



Overview and Scrutiny Business Panel

Scrutiny of the Council's COVID-19 Response

Date: 13 October 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 update paper of the Council's response to COVID-19.](#)
- **23 June 2020:** [OSBP discusses update paper of the Council's response to COVID-19.](#)
- **21 July 2020:** [OSBP discusses update paper of the Council's response to COVID-19.](#)
- **18 August 2020:** [OSBP discusses 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. On 29 September [OSBP discusses update paper of the Council's response to COVID-19.](#)

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 5 October due to officer capacity and the wider pressures of the Council's ongoing response to the COVID-19 pandemic. The previous meeting of OSBP was held seven working days before the dispatch of this paper.

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. 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 developments since the last report and key metrics used by officers in to monitor and manage ongoing response to COVID-19.

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, 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. At the 19 September meeting of OSBP, it was agreed that this regularly update paper continue and include key metrics and data collected by officers

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to support the ongoing response to COVID-19.

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 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. 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.
- 5.6. A revised strategy and objectives was presented to OSBP on 29 September. Since the dispatch of that paper, the strategy and objectives have been further refined in alignment with the London-wide strategy, which was updated at the end of September.

Strategy:

We will work together with our communities and partners to coordinate an effective response to further outbreaks of Covid-19.

Objectives:

- To protect lives, especially of the most vulnerable and those at greatest risk
 - To manage and prioritise resources available to the Council in order to deal with the impact of the epidemic and to maintain essential public services
 - To provide support, where we are able, to our responding partner agencies who are preserving life and protecting our physical and mental health
 - To provide support to Lewisham businesses and communities within the resources available to the Council
 - To ensure that our communities/residents have the information, confidence and support to protect themselves and their loved ones
 - To provide community leadership and reassurance
 - To minimise disruption to the education of our young people
 - To mitigate the negative impacts of the pandemic on community cohesion
 - To live with Covid-19 safely, ensuring and protecting Lewisham's local economic activity and employment
- 5.7. The Council is continuing to implement plans to respond to a second wave of COVID-19. As set out in the previous paper to OSBP, Council Gold is:

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- Regularly reviewing a risk register for south east London boroughs and a Lewisham-specific risk register.
- Continuing to respond to outbreaks in the borough according to the Lewisham Outbreak Plan which sets out the actions we will take locally to respond to outbreaks.
- Monitoring the stability and resilience of critical services in order to ensure their continued delivery throughout a second wave.
- Providing and re-establishing specialist services required to respond to COVID-19.
- Supporting critical services, providing extra resource where necessary through staff deployment.
- Monitoring data and horizon scanning.
- Collaborating with partners across south east London, scenario planning and testing plans to ensure robust arrangements.
- Supporting staff with a mental health and wellbeing offer including coaching, wellbeing resources and learning and development.

6. COVID-19 in Lewisham – position as at 9 October 2020

- 6.1. The number of cases has increased notably both nationally and in Lewisham over the last week. We have seen an increase in cases in Lewisham during the week up to 03 October (most up to date reporting range). This reflects the trend across London. The 7 day infection rate in Lewisham remains below the London average. The Council continues to monitor the situation daily to enable us to respond appropriately. The majority of cases over the last week have been in adults age 18-34 (with 62% of cases in this age group).
- 6.2. Our testing rates have increased over the last week. The rate of positive tests, which are another important indicator of risk in the borough, remain lower in comparison to the rest of London.
- 6.3. Case numbers and infection levels in Lewisham (as at 9 October)

Number of COVID-19 lab confirmed cases in Lewisham			
Last 7 days	Last 14 days	Last 21 days	Total cases
185	275	334	1791

Rate of lab-confirmed cases in the last 7 days (per 100,000 people)		
Lewisham	London	England
60.0	66.6	109.3

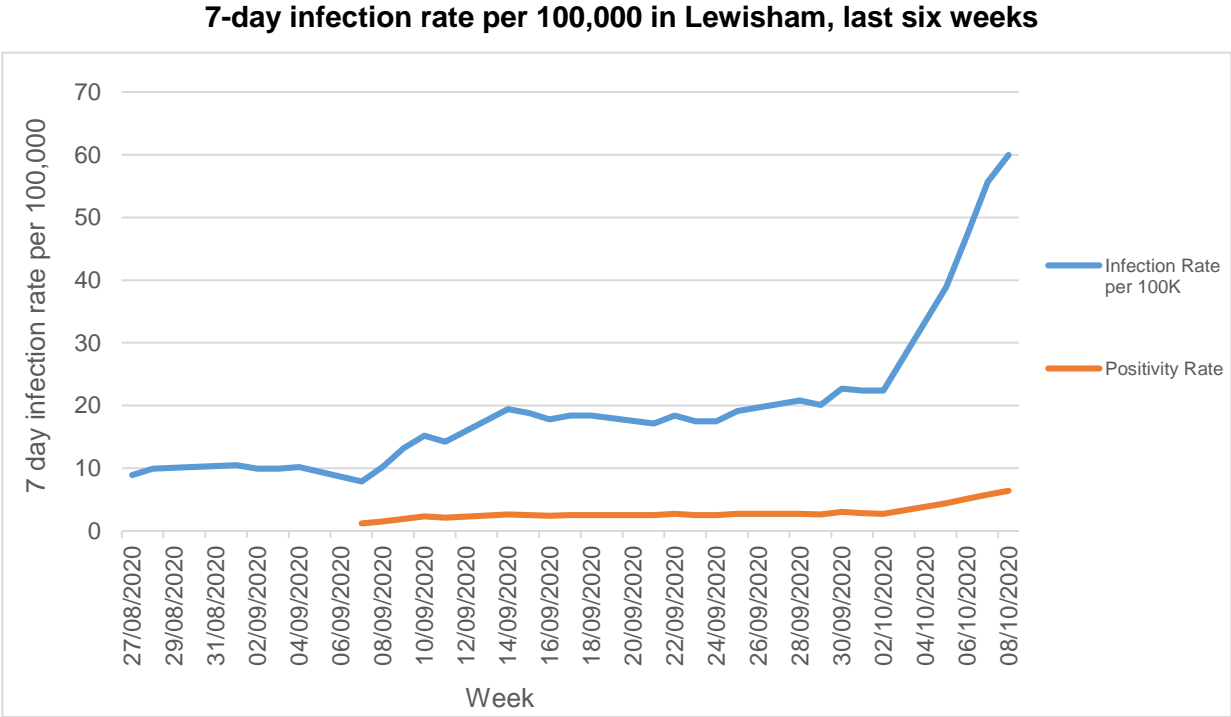
- 6.4. As at 7 October, the weekly testing rate per 100,000 population (7 day moving average) is 135.5, compared to 138.3 at a London level. The seven day test positivity levels (per 100 tests) in Lewisham are 6.6% compared to 7.3% across London. The seven day infection rate per 100,000 population is 62.3 in Lewisham compared to 70.5 in London.

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6.5. The graph below shows the 7-day rate of infection per 100,000 in Lewisham over the last six weeks.



6.6. The R number is the average number of secondary infections produced by a single infected person. An R number of 1 means that on average every person who is infected will infect 1 other person, meaning the total number of infections is stable. If R is 2, on average, each infected person infects 2 more people. If R is 0.5 then on average for each 2 infected people, there will be only 1 new infection. If R is greater than 1 the epidemic is growing, if R is less than 1 the epidemic is shrinking. The higher R is above 1, the more people 1 infected person infects and so the faster the epidemic grows.

6.7. As at 2 October¹, the reproduction (R) number for London is: **1.2 - 1.6**.

6.8. Over the past six weeks (since 28 August 2020), on average, the highest proportion of cases in Lewisham have occurred in those aged 18-64. A much smaller proportion of cases have occurred in those aged 65 and above or below 18.

6.9. Over the past six weeks in Lewisham, when comparing cases only where ethnicity is known, the proportion of cases in those of Black ethnic origin appears to be decreasing and the proportion occurring in those of white ethnic origin appears to be increasing, but further monitoring is required to confirm this trend. There are no other discernible trends in cases in other ethnic groups over this monitoring period.

6.10. As at 8 October, the percentage of staff sickness absence across the Council is at 4%, and the percentage of staff sickness absence due to COVID-19 is at 0.2%.

Mortality in Lewisham

6.11. There are two primary sources of information on COVID-19 mortality in all settings in Lewisham – Office of National Statistics (ONS) and Lewisham Registered Deaths.

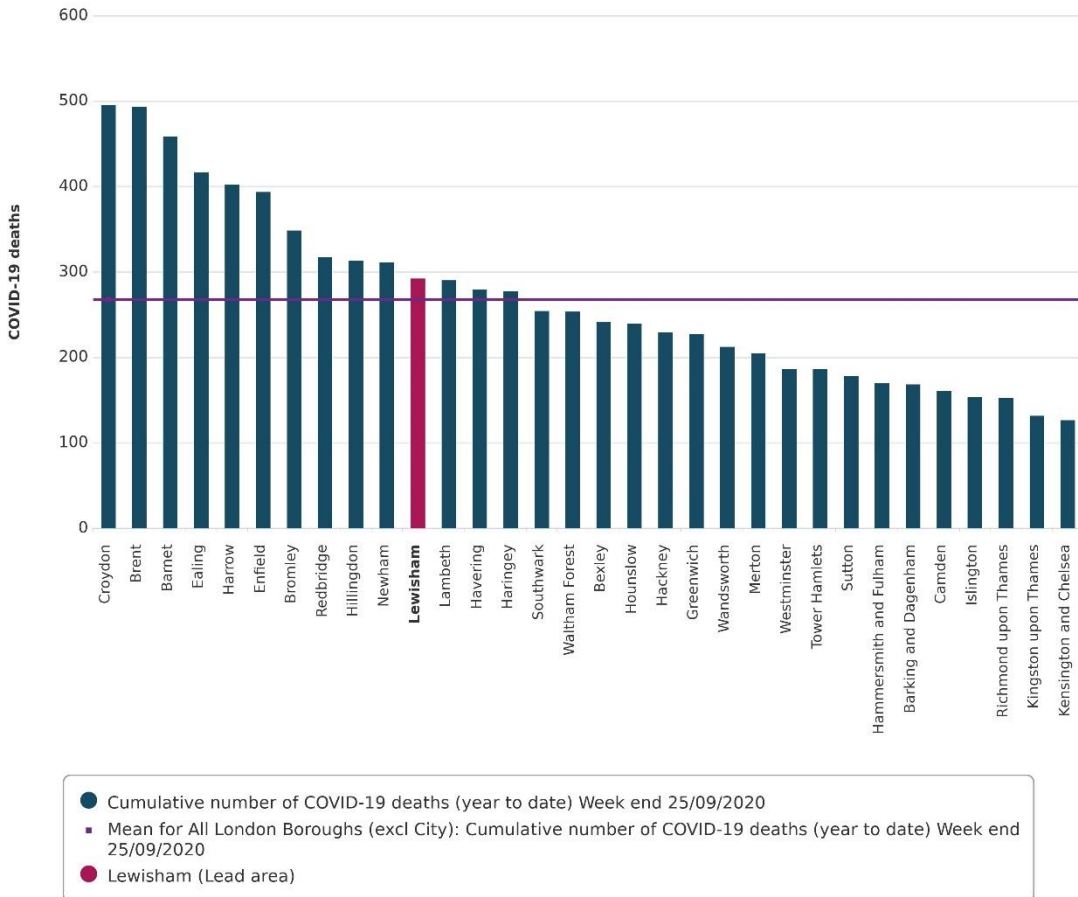
6.12. ONS data is currently the only official, verified source of COVID-19 deaths registered in

¹ Due to a delay in PHE data publication, the latest R number available at the time of dispatch of this report is from 2 October.

the UK that is available down to a local authority level. The data is published fortnightly and the numbers will therefore differ to the local registered deaths data that is available prior to verification by ONS. [This data is publicly available from the ONS website.](#)

- 6.13. The Public Health Team now routinely receive details of all deaths registered at Lewisham Registry Office on a weekly basis. This information is considered highly confidential and sensitive. It is also shared before the official data verification process undertaken by ONS and for these reasons it is not for wider publication.
- 6.14. A total of 293 deaths from COVID-19 have been registered in Lewisham and verified by ONS up to 25 September from the beginning of the year.

Cumulative number of COVID-19 deaths (year to date) (Week end 25/09/2020) for All London Boroughs (excl City)



Source:
Office for National Statistics

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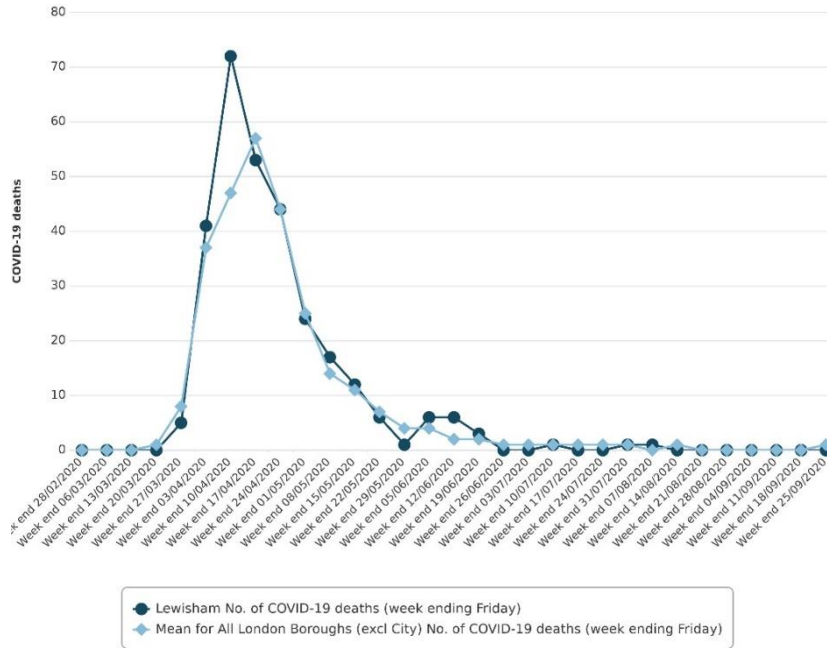
- 6.15. Lewisham has the 11th highest cumulative number of deaths from COVID-19 of all London boroughs.
- 6.16. The graph below indicates that between week ending 14 August and week ending 25 September, there were no deaths from COVID-19 in the borough.

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Number of COVID-19 deaths (week ending Friday) (from Week end 28/02/2020 to Week end 25/09/2020) for Lewisham

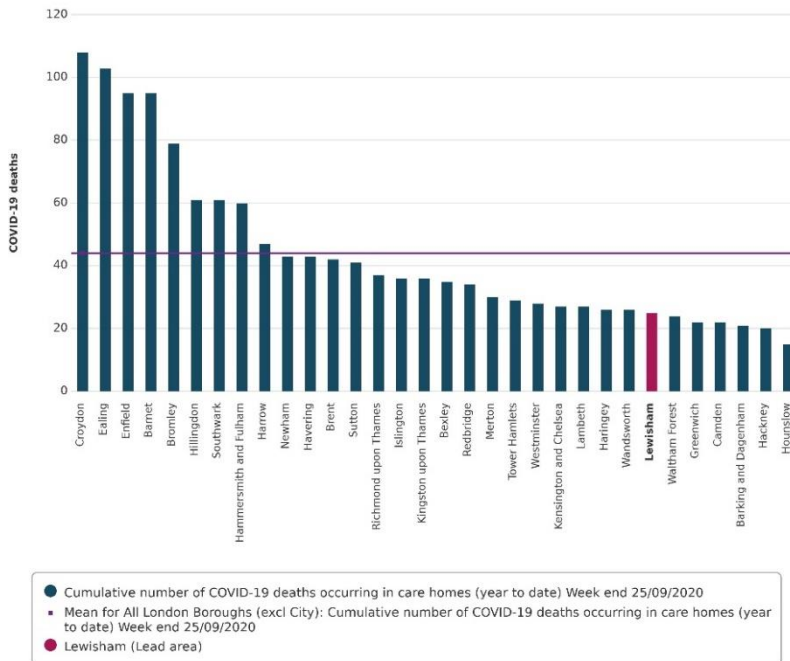


Source: Office for National Statistics

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- 6.17. Up to 25 September there have been 25 COVID-19 deaths registered as occurring in care homes in Lewisham.
- 6.18. ONS data on COVID-19 deaths in care homes has been standardised by calculating the rate of deaths per 1000 care home beds, to enable a comparison to other London boroughs. The graph below indicates that Lewisham has the 7th lowest rate of deaths in care homes and considerably below the London mean of 44.

Cumulative number of COVID-19 deaths occurring in care homes (year to date) (Week end 25/09/2020) for All London Boroughs (excl City)



Source: Office for National Statistics

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- 6.19. There have been no deaths from COVID-19 registered in care homes in Lewisham since the week ending 10 July 2020.

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7. Financial implications

- 7.1. The Council is facing 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 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.

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- 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 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

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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.

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](#)

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- 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.
Overview and Scrutiny Business Panel	<p>Lewisham has two Business Panels (sub-committees of the Overview and Scrutiny Committee).</p> <p>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.</p> <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.

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