

EAST SUSSEX COUNTY COUNCIL

MINUTES of a MEETING of the EAST SUSSEX COUNTY COUNCIL held at COUNTY HALL, LEWES on FRIDAY, 20 JULY 2012 at 10.00 am.

Present Councillors Barnes, Belsey, Bennett, Bentley, Birch, Daniel, Dowling, Elkin, Ensor, Fawthrop, Field, Freebody, Freeman, Glazier, Harris, Healy, Howson, Hughes, Jones, Kenward, Lambert, Livings, Lock, Maynard, O’Keeffe, Ost, Pragnell, Reid, Rodohan, Rogers OBE, Scott, D Shing, S Shing, Simmons, Sparks, St Pierre, Stroude, Taylor, Thomas, Thompson, Mrs Tidy, Tidy MBE, Tutt, Waite, Webb and Whetstone.

19 Minutes of last meeting

19.1 RESOLVED – to confirm the minutes of the meeting of the County Council held on 15 May 2012 as a correct record.

20. Apologies for absence

20.1 Apologies for absence were received from Councillors Gadd, Heaps and Stogdon.

21. Chairman's Business

ROY MARTIN

21.1 On behalf of the Council the Chairman paid tribute to a former colleague, Roy Martin, following his death in May. Roy was a respected and experienced councillor serving on the County Council from 1989 to 2009. Roy also served as a Polegate Town councillor and a Wealden District councillor. On behalf of the County Council, the Chairman sent best wishes to his family.

21.2 The Council stood in silence as a mark of respect for their former colleague.

PENNY GAUNT

21.3 The Chairman announced that after serving as an officer of the Council for 10 years and in education for 38 years Penny Gaunt had decided to retire. On behalf of the County Council the Chairman thanked Penny for her leadership, expertise, integrity and professionalism and wished her all the very best in her retirement. Other members also paid tribute to the contribution Penny had made during her time at the Council.

VOLUNTEER CENTRE EAST SUSSEX

21.4 The Chairman announced that Volunteer Centre East Sussex (VCES) had been awarded the Volunteer Centre Quality Accreditation in recognition of the quality of its work in developing volunteering. The accreditation recognises that VCES was delivering all 6 core functions to a good standard. In addition, the VCES received a Community Safety Award from the East Sussex Fire and Rescue Service for the outstanding work of the Community Volunteers Project. On behalf of the Council the Chairman thanked and congratulated all involved.

LUNCH

21.5 The Chairman announced that the lunch was to be provided by Chartwells, the Council's school meals provider, to showcase a selection of dishes currently served across our 162 Primary and Special schools. Lunch was to be cooked by Alison Gann, the cook at Claverham Community College and the current National School Chef of the Year. School meals is a very high profile service and had received much media attention over the past 10 years. Our management team in Children's Services had worked hard to change the perception of school meals by offering a healthy, tasty and balanced meals that exceed the Government's nutritional and food based standards and offer great value.

OLYMPIC TORCH

21.6 On behalf of the Council the Chairman thanked all those involved in the arrangements for the Olympic torch passing through the County. Many residents turned out to see the torch and the efforts of Rupert Clubb and his team working in partnership with the Districts and Boroughs, Police and the Emergency Centre Volunteer Team helped to ensure a successful day.

CHAIRMAN'S ACTIVITIES

21.7 I have attended a number of engagements since the last County Council meeting including: visiting the TA Centre in Eastbourne and the Queen's Diamond Jubilee events in Hailsham, Heathfield, Uckfield and Horam, attending the Lord Lieutenant's Reception at the Jerwood Gallery, Hastings for the send off of Ron's Boys (a fishing boat) on its way to the Queen's Diamond Jubilee Flotilla, the Seven Sisters Challenge charity walk for Parkinsons UK, the Armed Forces' day event at Seaford, the Let's Do Business exhibition at the Winter Garden, Eastbourne and the Olympic Torch relay events at Lewes and Pevensey Bay, hosting a summer reception for a number of volunteers and community groups and new Mayors and Chairmen from across the County. The Vice Chairman (Councillor Lock) attended the presentation by French visitors at Tideway School, Newhaven. Both Councillor Lock and Councillor Stroude have also generously attended a number of events with me.

21.8 The Chairman reminded councillors that he was holding a tea party on 13 October for local volunteers and that all members had been invited to nominate volunteers from their division.

PRAYERS

21.9 The Chairman thanked the Rabbi Elizabeth Tikvah Sarah of the Brighton & Hove Progressive Synagogue for leading the prayers before the Council meeting.

PETITIONS

21.10 The Chairman informed the Council that immediately before the meeting he had received petitions from members as follows:

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|---------------------|---|
| Councillor O’Keeffe | - calling upon the County Council to reduce the speed limits on the C7 from Bell Lane mini roundabout along Kingston Road to Swanborough Hollow, Lewes |
| Councillor O’Keeffe | - calling on the County Council to ban heavy goods vehicles on the C7 from the Prison crossroads to Wellgreen Lane, Lewes |
| Councillor O’Keeffe | - calling on the County Council, as part of the Lewes Parking Review, to prohibit parking on either side of Cranedown from the junction with Kingston Road for reasons of traffic and pedestrian safety |
| Councillor O’Keeffe | - calling upon the County Council to stop the decay of Lewes Bus Station and re-open it for the use of the travelling public of Lewes until an alternative is provided |

22. Declarations of Interest

22.1 The following members declared personal interests in items on the agenda as follows:

<i>Member</i>	<i>Position giving rise to interest</i>	<i>Agenda item</i>	<i>Whether interest was prejudicial</i>
Councillor Daniel	Candidate for the Police and Crime Commissioner	Sussex Police Authority report, paragraph 2	No

<i>Member</i>	<i>Position giving rise to interest</i>	<i>Agenda item</i>	<i>Whether interest was prejudicial</i>
Councillor Freebody	As a parent governor at West Rise Junior School	Cabinet report, paragraph 2	No
Councillor Taylor	As the owner of a car home	Cabinet report, paragraph 3 and Adult Social Care and Community Safety Scrutiny report paragraph 1	No

23. Reports

CALLOVER

23.1 The Chairman of the County Council, having called over the reports set out in the agenda, reserved the following paragraphs for discussion:

Cabinet	- paragraphs 1, 2, 3 and 4
Adult Social Care and Community Safety Scrutiny Committee	- paragraph 1
Children's Services Scrutiny Committee	- paragraph 1
Sussex Police Authority	- paragraphs 2 and 4
East Sussex Fire Authority	- paragraph 2

NON-RESERVED PARAGRAPHS

23.2 On the motion of the Chairman of the County Council, the Council ADOPTED those paragraphs in the reports of the Committees that had not been reserved for discussion.

NOTE: Since the Council agreed the Code of Conduct in May the Government has published the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A revised copy of the Code of Conduct for Councillors (Governance Committee report, paragraph 2) was tabled in the Council Chamber which set out which interests were disclosable pecuniary interests.

24 Questions from Members of the Public

24.1 There were no questions from members of the public

25. Cabinet Report – Reserved paragraphs

25.1 The Chairman reminded the Council that he was taking paragraph 3 of the Cabinet report with the report of the Adult Social Care and Community Safety Scrutiny Committee and paragraph 4 of the Cabinet report with the report of the Children’s Services Scrutiny Committee. Councillor Jones moved the remaining reserved paragraphs of the Cabinet’s report.

25.2 The motions were CARRIED after debate.

26. Adult Social Care and Community Safety Scrutiny Committee – Reserved paragraph

SCRUTINY REVIEW OF DEMENTIA

26.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 3 of the Cabinet’s report.

26.2 Councillor Pragnell moved the adoption of paragraph 1 of the Scrutiny Committee report.

26.3 Councillor Jones moved the adoption of paragraph 3 of the Cabinet’s report. The motion, including the recommendations, was CARRIED.

26.4 The motion to adopt paragraph 1 of the Scrutiny Committee’s report, including the recommendations, was CARRIED on the basis that implementation would be in accordance with the recommendations of the Cabinet.

27. Children’s Services Scrutiny Committee – Reserved paragraph

SCRUTINY REVIEW OF SCHOOL EXCLUSIONS

27.1 The Chairman reminded the Council that he was taking paragraph 1 of this report with paragraph 4 of the Cabinet’s report.

27.2 Councillor Ensor moved the adoption of paragraph 1 of the Scrutiny Committee report.

27.3 Councillor Jones moved the adoption of paragraph 4 of the Cabinet’s report. The motion, including the recommendations, was CARRIED.

27.4 The motion to adopt paragraph 1 of the Scrutiny Committee's report, including the recommendations, was CARRIED on the basis that implementation would be in accordance with the recommendations of the Cabinet.

28. Questions from County Councillors

ORAL QUESTIONS TO CABINET MEMBERS

28.1 The following members asked questions of the Lead Cabinet Members indicated and they responded:

Questioner	Respondent	Subject
Councillor St Pierre	Councillor Bennett	Provision of disabled toilet facilities at schools where toilet facilities are being upgraded
Councillor Lambert	Councillor Maynard	Introduction of 20 mph zones around schools in East Sussex
Councillor Tutt	Councillor Glazier	Priority for bids from borough and district councils for joint funding for schemes
Councillor Daniel	Councillor Maynard	Publication of findings of CPO enquiry in relation to the Bexhill to Hastings Link Road
Councillor Webb	Councillor Jones	Partnership working with district and borough councils in relation to the introduction of council tax discount scheme
Councillor Livings	Councillor Maynard	Policy in relation to the treatment of weeds on kerbs and pavements
Councillor Rogers	Councillor Maynard	Removal of signs regarding Olympic torch relay through the County
Councillor Birch	Councillor Lock	Involvement of Trading Standards officers in relation to sponsorship of Olympic Torch
Councillor St Pierre	Councillor Maynard	Publication of minutes from last meeting of the Lewes Parking Board

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

28.2 Written questions were received from Councillors Lambert, St Pierre and Sparks for the Lead Members for Adults' and Children's Services, Transport and Environment, Children and Families and Community and Resources. The answers are attached to these minutes.

28.3 The Lead Members responded to supplementary questions by the questioners for the purposes of clarification.

29. Report of the Sussex Police Authority

29.1 Members commented on paragraphs 2 and 4 of the Sussex Police Authority's report and Councillor Jones, the nominated spokesperson for the Police Authority, responded.

30. Report of the East Sussex Fire Authority

30.1 Members commented on paragraph 2 of the East Sussex Fire Authority's report and Councillor Livings, the nominated spokesperson for the Fire Authority, responded.

THE CHAIRMAN DECLARED THE MEETING CLOSED AT 12.54 pm

The reports referred to are included in the minute book

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Lambert to Councillor Elkin, Lead Member for Adults and Children's Services

You may be aware that at its meeting on 21 March 2012, the Planning Committee granted approval for the installation of two linked 4-bay mobile classrooms at Seaford Primary School (LW/3069/CC).

This was in the context of unanimous opposition from local residents who wrote to object and signed a petition, principally on the grounds of access. Page 17 of the report considered by the Committee states that: 'The application as submitted would attract a highway recommendation for refusal resulting from the exacerbated parking problems.'

The capital cost of the build is around £288k and the school have also received funding for an additional teacher.

I am now informed by the school that in fact no additional pupils are expected. The normal intake of 60 pupils will instead be split into smaller classes so that additional pupils may be accommodated if indeed they materialise.

- a) On what basis did the authority predict an increase in pupils sufficient to require the provision of two additional classrooms?
- b) Why could these pupils not be accommodated at the other primary schools in Seaford where I understand there is spare capacity (for example, Annecy)?
- c) In a time of austerity, how does this represent value for money, or indeed, a responsible use of tax payers money?

Answer by Councillor Elkin

ESCC's School Organisation Plan 2011/12 - 2015/16 predicted up to half a form of entry shortfall (15 places) in Year R places in Seaford Primary Schools in 2012/13. This was based on a forecast from ESCC's Pupil Forecasting Model as at June 2011. Short term Yr R forecasts are largely derived from ONS data on live births. As with many other parts of East Sussex and the country as a whole, Seaford has witnessed an increase in births in recent years.

The forecasting model predicted not only a small shortfall in places in 2012/13 but also a shortfall of the magnitude of 1 form of entry (30 places) in Year R places in the years to 2015/16 and beyond. The mobile classrooms at Seaford Primary are to be installed in response to this prediction.

With the benefit of actual admissions allocations data for 2012/13, the pupil forecasting model (as at July 2012) is now predicting that Year R in Seaford will be almost full in 2012/13 (see numbers below) but that the combined Published Admission Number of 210 is unlikely to be exceeded.

Preferences as at 27 April 2012						
	PAN	First prefs	All prefs	Late apps (1 st)	Allocation	Current position
Anney	30	21	33	2	26	28
Chyngton	60	53	108	0	60	60
Cradle Hill	60	82	130	2	60	60
Seaford	60	44	75	4	60	58
Total	210	200		8	206	206

National guidance suggests that between 5 and 10% surplus places should be maintained in an area to facilitate parental preference and allow for a margin of error in the pupil forecasts. Contrary to this advice, in Seaford there is currently no margin for parental choice, which leaves the Local Authority very little flexibility to ensure it can meet its statutory obligation to provide sufficient school places. The decision was taken to proceed with the installation of the mobile classrooms this summer partly because of this and also that any late or mid year applications would place pressure on the school places. As reported previously, Seaford Primary School was chosen because of its central location in the town.

Based on a combination of actual live birth data and demographic projections, and taking account of the need for some additional places to facilitate choice, the pupil forecasting model is still predicting a continuing shortfall of Year R places in Seaford from 2013/14 on. The mobile classrooms at Seaford Primary School will play an important part in addressing this shortfall.

2. Question by Councillor Lambert to Councillor Maynard, Lead Member for Transport and Environment

Could Councillor Maynard outline the process and procedure for allocating repair work to potholes? In particular, how is the work scheduled to ensure maximum efficiency and value for money for the County Council's ratepayers?

Answer by Councillor Maynard

The procedure for allocating repair work to potholes is outlined in our Transport Asset Maintenance Policy, available on the Council's website. This maintenance policy is based on the national code of practice: Well Maintained Highways; but to summarise:

On our strategic busy A and B roads:

- A pothole deeper than 100mm and more than 300mm in diameter is considered to be a very high Impact risk to users of the highway. They are programmed to be made safe within 2 hours. (Category 1a defect)
- A pothole deeper than 40mm and more than 300mm diameter will be programmed to be made safe within 24 hours (effectively by the end of the next working day) as a high impact to road users. (Category 1b defect)

- Potholes approaching high impact dimensions, but less than 40mm on A and B roads, are programmed for repair before the next inspection, which is usually 1 month for these strategic routes. (Category 2 defect)

On our local roads and estate roads

- A pothole deeper than 100mm and more than 300mm in diameter is considered to be a high Impact risk to users of the highway. They are programmed to be made safe within 24 hours (effectively by the end of the next working day) as a high impact to road users. (Category 1b defect)
- A pothole deeper than 40mm and more than 300mm diameter will be programmed for repair before the next inspection, which is usually 6 months for these non-strategic routes. (Category 2 defect) More traffic through a road increases the risk that a motorist will hit a pothole. Therefore, to have the same level of risk across the county, it is understood that busier routes are inspected more frequently. Our road hierarchy has been determined in accordance with the national guidelines; busy strategic roads and town centres are inspected monthly; shopping parades are inspected every three months residential estate roads every three months and quiet rural lanes are inspected annually. Our road hierarchy is defined in Annex 5 of our Local Transport Plan 2.

When we schedule very high impact defects repairs (Category 1a) our Control Hub at Ringmer will send the nearest available gang, checking beforehand that they have the appropriate materials and traffic management signing on board. Often in these circumstances we will carry out a temporary repair to make the road safe and then programme a permanent repair for a later date, but that depends on the circumstances, the type of road and traffic speed. (Its a lot easier to make a permanent repair to a country lane or estate road, than in the middle of the A22 for example when extensive traffic management and even a road closure needs to be planned.

Defects to be repaired by the end of the next working day are planned and work schedules are compiled by 3pm each day and are given to gangs on an area by area basis to minimise travel times. Defects that are not high impact (Category 2) including the permanent follow-up repairs are allocated to our gangs in a similar fashion, but in doing so we check our Asset Plan for up and coming road resurfacing and patching schemes. The permanent repair of potholes will not be scheduled for repair if we know we have resurfacing or patching planned in the near future.

3. Question by Councillor St Pierre to Councillor Belsey, Lead Member for Children and Families

a) How many children in East Sussex are waiting for appointments with the Occupational Therapist in July 2012?

b) What cover is in place should a therapist be away from post for more than two weeks?

c) In the school year 2011-12 what was the average waiting time for an appointment with a therapist?

Answer by Councillor Belsey

Occupational therapy to pre school and school aged children in East Sussex is provided by the Children's Integrated Therapy Service (CITS). This service is jointly commissioned by the NHS and the County Council and provided by the East Sussex Healthcare Trust. CITS also provides physiotherapy and speech and language therapy.

Prior to the creation of CITS in April 2011 occupational therapy was provided by the NHS and the County Council separately. The County Council funded occupational therapy to consider the housing adaptation and equipment needs of disabled children and also funded some individual therapy for children with statements of special educational needs to meet the shortfall in provision by the health service. This individual therapy was normally provided by therapists from the independent sector. The move to the new service has meant that both the commissioners can achieve better value for money and offer a multi-disciplinary therapy service to children 0-16/19 which is equitable across the county.

Adaptations occupational therapy

42 children are awaiting allocation to a therapist for an assessment to identify and support adaptations to their home.

Non adaptations occupational therapy

East of the county		West of the county		Total
Pre school	School aged	Pre school	School aged	
21	118	52	288	
Total East 139		Total West 340		479

Prior to April 2011 the NHS offered an extremely limited occupational therapy service for school aged children. In the west of the county there was no service available. The new CITS service structure has removed this anomaly and includes an equitable occupational therapy offer.

However, since April 2011 and most particularly since September 2011 the occupational therapy team has experienced a high number of staff vacancies and these reached a peak of 64% in November 2011. This was due in part to staff movement but the largest contributing factor was the delay in achieving formal authorisation from the health provider trust for these posts to be advertised and filled. Whilst 85% of the vacant posts have been recruited, many of the new postholders have not yet joined the service although all should be in place by September 2012. It has taken an extensive period of

time for staff clearances and checks to be completed by the health provider trust.

The County Council has expressed to the East Sussex Healthcare Trust (the health provider trust), its serious concerns about the delays in appointing staff to the new jointly commissioned service. These delays have had a clear detrimental impact on the provision of occupational therapy to children in the county. The critical staffing levels have forced CITS to delay the implementation of the planned waiting list management programme which has been developed to address the substantial waiting list for appointments that were inherited from the NHS.

All the children on the current waiting list have been clinically assessed (on the basis of the referral information received) as requiring the lowest level of therapy intervention to meet their needs. The waiting list management programme will focus on managing the needs of these children through working in partnership with universal services, including schools, to improve the skills of staff to provide a range of universal therapy programmes to meet these children's needs. Pre school children will be invited for an assessment screening which will operate throughout the school summer holiday. The waiting list management programme is seeking to ensure that all children will have been assessed by an occupational therapist by the end of March 2013.

b) The service is able to cover maternity leave and long term sickness (over 6 months) but has no funds to provide cover for shorter periods of sickness absence. However, it has been difficult to appoint suitably qualified staff on short term contracts. Cover is therefore mostly achieved through the use of agency staff.

If a child has therapy included as part of the provision set out in a statement of special educational needs, this input is provided by another member of the team in the absence of their allocated therapist. The caseload for the therapist who steps in at this point is prioritised to ensure that standards of delivery are met. Clinically urgent cases are also prioritised and allocated to another member of staff to be seen within 2-6 weeks.

c) The data is available for the financial year 2011-12 and over that period there were 339 new referrals who were allocated and assessed by an occupational therapist. The average waiting time for these children was 18 weeks ranging from 4 days to 56 weeks.

4. Question by Councillor St Pierre to Councillor Belsey, Lead Member for Children and Families

What has been the average waiting period for a child applying for a statement of special educational needs and the child a) being seen or reviewed by the appropriate professional and b) receiving, if appropriate, the statement and concomitant school funding in the school year 2011-12?

Answer by Councillor Belsey

The process of the statutory assessment and issuing statements of special educational need is governed by the SEN Code of Practice. The regulations set out timescales for the process and East Sussex has a good record of achieving these.

The timescale is set out below:

Timescale	Action	Time from start of process
6 weeks	LAs must tell parents whether they will undertake a statutory assessment	6 weeks
10 weeks	The assessment period	16 weeks
2 weeks	LA must tell parents whether it will issue a statement	18 weeks
8 weeks	LA must receive comments from parents and issue final statement	26 weeks

Between 1 September 2011 until 13 July 2012 220 final statements of special educational needs have been issued through the above process. The average time taken from the first contact to the issue of the final statement was 162 days which is just over 23 weeks.

In 2010-11 East Sussex issued 91% of statements within the 26 week deadline. This is above the national and regional south east average of 88%. East Sussex maintained this level in 2011-12. National comparison data is not available until October 2012.

The statutory assessment process requires that the council is provided with information from the child's educational setting, an educational psychologist, the designated medical officer, any additional health or educational professional who is involved with the child as well as from the child's parents and the child or young person him or herself. The assessment process therefore requires input from a variety of professionals. Therefore I have provided data on the average time it takes for the assessment process to be agreed and completed to end point of the decision whether or not to issue a statement.

In the current academic year 224 assessment requests have reached the point where the assessment was complete and it was time to decide whether or not to issue a statement. The average time taken for these 224 requests to reach this point was 105 days (15 weeks) which is below the statutory deadline of 16 weeks. In 2011/12 86% of proposed statements were issued in East Sussex within the 18 week timescale.

Councillor St Pierre will be aware that East Sussex is participating in the regional Pathfinder testing out the reforms to the special educational needs system set out in the Green Paper: Support and Aspiration. The government

has announced in the recent Queen's speech that it is intending to put forward legislation in the current parliamentary session which will build on the work of the pathfinders. These reforms have been strongly influenced by proposals made the South East Seven Partnership and will provide for a single assessment and Education, Health and Care Plan for children and young people with special educational needs and disabilities. I welcome this initiative which I believe will lead to a much improved assessment and planning system built on the needs of each child and their family.

In relation to the part of your query about when the school will receive funding it is important to be aware that school funding is being revised nationally in April 2013 and the East Sussex approach to providing funds to schools to support children with special educational needs will change to reflect this.

Under the current financial arrangements, counts of statements are undertaken three times a year (September, January and April). Eligibility for funding accrues from the date the statement was first made; with cash funding transferred to the school in the following financial year.

Where children with a statement are on roll of a school in January of each year, the school receives the full statement band funding for the coming financial year at the start of the financial year. Adjustments for new statements, new pupils and leavers are made to schools' funding each year on the basis of the statement counts which have taken place through the previous financial year.

Special schools and special facilities within mainstream schools are currently funded by places and this funding is provided at the start of the financial year.

5. Question by Councillor St Pierre to Councillor Belsey, Lead Member for Children and Families

How many children were referred to CAMHS this school year? What was the average waiting time before they were seen by an appropriate professional?

Answer by Councillor Belsey

CAMHS services are delivered through Sussex Partnership Foundation Trust.

For 2011/12 CAMHS received 3,119 referrals for East Sussex Children of which 2,432 were accepted for assessment. All of the accepted referrals were seen within 4 weeks of referral.

6. Question by Councillor Sparks to Councillor Glazier, Lead Member for Community and Resources

Can you please advise the number of staff that have left the County Council during the past 5 years and have subsequently been re-engaged as consultants, employees or through agencies such as Comensura with separate figures for the 3 categories.

Answer by Councillor Glazier

Over the past 5 years 13,698 employees have left the employment of the County Council. There is no system in place to track the re-employment of these employees as it is legal, and common place, for employees to leave and be re-employed with the Council.

Over the past three years (1 April 2009 and 31 March 2012) robust processes have been established in relation to the re-engagement of employees who have left the employment of the Council on the grounds of redundancy. During this period 8,512 employees left the employment of the Council of which 760 were made redundant.

Of the 760 employees who were made redundant:

- 2 were re-engaged as consultants on an ad hoc basis
- 103 were re-engaged as employees
- 8 were re-engaged through agencies on an ad hoc basis

90% (93) of the 103 people re-employed following redundancy, were re-hired into a role that wouldn't have been considered a potential redeployment due to the difference in salary or requirements of the role. 71 started new roles that were graded lower than their original posts. 10 were re-hired into posts with comparable salaries. It should be noted that employees who are made redundant are not prevented from applying for vacant posts that are subsequently advertised provided that our Equal Opportunities policies and procedures have been adhered to. In these circumstances the Redundancy Modification Order is followed, which states:

"If an employee who is under notice of redundancy receives an offer of a job from another Modification Order body before the termination of his or her employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes."

To give specific examples of what the data is describing - in 2010/11, five employees who had previously been made redundant were rehired on a permanent basis. Of the five, four were to lower salaries and one to a comparable salary. Two were teachers moving into non-teaching roles, one was a teacher who moved schools, and two moved from corporate departments into schools based posts. In 2009/10, only one employee who had been made redundant started a new permanent post at a higher grade, and they simply moved from one school to a new post in another.

In some circumstances re-engaging previously redundant employees as consultants can be linked to accessing specialist skills or experience in a more cost effective way. For example, the service may not require the skills full time and therefore it is more cost effective to go to the market when the skills are needed. In these circumstances we go through the established process with Comensura. Some former employees are in the temporary employment market.

Our approach and performance regarding agency staff has been the subject of report to the Scrutiny Committee for Audit, Best Value and Community Services on the 1 June 2012. It should be noted that in relation to employees returning as consultants there are some challenges in measuring the data when a consultant is procured through a company rather than as an individual. This is because relating that company back to an individual former employee is not always possible. The data covers the period between 1 April 2009 and 31 March 2012 for which the agency element can be provided by Comensura. Prior to this date obtaining this kind of data was not possible.