waste plans in Kent, landowners, minerals and waste operators, local businesses, statutory organisations, local interest groups, parish, borough and district councils, councillors and others.
- 2.3 The Call for Sites, along with the methodology for site selection and assessment was agreed by the Cabinet Member for Planning, Highways, Transport and Waste in December 2016 following consideration of the matter at Environment and Transport Cabinet Committee in November 2016. The agreed site assessment process for the Mineral Sites Plan involves:
 - (i) Meeting the criteria in paragraph 2.4 below for a Mineral Site Option;
 - (ii) Initial screening – a refined traffic light approach with a Red Amber Green (RAG) rating based on potential effects of development against a range of assessment criteria;
 - (iii) Consultation on Site Options; and
 - (iv) Detailed Technical Assessment (DTA) to identify Preferred Options for allocation in a Pre-Submission Draft Mineral Sites Plan.

2.4 For a site to be considered a Mineral Site Option it had to:

- (i) **Align with the objectives of the KMWLP:** The site must be able to provide minerals in accordance with the future needs for minerals identified in the KMWLP.
- (ii) **Be justified:** The site must represent a suitable development opportunity based on a desktop assessment of the opportunities and constraints associated with its location.
- (iii) **Be deliverable:** Development of the site should not result in severe adverse effects that would affect its deliverability, and its development should also be supported by the landowner.

2.5 This is in accordance with Policy CSM2 of the KMWLP that sets out the following criteria for selecting and screening the suitability of sites for allocation in a Mineral Sites Plan:

- (i) The requirement for the mineral;
- (ii) Relevant development management policies;
- (iii) Relevant policies in district local plans and neighbourhood plans;
- (iv) Strategic environmental information, including landscape assessment and Habitat Regulation Assessment as appropriate;
- (v) Deliverability; and
- (vi) other national planning policy and guidance

The Policy also states that sites to be identified in a Mineral Sites Plan will generally be where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where the Mineral Planning Authority considers that planning applications are likely to be acceptable in principle in planning terms.

2.6 In response to the Call for Sites, 19 mineral sites were promoted for consideration, nine of which were selected as ‘Options,’ i.e. sites that were considered potentially suitable for allocation in the Kent Minerals Sites Plan, subject to public consultation and detailed technical assessment. A Site Evaluation Document setting out how the sites were initially assessed against the methodology (stage ii in paragraph 2.3 above) was considered by ETCC in November 2017 and was subject to public consultation. The views received have informed the detailed technical assessment stage of the plan making work that is considered in this report and its appendices. A summary of the views received on the Site Options is set out in **Appendix 2**.

2.7 The Site Options subjected to detailed technical assessment (DTA) for soft sand were:

Site Ref	Soft Sand Sites	Estimated reserve
M3	Chapel Farm, Lenham	3.2mt
M8	West Malling Sandpit, Ryarsh	3.1mt (and 0.5mt of silica sand)

During the detailed technical assessment phase, the promoter amended the Chapel Farm site to remove the eastern parcel of the promoted site and minor revisions to the access route onto the A20. Further information was also provided by the promoter of Site M8 indicating where the mineral would be excavated.

2.8 The Site Options for sharp sand and gravel were:

Site Ref	Sharp Sand and Gravel Sites	Estimated reserve
M2	Lydd Quarry/Allen's Bank Ext, Lydd	3.1mt
M7	Central Road, Dartford	0.9mt
M9	The Postern, Capel	0.6mt
M11	Joyce Green Quarry, Dartford	1.5mt
M13	Stonecastle Farm Quarry Ext, Hadlow/Whested	1.0mt
M12	Postern Meadows, Tonbridge	0.23 mt
M10	Moat Farm, Five Oak Green, Capel	1.5mt

During the detailed technical assessment The Postern, Capel site (M9) was withdrawn from further consideration by the site's promoter.

- 2.9 The remaining 10 sites promoted through the call for sites were not considered to be in alignment with the KMWLP (stage (i) of the assessment process) and so were not proposed as Site Options.
- 2.10 Full details of the nine sites that progressed to the DTA stage and the outcome of the assessment can be found in the supporting document **Kent Mineral Sites Plan – Minerals Site Assessment Document 2018 (see Appendix 2)**. The DTA stage considered a range of environmental impacts including landscape and visual impact, amenity, highways and transportation, biodiversity, historic environment, waste resources and flood risk, land stability and need. It also considered where necessary an assessment of Green Belt policy. The DTA work concluded that three of the sites should progress as sites for allocation in the Minerals Sites Plan – one soft sand site and two sharp sand and gravel sites. These sites are considered acceptable in principle for mineral development, subject to planning applications demonstrating that certain development management criteria can be met. The DTA work also included Sustainability Appraisal for each site (**See Appendix 7**). The site assessment has been reconsidered in light of the legal advice referred to below relating to green belt matters. The decision whether to allocate a site or not in the Pre-Submission Draft of the Mineral Sites Plan has not changed as a result of the further consideration.
- 2.11 The Minerals Site Assessment document (**Appendix 2**) includes a summary of the views of interested parties including those of the local community. In the case of the M2 Site – Lydd Quarry and Allen's Bank the Council also received a petition opposed to the development. It has 229 e-signatures and a further 747 written signatories. The petition objects on the basis of flood risk, contamination of drinking water, increase in traffic and decrease in property values. The Council procedures on petitions require that this is brought to the attention of decision makers.

2.12 In summary, the DTA concluded the following:

M3 - Chapel Farm, Lenham - Western Site	Suitable for allocation in Pre-Submission Draft Mineral Sites Plan , subject to meeting development management criteria at planning application stage
M3 - Chapel Farm, Lenham - Eastern Site	Site withdrawn by promoter – due to likely unacceptable impact on heritage asset. Not allocated in Pre-Submission Draft Mineral Sites Plan.
M8 - West Malling Sandpit, Ryarsh	Site not allocated in Pre-Submission Draft Mineral Sites Plan – inconsistent with green belt policy with regard to inappropriate development. An alternative promoted soft sand site at Chapel Farm, Lenham lies outside the Green Belt and is considered acceptable in principle to meet the soft sand mineral requirements in Kent. It is not therefore reasonable to conclude that the necessary ‘very special circumstances’ exist to override the presumption against inappropriate development within the Green Belt. It is noted that the site is within the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the impacts upon the AONB are uncertain.
M2 - Lydd Quarry/Allen’s Bank Ext, Lydd	Site not allocated in Pre-Submission Draft Mineral Sites Plan - Likely unacceptable impacts upon the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), the Special Area of Conservation (SAC) and the Ramsar Site; Likely unacceptable impact upon the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI). In respect of parcel 23 (Allen’s Bank), the likely unacceptable impact upon archaeological interests. It is noted that the impact upon the setting and character of the historic town of Lydd is uncertain.
M7 – Central Road, Dartford	Site not allocated in Pre-Submission Draft Mineral Sites Plan – Likely unacceptable highway impacts on Bob Dunn Way (A206) and on M25 Junction 1a (Dartford Crossing), likely unacceptable loss of biodiversity habitat, impact upon Local Wildlife Sites (LWS) and UK Biodiversity Action Plan (BAP) interests, likely unacceptable impacts on residential amenity, likely unacceptable air quality impact on AQMA and conflict with Local Plan open space objectives.
M10 - Moat Farm, Five Oak Green, Capel	Suitable for allocation in Pre-Submission Draft Mineral Sites Plan , subject to meeting development management criteria at planning application stage
M11 – Joyce Green Quarry, Dartford	Site not allocated in Pre-Submission Draft Mineral Sites Plan - Likely unacceptable highway impacts on Bob Dunn Way (A206) and on M25 Junction 1a (Dartford Crossing), likely unacceptable air quality impact on AQMA, likely unacceptable loss of biodiversity habitat, impact upon LWS and UK Biodiversity Action Plan (BAP) interests and uncertainty that restoration proposals would meet ecological objectives to replace habitat and conflict with Local Plan open space objectives. The mineral proposal is

	considered to be inappropriate development within the Green Belt through restoration proposals and harm arising from highway impacts, air quality and biodiversity impacts.
M12 - Postern Meadows, Tonbridge	Site not allocated in Pre-Submission Draft Mineral Sites Plan - insufficient evidence to complete DTA in order to conclude with any certainty that the development is acceptable in principle for mineral development.
M13 - Stonecastle Farm Quarry Ext, Hadlow/ Whested	Suitable for allocation in Pre-Submission Draft Mineral Sites Plan , subject to meeting development management criteria at planning application stage
M9 The Postern, Capel	Site withdrawn by Promoter – unable to demonstrate acceptable access. Not allocated in Pre-Submission Draft Mineral Sites Plan.

The three sites considered suitable for allocation are set in the Pre-Submission Draft of the Minerals Sites Plan included at **Appendix 1**.

3. Early Partial Review of the KMWLP including Need for a Waste Sites Plan

3.1 The Early Partial Review of the KMWLP proposes modifications in the following areas:

A. Waste Management:

- The strategy for provision of future waste management capacity
- The identification of site allocations for waste management facilities

B. Safeguarding - The approach to safeguarding mineral resources and waste management and minerals supply infrastructure.

The paragraphs below and the supporting evidence to this report set out the justification for proposed changes identified by the Early Partial Review. The detail of the proposed changes is set out in the Pre-Submission Draft - Early Partial Review of the Kent Minerals and Waste Local Plan 2018 which is attached at **Appendix 3**

3.2 The adopted KMWLP identified a shortfall in waste management capacity over the Plan period for the following types of waste management: waste recovery (energy from waste and organic waste treatment), hazardous waste, and the disposal of dredgings. To improve certainty concerning the provision of the required capacity, policies CSW7, CSW8, CSW12 and CSW14 commit the County Council to allocating sites suitable for accommodating related waste facilities in a Waste Sites Plan. Policy CSW4 sets the strategy context for waste management capacity. Calculation of the future waste management capacity requirements in the KMWLP had been undertaken in 2012 and so preparation for the Waste Sites Plan involved a review of those requirements to ensure that the amount of new capacity planned for is robust.

3.3 A key driver for the review of waste requirements was the implementation of a planning permission for a significant new waste recovery facility at Kemsley which meant that the amount of existing waste management capacity used to inform the approach in the KMWLP was no longer robust. Planning permission was granted in 2012 for the Kemsley Sustainable Energy facility, which would provide capacity for around 500,000tpa of non-hazardous waste recovery. During the preparation of the KMWLP, there was considerable uncertainty over

whether the facility would be built and so it was considered prudent not to factor this into the assessment of future capacity requirements. However, in August 2016, shortly after the adoption of the KMWLP, work commenced on the construction of the Kemsley facility, clearly indicating that the capacity would in fact be realised, substantially eliminating the waste recovery capacity shortfall identified in the KMWLP of 562,500tpa.

- 3.4 The adopted KMWLP also identified that sites would be identified in a Waste Sites Plan for hazardous waste (specifically landfill of asbestos) (policy CSW12) and for the disposal of dredgings (policy CSW14). Notwithstanding this policy support, the 'Call for Sites' did not reveal any need or support from industry, including the Port of London Authority, for the allocation of related sites.
- 3.5 In terms of additional organic waste treatment capacity, the review of waste requirements concluded that, while there is sufficient capacity within Kent to meet recycling and composting requirements overall, further organic waste treatment capacity could be justified; however, it is considered that the Plan's policies are sufficiently supportive, such that the identification of specific sites to provide any additional certainty that development will come forward, is not justified.
- 3.6 Overall, the review of waste requirements indicated that there was no need for additional waste recovery capacity and that there was insufficient justification for a Waste Sites Plan. As a result, changes to a number of the adopted KMWLP waste policies and explanatory text are required to remove the commitment to identify sites within a separate Waste Sites Plan. This will help ensure that there is no over-supply of recovery capacity within Kent. A change to adopted policies can only be realised via modifications which the County Council is statutorily obliged to publish for representations and then submit to the Secretary of State for independent examination.
- 3.7 Public consultation on these proposed changes as set out in the 'Kent Minerals and Waste Local Plan 2013-2030 Partial Review 2017' consultation document was undertaken between December 2017 and March 2018 and a summary of the comments received, with officer response, is set out in **Appendix 5**. Key concerns were raised that the revised waste needs assessment underpinning the partial review underestimates the future need for waste recovery capacity because it overestimates recycling performance and underestimates baseline arisings and the network of waste management infrastructure in Kent should be enhanced to realise associated benefits. These benefits include incineration with energy recovery facilities provide substantial inward investment, jobs and a supply of renewable/low carbon power and/or heat. Further representations suggest that the KMWLP Partial Review should acknowledge that additional organic waste treatment capacity is required.
- 3.8 The Partial Review work has been reconsidered in light of the concerns raised. This work has confirmed that the baseline assessments are robust. Changes have been made to recycling and recovery targets in Policy CSW4 which reflect actual measured performance in Kent and recent EU targets. As set out in **Appendix 5** and in the Pre- Submission Draft of the Plan (**Appendix 3**) and its supporting evidence, no other significant changes are proposed to the strategy set out in the Kent Minerals and Waste Local Plan 2013-2030 Partial Review 2017 consultation document.

4. Minerals and Waste Safeguarding

- 4.1 Given the need for an early Partial Review (as described above), the opportunity has also been taken to consider whether there are other elements of the KMWLP which may benefit from amendment in light of 24 months' experience of implementing its policies. Generally, it is considered that the KMWLP is performing as intended; however, one matter has arisen in relation to the safeguarding of mineral resources and minerals and waste management

infrastructure. Implementation of the safeguarding policies DM 7 and DM 8 has revealed an ambiguity that means the policies are not being implemented wholly as intended.

- 4.2 Amongst other aims, the intention of these safeguarding policies is to ensure that development on sites for non-mineral development (i.e. housing and commercial) allocated in a Borough or District Local Plan would be exempt from the KMWLP's safeguarding provisions **if** the need to safeguard any mineral resource underlying the site, and/or proximate minerals and waste infrastructure, had been assessed and factored into the decision to allocate the sites. In practice, however, there have been occasions where the policies are being interpreted to exclude any site allocations in adopted development plans from the safeguarding process, regardless of whether minerals and waste safeguarding matters were considered during the site allocation process. This is not the intention of the policies, nor national policy guidance, and it has the potential to undermine the effectiveness of these policies. The Early Partial Review provides the opportunity to address this matter.
- 4.3 Proposed minor changes to policies DM7 and DM8, as well as supporting text to ensure that the safeguarding intention of the KMWLP is effective was the subject of public consultation between December 2017 and March 2018. A workshop was also held with the Borough and District Councils to discuss the proposal and invite comments. Details of the views received are set out in **Appendix 5** along with officer response. A number of minor changes have been made to related explanatory text to address concerns. The proposed revisions to the adopted Safeguarding policies and explanatory text are set out in the Pre-Submission Draft of the Early Partial Review of the Kent Minerals and Waste Local at **Appendix 3**.

5. Consideration by Environment and Transport Cabinet Committee

- 5.1 A similar report to this one, was reported to the Environment and Transport Cabinet Committee (ETCC) on 28 November 2018 for it to consider and endorse, or make recommendations to the Cabinet Member responsible for the Minerals and Waste Local Plan on the local plan work.
- 5.2 Prior to consideration, the Committee received a number of late representations from:
- (a) Brett Group, the promoter of the M2 Lydd Quarry Site
 - (b) Local resident on behalf of Whetsted Residents in respect of the M10 and M13 sites at Stonecastle Farm and Moat Farm
 - (c) Ryarsh Protection Group in respect of M8 West Malling Site

which it noted and considered. It also received a copy of a legal opinion dated 27th November 2018 from the promoter of the West Malling, Ryarsh site (M8) advising that in their view, the Council's methodology which led to the exclusion of the site on green belt grounds was flawed. A copy of the opinion and the late representations are attached at **Appendix 9**.

- 5.3 The ETCC resolved (amongst other matters) to note that the County Council was seeking legal advice in respect of the M8 promoter's legal opinion referred to above. It also noted that the advice received by the County Council would inform the consideration of the Pre-Submission Draft of the Mineral Sites Plan by Cabinet. This legal opinion was expected in advance of the 3 December meeting.

6 Consideration by Cabinet

- 6.1 A similar report was also reported to Cabinet on 3rd December. It considered the report and noted the late representations that had been received by Cabinet Committee referred to in paragraph 5.2 above. In respect of the promoter's legal advice relating to the green belt considerations of the West Malling site (M8), it received legal advice from Invicta Law and

Isabella Tafur, Counsel at Francis Taylor Buildings responding to the matter raised. A copy of the advice is found at **appendix 10**.

- 6.2 Cabinet noted that in light of the advice, officers had reconsidered the green belt considerations for the mineral sites with particular reference to the Europa oil and gas case law and Counsel's advice in respect of what may and may not be relevant in considering inappropriate development within the Green Belt. It noted that a final version of the assessment was in preparation and would be included in the report for County Council who are responsible for determining whether the Pre-submission draft of the Minerals Sites Plan should be approved for submission to the Secretary of State for examination. Officers however advised that the reconsideration of the green belt matters in the case of the West Malling site, still concluded that the mineral excavation development would constitute inappropriate development within the green belt and that the allocation of the site would be inconsistent with green belt policy. The site is not allocated in the Pre-submission draft of the Minerals Sites Plan.
- 6.3 In addition to the green belt considerations, as a result of matters raised at ETCC and Cabinet, the local plan work has been revised to clarify the development management criteria for the Moat Farm, Five Oak Green Site in relation to water resources and the need to demonstrate at planning application stage that the site will have no adverse impacts on hydrology or hydrogeology; that opportunities to use the river for the Moat Farm and Stonecastle Farm sites should be explored and that the saved brickearth policy from the Mineral Subject Plan: Brickearth 1986 will be superseded by the adoption of the Kent Minerals Sites Plan.
- 6.4 The Pre-submission Draft of the Minerals Sites Plan at **Appendix 1** incorporates the above changes. The Kent Mineral Sites Plan - Mineral Site Assessment 2018 document at **Appendix 2** includes the revised consideration of green belt matters.

7. Next Steps

- 7.1 Following consideration by ETCC and Cabinet, the County Council is asked to agree that the Pre-Submission Draft Plans be submitted to the Secretary of State for independent Examination by a Government-appointed inspector. Prior to submission the Plans will be published for a statutory period for representations on soundness and legal compliance in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7.2 During the examination, the Inspector will consider all representations received and may choose to convene public hearings. If requested by the Council, the Inspector can discuss changes needed to ensure soundness (known as 'main modifications'). If such changes are necessary, these will be reported to this Cabinet Committee, Cabinet and County Council for agreement prior to being published for representations. Ultimately, the Mineral Sites Plan and modifications to the KMWLP can only be adopted by the County Council following receipt of an Inspector's report that finds the Plan and the modifications sound and legally compliant. Adoption of the Plan and the modifications would then be considered by ETCC, Cabinet and County Council.
- 7.3 During the process, minor non-material changes (e.g. changes related to grammar and clarity) may be needed, and it is proposed that the agreement to such changes be delegated to the Corporate Director for Growth, Environment & Transport in consultation with the Deputy Leader.

8 Revised Local Development Scheme

- 8.1 The Local Development Scheme sets out the County Council's programme for preparing minerals and waste planning documents. The current Local Development Scheme, which was adopted in December 2017 anticipated submission of the Plan to the Secretary of State following the pre-submission consultation in January 2019. This needs to be updated to reflect the updated timetable. The revised timetable for the preparation of the Minerals Sites Plan and KMWLP Partial Review, to be included in the Scheme, is set out in the table below.

Stage	Dates
Second Call for Sites	November 2016 - January 2017
Minerals Sites Options and KMWLP Partial Review Consultation (Reg 18)	December 2017 – March 2018
Pre-Submission Plan Consultation (Reg 19)	December 2018 – February 2019
Submission	March/April 2019
Independent Examination Hearing	June/ July 2019
Inspector's Report	October 2019
Adoption	December 2019

9. Financial Implications

- 9.1 The costs of preparing the Kent Mineral Sites Plan Options and the early Partial Review of the MWLP are met from the Environment, Planning and Enforcement Division's budget.

10. Policy Framework

- 10.1 The Kent Mineral Sites Plan and the policies within the KMWLP itself support the County Council's corporate policies contained within the Council's Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020'. The Minerals Sites Plan will support and facilitate sustainable growth in Kent's economy and support the creation of a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

11. Legal Implications

- 11.1 The County Council has a legal obligation under the Town and Country Planning Acts to prepare a statutory Development Plan for planning purposes (commonly known as the Local Plan) .

- 11.2 The County Council is also required by national planning policy to ensure that local plans promote sustainable minerals and waste development. The early partial review will play an important role in ensuring that minerals and waste development in Kent is in line with national planning policy.
- 11.3 There is an expectation by the Minister for Housing, Communities and Local Government (MHCLG) that all planning authorities have an up to date local plan in place. Without an up to date adopted plan, there is a risk that MHCLG will step in as the plan making authority, reducing local accountability.

12. Equalities implications

- 12.1 An equality impact assessment (EQIA) has been completed and no equality implications have been identified. A copy of the assessment is attached at **Appendix 8**. The earlier Local Plan work was accompanied by a separate EQIA.

13. Conclusion

- 13.1 The Town and Country Planning Acts requires the County Council to prepare a Development Plan setting out how mineral and waste planning matters will be considered in Kent. The KMWLP adopted in July 2016 sets out the overarching strategy and vision until 2030 and commits the County Council to preparing Mineral and Waste Sites Plans that allocate individual sites for development that align with the KMWLP strategy.
- 13.2 Preparation work for the Waste Sites Plan concluded that the waste capacity requirements for Kent had essentially been met and that a Waste Sites Plan is no longer justified. As a result, an early partial review of the KMWLP is required. Implementation of KMWLP policies concerning mineral and waste safeguarding has also identified that minor modifications are necessary to improve their effectiveness. The attached Pre-Submission Draft of the Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 (**Appendix 3**) has been prepared to address changes proposed to the waste strategy and the safeguarding policies.
- 13.3 In respect of the Minerals Sites Plan, following a call for sites and site appraisal work, this report proposes a Pre-submission Draft of the Kent Minerals Sites Plan (**Appendix 1**) allocating sites considered suitable in principle for mineral development. Public consultation and views of technical consultees have informed both Draft Pre-submission Plans.
- 13.4 A decision to submit the Draft Plans for Examination to the Secretary of State is a matter for County Council. Once agreed the Draft Plans will be published to allow representations (known as Regulation 19 Consultation). The Draft Plans and any representations will then be submitted to the Secretary of State for independent examination.
- 13.5 An updated Local Development Scheme is proposed to reflect changes to the programme and timetable concerning preparation of the Mineral Sites Plan and the Early Partial Review.

14. Recommendation

Recommendation(s):

The County Council is asked to:

(i) Note the Council's legal advice and response in respect of the legal opinion from the promoter of the West Malling sandpit site concerning the green belt assessment.

(ii) (a) Approve and publish the Pre-Submission Drafts of the Kent Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan for a statutory period of representation and to submit the Draft Plans to the Secretary of State for independent examination; and,

(b) Delegate to the Corporate Director for Growth, Environment & Transport the authority to approve any non-material changes to the Mineral Sites Plan and Early Partial Review of the Kent Minerals and Waste Local Plan in consultation with the Deputy Leader prior to their publication and during their examination.

15. Contact details

Lead Officer:

Sharon Thompson – Head of Planning Applications Group

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Lead Director:

Katie Stewart – Director of Environment, Planning and Enforcement

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Appendices

Please note that this report is accompanied by a number of appendices. Given their size, these appendices have been published on the County Council's website alongside the agenda and are available via the modern.gov app. A hard copy of all the appendices is available in the Member's Room, the 3 Group Offices and on request from Members Desk (members.desk@kent.gov.uk).

Appendix 1:

Kent Mineral Sites Plan – Pre-Submission Draft 2018

Appendix 2:

Kent Mineral Sites Plan – Minerals Site Assessment Document 2018

Appendix 3:

Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 – Pre- Submission Draft 2018

Appendix 4:

Kent Minerals and Waste Local Plan 2013-30 - Updated Local Development Scheme – timescale 2018

Appendix 5

Partial Review of the Kent Minerals and Waste Local Plan 2013-30 – Summary of Issues Raised 2018

Appendix 6:

Sustainability Appraisal of the Kent MWLP Partial Review 2018

Appendix 7:

Sustainability Appraisal of the Kent Minerals Sites Plan 2018

Appendix 8:

Kent Minerals and Waste Local Plan 2013-30 Partial Review 2018 and Kent Minerals Sites Plan 2018 - Equality Impact Assessment

Appendix 9:

Representations received by ETCC post publication of ETCC papers for meeting on 28th November 2018

Appendix 10:

Legal advice from Invicta Law and Isabella Tafur, Counsel at Francis Taylor Buildings responding to the greenbelt matter raised by the promoter of the West Malling site (M8).

Background Documents

[Kent Minerals and Waste Local Plan 2013-30](#)

[Site Identification and Selection Methodology 2018](#)

[Kent Minerals Sites Plan – Mineral Site Selection – Initial Assessment November 2017](#)

[Kent Minerals Sites Plan Options 2017 Consultation document](#)

[Soft Sand Topic Paper 2018](#)

[Sharp Sand and Gravel Topic Paper 2018](#)

[Kent County Council - Local Aggregate Assessment DRAFT 2018](#)

[Kent Minerals Sites Plan – Appraisal of Landscape and Visual - Axis 2018](#)

[Kent Minerals Sites Plan - Land Stability report - Axis 2018](#)

[Topic Papers – Waste Assessment – BPP 2017](#)

Waste Evidence Topic Papers – 2018

BPP Consulting Kent Waste Needs Assessment 2018 Specifically:

- [Non-Hazardous Waste Recovery Capacity Requirement, November 2018;](#)
- [Non-Hazardous Waste Recycling/Composting Capacity Requirement, November 2018;](#)

- *Hazardous Waste Needs Assessment, November 2018.*

Scoping Report – Sustainability Appraisal of the Kent MWLP Partial Review

Scoping Report – Sustainability Appraisal of the Kent Minerals Sites Plan- Making Process

Habitats Regulation Assessment

SFRA and Water Resource Reports (Available on Request)

Kent Minerals and Waste Local Plan 2013-30 Updated Local Development Scheme – 2017

Kent Minerals and Waste Local Plan 2013-30 - Equality Impact Assessment 2017

Statement of Community Involvement

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By: Mr Eric Hotson, Cabinet Member for Corporate and Democratic Services
Benjamin Watts - Monitoring Officer

To: County Council
13 December 2018

Subject: Officer Delegations - amendments

Classification: Unrestricted

Summary: To consider the amendments to officer delegations as set out in the report and recommended by the Selection and Member Services Committee to the County Council for approval

Recommendations: That the County Council approve the following amendments to officer delegations:

- (a) Delegation of authority under Section 64 of the Land Drainage Act 1991 (powers of entry for internal drainage boards and local authorities) be given to the Director of Environment, Planning and Enforcement.
- (b) Delegated authority to enter into agreements under section 106 of the Town and Country Planning Act 1990 be extended to the Director of Highways, Transportation and Waste
- (c) Paragraph 1.4 of Appendix 2 of Part 3 of the Constitution be amended to read:

“Senior Managers may, in turn, delegate their powers to more junior officers, **or escalate the making of those decisions to the relevant Corporate Director**, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.”

1. Introduction

(1) The Selection and Member Services Committee at its meeting on 14 November agreed to recommend to the County Council the approval of the delegation of a number of non-Executive functions to officers. The proposed amendments are explained below and set out in the tracked changed extract of Appendix 2 Part 3 of the Constitution attached as an Appendix to the report.

2. Land Drainage Act 1991 - Section 64 - Powers of entry for internal drainage boards and local authorities

(1) Under Section 64 of the Land Drainage Act 1991 the Council has powers to authorise officers to enter land for the purposes of exercising any flood management functions under this section which include inspecting any land and inspecting the condition of any drainage work.

(2) This delegation is not set out in the Constitution. In order for this to be exercised by officers it is recommended that, under Section 64 of the 1991 Act the Director of Environment, Planning and Enforcement be authorised to enter land for the purposes of exercising any flood management functions. The delegation to the Director of Environment, Planning and Enforcement would be in line with the other Land Drainage Act delegations and, in accordance with the general scheme of officer delegations would enable the Director to sub-delegate this function to her officers under a signed notification lodged with the Monitoring Officer

3. Section 106 of the Town and Country Planning Act 1990 - Power to enter into agreements regulating development or use of land

(1) Currently in Appendix 2 Part 3 of the Constitution the power under Section 106 of the Town and Country Planning Act 1990 to enter into agreement regulating development or use of land is delegated to the Director of Environment, Planning and Enforcement, the Director of Economic Development or the Director of Property and Infrastructure. This power has not formally been delegated to the Director of Highways, Transport and Waste in the current version of the Constitution.

(2) In order to regularise this situation, the County Council is requested to approve the power to enter into agreements under Section 106 of the Town and Country Planning Act 1990 be extended to the Director of Highways, Transportation and Waste.

4. General non-executive delegation to enable senior officers to escalate the making of non- executive delegations to the relevant Corporate Director

(1) During initial work on the review of the Constitution an anomaly has been found between the way in which the executive delegations to officers and the way in which the non-executive delegations to officers can be exercised.

(2) Under the executive functions delegated to officers (Appendix 2 Part 4 of the Constitution paragraph 16 (c))

“Senior Managers exercising delegated powers will continue to be able to sub-delegate those functions to more junior officers, **or escalate the making of those decisions to the relevant Corporate Director**, who can then (if appropriate) refer the matter to the Cabinet Member or Cabinet, as now”

(3) There is no explicit provision for the exercising of non-executive powers delegated to Directors to be escalated to the relevant Corporate Director. In order to regularise this situation, it is recommended that paragraph 1.4 of Appendix 2 Part 3 be amended to include this authority, see wording in bold below:

“Senior Managers may, in turn, delegate their powers to more junior officers, **or escalate the making of those decisions to the relevant Corporate Director**, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.”

5. **Recommendations:** That the County Council approve the following amendments to the non-executive delegations to officers the Constitution:
- (a) Delegation of authority under Section 64 of the Land Drainage Act 1991 (powers of entry for internal drainage boards and local authorities) be given to the Director of Environment, Planning and Enforcement.
 - (b) Delegated authority to enter into agreements under Section 106 of the Town and Country Planning Act 1990 be extended to the Director of Highways, Transportation and Waste
 - (c) Paragraph 1.4 of Appendix 2 of Part 3 of the Constitution be amended to read:
“Senior Managers may, in turn, delegate their powers to more junior officers, **or escalate the making of those decisions to the relevant Corporate Director**, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.”

Officer Denise Fitch
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Background Information: *none*

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Appendix 2 Part 3: Functions delegated by the Council to Officers

1.1 The Council has delegated to Committees and Senior Managers the exercise of a range of functions that are not the responsibility of the Executive as set out in the Schedule below.

1.2 Any action by Senior Managers under this delegation shall be in accordance with:

- (a) the overall policies approved by the Council or its committees
- (b) an approved budget
- (c) the Resource Management Responsibilities Statement set out in Appendix 5 and associated Resource Management Rules

1.3 Senior Managers, when exercising these delegated powers, must maintain a close liaison with the appropriate Committee Chairman and refer any proposed action to the relevant committee if so required by the relevant Chairman.

1.4 Senior Managers may, in turn, delegate their powers to more junior officers, or escalate the making of those decisions to the relevant Corporate Director, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.

1.5 Officers are also authorised to act on behalf of the Council by specific provisions within the Procedure Rules set out in Appendix 4, the Resource Management Responsibilities Statement set out in Appendix 5 and associated Resource Management Rules, including Financial Regulations.

1.6 Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility.

1.7 Senior Managers (or an officer authorised by them) may take action on urgent matters, which would otherwise require reference to, or consultation with, the Council or a committee, if there is no time for such reference or consultation to be made; appropriate committee chairmen should be consulted if time permits. All such decisions should be reported to the next meeting of the Council or committee.

1.8 Involvement of Local Members:

(1) In exercising these delegations or in preparing a report for consideration by the Council or a committee, officers shall consult the relevant Local Members on any matter that appears to specifically affect their division.

(2) All reports to the Council or a committee shall include the views of Local Members.

(3) If a Local Member objects to a proposed decision by an officer, the relevant Council or committee chairman shall be consulted and the matter normally referred to the Council or committee.

Schedule of Council Functions

These functions are the responsibility of the Council and not of the Leader

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
A. Functions relating to town and country planning and development management amongst others, including the following:		
1. Power to determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Planning Applications Committee - The determination of any application not delegated to officers or which relate to land or buildings managed by the Director of Environment Planning and Enforcement or to which there are material planning objections - except where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case.
2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	
4. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (as amended). Sections 69, 91, 92 and 96A of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) (as amended).	Director of Environment Planning and Enforcement - set out in notes 1 & 2 below
5. Power to decline to determine application for planning permission	Section 70A, 70B & 70C of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement
6. Duties relating to the making of	Sections 69, 91, 92 and 96A of the Town	Director of Environment, Planning and Enforcement

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
determinations of planning applications	Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2015 (S.I. 2015/595) (as amended).	
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	The Town and Country Planning (General Permitted Development) (England) Order 2015. (2015/595) (as amended).	Director of Environment, Planning and Enforcement
8. Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990 Section 111 of the Local Government Act 1972	Director of Environment, Planning and Enforcement or Director of Economic Development or Director of Property and Infrastructure Director of Highways, Transportation and Waste
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Director of Environment, Planning and Enforcement
11. Power to authorise entry onto land	Section 196A and 196B of the Town and Country Planning Act 1990	Regulation Committee - the carrying out of enforcement action, initiation of Stop Notices or any other form of action which may give rise to liability to pay compensation. Director of Environment, Planning and Enforcement - to exercise all other powers delegated to the committee by the Council in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related statutory instruments.
12. Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	
13. Power to serve a planning contravention notice, temporary notice, breach of condition notice, or stop notice	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990	
14. Power to issue an enforcement notice and power to vary and withdraw an enforcement notice	Section 172 and 173A of the Town and Country Planning Act 1990	

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
15. Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	
16. The obtaining of information as to interests in land	Section 330 of the Town and Country Planning Act 1990	
17. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act	Director of Environment, Planning and Enforcement
18. Power to determine a screening or scoping opinion	Town and Country Planning (Environmental Impact Assessment) Regulations 2011	Director of Environment, Planning and Enforcement
19. Power to determine an Appropriate Assessment application	The Conservation of Habitats and Species Regulations 2010 (as amended).	Director of Environment, Planning and Enforcement - to determine Appropriate Assessment applications where Natural England has advised the Council that it is satisfied that the proposal will not affect the conservation objectives of the designated site or that the mitigation measures proposed are acceptable

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
G. Functions relating to the Land Drainage Act 1991		
1. Power to enforce obligations to repair watercourses, bridges, etc	Section 21 of the Land Drainage Act 1991 as amended by Section 31 of Schedule 2 of the Flood and Water Management Act 2010.	Director of Environment, Planning and Enforcement
2. Power to give consent for obstructions, etc, in watercourses	Section 23 of the Land Drainage Act 1991 as amended by Section 32 of Schedule 2 of the Flood and Water Management Act 2010	Director of Environment, Planning and Enforcement
3. Power to require works for maintaining flow of watercourses	Section 25 of the Land Drainage Act 1991 as amended by Section 33 of Schedule 2 of the Flood and Water Management Act 2010	Director of Environment, Planning and Enforcement
<u>4. Powers of entry for internal drainage boards and local authorities</u>	<u>Section 64 of the Land Drainage Act 1991</u>	<u>Director of Environment, Planning and Enforcement.</u>

Note 1 - The following delegation to the Head of Planning Applications Group was agreed by the Planning Applications Committee on 18 November 2015:

To determine any application (including details submitted under condition and non-material amendments) for which there has been no relevant planning objection raised by consultees or as a result of publicity, or where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case.

Note 2 – The following delegation to the Head of Planning Applications Group was agreed by the Planning Applications Committee on 18 November 2015:

To refuse applications and to not approve details submitted under conditions where such submissions meet any of the following criteria:

- The proposal does not accord with the Development Plan and there are no overriding material reasons for granting permission or approving the details;
- Insufficient detail or information has been submitted to:
 - (i) enable proper consideration of an application for planning permission; or
 - (ii) satisfy the terms of a condition or conditions, in the case of an application to discharge a condition or conditions; or
 - (iii) enable technical issues raised by consultees to be resolved, either to determine an application for permission or to discharge a condition or conditions;
- The applicant has not agreed a reasonable extension of time to otherwise allow, within the required timescale for:
 - (i) proper consideration of any further information submitted; or
 - (ii) completion of a legal agreement; or
 - (iii) resolution of any other outstanding matters;
- The applicant has failed to complete a legal agreement upon which a resolution by the Planning Applications Committee to grant planning permission is dependent within 6 months of such a resolution being made;
- The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;
- The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.

Such decisions in relation to Note 2 above will only be issued following consultation with the Chairman, Vice Chairman and Lead Spokesman for each political group prior to a decision being taken unless reasons of urgency make this impracticable. The consultation period shall usually be 2 working days.

Any decision taken in respect of Note 2 above is to be reported to the committee, including the reason that (exceptionally) it had been impractical to consult the Chairman, Vice-Chairman and Lead Spokesman for each political group.