

## SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 10 July 2024.

PRESENT: Mr A Booth (Chairman), Mr P V Barrington-King (Vice-Chairman), Mrs R Binks, Mr T Bond, Mr D L Brazier, Mr G Cooke, Mr A J Hook, Rich Lehmann, Ms J Meade (Substitute for Dr L Sullivan), Mrs S Prendergast and Mr O Richardson

ALSO PRESENT: Sir Paul Carter, CBE, Mrs T Dean, MBE, Mr P J Oakford, Mr R G Streatfeild, MBE and Mr D Watkins

IN ATTENDANCE: Mr J Betts (Acting Corporate Director Finance), Mr B Watts (General Counsel), Ms C McInnes (Director of Education), Ms S Hill (Interim Director Adult Social Care), Ms S Denson (Assistant Director - Strategic Safeguarding, Policy, Practice and Quality Assurance), Miss M Goldsmith (Finance Business Partner - Adult Social Care and Health), Mr J Cook (Democratic Services Manager) and Mrs A Taylor (Scrutiny Research Officer)

### UNRESTRICTED ITEMS

#### **61. Declarations of Interests by Members in items on the Agenda for this Meeting** (Item A3)

1. Ms Meade declared that her husband was in receipt of PIP (Personal Independence Payment) but was not in receipt of a care package.
2. At the commencement of Item C2 SEND Scrutiny Process Sir Paul Carter declared an interest as a Director of the Leigh Academy Trust.

#### **62. Minutes of the meeting held on 5 June 2024** (Item A4)

RESOLVED that, the minutes of the meeting held on 5 June 2024 were an accurate record and that they be signed by the Chairman.

#### **63. Call-in of Decision 24/00049 - Higher Disability Benefits** (Item B1)

1. The Chairman invited the proposer of the call-in, Mr Streatfeild, to provide an overview of the reasons for the call-in. Mr Streatfeild set out his reasons for the call-in and explained that he had concerns around legal issues the Council could face if it proceeded with the decision. He considered that the Council could use its reserves to fund the expected £3.7 million income from this decision. Mr Streatfeild also referred to evidence obtained through public consultation where 80% disagreed with the proposed action and 74% strongly disagreed and he suggested there was a political risk for the Council in that the proposal ran

counter to the policy documents Framing Kent's Future and Securing Kent's Future.

2. Ms Meade explained the purpose of a PIP (Personal Independence Payment) and referred Members to guidance set out on the Government website. She maintained that the implementation of this policy would take away a recipient's ability to obtain this and that in her experience a PIP was difficult to obtain.
3. Ms Meade explained that there was currently a national consultation regarding the PIP scheme and so consideration of this policy could be premature.
4. The Chairman invited Mr Watkins, as the Cabinet Member who took the decision, to provide an overview of the decision.
5. Mr Watkins referred to the technical information contained in the papers and in response to comments made about competing priorities in the Council's Policy documents confirmed that 'Securing Kent's Future' took precedent. Mr Watkins explained that this was a difficult decision to make and that mitigations were in place to protect the most vulnerable people within the cohort.
6. Members made comments on the decision and asked a range of questions. The key points raised and responded to by the Cabinet Member and officers present included the following:
7. Following a question, Mr Watkins confirmed that the 2014 Care Act allowed all Councils to make the change being discussed and many other councils had already done this.
8. Mr Watkins confirmed that no suggestions were put forward at the budget discussion as an alternative and the implementation of this policy would save £3.5 million per year. He continued to explain that the circa £300k monthly costs was the annual saving, divided by 12 months.
9. Members asked for assurance of the other considerations given to this decision, taking into account the consultation was overwhelmingly against the proposal. Mr Watkins confirmed that he would take into account responses to the consultation and accepted that this decision would be difficult for vulnerable adults.
10. A Member indicated that there were choices available and asked where the £300,000 factored into delays was coming from.
11. Members asked what alternatives had been looked at, rejected and what made this policy the optimum way of making savings. In answer to the other considered options, Ms Hill explained to Members that the proposed option was the one which it was felt had the least impact on people and they had taken into account individual circumstances.
12. Ms Denson set out the various mitigations considered; she confirmed there was already £17 per week for all those who were in receipt of disability expenditure. In terms of other mitigations explored, she explained that the council had considered increasing the standard sum of £17 by way of a blanket increase, however this option failed to recognise that not everyone's disability expenditure was the same.
13. In response to a query Mr Watkins confirmed that there was an option for people to go through a Disability Related Expenditure Assessment (DREA).
14. The Chair drew Member's attention to page 2 and page 3 of the agenda pack and the options available to committee and reminded Members of the difficult decision that the Council needed to make in relation to finances.
15. A Member asked for confirmation that this decision affected those in receipt of the enhanced rate of PIP and was this figure £108 per week? This was confirmed as correct and DLA and attendance allowance.
16. A Member asked what modelling or assessment had been carried out to ensure that people who were in receipt of £108 would be able to live on around £75 per week (taking into account the deduction of £33.85). Ms Denson referred to the

statutory minimum disability benefit all people in receipt of disability payments should receive and she also referred to Appendix D which set out various scenarios which demonstrated how the financial assessments would impact on people.

17. In response to a question about the likely savings figure Mr Watkins confirmed the difference between the gross saving amount of £4.5 million and the net saving of £3.5 million is £1 million of provision for higher levels of DREAs and bad debt.
18. A Member commented that DREAs would need to be promoted to increase awareness amongst residents. In relation to this, Ms Denson confirmed that officers would be writing to the individuals affected as well as providing information and guidance on the Kent County Council website. Mr Watkins confirmed that two additional secondment staff would be brought in to manage the DREA assessments.
19. In response to a query about how many DREAs would be processed per month Ms Denson confirmed that this modelling was currently taking place. In response to a further query Mr Watkins confirmed that, to the best of his knowledge, his service had enough back-office staff to undertake this work. Members raised concerns that the modelling was only now taking place and it was vital that there was enough capacity within the team to avoid future backlogs resulting in residents suffering delays to payments.
20. A Member asked whether service users were going to be charged the full amount before they underwent the DREA assessment Mr Watkins confirmed that there was no annual upfront payment
21. A Member asked whether all applicable service users would be required to pay the higher charge, whilst they were still waiting for their disability assessment to take place and whether this higher charge would be applied automatically to the service users. Ms Denson confirmed that the policy guidance provided that payments would backdate to the last piece of evidence received for the DREA.
22. A Member asked for more information about the voucher scheme which might come into effect and how it could impact on the proposed decision. Ms Hill explained that if there were any changes in relation to national benefits, all Kent policies were reviewed on an annual basis which would take into account any future changes
23. In response to questions from Members about the legality of this decision, Mr Watts confirmed that the Cabinet Member had sought and received legal advice.
24. Mr Oakford confirmed that within the entirety of the Council's budget there were gross reserves of approximately £340-350 million. However, there was approximately 3% of general reserves which had not been allocated, which equated to around £35 million.
25. Mr Oakford explained to Members that last years over spend was £25 million and there was a need to make further savings of around £100 million. Adults Social Care was required to find £50 million of savings.
26. Whilst Members wished to keep all services running, Mr Oakford explained that the Council needed to find £84 million saving for the next financial year. Mr Oakford highlighted to members that the Council was responsible for 1.7 million people and asked members to take this into consideration.
27. Ms Hill clarified that the service users who were potentially impacted by the change, had already had a care needs assessment and financial assessment. The DREA would be specifically for those individuals who believed they had expenses directly related to their disability which was above and beyond the £17 paid per week.

28. Ms Hill confirmed that the service already supported over 16,000 people. Out of those, only 100 had disability related expenditure assessments. It was anticipated that the people impacted by the changes would come forward, but the wider social care work force would be able to assist, as well as the additional officers.
29. The clerk confirmed to the committee the options available to them and the process that would be followed dependent on the option decided on by the committee.

Mr Booth moved and Mr Richardson seconded a motion that “the Scrutiny Committee express comments but not require reconsideration of the decision.

Members voted on the motion. The motion was carried.

RESOLVED that the Scrutiny Committee express comments but not require reconsideration of the decision.

#### **64. Revenue and Capital Budget Monitoring Report – Outturn 2023-24** *(Item C1)*

1. Mr Oakford confirmed the Budget outturn position for 2023/2024 for both the Revenue and Capital Budgets. He confirmed that at the end of financial year, the Council were in a position of recording a revenue overspend of £12.4 million, after the £12 million reserve was used to offset overspend.
2. Mr Oakford took Members through the Revenue and Capital Budget Monitoring report and referred to Appendix 1 and Appendix 4 in relation to significant overspends in Adult Social Care of £32.6 million and Childrens’ Services of £26.6 million, as well as the roll forward amounts. He highlighted the roll forwards underspend of £700,000 for Members’ grants. Mr Oakford commented that total budget for Member Grants was £300,000 with two years of underspend.
3. A Member referred to the budget amendments submitted in relation to increased Member Grants and clarified that there were two versions but just one amendment and this would have been funded by freezing member allowances and not taking money from another spend area.

RESOLVED that the Scrutiny Committee noted the Revenue and Capital Budget Monitoring Report Outturn for 2023-2024.

#### **65. SEND Scrutiny Process** *(Item C2)*

*(Sir Paul Carter declared an interest as a Director of the Leigh Academy Trust)*

1. Mr J Cook, Democratic Services Manager introduced the report regarding the proposed approach for the scrutiny of SEND at KCC.
2. Members made comments and asked a range of questions. The key points raised and responded to included the following.
3. A Member shared comments from Kent SEND School Head Teachers about the Council’s proposals to reform the SEND school processes and the Chairman reminded the Member that the Committee was being asked to review the SEND Scrutiny process report, which was contained within the agenda pack, and that there was an agenda setting process with the Chairman and Spokespeople to follow in order to add items to future agenda.

4. A Member spoke about the need for Members to have the full information about the whole role out of the programme including the full financial plan. He commented that working with Head teachers of both mainstream and special schools was key to working well.
5. Following further comments from Members about the wider SEND projects Mr Watts commented that it was important that members were in receipt of all the information, and this would be achieved if the agenda setting process was adhered to and carried out effectively.
6. Mr Cook, in response to a question, confirmed that consultation with relevant stakeholders would take place outside of the formal Scrutiny meetings by way of conversation so that information could be obtained as appropriate
7. Following a question around the Scrutiny Committee agenda setting process, the Chairman confirmed that this took place between him, his Vice-Chair and the Opposition Group Spokespeople.
8. Mr Watts suggested that in the initial meeting the report should set out how the Committee proposes to deal with a specific concern and how it will be addressed, then Chairman and Spokespeople could review to check on progress.
9. A Member commented on the role of the DFE (Department of Education) mandated independent chair to the Transformation Board and the role that this individual might play in future meetings.

RESOLVED that Members of the Scrutiny Committee AGREE to adopt the following as the approach to SEND Scrutiny by the main committee:

- Scrutiny Committee to receive, as part of its existing meeting schedule, quarterly overview reports on SEND provision, including performance information such as KPIs.
- Each quarterly report to include a service or issue specific section providing further information, allowing for more detailed scrutiny on key areas.
- Separate, informal information gathering sessions will be organised in consultation with the Chair and Spokespeople to secure input from parents, carers and other relevant stakeholders.
- Ad hoc SEND related item requests will be managed in the context of this agreed protocol, without prejudice to Members' statutory rights to require that items be considered by the Scrutiny Committee.

## **66. Review of Scrutiny Activity**

*(Item C3)*

1. Mr Watts introduced the item to the Committee. He highlighted that forthcoming development sessions would be available for both existing Members and, following the KCC election in May 2025, new Members. These sessions were designed to provide information to formal committees of the Council so members developed their role on these committees.
2. RESOLVED Members noted the review of Scrutiny activity.

## **67. Work Programme**

*(Item D1)*

RESOLVED that the work programme be noted.