

West Sussex County Council – Written Questions

11 December 2020

- 1.** Written question from **Cllr Noel Atkins** for reply by the **Cabinet Member for Education and Skills**

Question

As a local authority governor of Durrington First and Junior Federated Schools (for which I wish to express a personal interest).

The Department for Education (DfE) asked the school how many laptops the school required for disadvantaged children. The school responded by asking for 50 laptops, the DfE then promised them 44 Laptops, which the school had to accept. Then over half term this figure was reduced from 44 laptops to nine laptops without reason. However, to date no laptops have even been received.

Please can the Cabinet Member kindly investigate this situation and also see if it is possible to source some of these laptops through the Council as this is an urgent requirement which is probably affecting all local authority schools in West Sussex.

Answer

At the beginning of the autumn term 2020, the Government announced an extension to the 'Access to technology scheme'. During this period additional laptops would be made available to schools should they face a period of closure. At the beginning of September, the local authority registered a nominated member of staff for each school with the Department of Education (DfE) in order to ensure that schools would be able to access the laptops in an efficient manner.

The allocation of laptops for each school is based on the number of children in the identified year groups of 3 to 11 and the number of children in receipt of free school meals as per the last census. Based on the above criteria, Durrington infants does not have an allocation and the junior school has an allocation of nine laptops.

The school will be invited to order as and when the attendance data submitted to the DfE shows the closure of a bubble or year group due to COVID-19. It is not possible to order the devices in advance of this situation occurring. At present the schools have not been invited to order.

It is possible for the school to query the allocation of devices and in order to do so must provide the DfE with clear evidence that they have more children in need than the data has historically identified. The nominated member of staff has access to the portal and will be able to submit the request and evidence. However, even if these additional devices are agreed by the DfE, they will not be made available until a closure is reported.

For information, during the summer term, the local authority, had an allocation of 1,600 laptops to distribute to disadvantaged students. Three children at Durrington infants/juniors received devices through this scheme as they were identified by their social workers as being in need. Schools were invited to request devices for their

disadvantaged children and neither Durrington infants nor Juniors took advantage of this offer.

2. Written question from Cllr Chris Oxlade for reply by the Cabinet Member for Education and Skills

Question

I would be grateful if the Cabinet Member could provide me with a breakdown of information in respect of regarding Education, Health and Care Plans (EHCP) for children in West Sussex for each of the last three full years and 2020 as far as possible:

For each year please confirm:

- (a) How many children applied for an Education, Health and Care Plan (EHCP);
- (b) Of these, how many children were:
 - (i) granted an EHCP; and
 - (ii) were refused an EHCP;
- (c) How many appeals to the SEND Tribunal involving the County Council have there been;
- (d) In respect of the figures provided at (c) above:
 - (i) how many of the cases were successfully overturned as a result of the appeal resulting in the provision of an EHCP; and
 - (ii) how many of the decisions by the County Council not to grant an EHCP were upheld on appeal; and
- (e) How much the County Council has spent on legal fees and costs directly relating to SEND Tribunal appeals?

Answer

- (a) It is important to explain that the process of securing an EHCP has two distinct sections and that the initial application is for consideration of whether an EHC needs assessment (EHCNA) might be suitable and not to 'get' an EHCP. This data shows how many formal requests for EHC needs assessment we received each academic year. These requests must be considered within six weeks and a decision as to whether to assess or not must be made.

The second row in Table 1, below, shows how many were agreed and the third row shows how many were refused.

Table 1 - EHCNA Requests

| | Sept 17 to Aug 18 | Sept 18 to Aug 19 | Sept 19 to Aug 20 | Sept 20 to current (Dec 20) |
|---|------------------------------|------------------------------|------------------------------|--|
| No. of EHCNA requests received that year | 785 | 741 | 790 | 102 |
| No. of EHCNA requests that proceed to EHCNA | 405 | 392 | 411 | 55 |
| No. of EHCNA refused | 380 | 349 | 379 | 43 |

As context, West Sussex has a high level of refusal in comparison to the national picture. Our percentage of learners with EHCPs as proportion of the whole pupil population has traditionally been slightly above the national picture (0.1%) and is now in line with the national picture. This indicates the challenge for West Sussex is the receipt of appropriate requests rather than 'refusing too many'. This has led to the extensive focused work on the support available in schools without an EHC needs assessment (i.e. support for children with Special Educational Needs and Disabilities). This is with a view to supporting schools to meet the needs of learners from the resources ordinarily available to the school, without recourse to an EHCP. EHCP learners make up 3.1% of the whole school population and it is important that the process of assessment and issue of an EHCP is only required for the most complex learners with long term needs and who require something over and above that ordinarily available at school.

(b) (i) and (ii)

The decision as to whether to issue an EHCP happens at the end of the EHC needs assessment. The table below shows the number where at the end of the assessment we agreed to issue an EHCP. Our database does not report on the number where an EHCP was not issued however the number is very small (less than 10 a year). The number of agreed EHCPs is higher than the number of agreed EHC needs assessments because we also have a referral process of early years pupils that may result in EHC needs assessment.

The process of EHC needs assessment takes up to 20 weeks and so some requests made will feature in one academic year and the decision in the following year.

Table 2 - Number of EHCPs Issued

| | Sept 17 to Aug 18 | Sept 18 to Aug 19 | Sept 19 to Aug 20 | Sept 20 to current (Dec 20) |
|-------------------------------|------------------------------|------------------------------|------------------------------|--|
| Total no. of new EHCPs issued | 616 | 763 | 650 | 187 |

(c) **Table 3 – SEND Tribunals**

| | Sept 17 to Aug 18 | Sept 18 to Aug 19 | Sept 19 to Aug 20 | Sept 20 to current (Dec 20) |
|---------------------------------|---------------------------------|---|--|--|
| Total no. of appeals registered | 90 | 99 | 141 | 32 |
| No. conceded by Local Authority | 32 | 32 | 22 | 11 |
| No. withdrawn by family | 17 | 7 | 5 | 1 |
| No. upheld | 5 | 21 | 32 | 0 |
| No. not upheld/ dismissed | 2 (+ 18 Order by Consent) | 6 (+ 31 Order by Consent + 2 Struck Out | 4 (+ 30 Order by Consent + 1 Struck Out) | 0 |

(d)

- (i) SEN and Disability Tribunals deal with a range matters associated with the EHC needs assessment process and so not all are related to the issue or not of an EHCP.

Rows 3, 4, 5 and 6 in Table 3, above, show the various outcomes of all our appeals.

- (ii) Table 4, below, shows the number of appeals associated with the decision not to issue an EHCP and the outcome of these appeals.

Table 4 - EHCP appeals associated with the decision not to issue an EHCP

| | Sept 17 to Aug 18 | Sept 18 to Aug 19 | Sept 19 to Aug 20 | Sept 20 to current (Dec 20) |
|--|------------------------------|--|------------------------------|--|
| No. of appeals that were against refusal to issue an EHCP (also included in total numbers above) | 2 | 4 | 8 | 0 |
| No. of refusal to issue conceded by Local Authority | 1 | 1 | 3 | 0 |
| No. of refusal to issue withdrawn by family | 0 | 0 | 0 | 0 |
| No. of refusal to issue upheld | 0 | 0 | 1 | 0 |
| No. of refusal to issue not upheld/ dismissed | 1 | 3 (2 Order by Consent, 1 dismissed) | 1 Order by Consent | 0 |

- (e) Officer time relating to work undertaken by the Special Educational Needs Team (SENAT) is part of the Authority's business as usual and officers in that team do not operate a time/cost recording system.

Legal officers do record time spent on individual cases, but that time is not converted to costs.

The Local Authority has spent the following resources on Legal Counsel for a SEN Tribunal matter for each year:

Table 5 - SEN Tribunal Costs: Legal Counsel

| | Sept 17 to Aug 18 | Sept 18 to Aug 19 | Sept 19 to Aug 20 | Sept 20 onwards |
|------------------------------|------------------------------|------------------------------|------------------------------|----------------------------|
| Expenditure on Legal Counsel | £5,514.80 | £7,980 | £6,490 | £2,205 |

However, Counsel is only sought for the most complex of appeals, therefore not those registered against the decision not to assess or not to issue an EHCP.

3. Written question from Cllr Brian Quinn for reply by the Cabinet Member for Environment

Question

I understand that the Ramblers' 'Don't Lose Your Way' campaign have searched maps covering England and Wales and found 852 miles of rights of way in West Sussex which were missed off the record of rights of way when local authorities drew it up in the 1950s and 1960s and therefore remain unrecorded. I understand that unless they are registered by the Government's deadline of 1 January 2026, they will not be protected as public rights of way.

The ability to connect with nature and explore the countryside and open spaces around us has taken on greater significance of late in view of the restrictions imposed because of the pandemic. This coupled with the increasing need to deliver 1000s of houses in West Sussex means it is more important than ever to ensure we create and protect better walking routes to enable everyone to explore the countryside and our towns and cities on foot.

Does the Cabinet Member agree with me that we should do all we can to support this campaign and will she, therefore, write to the Government and ask if they will extend the 2026 deadline for registering historic paths by at least five years?

Answer

The County Council is responsible for the formal registration of public rights of way – referred to as the definitive map. The deadline for applying to add to or amend the map based on historic evidence is currently 1 January 2026. The purpose of introducing a cut-off date was to provide a level of certainty to landowners.

There is provision within the legislation which allows for the 2026 cut-off date to be extended to 2031. Various stakeholder groups are campaigning for the extension to be made. The legislation also allows for the making of regulations to cater for

applications that have been submitted to the County Council before the cut-off date but not yet investigated and decided.

It is not known how many paths may potentially be subject to applications before the deadline. There are approximately 2,500 miles of public rights of way in West Sussex, so an addition of up to 852 miles would mean an increase of around 30%. The County Council currently has a waiting list of applications to add paths to the definitive map – at present there are 12 applications that rely on historic evidence. More applications are expected in the run up to 1 January 2026.

The investigation and decision making for an application is a lengthy and resource intensive process. Investigations can take many years due to the strict legal requirements that must be met and the need for a public inquiry if objections are received to an order or an appeal is lodged.

Any increase and enhancement to the network is to be welcomed in terms of public access to the countryside but this would also lead to a corresponding increase in pressure on Council resources to process applications and manage the network.

The uncertainty around the cut-off date is not helpful for user groups or the County Council. It would, therefore, be helpful for the County Council to seek assurance from the Secretary of State on the position with regard to an extension of the cut-off date and associated regulations. The stakeholder groups are engaging fully with the public and government on the matter of an extension to the cut-off date. As the County Council is the decision maker on applications a neutral stance in relation to this point is recommended.

4. Written question from Cllr Michael Jones for reply by the Cabinet Member for Finance

Question

I understand the County Council is proposing to utilise land in Chichester that it owns to facilitate the proposed upgrade to the A27 and Stockbridge Link Road which resulted in a legal process. Please could the Cabinet Member confirm this and summarise the Council's intentions regarding the land. Furthermore, can he tell me the outcome of the legal process and provide a breakdown of all costs including any legal costs and any direction to pay costs.

Answer

The County Council has an obligation to advise and co-operate with all district and borough councils in the preparation of their local development plans. This is the case with Chichester District Council which has asked the County Council to consider the potential allocation of land under its control for the District Council's plan and a possible option to develop a link road to the A27 from the south at Stockbridge. The County Council's consideration of options is still at a very early stage and its intentions are, therefore, not decided.

No legal process has arisen in relation to the actions and discussions in connection with the District Council's local plan.

A separate dispute arose some time ago between the County Council and a tenant on part of the land now under consideration as set out above. If this is the 'legal process'

being referred to I will arrange for the member to receive such information about the costs arising from that process as are available.

5. Written question from Cllr Michael Jones for reply by the Cabinet Member for Fire & Rescue and Communities

Question

I have a number of concerns relating to the West Sussex Fire & Rescue Service and would be grateful if the Cabinet Member could:

- (a) Explain why the Statement of Assurance and Annual Report shows 9,522 incidents attended in West Sussex in 2019/20, but the national incident recording system shows 9,620 incidents attended in West Sussex;
- (b) Confirm the proposed establishment for wholetime and on-call firefighters at the new Horsham fire station, and what the minimum wholetime strength on duty will be at the new station; and
- (c) Explain why in the first quarter of this financial year response times for areas of the County classed as 'high risk' were the worst they have been since 2015/16 with targets not met in respect of 20% of calls, and furthermore can he outline what steps are being taken to improve the situation.

Answer

- (a) As our Statement of Assurance and Annual Report articulates our performance in line with our Integrated Risk Management Plan, it is West Sussex specific. Therefore we report only on incidents within the West Sussex boundary in the Statement of Assurance and Annual Report. West Sussex Fire & Rescue Service (WSFRS) **attended** 9,522 incidents **in West Sussex** in 19/20. There was **a total** of 9,582 incidents within West Sussex, made up of those attended by WSFRS (9,522) and those attended solely by other fire and rescue services (60). We attended 234 incidents in other fire and rescue services, outside of the borders of West Sussex, although we were not necessarily the only fire and rescue service that attended.

The Home Office counts the entire number of Incident Records we submit i.e. for West Sussex incidents we attend plus any incidents over the border where the other Fire & Rescue Service did not attend. The **98 incidents** are incidents outside West Sussex (therefore, outside of the scope of the Annual Report and Statement of Assurance) where we were the **only fire and rescue service** that attended.

- (c) The establishment for the on-call and whole-time for Horsham is not set to change following the development of the new Fire Station and training centre.
- (d) Each year we re-calculate the high, medium and low risk areas in the critical fire risk map, using various data including the occurrence of fires in the last three years. Areas can change from high to medium risk and vice versa dependent on the changing risk in the area. Therefore, direct comparisons cannot be made between High Risk Areas from one year to the next, as they may relate to different locations and therefore subject to different travel times and conditions.

The service is committed to improving operational resilience and has taken steps to improve the way that operational resources are managed to maximise the availability of fire engines. We are also taking steps to improve the availability of retained fire engines, which will further improve response times.

6. Written question from Cllr Chris Oxlade for reply by the Cabinet Member for Fire & Rescue and Communities

Question

I would be grateful if the Cabinet Member could:

- (a) Confirm that currently the Fire Control Centre in Surrey is the most inadequately staffed fire and rescue service control room in the UK given that it is having to manage over 230% more calls than the former West Sussex Fire Control whilst still operating with the same maximum of six staff per shift.

And given that there is likely to be an even greater increase in workload when East Sussex begin to use the same Fire Control Centre, can the Cabinet Member also tell me:

- (b) What level of staffing increase he considers adequate to ensure West Sussex emergencies will still be managed quickly and effectively and explain his rationale;
- (c) When '999' operators cannot get a response from Surrey Fire Control which other Fire & Rescue Service Control(s) they are instructed to connect the caller to;
- (d) How long '999' operators are required to wait before connecting West Sussex callers to another Fire & Rescue Service Control;
- (e) Which other Fire & Rescue Service Control Centre has access to details of West Sussex addresses and live availability of West Sussex Fire & Rescue Service resources, and whether they also have the ability to mobilise those resources without first contacting Surrey Fire Control; and
- (f) Set out what potential risks had been identified prior to the switch to the new control centre in December 2019, and in respect of each of them confirm whether those risks have subsequently materialised and also indicate which of those risks have been addressed and which of those risks have yet to be overcome and represent an on-going risk that is being taken.

Answer

West Sussex Fire & Rescue Service undertook detailed analysis in partnership with Surrey Fire & Rescue Service during 2018/19. This ensured the fire control was adequately staffed to serve the communities of Surrey and West Sussex. The staffing levels were increased when West Sussex cut over to the Joint Fire Control (JFC) proportionately and in line with the technology used within the control room. The analysis considered the technological benefits that the Joint Fire Control systems utilises including its automated processes. The staffing level increase and advanced technological systems allow the control staff to spend more time receiving calls for help and provide safety advice to the public where appropriate during emergencies.

West Sussex Fire & Rescue Service will work with East Sussex and Surrey Fire & Rescue Services to determine the appropriate staffing requirements to meet the needs of the three services.

All fire controls hold 'buddy' arrangements with other fire and rescue control centres, in unusually high demand and spare conditions the calls for help automatically transfer to the buddy fire service who answers the call and subsequently processes the call. This ensures all emergency incidents are handled quickly and on a priority basis.

All safety critical areas were implemented prior to the cut over of West Sussex to the Joint Fire Control on 4 December 2019. All elements of the fire control business case have now been delivered.

West Sussex are committed to continuously improving our services. After cut over to the Joint Fire Control several improvements have been completed including how we manage the availability of our staff and our assets. We have seen significant improvements in the mobile communication connections to the computers in the cabs of fire engines. This provides seamless transition of safety critical data and mobilising instruction messages between fire engines and the Joint Fire Control, supporting our commitment to improve fire fighter and public safety.

We have now delivered the Dynamic Cover Tool in the Joint Fire Control enabling visual dynamic heat map of risk and resources to efficiently move our resources around the county according to risk. This capability takes West Sussex forward utilising the most up to date mobilising arrangements available.

7. Written question from Cllr Brian Quinn for reply by the Cabinet Member for Fire & Rescue and Communities

Question

In January 2019 a Cabinet Member decision was taken to allocate £5m capital funding to develop and progress a number of community hubs (formerly called 21st century libraries) in order to generate revenue savings and capital funds. I understand that good progress is being made with the Worthing Community Hub. I would be grateful if the Cabinet Member could tell me:

- (a) What progress is being made with what I understand to be around nine other potential community hub sites for which a viability study was carried out;
- (b) Whether the member project board put in place to oversee this work is still meeting (if not, when did it last meet);
- (c) How much of the £5m capital funding allocated to this project remains allocated to the community hubs project and how it is proposed it will be spent;
- (d) The extent to which the community hubs project relates to the proposal outlined at the recent cabinet meeting which could see some parish councils taking over library buildings and maintaining a small library self- service offer; and
- (e) How much in revenue savings and capital funds the community hubs project:
 - (i) has already delivered; and

(ii) is projected to deliver?

Answer

- (a) Viability studies have been completed on a range of County Council assets, including libraries and Children's Services sites. Options for bringing services together under one roof must consider our current circumstances, including the Children's Services improvement work and recovery from the pandemic.

Good progress has been made in the wider strategy to bring services together, making services more accessible for residents and ensuring value for money, for example our newest library in Burgess Hill which opened a year ago this month and houses the birth and death registration service, Citizens Advice and other local community groups. This was achieved without the Council needing to draw down on the £5m Community Hubs capital budget.

- (b) The member project board was set up to guide the Hubs strategy in the development phase and no longer meets because the Worthing project moved into delivery phases. The last board to oversee the Community Hub work met on 10 July 2019.
- (c) The capital budget allocation for implementing the community hub project at Worthing Library is £2.4m, which includes all fees and associated construction/refurbishment work. The Council's capital budget will be approved in February 2021 and balance of £2.6m remaining in the capital budget will be decided then.
- (d) The community hubs project and any proposals to work with some parish councils to share library spaces share the overall objective of bringing services together under one roof, making services more accessible for residents and ensuring value for money.
- (e) Worthing Community Hub is due to open in spring 2021 and, therefore, has seen no benefits released from the original strategy.

The potential benefits are set out below, but delivery of these savings will be dependent on the wider review of County Council assets and, therefore, have not been included in any Financial Planning assumptions:

- £380,000 potential net capital receipt (asset disposal).
- £73,000 estimated in revenue savings (rates and rent savings delivered against corporate estates budget).