

WRITTEN QUESTIONS PURSUANT TO STANDING ORDER 44

1. Question by Councillor Ungar to the Lead Member for Adult Social Care and Health

The County Council contracts Community Pharmacies to provide certain services under its public health remit. It is a small part of the income of a pharmacy but the services are important.

Currently they have been providing Smoking Cessation, Chlamydia testing, condom distribution to young people, supervised consumption of medicines by those in drug misuse treatment programmes and emergency contraception. They are all done on an annual contract and SLA for each financial year. The old ones expired at 31 March and the new ones, as of 21 April, have still not been issued. I understand Pharmacies have continued providing services in April in anticipation that the contracts will be issued and will be at least similar, but I have been told there is a growing sense of unease that the delay may be caused by an intention to reduce the scope of the services or the payments made (which are already arguably less than the cost of delivering the services in some cases).

- a) Have any Community Pharmacies stopped providing the aforementioned services because the new contracts have not been issued?
- b) What is the explanation as to why the Contracts have not been issued or are being issued late?
- c) If not yet issued will the contracts be issued, and if so by what date?
- d) Will there be a reduction in the scope of the services and/or the payments made to provide these services?
- e) If there is to be a reduction in Community Pharmacy services, as currently provided under last year's contract, what services will be affected? If there is to be a reduction in the funding of these services by the County Council what services will be affected?
- f) Will the County Council pay Community Pharmacies for the services that they have provided so far this year (from the end of the last contract) under the terms of the old contract?

Answer by the Lead Member for Adult Social Care and Health

Smoking Cessation, Chlamydia testing, condom distribution to young people, supervised consumption of medicines by those in drug misuse treatment programmes and Emergency Hormonal Contraception are all services that fall under the Public Health Local Service Agreements (PHLSAs). We greatly value the services that Community Pharmacies deliver as part of the Public Health remit.

Usually the contracts for these services run from April of each year until March the following year. Pharmacies were notified in March that there would be a delay in issuing the new contracts.

a) We advised Pharmacies on 27 March that we would roll forward our current (2017/18) PHLSA contracts. We advised that Pharmacies could continue to provide services and claim in the usual way or to notify us if they wished to cease delivery of a service. We have not received any notifications of an intention to cease delivery of a PHLSA.

b) The delay in issuing the PHLSAs resulted from the additional work required to ensure compliance with best practice guidance, particularly the implications of General Data Protection Regulations (GDPR), due to come into force on 25 May 2018, on our PHLSA contracts and approach.

c) An e-mail was sent to pharmacies on 4 May advising of the new contract sign up arrangements. Pharmacies have been asked to respond by 15 June in order to claim for services from 1 July 2018 to 31 March 2019. Pharmacies will continue to be paid for claims against 2017/18 PHLSAs until the end of June. Claims from 1 July will only be paid to pharmacies where sign up is in place for 2018/19.

d) An additional clause was added to the overarching contract to cover the new requirements of GDPR. Other than some wording amendments to improve clarity no changes have been made to the existing contracts. A new addendum to the Smoking Cessation service has been introduced which allows pharmacists to dispense Varenline (trade name Chantix and Champix). This is a prescription medication used to treat nicotine addiction. It both reduces cravings for and decreases the pleasurable effects of cigarettes and other tobacco products. This addition will make it easier for pharmacies to provide stop smoking services by enabling direct supply of this prescription only medicine, rather than referring to a patients' GP.

e) No reduction is planned to community pharmacy services, with expansion being planned. For example, in commissioning our Integrated Lifestyle Service (ILS) we included an enhanced role for this specialist provider to support community pharmacies to deliver PHLSAs, including helping to increase the number of pharmacies providing key services, such as smoking cessation. We also agreed that our ILS provider could sub-contract provision of some NHS Health Checks to community pharmacies to increase reach to people most at risk of health inequalities.

In addition, work to implement the Healthy Living Pharmacy (HLP) programme is well underway. The HLP is a tiered framework aimed at achieving consistent delivery of a broad range of health improvement interventions through community pharmacies to improve the health and wellbeing of the local population and help to reduce health inequalities. In East Sussex, the programme is being developed in partnership by Public Health and local CCGs. Our Quarter 4 monitoring cites the success of the HLP programme. In 2017/18, 104 of the 108 (96%) community pharmacies were successfully accredited as HLP Level 1, one of the highest rates nationally.

The Portfolio Plan 2018/19 sets out an intention to roll out HLP Level 2 to support pharmacies in priority areas to deliver an enhanced health improvement offer. During 2018/19 we also intend to work with our service providers to review our PHLSA services to ensure that PHLSAs continue to support pharmacies and GPs to offer high quality interventions which meet the needs of local people.

f) All pharmacies are paid monthly following an activity return. This will continue without interruption.

2. Question by Councillor Ungar to the Lead Member for Adult Social Care and Health

It is reported that NHS England wants CCGs to make £855 million of savings on Continuing Health Care projected budgets by 2021. It is further reported that in 2015-16, the number of people that received, or were assessed as eligible for, funding ranged from 28 to 356 people per 50,000 population.

During the last 4 years:

- In East Sussex how many people per 50,000 received, or were assessed as eligible for Continuing Health Care?
- How many people who were receiving Continuing Health Care later had their Continuing Health Care funding cancelled?
- Of these how many then became the responsibility of the County Council to Fund their care and at what cost?
- How many later had their continuing Health Care reinstated?

Answer by the Lead Member for Adult Social Care and Health

Continuing Health Care is an NHS responsibility and the County Council does not hold data on how many people in East Sussex per 50,000 received, or were assessed as eligible for Continuing Health Care. The Clinical Commissioning Groups in East Sussex have been asked to provide this information and will respond directly to Councillor Ungar. The response will also include data on how many people have seen their Continuing Health Care funding withdrawn and later re-instated.

The figures below show the number of people reviewed as no longer eligible for Continuing Health Care who were then referred to the County Council:

- 2014/2015: 46
- 2015/2016: 24
- 2016/2017: 41
- 2017/2018: 64

The current known estimated cost to the County Council is an annual £3.5m. This will however be subject to change as reviews of care and procurement arrangements may reduce this cost. Any successful appeals against the decision to withdraw Continuing Health Care funding would also see County Council costs reimbursed by the NHS.

3. Question by Councillor Shuttleworth to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

What consultation took place with East Sussex Council group Leaders prior to the launch of Music Service consultation?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs

All councillors were notified of the agenda for the Lead Member meeting in the normal way. The decision to consult on the closure of the instrumental service was made at the Lead Member meeting and the consultation will be published in June.

4. Question by Councillor Shuttleworth to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

What consultation took place with senior managers in the Music Service prior to the launch of consultation? What issues and concerns were raised by Managers in the Music Service and how have these been addressed?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs

The Head of Service was involved in discussions about options for how to make the required savings and once a way forward was identified worked with HR colleagues on the detail of the proposals. In the 2 years prior to launch, discussions took place with all members of the Music Service Senior Leadership Team (SLT) about different options for reducing the cost of the teaching workforce. The Head of Service worked on the detail of some options with HR and the SLT were updated on progress and the outcome of this work. The Senior Manager and Head of Service undertook some work looking at the different management functions required to effectively run the service, and what structures might deliver these more cost effectively. Discussion of specific structure options took place between the Head of Service, HR and the Assistant Director. It is normal practice for the relevant Head of Service and Assistant Director to draw up proposals for restructuring a service and it would not be normal for managers or staff potentially affected to be involved in the detail of this. The following issues and concerns about the structure that was proposed in the consultation document were raised:

- the removal of a teaching commitment from the Joint Area Manager role and the moving of the role from the school teachers' leadership scale to the Soulbury pay scale
- the number of staff that Joint Area Managers would be line managing
- whether there would be an impact on safeguarding at Area Music Centres
- the retention of the 1.5FTE senior management roles in favour of a flatter management structure and that the 2 senior manager positions had both originally been interim appointments
- the support for schools by the Curriculum Development Manager would be lost if the role was deleted
- the loss of the role of Curriculum Leader role and the support they provide to hourly-paid teaching staff and induction of new staff

- the loss of experienced members of the management team

Some members of the management team and a group of teaching staff put forward several alternative structures for consideration.

The issues and concerns were addressed in the following ways:

- several meetings were held with the SLT, the Curriculum Leaders and staff to discuss issues raised and answer questions

- a Frequently Asked Questions document was produced at the mid-point and end of the consultation process providing written responses to questions and issues raised

- changes were made to the proposals: a small teaching commitment was added to the Area Manager role and it was retained on the leadership scale; the Curriculum Leader roles were retained

- feedback was sought from a Joint Area Manager already in post and his staff regarding the impact of managing 2 staff teams; feedback was positive

- advice was sought from the Assistant Director of Early Help and Social Care who confirmed that safeguarding arrangements at Area Music Centres were appropriate

- HR confirmed an appropriate process had taken place to confirm the senior managers in their posts in the previous restructure

- the alternative structures were considered and detailed responses were provided as to why the structures were not considered to be as robust and / or cost effective as the proposed structure

- the AD looked in detail at the functions of the 2 senior manager roles and provided an explanation as to why they were required

- it was explained how the new structure provides for support to schools to be delivered in a different way

- it was acknowledged that there would be loss of experience within the management team with the proposal, but this would be the case with the alternatives put forward by staff

5. Question by Councillor Shuttleworth to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

What investigations have taken place to learn from best practice from other Councils to inform our approach to the long term sustainability of the Music Service ?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs

i) A group of music, culture and education experts, including the Head of Hampshire Music Service was brought together to undertake a service delivery model option analysis and develop a music education resilience strategy

ii) advice has been sought from other Heads of Service around the country and in particular the Heads of Service in the Southern Alliance of Music Services

iii) research of documents outlining different models for Music Services

iv) regular discussions with the Arts Council relationship manager

v) detailed exploration with a neighbouring music service regarding a merger option

vi) HR discussions with HR colleagues from other LAs about grading and salary structures for music service staff

6. Question by Councillor Shuttleworth to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

Why did the Council seek to remove Upper Pay Rate payments from staff knowing that it would face a challenge to the legality of such a move?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs

We were aware that it was likely it would be challenged by Trades Unions, however, it was considered to be the most equitable option for reducing the cost of the teaching workforce, legal advice indicated it would be possible and we wanted to avoid the option of closing the instrumental teaching service if possible

7. Question by Councillor Shuttleworth to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

The Department for Education have announced that it expects all arts organisations to promote the Governments social mobility agenda. How is taking away opportunities for low income families to access Music opportunities going to support this policy?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs

The Music Service has successfully negotiated with the majority of schools in the county that they utilise pupil premium funding to support access to music lessons for FSM pupils, with the Music Service providing a top up. If the instrumental service closed, the intention would be that schools would continue to welcome other providers or private teachers to deliver instrumental lessons in their schools and would continue to provide funding towards lesson fees for FSM pupils. The Music Service as lead organisation of the Hub would use some of the surplus that would be released from closure to provide a bursary scheme to provide additional assistance. The Music Service would still operate a fee remission scheme for its remaining activities such as membership of Area Music Centres and participation in summer schools. The surplus released by closure of the instrumental teaching service could also be used to provide targeted music opportunities for children and young people in challenging circumstances.

8. Question by Councillor Enever to the Lead Member for Transport and Environment

At recent events in Peacehaven, including the Lower Hodder Farm planning application meeting and consultations on the Neighbourhood Plan, many members of the public have expressed scepticism that congestion on the A259 can be solved by the provision of more bikes and buses. Does the Highway Authority have a vision for the future of this section of the A259, which might include putting pressure on Brighton & Hove City Council to improve the Rottingdean junction and/or the construction of a relief road, as suggested by our MP Lloyd Russell-Moyle?

Answer by the Lead Member for Transport and Environment

The introduction of any kind of relief road north of the A259 or a new link to the A27, which has been suggested by Lloyd Russell Moyle MP and others, would be very challenging to deliver as both would cross the protected landscape of the South Downs National Park to the north of Peacehaven and Newhaven. Therefore, this is not a practical solution – both in terms of deliverability or affordability - to addressing congestion on the A259.

Accordingly, in the context of the A259 our approach is to manage and improve the efficiency and effectiveness of the existing network as well as improving travel choices to meet existing and future travel needs arising from planned housing and employment growth in the area. The introduction of the bus lanes in 2008, with the corresponding improved frequency and quality of bus services along the corridor and significant increase in patronage on these services, forms part of that overall approach to meet existing and future demand.

The Lewes District Local Plan sets out the plans for proposed housing and its distribution within the district. The transport interventions required to support the proposed level of housing development in Lewes District, in particular in Newhaven and Peacehaven, were identified through a series of strategic transport studies undertaken by the County Council, Lewes District Council and the South Downs National Park. These tested the transport impacts of development on the local road network and influenced the levels of housing growth in Newhaven, Peacehaven and Telscombe as set out in the Local Plan Core Strategy.

A key influence on the amount of growth that can come forward is the ability of the local road network to accommodate the additional transport demands and the ability to mitigate this. The transport studies identified that the proposed development for the Newhaven and Peacehaven area was contingent on a package of transport measures including capacity improvements to the Newhaven Ring Road and the junctions of the A259 with Sutton Avenue and Telscombe Cliffs Way being delivered to increase capacity of the network.

In addition, the outcomes of the transport studies identified that a robust and co-ordinated package of enhanced bus services along the A259 and serving the residential areas in Peacehaven and Newhaven as well as improvements for pedestrians and cyclists was also required to relieve traffic congestion and support the housing growth in the area.

Over the last five years we have taken forward the outcomes of the strategic transport studies and funded a package of local transport measures which improve travel choices for journeys along the A259 to mitigate the impact of planned development in Newhaven and Peacehaven and help address the air quality issues in Newhaven. This has included:

- improvements for pedestrians and cyclists with a footway/cycleway along the A259 on the northern side of the road as well as providing improvements for cyclists at Bishopstone and along Seaford seafront which means there is a continuous route between Newhaven and Seaford;

- improved bus stop facilities including the upgrading and extending of the real time passenger information system (RTPI) on the corridor; and
- improving the interchange for buses and taxis at Newhaven Town Station;
- revenue based initiatives which encouraged travel behavioural change and promote sustainable transport funded using monies secured from the Government's Local Sustainable Transport Fund as well as the Active Access Fund; and
- Incentives within travel plans for developments in the area which encourage public transport incentives (for example free bus tickets for new residents).

To further support the delivery of the package of transport interventions identified in the strategic transport studies, we have allocated funding within our County Council Capital Programme for Local Transport Improvements from 2018/19 towards:

- the design and delivery of the improvements to the Newhaven Ring Road;
- the design and delivery of the further improvements for pedestrian, cyclists and public transport users on the A259 west of Newhaven; and
- continuing the design process for cycle improvements in Newhaven.

We will continue to develop, design and deliver local transport improvements on the A259 in accordance with the outcomes of the strategic transport studies and, subject to their availability, will seek to fund either using development contributions (s106 or Community Infrastructure Levy), monies secured through external funding bids to Government or the Local Enterprise Partnerships, or the County Council's funding allocation for local transport improvements.

In addition, following a bid from the developer of the Lower Hoddern Farm development in Peacehaven, Lewes District Council recently allocated £300,000 of its Community Infrastructure Levy monies to the A259 junction improvements at Sutton Avenue and Telscombe Cliffs Way. These improvements will now be taken forward and delivered by the Lower Hoddern Farm developer.

That said, at a recent meeting with the Peacehaven Focus Group, we have committed to undertaking a further transport study in 2019/20 which will be funded through our capital programme of local transport improvements. The study will identify the current issues and challenges on the A259 corridor, both in East Sussex and Brighton & Hove, and consider what additional transport improvements are required to address these issues and challenges now and in the future. Depending on what the study identifies, there will be potential to bid for funds to undertake any works through the anticipated Major Route Network fund.

9. Question by Councillor Stephen Shing to the Lead Member for Transport and Environment

How many claims were made to ESCC in relation to damage by potholes between April 2016 to April 2017 and April 2017 to April 2018. With that, how many of those

cases were successful against ESCC and what was the amount paid out in those 2 years?

What was the associated human resources cost to our council? Such as officer time, legal costs etc?

Answer by the Lead Member for Transport and Environment

All claims are handled by the County Council's highways contractor.

In 2016/2017:

- Total number of pothole related claims received by East Sussex was 239
- Number of pothole claims paid out was 14
- Amount paid out was £3,618.34

In 2017/2018:

- Total number of pothole related claims received by East Sussex was 345
- Number of pothole claims paid out was 4
- Amount paid out was £1,069.20

There was no associated human resources cost to the County Council as the highways contractor is paid to manage all matters relating to highways claims and insurance.

10. Question by Councillor Stephen Shing to the Lead Member for Transport and Environment

How many claims were made to ESCC about Kerbing and Grass Verge damage between April 2016 to April 2017 and April 2017 to April 2018. With that, how many of those cases were successful against ESCC and what was the amount paid out in those 2 years?

What is the associated human resources cost to our council? Such as officer time, legal costs etc?

Answer by the Lead Member for Transport and Environment

We don't keep separate records of damage caused due to kerbs/ verges, but estimate receiving no more than ten claims relating to kerbs and two claims relating to verges in the past two years.

11. Question by Councillor Ungar to the Leader and Lead Member for Strategic Management and Economic Development

Bearing in mind the chronic underfunding of Adult Social Care here in East Sussex which means that there are unacceptable cuts in Social Care Service budgets causing so much distress to East Sussex residents and those who depend on Adult Social Care funded services, will the leader of the Council answer the question below?

With reference to the £1.6 million the Council has, as a one off grant from Central Government for Adult Social Care, which has not yet been allocated, will the £1.6 million allocation be agreed by full Council or the Cabinet?

Answer by the Leader and Lead Member for Strategic Management and Economic Development

On 6 February 2018, the Secretary of State for Housing, Communities and Local Government announced an additional national allocation of £150m to support Adult Social Care for 2018/19. The allocation to East Sussex County Council was subsequently confirmed at £1,616,032. Options for how this one off funding will be used to support Adult Social Care are being considered and will be presented to Cabinet on 26 June 2018.

12. Question by Councillor Lambert to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

Proposals to cut the East Sussex Music Service have appalled thousands of residents who are protesting across the county.

The Schools Minister recently acknowledged the impact of music education and has earmarked £75 million for the government to spend in this sector. In the light of this funding, why is East Sussex County Council choosing to cut this service?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs and Disability

The £75m announced by Nick Gibb was not additional funding for music education but a confirmation of a renewal of the same level of funding, up to 2020, that is allocated to Music Education Hubs. The funding is distributed to each Hub according to a formula based on the number of school age children and a deprivation factor. East Sussex has seen small reductions to its allocation in the last 2 years.

The Music Service with its current costs, particularly the high cost of its teaching workforce, is not able to operate within the income received from the Hub and income from fees. The Director of Children's Services is not able to prioritise funding for the Music Service over other frontline services, to meet the budget shortfall. The service has been supported by County Council reserves while exploring a long-term financially sustainable solution. A proposal was presented to staff and unions in October 2017 which would have met the funding shortfall and provided some additional funding to support access to music opportunities for vulnerable children and young people. While some elements of the proposal are being implemented, unions have objected to a proposed change in terms and conditions of teaching staff and this proposal has been withdrawn, leaving a budget shortfall. Closing the instrumental service would enable the service to balance its budget and target more funding towards opportunities for vulnerable groups. This part of the service, though a significant proportion of the Music Service delivery, has been selected for possible closure, because young people would still have access to instrumental teaching through the private sector. Some of the funding released from closure could be used

to support access to lessons for those with Special Educational Needs and Disability, those on low incomes and those in rural areas.

13. Question by Councillor Lambert to the Lead Member for Education and Inclusion, Special Educational Needs and Disability

We are facing more strikes and disruption to education because of the failure to implement the recommendations of the School Teachers Pay Review Body on teachers' pay. In addition, East Sussex is a low wage, high cost of living area. For teachers, this means that staff will be attracted to other neighbouring local authorities, such as Brighton & Hove where wages are higher. Recruitment of teachers to key posts, including heads of department, is already suffering.

- a) Why is East Sussex County Council not following these recommendations in their model pay policy?
- b) What steps are they taking to encourage governors to implement the recommendations of the Pay Review Body so that teachers are properly rewarded and the education of our children protected?
- c) What further impact will this decision by the County Council have on the recruitment and retention of teachers?
- d) What risk assessment has the County Council carried out on the impact of the recruitment and retention of teachers on the wider wellbeing of pupils?

Answer by the Lead Member for Education and Inclusion, Special Educational Needs and Disability

(a) It has been stated in the press that *"the dispute is over the failure of East Sussex to ask schools that the newer and lower paid teachers get a 2 per cent pay rise as recommended by the National School Teachers' Pay Review Body (STRB)"*. To the best of our knowledge, we are not aware that the STRB have made this recommendation and we have asked a representative of the National Education Union (NEU) to refer us to where this is set out in the STRB report.

The School Teachers' Pay and Conditions Document 2017 states the following based on the recommendations of the 27th Report of the School Teachers' Pay and Review Body (STRB):

a 2 % uplift has been applied to the statutory minimum and maximum of the main pay range, a 1 % uplift has been applied to the minima and maxima of all other pay ranges in the national framework (including headteacher groups) and all allowances across all pay ranges. Except for teachers and leaders on the minima of their respective ranges or group range, schools must determine, in accordance with their own pay policy, how to take account of the uplift to the national framework in making individual pay decisions.

The Model Pay Policy for East Sussex exceeds the recommendations outlined by the STRB and the STPCD. In particular, the nominal reference points for all pay ranges and allowances, which the Council and schools have chosen to retain, despite these no longer being published in the School Teachers' Pay and Conditions Document (STPCD), have been uplifted by 1 % other than MPR 1 and MPR 6 (b) which have been uplifted by 2%.

We have shared our correspondence on this matter with Brendan Ryan, Schools HR Manager for the London Borough of Wandsworth who is also the Industrial Relations Advisor for the Department for Education (DfE) and he has endorsed our challenge to the information published by NEU.

(b) The Model Pay Policy was issued to all governing bodies for East Sussex maintained schools in October 2017, following the conclusion of the consultation process with the Council, Headteachers and local regional representatives of the trade unions and professional associations.

The East Sussex Model Pay Policy provides governing bodies with detailed information for determining teachers' pay for the 2017 – 18 academic year. The Policy has been developed to comply with the STRB and the STPCD, and exceeds the recommendations of both documents. Alongside the Model Pay Policy, a further guidance document is provided to governing bodies, as well as DfE statutory guidance.

Where schools request advice on the implementation of the national teachers' pay award and the performance management process for teachers where they are awarded pay progression following their successful completion of annual performance management targets, linked directly to standards of teaching, learning and pupil progress, this is provided by colleagues in our HR Advisory Team.

It is a matter for individual school governing bodies on whether, or not, to adopt the East Sussex Model Pay Policy, or to adopt a different pay policy and request that a different rate of pay, within the national framework, be applied to staff in a school. Should a Governing Body wish to apply 2 % to entire main pay range, back dated to 1 September 2017, they have been asked by HR to confirm that the request has been formally recorded in the Governing Body minutes and for their request to be processed. Governing Bodies wishing to take this approach have been advised to forecast the likely impact of the cost of this decision on the school's three year budget plan to ensure that the cost of implementing this change to the main pay range in their schools is within the means of the budget as there has been no central funding from the government to pay for this year's pay award for teachers.

(c) Schools continue to recruit teachers to vacant posts. Nationally and locally there are issues with recruitment and retention of teachers for a range of reasons. Schools can use their Pay Policy flexibly and continue to remain within the national pay framework to reward and retain existing teachers for high performance, as well as attracting high quality calibre candidates for their vacancies.

(d) Recruitment and retention of teachers is the responsibility of the Governing Body of each maintained school supported by a range of policies and procedures provided by HR. It would be a matter for the Governing Body to risk assess the

impact of the recruitment and retention of teachers on the wider wellbeing of pupils, and where necessary seek appropriate advice.