

## SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 18 September 2024.

PRESENT: Mr A Booth (Chairman), Mr P V Barrington-King (Vice-Chairman), Mrs R Binks, Mr A Brady, Mr D L Brazier, Mr G Cooke, Mr M C Dance (Substitute for Mr S Webb) and Mrs S Prendergast

PRESENT VIRTUALLY: Ms J Hawkins and Mr A Hook

ALSO PRESENT: Mr R C Love, OBE, Mr D Murphy and Mrs T Dean, MBE

IN ATTENDANCE: Mrs S Hammond (Corporate Director Children, Young People and Education), Mr S Jones (Corporate Director of Growth, Environment and Transport), Ms C McInnes (Director of Education), Mr B Watts (General Counsel), Ms A Farmer (Assistant Director for SEND, Principal Educational Psychologist), Mr D Adams (Assistant Director Education (South Kent)), Mr T Marchant (Head of Strategic Development and Place), Mr C Finch (Development Investment Team Manager) and Mrs A Taylor (Scrutiny Research Officer)

### UNRESTRICTED ITEMS

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

During the SEND Scrutiny – Quarterly Reporting item Mr Reidy stated that he was a Chairman at a local secondary school.

#### **69. Minutes of the meeting held on 10 July 2024** *(Item A4)*

RESOLVED that the minutes of the meeting held on 10<sup>th</sup> July 2024 were an accurate record and that they be signed by the Chairman.

#### **70. SEND Scrutiny - Quarterly Reporting** *(Item C1)*

1. Mr Rory Love, Cabinet Member for Education and Skills introduced the report which provided an overview of progress in SEND since the issuing of the Improvement Notice in March 2023. The report was the first in a series of quarterly reports to the Committee. Mr Love commented on the issuing of Education, Health and Care Plans (EHCPs) and the percentage of plans completed within 20 weeks, in August 2023 this figure was 2.3% but August 2024 was 51.6% which demonstrated the significant progress that had been made and confirmed that the Minister had removed the Improvement Notice.

2. The Chairman commented on the progress demonstrated within the report and invited members to comment. The key points raised and responded to by the Cabinet Member and officers present included the following:
- a. A member questioned if 100% was not the aim, what was? Mr Love confirmed that the aim was to get all the EHCPs issued within the 20 week statutory timescale, however there would not be a targeted deadline against this. Mrs McInnes also confirmed that the rate of improvement would increase as the backlogs had now been cleared.
  - b. Following requests for clarification from members, Mr Watts confirmed how important it was for the committee to work within a forensic work programme gathering evidence from a broad group of stakeholders allowing for evidenced recommendations to be submitted to the Cabinet Member in due course.
  - c. In response to a question about annual reviews the number outstanding had reduced from 62.4% in August 2023 to 35.6% in August 2024, Mrs Farmer provided details figures on the numbers of annual reviews and the ongoing efforts to address the backlog.
  - d. The data for phase transfer had just been made available, so would now be shared with committee members in terms of inclusion in schools.
  - e. Mrs McInnes clarified that the content contained within the report arose from facilitated workshops with SENCOs and Headteachers and would not be imposed onto schools. Overall, things had improved immeasurably.
  - f. In response to a question about why improvements were not seen earlier Mr Love explained that changes in personnel, structure and management team changed the culture of the team and drove improvements. Mrs McInnis also stated that significant corporate support and input from expert consultants had played a part.
  - g. Officers added that meeting a statutory requirement and meeting a parent's expectations were not necessarily the same, and welcomed any contacts that could be provided to enable outreach to any groups of parents who felt unsupported.
  - h. In response to a comment about the 18 week wait for a wheelchair Mr Love would follow this up with the Kent and Medway Wheelchair Service and report back to the Committee. Mrs Farmer reassured members that children in wheelchairs did not miss out on education while they were waiting for a wheelchair to become available.
  - i. A Member referenced the external auditors report, the number of EHCP requests remaining being above the national average and how this was going to be addressed. Mrs McInnes responded that they had looked at the decision-making threshold and made regular changes. Since January, the number of assessments and EHCPs being issued had improved and work was ongoing.
  - j. The Church Representative requested that, regarding the falling proportion of assessment requests from parents, the council resisted efforts to add more responsibility to schools in the process. He had concerns that this would lengthen the time taken and impede the ability for schools to work closely with parents. Mrs Farmer clarified that there were local inclusion forum team meetings which contained expert practitioners within a geographical area to problem solve and ensure statutory duties of schools and the authority around SEN support were met.

- k. In response to a comment Mrs McInnes confirmed that there was no intention that children from special schools would be reassigned into mainstreams schools and with regards to the distribution of the SEND newsletter it was requested that members forward it to anyone who would benefit from seeing it.
- l. Mr Adams confirmed that the Specialist Resource Provision (SRP) forecast indicated a move from 600 places in the secondary sector to 1000 by the end of this decade. There was a proportion of funding set aside within the Capital Budget to support the SRP expansion, this was dependent on the capacity of the schools and their ability to convert rather than build.
- m. The Chairman congratulated Mrs McInnes and her team on the report and the positive steps being taken.

RESOLVED that the Scrutiny Committee note the report.

## **71. Section 106 Contributions - response to recommendations** (Item C2)

Mr Derek Murphy, Cabinet Member for Economic Development, summarised the report and explained that Economic Development (ED) had put themselves forward for a Short-Focused Inquiry two years ago to improve their governance and transparency for members. With regards to engaging with members more, an annual member briefing had been put in place with further ones to come.

- a. A member commented on the Community Infrastructure Levy (CIL) and their view that it deprived the County Council of the right to provide the right kind of infrastructure and was dependent on an amenable and fair relationship with the local councils. The Member asked for confirmation that KCC was asking for primacy in the matter of how CIL funds were spent in the future.
- b. Mr Murphy agreed that good relationships with the districts were important. The money was to be used for infrastructure projects within that district or area. He agreed that the interplay between CIL and S.106 needed improvement and that KCC would use its influence over the government to create a clearer system that would be of benefit to all and reduce the bureaucracy involved.
- c. A Member commented on the funding provided to Parish Councils through CIL and the potential to work with them to fund local infrastructure. In response Mr Jones stated that KCC was always happy to work with Parishes, Resident's Associations and Councils to help prioritise the way funding was spent.
- d. Regarding member engagement, Mr Murphy responded by reiterating the importance of members commenting on local plans as well as engaging with the weekly planning list that is published. Mr Finch commented on the financial implications of unspent funding. There was a statutory requirement to produce an Infrastructure Funding Statement (IFS) annually. Presentations to the GEDC Cabinet Committee on the output of the annual IFS only included details on spent funding and listed the priorities of the top projects holding the majority of the funding. Therefore, a significant amount of funding was held from an authority the size of Kent. Members were encouraged to email the team for information on specific details and requests on projects.
- e. Responding to the question on the progress of recommendation five, Mr Marchant referred to the 2023 Biodiversity Act, work had been undertaken prior to this to try to articulate an ambition beyond the mandatory 10% which the Act sought to achieve. A lot of work had also gone into implementing the Biodiversity

Net Gain in the planning application process. These were excellent examples of joint working between KCC and the districts across the county and Medway.

- f. A member posed a question if a local plan was not robust and a developer was refused planning permission, but then they won on appeal, how much 106 money was lost.
- g. In response to a question about developers winning on appeal, Mr Finch explained that KCC secured significant amounts of contributions through the planning inspector and appeals process. However, it was sometimes a decision taken at a Local Planning Authority (LPA) where money was being lost.
- h. A recommendation was posed by the Chair for local members to be kept informed of variations of conditions to planning applications. Mr Jones explained that officers could provide advice and enable understanding of local priorities within communities, but officers must be allowed to exercise their independent, professional judgement and comply with standards and regulations to ensure that this was done in the appropriate way.

The Scrutiny Committee note the further and updated responses to recommendations made in the Short Focused Inquiry Report into Section 106 contributions.

## **72. Work Programme**

*(Item D1)*

- a. Regarding SEND scrutiny, the Clerk noted that the next quarterly report would come to the Committee in December. Informal evidence gathering sessions would be arranged with key witnesses for the committee following a discussion with the Chairman, Vice-Chairman and Spokespeople to determine the invitees.
- b. Mr Brady asked that the fee uplift for social care providers to be added to the agenda as well as an item looking at the current Asset Management Strategy in comparison to the proposed Asset Management Strategy.
- c. In response to a question about how arrangements would be agreed for evidence gathering sessions and visits the Chairman confirmed that he would discuss this with the group spokespeople on the committee at the earliest opportunity.

The Scrutiny Committee noted the work programme.