

## KENT COUNTY COUNCIL

---

### SCRUTINY BOARD

MINUTES of a meeting of the Scrutiny Board held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 8 September 2010.

PRESENT: Mr E E C Hotson (Chairman), Mrs A D Allen, Mr C J Capon, Mr M C Dance, Mrs T Dean, Mr C Hibberd, Mr G A Horne MBE, Mr K H Pugh (Substitute for Mr P W A Lake) and Mr K Smith

ALSO PRESENT: Mr L Christie and Mr R J Lees

IN ATTENDANCE: Mrs A Beer (Director of Personnel & Development), Mr E Magba-Kamara (Improvement and Engagement Officer), Mr O Mills (Managing Director - Adult Social Services), Ms D Fitch (Assistant Democratic Services Manager (Policy Overview)) and Mr P D Wickenden (Overview, Scrutiny and Localism Manager)

### UNRESTRICTED ITEMS

#### **27. Minutes - 15 July 2010**

*(Item 3)*

RESOLVED that the minutes of the meeting held on 15 July 2010 are correctly recorded, subject to Mr L Christie being added to the list of "Also Present", and they be signed as correct record.

#### **28. Equalities Strategy**

*(Item 4)*

(1) Mr Mills, Ms Beer and Mr Magba-Kamara presented a report which sought the views of the Board on the draft Kent County Council (KCC) Equality Strategy 2010-13, along with the accompanying single equality scheme and action plan. Officers explained their roles in relation to the development of the strategy. The Equalities Act 2010 required KCC to produce equality schemes covering all protected characteristics i.e. age, religion, belief, sexual orientation and gender reassignment in addition to the current duty to produce them for race, disability and gender, these are incorporated in the revised scheme so that KCC is prepared for the changes that will occur when the act comes into force in phases from October 2010.

(2) Mr Mills explained that the draft scheme had been considered at Corporate Management Team. He drew to the Boards attention that it had been decided not to include Appendix 3 (Equality Action Plan) at this point, work was being carried out on identifying the key actions which would reflect the business planning process. He referred to the need to update KCC's accessibility policy statement which had been produced in 2004.

(3) Mr Magba-Kamara explained that the Equality Act 2010 was due to come into force on 10 October 2010 and there was currently a consultation being carried out on aspects of the new legislation which was due to end on 10 November 2010, therefore

adjustments to the Strategy would be made as required. Mr Mills emphasised that the Strategy was a work in progress.

(4) Members made comments and officers answered questions from Members which included the following:-

- As the draft Strategy seemed to pick up the governments “Big Society” it was important that the document was marketed well to get the maximum buy in.
- Officers explained that, although Customer Impact Assessments did not explicitly include disadvantaged groups as a separate category, this group tended to be made up of people who were included within the other socially disadvantaged categories.
- Mr Mills explained that it was important that the Policy Statement was refreshed as it was important that it reflected the priorities of the new administration.
- It was confirmed that Sikhism was classified as a religion under the new legislation.
- Ms Beer confirmed that the Performance Related Pay system was monitored against equalities.
- Ms Beer explained that it was more difficult for part-time staff to receive an excellent rating. Many part-time staff tended to be more junior and therefore they were looking to review the criteria for junior staff to include their added contribution and value to the organisation.
- In relation to the declaration rates for staff, Ms Beer stated that it was not compulsory for staff to complete this declaration. Declaration figures varied across the organisation for example Kent Adult Social Services was about 90% whereas other parts of the organisation were about 50%. Overall the figure was over 50%. Ms Beer undertook to supply the actual percentage figure for staff declaration. She informed the Board that in relation to sexual orientation KCC took part in the Stonewall index.
- In response to a question on the posts that support this strategy, Mr Mills explained that officers who were “Equalities Champions” carried out this role in addition to their full time post and take a lead in addition to their day to day work. He agreed that this needs to be made clearer in the Strategy.
- Mr Mills and Ms Beer explained that in relation to disability it was important that consideration was given to what reasonable adjustments could be made to accommodate applicants for posts (who were the best person for the job) or existing officers. In recruitment it was not about lowering standards it was about enabling people to apply for jobs on a level playing field. Mr Mills agreed that the wording of the strategy should be amended to clarify that we were not creating a bureaucracy and to clarify that the strategy seeks to help people who were suffering unnecessary disadvantage
- On page 26 of the Strategy in relation to the reference to age further consideration needed to be given to the wording/positioning of the last bullet point to avoid age being seem as a disability.
- It was hoped that there would be a clear cycle of monitoring so that Members knew when they would be involved. Mr Mills explained that it was intended that actions identified would be incorporated into business plans.
- The need to assist those who were gifted and talented to avoid disadvantage as well was mentioned.

- Ms Beer confirmed that KCC made efforts to ensure that Equality and Diversity issues were embedded and to make sure that Members and officers understood equalities issues and could apply them.
- The importance of involving those experiencing disadvantage in the development of the strategy was raised. Mr Magba-Kamara confirmed that District/Borough Councils had been consulted on the strategy and that the legislation required that the views of people with disabilities were sought and this had been done. Mr Mills agreed that it would be sensible to add reference to how we had consulted within the strategy.
- Regarding social cohesion, Mr Mills stated that the two paragraphs that had been included in the previous strategy could be included within the new draft.
- Clarification was sought as to how the strategy related to contractors and their agents, and whether it was necessary to have a further level relating to KCC as a commissioner of services. It was clarified that the equalities legislation related to all employers so this would cover contractors and their agents.
- In relation to equal pay Ms Beer referred to the work on single status and assured Members that KCC constantly monitored equal pay issues.
- It was emphasised that issues of equality may affect everyone at different points in their life, and it did not just relate to specific groups.
- When the document was published on the website it needed to be as navigable as possible, as it was a long document.
- The issues of potential apprentices disadvantage by poverty, encouraging the building of life long home, improving literacy amongst the prison population was raised.
- In relation to apprentices, Ms Beer stated that they tried hard to make sure that the pool was diverse and that this was linked to the employability strategy. However, they did not target potential applicants from poor backgrounds but what might be helpful was that KCC was now prioritising the recruitment of apprentices for junior administrative roles.
- In response to a question on how KCC supported apprentices for Small/Medium Employers (SME's) Ms Beer explained that KCC did a lot to support SME's around the practicalities of employing apprentices and had produced a pack containing an example of a contract and training guidance.
- Mr Mills confirmed that Members would have a role in monitoring the strategy as part of their critical friend role. There was also a wider role for Members in using their knowledge to help access harder to reach groups, this tied into Member training and he would like to hear from Members what they thought would be helpful.
- Mr Mills mentioned the need to pick out the issue of health inequalities and to make the links across to the public health strategy.

(5) Mr Vye submitted the following four written questions and officers responded to them as set out below

(i) – Page 22 - there is a paragraph on 'Monitoring Performance' in which it is said that progress on the action plan will be reviewed on an annual basis by the Strategic Equalities Group. This is easily said---but to do justice to the issue much thought will need to be given to how a meaningful document, capturing all necessary information from all over Kent and covering all the strands of diversity and disability, can be constructed---and how that information can be brought to Members and the

wider public to allow them to have a say in commenting on the lessons that need to be learnt and the action that needs to be taken.

Response – Mr Mills stated that the Corporate Management Team had agreed to do a piece of work to draw together the monitoring the equality strategy with business plans monitoring of KCC as a whole so that they were all done at once. In relation bring the information to Members and the wider public and giving the opportunity to comment on the lessons to be learned and the action taken, work would be done on this and reported back to the Strategic Equalities Group.

(ii) -Page 16 it is said that KCC will be adopting a Comprehensive Engagement Strategy---and concedes that links with some community organisations have not been as good as they should have been. Could Members play a role in ensuring that hitherto unknown and unconsulted communities are drawn in?

Response – Mr Mills agreed that this was a well made point and it came back to the Member role, it was important that there was more training to ensure understanding and links via the community engagement process.

(iii) - Page 9 there is talk of the seven diversity/disability strands. However, on page 25 it is said that 'a legal duty to give due regard to socio-economic inequalities will become law in October 2010'. Apart from a section on page16 regarding teenage pregnancy there does not seem to be any section focussing on the implications of this duty. Will work be done to rectify this?

Response – Mr Magba-Kamara stated that he believed enough had been included at the current time, acknowledging that the strategy was likely to need to be amended following the outcome of the consultation due to end in November.

(iv) Finally--speaking as a member of the Select Committee on Extended Services--I note that the last bullet point on p12 refers to extended services work to put schools at the heart of their communities. The budget cuts mean that KCC will not be employing staff to develop this valuable initiative beyond August next year.

Response – it was agreed that it was not appropriate to comment on this at the Board.

(6) The Chairman gave officers the opportunity to highlight any areas of concern that they had at this point. Mr Mills raised the issue of “hate crime” and the adverse impact it had on the quality of life for people for example with learning difficulties or mental illness and the amount of this that was unreported. It also emphasised the importance of equalities being a cultural thing that needed to be embedded across the agencies that KCC worked with. Ms Beer highlighted the importance of linking what we monitored to the strategy which was an area that could be improved. Mr Magba-Kamara stated that there needed to be better publicity and a greater understanding of the strategy, also feedback was essential.

(7) The Chairman was given an assurance that the revised Equalities Strategy which would be submitted to the October meeting of the Cabinet would be circulated to Members of the Board for information prior to its consideration. It was agreed that the strategy circulated to the Board prior to Cabinet in October should highlight any amendments, especially those made as a result of the comments of the Board. An

undertaking was also given that, when the strategy was revised after November 2010 it would be submitted to this Board for comments.

(8) RESOLVED that the revised Equality Strategy be commended to Cabinet, allowing for further necessary refinements or to recommend the comments made by the Board as set out above.

## **29. Future Items for Policy Overview and Scrutiny Committees (POSC's) and Health Overview and Scrutiny Committee (HOSC)**

*(Item 5)*

(1) Mr Wickenden presented a paper which gave the Board the opportunity to look at the future items list for all of the POSC's and HOSC and to consider whether there are cross cutting issues and if so how they could most affectively be considered.

(2) In relation to the issues of health visitors and Children & Adolescent Mental Health Services where there was overlap between the Vulnerable Children's Policy Overview and Scrutiny Committee (POSC) and the Health Overview and Scrutiny Committee (HOSC), the Chairman of the POSC stated that she had had a good constructive dialogue with the Chairman of the HOSC and if the item became urgent it would go on the next available slot on either agenda. They had agreed that it was important to get matters dealt with in a timely way. The Chairman of HOSC has undertaken to try to include these items in the HOSC work programme.

(3) In response to a question Mr Wickenden explained that part of the agenda setting process for POSC's was to ask for any item to be put on the agenda for scrutiny. Regarding feedback to Cabinet, as agreed at the last meeting of the Board, feedback on the decisions taken at the September meetings of the POSC's submitted to the Cabinet meeting on 11 October 2010.

(4) Mrs Dean stated that it was essential that POSC's were included in pre Cabinet work for radical changes in services.

(5) RESOLVED that the report be noted and that Mr King be invited to come back to the next or following meeting of the Board to report on the Overview and Scrutiny survey and the way forward.

## **30. Select Committee update**

*(Item 6)*

(1) Mr Wickenden introduced an update report on the current Select Committee Topic Review Programme and the resources available to deliver it. He highlighted the request to extend the timeframe for the Renewable Energy Select Committee to enable it to meet with the large number of stakeholders prior to it being considered at Cabinet on 29 November 2010 and County Council on 16 December 2010. Resources were available to start the reviews on Dementia and Educational Attainment shortly. Assessment forms were awaited for the few Select Committee topic reviews that had been suggested by Members.

(2) Concern was expressed about there potentially being two Select Committee topic review reports received at County Council on 16 December 2010 and the need to make sure that there was adequate time to consider each of these reports. It was agreed that every effort should be made to get these two Select Committee topic

review reports on the agenda for the December County Council meeting but if this was not possible the preferred options would be to either just have them received at Cabinet or to receive them at a meeting of the Scrutiny Board 1 December 2010, rather than delay them to the April meeting of the County Council.

(3) Mrs Dean raised an issue of Policy for the management of obstructions and temporary Items on the Highway which had already been considered at the meeting of the Environment Highways and Waste Policy Overview and Scrutiny Committee on 25 May 2010. She had seen a petition from a disability group which had the backing of the Royal Institute of the Blind and asked for a ban on all A frame advertising boards. She stated that there were a couple of possible ways forward, it could be considered at Cabinet Scrutiny Committee but it was potentially a larger piece of work than they usually dealt with and therefore it might not be the appropriate place. If the petition had 12,000 signatures it would trigger a 45 minute debate at County Council but that would not be long enough to give full consideration of the matter. Her preferred solution would be to have a one day single issue Select Committee.

(4) Mr Hibberd stated that the views of District Councils were being sought on this matter via the Joint Transport Boards and he did not believe that the matter should be considered further until their views were known.

(5) The Chairman reminded the Board that if a petition containing 12,000 signatures was received it would have to be considered at County Council. He stated that this matter should only go back to the POSC once the views of District Councils were known.

(4) RESOLVED that:-

(a) the progress of the Select Committee topic reviews on Renewable Energy and Extended Services and the proposed Select Committees on Educational Attainment and Dementia be noted

(b) the timescale for the Renewable Energy Review be extended and that it reports to Cabinet on 29 November 2010 and if possible County Council in December 2010.

(b) suggestions for future topic reviews continue to be sought and reported back to a future meeting of the Scrutiny Board.

### **31. Sharing of good practice**

*(Item 7)*

(1) The Chairman invited Mr Smith to produce a report for the 3 November 2010 meeting of the Scrutiny Board on the way that he saw Overview and Scrutiny evolving.

(2) Mr Wickenden reminded Members that there was a Chairmanship Skills training session on 17 September 2010. Also that he was running a training session for Gravesham Borough Council Members in Questioning Techniques.

RESOLVED that the item be noted.