

# ESSEX COUNTY COUNCIL MEETING 10 December 2013

## Answers to Written Questions (Standing Order 16.12.3)

<b>11(a)</b>	
<b>1.</b>	<b>By Councillor D Kendall of the Cabinet Member for Highways and Transportation</b>
	<p>'Would the Cabinet Member for Highways and Transportation please give me his commitment that the County Council will not seek to reduce the travel periods for pensioners with bus passes when it enters into talks over the 2014 /15 English National Travel Scheme?</p> <p>Pensioners with bus passes across Essex greatly value having the opportunity to travel from 9am to midnight, Monday to Friday, and all day at weekends and many would be very concerned and worried if the starting time was changed from 9am to 9.30am.'</p>
	<p><b>Reply</b></p> <p>Yes - and agreed</p>
<b>2.</b>	<b>By Councillor D Kendall of the Leader of the Council</b>
	<p>'Would the Leader of the Council please tell me how much Essex County Council has spent on Consultants and Interim staff over the last three financial years, and for this financial year up to the end of October 2013?</p> <p>Would he please provide a breakdown for each heading for each year?'</p>
	<p><b>Reply</b></p> <p>Please see the tables below. It can be seen that the spend on interim staff was the lowest this year than it has been for the last four years. It can also be seen that our consultancy spend is less than 10% of what it was in 2010/11. This is testimony to the well-designed transformation and corporate planning processes we have in place.</p>

<b>Financial Year</b>	<b>Interim Spend</b>
April 2013 – October 2013	£7,889,710.98
April 2012 – March 2013	£10,550,006.06
April 2011 – March 2012	£9,802,509.70
April 2010 – March 2011	£11,293,611.35

<b>Financial Year</b>	<b>Consultancy Spend</b>
April 2013 – September 2013	£2,400,001
April 2012 – March 2013	£7,381,086
April 2011 – March 2012	£16,439,859
April 2010 – March 2011	£24,443,283

Please note the ECC Ariba system has information up until the end of September 2013

**3. By Councillor K Gibbs of the Cabinet Member for Highways and Transportation**

**‘Blocked Drains**

The residents in Eastwood Road, Rayleigh are at risk of flooding from surface water and sewage due to the drains in their road being blocked. Enquiries to the engineers report that the drains have not been cleared for some considerable time and due to the blockage cannot be pressure cleaned.

- Can the Cabinet Member for Highways and Transportation advise when the drains in Eastwood Road were last cleared and is there a schedule in place for this work to be carried out?
- Can the Cabinet Member for Highways and Transportation advise if this is an issue that affects the rest of County where flooding has been prominent?’

**Reply**

	<p>A partial cleanse of Eastwood Road took place in April/May 2013 and the remainder of the road is due to be cleansed in January 2014. The flooding which took place on 24 August was not primarily caused by blocked gullies even though Highways drains are only designed to cater for a 1:10 year event and the rainfall that day was a 1:75 year event in many parts of Essex.</p> <p>The primary cause of flooding on any part of the Highway network is not always clear cut but is nevertheless quite commonplace during or following periods of torrential rain particularly after an extended dry spell. It can be blocked gullies, private ditches not properly maintained or due to overloading the surface water drainage system or primary watercourses - or it can be a combination of factors</p>
<p>4.</p>	<p><b>By Councillor G Helm of the Leader of the Council</b></p>
	<p><b>‘Bulgarian And Romanian Migration To Essex</b>  In April this year a study by the National Institute of Economic and Social Research (NIESR) signalled that Britain is woefully unprepared for the ending of Bulgarian and Romanian migration restrictions at the end of this year.</p> <p>Will the Leader of the Council agree to set up a cross-party committee to evaluate the impact and find the funding to mitigate disruption likely to be caused to our schools, health services, housing stock and green spaces by the expected influx of Romanians and Bulgarians in January next year?</p> <p><b>Background:</b>  <b>Kent County Council Report</b>  The impact of Bulgarian and Romanian migrants into the UK from January could cost public services in Kent an additional £3m a year, a confidential report has found.  It concludes the impact would be an estimated £3,120,000 per year, after deducting the additional council tax new arrivals could contribute. At the same time, the arrival of migrants is expected to create pressure on schools in some areas, with extra 390 primary-aged children estimated as needing places at county schools.</p> <p><b>Likely Numbers</b>  Campaigners and many Conservative MPs fear that the relaxation in the rules will see up to 50,000 migrants moving to Britain from Bulgaria and Romania every year. The pressure group Migration Watch UK, which has a good record in forecasting migration, is</p>

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estimating 70,000 people a year from those countries could now travel to the UK in search of work or benefits.

### **Housing Problems**

Eric Pickles, the Secretary of State for Communities and Local Government, said that migrants from the two countries “will cause problems”. He warned that the expanding migrant population will put increased pressure on both the private and social housing sectors.

In England, a Bulgarian, Romanian or Croatian will be eligible for a housing allocation, homelessness assistance and housing benefits. But there is a limit to what is available and rough living or even squatting, may become a problem in Essex as it is in London.

### **Schools**

The report stated that any influx, which will be made much worse by the worsening economic situation in Italy and Spain, could put a strain on schools.

### **Health Service**

Dr Paul Roblin, a GP who practices in Botley, near Oxford said ‘GPs are expected to practice with limited healthcare funding and if we are using that money for treating visitors, the taxpayer loses out.’ With casualty departments across the NHS in UK reporting that they will not be able to cope with existing numbers of patients this winter, the extra burden on them from this new migration could prove the tipping point.’

### **Reply**

A very similar question has been asked at a previous Full Council meeting. The written answer which was given at this time still applies.

At national level, Ministers have taken the view that it is impossible to forecast with any accuracy the level of migration into the UK by Bulgarian and Romanian nationals once transitional controls are removed. This is because there are too many factors at play of which officials have uncertain knowledge. The Government is not, therefore, producing forecasts.

Bulgarian and Romanian nationals have been able to work in the UK for some time. Evidence suggests that they move mostly to London and the South East region rather than to the Eastern region. For Essex, we know from national insurance registrations that in 2012 we had 119 new Bulgarian and 305 Romanian registrations, making a total of 424. This was a decrease of 192 on the previous year. Bulgarian and Romanian registrations in 2012 amounted to 8.5% of

	<p>all foreign nationals' registrations in the county.</p> <p>Data also suggests that the great majority of Bulgarian and Romanian migrants into Essex are aged 18-34.</p> <p>Council officers are aware that there might be some effect on need for local public services. If this arises, it will be picked up in the routine monitoring processes that are used to detect changes in the level of need.</p> <p>As we will be handling this through our usual processes we will not be setting up a committee to consider the matter.</p>
<p>5.</p>	<p><b>By Councillor N Le Gresley of the Cabinet Member for Adults Social Care</b></p>
	<p><b>'Review Of Adult Social Care Services</b></p> <p>Would the Cabinet Member for Adults Social Care urgently review the provision of adult care services within the County and upgrade any contingency plans for potential failures, due to the insolvency of providers that may cause disruptions to elderly residents of care homes or even cause homes to close?</p> <p>Would he also be prepared to report back to Council after such review to confirm that the adult care services provided on behalf of Essex County Council are fit for purpose?</p> <p><b>Background:</b></p> <p>Britain's biggest private care home owners have combined debts of nearly £5bn. An investigation by Corporate Watch has established that three of the top-10 companies, which own around 800 homes, have been rated as risky by leading credit agencies.</p> <p>Southern Cross, which went bankrupt in July 2011, was not the first company to fail- but it was by the far the biggest and highlighted how little financial scrutiny there is of companies paid huge amounts of public money to look after the country's most vulnerable.</p> <p>Most leading care home owners have highly complex structures and loan arrangements making it difficult for local authorities to pierce the corporate veil and properly assess underlying risks. Scrutiny of five of the biggest care home providers show a further layer of complexity because they are owned by parent companies based in secretive offshore tax havens. Buy-outs, bond issues, refinancing and inter-company loans contribute to the complex and sometimes risky financial arrangements of some private investors and companies</p>

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	<p>involved in caring for Britain’s most vulnerable - making it difficult for councils to keep track.</p> <p>The present government has yet to introduce any regulation to force care home providers to be more transparent about their finances – despite promises made in the wake of the Southern Cross collapse.</p> <p>A recent report from the Care Quality Commission, which was reported on 7th October this year, has condemned <b>Broomfield Grange</b> in Chelmsford after inspectors made their second visit in the space of four months.</p> <p>This home is run by the <b>European Care Group</b>, a company registered in the British Virgin Islands, where accounts are not required to be made public.</p> <p>It is not just a case of the poor care provided by many of these homes; it is the worry being caused to elderly residents when they fail. Age UK states <i>“the impact of a home closing can be devastating with the shock of losing familiar faces and surroundings likely to have a dramatic impact on people’s lives”</i>.</p> <p>So if we must outsource these essential services and our responsibilities to elderly Essex citizens to the private sector, we need good governance, regular reviews and effective financial checks and balances. Given that there are 30 care homes in Essex that have been red lined by adult social care officers, I suggest that a review is needed to confirm that the adult care services provided on behalf of Essex County Council are fit for purpose.’</p>
	<p><b>Reply</b></p> <p>The Care Quality Commission (CQC) is the statutory body which already regularly reviews the robustness of care providers to continue to meet the needs of our most vulnerable citizens. This is not a statutory duty for the Council, yet ECC ensures that contingency and business continuity plans are in place to react quickly to any serious provider failure in line with the Council’s commitment to ensuring the best service possible for residents.</p> <p>The Council currently contracts with a large number of care home and home care suppliers operating a dynamic sourcing approach which allows new suppliers to join on a regular basis. Relationships are actively maintained with all suppliers and, as a consequence, if one provider were to experience difficulties it should be possible to rapidly move service users to alternative arrangements.</p>

	<p>In addition, the financial health of suppliers is monitored on a quarterly basis. Reports from Dun and Bradstreet, the leading provider of business information for risk management, sales &amp; marketing, supply management decisions are reviewed, with specific attention being given to trends over time. Where this review highlights concerns, an ECC contract manager will meet with the supplier to better understand underlying issues and to assess whether further action needs to be taken. Our contracts also require suppliers to inform us if they experience financial problems.</p> <p>Where new information relating to a supplier's standing comes to light, ECC will consider the supplier's overall financial and commercial standing, and whether it continues to have the necessary resources to manage the contract. The market in which it operates will also be reviewed, which will enable the Council to recognise and respond quickly and appropriately to significant external events, pressures, or new information affecting the supplier's viability or operations.</p> <p>The raft of measures the Council has in place is sufficiently robust and it is considered that any review would not be necessary at this time.</p>
<p><b>6.</b></p>	<p><b>By Councillor I Henderson of the Cabinet Member for Highways and Transportation</b></p>
	<p>'Given that the Local Transport Act 2008 provides enhanced powers for local authorities in England and Wales to influence the standard of local bus services in their areas, could the Cabinet Member for Highways and Transportation provide a statement on what he believes are the benefits of Quality Contracts for bus passengers throughout Essex?'</p>
	<p><b>Reply</b></p> <p>A Quality Contract Scheme (QCS) could allow in theory the Council to specify what level of bus services, routes, frequencies, fares etc. should apply in any given area and then to contract with commercial operators to supply the service for which the Council would have responsibility.</p> <p>There are, however, a number of difficulties with such a regulated approach. It is a long and complex process with existing operators having the right of appeal and legal challenge if it takes away their business. Smaller operators on which Essex relies to provide competition to the bigger players would tend to get squeezed out. Many believe it would lead to the old regulated approach with an</p>

	<p>Eastern National type service unresponsive to customer needs, chronic capital underinvestment and an ossified service as a result of pressurised public budgets and excessive political direction to retain non-commercial routes or keep fares unrealistically low.</p> <p>At present only one local authority, the North East PTE is even close to introducing a QCS.</p> <p>While we do not completely discount the possibility of creating a QCS we have no current plans to do so. We prefer voluntary agreements with the operators, limited commissioning efforts, community transport schemes and other initiatives. We are also open to other innovative ideas in the context of our current consultation on bus services.</p>
<p><b>7.</b></p>	<p><b>By Councillor M Danvers of the Cabinet Member for Adults Social Care</b></p>
	<p>‘In light of the recent national concern over the exploitation of care workers, would the Cabinet Member for Adult Social Care agree to consider the following when commissioning care for the elderly and vulnerable people from private care companies:</p> <p>Namely that in acknowledging their professionalism, all care workers are:</p> <ol style="list-style-type: none"> <li>1. Ensured of a proper hourly paid contract and not one of zero hours.</li> <li>2. That all care workers are paid a living wage and not a minimum wage.</li> <li>3. That outreach care workers are paid for all their work including travel between clients’</li> </ol>
	<p><b>Reply</b></p> <p>The Council’s priority is the care and wellbeing of residents.</p> <p>The Council ensures it secures the best staff and services through its procurement and contracting provisions, which ensures all its contracting activities are compliant with best practices and the statutory regulations. The Council currently applies EU and Public Procurement Regulations and the working directives. This is assured by the Care Quality Commission (CQC), the statutory body that regulates care staff agencies. It is not for the Council to stipulate the conditions within the contracts that care agencies provide their staff.</p>

	<p>Nevertheless, ethical and sustainable procurement principals have been captured as part of the Council's Procurement Strategy which is monitored by the Contract Management and Quality Improvement Teams. The teams are reviewing all of the Council's contracts and procurement processes to ensure contracts provide enhanced safeguarding and quality outcomes for older people and vulnerable adults and delivers value for money for the Council. The Council also introduced Quality Improvement Funding earlier this year aimed at helping market stability, the quality of care through improved staff training and the care environment.</p> <p>All Providers must show supporting evidence that their working and employment practices are aligned with the above principles and fair wages.</p>
<p><b>8.</b></p>	<p><b>By Councillor K Bobbin of the Cabinet Member for Education and Lifelong Learning</b></p>
	<p>'In light of the recent consultation on the future of the Youth Service, could the Cabinet Member for Education and Lifelong Learning ensure that the hard to reach and often underprivileged young people in areas such as Basildon, Tendring and Harlow which have some of the highest needs in the County for Youth Services, are fully supported by dedicated ECC staff such as Young Carers and Targeted Youth Advisors?'</p>
	<p><b>Reply</b></p> <p>The consultation is now complete and today (10 December 2013) I have received the consultation report, as you would expect this is a fairly detailed document and together with the information I have gathered from my many face to face meetings with young people I now need to reflect upon the details in that report.</p> <p>I can assure Councillors that the groups and areas identified are very high in my thinking and I will consider them fully and prioritise them appropriately when making decisions.</p>
<p><b>9.</b></p>	<p><b>By Councillor K Clempner of the Cabinet Member for Families and Children</b></p>

	<p>'Could the Cabinet Member for Families and Children provide a statement on what steps, since 2009, have been taken to promote the use of respite care at Maples, Harlow and Lavender House, Colchester?'</p>
	<p><b>Reply</b></p> <p>Access to residential short-breaks (respite care) for disabled children is through a social work assessment where the social worker meets with the child and their parents and through discussion assesses that child's needs, and the support needs of the parents. The assessment leads to a plan which sets out how the needs identified will be met. Where needs are best met through residential short-breaks, a number of nights a month is then agreed. This assessment is a statutory responsibility set out in S.17 of the Children Act 1989.</p> <p>There has been no change to the way this is carried out in Essex since 2009 and no change in any criteria. If the needs of the child and support for their parents/carers can be met through use of community facilities such as playschemes, holiday clubs or after school support, so that a child does not need to be away from home overnight, then needs will be met in this way. Residential short-stays are usually used by children with high needs and/or challenging behaviour.</p> <p>What has changed is that in 2007 the Government gave Local Authorities substantial funding to commission a much wider range of short-breaks, after school and holiday clubs, through the 'Aiming High for Disabled Children' programme. At the same time there has been a large increase in direct budgets available to parents so that following an assessment they can purchase their own care arrangement (usually support at home). It is these two developments which, nationally and locally, have led to a decline in use of residential short breaks over the last five years.</p>
<p><b>10.</b></p>	<p><b>By Councillor J Abbott of the Cabinet Member for Highways and Transportation</b></p>

	<p><b>‘Highways Panels - Performance Monitoring:</b>  There is concern about the delivery performance on local improvement schemes recommended by the Highways Panels. Of all the LHP schemes recommended to the Cabinet Member in 2012/13, and which he approved in that year, what percentage have actually been delivered to date, (1) across the county and (2) by each LHP area ?’</p>
	<p><b>Reply</b></p> <p>We are all concerned to ensure more effective delivery performance for LHP schemes. This year 2013/14 will be better than last but LHPs need more effective Management Information to enable them to monitor progress themselves on a regular quarterly basis. Such a report will go to each of the LHPs at their next meetings.</p> <p>It was, of course, the sheer impossibility of delivering even in the current year 2013/14 so as to fully utilise the allocated budgets to the LHPs which caused me to decide to re-profile the allocations for this year and to reallocate under-spending to other Highways schemes - something which Cllr Abbott and others opposed and had called in. I gave a full explanation of this rationale at the Scrutiny Committee and of the guidance given and to be given to LHPs.</p> <p>I do not have to hand the information on numbers of schemes relating to 2012/13 which he seeks and neither do I consider it relevant. The budget numbers for that year given in my called-in CMA give a clear picture of the position.</p>
<p><b>11.</b></p>	<p><b>By Councillor J Abbott of the Cabinet Member for Families and Children</b></p>
	<p><b>‘Children's Centres - Cost benefit analysis of cuts versus social and health impacts:</b>  Has any work been done by the administration on cost benefit analysis of the longer term impacts of cutting Children's Centre provision as proposed in the recent consultation ? In Witham Northern division for example one centre is proposed to be closed and the other 2 to have greatly reduced hours. Has the administration considered that the health and social costs of cutting this vital support to families could exceed the short term budget "savings"?’</p>
	<p><b>Reply</b></p> <p>The Children’s Centre service proposals currently being consulted on</p>

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have been developed to seek efficiency savings. However the overarching principle of the development of these proposals has been to ensure the impact of the savings should be achieved in such a way that has the least impact on the services which matter most to families. Therefore the work has been undertaken in the context of:-

- The Children's Centre proposals being jointly developed by Essex and the current providers, based on joint understanding of the outcomes required and a shared confidence that the needs of vulnerable families will remain the priority for Children's Centres.
- Children's Centres services forming an element of a wider Early Help Offer for children, young people and families delivered by ECC in partnership with key stakeholders which continues to develop.
- Consideration being given to the proposals in relation to geographical accessibility for families. A significant amount of work has been undertaken by the Children's Centre providers to maintain access to services through outreach and home support. The analysis of the existing footfall for children centre buildings has shown some as being lower than is viable. As such the work that supports longer term health and social care needs has been delivered within the community or within the home and will continue.
- Proposals are focused on protecting the services going forward by re-organising services so that they are not based around physical buildings but free staff to work more flexibly and take services to families within the community.
- 9 x Stage 1 Equality Impact Analyses have been undertaken, all of which were completed for different aspects of the Children's Centre contract extension proposals post March 2014 (2 per quadrant) and for the ECC Children's Centre Property Strategy. Following Stage 1 analysis of initial proposals submitted by current suppliers to ECC in June 2013, further negotiation was carried out between ECC and current suppliers, in order to mitigate risks identified and identify improved solutions that did not adversely impact on front-line delivery. A county wide initial Stage 2 Equality Impact Analysis has been undertaken, and a final Stage 2 Equality Impact Analysis will be carried out as part of the consultation feedback evaluation. This document will summarise all risks identified and how these have been mitigated to bring together and record this on-going work efficiently and effectively. This Stage

	<p>2 Equality Impact Analysis will be published with the final decision on the Essex Sure Start Children’s Centre consultation.</p> <p>Providers have indicated that service delivery will remain the same and ECC will keep a watching brief on performance as the finalised proposals are implemented, so we wouldn’t expect health or social care impacts to arise.</p>
<p><b>12.</b></p>	<p><b>By Councillor M Mackrory of the Cabinet Member for Education and Lifelong Learning</b></p>
	<p>‘I understand the Council does not maintain a central register of school staff, with criminal convictions but relies on individual schools to keep their own records. In the light of recent national high profile cases would the cabinet member consider it prudent to compile such a register for public inspection?’</p>
	<p><b>Reply</b></p> <p>Schools have been locally managed since 1988 and the Council does not make recruitment decisions. In fact, in many cases the Council is not even the employer. Schools make their own enquiries when recruiting. They are required to make a DBS check which will reveal any information which might make someone unable or unsuitable to work in a school. The Local authority is always happy to advise schools about information disclosed. Schools are then required, under national government specifications, to keep a single central record (SCR) for inspection. This does not, however, specify conviction details – simply that the check has taken place. DBS regulations and Legislation means that the Council cannot share such information with the public. If someone has a relevant conviction or has been banned from working in schools for another reason then that will be revealed on the DBS check.</p> <p>There is a danger that if we do not follow national arrangements we will cause unnecessary cost and work with no gain. Also local arrangements will not be effective in raising issues which have arisen outside Essex.</p>