

Report to: Governance Committee

Date of meeting: 28 November 2023

By: Assistant Chief Executive

Title: Scrutiny Activity Update

Purpose: To provide an overview of scrutiny activity being undertaken by the People, Place and Health Overview Scrutiny Committees and an update on the work of the Audit Committee.

RECOMMENDATIONS: The committee is recommended to note the updates on scrutiny and Audit Committee activity and the current work programmes at appendices 1-4.

1 Background

1.1 These six-monthly reports aim to provide the Governance Committee with a summary of activity across the People, Place and Health Overview Scrutiny Committees and the work of the Audit Committee to support the visibility and effectiveness of the Council's scrutiny activity.

1.2 This report outlines developments since the last update in June 2023, particularly from the committee meetings held in late June/July and September 2023. The current work programmes for the committees are attached at appendices 1-4. An overview of planned Scrutiny Review and Reference Group activity over the coming months across the three scrutiny committees is attached at appendix 5.

1.3 All committees continue to develop their scrutiny practice and to deepen their understanding of the context for services and issues within their remit. Health Overview and Scrutiny Committee (HOSC) members participated in a successful joint training session with members of Brighton & Hove and West Sussex HOSCs in July. The session focused on the new Integrated Care System arrangements in Sussex, the opportunities and challenges this presented for health scrutiny, and how Sussex HOSCs could work together on issues of common interest. Members of People and Place Scrutiny have requested that further scrutiny training is delivered primarily through 'bite-sized' sessions, held alongside existing meetings where possible, and topics for these sessions are being explored with the committees. Initial bite-sized sessions on questioning skills were arranged as part of committee awaydays held in September and October, although on the day Place Members chose to defer the session which will be delivered at a later date. Audit Committee also continues to participate in a programme of ongoing training, including a session on Treasury Management ahead of the Audit Committee meeting on 24 November, also open for non-Audit Committee Members to attend remotely, or view at a later date online.

1.4 Following the recent by-elections, the composition of People and Place Scrutiny committees was amended by full Council in October to reflect the new political make-up and a new Member appointed to each committee. New committee members have been offered an induction to support them in taking up their role. Also in October, Council resolved to amend the size and composition of the Audit Committee to include two independent members in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Position Statement on Audit Committees 2022. The independent co-opted members will be appointed by the Governance Committee in due course under delegated authority.

2 People Scrutiny Committee

2.1 The latest version of the committee's work programme (attached at appendix 1) captures the full range of activity underway or planned. Key elements are outlined below.

Committee meetings and awayday

2.2 The committee met on 17 July 2023 to consider:

- **The implementation of the Schools White Paper** – the committee received an update on the Schools Bill, elements of which the Department for Education was still progressing despite the Bill having been withdrawn from parliament. These included legislation on a register for children not in school, attendance duties and ambitions for academisation. The committee discussed academisation, the disparity between increasing need and fewer resources, attendance figures, and Elective Home Education figures in East Sussex.
- **Reconciling Policy, Performance and Resources (RPPR)** – the committee considered relevant parts of the quarter 4 (end of year) 2022/23 monitoring report and the 2023 State of the County report which together provided an overview of performance achievements and challenges, and forthcoming developments, for the services within the committee's remit. The Committee was able to ensure that key areas of interest were reflected in its work programme and identify areas for further consideration at the awayday in October. Members also established an RPPR Board to consider draft Portfolio Plans and the developing Medium Term Financial Plan later in the year.
- **Adult Social Care and Health (ASCH) Equality and Inclusion Scrutiny Review Report** – the committee received the final report from the Review Board. The committee welcomed the report, discussed the identification of seldom-heard groups and requested that care leavers also be considered in this work.
- **Use of Digital and Technology in ASCH Scrutiny Review Progress Report** – the committee received a six month progress report on the implementation of recommendations made by this review. The committee sought assurance on the risks of using digital financial assessments.
- **Work programme update** – the committee considered feedback from scrutiny activity undertaken since the March committee, including updates from the Prevention in Children's Services and Health and Social Care Integration Reference Groups, and agreed updates to the work programme.

2.3 In September 2023 the committee met to consider:

- **East Sussex Safeguarding Children Partnership Annual Report 2022-23** – the committee received a report from the Independent Chair on the work of the Partnership. The committee asked questions about whole family support, young people in custody, the number of children accessing mental health support, the support offered to children transitioning into adult services and the impact of potential legislative changes to make education a strategic partner in the group.
- **RPPR update** – the committee considered an update on developments expected through the autumn which would feed into the RPPR process, including the current pressures on the Children's Services Department (CSD), and further opportunities for scrutiny input.
- **East Sussex Safeguarding Adults Board Annual Report 2022-2023** – the committee received an annual update on the work of the East Sussex Safeguarding Adults Board and asked questions about the implications of the Mental Capacity Act being implemented, the risks of fraud with the increase in digital provision, the incidents of abuse in private care homes and the age at which the department would start looking at the transition of care.
- **Annual Review of Safer Communities** – the committee received an annual update on the work and performance of the East Sussex Safer Communities Partnership and asked questions on issues including work to address anti-social behaviour, the positive outcomes of the Habitual Knife Carriers Programme and other opportunities for similar investment and the response to the increase in gender hate crime.
- **Work programme update** – the committee considered feedback from scrutiny activity undertaken since the July committee and agreed to review the work programme in more detail at the awayday.

2.4 In early October the committee held its annual work planning **awayday** which provided an opportunity to consider current and forthcoming challenges for the services within the committee's remit and areas Members wished to prioritise for further scrutiny. This followed on from consideration of the State of the County report in July. Committee members discussed and asked Directors questions about: the new Care Quality Commission (CQC) assurance inspections and Local Government Association (LGA) Peer Review of the ASCH department; an update to the Support with Confidence scheme; national and local strategies for suicide prevention; workforce challenges, transition between accessing CSD and ASCH services; aspects of community safety that cut across People and Place agendas; and youth services provision. The committee agreed to establish a short-term Reference Group to contribute to the work of the ASCH Department in preparing for the upcoming peer review and CQC inspection. The committee agreed to explore the provision of youth services through the Prevention in Children's Services Reference Group. The committee requested briefings on the transition between CSD and ASCH services, suicide prevention, and CSD's work with IMPOWER consultants to review and develop cost effective and outcome focused children's care arrangements, including the long term role of foster carers in the county.

2.5 Further committee agenda items in November 2023 and beyond include:

- An update on ESCC's work on Elective Home Education and national policy developments in this area.
- Further work on the 2023/24 RPPR process.
- Special educational needs and disability (SEND) pressures.
- An update on work to address loneliness and resilience.

Reference Groups and Briefings

2.6 People Scrutiny Reference Groups continued their work to provide Member input to areas of work being led by departments:

- **Health and Social Care Integration Programme** Reference Group (membership: Councillors Clark, di Cara, Geary (Chair), Ungar and Webb). This group meets as required to review the latest developments in local health and social care integration. The Group met in June 2023 to review the Sussex Integrated Care Shared Delivery Plan.
- **Prevention in Children's Services** Reference Group (membership: Councillors Adeniji, Howell (Chair), Field and John Hayling (Parent Governor Representative)). This group provides the committee with an opportunity to consider work to develop preventative approaches including Family Hubs and the Family Safeguarding model, providing ongoing scrutiny challenge. The group met in June to consider the latest developments and the next meeting will take place in December.

Scrutiny Reviews

2.6 The committee's programme of Scrutiny Reviews is currently as follows:

Adult Social Care Equalities and Inclusion	<p>The committee undertook this review to consider work underway to define and engage with seldom heard groups and assess whether residents of all backgrounds know how to access and have confidence in ASCH services. The final report was agreed by the committee in July, including recommendations on community engagement, enhancing staff knowledge, developing effective and inclusive communication and services, and developing relationships with key partners. The review was reported to Cabinet in September 2023 and Council in October 2023.</p> <p>The committee will consider progress reports in approximately 6 and 12 months time.</p> <p>Review Board membership was Councillors di Cara, Geary, Ungar (Chair) and Webb.</p>
School exclusions	<p>The committee agreed to undertake a review of CSD's work to reduce the number of children and young people excluded from school. The Review Board explored whether the Council could do more to develop understanding</p>

	<p>amongst school leaders of preventative strategies, and appropriate response to pupils at risk of exclusion, and whether the Council could do more to join up early help and education services to support reduction in school exclusions.</p> <p>The review considered a range of evidence including the perspective of service managers, young people, parents, and staff at East Sussex schools. The final report was agreed by the committee in November and will be considered by Cabinet in December and Council in February 2024.</p> <p>Review Board membership is Councillors Adeniji (Chair), Field, Maples and Howell.</p>
School attendance	<p>The committee undertook scoping in 2022 for a potential review of school attendance to understand more about the drivers of school absences, the impact of absences on children and young people, the work CSD is undertaking in response, and whether there are areas where scrutiny could make recommendations for change or improvement. The Scoping Board agreed to defer proceeding with this review until 2023 when there would be a clearer understanding of the long-term impact of COVID on school absences.</p> <p>Another Scoping Board is planned for December 2023, to explore current data and issues on attendance and agree a Terms of Reference for the review. It will also take account of related issues covered in the review of exclusions.</p> <p>Review Board membership will be confirmed after the Scoping Board meeting in December.</p>

3 Place Scrutiny Committee

3.1 The committee's latest work programme (attached at appendix 2, to be confirmed by the committee in November) outlines the full range of activity underway or planned. Key elements are outlined below.

Committee meetings and awayday

3.2 The committee met on 14 July 2023 to consider reports on:

- **Rights of Way (RoW) Team** – Members received a presentation and report on the work of the RoW Team to provide the committee with an update on the current work, challenges, and future priorities of the service.
- **Library and Information Service** – The committee received an update report outlining the current service provision, progress against the Library and Information Service Strategic Commissioning Strategy, current challenges and priorities, and anticipated future developments for the service.
- **RPPR** – as with People Scrutiny, the committee considered relevant parts of the quarter 4 (end of year) 2022/23 monitoring report and the 2023 State of the County report which together provided an overview of performance achievements and challenges, and forthcoming developments, for the services within the committee's remit. The Committee was able to ensure that key areas of interest were reflected in its work programme and to identify areas for further consideration at the annual work planning awayday in September. Members also established an RPPR Board to consider draft Portfolio Plans and the developing Medium Term Financial Plan later in the year.
- **Work programme update** – the committee considered feedback from scrutiny activity undertaken since the March committee meeting and agreed the updated work programme.

3.3 The committee met again on 26 September 2023 to consider reports on:

- **Environment Act, Food Waste** – The committee received a verbal update from the Waste Team Manager on the implications for ESCC of the Environment Act requirement on food waste collection and other changes to recycling and waste collection, following a delay to national guidance. A further report will be presented to the committee covering the updated national position when it is clearer. Food waste collections will not now be introduced until 2026.
- **Electric Vehicle (EV) charging point network** – Members received a verbal update from the Electric Vehicle Infrastructure Project Manager on the electric vehicle charging infrastructure work in East Sussex. This provided the committee with the opportunity to consider the progress made to date and to identify areas that it would like covered in a future report.
- **RPPR update** – the committee considered a short update on developments expected through the autumn which would feed into the RPPR process, and further opportunities for scrutiny input.
- **Work programme update** - The committee agreed to review the work programme items at the awayday and update the work programme at the next meeting.

3.4 The committee held its annual work planning awayday on the 26 September (after the formal committee meeting) which provided an opportunity to consider current and forthcoming challenges for the services within the committee's remit and areas Members wished to prioritise for further scrutiny. Committee members discussed and asked Directors questions about: workforce issues including recruitment, retention and staff sickness (stress and wellbeing); property disposals and the future use of County Hall; the use of Artificial Intelligence technology; the Bus Service Improvement Plan (BSIP) and uptake of the Flexibus service; speed limit and road safety policies; LGA Peer Challenge and county wide climate change work; and the impact of the Procurement Bill. The committee agreed to add an update on the Procurement Act to the monitoring report for the Scrutiny Review of Procurement scheduled for the March 2024 meeting. The committee also agreed to circulate other potential scrutiny items to Members for prioritisation, with the outcome to inform further development of the work programme.

3.5 Future committee agenda items include:

- Continuation of the committee's work on the 2023/24 RPPR process.
- The final report from the Scrutiny Review of Pothole Management.
- An update report from Southern Water on the use of storm overflows and sewage discharges and plans for infrastructure investment in East Sussex to tackle this issue.
- An update on the SPACES Programme and the Community Asset Transfer policy.
- Updates on the Scrutiny Review of Procurement: Social Value and Buying Local, including the implications of the Procurement Act, and an update on actions from the Road Markings Scrutiny Review.
- A further update on the implications of the Environment Act in relation to food waste collection and recycling.

Briefings and Reference Groups

3.6 The **Climate Emergency Action Plan (CEAP)** Working Group (membership: Councillors Hilton, Hollidge, Redstone (Chair) and Tutt), reconvened to provide scrutiny input into the development of a draft carbon offsetting framework for the Council and an update of the corporate Environment Policy. The Working Group made detailed comments on both the draft carbon offset framework and the draft updated corporate Environment Policy which have been incorporated into these documents.

3.7 The **Local Transport Plan (LTP) 4** Reference Group (membership: Councillors Beaver, Collier, Hilton, Hollidge, Lunn, Redstone (chair) Stephen Shing and Tutt) has continued engagement work with officers and the Council's transport consultants Steer on the key stages of the development of the revised LTP. The Group has held meetings on 19 July and 7 September to provide input into the vision, key objectives, packages of interventions and the structure and

content of the draft LTP document. The Reference Group met again during October to consider the draft LTP document prior to the public consultation stage commencing in November.

3.8 **East Sussex Economic Growth Strategy (EGS)**. The committee has agreed to form a Reference Group to provide scrutiny input into the development of the strategy in response to the Members' request for scrutiny involvement in the development process for economic development projects, which will be guided by the strategy. The membership of the Reference Group is Councillors Collier, Hilton (Chair), Hollidge, Redstone and Tutt and the terms of reference include providing input into key stages of the revision of the EGS. The initial meeting of the Reference Group was held on 10 November 2023.

Scrutiny Reviews

3.9 The committee's current active scrutiny review is as below; further review topics are currently under consideration and will be discussed at the committee's November meeting:

<p>Scrutiny Review of Pothole Management</p>	<p>The terms of reference for the review and membership of the Review Board (Councillors Beaver, Hilton, Hollidge (Chair), Kirby-Green and Lunn) were agreed by the Place Scrutiny Committee on 28 March.</p> <p>The Review Board met on five occasions during August and September 2023 to consider evidence relating to the review. The Board has met with Balfour Beatty Living Partnerships (BBLP), the new Highways maintenance contractor, to examine their approach to defect reporting, pothole/defect repairs, quality assurance and innovation in operating the contract. The Review Board has also looked at the Council's policies and procedures for defects/pothole repairs; the asset management approach and targets for road condition; and the planned investment in highways maintenance.</p> <p>The Board will submit its report to the Place Scrutiny Committee for approval at the meeting on 23 November 2023.</p>
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4 Health Overview and Scrutiny Committee (HOSC)

4.1 Key work priorities for HOSC are set out in the attached work programme (appendix 3) with highlights below:

Committee meetings

4.2 The HOSC met on 29 June 2023 to consider reports on:

- **Hospital Handovers** – to receive an update on the hospital handover times performance, including evidence of how trusts have worked together to make a difference.
- **NHS Sussex Winter Plan** – the committee considered a further update report from NHS Sussex on how the Winter Plan had been implemented and an evaluation of the programmes within the plan.
- **South East Coast Ambulance NHS Foundation Trust (SECamb) CQC report** – to review the progress of SECamb exiting the Recovery Support Programme.
- **Child and Adolescent Mental Health Service (CAMHS)** – the committee considered an update report on CAMHS with particular emphasis on the progress with waiting times, including development of the neurodevelopmental pathway, and how long young people wait between assessment and the beginning of treatment.
- **HOSC future work programme** – the committee considered and agreed its future work programme priorities.

4.3 The committee met again on 21 September 2023 to consider:

- **Patient Transport Service** – a report from NHS Sussex on proposals to recommission the non-emergency Patient Transport Service.
- **Primary Care Networks (PCNs)** – the committee received an update report from NHS Sussex on PCN performance and services provided, including enhanced hours services.

- **East Sussex Healthcare NHS Trust (ESHT) Building for Our Future programme** – the committee received an update report on the programme, including plans for Eastbourne District General Hospital, Conquest Hospital in Hastings (including the planned car parking arrangements) and Bexhill Hospital, and other significant capital building projects.
- **HOSC future work programme** – the committee considered its future work programme priorities and requested a report for information to be circulated to the committee following reports in the national media regarding NHS staff behaviour and discrimination towards female surgeons, to understand the extent of the issue locally and actions being taken to address it.

4.4 Key future committee agenda items include:

- A report on NHS Sussex Winter Plan for 2023/24.
- An update report on hospital handovers and the CQC report on the Royal Sussex County Hospital.
- An update report on the SECamb CQC report.
- An update report on the re-commissioning of non-emergency Patient Transport Services.
- Further update reports on PCNs and access to GP services and NHS Dentistry in East Sussex.

Reference Groups and briefings

4.5 The committee will be involved in further engagement work with NHS England and other HOSCs on proposals for changes to the children's specialist cancer services Principal Treatment Centre which is located in south London and serves most of the south east.

Scrutiny Reviews

4.6 Following completion of substantial variation to services reviews, HOSC is awaiting further detail on forthcoming NHS service changes which may require review and considering potential other topics for detailed review.

Other Issues

4.7 A joint training session was held with the West Sussex and Brighton & Hove HOSCs in July to consider the implications for the committees of the Health and Care Act 2022, including the replacement of East Sussex Clinical Commissioning Group with the NHS Sussex Integrated Care Board (ICB), the creation of the Sussex Integrated Care System (ICS), and the effect of planned new regulations to allow the Secretary of State to intervene in local service reconfigurations on HOSCs' powers to refer NHS decisions to the Secretary of State for review. The session also covered the implications of the Hewitt Review of ICSs. Updated national guidance on the revised process for service reconfigurations, including the role of HOSCs, is still awaited and is expected imminently. Until new statutory guidance is published existing powers remain in force.

5 Audit Committee

5.1 The committee's future areas of focus are set out in the work programme attached at appendix 4.

Committee meetings

5.2 The Audit Committee met in July 2023 and September 2023 to discuss reports on:

- Assessment of the Corporate Governance Framework and Annual Governance Statement for 2022/23
- Internal Audit Services Annual Report and Opinion 2022/23
- Response to Internal Audit Reports
- Counter Fraud Annual Report 2022/23
- External Audit Plan 2022/23

- External Audit Plan for East Sussex Pension Fund 2022/23
- Appointment of Independent Members to the Audit Committee
- Strategic Risk Monitoring – Quarter 4 2022/23
- Internal Audit Progress Report – Quarter 1 23/24
- External Audit – Progress Report
- CIPFA Financial Management Code
- Strategic Risk Monitoring – Quarter 1 2023/24
- Audit Committee work programme

5.3 The item on response to Internal Audit reports included a more detailed update regarding two internal audits within the CET department where Internal Audit gave an unchanged opinion of Partial Assurance at the follow-up audit stage. The committee noted the challenges regarding land and building valuations from the Property Services and Council's external Valuer and the national backlog of Local Government Audits.

5.4 The committee's future agenda items include the usual quarterly consideration of Internal Audit reports and the Strategic Risk Register, together with Review of Annual Governance Report and 2022/23 Statement of Accounts, Review of Annual Pension Fund Governance Report and 2022/23 Statement of Accounts, Treasury Management Annual Report and Mid-Year Report 2023 and Annual Update on Property Investment Strategy and Key Sites 6 Monthly Update.

Briefings and working groups

5.5 Since the final meeting of the Working Group which provided oversight of the MBOS programme implementation in November 2022, the Working Group has received written updates from the Programme Manager. Another meeting of the Working Group has been scheduled to take place on 21 November 2023 to discuss the programme's current position.

5.6 Audit Committee Members will be invited to a planning session with Internal Audit in January 2024 to plan for the next financial year of internal audit work.

6 Conclusion and reasons for recommendations

6.1 This report provides an overview of recent scrutiny and Audit Committee work and a look forward at planned activity for the Governance Committee to note. The next update will be in May 2024.

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