

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 24 April 2024.

PRESENT: Mr A Booth (Chairman), Mrs R Binks, Mr T Bond, Mr D L Brazier, Mrs L Game, Ms J Hawkins (Substitute for Rich Lehmann), Mr A J Hook, Mrs S Prendergast, Mr O Richardson, Dr L Sullivan and Mr S Webb

ALSO PRESENT: Mrs B Bruneau, Mr P Cole, Mrs T Dean, MBE, Mr R C Love, OBE, Mr P J Oakford, Mr R G Streatfeild, MBE and Mr D Watkins

IN ATTENDANCE: Mr M Albiston (Director of Adult Social Care (Operations) Kent), Mr J Cook (Democratic Services Manager), Mrs S Hammond (Corporate Director Children, Young People and Education), Mrs C McInnes (Director of Education and SEN), Mr G Romagnuolo (Research Officer - Overview and Scrutiny), Mr R Smith (Corporate Director of Adult Social Care and Health), Mrs A Taylor (Scrutiny Research Officer) and Mr B Watts (General Counsel)

ALSO PRESENT VIRTUALLY: Mr P Barrington-King (Vice Chairman) and Mr J Betts (Acting Corporate Director, Finance)

UNRESTRICTED ITEMS

51. Minutes of the meeting held on 28 February 2024

(Item A4)

RESOLVED that, subject to the inclusion of Mrs Prendergast as being 'present virtually', the minutes of the meeting held on 28 February 2024 were an accurate record and that they be signed by the Chairman.

52. Safety Valve Implications for the Cost of Adult Social Care

(Item C1)

1. Mr Watkins introduced the report which had been requested by Mr Streatfeild, supported by the Chairman, Vice-Chair and Spokespeople. The paper quantified and costed the short, medium and long-term impact of the Safety Valve agreement with regards to costs incurred by adult social care, and the council's overall financial stability.
2. Members asked questions in relation to the report, key issues raised by the Committee and responded to by the Cabinet Member and Officers included the following:
 - a. A Member asked whether savings in one directorate drove costs in another? Mr Watkins explained that any changes would have some impact, whether this be to reduce costs or increase costs later on. This was very difficult to quantify but the most important factor was 'how'

services were provided rather than purely considering the money spent in particular areas.

- b. Mr Love explained that Safety Valve was not intended to remove services but to get spending back in line with the available funding and reiterated the point that it was not only important to look at how much was being spent but where and how it was spent. The Council was identifying those individuals who needed support and targeting services towards them.
- c. Mrs Hammond explained that the funding of early years services (0-5 years) was not linked to the Safety Valve agreement. The funding of early years provision had increased and it was important to determine why Kent still had the greatest number of Education, Health and Care Plans (EHCPs) per head in the country, way above the national average.
- d. A Member asked a question about the wider education offer available and asked for reassurance that the future implications on other directorates had been considered and addressed. The Cabinet Members agreed with this comment, that a lack of or poor education would have a significant impact on a child's life and work was ongoing to improve the education offer available. Mr Albiston, as the author of the report, commented that the report had focused on the financial answer to the question originally posed by Mr Streatfeild. A further report could be brought to the committee which included information on research and social impacts to provide additional assurance.
- e. Mr Streatfeild as the Member who originally requested that this item be brought to Scrutiny commented that he had seen joined up working between the Adults Directorate and Children, Young People and Education (CYPE). The boards he sat on meant he had a good overview of the situation, there was not a correlation between having an EHCP and a need for future adult social care. An EHCP was provided in cases of severe and complex need and it was the need that should be focused on rather than the EHCP.
- f. Members considered that further investigation should be done into the numbers of EHCPs given, what forms of support were and were not being offered and the problems this would create in adulthood.
- g. It was confirmed that Safety Valve had no implications on the process for annual reviews of EHCPs or the support given to children. There was support available for children whether they had an EHCP or not. A report would be going to the CYPE Cabinet Committee on a new locality model to better target support for SEN with great empowerment within the education system and schools being more involved with making decisions around targeting of resources. Members had concerns around some of the comments made and considered that the active intention was that KCC would issue fewer EHCPs, it was agreed that this was not the only route of support but for some parents it was a vital source of support.
- h. Members commented that it shouldn't be asserted that neurodiverse issues were not genetic when this hadn't been properly investigated as it was considered that this was frequently the case. This was also the case with other potential triggers including pollution levels, diet and selective school systems. It was important to determine why Kent was an outlier in relation to numbers of EHCPs.
- i. Members discussed the previous offer of a report back to the committee and following a proposal from Mrs Prendergast, seconded by Mr Hook, the

committee voted on the motion set out below which was supported by majority.

RESOLVED that the Scrutiny Committee requires further review of the issues raised at the meeting regarding the social impact and the impact on ASC of Safety Valve. The approach to this will be considered via the agenda setting process with opposition group leaders and discussion with the relevant Portfolio holders.

53. Finance Update

(Item D1)

1. Mr Oakford referred to the most recent Revenue and Capital Budget Monitoring Report – December 2023-24 which was reported to Cabinet at its meeting on 21 March 2024. The overspend was at £30million which was a reduction of £6million since quarter 2. There were significant overspends in the Adults Directorate and Children, Young People and Education (CYPE) Directorate and there was evidence of spending controls and management action having a positive impact. However, it was realistic to say that it would be necessary to use reserves at the end of this financial year as after management action there still remained a £18million overspend.
2. Members asked questions in relation to KCC's financial position, key issues raised by the Committee and responded to by the Cabinet Member and Officers included the following:
 - a. In response to a question about avoiding repeating overspends of previous years Mr Oakford confirmed that this would be the second year of being overspent. Controls had been put in place and KCC would continue to look for efficiencies. There was no contingency, the council had to balance its budget and further cuts would have to be made.
 - b. In relation to CYPE it was important to note that this directorate remained in the bottom quartile for costs across the country. The problems were national, without proper funding of Adult Social Care and CYPE local authorities could cease to exist.
 - c. Members raised concerns about the timing of financial information available to the committee. How was it possible to take action when the information being considered for Q1 wasn't received until Q3? The portfolio holder concurred with this view and confirmed that an indication of future numbers would be available within 15 working days of the end of the quarter which would be 90% accurate.

RESOLVED that the Scrutiny Committee note the finance update provided.

54. SEND Sub-Committee - One Year On Review

(Item D2)

1. Mr Cook introduced this report which was the one year on review of the SEND Sub-Committee. This dedicated sub-committee of Scrutiny had been set up to exercise the functions of the Scrutiny Committee in relation to KCC's SEND provision.

2. Mr Watts explained that the committee, in reviewing the report, had an opportunity to consider what they would like the SEND Sub-Committee to do next, officers would answer technical questions and support the decision made by the committee.
3. The Sub-Committee Chair, Mr Cole presented the report and thanked the guests and colleagues for their time spent with the committee. Children and young people had always been at the heart of the committee's thoughts and aims to ensure the best possible outcomes for children and young people.
4. Members asked questions in relation to the work of the SEND Sub-Committee and its review report, key issues raised by the Committee and responded to by the Chair and Cabinet Member included the following:
 - a. In relation to the guests invited to attend the sub-committee, external meetings had been held to gather additional information from visits, virtual meetings and schools.
 - b. Members raised concerns about the numbers of meetings held, the Chair explained the timing of the Accelerated Progress Plan which the sub-committee had reviewed. There were concerns that the information being provided to the committee was outdated and that little progress had been made on improving the situation for SEND families.
 - c. Members considered the proposal for a SEND sub-committee to be a good one, and some believed it should continue but that the format should be reviewed following further discussion.
 - d. Following a comment from Mr Watts the Chairman agreed to hold an informal meeting to further discuss the administrative detail of the proposal, before a further report was presented to the next Scrutiny Committee in June 2024.
 - e. The Chairman proposed that the SEND Sub-Committee be disbanded and the Scrutiny Committee undertake scrutiny and review in relation to KCC's SEND provision.
 - f. This was seconded by Mr Webb.
 - g. The Committee voted on this motion and this was carried.

RESOLVED that the SEND Sub-Committee be disbanded and the Scrutiny Committee undertake scrutiny and review in relation to KCC's SEND provision.

Dr Sullivan, Ms Hawkins and Mr Hook asked that it be noted that they voted against this recommendation.

55. Work Programme (Item E1)

1. In response to a comment from Dr Sullivan about the further report back on the social and financial impact of the decision to end funding to Homeless Connect - the Chairman would request this for the Scrutiny meeting on 10 July 2024.

RESOLVED that the work programme be noted.

56. Future Meeting Dates
(Item E2)

RESOLVED that the future meeting dates be noted.