

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 27 June 2011.

PRESENT: Mrs T Dean (Chairman), Mr G Cowan, Mr R F Manning, Mr R Brookbank, Mr A R Chell, Mr D A Hirst, Mr E E C Hotson, Mr M J Jarvis, Mr R L H Long, TD, Mr M J Northey, Mr C P Smith, Mr M J Harrison (Substitute for Mr R E King) and Mr P J Homewood (Substitute for Mr J E Scholes)

PARENT GOVERNORS: Mr P Myers

CHURCH REPRESENTATIVES: Mr D Brunning (substitute for Dr D Wadman)

ALSO PRESENT: Mrs S V Hohler and Mr R W Gough

IN ATTENDANCE: Mr A Roberts (Interim Corporate Director Education Learning and Skills), Mr S Bagshaw (Head of Admissions & Transport), Ms K Kerswell (Managing Director), Ms J Foster (Director of Business Strategy), Mr P Sass (Head of Democratic Services) and Mr A Webb (Research Officer to the Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

22. Declarations of Interests by Members in Items on the Agenda for this Meeting *(Item A3)*

(1) Mr Harrison declared a personal interest in item C1 - Proposals to Change the Discretionary Elements of Home to School Transport Provision, since he was Chairman of the home to school transport appeals panel.

23. Minutes of the meeting held on 1 June 2011 *(Item A4)*

RESOLVED: that the minutes of the meeting held on 1 June 2011 are correctly recorded and that they be signed by the Chairman.

24. Follow-up Items from Cabinet Scrutiny Committee *(Item A5)*

(1) Regarding Putting Children First: Kent's Safeguarding and Looked After Children Improvement Plan & KCC's Workforce Strategy for Children's Social Services, the Chairman expressed a view that the responses provided to recommendations three and five did not answer the questions put, and that a letter should be written to the Cabinet Member who provided the responses. Mr Long felt that the original recommendations did not constitute questions in any case.

25. Informal Member Group on Budgetary Issues held on 17 June 2011

(Item A6)

(1) The Chairman reiterated the note that prefaced the notes of the Informal Member Group on Budgetary Issues: not all Members of the IMG had been able to give them full and detailed consideration ahead of publication. The notes would be considered in more detail at the next meeting of the IMG.

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 17 June 2011.

26. Proposals to Change the Discretionary Elements of Home to School Transport Provision

(Item C1)

Mrs S Hohler, Cabinet Member, Education, Learning and Skills, Mr S Bagshaw, Head of Admissions & Transport, and Mr A Roberts, Interim Corporate Director, Education, Learning and Skills, were present for this item.

(1) Mrs Hohler was invited to introduce the item. She explained that the proposals were not solely driven by budgetary concerns, but were also intended to make a complicated system simpler and to comply with the Council's duties under the Equality Act 2010.

(2) In response to a request to clarify whom the 'winners' and 'losers' would be, Mr Bagshaw stated that the likely increase in the uptake of the Freedom Pass would help level the playing field and that there were no losers as such, although some children from wealthier families might be affected. Several Members made the point that they did not endorse the use of the term 'winners' and 'losers' and felt that the proposals should not be talked about in these terms.

(3) Referring to a point made by Mr Hill at Cabinet, a query was raised whether poorer families living in the non-selective areas of Kent would continue to be at a disadvantage, and whether a letter had been written to the Secretary of State for Education to seek clarification about this. Mrs Hohler replied that she would be happy for this to happen. A separate consultation would need to be carried out if the Council was empowered to do something about the anomaly by the Secretary of State.

(4) A number of points were made in response to questions raised about the consultation, including:

- confirmation that the majority of respondents to the consultation were from more affluent families. The consultation was advertised widely, including in schools, but any consultation would be skewed in favour of the articulate.
- that it was not possible to know what proportion 1256 responses was out of the total, because it was a mainly web-based consultation.
- that although 88% were against the proposals, the profile of respondents helped inform the analysis. An interesting precedent would be set if all policies were dictated by consultation responses.

(5) Further detail was elicited about the information in the report and the impact of the proposals, including:

- that 'low-income families' matched the statutory definition - it corresponded to Schedule 35B of the Education Act 1996
- that the estimate of savings was broad because of the many unknown variables, including the future impact of parental preference
- that the world was constantly changing, including in terms of anticipated Government policy reviews, and consequently the policy would need to be kept under review
- that the Cabinet Member had decided as a result of the consultation to extend the discretionary element of Home to School Transport to Looked After Children (LAC) and to children on free school meals
- that it was estimated that approximately 5500 children who would have been eligible would not have free transport when the proposed change to policy was enacted (but the changes would not affect existing beneficiaries of the entitlement)
- in cases where families had multiple children who would have been potential beneficiaries of free transport, the council could not fetter its discretion but there would be rights of appeal in place. (Mr Bagshaw undertook to find out if the cost of appeals had been factored in to the projected savings)
- that the Freedom Pass had been very popular with young people and schools, particularly as it allowed students to learn to be more independent and stay on for after school clubs and also encouraged young people to continue to use public transport in adulthood
- that the devolution of funding for home to school transport to schools would be piloted in the current year, and that when the Education White Paper became a bill more schools would be likely to show an interest in running their own transport, which would increase the pressure on Councils to ensure fair access
- that the individual circumstances of children with disabilities who may not have a statement of Special Educational Needs would be considered on a case-by-case basis or picked up through the appeals process
- that if the nearest grammar or denominational school was full, beneficiaries of the scheme would be entitled to transport to the next school of that type
- that legal challenge had tended to arise in other authorities due to denominational transport being withdrawn from existing beneficiaries; Kent's proposals would only affect those starting school from September 2012

(6) The Chairman moved, and Mr Cowan seconded, that the implementation of the decision be postponed pending consideration of the matter by full council. After being put to the vote the motion was not carried by eight votes to five.

(7) There was a discussion about the timing of the review of transport as set out in recommendation (iv), with several Members suggesting it take place at the end of the first year of operation, when the impact upon the intake of individual schools was known. Mr Sass suggested that the Education, Learning and Skills Policy Overview and Scrutiny Committee would be an appropriate forum for the outcome of this review to be discussed.

RESOLVED: that the Cabinet Scrutiny Committee:

(8) Thank Mrs Hohler, Mr Bagshaw and Mr Roberts for attending the meeting and answering Members' questions.

(9) Endorse recommendation (iv) in the report that a further review of transport be carried out in the future, once the outcome of changes to Government policy and the impact upon the parental preferences for schools is known and ask the Leader to ensure that the Education, Learning and Skills Policy Overview and Scrutiny Committee is given an opportunity to discuss the review report and make any recommendations to the Cabinet Member.

27. KCC's Performance Management Framework (Item C2)

Mr R Gough, Cabinet Member, Business Strategy, Performance and Health Reform, Ms K Kerswell, Managing Director, and Ms J Foster, Director of Business Strategy, were present for this item.

(1) The Chairman explained that the concerns that she, Mr Cowan and Mr Lees had were centred on Section 4 Paragraph d) of the Cabinet report. Specifically, these concerns were:

- around the future monitoring of quarterly monitoring reports and the suggestion that these might go to Scrutiny Board, rather than the Policy Overview and Scrutiny Committees (POSCs)
- that preferred relationship of the POSCs to the performance framework would not be discussed with the Chairman and Spokespersons of the Cabinet Scrutiny Committee.

(2) Mr Gough stressed that the report contained a suggestion, rather than a proposal. The intention was for information to be brought to the appropriate forum at an appropriate time, rather than indiscriminately bombarding Members with information.

(3) Mr Gough's initial thinking was that Scrutiny Board was the most appropriate forum for the performance information to be routinely reported since its membership included all of the Chairmen of the POSCs. If there was a specific area which the Chairman or a Member of the appropriate POSC was interested in, it could then be referred to the POSC for a more detailed examination.

(4) The Chairman made the point that the Scrutiny Board membership did not include a Labour Member and the Independent Member, and conveyed the previously-expressed concerns of Mr Lees that it was unclear how individual Members would be able to scrutinise the Council's performance. Mr Hotson, as Chair of Scrutiny Board, made the point that he continued to extend an open invitation to the leader of the Labour Group and the Independent Member to participate at meetings of the Scrutiny Board.

(5) Mr Gough indicated that this was merely a starting point and he was flexible about the eventual approach, and would be happy to meet with the leaders of the two other parties and the independent Member, as well as the POSC chairmen, the Leader and the Deputy Leader, in discussing the relationship of the POSCs to the performance

framework. The Chairman welcomed Mr Gough's offer of further discussions on the future arrangements.

RESOLVED: that the Cabinet Scrutiny Committee:

(6) Thank Mr Gough, Ms Kerswell and Ms Foster for attending the meeting and answering Members' questions.

(7) Welcome Mr Gough's assurances that he would be flexible about the development of a mechanism for the reporting of performance management information and that he would be willing to include the Leaders of the other parties as well as the POSC Chairmen, the Leader and Deputy Leader in the upcoming discussions about the preferred relationship of the POSCs to the performance framework.