

## **Governance Services – Q1 2023/24**

### **Summary of progress on Council Priorities, issues arising, and achievements**

#### **Reconciling Policy, Performance and Resources (RPPR)**

Council considered the State of the County report in July. The report sets out the uncertainty which continues to define the context within which we are working. The challenging national economic environment continues to impact on residents and the Council. Many of our services are subject to significant national reforms, and there is still increased demand for local services. The report also outlines the broader demographic and policy context which will form the backdrop for planning for 2024/25 and beyond. The financial outlook for the Council remains unclear. We expect a further one-year financial settlement for 2024/25. It is also unlikely there will be any significant national reforms to local government funding before the next general election, which is expected in 2024. In this context, we will need to continue to take action proactively to prepare for the time ahead, to maximise our resilience as an organisation and to best manage growing demand for our services. We have refreshed the Council Plan and Portfolio Plans for 2023/24. The refreshed plans have completed outturns and some changes to the performance measures and targets. The updated plans are available on our website.

#### **Transport for the South East (TfSE)**

TfSE have published a Strategic Investment Plan (SIP). The plan was published alongside a summary version, an accompanying press release and social media posts. The plan forecasts a total capital cost of over £45 billion over 27 years and includes nearly 300 interventions that once implemented could generate 21,000 new jobs, £4 billion of extra annual economic growth, 1.4 mega tonnes less CO2 equivalent emitted, 500,000 more rail trips a day, 1.5 million more trips taken by bus, mass transit and ferry, and take roughly 4 million car trips a day off the south east's roads. We have developed thirty factsheets that present the 300 interventions to individual areas. These factsheets are available on the TfSE [website](#).

Following submission of the SIP to government in March 2023, Parliamentary Under Secretary of State, Richard Holden, wrote to the Chair of the Partnership Board welcoming the publication of the document. The letter also welcomes TfSE's ongoing focus on key government priorities. This letter confirms that Department for Transport officials have been instructed to give due consideration to the plan when advising Ministers on future policy and investment decisions.

Work is now underway on developing a Delivery Action Plan for the SIP, setting out how the interventions and schemes will progress. A 'State of the Region' report will be published later in 2023. The report will set out a baseline position for the region on a number of economic, social and environmental indicators.

The TfSE Partnership Board approved our Business Plan for 2023/24 in March, setting out the work plan for the next 12 months. This work includes the development of an analytical framework, a regional active travel strategy and a refresh of the evidence base for the transport strategy. Work will also start on a Regional Centre of Excellence which will support local transport authorities in the delivery and implementation of their local transport plans.

In June we published our regional Electric Vehicle Charging Infrastructure (EVCI) Strategy and an accompanying Action Plan. The strategy sets out steps to provide sufficient charging points as drivers switch to the use of electric vehicles. The strategy forecasts that up to 28,500 charge points are needed across the TfSE area by 2030.

We have also commissioned an 'EVCI Locate' tool, a web-based application that aims to support local transport authorities with the future rollout of EV charging infrastructure within their respective areas. We will begin introducing local transport authorities to the tool in Q2.

TfSE have recently commissioned City Science Corporation Ltd to lead the development of a Regional Active Travel Strategy. Work commenced in June 2023 and will conclude in June 2024.

## **Corporate Lobbying**

During Q1, the Leader took opportunities to meet with local MPs. They discussed the latest priorities for the Council and residents including on local authority funding and highway conditions. The Leader also co-signed a letter, with other county council Leaders in the region, to the Prime Minister. The letter raised the significant under-funding for highways maintenance. It also called for greater oversight of the work of utilities companies on the roads. Further engagement with the Minister for Roads is expected as a result of this correspondence.

We continued to draw on broader partnerships and networks to lobby on current priorities. The Leader continues to represent the Council on the County Councils Network Executive as spokesperson for Children's Services. The Chief Executive continues to be involved in national policy development as representative for the South East region on a national grouping of local authority Chief Executives. In Q1 this included discussions with Government officials on the development of the Office for Local Government (Oflog). Other Chief Officers continue to influence service specific national policy developments through national professional associations and networks and responses to specific Government consultations.

## **Supporting democracy**

During Q1 we supported 39 meetings including: one County Council meeting; two Cabinet meetings; 14 Lead Member meetings; 13 Scrutiny Committees and Review Boards and nine other committees and panels. The webcasts of meetings were viewed 1,327 times in Q1. The most viewed meeting was the Council meeting on 9 May 2023, which received 222 views.

In Q1 the Member Training and Development programme continued to deliver a range of courses in support of Members and the roles they hold. Courses delivered included sessions on the fiduciary duties of the Council, the latest 2021 Census results and a practical workshop on getting the most out of Microsoft Outlook. To help make participation as easy as possible for Members, most training sessions continue to be delivered remotely with resources, such as slides from training sessions, being saved to the Councillors' area of the intranet for future reference. The Member Reference Group also met on 28 June and discussed a range of issues including, for example, the outcomes of the Member training survey conducted in Q4 2022/23.

The Council's scrutiny committees continued to progress their active work programmes during Q1, using a variety of approaches to ensure timely scrutiny input on a range of issues. A scrutiny review of procurement and buying local was reported to Cabinet and County Council, with actions agreed in response to recommendations made by the Place Scrutiny Committee. The committee also started work on a scrutiny review of pothole management and continued to provide scrutiny input into the development of the updated Local Transport Plan. Reference Groups of the People Scrutiny Committee reviewed the draft Shared Delivery Plan (SDP) for the Sussex Integrated Care Strategy and considered progress in developing preventative approaches in Children's Services. The committee also progressed two scrutiny reviews which are due to report later in the year. The Health Overview and Scrutiny Committee met in June 2023 to consider update reports on the Child and Adolescent Mental Health Service, hospital handovers and the NHS Sussex Winter Plan.

The Health and Wellbeing Board met on 27 June 2023 to consider a report on the draft SDP for the Sussex Integrated Care Strategy ahead of its submission to NHS England. The Board endorsed the draft SDP and confirmed that it aligned with priorities contained in the East Sussex Health and Wellbeing Strategy. The Board also received reports on the East Sussex Better Care Fund plans for 2023-2025; a Memorandum of Understanding between Public Health and planning authorities in East Sussex; and an update on pharmacy closures in East Sussex.

Q1 also saw the start of the busiest time of year for school admission appeals, when cases relating to the September school intake are heard by Independent Appeal Panels. During Q1, we received 145 appeals, and conducted 19 virtual appeal hearings, six of which took place over multiple days. Of the 145 appeals, six were successful, 39 were dismissed by an Independent

Appeal Panel, a further 64 were either withdrawn by the families or were not needed because a place became available at a preferred school before the hearing, and the remaining 36 are due to be heard during Q2.

### **Legal Services**

During Q1 2023/24, Legal Services assisted Trading Standards to obtain a confiscation order following previous successful convictions against a fraudulent trader for possession for sale of counterfeit tobacco and alcohol. The Service further assisted Trading Standards to secure a successful conviction for fraudulent use of a disabled parking blue badge.

During Q1, the Service advised in relation to 67 Court of Protection cases and 24 matters involving safeguarding vulnerable adults (compared to 61 and 15 in Q4 2022/23) and 79 Deprivation of Liberty Safeguards applications in the Court of Protection (compared to 67 in Q4 2022/23).

In Q1 2023/2024, the Service continued to work closely with Children's Services, providing advice and representation, including in pre-proceedings and court applications for care proceedings. Our priority is to keep children within their family when it is safe to do so, and for public law applications to be a necessary and proportionate response to achieve the best outcome for the child. In Q1 the Service advised in relation to 47 families in pre-proceedings compared to 48 in Q4 2022/23. In Q1 the Service applied for care proceedings in respect of 16 families compared to 14 in Q4 2022/23. At the end of Q1, there were a total of 62 ongoing care proceedings compared to 68 proceedings in Q4 2022/2023. In Q1, the Service concluded 22 care proceedings compared to 18 in Q4 2022/23. In Q1 concluded proceedings took on average 54 weeks per child compared to 53 in Q4 2022/23, However, a number of long running care proceedings which were impacting on this average duration were completed in Q1. In Q1 the Service also advised and represented Children's Services in relation to 30 other matters, including, applications for adoption orders and discharge of care and placement orders, compared to 31 in Q4 2022/23.

During Q1, the Service completed agreements to secure financial contributions to the Council of £256,981, together with the delivery of additions and improvements to the highway network across the county. The Service advised on 41 new property matters in Q1 compared to 38 in Q4 2022/23. In Q1 the Service also advised on 62 new contracts and procurement instructions (compared to 78 in Q4 2022/23). During Q1, the Service assisted Income Recovery in securing the recovery and repayment of debts totalling £115,578.

### **Coroner Services**

During Q1, 571 deaths were reported to the Coroner, averaging 190 deaths per month. Although this is lower than the Q4 2022/23 average monthly figure of 209 reported deaths, the number of deaths reported to the Coroner has steadily increased from a monthly average of 173 in 2021/22. In Q1, 50% of deaths reported went to post mortem compared to 47% of deaths reported in Q4 2022/23 and compared to 42% of deaths reported overall in 2021/22 and 2022/23. Of the 571 deaths reported in Q1, 90 went to inquest compared to 84 in Q4 of 2022/23. In Q1, 57 inquests were closed compared to 115 in Q4 2022/23.

### **Regulation of Investigatory Powers Act (RIPA)**

There were no RIPA applications, reviews or renewals during Q1.

### **Local Government Ombudsman complaints**

The Ombudsman issued 15 decisions in Q1. Six cases were closed before a full investigation for a variety of reasons. These reasons included insufficient evidence of fault, complaints being out of the Ombudsman's jurisdiction, an appropriate remedy had already been applied and because the complaint had not been through our internal complaint processes. Of the nine cases fully investigated, six cases related to Adult Social Care (ASC) and three to Children's Services (CS). Eight of the cases investigated were closed with the complaint partly or fully upheld as follows:

ASC – The client complained that the Council did not provide the support to maintain her garden and support with correspondence as it said it would, which affected her mental and physical health. The Ombudsman found fault with the Council for not providing the support the client needed. However, the Ombudsman could not say for certain the client would have engaged with the support if the Council had provided it, and therefore no injustice was found. There were no formal recommendations. However, the Council has offered to support the client in the future when she is able to engage with this.

ASC – The client complained about the Council's failure to carry out a proper safeguarding enquiry and about neglect she suffered, while living in a supported living unit arranged by the Council. The Ombudsman found the Council to be at fault as the safeguarding enquiry was inadequate, furthermore the Council failed to properly remedy the significant distress and uncertainty suffered by the client and her father. The Council has agreed to apologise in writing to the client and her father and to pay them £1,000 and £250 respectively. The Council also agreed to provide the Ombudsman with a short report, setting out the service improvements that have now taken place as a result of the investigation report completed in February 2022, and on the issues raised in the Ombudsman's decision statement.

ASC – The client's mother complained on behalf of her adult son about the quality of care he received at a care home and the quality of communication relating to safeguarding enquiries. East Sussex County Council commissioned the care and Kent County Council carried out safeguarding enquiries into allegations of abuse and neglect by the home. The Ombudsman found fault in the care provided to the son and poor communication relating to the safeguarding enquiries into the care. Both councils have agreed to take the following actions:

- apologise in writing to the client's mother for the fault
- pay the client's mother £300 (£150 from each council)
- remind relevant staff of the importance of keeping the adult, who is the subject of a safeguarding enquiry, at the centre of the enquiry

In addition, East Sussex Council will:

- pay the son £1,000
- pay the client's mother £500

ASC – The client's daughter complained on behalf of her father about care assessments and financial assessments the Council carried out, specifically that:

- the care assessments were poor and inaccurate
- there were delays in completing a financial assessment
- the Council continued to send invoices and correspondence to the father, despite assuring the client's daughter it would not

The Ombudsman found fault with the Council for failing accurately to complete a care assessment for the father and for continuing to send him invoices. The Ombudsman recommended and the Council has agreed to provide the client's daughter and her father with a written apology for the faults identified and pay them each £100 to recognise the distress caused.

ASC – The client's daughter complained that the Council delayed in assessing her father's needs, and when it did, the assessment did not accurately reflect them. She said the proposed support was not sufficient and the Council failed to put that support in place. She said the failure to provide the support he needed meant his quality of life was significantly affected and she believed it would have hastened his death. The Ombudsman found fault with the Council because there were delays to completing the assessment and because the Council did not share the assessment with the client's daughter. The Ombudsman considered that had it done so, the client's daughter would have challenged some of the statements, in particular the difficulties her father experienced with

the oxygen equipment. The Ombudsman also found fault with the Council because it was unable to arrange any care before the father went into hospital as the 13 agencies it contacted did not have capacity. The Ombudsman recommended and the Council has agreed to apologise and pay the client's daughter £500 within one month of the final decision being issued.

CS – The client's mother complained that the Council failed to provide the Speech and Language Therapy (SALT) provision for her daughter per her Education, Health and Care Plan (EHCP); and that her daughter has been unable to access full time nursery provision per her EHCP. The Ombudsman found that Council failed to secure the provision per the EHCP, causing both an injustice. The Ombudsman recommended and the Council has agreed to pay the client's mother £2,075 as a symbolic payment to acknowledge the loss of educational provision that the Council should have secured, and the impact this has had on her daughter. The Council has also agreed to explain what it will do to ensure, where it commissions other organisations to make provision, sufficient processes are in place to reduce the risk of provision not being delivered.

CS – The client's mother complained that the Council did not backdate the award of travel assistance, when her son started at the school he now attends. She says this caused her financial hardship as she had the cost of driving him to school every day. The Ombudsman found fault because, whilst the appeal did result in the Council granting transport, it did not backdate the award and there was no clear explanation of that part of the decision. The Ombudsman recommended and the Council has agreed for the Discretionary Transport Appeal Panel to reconsider whether the award should be backdated.

CS – The client's mother complained that the Council, in deciding her son's application for school transport, failed to follow the guidance and its own policy or to consider the individual circumstances of the case. The Ombudsman found fault because the Council's policy makes clear that the school named in Section I of the EHCP is the nearest suitable school. As only one school was named, the Council should have accepted this was the nearest suitable school. It was unnecessary for the Panel to consider this point again.

The Council's decision to provide a bus and then a train pass for the son was also at fault, because the client's mother had already provided all the necessary information for the Council to decide that her son should be eligible for a taxi. The Council has agreed to pay the client's mother £200 and issue the following guidance to all staff involved with deciding transport applications:

- that when a child has an EHCP naming one school in Section I, the Council should treat it as the nearest suitable school for that child's needs, without any further consideration of the other options
- to ensure they consider all information provided about the child, before reaching a view on the most appropriate transport and not be guided solely by the type of school placement named on an EHCP

### **Web activity**

The main council website had almost 1.5 million page views during Q1, and the intranet had over 1.7 million page views. Customer satisfaction on the website was 68%.

We have a project to move some of the Council's semi-independent websites, known as 'microsites' on to the Council's corporate website infrastructure to reduce costs and improve security and stability. The first of these microsites to be moved into the East Sussex County Council web estate was successfully launched in Q1.

### **Media and information work**

There were 393 media stories about the Council in Q1. The press office issued 28 press releases, generating 98 stories. 89 media enquiries were handled.



