

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 15 September 2010.

PRESENT: Mrs T Dean (Chairman), Mr R Brookbank, Mr A R Chell, Mr L Christie, Mr R F Manning, Mr M J Jarvis, Mrs J P Law, Mr R J Lees, Mr R L H Long, TD, Mrs J A Rook, Mr J E Scholes, Mr K Smith (Substitute for Mr E E C Hotson) and Mr J N Wedgbury (Substitute for Mr G A Horne MBE)

PARENT GOVERNORS: Mr B Critchley and Mr P Myers

ALSO PRESENT: Mr R W Gough, Mr N J D Chard, Mrs J Whittle and Mr P Francis

IN ATTENDANCE: Ms K Kerswell (Group Managing Director), Mr J Burr (Director of Kent Highway Services), Ms D Exall (Head of Strategic Policy), Mr C Feltham (Head Of Additional Educational Needs & Resources), Mr R Fitzgerald (Performance Monitoring Manager), Mrs S Garton (Head of County Performance and Evaluation Manager), Ms C McKenzie (Greener Kent Manager), Ms R Turner (Managing Director Children, Families and Education), Mr P Sass (Head of Democratic Services and Local Leadership), Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee) and Mr A Webb (Research Officer to the Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

64. Minutes of the meeting held on 21 July 2010

(Item A3)

(1) Regarding Item 4 paragraph 4 on the Kent Digital Service, Mr Gough clarified that a cross-party group would be set up to be led by Tanya Oliver, not Jane Clarke.

(2) RESOLVED: that subject to the amendment of Item 4 paragraph 4, the minutes of the meeting held on 21 July 2010 are correctly recorded and that they be signed by the Chairman.

65. Follow-up Items from Cabinet Scrutiny Committee

(Item A4)

(1) The Chairman explained that all Members had received hard copies of a letter from Mr Burr and a map depicting the routes for gulley emptying but that the Committee was still awaiting the gulley emptying schedules, which would begin to be supplied to Members within four weeks.

(2) On the Kent Design Guide, it was noted that the Chairman and Vice Chairmen were due to meet with Mike Austerberry shortly to discuss the content of the notes that went to the Environment, Highways and Waste Policy Overview and Scrutiny Committee following the Seminar.

(3) In relation to the redeployment of Community Wardens, it had now been clarified that local Members would be consulted about redeployment decisions before they were made. Discussions were ongoing, however, with regard to that status of these decisions, i.e. Key or Non-Key.

(4) RESOLVED: that Members note the follow up items report and the responses to previous recommendations

66. Notes of the Informal Member Group on Budgetary Issues held on 10 September 2010 (to follow)

(Item A5)

(1) Members were advised that the Informal Member Group on Budgetary Issues held on 10 September had been cancelled, and that the next meeting was scheduled to take place on 8 October.

67. Transparency Programme: How We're Spending Your Money

(Item C1)

Mr R Gough, Cabinet Member for Corporate Support Services and Performance Management, Ms K Kerswell, Group Managing Director and Ms D Exall, Head Of Strategic Policy, were present for this item.

(1) The Chairman reminded Members that the Committee that a decision to call in a particular item could be made to celebrate good progress, not just when something might have gone wrong. She added that page 22 of the report mentioned that local media would be very interested and possibly very critical, and so this is why she had decided to invite Paul Francis, of the Kent Messenger Group to this meeting as a witness.

(2) In response to concerns that invited witnesses from the media could appear at all public meetings and ask questions of witnesses and Members, Mr Sass clarified that the Constitution does allow the Committee to invite witnesses, but suggested that he and the Chairman and Committee Spokespersons meet to discuss a protocol for witnesses. Mr Christie and Mr Manning acknowledged the need for a protocol.

(3) Ms Kerswell introduced the report as part of a 'journey', and emphasised the Programme was a learning process for the organisation; a cultural as well as a technical challenge. Ms Kerswell expressed a desire to be ahead of the Government and the recommendations in the report would ensure this. The programme will begin with the Environment, Highways and Waste Directorate and will form part of the learning process.

(4) Early conversations with Cabinet Members had shown there is strong support in taking the next step. There was acknowledgement that the data would need to be put into context to help the public understand what the Council does with their money and to help them be more aware and informed citizens.

(5) The report was welcomed but some risks were underlined: If the Council does not deliver information promptly it may face criticism that it is hiding something; the number of transactions that would be questioned through Freedom of Information

(FOI) requests was difficult to predict; and what were the workload implications for staff?

(6) The fact there would be risks was acknowledged, such as the danger of publishing personal information, or losing the confidence of the public, but it was felt that the media could help the Council and public understand the cultural change that would be required. There was also an acknowledgement that it would be important to get things right first time so extra staff were not required to correct mistakes; all transactions would need to go through Oracle so they could be tracked. There was no evidence of an increase in FOI requests in other councils which had already delivered similar programmes, and publishing information may actually avoid having to constantly respond to requests; Mr Francis suggested that this would be a channel for the media and public to clarify data, but that if the data was already accessible the Council would be able to signpost people to it instead.

(7) In response to a query from a Member whether the next Council Tax Leaflet could be presented as money spent per household on each service to be more meaningful, it was explained that the communications team had devised something that showed what services one could buy with £200,000 (the average cost of a house in Kent). This would feature in the next edition of Around Kent, which would inform the public of challenges facing Kent in the upcoming Comprehensive Spending Review (CSR).

(8) A Member questioned whether there should be parity between Members and officers in relation to publishing salaries, because of their different status. The differences were acknowledged, but the public nature of a senior officer's job meant it was in the public interest to be transparent and that the public should be able to see how these senior officers were serving them. There was a feeling that the world was changing in this regard, and that the change should be embraced.

(9) Responding to a query about the 'bubble diagrams' mentioned in the report, Ms Kerswell made reference to a similar depiction published in the Guardian showing a breakdown of Government spending. The intention was to do something similar, by Directorate, to show different elements of spending and this had the potential to reduce FOI requests, as the public would be able to see what elements of expenditure related to. A request was made for a copy of the bubble diagram to be made available to Members; it was noted that this would be appearing on the website shortly and an email would be sent to all Members alerting them when this had been done.

(10) In response to concerns about the publication of data as Excel spreadsheets and how accessible this format would be, it was explained that it would be consistent with the spirit of the Transparency Programme to ensure the data could be easily manipulated and analysed, and publishing in both Excel and pdf formats was a sensible starting point.

(11) A concern was expressed that transparency might drive decision-making underground, whereas the whole culture of the organisation should be transparent. Referring to the fact there could always be exempt items on the agenda at meetings; the suggestion was made that Members should be more challenging of exempt items. There was also a concern that Informal Member Groups (IMGs) could proliferate and there was the potential for Select Committees to be set up instead, which were held in public. It was acknowledged that sometimes private discussions

needed to take place, but these should not pre-empt decisions. Mr Gough mentioned that he was happy to look into the subject of exempt items, which were in fact mentioned in the report, and did not rule out looking at IMGs. The timetable for consultations meant that they cannot always be brought to public meetings but ultimately the Council's response would be published.

(12) A Member pointed out the potential for the Council to pay multiple invoices under £500 to avoid publication, to which Ms Kerswell replied that, rather than 'gaming', officers and Members as public servants should be transparent about how public money is being spent.

(13) It was queried why officers and Members should explain why offers of hospitality have been declined; Ms Kerswell stated that this would demonstrate that proper judgement had been exercised and individuals were acting with principles.

(14) Regarding decisions not to publish data and whether there would be a mechanism for Members to challenge specific decisions around this, Ms Kerswell indicated that she would be happy to explore suggestions of how this could be scrutinised but would need to avoid a time lag to ensure the data published was timely and still relevant.

(15) A question was raised in relation to Open Kent querying how far down the road the Council was with development of the platform; whether a budget had been identified and if there was a risk that costs escalate; whether we were talking to our partners about sharing it; and whether there were plans to charge for accessing it. It was explained that Open Kent, previously known as 'pic 'n' mix' had already been developed with IBM and that what was involved was adding data sets, so there was no question of costs escalating. It was confirmed that access would be free, and it was emphasised that this was Government policy, and about engaging with the public and their ownership of the data. No decisions would be taken about costs until investigations about broadening the use of the platform, paying for licences, and taking forward the project with IBM had been completed. District Councils had already been approached as partners, as the desire was for the platform to be used across Kent.

(16) The Chairman was interested in the synergy between the report and the Member Information Group, and welcomed the support it received at the highest level and also asked that when the pattern of proposals emerges it be taken through Policy Overview and Scrutiny Committees for Member input.

(17) In response to a request for clarification of paragraph 4.5 and the treatment of Commercial Services in the transparency programme it was confirmed that as an arms length organisation it would be treated like any other supplier

(18) Paul Francis stated that he welcomed the report and principles it outlined. Mr Francis suggested the public would want to know the value as well as cost of any services procured by the Council, and that when contracts go out to tender the other tender prices received should also be published.

(19) A Member expressed disappointment that although the report suggested the media would be interested and potentially critical of the programme, it did not suggest it should be undertaken with their cooperation, particularly as they had a critical role

on behalf of the public. A question was posed to Mr Francis on how he thought the media would put questions and disseminate answers in relation to the data on behalf of the public, to which he replied that it would not be possible to say until it was published, but the Council might want to consider briefing local media in advance of publication of the data.

(20) Mr Francis made the point that the media would be asking questions about items of expenditure and he had already seen this happening in other Councils. There was a danger of misinterpreting data, and media would be asking pointed questions, so there was a role for the media in helping the Council be more transparent. In response to concerns that the media may put a certain angle on the data, Mr Francis suggested that the Council had the opportunity to be the source of the data, and it would therefore be more difficult to 'spin' the information and in fact this would be an incentive for the Council to be more transparent. Asked if he had any criticisms of the report, Mr Francis responded that he broadly supported it, but that expenditure was only one aspect of transparency, and that local authorities could look more widely at being more open.

(21) RESOLVED: that the Cabinet Scrutiny Committee:

(22) Thank Mr Gough, Ms Kerswell, Ms Exall and Mr Francis for attending the meeting and answering Members' questions.

(23) Welcome the introduction of the Transparency Programme, as outlined in the report to Cabinet

(24) Ask the Cabinet to monitor the effectiveness of the various reporting mechanisms to ensure that they were cost-effective and delivering genuine value to KCC in terms of the objectives of the programme and that the Cabinet should receive regular monitoring reports; the first such report being in December 2010 and then six-monthly thereafter

(25) Ask that the Policy Overview and Scrutiny Committees should be involved in the monitoring process to ensure that they were given the opportunity to suggest improvements to the programme.

(24) Ask that Members be notified when the bubble diagrams were published on the website.

(25) Ask that ways of scrutinising decisions not to publish specific items of expenditure be explored.

68. Core Monitoring

(Item C2)

Mr R Gough, Cabinet Member for Corporate Support Services and Performance Management, Ms K Kerswell, Group Managing Director, Mrs S Garton, County Performance And Evaluation Manager, Mr R Fitzgerald, Performance Monitoring Officer, Mr N Chard, Cabinet Member for Environment, Highways and Waste, Mr J Burr, Director of Kent Highway Services, Ms C Mckenzie, Greener Kent Manager, Mrs J Whittle, Deputy Cabinet Member For Children, Families & Education and Ms R Turner, Managing Director Children, Families & Education were present for this item.

(1) It was confirmed that each of the elements of the report was scheduled to go to the relevant Policy Overview and Scrutiny Committee, and this would be the practice henceforth.

(2) A Member made the point that although the Red Amber Green (RAG) system was useful, the standard by which each rating was determined could change over time and made historical and contextual comparison difficult. It was pointed out that if a position was restated it was possible to restate the historical position and there were also objective criteria that could be used for comparative purposes. Furthermore it was emphasised that although the RAG system gave a good starting point, the Group Managing Director's report, each individual Managing Director's report and the running commentary on each of the figures were also important context, particularly as there may have been progress made in one particular area or it may be representative of the national position.

(3) The Chairman recommended the Fire Authority report as a good model, since it has been established for a number of years and provided good comparator data from other Authorities along with contextual information. Mrs Garton pointed out that the covering report did contain areas that would be looked at in the future which included comparator groups as well as making graphs easier to read. In response to a query about the accuracy of the data provided, Mrs Garton responded that the section on Data Quality in the covering report contained detail around this point, as well as the source of national data.

(4) The report represented an overview pulled together by the Chief Executive's Department (CED), but the data came from the Directorates and the individual commentaries were signed off by Senior Management Teams (SMTs) in each Directorate, although it did also refer to national data. Members expressed a desire to be able to scrutinise the report at POSCs in the future, and asked that if this was the case, it was ensured the timing of publication facilitated this.

CO2 emissions from KCC estate

(5) It was explained that 70% of energy use took place in the school estate, and that schools energy usage had increased by 50%, particularly due to the increased use of ICT. However, across the whole KCC estate, CO2 emissions had fallen by 4% over the last 6 years. Furthermore there had been an increase in the physical estate with more air conditioning being used, higher specification lighting and a growth in ICT use in schools, and longer opening hours. There needed to be a step change in how the Council funded energy management and capital investment in the estate and there would be a report on this later in the autumn.

(6) It was asked if there was investment of the superannuation fund in the use of renewable energy in the corporate estate or in schools, particularly since the Council was allowed to sell power to the National Grid. The officer responded that there were risks and issues as well as benefits, and that the Council was currently looking at the feeding tariff as well as ways of funding the investments and had been approached by a number of companies. The various risks and issues were currently being looked at to formulate a strategy, particularly as individual schools are already starting to be approached by companies.

Routine highways repairs

(7) The question was raised why, with all the additional investment, this indicator had gone from amber to red. The response was that safety repairs undertaken as part of the 'find and fix' programme, planned repairs and those identified by highways inspectors had not influenced this indicator. Instead, performance represented on this graph depicted the percentage of small, non-safety repairs phoned in by the public that had been cleared on a month by month basis.

(8) A further question was asked about Average Time to Repair Potholes (days), regarding the fact that there had been a steep rise in June, yet the RAG had remained at amber. This was because a backlog of pothole repairs had recently been cleared, and as longstanding repairs were carried out this increased the average repair time.

Children's Social Services - Referrals and Social Worker Vacancies – Qualified Case Workers

(9) The two items Children's Social Services - Referrals and Social Worker Vacancies – Qualified Case Workers were discussed together, in conjunction with the recent Ofsted letter which followed the unannounced inspection of contact, referral and assessment arrangements with KCC children's services, due to the fact that both were closely related to the points raised in the letter

(10) It was noted that the Cabinet Member would continue to provide details of Ofsted feedback and a response to the safeguarding report to October County Council, and would also report to the Vulnerable Children POSC. CFE were currently preparing for Ofsted's annual judgement of children's services performance in December.

(11) The Ofsted letter was distributed to all Members, who were reminded that the letter should be read in conjunction with the statement released by Mrs Hohler on the results of the inspection. The letter identified areas of strength, many areas that were satisfactory, some areas for development and one area for priority action based upon a small number of referrals not dealt with in an appropriate timescale. It was noted that the Director for Specialist Children's Services had taken immediate action to ensure that these were dealt with and the service also conducted an internal audit.

(12) Members endorsed the view that Kent's social workers undertook a very valuable job under difficult circumstances, and deserved recognition and support. A member also made the point that a child had not been harmed as a result of the actions identified in the Ofsted report as being in need of addressing.

(13) It was noted that referrals to Children Social Services were continuing to increase and there was also a 20% vacancy rate in social workers, which was a nationwide issue. Other Councils had received similar judgements due to a lack of capacity (evidence of which could be made available to members), and the Government had commissioned Professor Eileen Munro to carry out a national review of Child Protection. CFE faced three key issues: recruitment and retention, bureaucracy faced by social workers and the negative perception of the profession in the media.

(14) Children, Families and Education (CFE) had put in place initiatives to tackle social worker vacancies and other pressures, including:

- working with partners across Kent to manage number of referrals and to ensure early intervention.
- appointing 12 preventative services managers to manage demand and increase capacity
- convening an improvement team involving members, officers and partners
- ensuring rotation of staff between functions to reduce burnout
- recruiting additional social workers from Europe and the United States

(15) There were areas that could be looked at to increase efficiency, including reducing high cost placements, working with other councils to drive down costs and more use of call-off contracts, as well as looking at policy areas, such as the use of independent fostering agencies and raising awareness in communities to reduce the number of referrals. Ms Turner stressed that Kent had less looked-after children than its neighbours and comparators, but did have a higher proportion of child protection cases.

(16) In response to a query on what actions had been put in place in the shorter term it was stated that the Director for Specialist Children's Services had met with operational managers and reiterated minimum standards, including having a manual tracking system. There had also been an appraisal of the contact and assessment service to ensure referrals were being tracked and processed, and staff had been asked to come up with an improvement and development plan and identify what resources were required to action it. In response to a specific area identified in the Ofsted report, there was also a need to evidence decision-making more effectively.

(17) A member noted the difficulty in delivering Government targets without adequate funding, which was likely to worsen with impending cuts, and suggested CFE should make representations to Government. It was unclear whether the budget would be protected going forward, but more would be known after the CSR in October. Ms Turner acknowledged the political nature of the resourcing issue, and confirmed that CFE were working with limited funds under more regulation, which had led to professionals being burdened with administration. Similar modernisation which had taken place in education to address this had yet to happen in the social care arena e.g. allowing social work assistants to take on casework under the supervision and support of a qualified social worker.

(18) On a specific query around a child protection referral that was still waiting to be actioned after a month, Ms Turner responded that teams were having to make judgements and prioritise cases and might not always comply with the seven working day timescale.

(19) Responding to a specific query about the difference in qualifications between social workers from the UK and abroad, Ms Turner responded that this was something that was checked prior to appointment.

(20) RESOLVED: that the Cabinet Scrutiny Committee:

(21) Thank the Members and officers present for this item for attending the meeting and answering Member's questions.

(22) Welcome the assurance that the relevant parts of the Core Monitoring Report would be submitted to the Policy Overview and Scrutiny Committees at the most appropriate time, i.e. during the meetings cycle immediately after the report has been considered by the Cabinet.

(23) Ask the Cabinet Member to examine the format of the performance monitoring reports submitted to the Kent and Medway Fire and Rescue Authority, as it was felt that these reports were particularly clear and helpful to Members, to see if any improvements could be made in the format of the Core Monitoring Reports.

(24) Ask the Managing Director, Children Families and Education to ensure that the Council's responses to the areas for development and areas for priority action, contained in the letter from Ofsted dated 9 September 2010, were included within the report due to be considered by the County Council on safeguarding, so that they could be debated by all Members.

(25) Ask that comparative information on Ofsted's assessment of safeguarding in other Councils be supplied to Policy Overview and Scrutiny Committee Members.

(26) Ask that the opportunity be made available to scrutinise elements of the Core Monitoring report at Policy Overview and Scrutiny Committees in the future, and that the timetable for publication facilitated this.

69. Review of SEN Units - Outcome of the Evaluation of the Lead School Pilot
(Item C3)

Mrs J Whittle, Deputy Cabinet Member for Children, Families and Education, Ms R Turner, Managing Director, Children, Families and Education and Mr C Feltham, Head of Additional Educational Needs & Resources were present for this item.

(1) The report considered lead school implementation and the evaluation of a new Special Education Needs (SEN) strategy informed by the lead school and SEN reviews. It proposed that the lead school programme not be taken forward past September and the pilot be terminated in March 2011, when the funding expired, and sought agreement to the SEN strategy, which included the development of new funding arrangements and a new communication strategy for parents. There was an SEN steering group and sub-groups, supported by mainstream and SEN headteachers, officers across the Council and colleagues in Health to take this forward, and meetings were currently taking place.

(2) The pilot met with challenges, including the shortage of occupational and speech and language therapists to make mainstream schools more inclusive. Over £1m had been invested in outreach centres to support mainstream schools with SEN children and there was further capacity to develop these. On the termination of the pilot, there was unanimous support for this decision given the evidence that had been collected during the process.

(3) In response to questions about how headteachers of lead and other schools would be involved in the consultation process, it was stated that the SEN steering

group and sub-groups had headteacher representatives from the full range of schools, and they also had responsibility for representing the other headteachers not on the group.

(4) It was questioned whether the level of questionnaire responses (101 out of 1651 parents and carers contacted) was acceptable and what other efforts were made to engage. The response to this was that several meetings were held in each area, the voluntary sector were enlisted to help engage with people and Partnership with Parents were also involved in organising meetings.

(5) Questions were raised around budget implications, specifically: whether these would be made clear to consultees, the response being that they would be taken to the devolved formula funding group and relayed to the SEN steering group; and whether the pilot had failed due to insufficient funding, the response to which underlined that there had been an increase in funding over the last 5 years for SEN children, while the amount of children with statements in mainstream schools had fallen, and that there had been a 39% increase in funding for special schools while the number of children attending these schools had increased by 17% in the same period.

(6) In response to a query as to whether there would be an increase in special school placements including for those with behavioural difficulties due to increasing demand, it was suggested that the number of SEN children who had their needs met by special schools may increase, but this might also include children in mainstream schools who were supported by special schools.

(7) The subject of the cost of the pilot was raised, and it was confirmed that each lead school received £39,000 in start-up costs in addition to existing funding. It was emphasised that some of these schools were already meeting the needs of other children in the locality, and that the funding had been used in innovative ways to support children and this would need to be maintained going forward.

(8) It was questioned whether, due to a lack of moderation between schools, it was not possible to compare the level of SEN support they were delivering and that this could mean funding was not distributed effectively. The response to this question was that there was no requirement for this moderation to take place, since proxy indicators were used to distributed the £33 million that was delegated to mainstream schools to meet the needs of children at school action plus, and it was not related to the number that schools individually identify.

(9) In Kent, the number of statements had reduced by 12%. When asked whether this was a good thing, it was stated that this was factual and that this could only be answered from a parental perspective.

(10) A query was raised around the overview proposals on a possible funding option that would be presented to the schools funding forum in September 2010, specifically how the costs could be known before service provision had been agreed. The response to this was that the forum needed to be informed as soon as possible on matters of principle on delegated funding, and that options needed to be developed with finance colleagues for the schools forum to look at moving forward to January, particularly in relation to pressures arising from an increase in special schools places causing a transfer of funding from mainstream schools.

(11) A concern was raised about the reduction of residential places, to which the response was that the aim in recent years had been to look at meeting the needs in a particular locality and increasing capacity in day schools, rather than reducing residential provision.

(12) A point was raised around the challenge that had arisen due to the increase in children with autism and emotional difficulties in special schools, the negative effect on mainstream schools of those with behavioural and emotional difficulties and the effect of profound physical needs in special schools. Mr Feltham agreed that the Council needed to look at how needs could be met within mainstream schools when parents and carers want this, and how special schools support mainstream schools, and also raised the point that some autistic children are placed out of county, and that there was a need to look at how special schools in Kent met those needs.

(13) There was a discussion around the aggregation of GCSE results within schools with special units as a disincentive for them to take children with special needs because of the effect on national league tables. It was confirmed that there were some national challenge schools across the country that had not met the required 30% threshold of 5 or more good GCSEs because of this. Mrs Whittle confirmed that an approach had been made to the previous Secretary of State on this issue, and that a letter will be sent to the current Secretary of State. This was something that could be pursued if the impending green paper on SEN and disability did not deal with this issue. There was a suggestion that following the example set in adult social services around personalisation, direct payments and choice might be a suitable way forward.

(14) RESOLVED: that the Cabinet Scrutiny Committee:

(15) Thank Mrs Whittle, Ms Turner and Mr Feltham for attending the meeting and responding to Members' questions

(16) Ask the Managing Director, Children, Families and Education to ensure that the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee was given a formal opportunity to monitor progress of the SEN review at all appropriate stages.

(17) Ask the Cabinet Member Children, Families and Education to ensure that during the formal consultation process, consultees were made aware of the budgetary implications associated with the proposals as well as the policy implications, and that all headteachers were engaged in the consultation process.

(18) Welcome the assurance given by the Managing Director, Children, Families and Education, that KCC would continue to lobby central Government to ensure that, where there were SEN units in mainstream schools, exam results of SEN pupils were disaggregated. This was to avoid these results affecting league table positions and dis-incentivising mainstream schools admitting SEN pupils.

70. Supporting Vulnerable Learners into Apprenticeships *(Item C4)*

The Committee noted that this item had been withdrawn from the agenda.