

Governance Services – end of year 2022/23

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

Reconciling Policy, Performance and Resources (RPPR)

Planning for 2023/24 and beyond culminated in February with the agreement of the budget and Council Plan by County Council, informed by engagement events with strategic partners, young people, business representatives and Trade Unions as well as input from scrutiny committees. The Council Plan and Portfolio Plans 2023/24, which set out our priority and delivery outcomes for the coming year and our plans for delivering them, have been published online. Delays to the implementation of reforms, additional short-term grant funding for social care, and increased flexibility on levels of Council Tax and the adult social care precept, together with our prudent planning, means that, for now, our financial position remains secure despite the challenges we face. However, further ahead, demand and costs will continue to grow, and there will be additional expectations arising from national reforms. This means we are likely to face a much more challenging position in future years. We will continue to work with our local, regional and national partners to highlight the specific needs of East Sussex, and to press for fair and sustainable allocation of funding that enables us to continue to meet the needs of our residents.

RPPR has once again proved to be effective in matching our resources with our delivery plans for our priority outcomes during 2022/23. Our integrated planning process has allowed us to continue to focus and protect our spending where it will deliver our priority objectives most effectively, and ensure we have the demographic trends and performance information to monitor progress, as well as evidence to support lobbying at a local, regional and national level. Our robust planning has meant that, despite significant challenges faced during the year, the Council has been able to provide stability in our service offer to residents. We have continued to use this short-term stability to prepare for challenges ahead, particularly in children's social care where additional investment in more sustainable models, focused on keeping more children with their families, has been included in the medium-term financial plan.

Transport for the South East (TfSE)

The TfSE Strategic Investment Plan (SIP) is the blueprint for future investment in strategic transport infrastructure in the south east for the next thirty years, and builds on the Transport Strategy published in 2020. The draft SIP was subject to a full public consultation from June to September 2022, attracting over 600 responses from members of the public and stakeholders. The final version of the SIP was approved by the Partnership Board and submitted to government in March 2023. TfSE have subsequently received a letter from the ministerial team at the Department for Transport confirming that the document will be given consideration in future policy and investment decisions.

The TfSE Board approved the Business Plan for 2023/24 and the draft budget at their meeting in March 2023. This sets out the work plan for the next 12 months, including development of an analytical framework, a regional active travel strategy and a refresh of the evidence base for the Transport Strategy. Work will also commence on a Regional Centre of Excellence, which will support local transport authorities in the delivery and implementation of their local transport plans.

Our regional Electric Vehicle Charging Infrastructure Strategy was approved and signed off by the Partnership Board, in March 2023. Following the publication of this strategy, a second stage of work has been proposed that aims to produce forecasts for future electric vehicle infrastructure demand from vehicle fleets across the TfSE area.

The delivery of the 11 support packages for Bus Back Better has continued throughout Q4 and is due to finish in Q1 2023/24. TfSE, Transport East and England's Economic Heartland are working to understand if further support is required to continue progress on delivery of local authorities Bus Service Improvement Plans.

Corporate Lobbying

Throughout 2022/23 corporate lobbying work has focussed on using our partnerships and networks at the local, regional, and national level to influence policy development in a range of areas, including adult social care charging reforms, the future of children's social care and local authority funding. During Q4, we assessed the implications of the provisional Local Government Finance Settlement for the Council and fed into the Society of County Treasurers' response to the settlement consultation to ensure key issues and concerns for the Council were captured. We also assessed the implications of the Government's response to the Independent Review of Children's Social Care and contributed to an initial collective response to the Minister from the South East 7 partnership. The Leader continues to represent the Council on the County Councils' Network Executive as spokesperson for Children's and Young People's issues.

The Leader and Chief Executive have continued to raise issues and priorities for the county with our local MPs, including in Q4 through specific updates on our Council Plan and budget position for 2023/24. Chief Officers continue to influence service specific national policy developments through national professional associations and networks. The Chief Executive has contributed to national policy development throughout 2022/23 as representative for the South East region on a national grouping of local authority Chief Executives. In Q4, this included supporting councils across the region to escalate questions and concerns regarding migration and pressures in adult social care and children's services and contributing to the development of the new Office for Local Government.

Supporting democracy

During 2022/23 we supported 171 meetings (46 in Q4) including: six County Council meetings (two in Q4); seven Cabinet meetings (two in Q4); 45 Lead Member meetings (12 in Q4); 60 Scrutiny Committees and Review Boards (13 in Q4); and 53 other committees and panels (12 in Q4). We also supported three Whole Council Forums (one in Q4). The webcasts of Council meetings were viewed 6,902 times in 2022/23 (1,994 times in Q4). The most viewed meeting was the Full Council meeting in February 2023, which was watched 451 times, either by live view or as a recording.

The Member Training and Development Programme delivered a wide range training courses to Members throughout the course of the year (a total 26 training sessions were delivered). Courses included sessions on 'Climate Awareness', 'Digital Footprints', 'Armed Forces Covenant', 'East Sussex County Council (ESCC) Map Viewers' and 'Confidentiality and the Code of Conduct'. To help ensure courses continue to meet the needs of Members a survey of training needs was undertaken in Q4. Feedback from the survey will inform the development of a fresh training offer for Members for 2023/24. To help make participation as easy as possible most training sessions will 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 three occasions and discussed a range of issues including, for example, IT developments relating to members.

The Council's scrutiny committees delivered varied work programmes during 2022/23, including a range of scrutiny reviews, reference groups and committee meetings, all of which have provided additional scrutiny and constructive challenge to the work of the Council and partners. In Q4 the Health Overview and Scrutiny Committee completed two reviews of NHS reconfigurations covering cardiology and ophthalmology services. Place Scrutiny Committee completed its scrutiny work on both the new highways maintenance contract and the update of the corporate Climate Emergency Action Plan and held a meeting in November 2022 with Southern Water to question them on sewage discharges. Two scrutiny reviews were completed during Q4 on the Use of Digital and Technology in Adult Social Care, and Procurement: Social Value and Buying Local. Scrutiny comments were reported to Cabinet and Council as part of budget and Council Plan setting for 2023/24, following the Place and People Scrutiny RPPR Boards held in December. Questioning

skills training was provided in Q4 to further support Members in undertaking the roles on scrutiny and Audit committees.

The Health and Wellbeing Board met on 7 March 2023. The Board considered a report on the East Sussex Health and Social Care Integration Programme and the development of the Shared Delivery Plan (SDP) for the NHS Sussex Integrated Care Strategy. The draft SDP will be presented to the Board for endorsement at an additional meeting to be held on 27 June 2023. The Board also received reports on the East Sussex Healthcare NHS Trust Building for our Future programme and hospital re-developments; Pharmacy provision in East Sussex following the announced closure of a number of pharmacies; and the Eastbourne Listening Tour carried out by Healthwatch East Sussex. During 2022/23 the Board has also considered and endorsed the NHS Sussex Integrated Care Strategy and received update reports on the Joint Strategic Needs Assessment and the Pharmaceutical Needs Assessment.

The East Sussex School Appeal Service continued to further enhance its in-house secure online digital appeal management system. The latest developments, which went live during Q4, have delivered improvements in customer service and further strengthened our information governance practices.

46 school admission appeals were submitted by families during Q4. This resulted in six virtual appeal hearing sessions taking place (at each hearing session a number of appeals are usually considered, with parents able to attend in-person if that is their preference).

Legal Services

During Q4, Legal Services assisted Trading Standards to secure a custodial sentence following a successful conviction against a fraudulent trader for seven counts of possessing for sale counterfeit tobacco. The Service also assisted Trading Standards to obtain a successful conviction for possession for sale of counterfeit footwear. The Service further assisted Trading Standards with an application to amend a confiscation order in respect of a fraudulent trader, who was sentenced in 2016. This resulted in £162,825 being secured to repay his victims.

During 2022/23 the Service advised in relation to 273 Court of Protection cases and 79 matters involving safeguarding vulnerable adults (compared to 307 and 100 in 2021/22) and in relation to 191 Deprivation of Liberty Safeguards applications in the Court of Protection (up from 175 in 2021/22).

The Service continues 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 Q4 the Service advised in relation to 48 families in pre-proceedings compared to 54 in Q4 2021/22. In 2022/23 the Service applied for care proceedings in respect of 71 families compared to 64 in 2021/22. At the end of Q4, there were a total of 68 ongoing care proceedings compared to 61 proceedings in Q4 2021/22. In 2022/23 we concluded 63 sets of care proceedings compared to 81 in Q4 2021/22. Of the concluded proceedings 42% were placed in the care of family under special guardianship or child arrangements orders. Concluded proceedings in East Sussex in 2022/23 took on average 53 weeks per child. Court capacity has continued to be a contributory factor to the length of proceedings. In January 2023, the judiciary launched a plan to reduce the length of proceedings and the Service is working with the judiciary to implement this plan. The Service has also continued to provide training and legal advice to Children's Services, including on court work for newly qualified social workers and on policy and operational instructions.

During 2022/23, the Service completed agreements to secure financial contributions to the Council of over £1.9m, together with the delivery of additions and improvements to the highway network across the county. The Service also advised on 129 new property matters compared to 122 in 2021/22. In addition, the Service advised on 230 new contract and procurement matters compared to 147 in 2021/22.

Coroner Services

On average 209 deaths per month were reported to the Coroner in Q4. This is lower than the Q3 figure of 220. On average 206 deaths per month were reported to the Coroner in 2022/23 compared to 173 per month in 2021/22. In 2022/23 1,034 post mortems were carried out (42% of deaths reported) compared to 877 (43% of deaths reported) in 2021/22. A total of 375 deaths reported to the Coroner went to inquest in 2022/23 compared to 348 in 2020/21 and 315 inquests were closed in 2022/23 compared to 320 in 2021/22.

Regulation of Investigatory Powers Act (RIPA)

During Q4, an application for directed surveillance was made under RIPA. This allowed Trading Standards officers to covertly observe the activities of a group of individuals suspected of supplying illegal tobacco from a retail shop. The activity, which lasted just over two months, concluded with the execution of a search warrant at a private dwelling. Counterfeit tobacco with a retail value of more than £26,000 was seized and the investigation is ongoing. This is one of two applications, which were made during 2022/23 concerning illegal tobacco, the first continuing from Q4 of 2021/22 into Q1 2022/23.

Over the course of the year, three separate applications were made under the Investigatory Powers Act 2016 for telecommunications data. These related to a suspected rogue trader, a seller of counterfeit clothing and a long term investigation into illegal tobacco supply.

During Q3, the Council participated in an Investigatory Powers (RIPA/IPA) update training session, representatives of all departments within the Council were invited to attend, together with colleagues from West Sussex County Council.

Local Government Ombudsman complaints

The Ombudsman issued 11 decisions in Q4. Eight 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 three fully investigated, one case related to Adult Social Care (ASC), one to Children's Services (CS) and one to Governance Services (GS). All of the cases investigated were closed, with the complaint partly or fully upheld as follows:

ASC – The client complained about delays with the Council in completing a Disability Related Expenditure assessment (DRE) and in reviewing the subsequent appeal. The client also complained that the Council failed to fully acknowledge the expenses she was incurring because of her disability. The Ombudsman found fault with the Council for the delays and fault was also found for failing to fully assess all the client's requested DREs.

The Council has agreed to fully backdate the client's approved DREs, complete a review of an outstanding DRE and pay her £300 for the avoidable distress, inconvenience and frustration caused.

CS – The client complained about the level of transport offered by the Council for a child with an Education, Health and Care Plan to attend post-16 education. The Council initially offered one journey per day by taxi, with the expectation that the child's stepfather would provide transport for the other journey. The Council subsequently agreed to pay £45 per day (the cost of one taxi journey), backdated to the start of the academic year, so that the family could use their preferred taxi operator. The Ombudsman found fault with the Panel for making its decision without detailed, up-to-date information about the stepfather's work commitments. Further fault was found because the Panel issued a draft decision in response to the appeal, which is not set out in the Council's published appeals process.

GS – The client complained that the Council failed to provide a recording of the Coroner's inquest into her son's death and failed to provide details of the documents considered as part of the inquest. Whilst the Ombudsman found no evidence to support the view that the Coroner failed to

provide details of the documents considered, fault was found because, due to a corrupted file, the Coroner was unable to provide a working copy of the recording of the hearing, which is in breach of the service standards.

The Council has agreed to provide a written apology and make a symbolic payment of £250 to recognise the distress caused. The Council has also agreed to review the inquest recording system to ensure it is fit for purpose and that suitable storage and back up systems are in place.

Web activity

There were 1.7m visits to the Council's website in Q4, and 6.2m visits across the whole year. These figures include over 16,500 visits to our cost of living web pages, which have advice and support for residents who may be looking for some extra help.

Technical changes to the way web visits can be monitored mean that current figures are not directly comparable to previous years.

Media and information work

There were 488 media stories about the Council in Q4. The press office issued 31 press releases, generating 116 stories. 184 media enquiries were handled.

There were 1,689 media stories about the Council throughout 2022/23, The press office issued 123 Council press releases this year, generating 337 stories, and handled 475 media enquiries.

Effective publicity and campaigns

During the period of our "Get into Libraries" campaign library membership increased by 15% year on year, new users by 40% and footfall by 65%. The campaign was designed to encourage more visits to library buildings, concentrating on five key activities: free computer and wi-fi use, adult learning, study space and rhyme time. More than half of residents (53%) said they had seen the campaign, which involved bus stop ads, social media, school book bags, online newsletters, media work and hard copy advertising.

An internal campaign to get more managers and staff to find out more about apprenticeships and consider employing apprentices saw visits to the relevant pages increase by more than 900% on last year.

Our most recent survey of residents showed well over half (57%) agreed the Council kept them either very well-informed or quite well-informed with a growing gap between those who held those views and those who disagreed.

South East 7 (SE7)

Throughout 2022/23, the SE7 partnership has continued to provide a valuable forum for sharing intelligence on the rapidly evolving national policy context, and developing joint lobbying messages on particular issues. The SE7 partnership has also helped provide understanding on how neighbouring councils are responding to shared challenges, which this year has particularly focused on the rising cost of living, proposed adult social care charging reforms and migration.

SE7 Leaders and Chief Executives met jointly in Q4, to discuss latest issues and priorities for all councils, including issues emerging from budget setting for 2023/24, the Independent Review of Integrated Care Systems, and county deals and devolution. They also discussed common challenges related to asylum dispersal with the Head of Partnership at the South East Strategic Partnership on Migration and agreed that they would jointly write to the Home Secretary, highlighting the pressures on the region from accommodating a large number of asylum seekers. In March, Leaders met and discussed issues including the Chancellor's Spring Budget, the proposed transfer of Local Enterprise Partnership functions to local authorities and developments in relation to devolution.

Leaders have written to the Ministers for Children, Families and Wellbeing in Q4, sharing their collective view on the children's social care implementation strategy and consultation: 'Stable

