



## Overview and Scrutiny Business Panel

### Scrutiny of the Council's COVID-19 Response

**Date:** 29 September 2020

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive

### Outline and recommendations

The purpose of this report is to provide an update and assurance to the Overview and Scrutiny Business Panel about the Council's response to COVID-19.

The Overview & Scrutiny Business Panel is recommended to:

- Note this update on the Council's response to COVID-19.

### Timeline of engagement and decision-making

- **30 April 2020:** Council Urgency Committee agreed a programme of Council meetings in light of the Council's focus on responding to the immediate challenges of COVID-19.
- **5 May 2020:** Overview and Scrutiny Business Panel (OSBP) agrees an approach to receive a monthly COVID-19 update item that provides a high-level strategic overview of the Council's response to COVID-19
- **26 May 2020:** [OSBP discusses the first update paper of the Council's response to COVID-19.](#)
- **23 June 2020:** [OSBP discusses the second update paper of the Council's response to COVID-19.](#)
- **21 July 2020:** [OSBP discusses the third update paper of the Council's response to COVID-19.](#)
- **18 August 2020:** [OSBP discusses the fourth update paper of the Council's response to COVID-19.](#)
- **September 2020:** Select Committees resume, agreeing work programmes for the rest of the municipal year.

This report has not been available for five clear working days before the meeting and the Chair is asked to accept it as a late item. This report was not dispatched on Monday 21 September due to officer capacity and the wider pressures of the Council's ongoing response to the COVID-19 pandemic and in order to take account of the views of the Local Democracy Review Working Group meeting on Wednesday 23 September regarding hybrid meetings (**see appendix 1**).

## 1. Summary

- 1.1. The purpose of this report is to provide an update and assurance for the Overview and Scrutiny Business Panel (OSBP) about the Council's ongoing response to COVID-19.
- 1.2. Since the last update report to OSBP in August, select committees have resumed and are in the process of agreeing work programmes for the municipal year. The COVID-19 update agenda item at OSBP was designed as a temporary mechanism during COVID-19 to replace usual scrutiny arrangements during the pandemic when scrutiny committees were wound down. In light of this, and in order to avoid duplication of reporting, efforts and focus - both in supporting and across the eight standing scrutiny bodies - while full scrutiny arrangements are back in place this agenda item will be scaled back to provide a strategic oversight of the management of the response from the Council GOLD lead. This report provides an update on key developments in the ongoing response since the last report regarding the Council's management of the ongoing response to COVID-19 and plans to respond to a second wave.
- 1.3. Appended to this paper (appendix 1) is an update on the potential introduction of hybrid meetings in the future, as discussed by the Local Democracy Review Working Group on 23 September and as requested by the Chair.

## 2. Recommendations

- 2.1. The Overview & Scrutiny Business Panel is recommended to:
  - Note this update on the Council's response to COVID-19.

## 3. Policy Context

- 3.1. The content of this report is consistent with all the Council's corporate priorities (as outlined in the Corporate Strategy 2018-22) as the need to protect the health and wellbeing of all our residents (particularly the most vulnerable) at the current time underpins the delivery of every commitment within the strategy. However, the recommendations are particularly relevant under the priority of:
  - *Delivering and defending: health, social care and support* – ensuring everyone receives the health, mental health, social care and support services they need
- 3.2. The Coronavirus Act (2020) sets out the temporary emergency measures that enable public bodies, such as local authorities, the NHS and police to respond to the COVID-19 outbreak. These measures are wide-ranging and involve the establishment of new powers and duties as well as changes to existing powers and duties.

## 4. Background

- 4.1. On 5 May, OSBP agreed that all formal scrutiny activity be channelled through the Overview and Scrutiny Business Panel, which will receive a standing item at each meeting to provide members and the public with a high-level strategic overview and assurance about the Council's response to COVID-19. Full Overview and Scrutiny Committee and all Select Committees ceased operating and all scrutiny activity was channelled through OSBP and specifically the seven scrutiny chairs.
- 4.2. At the AGM in July, Council agreed that Overview and Scrutiny Committee, six Select Committees (and potentially task and finish groups) all begin again in September,

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along with the wider council bodies of planning, licencing, audit etc.

- 4.3. In August, in light of the recommencement of all wider scrutiny bodies, the Chief Executive advised OSBP that officers would consider how best to provide timely information to members through the most relevant channel to avoid duplication of efforts and reporting. The Chief Executive also advised that OSBP would receive further information about planning for a second wave at this meeting.

## 5. Lewisham Council's response to COVID-19

- 5.1. On 11 March, the Council activated emergency measures to respond to COVID-19. Council Gold and a borough-wide COVID Committee Groups were established, both working to a shared strategy and objectives as set out in previous reports to OSBP. An incident response team was established to support on the response to COVID-19.
- 5.2. In March 2020, the Council, and as part of a pan-London agreed position, identified a set of critical services that were to be the focus of maintaining delivery above all other services throughout the COVID-19 pandemic.
- 5.3. The Council has also defined a number of new initiatives and work streams that have arisen from the COVID-19 pandemic response as critical services in themselves. New measures such as Shielding and key Public Health initiatives have been classed as critical. Staff from across the organisation were 're-deployed' to critical services in order to best support residents during lockdown.
- 5.4. In accordance with central government guidance, the Council supported the easing of lockdown measures, supporting businesses to operate safely, and to ensure the gradual reopening of some services which were forced to close in the early stages of the pandemic.
- 5.5. Since the last report to OSBP, the Council, along with all other London Boroughs, agreed to join the pan-London temporary arrangements for the provision of mortuary facilities and mortuary management, in advance of a potential second wave of the COVID-19 pandemic. [More detail is available in the report to Mayor and Cabinet on 16 September.](#)
- 5.6. On 9 September, the Prime Minister announced the central government would "boost the enforcement capacity of local authorities by introducing COVID-secure marshals to help ensure social distancing in town and city centres". Throughout the first wave, Council staff have been supporting social distancing measures in parks and open spaces and this will continue throughout the second wave. Additional capacity and support will be provided by deployed staff if necessary.
- 5.7. On 20 September, the government announced a new package to support and enforce self-isolation. From 28 September, people are required by law to self-isolate; those breaching the rules will be fined, and those on lower incomes will be supported by a payment of £500. Local authorities are required to set up these self-isolation support schemes. Council officers are currently preparing to administer the scheme.

## 6. Second wave planning

- 6.1. At the end of September 2020, following several weeks of increasing case numbers, the UK faces a second wave of COVID-19, with vast areas of the country under "local lockdown" and renewed restrictions in place for the whole of England and the devolved nations.
- 6.2. The incident response team conducted a 'lessons learned' exercise to identify what went well and where there are areas for improvement regarding the response to the first wave of COVID-19. These lessons learned form the foundation of Lewisham's developing recovery plan and have informed preparations for a second wave. The Council has reviewed and updated its response structure, strategy and objectives for a

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second wave.

#### Strategy

- We will work together with our partner agencies to prevent, minimise and respond to further outbreaks of Covid 19 and continue the recovery process for our communities, businesses and staff.

#### Objectives

- To provide support to the vulnerable
- To take action to prevent or minimise further outbreaks
- Managing resourcing to meet the needs of emergency and maintain essential public services
- To provide support to our responding partner agencies who are protecting and preserving life
- To provide support to Lewisham businesses and communities
- To inform and reassure through communication and engagement
- To provide community leadership/reassurance
- Minimise disruption to infrastructure and business
- To facilitate recovery and the return to normality

### **Risk Register – issues of concern and mitigation**

- 6.3. In planning for responding to the “second wave” of COVID-19 one of the critical elements to consider is risk. A risk register for south east London boroughs has been developed that provides the strategic overview of the risks for a second wave of the epidemic. Based on this, we have developed a borough-specific risk assessment. This is a live working document and will be regularly updated to reflect the situation as it progresses.
- 6.4. This risk register has been used to develop our local planning and response arrangements. It has also been used to identify key indicators about COVID-19 and the effectiveness of our response arrangements.

### **COVID-19 Outbreak Plans – to prevent and limit the spread of COVID-19**

- 6.5. The Council Gold group and borough-wide Health Protection Board continues to regularly review a mass of local, regional and national data on Covid 19 including infection rates, testing, contact tracing, hospital admissions, admissions to intensive care units and deaths. This data provides the current status, how effective the government measure are, how effective any local measures are and provides an early warning for local action.
- 6.6. There is London Outbreak Plan which was produced by the London Transition Board. The plan’s containment and escalation framework sets out how London responds to outbreaks of COVID-19.
- 6.7. The Council also has its own Lewisham Outbreak Plan which sets out the actions we will take locally to respond to outbreaks. The plan has four trigger points for further action as the situation worsens, each of which has its own action card. [The plan was published on the Lewisham Council website on 30 June 2020 and is available here.](#)

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## **Maintaining critical services – ensuring we continue to deliver key services**

- 6.8. During the first wave, the Council was able to maintain its critical services throughout lockdown. In some cases services were supported with volunteer staff where demand was high or absence was an issue. The performance of critical service delivery is closely monitored by the Council's Gold Group through a daily dashboard of data. The data monitoring dashboard indicates if and when a critical service is struggling due to high demand or absence which will prompt action to provide resources to ensure the continued delivery of critical service.

## **Providing specialist services – new services to respond to COVID-19**

- 6.9. In the first wave of COVID-19 the Council set up some new services to respond to specific requirements e.g. shielding. In some cases these specialist services have continued (e.g. emergency provision of PPE) and in others they have been paused (e.g. shielding).
- 6.10. The Council is now preparing to re-establish these specialist services for the second wave. They will be supported by deployed staff from across the organisation.

## **COVID Action Team – supporting critical and specialist services**

- 6.11. As with wave one, services will be prioritised for the purposes of responding to COVID for the second wave. The list of critical services is being reviewed in light of the likely response requirements of the second wave and lessons learned from the first.
- 6.12. In response to the first wave the Council set up a volunteering scheme which was successful. The volunteering scheme was one of the key success factors in the Council's response to COVID, the scheme has been reviewed and developed to ensure greater resilience for deployed staff. Staff from non-critical services will be deployed to the COVID-19 Action Team to support critical services and the Council's response to wave two. The COVID Action Team replaces the Council's volunteer scheme and is staffed by officers from non-critical services areas that have been deployed to support the Council's response.

## **Horizon scanning – what's the current status?**

- 6.13. A range of data is being used to inform us of the current status of COVID-19 in the community, our response to it and our ability to provide specialist services plus maintain critical service delivery. The Council collects and reviews data on a daily basis. In addition a further set of data is provided to the London Transition Management Group on a weekly basis.
- 6.14. The data sets for London and the Council are currently being reviewed based on what was informative from wave one, the South East London risk assessment and what's believed will be key indicators going forwards.

## **Do the plans work? – testing the arrangements**

- 6.15. In September, the Council took part in a south east London Boroughs exercise to test the strategic COVID-19 response at borough and cross borough level. It provided an opportunity to validate the COVID-19 outbreak planning/procedures for local authorities, health authorities and key stakeholders across the Sub Region.
- 6.16. The Council did identify actions and key learning points that are being followed up to make our arrangements more robust. In addition, at a local level we are running through a series of scenarios with partners, testing our response to outbreaks in some of the more complex settings in the Borough. For example funerals, housing estates, pubs, schools, offices etc.

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## **Staff Support – health and wellbeing support for Council staff**

- 6.17. In April, the Council launched its staff support hub as an organisational resource to support the wellbeing of Council staff during the COVID-19 pandemic and beyond. The hub is hosted online to ensure it is accessible to all staff, and our partners, and not just those who are office based.
- 6.18. As well as advice and guides for staff and managers in matters such as remote working, the hub includes signposting to offers of coaching, mental health first aid and a series of learning and development trainings. External support and resources are also included that promote and support wellbeing.

## **7. Financial implications**

- 7.1. The Council is facing extraordinary in-year financial pressures due mainly to the need to ensure that throughout the COVID-19 pandemic the Council continues to protect its residents and maintain front line critical services. This has resulted in an estimated COVID-19 impact of £60m with a funding gap of up to £20m and service overspending of £17m. More detail on the Council's finances and the impact of Covid is provided in the separate 'Finance stabilisation budget update' report currently before scrutiny ahead of the Mayor & Cabinet meeting on the 7 October.
- 7.2. Taking the estimated costs and lost income considerations of the Covid 19 response and additional support from government into account, the Council has sufficient reserves to meet these financial commitments at present. While the impact of the Covid 19 response may reduce the Council's financial resilience to face future shocks, it is the section 151 officer's assessment that the circumstances do not require consideration of a section 114 notice (in consultation with the Head of Paid Service and the Monitoring Officer) at this time.

## **8. Legal implications**

- 8.1. The Coronavirus Act 2020 received Royal Assent on 25 March this year. It gives the Government emergency powers to combat the COVID 19 pandemic. The provisions of the Act are time-limited for two years, though this period may be shortened by ministerial direction. In addition the Act is subject to Parliamentary review every 6 months.
- 8.2. The Act enables the Government to restrict or prohibit public gatherings, control or suspend public transport, order businesses such as shops and restaurants to close, temporarily detain people suspected of COVID-19 infection, suspend the operation of ports and airports, enrol medical students and retired healthcare workers in the health services, relax regulations to ease the burden on healthcare services, and assume control of death management in particular local areas.
- 8.3. Many of its provisions are specific to local government. For example the Act temporarily suspends local authorities' legal duty to meet the care needs of all people who are eligible under the Care Act 2014. Instead, councils will have a duty to provide care only if necessary to avoid breaching a person's rights under the Convention of Human Rights (ECHR). However as set out in the report, the Council has not sought to rely on any of the easements to the Care Act allowed in the Coronavirus Act.
- 8.4. The Act also makes provisions for elections and annual general meetings to be deferred and for council meetings to be held remotely.
- 8.5. A number of directions have been made to legislative provisions using the Coronavirus provisions. For example, the Secretary of State issued a direction on 31 March 2020 to Ofqual about the calculation of students' GCSE, AS and A level results and on 9 April in respect of technical qualifications though many of the government's intentions for local government have been expressed through non statutory guidance. Whilst having

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no statutory force, the Council would be well advised to have regard to this guidance, and only departing from it with good reason, particularly bearing in mind that the Secretary of State retains the power to issue directions if necessary.

- 8.6. Under Section 17 Crime and disorder Act 1998 the Council has a duty in the exercise of its functions to consider the impact of all their functions and decisions on crime and disorder in their local area.
- 8.7. Section 12 of the Health and Social Care Act inserted a new section 2B into the NHS Act 2006 to give a local authority a new duty to take such steps as it considers appropriate to improve the health of the people in its area. The steps in this report are consistent with that duty.
- 8.8. Under S3 Local Government Act, 1999 the Council must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This duty remains even in these exceptional circumstances.

## 9. Equalities implications

- 9.1. There is emerging evidence that suggests a disproportionate impact of COVID-19 on groups with protected characteristics. National research shows there are significant health inequalities affecting Black African and Caribbean communities, which are perpetuated by inequalities in the wider determinants of health such as housing, employment and education. These have been exacerbated by COVID-19 and may underpin some of the excess deaths in these populations.
- 9.2. Lewisham Council and Birmingham City Council are partnering to conduct a review gather insights on health inequalities within Black African and Caribbean communities in Birmingham and Lewisham asking 'how do we break the cycle of inequality?'. The Council has also submitted evidence to the Women and Equalities Committee about the different and disproportionate impact that the Coronavirus – and measures to tackle it – is having on people with the protected characteristics under the Equality Act.
- 9.3. The Council plans to supplement this work with an extensive impact assessment of COVID-19 on the borough, with a focus on those with protected characteristics.
- 9.4. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.5. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - advance equality of opportunity between people who share a protected characteristic and those who do not
  - foster good relations between people who share a protected characteristic and those who do not
- 9.6. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.
- 9.7. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for members, bearing in mind the issues of relevance and proportionality. They must understand the impact or

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likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

9.8. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

9.9. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty: A guide for public authorities
- Objectives and the equality duty. A guide for public authorities
- Equality Information and the Equality Duty: A Guide for Public Authorities

9.10. The essential guide provides an overview of the equality duty requirements

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

9.11. The essential guide provides an overview of the equality duty requirement including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

- <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

## **10. Climate change and environmental implications**

10.1. There are no direct climate change and environmental implications arising from this report.

## **11. Crime and disorder implications**

11.1. There are no direct crime and disorder implications arising from this report.

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## 12. Health and wellbeing implications

- 12.1. There are no direct health and wellbeing implications arising from this report, however it should be acknowledged that COVID-19 presents a serious threat to the health and wellbeing of Lewisham's residents, as it does across the world. The Council's response and recovery objectives are rooted in promoting good public health and safety for Lewisham's residents.

## 13. Background papers

- 13.1. [Overview and Scrutiny Business Panel 5 May 2020 - Scrutiny of the Council's COVID-19 Response](#)
- 13.2. [Overview and Scrutiny Business Panel 26 May 2020 - Scrutiny of the Council's COVID-19 Response](#)
- 13.3. [Overview and Scrutiny Business Panel 23 June 2020 – Scrutiny of the Council's COVID-19.](#)
- 13.4. [Overview and Scrutiny Business Panel 21 July 2020 – Scrutiny of the Council's COVID-19.](#)
- 13.5. [Overview and Scrutiny Business Panel 18 August 2020 – Scrutiny of the Council's COVID-19](#)

## 14. Glossary

Term	Definition
Council Gold	A gold/silver/bronze command structure is a hierarchy used by the emergency services and other public sector organisations (including local authorities) to manage the response to major incidents. Gold command is responsible for formulating a strategy for dealing with the incident and has overall control of resources.
COVID-19	Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus. The two main symptoms of COVID-19 are a high temperature and a new, persistent cough, and loss or change in sense of smell or taste.
Local Democracy Review	The Local Democracy Review was a Councillor-led review of local democracy in Lewisham, which made recommendations about how the Mayor and Council could enhance their openness and transparency, increase public involvement in Council decisions and promote effective decision-making.
Overview and Scrutiny Business Panel	Lewisham has two Business Panels (sub-committees of the Overview and Scrutiny Committee).  Overview & Scrutiny Business Panel is made up of the chair and vice-chair of the Overview and Scrutiny Committee, the chair of each of the Select Committees, and two other non-Executive councillors.

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Term	Definition
	<p>The main functions of Business Panel are reviewing key decisions once they have been taken (potentially “calling in” key decisions that have been made but not yet implemented); coordinating and approving the overall scrutiny work programme; and allocating scrutiny work in the event that it crosses the remit of more than one scrutiny body.</p> <p>Three parent governors and two diocesan representatives sit on the Education Business Panel, alongside the councillors that make up the regular Business Panel. The Education Business Panel reviews.</p>
Shielding	Those who are at the greatest risk of severe illness and have been advised to shield by the NHS.

## 15. Report author and contact

- 15.1. If there are any queries about this report, please contact Charlotte Parish, Principal Officer – Policy, Service Design and Analysis, by phone (020 8314 6101) or by email [charlotte.parish@lewisham.gov.uk](mailto:charlotte.parish@lewisham.gov.uk).

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