

Governance Services – Q3 2023/24

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

Reconciling Policy, Performance and Resources (RPPR)

The Government's Autumn Budget Statement in Q3 contained no new funding for local authorities and contained updates which further increased our costs. The provisional Local Government Finance Settlement confirmed the lack of additional funding, indicating that authorities should instead draw on their reserves to set a balanced budget. Although some additional funding for social care in 2024/25 was subsequently announced as part of the final settlement, this was one-off and the size of our financial gap projected in the medium term remains unsustainable. 2024/25 will require a further fundamental look at what more can be done to address the sizeable deficit as far as possible. This task is made all the more difficult coming off the back of many years of austerity, and options are scarce, creating considerable risk for the future. The Council will continue to work through our networks and partnerships to lobby Government to robustly set out the challenges we face and the very real consequences of funding shortfalls for people, communities and businesses in the county.

We continued to develop the draft Council Plan and Portfolio Plans during Q3 in conjunction with our budget proposals. The Council Plan sets out our ambitions for the next three years. It includes our planned work to meet the challenges of the increased number of vulnerable children the Council is responsible for as well as our plans to help grow the local economy. It also sets out how we will look to support residents affected by cost-of-living pressures and our ongoing work to address the climate emergency. It has been informed by consultation and engagement events on our budget and business plans for 2024/25 with youth voice groups, wider strategic partners, Trade Unions, and business representatives, and responses to a public survey undertaken during Q3.

Transport for the South East (TfSE)

TfSE published a [State of the Region](#) Report in October 2023. The report sets a baseline position on a number of economic, social, and environmental indicators that the Transport Strategy and Strategic Investment Plan (SIP) are seeking to influence.

TfSE submitted our Business Plan for 2024/25 to the Department for Transport (DfT) in December 2023. The plan includes a case for investment and outlines the work we will deliver over the year ahead. The plan will be published on the TfSE website once it has been agreed by the DfT.

We have also developed an interactive [Story Map](#) of our region. The map enables users to easily search for the transport improvements we have identified across our region, which are included in our SIP. The Story Map was published on our website, alongside our Policy Position Statements, in October 2023.

Work on the TfSE Regional [Active Travel](#) Strategy has progressed during Q3. The Regional Active Travel Steering Group has met 3 times, and their input has been integral to shaping the work. Stage 2 of the work has included gathering data and evidence from local authorities across the region, drafting the Evidence Report, and developing a methodology to identify strategic corridors across the region.

In response to DfT's request to Statutory Transport Bodies to implement Regional Centres of Excellence, work is underway to develop a web-based platform to support local transport authorities. A steering group is helping to shape and inform the development of the platform, which will be delivered by March 2024. Through engagement with constituent authorities, partnerships are being established to understand what resources, tools, knowledge, and expertise are needed on the platform.

Work on the Transport Strategy refresh has commenced. During Q4, the focus will be on updating the Transport Strategy Evidence Base, including, the transport, land use, and economic evidence that underpinned the original [Transport Strategy](#). TfSE is establishing a series of expert Working

Groups to aid the evidence collection. The first Working Groups are taking place in Q4. Work has begun on understanding the needs of socially excluded people to ensure the Transport Strategy is inclusive.

Corporate Lobbying

During Q3, the Leader took opportunities to meet with local MPs, and has continued to raise issues and priorities for the county with them. This included a specific update on the November RPPR Cabinet report drawing attention to the significant pressure the Council was under due to increasing demand and complexity in statutory services, particularly children's social care and special educational needs and disabilities. The Leader highlighted the very challenging medium term financial outlook for the Council and sought MPs' support in lobbying for certainty of future funding for local government, that reflects local need, and to ensure that service reforms are sustainable and properly funded. Ahead of the Autumn Statement the Leader also took the opportunity to write jointly with other county Leaders in the South East to the Chancellor of the Exchequer, expressing the urgent need for additional funding in children's services and home to school transport.

We continued to draw on broader partnerships and networks to lobby on current priorities, including via the County Councils Network (CCN) and through the Local Government Association (LGA). The Chief Finance Officer responded to surveys conducted by the LGA and CCN to assess the impact on local authorities of the Autumn Statement to inform their lobbying. Subsequently the Leader co-signed a letter with other CCN authorities to the Secretary of State for Levelling Up, Housing and Communities asking for additional funding to address pressures in children's services and home to school transport in the Provisional Local Government Finance Settlement.

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. 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 Q3 we supported 37 meetings including: 1 County Council meeting; 2 Cabinet meetings; 11 Lead Member meetings; 13 Scrutiny Committees and Review Boards and 10 other committees and panels. We also dispatched agendas for a further 5 meetings. The webcasts of meetings were viewed 1,920 times in Q3. The most viewed meeting was the Full Council meeting on 10 October 2023, which received 224 views.

In Q3 the Member Training and Development programme continued to deliver a range of courses and briefings in support of Members and the roles they hold. Courses delivered included sessions on Treasury Management, the East Sussex County Council Local Transport Plan, Climate Change and Race Equality in East Sussex.

The Scrutiny Committees completed two scrutiny reviews during Q3, on the topics of school exclusions and pothole management, making recommendations for consideration by Cabinet and Council. People and Place Scrutiny Committees continued their input to the RPPR process during Q3, culminating in agreeing comments to Cabinet on draft portfolio plans and the Council's financial outlook at their RPPR Board meetings in December. Place Scrutiny Committee also held a session with Southern Water in November to continue its scrutiny of the use of storm overflows and the reduction of sewage discharges into the county's rivers and sea. The Health Overview and Scrutiny Committee considered changes to the paediatric services model at Eastbourne District General Hospital and agreed to undertake a review of the changes during Q4.

The Health and Wellbeing Board met in December to consider reports on the East Sussex Safeguarding Children Partnership annual report for 2022/23, a Joint Strategic Needs Assessment update report, and a report on pan-Sussex and East Sussex Suicide Prevention Strategies and action plans. The Board also considered an update report on the NHS Sussex Shared Delivery Plan for integrated health and social care, which included progress in establishing Integrated

Community Teams and changes in governance arrangements to further enhance partnership working with district and borough councils on health, care and wellbeing priorities.

Legal Services

During Q3, Legal Services assisted Trading Standards to secure a successful conviction against a farm owner for 5 offences related to the treatment and disposal of carcasses. The farmer was ordered to pay fines of £2,000, a victim surcharge of £800 and costs of £2,034. The Service also supported Trading Standards to secure a successful conviction for fraudulent use of a disabled parking badge. The Service supported Children's Services to secure an Injunction to Prevent Nuisance and Annoyance against a parent, who had seriously threatened and intimidated social workers. The Service also assisted Children's Services to secure one 6 month conditional discharge and 9 fines (ranging from £65-£2,000) in 10 cases against parents for knowingly failing to ensure the regular attendance of their children at school. Legal Services obtained prosecution costs amounting to £5,008 for these cases. During Q3 the Service advised in relation to 66 Court of Protection cases (compared to 62 in Q3 2022/23) and 28 matters involving safeguarding vulnerable adults (compared to 13 in Q3 2022/23) and 65 Deprivation of Liberty Safeguards applications in the Court of Protection (compared to 45 in Q3 2022/23).

In Q3, 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 Q3 the Service advised in relation to 51 families in pre-proceedings compared to 45 in Q3 in 2022/23. The Service applied for care proceedings in respect of 15 families compared to 22 in Q3 2022/23. At the end of Q3, there were a total of 65 ongoing care proceedings compared to 72 proceedings at the end of Q3 in 2022/23. In Q3, the Service concluded 14 care proceedings compared to 12 in Q3 2022/23. In 2023/24 cumulatively to date, care proceedings have taken on average 51 weeks per child. A number of long running cases concluded in Q3, including a complex case which ran for 106 weeks due to a placement breakdown, but a number of cases required further assessment of parents and family members which led to delay. In Q3 the Service also advised and represented Children's Services in relation to 21 other matters, including, applications for adoption orders and discharge of care and placement orders.

The Service completed agreements to secure financial contributions to the Council of £2,544,897 together with the delivery of additions and improvements to the highway network across the county. A total of 23 legal agreements were completed to secure these provisions for the Council. The Service also advised on 47 new property matters and 60 contracts and procurement instructions. During Q3, the Service assisted Income Recovery in securing the recovery and repayment of debts totalling £15,993. The Service also assisted in recovering backdated payments in ordinary residence matters totalling £195,020.

Coroner Services

During Q3, 565 deaths were reported to the Coroner (compared to 660 in Q3 2022/23), averaging 187 deaths per month. Of those deaths reported in Q3, 246 post mortems were carried out (44%) compared to 253 (39%) in Q3 2022/23. Of the 565 deaths reported in Q3, 70 went to inquest compared to 84 in Q3 2022/23. In Q3, 73 inquests were closed compared to 66 in Q3 2022/23. Inquests, including jury inquests, are held in court with the option for family, interested persons and witnesses to attend court in person or remotely. Courts are limited to open/close cases during the festive season.

Regulation of Investigatory Powers Act (RIPA)

A successful application for Directed Surveillance was made to the Magistrates Court in Q3. The application relates to an investigation into a number of retail premises in the East Sussex area, where the sale of illegal tobacco is suspected. It will run for a maximum of 3 months until 22

February 2024, unless renewed, subject to monthly review. The first review took place on 22 December 2023, which determined that the authorisation should continue without amendment.

Local Government Ombudsman complaints

The Ombudsman issued 20 decisions in Q3. 16 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 because the complaint had not been through our internal complaint process, or an appropriate remedy had already been applied, of which 2 were recorded as upheld.

Of the 4 cases that were fully investigated, one case related to Adult Social Care (ASC) and 3 to Children's Services (CS). All 4 were closed with the complaint partly or fully upheld as follows:

ASC – The client complained about the way the Council provided care and support to her and how it charged her care fees. The Ombudsman found no evidence of fault in the way the Council provided care and support. However, fault was found in the way the Council charged for her care. The Council has agreed to apologise for the incorrect charges and remove them from her account. The Council has also agreed to pay the client £150 in recognition of the distress caused by the incorrect charges and her time and trouble in pursuing the matter.

CS – The client complained about how the Council handled her daughter's special educational needs and Education, Health and Care Plan (EHC Plan). The Ombudsman found fault with the Council for delays in agreeing to 1-2-1 support, finalising the EHC Plan and providing the client with its Education Otherwise Than at School Policy. The Council has agreed to apologise to the client and her daughter for the faults identified, pay £600 for the avoidable distress, time and trouble caused by the Council's actions and issue written reminders within two months to relevant staff to ensure they are aware of the EHC Plan guidance.

CS – The client complained that the Council failed to ensure that all of the provision in her son's EHC Plan was in place promptly and in accordance with the plan. This caused her and her son distress and frustration. The Ombudsman found the Council delayed in meeting all the provision: including ensuring a personal laptop was provided and that motor skills and other support sessions took place. The Council has agreed to pay the client £300 for the benefit of her son's education and £200 for her own distress.

CS – The client complained that the Council failed to provide her child with the content of her EHC Plan between March 2023 and April 2023. She also complained the Council failed to provide alternative education to her between March 2022 and March 2023. The Ombudsman found the Council at fault for failing to properly consider whether it owed the alternative provision duty, and for failing to deliver the full content of the EHC Plan. The Council has agreed to apologise to the client and pay her £1,050 in recognition of her child's lost provision.

Web activity

The Council's main website had 2.25 million pageviews during Q3 and there were 1.5 million pageviews of the intranet. The most viewed page on the public site was the jobs section with more than 470,000 views. The school closures page also had 171,000 views. Customer satisfaction with the website was 64%.

Media and information work

There were 355 media stories about the Council in Q3. The press office issued 23 press releases, generating 35 stories. 89 media enquiries were handled.

The number of enquiries was lower than usual in Q3 due to the Christmas period. The single biggest issue raised related to highways defects. We received 21 enquiries about defects in specific locations, and several enquiries relating to the effects of storms on the county's roads.

Effective publicity and campaigns

Our public engagement exercise on our budget and priorities attracted 2,153 responses. Most of these were completed online with promotion through email and social media, but paper copies were also made available through libraries and on demand. Voluntary and community groups and local MPs also helped to share the survey widely.

A social media advertising campaign to promote reduced fares on FlexiBus (our on-demand bus service) in the approach to Christmas had more than 1.4 million potential viewings. FlexiBus passenger numbers reached 497 in December against a target of 500 passengers a week. Passenger numbers have more than doubled since early July. The campaign coincided with the 10,000th ride booking on the service. Continuing publicity includes targeted communication about refining the zones available for the service, so increasing the options for customers.

South East 7 (SE7)

SE7 Leaders and Chief Executives met jointly in Q3 and discussed latest asylum and migration issues and regional working with the South East Strategic Partnership for Migration Head of Partnership. At that meeting SE7 partners also agreed a new collective lobbying approach to emphasise the impact that underfunding of local government has on communities and residents in the South East and focused on key policy messages ahead of an expected General Election in 2024. They also discussed highways conditions, children's services pressures and devolution. SE7 Leaders also met without Chief Executives in Q3 and discussed latest developments and issues, including support for migrants and asylum seekers, budgets, children's services pressures and transition of Local Enterprise Partnership functions to upper tier authorities. SE7 Chief Executives also continue to meet regularly, and in Q3 discussed ongoing opportunities for joint work, local and national policy developments, and how to progress work agreed by the Leaders.

In Q3, SE7 partners also wrote to the Secretary of State for Transport and the Roads Minister about the impact of the activity of utility companies on local road networks. The letter suggested a number of policy changes to increase local authority oversight and enforcement powers against utility companies and a response to that letter is awaited.

Revenue Budget Summary

The Governance Service revenue budget is currently £8.314m and is forecast to overspend by £50k. Within the Corporate Governance division there is a large overspend in the Coroner budget. This is largely as a result of cumulative increases in the costs of mortuary provision, court hire, body removal, toxicology and staffing, as well as accumulative demands on the service. Budget earmarked for external legal fees is being used to offset in-house legal provision and along with smaller underspends in other services, will more than offset the Coroners Service overspend (**ref i**). The overspend in Corporate Support is due to the cost of covering maternity leave in Legal Services. This overspend is partially offset with staff vacancies elsewhere (**ref ii**).

Performance exceptions (See How to read this report for definition)

Performance measure	Outturn 22/23	Target 23/24	RAG Q1 23/24	RAG Q2 23/24	RAG Q3 23/24	RAG Q4 23/24	Q3 23/24 outturn	Note ref
No Council Plan exceptions in Q3								

Savings exceptions 2023/24 (£'000)

Service description	Original Target For 2023/24	Target including items c/f from previous year(s)	Achieved in-year	Will be achieved, but in future years	Cannot be achieved	Note ref
	-	-	-	-	-	
	-	-	-	-	-	
Total Savings	0	0	0	0	0	
			-	-	-	
			-	-	-	
Subtotal Permanent Changes ¹			0	0	0	
Total Savings and Permanent Changes	0	0	0	0	0	

Memo: treatment of savings not achieved in the year (£'000)	Temporary Funding ²	Part of reported variance ³	Total	Note Ref
	-	-	-	
	-	-	-	
	-	-	-	
Total	0	0	0	

¹ Where agreed savings are reasonably unable to be achieved other permanent savings are required to be identified and approved via quarterly monitoring.

² Temporary funding will only replace a slipped or unachieved saving for one year; the saving will still need to be made in future years (or be replaced with something else).

³ The slipped or unachieved saving will form part of the department's overall variance - it will either increase an overspend or decrease an underspend. The saving will still need to be made in future years (or be replaced with something else).

