

## **Governance Services – Q1 2024/25**

### **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 unsustainable financial position the Council faces. The financial challenges have primarily been driven by increasing demand and costs in both Children's Services and Adult Social Care and Health. These are issues affecting local authorities across the country and we continue to work with other authorities to lobby for additional funding, which appropriately reflects local needs, and for reforms which to help us target the resources we have most effectively. The State of the County report outlined a number of steps we have already taken to reduce costs and maximise income, however these steps will only go a small way to addressing the deficit and Cabinet agreed that officers identify areas of search for further savings in light of the remaining financial gap. The report also outlines the broader demographic and policy context which will form the backdrop for planning for 2025/26 and beyond. We have refreshed the Council Plan and Portfolio Plans for 2024/25 which include some small changes to performance measures and targets to reflect our yearend position for 2023/24. The updated plans are available on our website.

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

##### **Regional Centre of Excellence**

TfSE's Centre of Excellence platform was formally on the 18 June 2024, with over 120 new users signed up. The event brought together Local Transport Authorities, and partner organisations who have assisted with content for the portal, such as the Department for Transport (DfT), National Highways and Network Rail.

The first two training sessions were conducted at the launch. Josie Drath, Director and Rail Planning Lead at Arup delivered a session on Business Case Development. A session on creating and maintaining healthy living streets was carried out by Lucy Saunders, founder of Healthy Streets.

Training sessions, case studies and events will continue to be added to the Centre of Excellence website for users to view.

##### **Active Travel**

The TfSE Regional Active Travel Strategy and Action Plan (RATSAP) has been drafted. The Regional Active Travel Steering Group met 7 times throughout the RATSAP's development and is expected to continue meeting quarterly to provide accountability for RATSAP's implementation and knowledge sharing across organisations. Next steps include finalisation of RATSAP, presentation of RATSAP to the October Partnership Board, and the commencement of the action plan.

##### **Freight Forum**

Meetings of the Wider South East Freight Forum were held on 19 March and 20 June 2024. Both meetings were well attended by representatives from the freight and logistics sector, businesses, and local authorities across the region.

The March meeting focused on the challenges of providing lorry parking and driver welfare facilities. As a result, Kate Over, TfSE's Transport Strategy Manager, will be representing the Freight Forum on the DfT's HGV Parking Task and Finish Group.

The June Meeting focussed on the challenges associated with the decarbonisation of the freight and logistics sector, in particular the issues that the Forum members need to influence or address that are not covered by existing plans and activity. It also sought to identify any new activity that Forum members and sub-national transport bodies (STBs) could support or undertake to speed up progress on decarbonisation across the South East.

## **Delivering the Strategic Investment Plan**

Funding to support early-stage scheme development has been secured and is in the process of being allocated to our local transport authority partners. This will enable us to build a pipeline of schemes ready for delivery as and when funding opportunities become available.

### **Corporate Lobbying**

During Q1 the Leader and Chief Executive have continued to raise issues and priorities for the county with our local MPs. In June, Cabinet agreed the Council's productivity plan, a new request from Government for local authorities. The plan provided an opportunity to put forward a range of financial, legislative and policy burdens and barriers that Government could reduce or remove. The plan was submitted to the Department for Levelling Up, Housing and Communities, as well as the Local Government Association (LGA) to support it in its sector wide lobbying.

We continue to draw on broader partnerships and networks to lobby effectively. During the lead up to the General Election the Leader and officers liaised with the County Councils Network and the LGA to ensure key issues for the Council were brought to their attention and formed part of national lobbying of all political parties. Chief Officers also continue to influence service specific national policy developments through national professional associations and networks. The Chief Executive has continued to contribute to national policy development as representative for the South East region on a national grouping of local authority Chief Executives.

### **Supporting democracy**

During Q1 we supported 32 meetings including: 1 County Council meeting; 2 Cabinet meetings; 10 Lead Member meetings; 10 Scrutiny Committees and Review Boards and 9 other committees and panels. We also despatched agendas for a further 4 meetings and supported the Whole Council Forum. The webcasts of meetings were viewed 1,448 times in Q1. The most viewed meeting was the Council meeting on 7 May 2024, which received 282 views, either by live view or as a recording.

In Q1 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 Economic Development, Vaccination and Immunisation in East Sussex, Climate Change, and Education in East Sussex. 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 12 June and discussed a number of issues, including, upcoming I.T. developments and the member training and development survey.

The Council's scrutiny committees continued to use a variety of approaches to ensure timely scrutiny input on a range of issues in Q1. The People Scrutiny Committee scoped and commenced a scrutiny review of Healthy Ageing, which will report later in the 2024/25. The committee also held reference group meetings focused on the Health and Social Care Integration Programme, Prevention in Children's Services and Care Quality Commission inspection of Adult Social Care. A 'Brief Bite' training session was held earlier in Q1 on the role of Healthwatch and how it relates to scrutiny. The Place Scrutiny Committee has continued its reference group work on the Local Transport Plan and held a scoping meeting for a review of Local Speed Limit Policy, which will be progressed over the summer and autumn. The Scrutiny and Audit Committee Chairs and Vice-Chairs Group met in May to consider an overview of current scrutiny activity as part of its remit to co-ordinate and develop the effectiveness of the Council's scrutiny activity. The update was subsequently considered by the Governance Committee later in Q1.

Q1 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 140 appeals, and conducted 17 virtual appeal hearings, 9 of which took place over multiple days. Of the 140 appeals, 14 were successful, and 62 were dismissed by an Independent Appeal Panel. A further 53 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 11 are due to be heard during Q2.

We received one Independent Review Panel request during Q1, which will take place in Q2.

### **Legal Services**

During Q1, Legal Services assisted Trading Standards to obtain 8 successful convictions against a fraudulent trader for counterfeit tobacco offences relating to both sale and possession for sale. The trader will be sentenced in due course. The Service assisted Trading Standards to obtain a confiscation order of £16,345 following previous successful convictions against a fraudulent trader for counterfeit building work. The Service also assisted Children's Services to secure 12 fines ranging from £55 to £440 against parents for knowingly failing to ensure the regular attendance of their children at school. In Q1, the Service also provided advice on 4 judicial review applications, 2 issued in Q4 2023/24 and 2 issued in Q1 2024/25. The first Q4 2023/24 application challenged the Council's decision not to exercise discretion to maintain an Education, Health and Care (EHC) plan for a young person once they had reached 25 in circumstances where an appropriate Adult Social Care support package was available. Permission to judicial review was refused and no appeal against refusal was submitted. The second Q4 2023/24 application related to an alleged failure by the Council to secure school provision named in an EHC plan. School provision was made and permission to judicial review was refused and no appeal has been submitted. The first Q1 2024/25 application disputes the Council's assessment of an asylum seeker that they are an adult and not a child. The decision as to whether permission to judicial review is granted has not yet been made. The second Q1 2024/25 application relates to an alleged failure by the Council to issue an EHC plan which had been amended by the First Tier Tribunal. However, the Council's application to stay the requirement for the EHC plan to be issued whilst the First Tier Tribunal reviews two parts of the plan is pending. The Council has offered to provide the remainder of the plan pending the First Tier Tribunal's review. The decision as to whether permission to judicial review is granted has not yet been made.

During Q1 the Service advised in relation to 65 Court of Protection cases and 13 matters involving safeguarding vulnerable adults (compared to 67 and 24 in Q1 2023/24) and 52 Deprivation of Liberty Safeguards applications in the Court of Protection (compared to 79 in Q1 2023/24).

The Service continues to work closely with Children's Services, providing advice and representation, including in pre-proceedings (with the aim of avoiding the need for court action to safeguard children) 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. At the end of Q1 2024/25, there were 40 ongoing pre-proceedings compared to 47 at the end of Q1 2023/24. At the end of Q1 2024/25, there were a total of 56 ongoing care proceedings compared to 62 at the end of Q1 2023/24. In Q1 2024/25, concluded proceedings took on average 45 weeks per child, 9 weeks less than Q1 2023/24.

The Service continues to provide general advice on childcare related issues and on other matters before the court where the Local Authority are involved. These matters include applications for revocation of placement orders, discharge of care orders, secure accommodation orders, deprivation of liberty orders and adoption related matters. The Service has also continued to provide training and legal advice to Children's Services on legal processes, policy and operational instructions.

During Q1, the Service completed 13 agreements to secure financial contributions to the Council of £643,260 together with the delivery of additions and improvements to the highway network across the county. The Service also advised on 66 new property matters compared to 41 in Q1 2023/24. In addition, the Service advised on 59 new contract and procurement matters compared to 62 in Q1 2023/24. During Q1, the Service also assisted Income Recovery in securing the recovery and repayment of £29,214 of debt.

## **Coroner Services**

Coroner Services provide funding and support to the East Sussex Coroner in undertaking the Coroner's role of investigating violent, un-natural or sudden deaths of unknown cause and deaths in custody. As an independent judicial officer holding office under the Crown, the Coroner operates entirely independently to the Council in making decisions about post mortems and inquests. During Q1 2024/25, 474 deaths were reported to the Coroner, compared with 565 in Q1 2023/24, averaging 158 deaths per month. Of those deaths, 49% (232) went on to have a post mortem, compared to 48% in Q1 2023/24. 87 inquests were opened during Q1, compared to 91 inquests opened during Q1 2023/24. 102 inquests were closed in Q1 2024/25, compared to 57 closed in 2023/2024.

In Q1 2024/25, 1 inquest with a Jury was held, compared to none in Q1 2023/24. 18 inquests were held in writing, which do not require court bookings, compared to 19 in Q1 2023/24. There are currently 276 open inquests, compared to 265 at the end of Q1 2024/25.

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

Trading Standards obtained a Directed Surveillance Authority under the Regulation of Investigatory Powers Act (RIPA) during Q1. The Authority was obtained for a maximum period of three months and expired on 10 July. It has been subject to regular review to ensure it remains relevant and necessary in line with the original objectives.

## **Local Government Ombudsman complaints**

The Ombudsman issued 18 decisions in Q1. 14 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 or because the complaint had not been through our internal complaint process.

All 4 cases that were fully investigated related to Children's Services (CS), of which 3 were closed with the complaint partly or fully upheld as follows:

CS: The client complained that the schools' appeal panel failing to properly consider his appeal against the decision to refuse his son a Year 4 place at his preferred school; causing him and his family a great deal of stress. The Ombudsman found fault in the decision making by the panel and with the clerk's record keeping.

The Council agreed to send a written apology for the failings identified and arrange a rehearing of the appeal with a different appeal panel; remind the clerk about the need to make accurate and more detailed records of appeal hearings and provide training to the panel about the consideration of evidence and reaching decisions on prejudice; ensure that the presenting officer has sufficient information to allow for detailed answering of questioning by panels; and ensure the Council, as admission authority, provides submission statements with fuller, relevant information.

CS: The client's mother complained that her daughter had not received suitable education since she became unable to attend school in Year 7. Whilst the Ombudsman found much to commend in the Council's response to the absence from school, they did find there was a delay holding a multi-professionals meeting to decide the next steps, when attempts to secure the client's return to school proved unsuccessful. The Council agreed to apologise to the client and her mother and to offer a symbolic payment of £1,000 to acknowledge the impact of the delay.

CS: The client's mother complained that the Council failed to provide a suitable education for her son for 4 years. She said this resulted in a lack of education and social skills, which limited his prospects. The Ombudsman found fault because the Council failed to provide education provision from May 2023 to January 2024, wrongly requested that the client's mother put a review request in writing, causing delay, and failed to identify a suitable school placement since August 2021.

The Council agreed to provide a written apology to the client and his mother and to make a payment of £1,500 to recognise the prolonged and significant distress experienced; and make a

payment of £3,600 to be used for the benefit of the client to recognise the loss of education provision from May 2023 to January 2024.

### **Web activity**

There were 1,807,059 unique page views of the Council website in Q1. The jobs section of the site was viewed more than 800,000 times. 70% of visits were from a mobile device.

A newly built website for family hubs was launched in May, which had 11,064 unique pageviews during Q1 and 48 forms submitted by residents with an enquiry or wishing to take up services on offer.

Customer satisfaction with the overall website was 66% and for microsites 82%.

### **Media and information work**

In Q1, the team responded to 101 media enquiries and issued 15 press releases. There were 326 media stories about the council. Work in Q1 was limited by the pre-election period.

### **Effective publicity and campaigns**

Examples of effective campaigns include publicising an amnesty on long overdue library items which is calculated by the library service to have saved £15,000. More than 5,000 'lost' books were returned and 133 people are now able to use library services again. The campaign used targeted letters and social media posts to reach people.

Following a social media campaign, which targeted residents of East Sussex and surrounding areas, there were record applications and 13 newly qualified social workers accepted posts in Adult Social Care. The campaign drew 48 people to an online recruitment event and 70 applications were received for 10 posts; the number of posts was then expanded because of the quality of the applicants.

### **South East 7 (SE7)**

SE7 Leaders and Chief Executives met jointly in Q1 to share information on how councils were responding to common challenges. In particular they focused on addressing financial difficulties related to the rising cost and demand for children's social care, special educational needs and disabilities and adult social care. Other areas of discussion included economic development, support for unaccompanied asylum-seeking children, inspection regimes and devolution. SE7 Chief Executives also continue to meet regularly, and in Q1 discussed opportunities for collaboration, national policy developments, and progressing work agreed by the Leaders.

When they met in Q1, Leaders and Chief Executives also discussed how best to progress the partnership's collective lobbying work in the context of the General Election. Leaders agreed it was important to suggest practical policy reforms that would reduce the financial challenges for councils and improve services for residents, drawing on the County Councils Network's 'Manifesto for Counties'. The partnership subsequently worked collaboratively in developing productivity plans, and individual member councils included a number of shared SE7 lobbying messages within their plans. The partnership agreed it would be important to ensure their productivity plans were reviewed by the new Government and agreed to submit the plans to the Local Government Association to support its national lobbying.

### **Revenue Budget Summary**

The GS net revenue budget is £9.046m and is expected to overspend by £225k. The overspend is mostly in Legal Services and is due to the cost of locum cover for staff vacancies and maternity leave.

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

Performance measure	Outturn 23/24	Target 24/25	RAG Q1 24/25	RAG Q2 24/25	RAG Q3 24/25	RAG Q4 24/25	Q1 24/25 outturn	Note ref
None								

**Savings exceptions 2024/25 (£'000)**

Service description	Original Target For 2024/25	Target including items c/f from previous year(s)	Achieved in-year	Will be achieved, but in future years	Cannot be achieved	Note ref
There are no savings for 2024/25	-	-	-	-	-	
	-	-	-	-	-	
<b>Total Savings</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
			-	-	-	
			-	-	-	
<b>Subtotal Permanent Changes <sup>1</sup></b>			<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total Savings and Permanent Changes</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

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

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

<sup>2</sup> 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).

<sup>3</sup> 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).

