

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by Mike Harrison to

Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

We are all fully aware of the challenging and difficult position not only here in Kent but nationwide of caring for our ageing population and those physically less able. With the latest Coalition Government Initiative on the reassessment of charges etc things will only get progressively more difficult.

My question therefore to the Cabinet Member is, can he assure us the Members that every due diligence will be undertaken to ensure that the residents of Kent will be able to receive the care they so badly need. I am particularly concerned that one of the major care providers here in Kent (if the media reports are to be believed) are in some difficulty and if they were to fail what would Kent County Council's response be to this situation?

Answer

Thank you for the question. It is a good thing that people are living longer and I am pleased that the impact of this is being discussed nationally following the Dilnot Report on The Funding of Care and Support. The County Council is contributing to these discussions and I will keep Members fully informed.

Referring to the specific case of Southern Cross Healthcare, this provider has had well publicised financial problems, and has recently announced plans seeking to transfer the running of their homes to other providers in a phased way. This will affect the 5 Southern Cross nursing homes in Kent and has understandably caused significant concern to the residents and their families.

I place the highest priority on the Council's safeguarding responsibility to vulnerable people. Detailed contingency planning has been done to ensure the welfare of all the residents, including both those who fund their own care and those supported by KCC.

KCC officers have been, and will continue, to work closely with the homes and Southern Cross directors, along with colleagues in the NHS in Kent and the regulator, the Care Quality Commission. We will ensure that any disruption is kept to a minimum and to offer practical help and reassurance to residents and families wherever possible. We expect clear plans for the 5 homes in Kent to be shared by the end of July.

Finally, without seeking to minimise the impact of Southern Cross's difficulties on those people affected, it is worth noting the company's difficulties stem from their decision to sell and then rent back their own property portfolio. This is not a typical arrangement and the homes affected form only 5% of Kent's nursing care capacity. Officers continue to monitor and engage with the sector and remain confident of its

wider stability, as is shown by the opening in the next few months of 2 new nursing homes operated by private companies.

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Question by Martin Vye to

Sarah Hohler, Cabinet Member for Education, Learning & Skills

Given the recent finding by the Local Ombudsman of maladministration on the part of Kent County Council will the Cabinet Member for Education, Learning and Skills inform the Council of action being taken, first, to establish procedures to rectify any errors or incidents which may affect selective testing at the time of testing; and second, to ensure that clerks, and chairs and members of Appeal Panels provided by the authority have sufficient capability and training to conduct hearings properly, and to make reasonable judgments on the complex issues presented to them in those hearings?

Answer

This question refers to an independent appeals panel which took place over a year ago, in May 2010. Six parents who were appealing for their daughters to get a place at a grammar school raised concerns related to the Panel's decision-making, time-keeping and record-keeping, as well as certain remarks made by the Chairman of the Panel. The Ombudsman found against the County Council on the grounds that the training for the Panels, which are made up of volunteers, needed to be more robust and also that the letters sent to parents should have been signed in person rather than using a facsimile signature. In this case, the letters were sent out in this form because the Clerk was anxious that the parents learn the satisfactory outcome of the appeal at the earliest opportunity.

We take the training of Clerks and Panel Members very seriously because we appreciate how complex school admissions can be and how important they are. Representatives of the Ombudsman have attended and contributed to training sessions and, from time to time, we hold meetings with the Ombudsman's office to review current practice. In fact, in the report, the grammar school in question states that their previous experience of using Panels trained by the Council had been, and I quote, 'positive and professional'. In the report the Ombudsman praises the quick re-hearing of the six cases, but he makes no mention that the grammar school appointed a clerk and two Panel Members who have acted for the Council for several years, and still do.

One of these parents also complained to the Ombudsman that her daughter's test had been poorly invigilated. Invigilators are given careful instructions but, with approximately 15,000 selective tests each year, occasional mistakes are made. The Ombudsman would like us to re-test candidates who complain that they were disadvantaged on the day of the test but I cannot see how this could be done in a fair way. We would either have to use a different test (which would arguably not be fair) or re-test all candidates and this could be an endless process. In fact, our legal department has confirmed this is not a necessity under law.

To deal with cases where a pupil's test performance is below expectations, we run head teacher assessment panels. Prior to the parents being told their child's test results, each primary head teacher is asked if they would like to refer any case to the head teacher assessment panels. The head teacher panels then determine whether a pupil's test score is in line with the pupil's school work over the past year. It is then possible for these head teachers to assess the pupils as suitable for grammar school. About 5% of those tested receive a positive outcome from this process. If any parent is dissatisfied with the result they still have the right of appeal to an independent Panel. I believe this is a fair and sensible system.

I fear that I am in danger of going into too much depth, as not all Members may be familiar with the report's contents. I would therefore like to invite Mr Vye to observe a training day for the appeal panel members and I would be happy to hear his views on the process following this.

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Question by Tim Prater to

Paul Carter, Leader of the Council

Can the Leader of the Council reassure this Council and its staff that Kent will not use the approach of making large numbers of staff redundant and offering jobs back on a reduced salary, a practice recently used by a number of other authorities?

Answer

I can confirm that we have no plans to use such an approach.

This is a practice used in extreme circumstances in both the public and private sectors and can have a role in responding to significant issues concerning staffing structures, numbers and costs. It has been recently used in some other authorities who have had to make significant decisions on such issues over short timescales.

The approach carries significant risk and potential impact – as is being experienced by others, who are currently the subject of both legal challenge and industrial dispute.

Most importantly, this course of action introduces real risks to service delivery, both in terms of continuity of provision and the engagement and motivation of staff in front line.

There are circumstances where this method of change will be appropriate for some employers. However, we have a good track record of delivering savings and managing staffing levels and costs, over medium term planning timescales, without this approach. Wherever possible, such changes have been achieved through suitable consultation, communication and transition arrangements. It is my expectation that this continues.

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Question by George Koowaree to

Jenny Whittle, Cabinet Member for Specialist Children's Services

Will the Cabinet Member for Children's Services remind the Council of the total expenditure in 2010/11 on commissioning from the voluntary sector of services relating to children's safeguarding and wellbeing, of the planned expenditure on this in 2011/12; inform the Council of the numbers of Service Level Agreements with voluntary organisations working in this field which will be discontinued during this financial year, and of those due to be decommissioned on the 31st of March 2012?

Answer

Thank you for the opportunity to inform members how this part of the council's safeguarding responsibilities to children and young people are being taken forward.

In 2010/11, in what now comes within the remit of Families & Social Care, the total spend to Voluntary and Community Sector (VCS) organisations for services related to safeguarding and wellbeing for children and young people was **£15.9m**.

So far in 2011/12, commitments to the VCS related to safeguarding and well-being services for children and young people are planned to amount to **£17.5m**. This increased spending is largely due to investment in 16+ Leaving Care services.

During 2011/12, **13** service agreements with the VCS for children's safeguarding and well-being have expired or are due to expire. Of these, 1 ended on the 1 June and 12 will end on the 30 Sept, following a temporary 6 month extension of their previous agreements. The ending of the agreements may cause concern to the organisations delivering these services however Equality Impact Assessments have been undertaken. There were no high-risk implications for the protected groups of service users and these assessments will be published shortly.

On the 31 March 2012, a further **160** service agreements with VCS organisations delivering children's safeguarding and well-being services will expire, having reached the end of their current agreements. Work is progressing on introducing new commissioning frameworks for both Early Intervention & Prevention services and for Disabled Children's Services. These will ensure that new services are in place from the beginning of April 2012 and that in future all commissioned services are:

- Focussed on achieving our strategic objectives, such as the Improvement Plan
- Delivered by providers who have been quality-assured
- Commissioned in a way that avoids duplication and inefficiency, and are
- Competitively tendered and procured in line with 'Spending the Council's Money'

All current service providers have been informed of the planned changes and have been able to take part in the tendering process for new services. While I recognise the uncertainty this presents organisations, I am confident that this is the right approach to ensure that KCC delivers on its commitment to the safeguarding of children and young people and provides the best services to them.

COUNTY COUNCIL MEETING

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Question by Dan Daley to

Mike Hill, Cabinet Member for Customer & Communities

The Cabinet Member for Customer & Communities is reported as having said that the Youth Service proposals "... are intended to transform the way we deliver services to young people so that we can continue to provide a first-class service... ". As I understand it you are expecting volunteers and Kent's voluntary sector to rush to the challenge.

Will the Cabinet Member inform this Council of the results of the market testing undertaken with Kent's voluntary sector and local community groups prior to the development of the Kent Youth Service Commissioning Model which has satisfied him that there is the interest to ensure locally provided first class youth services; and in the absence of any prudent market testing, do you intend to carry on with your closure programme before you are sure youth services will be taken up by local appropriately qualified volunteers and not a few 'professional' (non-county) providers?

Answer

I can confirm that we do indeed intend to continue to provide a first-class youth service across the county.

Two major infrastructure organisations have been actively involved in the drafting of the transformation proposal, and their extensive knowledge of the voluntary and community sector in the county supports the Youth Service's own view that there will be interest in the proposals for increased commissioning activity. It is also important to recognise that many more services for young people in Kent are already being delivered through partners in the voluntary and community sector such as the Scouts, Guides, independent youth organisations and faith groups and that these services will not be affected by proposed changes to Kent Youth Service.

An extensive consultation process involving young people [including KYCC], staff and other stakeholders will commence on the 1st August during which voluntary and community organisations will have the opportunity to express their views and levels of interest prior to any final decision on a new model being made later this year.

Implementation of the new model would not commence until 2012 and it is important to reiterate that this is not a closure programme, but is a proposed vision for how youth services can be delivered in a sustainable manner for future generations in Kent.

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Question by Ian Chittenden to

Bryan Sweetland, Cabinet Member for Environment, Highways & Waste

In recent years hundreds of trees on County Council land, in particular on verges and green areas adjacent to roads and footpaths have been cut down, with very few replaced. Many become diseased and die due to grass cutting around the base of trees with strimming tools which cut and removed the bark from the main trunks, resulting in disease and a slow death.

As the Cabinet Member responsible for the grass verge contracts will the Cabinet Member for Environment, Highways and Waste inform this Council when this destructive practice will stop and what action he will take to replace the trees removed from our tree lined roads due to this negligence? Please include in your response details of how many trees have been cut down over the past 5 years and how many have been replaced?

Answer

The health and condition of highway trees is declining as the population ages and succumbs to disease. The decline is particularly noticeable in residential areas where landscape planting from the 1960's is coming to the end of its safe life and removal of trees can have a significant impact on local amenity. KHS incurs significant costs due to the reactive nature of tree management and recognises that it has to give priority to safety issues.

Damage caused by careless use of equipment such as strimmers is a nationally recognised problem and can have a detrimental effect on the health and longevity of trees. The level of damage is variable and is difficult to quantify. KHS has introduced measures to reduce the incidence of such damage by installing strimmer guards around all newly planted trees in grass areas and by increased monitoring of contractors.

Replacement planting numbers have historically been below the numbers removed with the over riding constraint being budget availability.

Detailed felling and replanting figures are only available for 4 years as records were not kept consistently by District Highway Units;

Total felled (excluding current year) = **2066**
Total replanted = **562** (27%)

Throughout Kent there are estimated to be 844 stumps remaining. If all sites were suitable for replanting this represents costs of £400 -500K.

We are involved in the “Big Tree Plant”; a Government funded initiative to get more trees planted across England's towns and cities. One such scheme has already been identified with a residents group in Canterbury. We are also setting up a joint initiative with the local Tree Warden scheme in Kent to assist with tree planting schemes and tree management at a local level.

Member Highway Fund can be a useful source of funding for tree planting and a number of Members have paid for innovative local schemes. Officers will be very happy to assist on this point.

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Question by Trudy Dean to

Bryan Sweetland, Cabinet Member for Environment Highways and Waste

Would the Cabinet Member please say when the County Council was first made aware of any interest in developing the former SCA site in New Hythe Lane, Larkfield for treatment of waste, when contact with the County Council was first made by Biossence, and what major planning policy and highway issues will surround any future use of this site?

Answer

Officers of the Kent Minerals & Waste Development Framework Team first met Biossence to discuss its proposals for the SCA Site on 15 July 2010. These discussions were kept confidential pending progress on Biossence's negotiations with landowners. Biossence subsequently submitted the site for inclusion in the Kent Minerals & Waste Development Framework and it was reported with other sites promoted through this process to the County Council's Informal Member Group on 28 March 2011.

Biossence first outlined its proposals to officers of KCC's Planning Applications Group on 5 October 2010 and explained its proposals to Nick Chard as the relevant Cabinet Member on 14 January 2011. Officers from the Planning Applications Group also attended that briefing. A further briefing was given to me and David Brazier by Biossence and officers from the Planning Applications Group on 8 March 2011. The proposals became public knowledge soon thereafter as a result of the publicity and other discussions undertaken by Biossence.

The proposed inclusion of the SCA Site in the Kent Minerals & Waste Development Framework will now be "tested" through the formal plan-making process and any decision on its inclusion will rest with the County Council.

Any planning application for the future use of the site would need to be considered against relevant development plan policies and any other material planning considerations. Key issues are likely to include national and local waste planning policies, the land use identified in the development plan, transportation impacts and other policies relating to various environmental and amenity issues. The previous use of the site by SCA would also be a material planning consideration.

