



Summons to and  
Agenda for a  
Meeting on  
**Thursday, 25th May,  
2023**  
at **10.00 am**





DEMOCRATIC SERVICES  
SESSIONS HOUSE  
MAIDSTONE

Wednesday, 17 May 2023

To: All Members of the County Council

A meeting of the County Council will be held in the Council Chamber, County Hall, Maidstone, Kent, ME14 1XQ on Thursday, 25th May, 2023 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4:30 pm.**

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

1. Apologies for Absence
2. Election of Chairman
3. Election of Vice-Chairman
4. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda
5. Minutes of the meeting held on 23 March 2023 and, if in order, to be approved as a correct record **(Pages 1 - 12)**
6. Corporate Parenting Panel - Minutes for noting **(Pages 13 - 18)**
7. Chairman's Announcements
8. Questions
9. Report by Leader of the Council (Oral)
10. Kent and Medway Integrated Care Partnership Joint Committee - Terms of Reference **(Pages 19 - 32)**
11. Updates to Terms of Reference **(Pages 33 - 46)**
12. Proportionality Report (to follow)

13. Spending the Council's Money (to follow)

A handwritten signature in black ink, appearing to read 'B. Watts', with a large, sweeping flourish extending to the right.

Benjamin Watts  
General Counsel  
03000 416814

## KENT COUNTY COUNCIL

---

### COUNTY COUNCIL

MINUTES of a meeting of the County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 23 March 2023.

PRESENT: Mrs L Game (Chairman), Mr G Cooke (Vice-Chairman), Mr N Baker, Mr P V Barrington-King, Mr P Bartlett, Mr D Beaney, Mrs C Bell, Mrs R Binks, Mr T Bond, Mr A Booth, Mr A Brady, Mr D L Brazier, Mrs B Bruneau, Mr S R Campkin, Mr T Cannon, Miss S J Carey, Sir Paul Carter, CBE, Mrs S Chandler, Mr I S Chittenden, Mrs P T Cole, Mr P Cole, Mr N J Collor, Ms K Constantine, Mr D Crow-Brown, Mr M C Dance, Ms M Dawkins, Mrs T Dean, MBE, Mr R W Gough, Ms K Grehan, Ms S Hamilton, Peter Harman, Jenni Hawkins, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr M A J Hood, Mr A J Hook, Mrs S Hudson, Mr D Jeffrey, Mr A Kennedy, Mr J A Kite, MBE, Rich Lehmann, Mr B H Lewis, Mr R C Love, OBE, Mr S C Manion, Mr R A Marsh, Mrs M McArthur, Mr J P McInroy, Ms J Meade, Mr J Meade, Mr D Murphy, Mr P J Oakford, Mrs L Parfitt-Reid, Mr H Rayner, Mr O Richardson, Mr A M Ridgers, Mr D Robey, Mr D Ross, Mr A Sandhu, MBE, Mr C Simkins, Mr M J Sole, Mr P Stepto, Dr L Sullivan, Mr B J Sweetland, Mr R J Thomas, Mr D Watkins and Mr S Webb

IN VIRTUAL ATTENDANCE: Mr M Dendor and Mr R G Streatfeild, MBE

IN ATTENDANCE: Mr J Cook (Democratic Services Manager) and Mr B Watts (General Counsel)

*The Chairman highlighted that the meeting was taking place during the pre-election period and therefore the Council had a duty to not seek to platform or publicise any activity designed to influence the election. Members were reminded that they should not use their speeches to seek to promote or denigrate candidates or local parties involved in the upcoming elections.*

### UNRESTRICTED ITEMS

#### 125. Apologies for Absence (Item 1)

The Democratic Services Manager reported apologies for absence from Mr Baldock, Mr Broadley, Mr Chard, Mr Cooper, Mr Daley, Mr Hill, Mrs Prendergast, Mr Shonk and Mr Wright.

Members were advised that Mr Dendor and Mr Streatfeild had given their formal apologies and were joining the meeting virtually.

The Democratic Services Manager said Mrs Hohler would be joining the meeting late.

**126. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda**  
*(Item 2)*

Ms Hamilton declared an interest that she was in the process of an assessment as a Kent County Council connected foster carer.

**127. Minutes of the meeting held on 9 February 2023 and, if in order, to be approved as a correct record**  
*(Item 3)*

RESOLVED that the minutes of the meeting held on 9 February 2023 be approved as a correct record.

**128. Corporate Parenting Panel - Minutes for noting**  
*(Item 4)*

RESOLVED that the minutes of the meeting of the Corporate Parenting Panel held on 13 December 2022 be noted.

**129. Chairman's Announcements**  
*(Item 5)*

(1) The Chairman welcomed new Member, Ms Jenni Hawkins, to the Council.

**Cameron Beart**

(2) The Chairman referred to her announcement at the last County Council of the sad passing of Mr Cameron Beart, Member for Sheppey. She reminded Members of the Notice of Election for the Sheppey Division and said the pre-election period was an important consideration. She determined that it was necessary and right for the Council to consider tributes to Mr Beart and asked Members to be mindful of the requirement that tributes be of a personal nature and did not seek to influence the election.

(3) The Chairman invited Members to offer personal tributes to Mr Beart. Tributes were made by Mr Booth, Mr Hook, Mr Jeffrey, Dr Sullivan, Mr Lehmann, and Mr Gough.

**Air Ambulance presentation**

(4) The Chairman welcomed Mr David Welch, Chief Executive of the Air Ambulance Charity – Kent, Surrey and Sussex to the meeting. Mr Welch provided a presentation to Members on the important work of the Air Ambulance.

- (5) Following the presentation comments and tributes were made by Mr Lewis, Mrs Binks, Mr Sandhu, and Mr Collor.
- (6) The Chairman thanked Mr Welch for his time and expressed, on behalf of Members, the Council's good wishes for the excellent work carried out by the organisation.

**Theresa Grayell**

- (7) The Chairman informed Members of the recent retirement of Ms Theresa Grayell from the Democratic Services Team.
- (8) The Chairman said that many Members would have had the pleasure of working with Theresa during their time at the Council. Ms Grayell started work in the Council's Planning Department as a student on 4 October 1982 and moved to Democratic Services in September 1989. She was instrumental in setting up the Children's Champion Board, now the Corporate Parenting Panel, and had supported many committees with an amazing attention to detail, thoughtfulness, and good humour. The Chairman said her enthusiasm and high standards of good governance and fairness would be missed by Members and Officers. Ms Grayell had worked hard to support all Members and had been a credit to Democratic Services and the Council as a whole.
- (9) On behalf of the Council, the Chairman thanked Ms Grayell for her service to KCC and wished her well in her retirement.

**130. Questions**  
(Item 6)

In accordance with Sections 14.15 to 14.22 of the Constitution, 9 questions were submitted by the deadline, 7 questions were asked, and replies given. A record of all questions put and answers given at the meeting is available [online](#) with the papers for this meeting.

As Mr Streatfeild was not present during this item a written answer to their question was provided.

Question 9 was not put in the time allocated but a written answer was provided.

**131. Report by Leader of the Council (Oral)**  
(Item 7)

- (1) The Leader opened his report by reflecting on the impact the winter weather had had on the county's infrastructure, services, and residents. He commented on the cost-of-living crisis debate at the October County Council meeting and said a report on subsequent work, including the

delivery of the national Household Support Fund and the locally driven Financial Hardship Programme, would be considered at Cabinet on 30 March 2023.

- (2) Mr Gough said the Council had sought to work closely with its NHS partners in response to the pressures on public services within Kent and confirmed that work continued in developing that integration. He referred to the awaited Hewitt Review of Integrated Care Systems which he hoped would strengthen the local nature of health and care systems and the ability to work together.
- (3) Mr Gough turned to the conclusion of the Council's high needs safety valve negotiations with the Department for Education (DfE). He explained that the cost sharing arrangement with the DfE to eliminate accumulated deficits by 2027/2028 went alongside the Council's plans to deliver major service change that could serve children and families better and put the Council on a financially sustainable path. He emphasised the scale of the task and the challenges involved in delivering it. Mr Gough explained that undertaking this programme of change and addressing both the safety valve and the impact of the Ofsted Care Quality Commission (CQC) revisit, came at a time when the government had published the Special Educational Needs and Disabilities (SEND) and Alternative Provision Improvement Plan. He welcomed many features of the plan but was doubtful that it went far enough in helping to establish a sustainable system.
- (4) The Leader welcomed Josh MacAlister's Independent Review of Children's Social Care and the national response to it and said there was much to be positive about within the review.
- (5) The Leader turned to Kent's Bus Service Improvement Plan (BSIP) funding award and said although it was not on the scale he had hoped for it would nonetheless deliver improvements and support network stability. He acknowledged that the sector overall remained under intense pressure but hoped that the further three months of funding from government could feed through to a medium- or longer-term support package. He said he had established a cross party member group to review and advise on the way forward.
- (6) The Leader said the number of highway reports had increased fivefold in December and January and although constrained by tight funding and inflationary pressures, the pace of repairs had increased. Mr Gough welcomed the government's budget announcement of £200million for highways maintenance for the 2023-24 financial year and explained this would mean approximately £6million for the Council.
- (7) The Leader commented on the impact on Kent residents, businesses, and communities of the longstanding disruption at the borders and ports and referred to the EU Entry/Exit system (EES) which had been anticipated for Spring 2023 but had been delayed. He confirmed that £45million had



been secured for improvements at the port of Dover under round two of the Levelling Up Fund and acknowledged this was a helpful step in enhancing resilience, however, a programme of longer-term change would be sought with the Department for Transport. Mr Gough referred to the two-year delay to the Lower Thames Crossing and its impact on several programmes within the Road Investment Strategy (RIS).

- (8) The Leader addressed the ongoing issue of asylum and the significant impact on hotels within Kent. He said the Council, along with district and borough colleagues and Members of Parliament, felt strongly that some locations were unsuitable. Mr Gough referred to the Illegal Migration Bill and said it potentially had significant implications for the Council in terms of its Unaccompanied Asylum Seeking Children Service.
- (9) Finally, the Leader referred to the indication in the government's spring budget that by March 2024 there would be an end to the Local Enterprise Partnerships (LEPs) and reflected the Council had worked well within the Southeast LEP. In terms of fiscal devolution, he highlighted two trailblazer areas, Greater Manchester, and the West Midlands, and noted with interest that this may be available over time to devolved areas. Mr Gough said the autumn statement in late 2022 had made a huge difference to the Council's budget making process, however, longer term funding solutions were needed, and he recognised the degree to which, in national debate, that was linked to the devolution agenda.
- (10) The Leader of the Labour Group, Dr Sullivan, responded to the Leader's remarks. She referred to the high needs safety valve negotiations with the DfE and the risks and conditions this posed to the Council and other large local authorities.
- (11) Dr Sullivan commented on discussions that took place at the SEND Sub-Committee on 22 March 2023 in relation to Education, Health, and Care Plans (EHCP). She suggested there was a belief held by parents that an EHCP helped in accessing needed support for their children and said this was due to a lack of investment in, and withdrawal of, early years preventative work. Dr Sullivan said the number of EHCP cases that staff within the Council were holding was double the advised amount and that staff were undervalued. She questioned why this was the case and whether there would be public accountability.
- (12) Dr Sullivan, in relation to Kent's Bus Service Improvement Plan (BSIP) funding award questioned whether plans to deliver services on the ground would be ready at short notice, whether they were the plans that the county's communities wanted, or whether they matched the Council's priorities. Dr Sullivan commented on the short timescale given by central government to accept the funding and stressed the democratic right of Members of the Council, across all political persuasions, to scrutinise decisions.

- (13) Dr Sullivan referred to the county's road conditions and the government funding for potholes and noted it had been announced at the February 2023 County Council meeting that work on filling potholes had been stopped. Dr Sullivan hoped that staff and contractors would be ready to commence the work at short notice and highlighted this was a risk posed by urgent decisions and short-term funding.
- (14) Dr Sullivan commented that the use of hotels for asylum seekers, which district and borough councils had worked together to object to, was the product of failed immigration policies.
- (15) Dr Sullivan commented on the Hewitt Review which she said looked at localisation more than centralisation and said service delivery varied depending on location. She noted that the Hewitt Review would consider the oversight and governance of the Integrated Care System with greater autonomy and robust accountability.
- (16) Mr Lehmann, Leader of the Green and Independent Group, welcomed new Member of the Green Party, Ms Jenni Hawkins, to her first meeting at the Council.
- (17) Mr Lehmann commented on the high needs safety valve negotiations and expressed his concern for the deficit reduction in relation to the improvement of SEND provision. He said he feared SEND children in Kent may suffer if policy was steered too heavily by financial restrictions rather than the needs of Kent's children. Mr Lehmann noted with disappointment that the agreement of free schools, based on Kent's bidding success, was subject to review.
- (18) Mr Lehmann welcomed the first instalment of the BSIP funding and was pleased to see the 'use the bus to get to school' initiative had been included. He said he thought it unlikely that new school services would be introduced or revived, and he was relieved that the funding should allow for the price of the Kent Travel Saver to be held in the short term.
- (19) Mr Lehmann welcomed the additional funding for potholes and referred to the different figures he had seen as to how much the Council would be awarded. He commented on the size of the award which he said seemed significantly less generous compared to the government's highways grant in 2022.
- (20) Mr Lehmann referred to asylum and read a short segment from The UN Refugee Agency's response to the proposed Illegal Migration Bill.
- (21) Mr Hook, Leader of the Liberal Democrats Group, also welcomed Ms Jenni Hawkins to the Council.
- (22) Mr Hook welcomed the extra money for SEND education through the safety valve agreement and commented on the provision of two SEND free schools. He emphasised that the funding amount was for six years, and

not per year, and referred to the expectation that EHCPs would be reduced, stressed the importance of them, and said the backlog of EHCP requests was an urgent problem.

- (23) Mr Hook turned to the Bus Service Improvement Plan (BSIP) and said the plan's six targets, by themselves, were laudable. However, he noted that a target for the frequency of busses was not included and said this was the biggest priority for the residents of Kent.
- (24) Mr Hook said the EU Entry/Exit System posed a serious threat to Kent of harder borders, but it had been positive to see the Prime Minister had met with the President of France. He said the Windsor Framework was an encouraging step in creating easier borders for Northern Ireland and commended the benefits of the European Single Market to Kent and Great Britain.
- (25) Mr Hook commented on the use of hotel space for refugees and the proposed Illegal Migration Bill. He highlighted that the UK received less refugees than Germany or France and said the problems faced by the UK were due to backlogs and an under resourced system.
- (26) Mr Hook agreed with the Leader that LEPs had been a positive development for many years, however, he thought, in recent years, they had been undermined by a centralising tendency within government.
- (27) Finally, Mr Hook referred to the Council's consultation on proposals for children's centres and youth hubs and stressed they were an important community service to parents and young children and accessible to those without transport. Mr Hook urged Members to reply to the Community Services Consultation.
- (28) The Leader also welcomed Ms Jenni Hawkins, thanked the group leaders for their contributions and responded to several points.
- (29) Mr Gough explained the safety valve agreement was not a loan, but a funding package to right off an anticipated accumulated deficit by 2027/28. He said, in his view, the programme of change under the safety valve was also needed to respond to the issues raised by the CQC revisit and to set the Council on a path of financial sustainability. Mr Gough recognised that other local authorities had similar financial pressures but there were some specific issues in Kent.
- (30) Mr Gough agreed with group leaders that there was a need to address the number of EHCPs in Kent and said this required the delivery of an immediate offer within the local community or school. He acknowledged again that this would be a hard programme to implement.
- (31) Mr Gough said there was some agreement between group leaders on the points made about BSIP in relation to short term funding packages and there was some recognition of that in the Levelling Up White Paper. He

said the Council had submitted a strong BSIP bid and although it was not in the form or quantum the Council wanted it still provided important opportunities.

- (32) Regarding the Hewitt Review, Mr Gough said he believed there would be a greater equality of outcomes across the country if localism was trusted, and he thought the Hewitt Review was a step in the right direction on which the Council should seek to capitalise.
- (33) Finally, Mr Gough said whilst there was agreement on many comments relating to LEPs he did not agree that the winddown was a form of centralism. He said some areas of activity would move to local authorities and that path could be seen in relation to devolved areas in the Levelling Up White Paper. Mr Gough explained that work had been done successfully at the Kent and Medway level and this would need to be embraced to develop a comprehensive and effective economic development programme.

RESOLVED that the Leader's update be noted.

**132. Top Tier Restructure**  
(Item 8)

- (1) Mr Gough proposed, and Mr Oakford seconded the motion that

“County Council:

1. Agrees the deletion of the posts of Director – Special Educational Needs & Disability and the Director – Integrated Children's Services posts in the Children, Young People and Education Directorate.
2. Agrees the deletion of the post of Strategic Commissioner from the Chief Executive's Department.
3. Agrees the creation of the role of Director - Adults and Integrated Commissioning in the Adult Social Care and Health Directorate
4. Agrees the introduction of the revised posts of Director – Education & SEN, Director – Operational Integrated Children's Services and Director – Children's Countywide Services posts in the Children, Young People and Education Directorate
5. Agrees the descriptions for the four new roles as set out in Appendices 3, 4, 5, and 7.”

- (2) Following the debate, the Chairman put the motion set out in paragraph 1.

- (3) RESOLVED that the County Council:

1. Agrees the deletion of the posts of Director – Special Educational Needs & Disability and the Director – Integrated Children's Services posts in the Children, Young People and Education Directorate.

2. Agrees the deletion of the post of Strategic Commissioner from the Chief Executive's Department.
3. Agrees the creation of the role of Director - Adults and Integrated Commissioning in the Adult Social Care and Health Directorate
4. Agrees the introduction of the revised posts of Director – Education & SEN, Director – Operational Integrated Children's Services and Director – Children's Countywide Services posts in the Children, Young People and Education Directorate
5. Agrees the descriptions for the four new roles as set out in Appendices 3, 4, 5, and 7."

*The Liberal Democrats Group and Labour Group asked that their votes against the recommendation be noted in the minutes.*

*The following Members asked that their votes against the recommendation be noted in the minutes: Mr Campkin, Mr Harman, and Ms Hawkins.*

*The following Members asked that their votes to abstain from the recommendation be noted in the minutes: Mr Hood, Mr Lehmann, and Mr Stepto.*

**133. Pay Policy Statement - 2023-24**  
(Item 9)

- (1) Mr Kite proposed, and Mr Gough seconded the motion that  
"The County Council endorses the Pay Policy Statement – 2023-24."
- (2) Following the debate, the Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council endorses the Pay Policy Statement – 2023-24.

*The Labour Group asked that their votes to abstain from the recommendation be noted in the minutes.*

*Mr Chittenden asked for his vote against the recommendation be noted in the minutes.*

**134. Treasury Management - 6 month review 2022/23**  
(Item 10)

- (1) Mr Oakford proposed, and Mr Simkins seconded the motion that  
"The County Council notes the report."
- (2) Following the debate, the Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council notes the report.

**135. Motion for Time Limited Debate**  
(Item 11)

Motion for Time Limited Debate 1 – Toxic polyfluoroalkyl substance (PFAS) pollution in Kent

- (1) Mr Hook proposed and Mr Chittenden seconded the following motion for time-limited debate:

“The County Council resolves to:

- a. to express its concern over PFAS pollution in Kent’s soils, waterways, and sediments, as identified by the Forever Pollution Project.
- b. To recommend to the Executive that:
  - (i) work is undertaken within this authority to produce an urgent report on the extent of PFAS pollution and the associated risks in Kent, and for the findings to be presented to the Environment and Transport Cabinet Committee and this Council.
  - (ii) a strategy on managing PFAS pollution in Kent based on the findings of the urgent report and engagement with external partners be explored.

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

The County Council resolves;

- a. to express its concern ~~to the Environment Agency about polyfluoroalkyl substances (PFAS) over PFAS pollution~~ in Kent’s soils, waterways, and sediments, ~~as identified by the Forever Pollution Project.~~
- b. To recommend ~~to the Executive that:~~
  - (i) ~~that the Executive presses the Environment Agency to produce an urgent report on the extent of the risks PFAS pose in Kent. work is undertaken within this authority to produce an urgent report on the extent of PFAS pollution and the associated risks in Kent, and for the findings to be presented to the Environment and Transport Cabinet Committee and this Council.~~
  - (ii) ~~that the Environment Agency report, including any guidance on managing PFAS based on the findings of the report, is presented to the Environment and Transport Cabinet Committee to make recommendations on any necessary action to the Executive. a strategy on managing PFAS pollution in Kent based on the findings of the urgent report and engagement with external partners be explored.~~

- (3) Following the debate, the Chairman put the amendment set out in paragraph 2.  
*Amendment carried.*
- (4) The Chairman put the substantive motion set out in paragraph 2.  
*Substantive motion carried.*
- (5) RESOLVED that the County Council resolves;
- a. to express its concern to the Environment Agency about polyfluoroalkyl substances (PFAS) in Kent’s soils, waterways, and sediments.
  - b. To recommend:
    - (i) that the Executive presses the Environment Agency to produce an urgent report on the extent of the risks PFAS pose in Kent.
    - (ii) that the Environment Agency report, including any guidance on managing PFAS based on the findings of the report, is presented to the Environment and Transport Cabinet Committee to make recommendations on any necessary action to the Executive.

Motion for Time Limited Debate raised in advance of the meeting.

The General Counsel informed Members that a Motion for Time Limited Debate received prior to the meeting would be taken to the Selection and Member Services Committee and a note would be circulated to all Members.

The Chairman invited Mr Lehmann to provide a summary of the motion.

**136. Request for Extended Leave of Absence**  
*(Item 12)*

*This Item was taken before Item 11 – Motions for Time Limited Debate.*

- (1) The Chairman proposed, and the Vice-Chairman seconded the motion that
- “In accordance with Section 85 (1) of the Local Government Act 1972 the County Council considers Mr Daley’s request for extended leave to 20 October 2023 on the grounds of ill health.”
- (2) The Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council, in accordance with Section 85 (1) of the Local Government Act 1972 the County Council considers Mr Daley’s request for extended leave to 20 October 2023 on the grounds of ill health.

This page is intentionally left blank



## **CORPORATE PARENTING PANEL – 15 February 2023**

### **MINUTES of a meeting held in the Lecture Theatre, Sessions House**

**PRESENT:** Dirk Ross (Chairman), Trudy Dean (Vice-Chairman), David Beaney, Dan Bride, Tom Byrne, Gary Cooke, Stephen Gray, Kelly Grehan, Margot McArthur, Nancy Sayer, Tracy Scott, and Caroline Smith.

**ALSO PRESENT:** Sue Chandler, Cabinet Member for Integrated Children's Services

**IN ATTENDANCE:** Joanne Carpenter (Participation and Engagement Manager), Christy Holden (Senior Commissioning Manager), Kevin Kasaven (Assistant Director, Safeguarding, Professional Standards and Quality Assurance, Integrated Children's Services), Kayleigh Leonard (Participation Team Apprentice), Leemya McKeown (Assistant Director (Safeguarding Professional Standards and Quality Assurance), Maureen Robinson (Management Information Unit Service Manager), Mark Vening (Head of Fostering West) and Anna Taylor (Scrutiny Research Officer)

#### **1. Apologies and substitutes**

Apologies for absence had been received from Lesley Game, Sarah Hammond, and Shellina Prendergast.

#### **2. Chairman's Announcements**

1. The Chairman advised that conversations had taken place with district and borough councils regarding the promotion of fostering opportunities within Kent and Medway through various events and initiatives including the distribution of leaflets with Council Tax letters. It was confirmed six districts had agreed to provide a leaflet and they were Folkestone & Hythe District Council, Tonbridge & Malling Borough Council, Ashford Borough Council, Maidstone Borough Council, Swale Borough Council and Tunbridge Wells Borough Council.

The Chairman said it was being explored whether an article could be included in a quarterly magazine for Ashford residents. The Chairman asked Members of the panel for any suggestions and ideas for similar initiatives and said it would be wonderful to engage all 12 districts within Kent. The circulation of posters and leaflets was suggested, and the Chairman asked for a stock of items currently available to take place. Caroline Smith agreed to investigate this.

2. The Chairman paid tribute to Theresa Grayell who was retiring after 40 years at KCC and thanked her for her valuable service to the panel and to the Council as a whole. He wished her all the best for the future.

#### **3. Minutes of the meeting held on 13 December 2022**

**RESOLVED** that the minutes of the meeting held on 13 December 2022 are correctly recorded.

#### 4. Participation Team update

1. The Chairman referred to the success of the Virtual School Kent (VSK) participation event which had taken place prior to the meeting, and which had included collaborative activities around young people's positive experiences of fostering and the sharing of individual experiences from young people themselves.
2. Ms Jo Carpenter highlighted some future events that the Participation Team would be facilitating, and the Chairman highlighted the importance of the events and encouraged Members to attend where possible.

RESOLVED that the update was noted.

#### 5. Verbal Update by the Cabinet Member

1. Mrs Sue Chandler gave an update on the following issues:

**Unaccompanied Asylum Seeking Children (UASC)** – Mrs Chandler explained that as of 10 February 2023, there had been 38 UASC referrals since the beginning of February 2023 and 112 since the start of the year. She said January 2023's UASC numbers were lower than those seen in January 2022, but still higher than any other year prior to that. Mrs Chandler said she expected the county to see a significant number of new UASC arrivals throughout 2023.

**Ashford Youth Hub UASC Event** – Mrs Chandler said that on 16 February 2023 the Council would be holding another event for UASC young people at Ashford Youth Hub. She said the event would give young people an opportunity to play sports, socialise and make connections with others who had been through similar experiences to them. Mrs Chandler said she would be dropping in on the event to meet the young people and the staff supporting them, and emphasised the importance of these kinds of events to the mental health of UASC young people.

**Uplifts in Government Funding for Care Leavers** – On 2 February 2023 the Minister for Children, Families and Wellbeing announced that from April this year, the leaving care allowance would be increased from £2,000 to £3,000. For care leavers undertaking apprenticeships, there would be an increase to the bursary available from £1000 to £3,000. Mrs Chandler said both increases were very much welcomed for care leavers and would help them to set up home independently and successfully transition into the world of work.

2. Asked whether there was a separate type of allowance for university or other types of education for care leavers, it was noted that there was a local offer for care leavers specific to each local authority.

RESOLVED that the update be noted.

#### 6. Performance Scorecard for Children in Care

1. Ms Maureen Robinson introduced the Performance Scorecard for Children in Care for November 2022 and said this included the latest comparative data published on 17 November 2022 and covered the period April 2021 to March 2022.
2. Ms Robinson highlighted several areas to provide some context to the report. She said Kent had the third highest number of Children in Care in England, and Kent's rate of Children in Care per 10,000 had increased, from a rate of 48 in 2020/21 to 53 in 2021/22 and remained lower than the average for England. Ms Robinson explained that if Unaccompanied Asylum-Seeking Children (UASC) were excluded from the current rate it would be considerably lower and Kent had the highest number of UASC Children in Care which was considerably higher than the next highest local authority. She said Kent had the highest number of Care Leavers in England.
3. Ms Robinson explained that Kent's performance against the measures included within the national comparative dataset was either in line with, or above, the average rates for England. There were a couple of performance measures where this was not the case and they were Placement Stability (3 or more placement moves in the previous 12 months), Percentage LAC identified as having a substance misuse problem during the year, and Percentage of children looked after who had a statement of SEN/ EHCP.
4. Members discussed Placement Stability in Kent, and Mr Kasaven provided an explanation behind the reasons and factors relating to placement moves and the recording of data. Ms Robinson provided clarity around the data including planned and unplanned moves and agreed to provide a breakdown of data in the next report. Ms McKeown explained there was a working group which looked at improving placement stability and which was developing proposals for improvement. It was agreed that a report exploring the matter in more depth would be brought back to the Corporate Parenting Panel.
5. A discussion took place around the vacancy rate of social workers within Kent and nationally, the strategies that were in place, and the methods being developed within the Council to recruit and retain permanent social workers.
6. Members discussed the delay in issuing Education, Health and Care Plan's (EHCP's) and whether Children in Care should be prioritised. It was noted that it was important that all EHCP's were delivered in a timely way and that the EHCP was not completed until an education placement was decided. Nancy Sayer said she would investigate the concern raised by Members that health care assessments were a delaying factor in the timely completion and issuing of the EHCP and report back to the Panel.
7. Asked for clarity regarding the definition of 'statistical neighbours', Ms Robinson said they were pre-defined and used to produce the comparative data. Data for authorities such as Swindon and Lancashire (who were not statistical neighbours) was used separately to provide individual comparisons.

RESOLVED that the performance data in the Corporate Parenting Scorecard be noted.

## **7. Missing Episodes – Performance Report**

1. Ms Bride introduced the Missing Episodes Performance Report which included an analysis of the missing episodes of Kent's children who were in care, and the processes and responses of Kent's services to missing episodes to manage risk and reduce missing episodes.
2. Ms Bride explained that historical and present-day data from Power BI, KCC's platform for business intelligence was used to provide the analysis. A cross-directorate working group reviewed the Return from Missing Conversation processes and following a period of system testing, these changes 'went live' in mid-July 2022. There were approximately 1,200-1,400 children in care at any one time placed in Kent by other local authorities and these children had been excluded from further analysis as Kent did not hold Corporate Parenting responsibility for them.
3. Ms Bride highlighted an area for concern where children went missing for more than a day. She explained that as at 5 January 2023 there were 112 children and young people currently missing, and said 70% of those were UASC and 105 were male. Ms Bride explained that practitioners offer children a 'return conversation' within 72 hours of their return from missing. She explained children were not obliged to have a conversation and there were therefore challenges in achieving the target. The biggest response came from Children in Care. The cross directorate working group had analysed responses to improve those conversations which in turn could tackle the issues why the missing episodes occurred and prevent them from happening again.
4. A Member asked for further detail regarding when a child in care was considered missing and after what timeframe a report was made, and it was clarified that each recorded missing episode included the police being contacted. It was noted that some missing episodes included circumstances where the child or young person did not consider themselves to be missing, and it was recognised that even in those circumstances that data was helpful in supporting the child.
5. The Panel discussed when and how (for example by calling 101 or online) young people were reported missing, and if foster carers were required to report children missing to the Police. Mr Kasaven agreed to investigate the process and report back to the Panel.
6. The data per day of missing episodes that was recorded included historical cases and the Chair asked for a breakdown to show the difference between historical and present day. Mr Kasaven agreed to request this data.

RESOLVED that the Missing Episodes Performance Report be noted.

## **8. Overview of the National Safeguard Review**

1. Ms Leemya McKeown introduced the Overview of the National Safeguard Review report and presented a series of slides.
2. Ms McKeown explained the purpose of the National Child Safeguarding Review Panel which was to undertake a national review into safeguarding children with disabilities and complex health needs in residential specialist schools which were registered as children's homes. She provided an overview of Phase 1 of the Panel and summarised the findings and subsequent actions. Ms McKeown explained the Quality Care Review measured the quality and safety of placements of disabled children in a home and school setting, and a questionnaire had been designed by Kent Analytics for completion by social workers. The questionnaire consisted of a series of questions based on areas identified by the Department for Education and areas in the questionnaire included Written Plans and Reviews, Opinions of the Child, their families and professionals around them, and Safeguarding. Ms McKeown explained that 17 placements in total were reviewed, and the questionnaire contained a series of closed questions (e.g. yes/no questions) and a series of open questions where respondents could complete further work. Ms McKeown provided a summary of the results.
3. The Chairman asked about a safe setting in which children were asked to share their views and Ms McKeown said different ways of connecting with children was explored to encourage them to do so, and Mr Kasaven went on to explain how this could be achieved, for example within schools.
4. It was noted that a Phase 2 report would be due in March which would look at any issues and recognised that far away placements involved more risk. The importance of health and children's social care working closely together was discussed.

RESOLVED that the Overview of the National Safeguard Review report be noted.

This page is intentionally left blank

**From:** Roger Gough, Leader of the Council  
David Cockburn, Chief Executive Officer

**To:** **County Council, 25 May 2023**

**Subject:** **Integrated Care Partnership Amendment to Terms of Reference**

Classification: **Unrestricted**

**Summary:**

This report sets out a proposed amendment to the Integrated Care Partnership Joint Committee's terms of reference to enable a representative of Kent Police to attend meetings in a non-voting capacity.

**Recommendation(s):**

County Council is asked to agree the amendment to the Integrated Care Partnership Joint Committee's terms of reference as set out in Appendix 1 to the report.

**1. Budget and policy framework**

1.1. Approval of amendments to the Integrated Care Partnership Joint Committee's terms of reference is a matter for Council.

**2. Background**

2.1. Members will be aware that County Council approved the terms of reference for this Joint Committee on 26 May 2022.

2.2. It is proposed to add a representative from Kent Police as a participant, i.e. as a non-voting attendee. Kent Police are seen as a key partner in the integrated care system and already work with local authorities and the NHS through several other networks, including the local resilience forum and community safety partnerships.

2.3. All three partner authorities, i.e., Medway Council, Kent County Council and the NHS Kent and Medway Integrated Care Board are required to agree amendments to the Joint Committee's terms of reference before they can take effect. The Integrated Care Board agreed the amendment at its meeting held on 7 March 2023 and Medway Council at its Full Council meeting on 20<sup>th</sup> April 2023.

**3. Financial, legal and risk management implications**

3.1. There are no specific legal, financial or risk management implications arising from this report.

#### **4. Recommendation**

County Council is asked to agree the amendment to the Integrated Care Partnership Joint Committee's terms of reference as set out in Appendix 1 to the report.

## Appendices

### **Appendix 1 – Integrated Care Partnership Joint Committee – revised terms of reference**

(Proposed change shown at point 6.4.12 of Appendix 1)

#### **Contact details**

Report Author:  
Karen Cook,  
Head of Integrated Care System  
Engagement  
E-Mail: karen.cook@kent.gov.uk  
Tel: 03000 415281

Relevant Director:  
David Whittle,  
Director of Strategy, Policy,  
Relationships & Corporate Assurance  
E-Mail: david.whittle@kent.gov.uk  
03000 416833



## Kent and Medway Integrated Care Partnership Joint Committee

### Terms of Reference

#### 1. Introduction

1.1. In accordance with the powers set out under Section 116ZA of the National Health Service Act 2006 (as amended by Health and Care Act 2022), and the Local Government and Public Involvement in Health Act 2007, the following organisations have established an Integrated Care Partnership (ICP) Joint Committee:

1.1.1 Kent and Medway Integrated Care Board (ICB)

1.1.2 Kent County Council (KCC) and Medway Council, together known for the purposes of this terms of reference as the Local Authorities

1.2. The Integrated Care Partnership is established as a Joint Committee of the above parties, to whom they are accountable. The Joint Committee is authorised to act within these Terms of Reference, which set out the membership, remit, responsibilities, authority and reporting arrangements of the Joint Committee.

#### 2. Principles

2.1. The ICP is founded, first and foremost, on the principle of equal partnership between the NHS and local government to work with and for the communities of Kent and Medway

2.2. The ICP plays a key role in nurturing the culture and behaviors of a system that works together to improve health and well-being for local people. In undertaking its work, the Joint Committee will respect the nine key partnership principles:

2.2.1. Come together under a distributed leadership model and commit to working together equally

2.2.2. Use a collective model of decision-making that seeks to find consensus between system partners and make decisions based on unanimity as the norm, including working though difficult issues where appropriate

2.2.3. Operate a collective model of accountability, where partners hold each other mutually accountable for their respective contributions to shared objectives within the remit of the Joint Committee

2.2.4. Agree arrangements for transparency and local accountability, including for example meeting in public with minutes and papers available online

- 2.2.5. Focus on improving outcomes for people, including improved health and wellbeing and reduced health inequalities
- 2.2.6. Ensure co-production and inclusiveness throughout the Integrated Care System (ICS) is championed
- 2.2.7. Support the triple aim (improved population health, quality of care and cost control), the legal duty on statutory bodies to collaborate and the principle that decision-making should happen at a local level (including provider collaboratives) where that is the most appropriate approach
- 2.2.8. Draw on the experience and expertise of professional, clinical, political, voluntary and community leaders
- 2.2.9. Create a learning system, sharing improvements across the system geography and with other parts of the country, crossing organisational and professional boundaries
- 2.3. In undertaking its work, the ICP will also ensure it continually champions the four purposes of an integrated care system as defined by NHS England:
  - 2.3.1. To improve outcomes in population health and healthcare
  - 2.3.2. To tackle inequalities in outcomes, experience and access
  - 2.3.3. To enhance productivity and value for money
  - 2.3.4. To help the NHS support broader social and economic development

### **3. Purpose**

- 3.1. The purpose of the Joint Committee is:
  - 3.1.1. To produce an Integrated Care Strategy, developed with respective system partners and stakeholders, which covers the needs of the whole population of Kent and Medway
  - 3.1.2. To influence improvement in the wider determinants of health and broader social and economic development, in areas such as housing, climate, transport, sport and leisure, etc.
  - 3.1.3. In developing the strategy, this should include development of a plan to address the broad health and social care needs of the population within Kent and Medway
  - 3.1.4. Aligned to the Integrated Care Strategy, to develop and agree a suite of corresponding outcome measures - based on robust data, intelligence, research and innovation - to improve the health and well-being of the population at large
  - 3.1.5. To seek on-going assurance in delivery of the strategy and associated outcome measures and, where required, agree actions to secure this

assurance

3.1.6. To support the bringing together of health and care partnerships and coalitions with community partners which are well-situated to act on the wider determinants of health in the local area

3.2. The Joint Committee may from time to time have other responsibilities given to it by the Local Authorities and or the ICB, subject to compatibility with legislation and compliance with the decision-making process of the relevant body.

#### **4. Responsibilities:**

4.1. The Joint Committee is expected to facilitate coordination on health and well-being issues that no one part of the system can address alone and instead requires action by all partners. These include, but are not limited to:

4.1.1. Helping people live more independent, healthier lives for longer;

4.1.2. Addressing inequalities in health and wellbeing outcomes, experiences and access to health services;

4.1.3. Improving the wider social determinants that drive these inequalities, including employment, housing, education and environment;

4.1.4. Improving the life chances and health outcomes of babies, children, and young people; and

4.1.5. Improving people's overall wellbeing and preventing ill-health

4.2. Members of the Joint Committee will engage with stakeholders at system, place, and community levels in order to achieve the remit of the ICP.

4.3. In achieving its role, the Joint Committee will:

4.3.1. Develop and oversee delivery of an Integrated Care Strategy and a suite of corresponding outcome measures, for improving health and wellbeing across Kent and Medway. The Joint Committee will recommend approval of the Strategy and outcome measures to the ICB and Local Authorities for approval.

4.3.2. Ensure the Integrated Care Strategy:

a. Is built bottom-up from population health management data and local assessments of need (including local authority joint strategic needs assessments), with a specific focus on reducing inequalities and improving population health

b. Considers communities that have or may have specific and or unique characteristics

c. Takes account of any local health and wellbeing strategies, prepared under section 116A of the Local Government and Public Involvement in Health Act 2007

- d. Addresses those challenges that the health and care system cannot address alone, especially those that require a longer timeframe to deliver, such as tackling health inequalities and the underlying social determinants that drive poor health outcomes
  - e. Includes (as part of any mandatory requirements):
    - integration strategies, for example, setting of a strategic direction and work plan for organisational, financial, clinical and informational forms of integration
    - a joint workforce plan, including the NHS, local government, social care and VSCE workforce
    - arrangements for any agreed pooled funding and Section 75 agreements<sup>1</sup>
  - f. is published and made widely available
  - g. is reviewed annually
- 4.3.3. Receive from local authority partners on an agreed basis, updated assessments of need and, on receipt, consider whether the current Integrated Care Strategy should be revised, based on the updated information
- 4.3.4. Take account of available clinical and social research, innovation, and best practice, drawing on the expertise of appropriate academia and other stakeholders
- 4.3.5. Align partner ambitions through convening and involving all stakeholders across health, social care and more widely across sectors, in developing strategy and action to improve health and wellbeing and wider socio-economic conditions for the Kent and Medway population
- 4.3.6. Bolster its understanding of need and expected outcomes, particularly for the most vulnerable and groups with the poorest health and well-being; through insights gained from engagement and collaboration with various sectors, for example the voluntary community and social enterprise (VCSE) sector, Healthwatch, the criminal justice system and service users
- 4.3.7. Produce, publish and annually review an engagement strategy that emphasises the work of the ICP and the key priorities and expected outcomes in the Integrated Care Strategy
- 4.3.8. As a Joint Committee between the ICB and Local Authorities, ensure intelligence is shared in a timely manner that enables the evolving needs of the local health and care services to be widely understood and opportunities for at scale collaboration, maximised

---

<sup>1</sup> This may also include any other local funding and resourcing arrangements that may be agreed between the parties from time to time.

- 4.3.9. Receive information as is required to enable review and on-going assurance regarding delivery of the strategy and expected outcomes
- 4.3.10. Within the agreed levels of any delegated authority of the Joint Committee, agree appropriate action amongst partners to secure the required assurances
- 4.3.11. Undertake any other responsibilities that may be agreed by the Local Authorities and or the ICB

## **5. Delegated authority and cooperation**

- 5.1. The Joint Committee is authorised by and accountable to Kent and Medway ICB, Kent County Council and Medway Council.
- 5.2. All partner members agree to co-operate with any reasonable request made by the Joint Committee to enable it to fulfil its responsibilities, insofar as respective partner member organisational governance arrangements allow.
- 5.3. In line with the requirements of the Health and Care Act 2022, the Joint Committee shall:
  - 5.3.1. Develop an Integrated Care Strategy, and related outcome measures and assurance arrangements that cover the needs of the whole population. The Strategy and outcome measures will be recommended by the Joint Committee to the ICB and Local Authorities for formal approval through their individual governance arrangements
  - 5.3.2. Request any information necessary from partner members to enable effective review and on-going assurance regarding delivery of the Integrated Care Strategy and associated outcome measures. All information requests between the partner members and with the Joint Committee will be managed in accordance with the relevant legislation and any partner sharing agreements in place
  - 5.3.3. Agree actions amongst ICP partner members to secure the required assurances regarding delivery of the Integrated Care Strategy and outcomes, in so far as partner member schemes of delegation allow this

## **6. Membership, Chair and Leadership Team**

- 6.1. Membership of the Joint Committee will be made up of elected, non-executive and clinical and professional members as follows:
  - 6.1.1. Leader of KCC
  - 6.1.2. Leader of Medway Council
  - 6.1.3. Chair of the Kent and Medway ICB
  - 6.1.4. Two additional Local Authority elected executive members from KCC, who

- hold an appropriate portfolio responsibility related to Joint Committee business.
- 6.1.5. Two additional Local Authority elected executive members from Medway Council, who hold an appropriate portfolio responsibility related to Joint Committee business.
  - 6.1.6. One additional ICB Non-Executive Director
  - 6.1.7. An ICB Partner Member who can bring the perspective of primary care
  - 6.1.8. The Chairs of the four Kent and Medway Health and Care Partnerships
  - 6.1.9. An elected District Council representative from within the geographies of each of the four Kent and Medway Health and Care Partnerships
- 6.2. Members are not permitted to have deputies to represent them.
- 6.3. The Chair of the Joint Committee shall be either the Leader of Kent County Council or Medway Council and will be elected at the first meeting of the Joint Committee to serve as Chair for a two-year period. The Chair will rotate every two years between the Local Authority leaders.
- 6.4. The Joint Committee shall have the following standing non-voting attendees (these shall be known as Participants):
- 6.4.1. Medway Council Chief Executive
  - 6.4.2. Kent County Council Head of Paid Service, or nominated representative
  - 6.4.3. Kent and Medway ICB Chief Executive
  - 6.4.4. Kent and Medway Directors of Public Health
  - 6.4.5. Kent and Medway ICB Medical Director
  - 6.4.6. A representative from each of Kent Healthwatch and Medway Healthwatch
  - 6.4.7. A representative from the Kent and Medway Voluntary, Community and Social Enterprise Steering Group
  - 6.4.8. Kent and Medway Local Authority directors of adult and children's social care
  - 6.4.9. A representative from Kent Integrated Care Alliance
  - 6.4.10. A representative from the Kent, Surrey and Sussex Academic Health and Science Network
  - 6.4.11. A representative from the Local Medical Committee
  - 6.4.12. A representative from Kent Police
- 6.5. The Chair may call additional individuals to attend meetings to inform discussion. Attendees may present at Joint Committee meetings and contribute to discussions as invited by the Chair but are not allowed to participate in any vote.
- 6.6. The Chair may invite or allow individuals to attend meetings held in private as observers. Observers may not present or contribute to any discussion unless invited

- by the Chair and may not vote.
- 6.7. To support the Chair and recognising the collective model of accountability, a Leadership Team comprising the two Local Authority leaders and the Chair of the ICB will be established to agree the forward plan (in discussion with partner members), meeting agendas, and other items of business relating to the Joint Committee.
- 6.8. In the event that the Joint Committee Chair is not available to chair the meeting (due to absence or a conflict of interest), the other Local Authority leader will preside over the matter(s) to be discussed. Where neither leader is available to preside, the ICB Chair will preside over matters.

## **7. Meetings and Voting**

- 7.1. Meetings of the Joint Committee will be open to the public. The public and other Observers may be excluded from the meeting, whether for the whole or part of the proceedings, where the Joint Committee determines that discussion in public would be prejudicial to the public interest or the interests of ICB or Local Authorities by reason of:
- 7.1.1. The confidential nature of the business to be transacted
  - 7.1.2. The matter being commercially sensitive or confidential
  - 7.1.3. The matter being discussed is part of an on-going investigation
  - 7.1.4. The matter to be discussed contains information about individual patients or other individuals which includes sensitive personal data
  - 7.1.5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is to be discussed
  - 7.1.6. Any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time
  - 7.1.7. To allow the meeting to proceed without interruption, disruption and/or general disturbance
- 7.2. Meetings held in public will be referred to as Part 1 meetings. Meetings or parts of meetings held in private will be referred to as Part 2 meetings.
- 7.3. When the Chair of the Joint Committee deems it necessary in light of the urgent circumstances to call a meeting at short notice, the notice period shall be such as they shall specify. Where possible this will be agreed by the Leadership Team.
- 7.4. The aim of the Joint Committee will be to achieve consensus decision-making wherever possible. Where a formal vote is required each member of the Joint Committee shall have one vote. The Joint Committee shall reach decisions by a majority of members' present, subject always to the meeting being quorate. Where a majority vote is not achieved the proposal will not be passed. The Chair shall not have a second or casting vote, where the vote is tied.

- 7.5. All Members, Participants and any other individuals involved in the discussions are required to declare any interest relating to any matter to be considered at each meeting, in accordance with the partner member's relevant policy on standards and managing conflict of interests. Where the partner member does not have such a policy or policies, the ICB's policy on business standards and managing conflicts of interest shall apply.

## **8. Quorum**

- 8.1. A quorum shall be nine voting members:
- 8.1.1. One of whom shall come from each of the two Local Authorities and one from the ICB
  - 8.1.2. One of whom shall be from the Leadership Team
  - 8.1.3. A minimum of two of the four health and care partnership areas shall be represented by their respective chair or district council representative
- 8.2. Whilst not part of the quorum, the Joint Committee shall endeavor to always have a public health representative in attendance, unless a conflict of interest precludes this.
- 8.3. At the discretion of the Chair, members who are not physically present at a Joint Committee meeting but are present through tele-conference or other acceptable media, shall be deemed to be present and count towards the quorum as appropriate.
- 8.4. Members of the Joint Committee have a collective responsibility for the operation of the Joint Committee. They will participate in discussion, review evidence, and provide objective expert input to the best of their knowledge and ability, and endeavor to reach a collective view.

## **9. Dispute resolution**

- 9.1. Where a dispute or concern arises, this should be brought to the attention of the Chair. The matter will be discussed by the Leadership Team, who will agree a course of action by consensus, having sought appropriate advice where required and having due regard to the principles of the ICP set out in paragraph 2. Where a consensus cannot be reached, the matter will be referred to the Joint Committee for discussion.

## **10. Frequency and Notice of Meetings**

- 10.1. The Joint Committee shall meet at least quarterly.
- 10.2. Notice of any Joint Committee meeting must indicate:
- 10.2.1. Its proposed date and time, which must be at least five (5) clear working days after the date of the notice, except where a meeting to discuss an urgent issue is required (in which case as much notice as reasonably practicable in



the circumstances should be given)

#### 10.2.2. Where it is to take place

- 10.3. Notice of a Joint Committee meeting must be given to each member of the Joint Committee in writing. Failure to effectively serve notice on all members of the Joint Committee does not affect the validity of the meeting, or of any business conducted at it.
- 10.4. Where Joint Committee meetings are to be held in public the date, times and location of the meetings will be published in advance on the websites of KCC, Medway Council and the ICB. Other technological and communication media may also be used to maximise public awareness of the work of the ICP.

### **11. Policy and best practice**

- 11.1. The Joint Committee is authorised by KCC, Medway Council and the ICB to instruct professional advisors and request the attendance of individuals and authorities from outside of the partner members with relevant experience and expertise if it considers this necessary for or expedient to the exercise its responsibilities.
- 11.2. The Joint Committee is authorised to obtain such information from partner members as is necessary and expedient to the fulfilment of its responsibilities and partner members will cooperate with any such reasonable request.
- 11.3. The Joint Committee is authorised to establish such sub-committees as the Joint Committee deems appropriate in order to assist the Joint Committee in discharging its responsibilities.
- 11.4. The Joint Committee will be conducted in accordance with the ICB policy on business standards, specifically:
  - 11.4.1. There must be transparency and clear accountability of the Joint Committee.
  - 11.4.2. The Joint Committee will hold a Register of Members Interests which will be presented to each meeting of the Joint Committee and available on the websites of the ICB and Local Authorities
  - 11.4.3. Members must declare any interests and /or conflicts of interest at the start of the meeting. Where matters on conflicts of interest arise, the individual must withdraw from any discussion/voting until the matter(s) is concluded
- 11.5. The Joint Committee shall undertake a self-assessment of its effectiveness on an annual basis. This may be facilitated by independent advisors if the Joint Committee considers this appropriate or necessary.
- 11.6. Members of the Joint Committee should aim to attend all scheduled meetings.
- 11.7. Joint Committee members, participants and other observers must maintain the

highest standards of personal conduct and in this regard must comply with:

- 11.7.1. The laws of England
- 11.7.2. The Nolan Principles
- 11.7.3. Any additional regulations or codes of practice adopted by the Member's appointing body

## **12. Secretariat**

- 12.1. The Leadership Team will agree the secretariat arrangements to the Joint Committee. The duties of the secretariat include but are not limited to:
  - 12.1.1. Agreement of the agenda with the Chair together with the collation of connected papers;
  - 12.1.2. Taking the minutes and keeping a record of matters arising and issues to be carried forward.
- 12.2. Before each Joint Committee meeting an agenda and papers will be sent to every Joint Committee member and where appropriate published on the the websites of KCC, Medway Council and the ICB, excluding any confidential information, no less than five (5) clear working days in advance of the meeting.
- 12.3. If a Joint Committee member wishes to include an item on the agenda, they must notify the Chair via the Joint Committee's Secretary no later than twenty (20) clear working days prior to the meeting. In exceptional circumstances for urgent items this will be reduced to ten (10) clear working days prior to the meeting. The decision as to whether to include the agenda item is at the absolute discretion of the Chair.
- 12.4. A copy of the minutes of Joint Committee meetings will be presented to KCC, Medway Council and the ICB. These will be presented in the most appropriate way as determined by these organisations.

## **13. Confidentiality**

- 13.1. Joint Committee meetings may in whole or in part be held in private as detailed at paragraph 7. Any papers relating to a private meeting will not be available for inspection by the press or the public. For any meeting or any part of a meeting held in private all attendees must treat the contents of the meeting, any discussion and decisions, and any relevant papers as confidential.
- 13.2. Decisions of the Joint Committee will be published by the Joint Committee except where these have been made in a private meeting. Where decisions have been made in private a summary of the decision will be made public without any confidential information being disclosed.

## **14. Review of Terms of Reference**

- 14.1. The terms of reference of the Joint Committee will be approved by the Local Authorities and the ICB and shall be reviewed by the parties annually.

---

**Approved:**

March 2023

**Version Control:**

<b>Version No</b>	<b>Amendment</b>	<b>Amendment Owner</b>	<b>Date of Amendment</b>
1	Original Document	ICB Executive Director of Corporate Governance	July 2022
2	Add Kent Police participant representation	ICB Executive Director of Corporate Governance	Jan 2023

This page is intentionally left blank

From: Ben Watts, General Counsel  
To: County Council, 25 May 2023  
Subject: Updates to Terms of Reference  
Status: Unrestricted

---

## 1. Introduction

- a) Members have received updates previously about the ongoing review of different aspects of our governance and the Constitution. Two focused areas of review have been completed and are presented to full Council for approval today:
- i. Update to the Terms of Reference for the Governance and Audit Committee.
  - ii. Update to the Terms of Reference of the Member Remuneration Panel.
- b) The focus over the next year will be the actions identified within the Annual Governance Statement and outcomes from the work ongoing at Governance and Audit Committee and Members will be provided with a substantive update on this at the next Council meeting.

## 2. The Governance and Audit Committee

- a) “Audit committees are a key component of an authority’s governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk, and control arrangements,” (CIPFA’s position statement 2022: Audit committees in local authorities and police, p.2).

Full Council is the body charged with governance, but the Governance and Audit Committee carries out some key ongoing tasks on its behalf.

- b) Because of this central role, the Committee has been the focus of a programme of work over the last couple of years to work towards ensuring that the Committee is fit for purpose. The co-option of an Independent Member has been trialled and the benefit of the concept demonstrated. During 2022, CIPFA carried out a review of the Committee and made a number of recommendations which formed the basis for further work.
- c) One of these was to update the terms of reference which have been the subject of work with the Committee since the CIPFA review. On 16 March 2023, the Committee discussed the final draft of the proposed changes and agreed to present these to full Council for approval. These are set out in Appendix 1.

### **3. Member Remuneration Panel (MRP)**

- a) The MRP is responsible for making recommendations about the Members Allowances Scheme. Agreeing a scheme, or making changes to it, is the responsibility of full Council, but a report from the Panel needs to be presented to Council before any decisions can be made. Panel members are appointed by full Council, but operate independently, supported by Officers in the Governance, Law and Democracy division.
- b) Following a review, a revised terms of reference for the MRP has been discussed by the Selection and Member Services Committee. The Committee agreed to recommend a revised terms of reference to full Council. The proposed terms of reference for adoption are set out in Appendix 2. These are intended to bring greater clarity to the role of the Panel and amend the recruitment route for Panel members to address a liability risk identified in the existing method. The allowance for Panel members has also been simplified. It was also decided that future 4-year allowances schemes will be offset with the four-year council term to allow more clarity for those considering standing for election.

### **4. Recommendation**

County Council is asked to:

- a) Note the report.
- b) Endorse the recommendation of the Governance and Audit Committee and agree the revised Terms of Reference for this Committee as set out in Appendix 1.
- c) Endorse the recommendations of the Selection and Member Services Committee in relation to the Member Remuneration Panel and agree the revised Terms of Reference for the Panel, as set out in Appendix 2.

### **5. Appendices**

Appendix 1 – Proposed revisions to the terms of reference to the Governance and Audit Committee

Appendix 2 – Proposed revisions to the terms of reference to the Member Remuneration Panel

### **6. Background Documents**

Agenda Item, Review of the terms of Reference for the Governance and Audit Committee, Governance and Audit Committee meeting 16 March 2023,  
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=144&MId=9126&Ver=4>

Agenda Item, Member Remuneration Panel: Arrangements and Terms of Reference, Selection and Member Services Committee meeting 9 March 2023,  
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=143&MId=9136&Ver=4>

### **7. Report Author and Relevant Director**

Ben Watts, General Counsel  
03000 416814  
[benjamin.watts@kent.gov.uk](mailto:benjamin.watts@kent.gov.uk)

Tristan Godfrey, Senior Governance Manager  
03000 411704  
[tristan.godfrey@kent.gov.uk](mailto:tristan.godfrey@kent.gov.uk)

This page is intentionally left blank



## **Appendix 1 – Proposed Revision of the Terms of Reference for the Governance and Audit Committee**

The changes are not shown as track changes because the revisions largely replace the current content wholesale. The current terms of reference are set out in part two.

### Part One – Proposed Terms of Reference

#### *Governance and Audit Committee*

- 17.2 Membership: 11 Members; plus, 1 independent member.
- 17.3 Political Groups can only nominate Members as regular Members or as substitutes on the Governance and Audit Committee (and on Panels of the Committee) if they have had training in the relevant procedures.
- 17.4 The Committee may appoint or remove up to two non-voting Co-Opted Members (independent of the elected membership) who may participate in the business of the Committee in accordance with the rules set out in the Constitution.
- 17.5 The purpose of this Committee is to provide independent and high-level focus on the adequacy of governance, risk, finance, and control arrangements. Towards this purpose, its role is to:
- a) ensure there is sufficient assurance over governance risk and control and provide reports to full Council on the effectiveness and adequacy of these arrangements;
  - b) have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability, and
  - c) through a and b above, give greater confidence to all those charged with governance for Kent County Council that its arrangements are effective and reporting to full Council or other Committees as necessary where the Committee has concerns that these arrangements are not effective; and
  - d) through an annual report, ensure that the County Council is sighted on the activity of the Committee alongside the importance of financial probity, good governance and learning lessons from audit activity.
- 17.6 The Governance and Audit Committee is responsible for the following:

- a) monitoring the development and operation of governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions in the Council,
- b) oversight of the Council's corporate governance framework to ensure it meets recommended practice, is embedded across the whole Council and is operating consistently throughout the year,
- c) oversight of the Council's framework of assurance, to ensure that it adequately addresses the risks and priorities of the Council,
- d) oversight of the Council's Internal Audit function, including review of the internal audit charter, and reviewing assurances that it is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of work to be carried out is risk-based, and appropriate,
- e) reviewing the annual audit plan and considering reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of any external providers of internal audit services,
- f) oversight of the appointment and remuneration of external auditors to ensure they are approved in accordance with relevant legislation and guidance, and the function is independent and objective,
- g) monitoring the effectiveness of the external audit process, to help ensure that it is of appropriate scope and depth, and gives value for money taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit,
- h) considering the external auditor's annual letter/report, and any other specific reports by, and with the agreement of, the external auditors,
- i) monitoring the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met,
- j) receiving reports on the effectiveness of financial management arrangements, including compliance with the Financial Management Code,
- k) monitoring the Council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements,
- l) considering reports on the effectiveness of internal controls and monitor the implementation of agreed actions,

- m) monitoring any public statements in relation to the Council's financial performance to help ensure they are accurate, and the financial judgements contained within those statements are sound,
- n) reviewing assurances that accounting policies are appropriately applied across the Council,
- o) monitoring the robustness of the Council's counter-fraud arrangements, including the assessment of fraud risks, backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit,
- p) reviewing assurances that the Council monitors the implementation of the whistle-blowing policy and Bribery Act policy to ensure that they are adhered to at all times,
- q) reviewing assurances that the Council has appropriate governance arrangements in place to manage the relationship between the Council and significant partnerships or collaborations, as well as any company in which the Council has majority control,
- r) reviewing assurances that the Council has appropriate arrangements in place to ensure that the commercial opportunities and risks presented through company ownership are managed effectively,
- s) oversight of the Executive's shareholder strategy regarding companies in which the Council has an interest,
- t) review and approval of the Statement of Accounts, with related reports, and Annual Governance Statement, and ensure that they properly reflect the risk environment and supporting assurances of the Council, and
- u) reporting to full Council for assurance on the Accounts and Annual Governance Statement approval and where appropriate on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## Part Two – Current Terms of Reference

### *Governance and Audit Committee*

- 17.2 Membership: 11 Members; plus, 1 independent member.
- 17.3 Political Groups should only nominate Members as regular Members or as substitutes on the Governance and Audit Committee (and on Panels of the Committee) if they have had training in the relevant procedures.

17.4 The purpose of this Committee is to:

- (a) ensure the Council's financial affairs are properly and efficiently conducted,
- (b) review assurance as to the adequacy of the risk management and governance framework and the associated control environment, and
- (c) receive ongoing assurance and information to enable the effective scrutiny and oversight of the Executive decision-making around shareholder strategy regarding companies in which the Council has an interest.

17.5 The Governance and Audit Committee is responsible for ensuring that:

- (a) risk management and internal control systems are in place that are adequate for purpose and effectively and efficiently operated,
- (b) the Council's corporate governance framework meets recommended practice, is embedded across the whole Council and is operating throughout the year with no significant lapses,
- (c) the Council's Internal Audit function is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of work to be carried out is appropriate,
- (d) the appointment and remuneration of external auditors is approved in accordance with relevant legislation and guidance, and the function is independent and objective,
- (e) the external audit process is effective, taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit,
- (f) the Council's financial statements (including the pension fund accounts) comply with relevant legislation and guidance and the associated financial reporting processes are effective,
- (g) any public statements in relation to the Council's financial performance are accurate and the financial judgements contained within those statements are sound,
- (h) accounting policies are appropriately applied across the Council,
- (i) the Council has a robust counter-fraud culture backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit,

- (j) the Council monitors the implementation of the Bribery Act policy to ensure that it is followed at all times,
- (k) the Council has appropriate governance arrangements in place to manage the relationship between the Council and any company in which the Council has majority control, and
- (l) the Council has appropriate arrangements in place to ensure that the commercial opportunities and risks presented through company ownership are managed effectively.

This page is intentionally left blank

## **Appendix 2 – Proposed Revision of the Terms of Reference for the Member Remuneration Panel**

The changes are not shown as track changes because the revisions largely replace the current content wholesale. The current terms of reference are set out in part two.

### Part One – Proposed Terms of Reference

#### *Member Remuneration Panel*

- 17.10 The Member Remuneration Panel (MRP) is not a Committee of the Council and is established under The Local Authorities (Members' Allowances) (England) Regulations 2003.
- 17.11 Membership: 3 independent members.
- 17.12 No Panel member may be any of the following:
- a) A Member or Co-opted Member of the Council or any of its Committees.
  - b) An individual disqualified from being or becoming a Member of the Council.
  - c) An employee of the Council.
- 17.13 Membership of the MRP will cease:
- a) Automatically when any of the disqualifications listed in 17.12 apply.
  - b) Upon written notice of resignation sent by the Panel member and received by the Monitoring Officer.
  - c) Immediately upon resolution of County Council following recommendation by the Selection and Member Services Committee.
  - d) At the end of the term of appointment.
- 17.14 The Monitoring Officer shall be responsible for recruiting and recommending 3 individuals to the Selection and Member Services Committee for provisional appointment. The appointments are subject to confirmation by full Council.
- 17.15 Panel members are appointed for four years, or as determined by County Council at the time of appointment.
- 17.16 In the event of an interim vacancy in the Panel membership, the process in 17.14 will be followed with the Monitoring Officer recommending the same number of names as vacancies. The appointment is to run for the remainder of the original appointee's term unless otherwise determined by County Council.

- 17.17 On a four yearly basis, the MRP is responsible for reviewing the whole Members Allowances Scheme and making recommendations to the Council on the following:
- a) The amount of the basic allowance.
  - b) The responsibilities and duties to allow the following to be received and the amount thereof:
    - i. Special Responsibility Allowance (SRA).
    - ii. Travel and subsistence expenses.
    - iii. Co-optees allowance.
  - c) The amount of the dependants' carers' allowance.
  - d) The implementation date for the new Members' Allowances Scheme and whether any payments should be backdated to the start of the municipal or financial year.
  - e) Whether there are to be any annual changes to the amounts received for a-d above; and where the changes are to be related to an index, the details of such an index.
- 17.18 In addition to the four yearly review, the Selection and Member Services Committee can request the MRP to conduct a review of one or more of the areas set out in 17.17(a-e) and make recommendations to the Council.
- 17.19 The MRP shall select from its number a Chair.
- 17.20 No Member of the Council has a right to attend its meetings and its procedures are determined by the Panel itself, subject to the requirement of a quorum of 3 Panel members when agreeing recommendations to make to the Council.
- 17.21 Upon completion of the four-yearly review under section 17.17, each Panel member shall receive an allowance of £1,000. Reasonable travel and other expenses shall also be paid.
- 17.22 Upon completion of a review under 17.18, each Panel member shall receive an allowance of £600. Reasonable travel and other expenses shall also be paid.
- 17.23 The Chair of the Panel shall receive an additional allowance of £200 upon completion of each review under both 17.17 and 17.18.
- 17.24 The work and recommendations of the Panel must conform to the relevant legislation.



## Part Two – Current Terms of Reference

- 17.10 Membership: 3 independent members.
- 17.11 Independent Members of the Remuneration Panel are recommended to the Council for appointment by a Panel of three people (not Members of the Council) appointed by the Selection and Member Services Committee.
- 17.12 The Independent Remuneration Panel regularly reviews the Council's allowances and expenses scheme.
- 17.13 It meets on a regular basis and no one on the Panel is a Councillor or Council employee.
- 17.14 It has the responsibility for making recommendations to the Council on a scheme of allowances and expenses for Council Members and for reviewing that scheme in whole or in part as required by law or requested by the Selection and Member Services Committee.
- 17.15 The Panel is not a Committee of the Council. No Member of the Council has a right to attend its meetings and its procedures are determined by the Panel itself.

## Part Three – Consequential amendment to the Terms of Reference of the Selection and Member Services Committee

Current Section 17.43(i)iv – This Committee is responsible for making or arranging the following appointments and nominations ... the selection Panel for the Independent Person and members of the Member Remuneration Panel.

This would be amended if the Terms of Reference set out in Part One are agreed by amending 17.43(i)iv to - This Committee is responsible for making or arranging the following appointments and nominations ... the selection Panel for the Independent Person.

A new Section 17.43(i)v would also be inserted - This Committee is responsible for making or arranging the following appointments and nominations... members of the Member Remuneration Panel.

This page is intentionally left blank