

## **Governance Services – Q2 2023/24**

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

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

The financial outlook for the Council continues to remain unclear. We are expecting a further one-year financial settlement for 2024/25, and it continues to be unlikely that there will be any significant national reform to local government funding before the next general election, which is expected in 2024.

We continue to act to maximise our resilience as an organisation wherever we can, to work effectively with our partners and to best manage growing demand for our services. At the end of Q2 Cabinet considered the report of the Local Government Association Corporate Peer Challenge which underlined the Council's strong record of delivery, the value of our partnership working and our good foundations to plan for the longer-term future. Cabinet agreed the Council's response to the recommendations, which lays out the actions we will take to respond to the suggested areas for development identified during the Peer Challenge.

Councils across the country, including East Sussex County Council, are also facing a rapid escalation in both demand and costs as a result of national factors beyond local control. In particular, ongoing growth in demand for children's social care, special educational needs and disability (SEND) and adult social care, due to increased need and demographic change, is placing significant pressure on local authorities, both financially and in service provision. These pressures, already impacting on the Council in-year, also need to be taken into account in our planning for 2024/25 and beyond. The RPPR process continues to provide a tried and tested approach to help us navigate this increasingly difficult environment.

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

Following the publication of TfSE's Strategic Investment Plan (SIP) TfSE has produced a set of Policy Position Statements. These statements explain in more detail the global policy interventions that will be needed to support the SIP scheme interventions. Seven statements have been prepared on Strategic Active Travel and Micromobility, Transport and Decarbonisation, Transport and Social Inclusion, Future Rural Transport, Bus Shared Mobility and Mass Transit, Rail, and Highways. These Policy Position Statements will be presented to the TfSE Partnership Board in Q3 for approval. Work is underway to produce a Delivery Action Plan for the SIP, an analytical framework to support business cases and the delivery of the schemes within the SIP, and a Monitoring and Evaluation Plan. A Story map has been developed which will allow users to explore the SIP and Delivery Action Plan via an interactive map.

As part of TfSE's Electric Vehicle Charging Infrastructure Strategy, consultants Arcadis have developed a tool that supports local transport authorities with the rollout of electric vehicle charging infrastructure within their areas. In July 2023 a formal launch and training workshop was facilitated by TfSE to bring local transport authority officers up to speed with using the platform.

Work on the TfSE Regional Active Travel Strategy commenced in July 2023, and Stage 1 of the work on the governance arrangements for the work is now complete. This included the development of the project's Stakeholder Engagement Plan and assembly of the TfSE Regional Active Travel Steering Group.

There is ongoing work to develop a new Freight Forum. The purpose of the Forum is to give TfSE, Transport East, England's Economic Heartland, and other delivery agents and freight and logistics operators the knowledge and evidence we need to ensure that the work we do will properly support the freight sector and inform our work going forward.

#### **Corporate Lobbying**

During Q2, 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 State of the

County report and an update on the additional investment in highways agreed by the Council. As well as the pressing need for national action to address the serious shortage of funding to local authorities for highways work, this outlined how demand for our services is increasing because of increased need and demographic change, drawing particular attention to the pressures in Children's Services. 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.

We continued to draw on broader partnerships and networks to lobby on current priorities, including via the County Councils Network and through the Local Government Association conference which took place during Q2. 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 Q2 we supported 45 meetings including: one County Council meeting; two Cabinet meetings; 12 Lead Member meetings; 16 Scrutiny Committees and Review Boards and 14 other committees and panels. The webcasts of meetings were viewed 2,210 times in Q2. The most viewed meeting was the Planning Committee meeting on 12 July 2023, which received 485 views.

In Q2 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 member interests and the code of conduct, the role of public health in local government and planning reform.

The Council's scrutiny committees continued to progress their work programmes during Q2. A scrutiny review of equality and inclusion in Adult Social Care and Health reported to Cabinet, with actions agreed in response to recommendations made by the People Scrutiny Committee. The committee also continued its work on a scrutiny review of school exclusions. Place Scrutiny Committee progressed its scrutiny review of pothole management and continued to provide scrutiny input into the development of the updated Local Transport Plan and through the Climate Emergency Action Plan Reference Group. Both committees also received reports and made comments as part of the RPPR process in July and September. The Health Overview and Scrutiny Committee met in September to consider a report on the re-commissioning of the non-emergency Patient Transport Service, an update on Primary Care Networks in East Sussex and a report from East Sussex Healthcare NHS Trust on their capital building programme including the New Hospitals Programme.

The Health and Wellbeing Board met on 28 September 2023 to consider a number of annual reports for 2022/23 which included the East Sussex Safeguarding Adults Board Annual Report; the Sussex Learning from Lives and Deaths (LeDeR) Annual Report; Healthwatch East Sussex Annual Report; and the Director of Public Health Annual Report. The Board also considered a programme update report on the implementation of the NHS Sussex Shared Delivery Plan (SDP) and a report on a Creative Health Position Paper from the Public Health team.

Q2 saw significant work undertaken by the East Sussex School Appeals Service to complete the main round of school appeals for the September 2023 intake. 100 appeals were received during Q2, and 11 hybrid appeal hearings took place. Of the 100 appeals received during this quarter, 15 were dismissed by an Independent Appeal Panel, and five were upheld. Of the remaining appeals, 47 are scheduled to be heard in Q3, and 33 are no longer required to be heard by an Independent Appeal Panel because these appeals have either been withdrawn by the families or places have become available at the school being appealed for.

## **Legal Services**

During Q2, Legal Services assisted Trading Standards to obtain a 34 month custodial sentence against a fraudulent trader previously convicted of obtaining £19,500 for sub-standard building works. Following a previous successful conviction against a fraudulent trader for possession for sale of counterfeit tobacco, the Service also supported Trading Standards to obtain a fine of £5,000, a victim surcharge of £181 and prosecution costs of £7,620. In Q2, the Service assisted Children's Services to secure six fines ranging from £40-£660, victim surcharges of £742 and prosecution costs of £2,112 against parents for knowingly failing to ensure the regular attendance of their children at school. The Service also assisted Children's Services to obtain convictions against two parents for failing to comply with a School Attendance Order in respect of their children and to secure a £300 fine, a £120 victim surcharge and £1,125 costs.

During Q2 the Service advised in relation to 61 Court of Protection cases and 25 matters involving safeguarding vulnerable adults (compared to 77 and 21 in Q2 2022/23) and 58 Deprivation of Liberty Safeguards applications in the Court of Protection (compared to 41 in Q2 2022/23).

In Q2, 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 Q2 the Service advised in relation to 54 families in pre-proceedings compared to 52 in Q2 2022/23. The Service applied for care proceedings in respect of 19 families compared to 19 in Q2 2022/23. At the end of Q2, there were a total of 64 ongoing care proceedings compared to 62 proceedings in Q2 2022/23. In Q1, the Service concluded 20 care proceedings compared to 18 in Q2 2022/23. In Q2 concluded care proceedings took on average 41 weeks per child compared to 54 in Q1. This was due to a backlog of hearings being resolved by the courts and the impact of the President of the Family Division's re-focus on concluding proceedings within 26 weeks.

In Q2 the Service also advised and represented Children's Services in relation to 23 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 £931,048, together with the delivery of additions and improvements to the highway network across the county. A total of 19 legal agreements were completed to secure these provisions for the Council. The Service also advised on 40 new property matters. The Service also advised on 63 contracts and procurement instructions. During Q2, the Service assisted Income Recovery in securing the recovery and repayment of debts totalling £10,665.

## **Coroner Services**

During Q2 2023/24, 499 deaths were reported to the Coroner, averaging 166 deaths per month. Although this is lower than the 190 reported deaths per month on average in Q1, since 2021/22 there has been a year-on-year increase in the total number of deaths reported. In Q2, 216 post mortems were carried out (43% of deaths reported) compared to 283 (50% of deaths reported) in Q1. Although the number of post mortems in Q2 is less than in Q1, since 2021/22 there has been a year on year increase in the total number of post mortems. Of the 499 deaths reported in Q2, 94 went to inquest compared to 90 in Q1. In Q2, 70 inquests were closed compared to 57 in Q1. Inquests, including jury inquests, are held in court with the option for family, interested persons and witnesses to attend court in person or remotely.

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

There were no RIPA applications, reviews or renewals during Q2.

## **Local Government Ombudsman complaints**

The Ombudsman issued 17 decisions in Q2. 13 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 or because the

complaint had not been through our internal complaint processes. Of the four cases fully investigated, one case related to Adult Social Care (ASC) and three to Children's Services (CS). Three of the cases investigated were closed with the complaint partly or fully upheld as follows:

ASC - The client's sister complained on his behalf that the Council had failed to support him with his care and housing needs and that it did not do enough to prevent him being financially exploited. As a result of these failures the complainant said the client has been living in poor conditions and has lost £80,000.

The Ombudsman found the Council at fault for failing to properly assess and put in preventative measures to support a person in need with fluctuating capacity. However, the Ombudsman was not able to say, had the Council acted correctly, that the client would have received alternative accommodation sooner or would not have lost money. The Council has agreed to apologise to the client and his sister and to make a symbolic payment of £3,750 for the distress caused. It has also agreed to work with the client to assess and plan future services, review procedures, remind staff about the importance of considering preventive measures and review processes when a person's circumstances change.

CS – The complainant said that the Council failed to make suitable education provision for her son, who has had limited school attendance since March 2021.

The Ombudsman found fault with the Council for paying inadequate attention to the child's case during the 2021/22 academic year when aware of his absences. This caused injustice to the complainant and her son as the Council failed to ensure he received satisfactory education. The Council has agreed to apologise to the complainant and make a symbolic payment of £3,750 in recognition of the lack of provision. In light of the Council's introduction of new guidance to officers on the application of its Section 19 policy, the Ombudsman did not need to seek further service improvements from the Council.

CS – The client's mother complained about delays by the Council amending her daughter's Education, Health and Care (EHC) Plan following the breakdown of her school placement. She also complained about the education she missed as a result, and that she had to pay for childminding when her daughter should have been at school.

The Ombudsman found fault because the school's arrangements did not amount to the full-time education that the client's daughter was entitled to and which the Council had a duty to arrange. The Council has agreed to apologise to the complainant and her daughter and to make a symbolic payment of £3,700 to recognise the impact on client's education and to acknowledge the additional childcare costs the complainant incurred.

### **Web activity**

The main council website had just over two million pageviews during Q2 and the intranet had almost 1.5 million pageviews. The top website pages visited included jobs, term dates, libraries, applying for a school place and Flexibus. Customer satisfaction with the website was 65%. The Customer Experience Board regularly review the satisfaction rates and consider where the website can be amended to improve the services we offer our customers.

### **Media and information work**

There were 369 media stories about the Council in Q2. The press office issued 26 press releases, generating 45 stories. 135 media enquiries were handled. The number of press releases issued in July were slightly lower than usual due to pre-election period rules in place for the two by-elections.

### **Effective publicity and campaigns**

75 people attended an open day to showcase job opportunities at Landsdown Secure Childrens' Home in Hailsham. Marketing of the event included advertising on buses, a social media campaign, leaflets and radio slots.

The number of weekly trips on Flexibus (demand-responsive bus service) has climbed to 363 by September (up from 136 a week at the start of June). This followed a sustained marketing campaign which involved printed ads, home leaflet drops, video promotion, newsletters, radio advertising and posters. A parallel campaign to publicise concessionary bus passes coincided with more than 3,000 visits to the promotional web page – three times the traffic of the same period a year ago.

Almost 7,200 children joined the library service's summer reading challenge – the highest level of attendance since 2018 and exceeding the target of 5,100. The campaign to drive take-up included social media promotion which prompted more than 2,100 engagements and a click-through rate of 4.5%, with a click-through rate of 2% normally considered good.

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

SE7 Leaders met in Q2 and discussed latest developments on devolution, the outcomes of the Hewitt Review of Integrated Care Systems, and ongoing legal action being taken against the Home Office related to the housing and support of Unaccompanied Asylum-Seeking Children. Leaders also discussed latest budget positions and the financial challenges all authorities were contending with. Leaders agreed to write collectively to Government on this issue, emphasising the impacts of local authorities' financial situations on residents and communities, and the importance of local government receiving multi-year financial settlements.

SE7 Chief Executives also continue to meet regularly, and in Q2 discussed ongoing opportunities for joint work, local and national policy developments, and how to progress work agreed by the Leaders, including a renewed lobbying strategy for the partnership.

### **Revenue Budget Summary**

The Governance Service revenue budget is currently £8.17m and is forecast to overspend by £378k. The main overspend is in the Coroner budget and is due to an increase in deaths reported to the Coroner and the increase in the number of those deaths that went to post mortem. The rise in post mortems directly increases mortuary, pathology, histology, and toxicology costs (**ref i**). It is also projected that there will be an increase post mortem fees in-line with local market rates. Legal Service staff costs are overspent due to the cost of covering maternity leave (**ref ii**). There are some small underspends across the rest of the department.

**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	Q2 23/24 outturn	Note ref
No Council Plan exceptions in Q2								

**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
	-	-	-	-	-	
	-	-	-	-	-	
<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).

