

Council

Thursday, 15 May 2014,

Minutes

Present:

Mr A A J Adams, Mr R C Adams, Ms P Agar,
Mr A T Amos, Mrs S Askin, Mr J Baker, Mr R W Banks,
Mr M L Bayliss, Mr A N Blagg, Mrs S L Blagg,
Mr C J Bloore, Mr J P Campion, Mr S J M Clee,
Mr S C Cross, Mrs P E Davey (Vice Chairman),
Mr P Denham, Mr N Desmond, Ms L R Duffy,
Mrs E A Eyre, Mr A Fry, Mr S E Geraghty,
Mr W P Gretton, Mrs J L M A Griffiths, Mr P Grove,
Mr A I Hardman, Mr M J Hart, Ms P A Hill,
Mrs A T Hingley, Mrs L C Hodgson, Mr C G Holt,
Mr I Hopwood, Mr M E Jenkins, Mr R C Lunn,
Mr L C R Mallett, Mr P M McDonald, Mr A P Miller,
Mrs F M Oborski, Mr J W Parish, Mr S R Peters,
Dr K A Pollock, Mr D W Prodger MBE, Ms M A Rayner,
Mr A C Roberts, Mr J H Smith, Mr R J Sutton,
Mr C B Taylor, Mr J W R Thomas, Mrs E B Tucker,
Mr P A Tuthill, Mr R M Udall, Mr T A L Wells and
Mr G C Yarranton (Chairman)

**1565 Question Time
(Agenda item 12)**

Twelve questions had been received by the Director of Resources and had been circulated before the meeting. Those questions to be taken on the day were asked (or taken as read). Eight questions were dealt with in this manner and answers given. The remaining four questions would receive a written answer. All answers are enclosed with these Minutes.

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COUNCIL 15 MAY 2014 - AGENDA ITEM 12 – QUESTION TIME

Answers given at the meeting may have been a précis of the full answer which is set out below. In some cases additional information is also included. Where, due to time or other constraints, it was not possible for the question to be asked formally the written response is also included below.

QUESTION 1 – Mr P M McDonald asked Mr John Smith

"Would the Cabinet Member with Responsibility for Highways please inform me how many potholes have been reported over the last two years and how many claims have been made regarding accidents, injuries and damage to vehicles over the same period and the cost of those claims?"

Answer given

For a more comprehensive answer, I am happy to provide details for the last five years.

The customer reporting system that is used to report issues by members of the public records highway defects, which include potholes, but which also includes other issues on the roads, such as oil spillages, worn road markings and cats eyes.

The number of highway defects reported over the past five years is as follows:

2009/10	10,545
2010/11	12,654
2011/12	11,085
2012/13	15,871
2013/14	14,127

These figures may be affected by severe weather events and will also have been influenced by our campaigns to encourage people to report defects to us and improvements in online and mobile reporting applications.

The number of claims and the total payments made over the same period are as follows:

Year	Number of pothole claims	Number settled	Total settlement
2009/10	994	260	£137,544
2010/11	565	103	£155,838
2011/12	144	16	£74,651
2012/13	460	66	£18,708
2013/14	368	49	£9,449

Supplementary Question

In response to a supplementary question about costs and the way insurance companies dealt with claims Mr Smith repeated that costs had decreased for the Council and hence the tax payer.

QUESTION 2 – Mr P M McDonald's printed question to Mrs Liz Eyre read:

"Would the Cabinet Member with Responsibility for Children and Families please inform me how many of our schools shortly to be entitled to free meals do not have any kitchens?"

Written Answer

In Worcestershire, 185 schools will have children eligible to receive Universal Infants Free School Meals from September 2014. The 185 schools consist of 176 First/Primary schools, 1 First & Middle school, 6 Special schools and 2 PRU's. Fifteen of the 185 schools are Academy schools.

Currently of these 185 schools, 132 do not have a fully fitted kitchen to enable them to prepare meals on site, but 125 receive Transported hot meal and only 7 of them do not currently offer hot meals to their pupils. The majority of First and Primary schools have transported hot meals brought in from a private catering company or from another school. There are estimated to be 39 Hub schools feeding approximately 82 First and Primary schools in Worcestershire. Of the 7 schools that do not provide hot meals, we are aware that 6 of them plan to provide hot meals from September 2014, and have bid for capital investment to buy equipment to support this initiative.

The government have announced just over £1.2m capital allocation for 2014/15 in Worcestershire. This is to be spent on Local Authority and Voluntary Aided schools (currently 162 schools) to improve kitchens and dining facilities. Academies will receive funding directly through the Academies Capital Maintenance Fund (ACMF) unless they also support LA maintained schools to deliver this initiative. I can confirm that all eligible schools that have applied for funding will now have received confirmation that this has been awarded.

QUESTION 3 – Mr R M Udall asked Mr John Campion:

"Could the Cabinet Member with Responsibility for Transformation and Commissioning confirm how many people are employed currently by the County Council, including all people employed by outside agencies at County Hall?"

Answer given

"The County Council currently has 5,117 employees (3,492 FTE) overall, of which 2,120 (1,868 FTE) are based on the County Hall campus (including Wildwood). In addition we currently have 70 (56 FTE) staff based on the County Hall campus that work for outside agencies."

Supplementary Question

In response to a supplementary question about facilities for parents Mr Campion outlined support measures the Council employed and also that the FAME initiative allowed for a more responsive approach.

QUESTION 4 – Mr R C Lunn asked Mr Adrian Hardman:

"Does the Leader of the Council support the proposal of LGA Chief Executive Carolyn Downs, to set up a Local Government Municipal Bonds Agency? If so, how particularly does he think it will benefit Worcestershire?"

Answer given

Yes I would support this proposal. Any development of an alternative source of capital finance which may increase competition and diversity of lending sources for local authorities is welcome.

It looks a slightly cheaper alternative to borrowing from the Public Works Loans Board (PWLB), although we would have to accept some loss of flexibility on our borrowing strategy to achieve it. I'll consider the risks associated with this nearer the time of the first planned bond issue – around March 2015 - and if it can help to mitigate the impact of future increases in interest rates, then we can take some of our planned borrowing via the new Agency.

Supplementary Question

In response to a supplementary question about the possible impacts such a body may have Mr Hardman made reference to PWLB interest rates and future member oversight.

QUESTION 5 – Mr P Denham asked Mrs Liz Eyre:

"Is the Cabinet Member for Children and Families satisfied with the educational attainment of Worcestershire children who are entitled to free school meals?"

Answer given

Over recent years the gap in attainment between Worcestershire pupils eligible for free school meals (FSM) and their peers has been wider than the national average at all key stages. The Council's outcomes for Worcestershire in this area are not in my view satisfactory overall which is why, as members saw from the seminar slides, this is a key focus of work for schools and the Council's School Improvement Service (SIS).

However, the good news is that on an individual school basis, the majority of schools are able to demonstrate that their FSM pupils are making appropriate progress as can be evidenced from Ofsted inspection outcomes and reports. Since August 2012 the percentage of schools rated as good or outstanding by Ofsted has increased from 66% to around 86%, more than 50% of all Worcestershire schools have been inspected in that timescale.

Over the last three years this gap has been reducing at Key Stage 1 and is now close to the outcomes seen by our statistical neighbours.

The gap in attainment at Key Stages 2 (age 11) and 4 (age 16) remains too wide and this deeply concerns me. More work is going on to address this.

Members will know that schools receive pupil premium funding to help accelerate the progress of pupils eligible for FSM. As members are aware the school senior leadership teams should be regularly held to account by their governing bodies for the use of this funding and the difference it is making. There is a statutory

requirement for all schools to publish on their website how they are using their pupil premium funding and the impact it has had.

Schools are also challenged by SIS colleagues and Ofsted about the progress of individual pupil groups.

This is such an important area that, I will, after this meeting be sending out to all members a small briefing note which identifies the specific actions being, or that have been taken by schools/Council services over the last 12 months to accelerate the educational attainment of FSM pupils. I am sure that those of you who are governors will be aware of these initiatives.

Supplementary Question

In response to a supplementary question about families already through the education system Mrs Eyre talked about improving standards in education and changing expectations, both locally and nationally.

QUESTION 6 – Mrs Pattie Hill asked Mrs Liz Eyre:

"Would the Cabinet Member with Responsibility for Children and Families please inform me how many children of compulsory school age are currently being "Home Educated" in the county, and what investigations are made to ensure that the children are receiving quality education relevant to their needs?"

Could she also confirm what advice is offered to parents, and how the opinion of the child is ascertained? Is this considered as a "Safeguarding" issue, and is this a role for councillors as 'Corporate Parents' to be checking on in their own Divisions?"

Answer given

This is a very important question and could well provide a scrutiny topic. 319 children are currently registered (April 2014) as Home Educated. The number of new referrals during the current academic year (2013-14) is 129

The responsibility of a child's education rests with their parents. The majority of parents choose to discharge their responsibility to schools. Parents who elect to home educate do so for many different reasons. Parents do not have to inform the Council of their decision; however, if their child is currently a registered pupil at a school then they must notify the school their child attends, who in turn must notify the Council. Where the child has a statement of SEN and attends a Special School then the parent must seek consent from the Council.

Once a parent has elected to home education they have a duty to ensure their child is in receipt of a suitable and efficient education. This is not defined in law but generally is seen to be an education that primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he wishes to do so. There is no prescribed model for home education but the Council's Elective Home Education Liaison Officer will provide detailed information on such matters.

Where a Council receives information that a child is being educated at home it will require information about that child's provision to ascertain whether it is suitable or not. DfE Guidance makes it explicit that local authorities have no statutory duty to monitor the quality of home education on a routine basis.

Generally, upon notification that a child was being home educated an initial visit is offered within 3 months to make an assessment of the provision. Where there are identified concerns at the point of deregistration from school this time frame would be shorter. If, during this visit, the education is deemed suitable then a visit would be conducted annually. If there are concerns regarding the suitability of the provision then another visit is offered on a 3-monthly basis until the provision is either deemed suitable or where the parent has had 3 consecutive visits and the provision is deemed unsuitable on the third occasion. In these cases the Council would consider a School Attendance Order. Parents are not obliged to have a Council officer visit them in their home. Some parents choose to submit written information in the absence of a visit. There is also no legal duty for Council Officers to see or meet with the child for the purpose of assessing the suitability of provision. Where there have been historic social care concerns the EHE officer will notify Social Care that a family is refusing to meet the EHE Officer.

Article 28 of the UNCRC recognises a right to education, but not a right to attend school. Therefore there is no absolute vehicle to ascertain the child's views about the educational arrangements being made for them by the parent; this extends to the school in which the parent applies for and/or the decision to home educate; the law states that it is parents' responsibility to educate their child.

At the point of deregistration from school, schools are encouraged to hold meetings with the parent/child to explore any issues that may have influenced the parents decision to home educate to see if they can be addressed; however, where the parent is adamant that they wish to home educate then there is no measure to prevent this from happening unless there is an order in place (e.g. school attendance order).

During the initial assessment where the child is present the EHE Officer will ask the child about their views on home education. This will include what they enjoy most and least; what they have achieved and what the areas for development are. There is no compulsory requirement for the child to respond to this but where information is ascertained it supports in the EHE officers ability to make a sound judgment of the educational arrangements through triangulation of information. Where parents choose to submit information about the child's educational arrangements there is a section for the child to express their views, successes etc. on the report; however, there is no compulsory requirement for them to do this.

The EHE Service sends, on an annual basis, parent and child evaluations. Feedback cards are also sent after each visit.

"Is this considered as a "Safeguarding" issue, and is this a role for councillors as 'Corporate Parents' to be checking on in their own Divisions?" I don't feel there is a divisional role for Councillors for two reasons EHE is really an operational matter and generally LAC, for whom the Council is the corporate parent, are not EHE. However there is 1 LAC who is registered as EHE to enable him to access 1-1 provision to meet his particular high level of need which has been very successful. Any education arrangements of this sort are agreed with the Social Worker and ISL and carefully monitored.

QUESTION 7– Mr Alan Amos asked Mrs Sheila Blagg:

"In the light of recent horrific reports about the abuse and mistreatment of elderly people in care/nursing homes in other parts of the country, would the Cabinet Member for Adult Social Care tell me what robust measures and procedures this Council already has in place to deal with complaints on a proactive basis from residents and/or their family and friends and:

- *how many complaints have been received in the past two years,*
- *how the services provided by the care/nursing homes used by this Council are monitored, and*

how many establishments used by the Council have been the subject of complaints during the past two years?"

Answer given

1. Formal complaints are received and managed via the Council's complaints process and managed by the Consumer Relations team:

- There were 13 complaints about care homes which were dealt with via the Council's Consumer Relations team during 2012-13
- There were 9 complaints about care homes which were dealt with via the Council's Consumer Relations team during 2013-14;

All care homes are regulated by the CQC. On top of this, all care homes in Worcestershire undergo a full proactive contract monitoring visit from the Council once a year. These visits look at every aspect of care, from the environment, to training of staff, policies and procedures and care plans. Following a contract monitoring visit, care homes are given feedback in the form of a report, which include any action required, the timescales and any requirement for follow up visits.

In addition care homes will be visited if concerns arise, either through the complaints process or other sources. The Council shares and collates intelligence about care homes with the CQC, the local NHS and others to ensure that all agencies have as full information about individual providers. Where there are concerns then the Council takes action through the contract to ensure that a remedial plan is in place, and offers support to assist care homes to resolve any problems.

The DASH Directorate Leadership Team regularly reviews quality across all care homes as well as the progress of remedial plans in those homes where there are concerns.

Each of the formal complaints mentioned above (total 22) related to different care homes.

Supplementary Question

In response to a supplementary question about the possibility of the Cabinet Member receiving a quarterly management report Mrs Blagg said there were a range of information streams she had access to and all were helpful.

QUESTION 8 – Mrs Mary Rayner asked Mr Marcus Hart:

"Can the Cabinet Member for Health and Wellbeing comment upon the current concerns expressed in the press regarding the withdrawal of funding for incontinence pads"

Answer given

I have not seen any Press reports about this subject and it would therefore be unwise of me to comment.

Supplementary Question

In response to a supplementary question about the source of the information and the Council's response to it Mr Hart stated that the continence service was commissioned directly by the Clinical Commissioning Groups and not via the Joint Commissioning Unit of the Council. The service was provided by the Health and Care Trust.

The service changes have come about as a result of the Trust implementing guidance from the Department of Health that was originally issued in 2011, and revised in 2013. This guidance said that Trusts were not required to provide free of charge products for less than moderate urinary incontinence, and this is currently the practice in a number of other Trusts in the country.

Approximately 1,100 people are affected by the change, and they were all given at least four weeks written notice of this and the opportunity to contact an advice line. A third of people have contacted the advice line and been given appropriate advice and 100 of those will be receiving a re-assessment of need.

A briefing paper is being prepared by the Trust for the Health and Overview Scrutiny Committee and members will have an opportunity to scrutinise the decision via this Committee in the very near future.

QUESTION 9 - Mr A T Amos printed question to Mrs Eyre read:

"Will the Cabinet Member with Responsibility for Children and Families tell me how many school children have been excluded from Academies in the county in the last three years; what alternative provision has been made for them, and at what schools?"

Written Answer

2011/12	2012/13	2013/14	Phase
Permanent			
42	34	32	Secondary
0	0	0	Special
0	3	2	Primary
42	37	34	Total
Fixed-Term			
802	604	388	Secondary
0	0	0	Special
32	20	21	Primary
834	624	409	Total

Fixed-term exclusions generally do not have alternative provision made as they return to the home school. However if the period of fixed-term exclusion exceeds five days it is the responsibility of the home school to find alternative provision. The guidance recommends that schools make reciprocal arrangements with each other to provide sixth day provision for these pupils. Whilst the Council has the number of children with fixed-term exclusions it does not have the information on any alternative provision made, if required.

All permanently excluded (PXd) children are given the same offer. This is because the Council is responsible for placing all children who have been permanently excluded by the sixth day following the exclusion. All permanently excluded children are offered a Pupil Referral Unit (PRU) placement so that the Council is compliant with the national statutory guidance on exclusions.

While options for other mainstream schools are pursued, the vast majority of PXd pupils from both Council maintained schools and academies do attend the local PRU or Free School Academy acting as our PRU.

Usually pupils excluded from Key Stage One, Two and Three are reintegrated into other mainstream schools after a period of time at the PRU, with support for reintegration being given by Outreach workers from the PRUs. Some pupils are Statemented at the PRUs and are admitted to Special Schools.

However, most children permanently excluded in Key Stage Four are never returned to mainstream schools, but continue their education in alternative provision (monitored by the Council) while remaining on roll to the PRU.

A parent may decide at the point of permanent exclusion to Electively Home Educate (EHE) the child, as since September 2013, pupils aged 14 to 16 who are registered as being EHE can access Further Education college courses which are directly funded by the Secretary of State through the Education Funding Agency.

QUESTION 10 – Mrs F M Oborski asked Mr Blagg:

"In view of the very serious concern felt by residents in my Division and much of the rest of the east of Kidderminster about the closure of the Hoobrook Recycling Centre and the often massive overcrowding at the alternative Stourport Road Recycling Centre, will the Cabinet Member agree to join me at the Stourport Road site on a mutually agreed Saturday or Sunday afternoon to see the situation for himself?"

Answer given

Mr Blagg said he would visit the site with Mrs Oborski.

QUESTION 11 – Mrs F M Oborski's printed question to Mrs Hodgson read:

"In view of the considerable local significance of the Kidderminster Registry Office Building will the Cabinet Member with Responsibility for Localism and Communities agree with me that it is really important that such an historic building should remain in either public ownership or, at the very least, in an ownership which will allow public ownership?"

Written Answer

The Register Office in Kidderminster is undoubtedly an important building as it enjoys Grade 2 Listed status. In general Listed Buildings cost significantly more to run and maintain because of the nature of the materials used in their construction, the need to engage very skilled craftsmen to undertake work on them and the legal requirement for owners to maintain them to a high standard. The use of this building in recent years as a Register Office has been very successful and has justified the significantly higher running and maintenance costs associated with buildings of this type. However, recent developments within the town have presented more affordable and sustainable options for the service going forward with the consequence that the building will become surplus to service requirements in the near future.

It is clear that the County Council does not have an alternative sustainable use for the property going forward and cannot justify its retention. It will, therefore, be seeking to dispose of the property in a way that provides best value for the tax payers and is commensurate with its status as a Grade 2 Listed Building. The

Council works collaboratively with other public sector organisations to resolve accommodation issues and if there was a viable public sector need for this building it will be happy to explore this option. If not the property will be sold on the open market.

QUESTION 12 – Mrs M Rayner's printed question to Mr Blagg read:

" Will the Cabinet Member with Responsibility for Environment confirm that the waste recycling plant at Hoobrook, Kidderminster, which is currently closed, will be re-opening and when this will happen; also what is going to be the provision on that site?"

Written Answer

Kidderminster's Household Recycling Centre (HRC) closed on 31 January in order to allow the demolition of a building on-site, which contains asbestos. Details of the closure were communicated to users of the HRC in advance through signage at site, the local media, the Worcestershire County Council website, www.letswasteless.com and social media.

The contractor operating the HRC, Severn Waste Services, advised that the work had been delayed. This follows closer inspection of the building that is to be demolished, which showed the requirements for the safe removal of cement bonded asbestos to be more complex than first thought.

Work is now underway and is due to be completed by the end of August. The County Council is committed to ensuring access to modern and safe recycling sites, which meet the needs of residents. The council is working closely with the contractor and will continually review the programme as it progresses.

During the period of closure residents are being signposted to the Stourport HRC, situated in Minster Road. Full details of the Stourport HRC including what waste is accepted and directions can be found via the Lets's Waste Less website.

Staff who usually work at Kidderminster HRC are temporarily working at Stourport. The increase in usage and possible impact on traffic is being constantly monitored.

The first priority is to make the site safe, however during this period of closure Worcestershire County Council is taking the opportunity to consider the future use of the Kidderminster HRC. This work includes the development of a business case considering a number of potential options. No decisions have been taken at this stage and any agreed outcome would only come following a full examination and consultation with the public.

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