#### Agenda item 3 AGS/18/24

	AG5/10/24
Report title: Social Media Issues : Part	t I (Public Report)
Report to: Audit, Governance and Stand	lards Committee
Report author: Gavin Jones, Chief Exec	cutive
Date: 15 April 2024	For: Decision
<b>Enquiries to:</b> Gavin Jones, Chief Execut Paul Turner, Director, Legal and Assuran	
County Divisions affected: All Essex	

#### 1. Summary of report

- 1.1 This report has been written following the decision taken by Council to ask the Committee to investigate aspects of a number of payments to a number of individuals, companies and community interest companies following concerns raised on social media and by councillors.
- 1.2 This report has been written after consulting members of the committee about the approach that the Committee wishes to take.

#### 2 Recommendation

2.1 The Committee considers the information in this report, decides any further information or further steps it wishes to take and how it wishes to report on this matter.

#### 3 What this report deals with

3.1 This report considers the issues relating to payments made to persons involved in social media. On 13 February 2024 Council passed the following resolution:

'This Council, given the media interest and public disquiet and being ever mindful of the need to spend taxpayers money wisely, requests an urgent investigation by the Audit, Governance and Standards Committee into the circumstances in which Essex County Council engaged Mr Simon Harris in contracts and payments amounting to £493,000 to provide social media posts from June 2020 until April 2023. The Audit, Governance and Standards Committee to pay particular regard to the following:

- 1. By what selection process was Mr Harris initially awarded these contracts, who made the decision and what background checks were made given his reputation as a comedian and prankster?
- 2. What precisely were these contracts awarded for, who signed them off, what due diligence was carried out and what value for money was carried out before further contracts or payments were awarded?

- 3. Were declarations of interest correctly recorded by those directly authorising the payments?
- 4. Why wasn't the in house ECC Communications Team given the additional resource to carry out the work by Mr Harris given that it was for a corporate public health awareness messaging campaign?
- 5. What analysis of the viewing data is available, considering the average view of a typical Facebook page is three seconds, and in particular Mr Harris's Facebook coverage in Essex? The Committee should consider use of an Independent data analyst to be engaged as a witness to the committee to verify how meaningful published reach data is.
- 6. It has been reported that serious concerns were raised in 2021, why did payments continue until 2023?
- 7. What is the usual budget for social media and how much has been spent on social media since April 2023?
- 8. Does the Audit, Governance and Standards Committee consider this expenditure to be value for money, and if so, how?
- 9. The effectiveness of opposition member scrutiny of this expenditure?
- 10. What learning so far has been taken and what changes made or are being explored in procurement processes?

It is acknowledged that the above list is not exhaustive and therefore, the Audit, Governance and Standards Committee should ensure that a full and thorough examination is undertaken and allow any Member to bring any evidence or questions they have forward.

This Council therefore calls on the Audit, Governance and Standards Committee to report and publish the outcome of its investigation.'

- 3.2 This report sets out those issues in more details and collates the information held by the Council.
- 3.3 It should be noted that the first payment to a person in scope was made on 1 January 2018 and the first payment to Mr Harris was made in on 1 July 2019, which is almost five years ago. Both the then Head of Strengthening Communities, who commissioned the work and her line manager, the Director of Public Health, left the Council's employment March 2022. We have found as many records as we could and we have sought clarification from people who remain in the council's employment, although those remaining were not responsible for decision making until the departure of the former Head of Strengthening Communities.
- 3.4 Although this report is principally expressed as dealing with payments made to Simon Harris, the answers generally apply to all the 'persons in scope', unless it's obvious that this doesn't apply – for example when the report refers to a specific payment. The 'persons in scope' are:
  - Simon Harris
  - Jon Morter
  - Emmy McCarthy
  - Johnny Searle Consulting Limited
  - Neel Mookherjee
  - Rob Pilley

- Jake Searle
- Central Law CIC
- Better Divorce Course
- The Prince of Wales Pub in Stow Maries
- 3.5 It should be made clear, as we have elsewhere, that the persons in scope were selected because of questions about them. The fact that someone is a person in scope suggests only that that the Council has received questions about them. It does not necessarily suggest that the Council (or anyone else) has made any criticism of that individual.

#### 4 What information has already been published?

- 4.1 In response to concern from the public, the press and councillors, the Council took the decision to publish a significant amount of information in January 2024. That information was published on the main ECC website at this URL. The information published includes a **spreadsheet** setting out all the payments which have been raised, a **narrative** explaining the information we have and answering questions as fully as possible, based on the information we were able to find out at that time. It also includes the **contracts** covering the large majority of the spend. This report should be read in conjunction with that published information.
- 4.2 In preparing this report we have found some additional information which was not held in the Strengthening Communities Team but which sheds some light on what was being done. This is attached at appendices 1-3.

#### 5 The Selection of Mr Harris and checks made

- 5.1 We do not know what the selection process was, or if there was a competitive process. It will be seen from the spreadsheet that the first payment made to Mr Harris was in July 2019 of £2,775 for support to the United in Kind work. The second payment was in September 2019 of £2,000 for a childrens' oral health social media campaign, and the third payment was for £1,000 and was for video production filming Harwich choir. None of this required any selection process or checks because of the low value of individual contracts.
- 5.2 The next payment was on 31 March 2020. It was for £20,000 and this was covered by a procurement waiver. This was the first payment for Essex Coronavirus Action (ECVA). We have found three briefings to the Chief Executive, to the Cabinet Member and to the Cabinet on the inception of ECVA). These are appended to this report. As a result of the waiver there would be authority to directly award the contract without making any further checks.
- 5.3 There is no evidence of any competitive procurement being undertaken for any of the contracts or other payments in the spreadsheet. Some of the payments didn't need a procurement waiver because of their size or because they took the form of grants rather than procurement. Whilst grants are normally made to

charities and community organisations, there is no law which requires this and in fact any contract which is not a public contract within the meaning of the Public Contracts Regulations 2015 *could* take the form of a grant. The boundary between a grant and a services contract is not always clear and in practice some arrangements could legitimately be considered as taking either form.

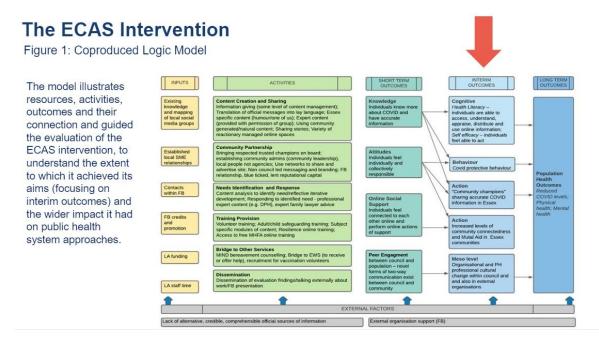
- 5.4 The decision taker for each item of spend is listed in the spreadsheet. In some cases, where we haven't identified a contract, we have treated the person who initiated the payment as being the person responsible, because that's what our financial rules would say. At least two officers will always have been involved in every payment; one to set the payment up on the system and another to approve it, thus ensuring separation of roles.
- 5.5 In terms of 'background checks' there is no rule requiring background checks to be made for contractors of this nature. We would generally seek references if for agency workers and for higher value contracts, and clearly Disclosure and Barring Service (DBS) checks would be required for certain types of work. There is no requirement to undertake background checks and no further checks would have been required for contracts of this nature.

#### 6 What were the contracts awarded for?

- 6.1 The only information we have about what the contracts were awarded for are:
  - The contracts themselves, which include limited information, perhaps because of the nature of the services which appear difficult to define in a prescriptive legal way as they were to some .
  - The briefing notes appended to this report which are evidence of what the author of the note thought was happening.
  - The evaluation report prepared by London South Bank University in 2022 (appendix 6).
  - With respect to the social media contracts, the historic information on the facebook pages themselves.
  - Information gleaned by asking people who are still here.
  - An article in the Local Government Chronicle, an extract from which is quoted below.
- 6.2 The forensic answer to that question seems to be that most of the social media payments were to run facebook pages and groups and in some cases to produce content for those groups. The purpose of the groups was to work at arm's length from the council and, particularly during the pandemic, to pick up messaging issued by ECC and repackage in a more informal way to make it appeal to a different audience and make it more engaging and thus spread more widely. Overall this involved:
  - Administration of pages (moderating comments etc)
  - Building links with other groups (eg facebook groups covering local areas)

- Producing content
- Encouraging others (especially admins of local facebook groups) to share content
- · Recruiting volunteers at various stages during the pandemic
- Answering questions raised by members of the group (eg about lockdown restrictions).

Not everyone did every task. The diagram below is taken from the London South Bank University evaluation:



This diagram is taken from the ECC evaluation:

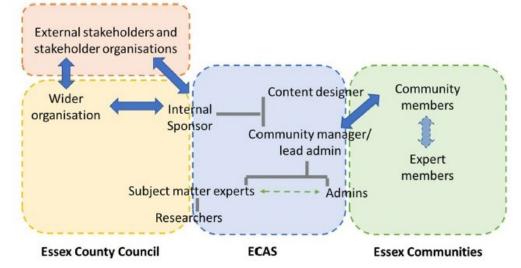


Figure 9. ECAS team structure.

6.3 Similar models were used, on a smaller scale, for other pages and sites including

- Never too late mate suicide prevention
- Veteran support
- Essex is Green
- Support for the Traveller community
- Dementia mentions
- Support for Working Families
- Smoking cessation

A full breakdown of payments is in the published spreadsheet.

# 7 What value for money assessment was carried out before further contracts or payments were awarded?

- 7.1 There were evaluations of effectiveness, but they did not specifically focus on value for money. We have not been able to find any evidence of value for money assessment other than, perhaps, the decisions taken by Councillors to award further payments. Whilst these reports didn't disclose how much individuals were being paid, they clearly did disclose the total sums being paid for ECVA.
- 7.2 On the one hand, it is our clear view that we achieved more engagement than would have otherwise been the case, and it was a <u>novel approach</u>, using a 'non-local government' tone of voice and frequent posting, which was valued by our residents and cited in <u>national case studies</u>. It certainly helped engagement within the covid restrictions and it helped influence behaviour by giving people information in an engaging way. On the other hand, it is entirely understandable that people will regard the sums concerned as a lot of money to spend on Facebook promotions, particularly viewed 18 months after the end of the pandemic crisis and during a cost-of-living crisis.
- 7.3 Essex Coronavirus Action was shortlisted for the 2021 Local Government Chronicle Awards.

# 8 Why wasn't the in house ECC Communications Team given the additional resource to carry out the work by Mr Harris given that it was for a corporate public health awareness messaging campaign?

8.1 The ECVA work was of a different nature to that undertaken by the ECC Communications Team, and it is not accurately described a 'corporate public health awareness messaging campaign'. It was done at arm's length from ECC and although much of the messaging was an amplification of ECC's messages, it was done in a different way in an attempt to reach a wider/different audience, as explained above. The ECC Communications Team was in any event working at full stretch during this period. It is likely that people who may not have wanted to engage with ECC corporately would have engaged with ECVA and ECC did not have the links to local facebook groups.

- 8.2 Given the wider pressures of pandemic communications, it was not possible to find the capacity internally to support this work, and there was not really a clear market price for work of this specific type (facilitating engagement and amplifying messages through working with Facebook administrators) which was a new area of 'paid for' activity for us. It was also considered helpful to have independent amplification of our messages by a non-local authority voice.
- 8.3 The following is an extract from an article published in the Local Government Chronicle on 19 March 2020:

"The work, which the council has called Facebook for Good, started when Ms O'Callaghan joined the county council around 18 months ago from West Essex CCG where she was a mental health commissioner. "The director of public health asked me to do two things: deliver public health interventions at scale and sort out social isolation. What he means by 'at scale' is get communities delivering it to themselves," she says.

"You can't 'service' your way out of where we are now [following a decade of austerity]. It's short-sighted and you rob people of being able to solve their own issues. Facebook does allow us to convene people to help themselves," Ms O'Callaghan says.

"The local Facebook group has become something of a modern phenomenon, demonstrating that despite the global reach of the internet people are still very much interested in making local connections and finding out about what is going on in their areas.

"Their potential was brought home to Ms O'Callaghan when she lost her dog Martha and with the help of an active group in South Woodham Ferrers, her hometown, she was found and returned safely.

"The potential of this particular group was demonstrated again when, in the wake of a suicide that was generating significant local feeling, Ms O'Callaghan sent a link via the admins to a 20-minute online suicide prevention training course. Overnight 400 people completed it.

"Mental health and suicide prevention has figured highly in the work so far, in part because some areas of Essex have above average rates of male suicide. This includes a campaign, Never Too Late Mate, encouraging men to reach out to their friends, while the suicide prevention course and off line mental health first aid training promoted through the group admins has now been completed by 20,000 people with eight of those reporting they have used it to stop people taking their own lives. "You could say that's just self-reported but I'm happy with that," Ms O'Callaghan says.

"One of the main initiatives of the work so far has been the United in Kind programme to tackle social isolation. The strengthening communities team worked with the group admins to co-produce the branding and messaging before setting up a Facebook page. These messages about the importance of being kind, looking after your mental health and asking for support if you need it are then posted and shared by admins in their groups and from there take on a life of their own. They have now reached 450,000 Essex news feeds.

"Essex residents can send a message via the United in Kind Facebook page using Messenger which will then connect them with a single point of access lifestyle service which is part of the county's social prescribing model for tackling social isolation. In 2019 around 33,000 individuals were supported through the single point of access, compared with 10,000 the previous year.

"the single point of access can connect them to a kindness coach or care navigator but oftentimes they talk to each other and solve their own problems," Ms O'Callaghan says. "It's peer support which means savings to the public purse and it works because people trust their peers."

9 What analysis of the viewing data is available, considering the average view of a typical Facebook page is three seconds, and in particular Mr Harris's Facebook coverage in Essex? The Committee should consider use of an Independent data analyst to be engaged as a witness to the committee to verify how meaningful published reach data is.

- 9.1 The first thing to say is that most of the areas here comprised a facebook page and an associated group. People interact slightly differently with pages and groups and more importantly, the statistical information is stored separately and is available differently.
- 9.2 Some information was provided to London South Bank University as a result of the study in 2022.
- 9.3 As a result of the request from the Council meeting in February Mr Harris has provided us with spreadsheets downloaded from meta showing data relating to Essex is United the page and the group. Mr Harris has made it clear that this is raw data extracted from the Facebook data. These documents have been added to the data published in January 2024 and are also directly available here:

https://www.essex.gov.uk/sites/default/files/2024-04/EIU%20Facebook%20Impressions%20-%201%20April%202022%20until%2030%20March%202024.csv

https://www.essex.gov.uk/sites/default/files/2024-04/EIU%20Impressions%20-%20Last%2024%20Months.xlsx

https://www.essex.gov.uk/sites/default/files/2024-04/EIU%20Facebook%20Group%20Insights 2023-2024%204.xlsx

- 9.4 Mr Harris has also provided the document at Appendix 6 which the Chairman has agreed should be given to the Committee.
- 9.5 Statistical information is generally only available from Facebook covering the last two years. The documents published include:
  - EIU Facebook page Impressions 1 April 2022 to 30 March 2024
  - EIU Impressions last 24 Months (this covers the period 1 February 2021 to 1 February 2023 and was previously downloaded by Mr Harris for another purpose and retained.
  - EIU Facebook Group Insights for 2023-4. This includes several tabs of data.
- 9.6 It will be seen that there are gaps in the data; reports have been produced which seek data which is more than two years old – generally these dates have been populated with zeros. It should also be remembered that most of the data covers the period after the end of the pandemic and does not include any period of lockdown or significant coronavirus restrictions, when interactions with the pages were likely to have been higher.
- 9.7 It will be seen that latterly there has been significant interaction with the page, with, in recent times, between 8,000 and 111,000 daily impressions recently and in March 2024, the most engaged with post in the EIU group had 17,348 views, 489 reactions and 21 comments. It will also be seen that there are thousands of members of the group who are active each day (which means

their device receives at least one piece of content from the group). It should be remembered that content does not, in many cases, asking people to click on hyperlinks and although engagement is possible, a successful interaction is one where the information is read by a user in Essex. Over the last two years there have been 1,352 posts to the group.

9.8 Finally, the ECC corporate facebook page has 45k followers. The Essex is United facebook page has 62k followers. According to a screenshot sent by Mr Harris the page has had 731.7k content interactions

# 10 It has been reported that serious concerns were raised in 2021, why did payments continue until 2023?

- 10.1 Some payments were covered by a three year arrangement which expired on 31 March 2024 and relevant officers were of the view that they could not terminate the arrangement so no termination was considered
- 10.2 Others were for different things, such as maintaining links with the everchanging landscape of local facebook groups, which was felt to be of value, or for the Essex is Green initiative which the Climate Action service felt was of value.
- 10.3 It will be seen from the spreadsheet that the level of payments was much higher in 2020/21 and 2021/22, the height of the pandemic. In 2023/24 a total of £117,000 was paid:
  - Neel Mookherjee £20,000 for Essex is United final year of a three year agreement
  - Rob Pilley £20,000 for Essex is United final year of a three year agreement
  - Jon Morter £12,000 for community mapping maintaining links with local FB groups final year of a three year agreement.
  - Simon Harris
    - £35,000 for Essex is United final year of a three year agreement
    - £5,000 for 'Never too Late Mate'
    - £5,000 for 'Veteran support'
    - o £20,000 for 'Essex is Green'

# 11 What is the usual budget for social media and how much has been spent on social media since April 2023?

11.1 The Council does not have a specific budget for social media and it never has had. Nor does it have a 'subjective' code for social media. We believe that this is the same as most organisations. Many services may use social media to a larger or smaller scale, and normally the only cost is staff time, which isn't recorded or costed. The Council also uses social media, including paid for advertising on social media, in some campaigns. Invariably campaigns are

budgeted and within these budgets there will be an amount for social media, but this isn't necessarily a specific budget and there's no quick way to identify this spend. Advertising on social media could be paid for directly to social media companies, but may also involve the use of third party agencies.

- 11.2 Most marketing campaigns will be commissioned via the Communications and Marketing Team but that isn't invariably the case and some services may have their own capability for running campaigns to a greater or lesser extent.
- 11.3 It should also be noted that paid for advertising on social media is not the same thing as the Council was paying for to the 'persons of interest'. The paid for advertising 'serves' clearly identified advertising to users of social media sites. This is not the same as the 'persons of interest' who were directly engaging on social media, creating content and encouraging other admins to take it.
- 11.4 The view of the Head of Marketing and Communications is that there is not an easy way to categorise social media spend within the Communications and Marketing team which gives a direct comparison to the work commissioned by the Strengthening Communities team. The work commissioned by the Strengthening Communities team centres around facilitating engagement and amplifying messages through working with Facebook administrators. The Communications and Marketing team are responsible for the corporate social media channels.
- 11.5 In this section of the report the Communications and Marketing Team have provided context and financial information which demonstrates the costs of social media activity undertaken in the Communications and Marketing team. This includes people costs and social media spend for specific campaigns delivered in response to supporting residents and businesses during the Covid-19 pandemic.
- 11.6 The Communications and Marketing team are a team of specialists aligned to different Communications and Marketing disciplines. There is a team of social media specialists. The social media team are responsible for the management of the council's corporate social media channels. This includes content creation, campaign activity, paid for social media advertising and evaluation and analytics.
- 11.7 Alongside this the social media team, like all other members of the Communications and Marketing team have a consultancy role, providing advice and guidance to other Communications and Marketing professionals across the organisation. The Communications and Marketing team or the social media team do not have a role in managing relationships with, or commissioning third party Facebook groups or admins.

The actual staff costs of the social media team over the last four years are set out below.

Year	Senior Social Media Advisor (£)	Social Media Advisor (£)	Grand Total (£)
2020/21	24,710	133,875	158,586
2021/22	60,925	88,493	149,418
2022/23	61,658	60,032	121,690
2023/24	63,581	98,480	162,060
Grand Total	210,874	380,880	591,754

11.5 It should be noted that there are other members of the Communications and Marketing team who have a role in social media activity, but we do not record these costs as it would be a fluctuating percentage of their role. Others involved would include, but is not limited to, the Leadership team who provide strategic direction, oversight and line management of the individuals in the social media team, graphic designers who provide social media graphics for some campaign or content types, Communications and Marketing advisers who may provide guidance/direction/content as part of integrated Communications and Marketing projects.

#### Paid-for social media activity

- 11.6 The Communications and Marketing team are responsible for delivery of corporate campaigns which are identified through the organisation's strategic plans. Campaigns look to raise awareness, change behaviour, drive recruitment and generate income. Our campaigns have clear objectives and targets and activity is always centred around audience insight and need. The channels we use are dependent on the audience insights. We take a multi-channel approach to paid for activity, which is the most effective way to buy media and is recognised as standard by the industry. This means that in the majority of cases we buy advertising across a number of platforms, for example print, radio, poster sites, digital display, and social media advertising. It is therefore challenging to distil exact social media advertising spend for all of our campaigns.
- 11.7 The Communications and Marketing Team have identified two campaigns which ran in 2021/22 where we are able to pull out social media spend specifically.

#### 1. Love Local

Overview: Encourage residents to shop local and support local businesses post pandemic

Total advertising Spend: £70,693, of which spend specially on social media advertising was £47,550. Social media advertising was placed across Facebook, Instagram and Snapchat.

Additionally, we ran a partnership Facebook advertising campaign with Newsquest Media Group, across selected Newsquest titles of relevance to Essex audiences. Outcomes: From 1 December 2020 to 31 December 2021, trackable campaign activity drove more than 30,000 users to the Love Local campaign landing page on essex.gov.uk

The social media advertising was delivered through eight targeted phases over the campaign year. During this time, the adverts were seen over 10.5 million times, generating over 63,000 clicks from links in the advertising. This promotion on our own social media channels and delivered by our inhouse team had over 148,000 displays on Twitter/X and a reach of 171,000 on Facebook.

Social media advertising on ECC corporate accounts was the main source of traffic and drove 63.48% of people to the campaign website landing page. The average Click Through Rate (CTR) was 0.60% and the average Cost Per Click (CPC) was £0.56.

The social media campaign performed favourably in comparison to industry benchmark figures (sourced from Wordstream and adjusted for the UK and people/society related advertising) of 0.85% for average CTR and £1.52 for average CPC. This demonstrates a good return on our social media investment.

#### 2. Business Grants

Overview: Raise awareness of existing and new business grants/schemes, including the Essex County Council Business Adaptation Grant, and signpost businesses to apply through district/borough websites

Total advertising spend: £52,540, of which spend especially on social media advertising was £24,350. This included LinkedIn advertising, Facebook advertising and a partnership Facebook ad campaign with selected Newsquest titles.

There was also additional advertising on email marketing and digital display advertising.

**Business Grant Outcomes:** 

Phase 1: From 12 February to 26 May 2021, trackable campaign activity drove 8,352 users to the landing page on essex.gov.uk. Of these, 5,412 users were referred to local councils' business support pages to apply for a grant.

Newsquest Facebook advertising was the main source of traffic and drove 45.13% of people to the campaign landing page. The advertising campaign was split into three areas of activity – discretionary grants, ECC Business Adaptation Grant and targeting professional services referrals.

**Discretionary grants** 

Click through rate (CTR): 1.35% Cost per click (CPC): £0.50

**Business Adaptation Grant** 

CTR: 1.99% CPC £0.35

**Professional services** 

CTR: 1.07% CPC: £0.52

The adverts performed well in comparison to industry benchmark figures (Wordstream, adjusted for the UK and business advertising) of 0.89% average CTR and £1.98 average CPC.

LinkedIn adverts were seen 126,783 times and generated 1,653 clicks to the campaign landing page. The average CTR was 1.30% and the average CPC was  $\pounds$ 1.32.

The LinkedIn adverts performed well when compared to industry benchmark figures (Powered by Search) for average CTR of 0.44% and average CPC of between £3.95 and £7.89.

Additionally, promotion on ECC social media channels, delivered by the corporate in-house team was seen 154,000 times with 2,700 actions (eg likes, shares, comments).

Phase 2: From 16 August to 31 December 2021, trackable campaign activity drove 16,257 users to the campaign landing page on essex.gov.uk. Of these, 4,103 users were referred to local councils' business support pages to apply for a grant.

Phase 2 activity focused solely on promoting the updated ECC Business Adaptation Grant using case studies of businesses in receipt of the grant. For this campaign, a mix of digital channels was used, including Facebook and LinkedIn advertising.

The Facebook adverts were seen 2.3 million times and generated 9,230 clicks to the landing page. The CTR was 0.41% and the CPC was £1.05, in comparison to industry benchmark figures of 0.89% average CTR and £1.98 average CPC.

The LinkedIn adverts were seen 122,218 times and generated 808 clicks to the landing page. The CTR was 0.66% and the CPC was £4.86, which compares favourably to industry benchmark figures (Powered by Search) for average CTR of 0.44% and average CPC of between £3.95 and £7.89.

Additionally for Phase 2, promotion on ECC social media channels, delivered

by the corporate in-house team was seen 65,000 times with 900 actions (likes, shares, comments).

# 12 Does the Audit, Governance and Standards Committee consider this expenditure to be value for money, and if so, how?

- 12.1 This is principally for the committee to decide in the light of the expenditure and the information above about what ECC spends on social media.
- 12.2 The Committee will need to take account of the fact that ECVA was a new and experimental way of working which needed to be started quickly and involved working at arms length in a way that so far as we can tell was a first. The Head of Communications and Marketing believes that this approach was first used by ECC and was then copied by Suffolk CC. There was clearly some value in what was done, and it provided the council with extra capacity and reach at a time when the Council was under great pressure owing to the demand on its services.

#### 13 The effectiveness of member oversight of this expenditure

- 13.1 Under the County Council's constitution:
  - Delegated officers (usually Heads of Service and above) have authority to spend up to £500,000.
  - Executive Directors have authority to spend up to £2m in consultation with a Cabinet Member
  - Cabinet Members have authority to spend up to £5m after taking legal and financial advice
  - Cabinet and the Leader have authority to spend unlimited amounts after taking legal and financial advice.
- 13.2 All spend is published in the spending list. Where the money is to be spent via a contract
  - Under £10,000 there is no requirement for any competition
  - £10,000 to £100,000 there is a requirement for three quotes
  - £100,000 to the relevant EU procurement threshold there is a requirement for tenders.
  - Over the relevant EU procurement threshold there is a requirement to follow a process which complies with the Public Contracts Regulations 2015.
  - None of this applies if an exemption has been granted from procurement rules

13.3 There were three formal decisions taken by Councillors:

- 1. <u>One taken by the then Leader of the County Council on 24 December 2020</u>, allocating £60,000 to be spent on Essex Coronavirus Action.
- <u>Taken by the Cabinet on 8 June 2021</u>: authorising £100,000 to be spent on Essex Coronavirus Action (<u>streamed on YouTube</u>) and £50,000 to be spent on a coronavirus campaign for gypsies and travellers, and £100,000 for

Chelmsford CAB which was for the Central Law Group. In addition the sum of £500,000 was allocated for Coronavirus Campaigns. This was for not for ECVA but for the corporate communications team who were undertaking significant activity in communicating to our residents, including sending a hard copy letter to every address in Essex. ECVA supplemented this work. The focus of this decision was on deciding how a government grant would be spent.

- 3. <u>Taken by the Cabinet Member for Finance on 21 December 2021</u>: allocating money for Essex is Green. It was clear from the report that £60,000 per annum was to be spent on this initiative. This was a decision by the Cabinet Member with responsibility for Finance, who would be authorised to provide money but not to decide how it was spent in another Cabinet Member's portfolio. It is clear that the Leader and Climate Change Czar were both consulted on the proposed decision. This would involve as a minimum them being sent the paper and an opportunity to comment.
- 13.3 These reports did not set out the contractual approach that the council was to take and they did not say who the Council was contracting with they were concerned with authorising spend.
- 13.4 In addition, there was likely to have been general awareness of the social media activity amongst most members, particularly those elected before the May 2021 election as we believe that Essex Coronavirus Action was well known about.

# 14 What learning so far has been taken and what changes made or are being explored in procurement processes?

14.1 It is suggested that this matter is not finally determined until the Committee has all the information presented to it and has any other information it needs, including any further information that it wishes to request after completing its consideration of this matter.

# 15 Further issue: It is understood that Simon Harris was paid funds to disburse to third parties, is this correct and was it appropriate?

- 15.1 Simon Harris was paid a sum of money to disburse to others. Mr Harris recorded his spend against this sum via a spreadsheet. The Internal Audit Team have been able to reconcile this and consider that there is good evidence that money has been spent. Mr Harris has been entirely open about the arrangement and officers are satisfied that he has acted in good faith. The spend can be categorised into three elements:
  - (a) money which was paid immediately to others in a similar situation to Mr Harris, working alongside him in an arrangement which could reasonably described as a sub-contracting arrangement. This was perfectly reasonable and appropriate and no criticism can be levelled at anyone for this aspect of the arrangements.

- (b) Money which was retained for commissioning content from third parties. It appears that there was no definite plan for this money at the time of the payment. This was not appropriate given the limited control and oversight that the Council had over the spend. That is not to say that money was misappropriated as there's no evidence that it was.
- (c) Money paid for people working onboarding volunteers in vaccination centres. A total of £16,640.95 is recorded as having been paid to people who worked in relation to vaccination centres. The Committee will be aware that many people at vaccination centres were volunteers, but the public rightly expected them to have been checked. Accordingly we needed people to carry out these checks. Those people were recruited by ECC and it is understood that at least one of the people was experienced in volunteer co-ordination. A decision was clearly taken for Simon Harris to pay them from funds provided to him by ECC. Anecdotally it has been said that this decision was taken as ECC was unable to employ them guickly because there was no equivalent job on our systems and creating one would have needed a role profile and to go through a job evaluation process. The Committee will be aware that the vaccination programme was scaled up very quickly and it seems clear that Mr Harris was selected as someone who was willing to make these payments. We do not know what checks were made. It seems clear that they were not regarded as employees by Mr Harris. Mr Harris had not previously been an employer and it was probably not fair to ask him to make these payments given he had no direct involvement in the vaccination programme or in the onboarding of volunteers, albeit he did agree to take on this work. It does appear that this was not appropriate and was overly expedient and another solution should have been found. That said, this was something where there was great deal of pressure from the NHS and others for ECC to provide a large number of checked volunteers very guickly which would have made it very tempting to take shortcuts, even if these shortcuts are not now regarded as appropriate.

#### 16 Issues for consideration

#### **16.1 Financial implications**

16.1.1 The total ECC spend with the 'persons in scope' identified in relation to this report was published by the Council in January 2024, in the spreadsheet presenting all identified associated payments raised across the financial years 2017/2018 to 2023/2024. The link to this data is included in 4.1. above.

#### 16.2 Legal implications

- 16.2.1 Regulation 4 of the Accounts and Audit Regulations 2015 states that the section 151 officer must determine its financial control systems which include measures
  - (a) to ensure that the financial transactions of the authority are recorded as soon as, and as accurately as, reasonably practicable;

- (b) to enable the prevention and the detection of inaccuracies and fraud, and the reconstitution of any lost records; and
- (c) to ensure that risk is appropriately managed.

This must include separation of the responsibility of officers. The Council does have separation of roles when making payments as can be seen from the spreadsheet

16.2.2 The Public Contracts Regulations 2015 normally requires a compliant process to be followed for individual contracts for services whose value exceeds a published threshold, currently £214,904.

#### 17 List of Appendices

Appendix 1	- Briefing to the Cabinet Member
Appendix 2	- Briefing to the Chief Executive
Appendix 3	- Briefing to Cabinet Members
Appendix 4	- Central Law Business Case February 2020
Appendix 5	- ECVA Evaluation by London Southbank University
Appendix 6	- Document provided by Mr Harris

#### 18 List of Background papers

All material relied upon has been published.

Appendix 1- Briefing to the Cabinet Member March 2020

#### Essex Coronavirus Action Facebook Briefing Note

It is clear that as the government advise older and vulnerable people to social distance that local communities can step up and help with simple support tasks including shopping.

There is a strong voluntary sector is Essex including faith groups, parishes, well established third sector groups and communities themselves. There has already been a strong reaction from the people of Essex stepping forward to help and we need to encourage and support all these local actions. Recent events mean too that we have had to do this at pace to ensure support will be available for people.

One key approach has been Essex County Council working in partnership with Facebook, local Facebook Admins and Community Groups to develop a social media campaign that seeks to build community resilience and community through the Essex Coronavirus Action Group.

It is a largely Facebook based initiative and can be found here: https://www.facebook.com/essexcoronavirusaction/?epa=SEARCH\_BOX

The initiative consists of the Facebook page above, which has been authenticated by Facebook with the blue ticks to endorse it as a validated and secure information source.

Essex Coronavirus Action looks to carry out three core objectives in relation to the ongoing Covid-19 outbreak - PREVENT, INFORM and ASSIST.

PREVENT - The latest NHS-approved advice about how to avoid exposing yourself to Covid-19 and passing it on to other more vulnerable people. Key messages will include:

- Consider your actions
- -Basic hygiene advice
- Think of others and be 'United in Kindness'

- Think of people who may be social distancing and isolated; connect and reach out to your them safely

INFORM - The latest information to debunk the many viral myths on social media about Covid-19. Key messages will include:

- Get your information from Essex Coronavirus Action

- Make the most of online groups

- Keep up to date with official sources of information through this page and join Essex Coronavirus Action group

ASSIST - A local authority-backed mobilisation of local Facebook groups to ensure that the most vulnerable members of Essex and their carers get the urgent help that they need, both practically and emotionally. Key messages will include:

- Share accurate, information and advice
- Support anyone who may be anxious and signpost to Essex Coronavirus Action for up to date information

- Sign up as a volunteer to help people in your community with daily tasks such as
- Helping with:
- Shopping
- Transport
- Being a phone buddy
- Being a Facebook buddy
- Posting mail
- Urgent supplies
- Feeding
- Hydration
- Carer support

We additionally need to encourage, amplify and support local action and have set up a Facebook Group that connects to the page that will enable Facebook Admins and VCS organisations in this space to connect and come together to share ideas and an approach to supporting those who may be self- isolating.

We will adopt a local first approach to mutual aid and will seek to direct people to the following:

- An authenticated Facebook Group
- CVS/Volunteer Centre

We would also seek to work with our district partners to ascertain which trusted local partner they are choosing to work with and encourage them to engage with the Essex CoronaVirus Action Page and groups.

Where we are unable to facilitate or stream people into a local approach we can use our existing single point of access to ensure we can support people effectively at this time.

Assist is a key part of our approach and we have set up a means for people to register their interest as a volunteer. In less than 24 hours we have signed up 1,200 volunteers across Essex. We recognise that DBS checks maybe required for some daily living tasks and we are seeking to work with the Tribe project. The Tribe Project provided by Bronze labs is a secure app that can sit within the Facebook platform, it is able to confirm if a volunteer is DBS checked or not. It can also rapidly process a DBS check. The app provides a safe interface with volunteers who are geo located and allows those people who require support to confirm if they would like someone to be DBS checked, not DBS checked or if they would prefer a volunteer who had already had Covid-19. The system can support with DBS checking those volunteers who have already signed up to our existing form.

Essex CoronaVirus Action has reached 130,000 people and has 8,000 people signed up to a mutual aid group. The pages and groups are administered by trusted Facebook Admins, the ECC Communities and Communications team.

#### Appendix 2 – Brief to the Chief Executive, March 2020

#### **Community Mobilisation Approach and Model**

#### <u>Context</u>

COVID-19 is a new illness that can affect your lungs and airways. It's caused by a type of coronavirus. COVID 19 has been declared as a pandemic by the World's Health Organisation. Older people and people with weakened immune systems are at highest risk of serious illness from COVID 19 and has the potential to create demand in health and social care that cannot be managed.

To turn the disease curve in the UK, the population have been asked to take measures to socially distance themselves, and or self-isolate if they are showing symptoms. This will reduce capacity across the workforce which, whilst demand for acute care is rising means health and social care need to think differently about how care and support is deployed.

Over 20,000 people in Essex provide care to their loved ones whilst being in poor or medium health. Not only are these individuals likely to be at highest risk of becoming seriously ill from COVID 19 they provide vital care to their loved ones. Social distancing or social isolation heightens risk of carer breakdown.

#### Key Issues

Local communities are coming together and self-organising, connecting and support each other during periods of self-isolation and social distancing co-ordinated by local voluntary services and District/Borough Councils. Whilst this level of community cohesion is pivotal to health and wellbeing, the nature in which it is self-organised makes it difficult for Health and Social Care to connect with to support care and support needs.

Essex County Council commission a network of voluntary and community services to deliver information, advice and support services to vulnerable people in Essex. These services focus on promoting wellbeing to prevent the escalation of need and manage demand on health and social care. Each organisation has an infrastructure wrapped around it, and a referral pathway to services and support, and have initiated business continuity processes in response to COVID 19. Health and Social Care are not considering capitalising on this capacity to reduce demand, (i.e. on discharge from hospital), or support wellbeing if care is reduced, (i.e. closure of day centres).

Essex County Council has commissioned several projects and services due to go live in April. Staff have been mobilised in preparation for these projects which are not likely to go live due to COVID 19. Whilst ECC could consider delaying or stopping these projects, this is capacity that could be used to reduce demand.

#### Approach

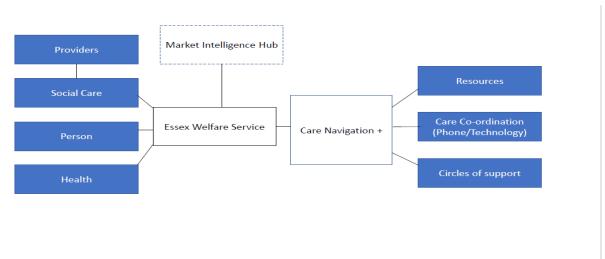
To re-purpose Provide Lifestyle Services as 'Essex Welfare Service to:

- Create a single point of access to voluntary and community services for citizens and professionals
- Utilise on capacity from across commissioned services to work together to reduce demand on health and social care
- > Pro-actively check and connect with those individuals known to services
- To connect reactively to self-referrals through conventional and social media channels including Essex Coronavirus Action.

- > To act as a key mobilisation point for Essex Coronavirus Action Volunteers
- Care co-ordinate those at highest risk to help them plan and use tools to stay healthy and well
- Help connect and draw on community action by working with local systems to create circles of support around individuals and families

#### Key scope

- People leaving hospital
- > People pregnant, over 70, or with a debilitating disease
- People deemed vulnerable; isolated without support networks, and or at high risk of breakdown



#### Care Navigation +

To manage demand through Essex Welfare Service and create a single pathway for citizens and professionals to access and draw on support, the intention is to utilise capacity from across voluntary sector providers as a Care Navigation + team.

Essex Welfare Service will triage calls to the relevant organisation. That organisation will allocate a Care Navigator to help co-ordinate action and support around the individual. They will case manage those individuals to ensure their needs are met and their wellbeing is protected. They will exit the case once this achieved.

Care Navigators will use their relevant organisational processes to deliver and record this activity but will share information with Provide to ensure intelligence is fed back into the health and social care response to COVID 19.

#### Next steps

- To establish Essex Welfare Service as a central access and co-ordination point for voluntary and community services
- To identify voluntary and community services with capacity to support Care Navigation + model
- To Link the Essex Welfare Service to Essex Corona Virus Action and establish Service standards
- To establish the link with the reactive Essex Coronavirus Action Volunteers, mobilise and deploy

- To re-purpose and flex the current triage process and script
- To mobilise our volunteer led Welfare Listening function
- To work with relevant organisations to agree standard operating procedures in partnership with Provide
- Undertake demand modelling in collaboration with the market intelligence hub to ensure there is enough capacity in the market
- Create clear communications flow chart and access points for both proactive and reactive communication channels
- Communicate to system
- Go Live

#### **Reactive Model**

There is a strong voluntary sector is Essex including faith groups, parishes, well established third sector groups and communities themselves. There has already been a strong reaction from the people of Essex stepping forward to help and we need to encourage and support all these local actions. Recent events mean too that we have had to do this at pace to ensure support will be available for people.

In line with central government guidance we are adopting a local first approach to mutual aid and will seek to direct people to the following:

- An authenticated Facebook Group
- CVS/Volunteer Centre

We would also seek to work with our district partners to ascertain which trusted local partner they are choosing to work with and encourage them to engage with the Essex CoronaVirus Action Page and groups. In order to do this, we are gathering key contacts and the support offer from our partner districts to enable us to clearly communicate our model with partners and citizens. We intend to do this by 25/3/20

Local first is important to us, particularly at the mobilisation stage of this challenge

#### Facebook Approach

One key approach has been Essex County Council working in partnership with Facebook, local Facebook Admins and Community Groups to develop a social media campaign that seeks to build community resilience and community through the Essex Coronavirus Action Group.

It is a largely Facebook based initiative and can be found here: <u>https://www.facebook.com/essexcoronavirusaction/?epa=SEARCH\_BOX</u>

#### Harnessing the power of communities during C19

UK wide there has been a rapid and growing civic response to Covid 19. Over 3,000 local Covid 19 Mutual Aid Groups have been launched on Facebook in just 72 hours with well over one million members. It is critical in this time of acute risk and pressure

that public authorities and public health teams work with civic mobilisations in order to:

- Increase the social impact of civic Covid 19 efforts, channelling them to where they will make the biggest different
- Strengthen and increase the sustainability of civic mobilisation, so that it can be maintained into the likely long tail of the Covid 19 pandemic
- Manage and mitigate the risks likely to be present in any civic response to Covid19

Essex County Council (ECC) has spent the last two years trialling and scaling a digital-first approach to their most critical public health and wellness issues with significant success. This case study shows how they are using digital tools to align civic mobilisation with the local authority's priorities.

#### A new civic infrastructure

With a highly dispersed population, ECC has struggled to reach all its citizens through traditional channels. Two years ago, they observed the rapid growth of highly localised Facebook groups across the country. The ECC public health teambuilt relationships with the admins of all these local groups and invited over 600 of them into one group specifically for the admins of local groups in the country to be part of a program of support, training and funding. ECC saw the power in meeting people where they are and the potential that exists in working with our community influencers to realise the impact they can have as community builders.

ECC then trialled commissioning services through these Facebook Groups and found for services such as mental health first aid training or suicide prevention training, they could match the outcomes of traditional charitable and social enterprise partners at 20% of the cost.

#### An enabling and de-risking approach to Covid 19 responders

The Covid 19 outbreak saw a multitude of local mutual aid efforts spring up across the county. ECC wanted to centralise the good will of the county so it could be effectively managed, de-risked, and organised to be a long-term asset for the county. After a number of substantial fake news & misinformation incidents occurred across the county this rapidly grew in urgency.

#### ECC's approach can be summarised as the following key steps:

Set up a central <u>Facebook page</u> administered by the Council's Public Health Team and supported by Public Health England to provide Essex focussed Covid 19 information to residents.

- ECC established core pillars of "prevent, inform, and assist" to centre their communication strategy.
- <u>Branding</u> was deployed in 24 hours using icon-based imagery which is easily read by the visually impaired and screen readers to ensure it was accessible.
- Information is distributed using clear, recognisable imagery and reached over 50,000 people in the first 24 hours.
- The page was <u>verified by Facebook</u> to provide a layer of trust and confidence that the page is a credible source of information for the

population escalating through <u>Facebook's Community Partnerships</u> <u>Team</u> to see the request expedited.

- Mobilised a council-wide, multi-department response to provide trusted, sourced information on a range of issues facing the community including financial hardship, adult social care, mental health protection and more while maintaining a "single point of access approach".
- Set up a county-wide citizen support <u>community group</u> which 20,000 people joined in 72 hours. The groups is a <u>Private, Hidden Group</u> to protect the members who are asking for help. Publicly shareable information is posted on the Page.
- ٠
- The group is being administered by 4 experienced online community managers with extensive experience of managing locally based Facebook community groups. <u>Facebook's Community Partnerships</u> <u>Team</u> maintains networks of these individuals or they can be found running the most vibrant local groups in any local authority area.
- Several hundred posts per day are being filtered, approved or responded to through the <u>post-approval system</u> in the group. Declining a post with feedback is also allowing us a private communication channel with critical need residents to protect their privacy.
- <u>Social Learning Units</u> are being used in the group to gather together important information and provide an easy to reference, credible information source for the community.
- The initiative saw the sign up of 2000 formal impact volunteers in less than 72 hours. These volunteers have now not only connected with the Facebook initiative but also been onboarded with statutory services for deployment to support with daily living tasks during the Covid-19 challenge.
- Staying positive and ensuring people are mentally as well as physically well during a time of challenge is essential. The Facebook initiative from the get-go, working with Facebook admins allowed us to provide face-face MHFA training to 12,000 people across Essex. These MHFA trained volunteers recruited through the Facebook platform, along with re-deployed staff in the statutory sector will commence a welfare listening service as from next week, to enhance this although we are unable to train people face to face at this current time we will be offering MHFA training via zoom for members of this Facebook Community, this is just the start of this approach as the local authority is already connecting its home based physical activity programme and there are plans to embed community learning opportunities into the Facebook community
- Mobilise existing and new local community group Facebook admin teams and gave them access to their own dedicated support group to ensure that they have direct access to the right information and so that they can share information and support their communities.
  - ECC has worked directly with Facebook admins in the county for the last two years through their Essex Local Admin program. The program

gives local admins running community groups access to support, training, events and micro-grants.

- For C19 efforts admins have been invited to a dedicated C19 local admin group where they can ask questions and receive support (if needed) for people in their community. They are also helping to distribute official information and stem the flow of misinformation in the county.
- ECC is also mapping all the new hyper-local grassroots initiative support groups to ensure that they have the support they need in their areas.
- The Essex approach to Facebook Coronavirus Action has been pulled into a case study and endorsed by Facebook and shared with ministers at the DCMS

#### Next steps:

- The ASC, Children's and Communities team have established a working group with our partners; and are developing a programme plan to deliver our Community mobilisation model. Daily sitreps will be in place from Monday 23/3/20
- Modelling and partnership working with Primary care to understand scale of priority population to be contacted and supported
- We have confirmed our model, re-purposed and commenced mobilisation with the Essex Welfare Service
- Plan in place to communicate our full offer to the public on the 25/3/20
- Move to 7 day working by the Essex Welfare Service from 28/3/20

#### Appendix 3 – Briefing to Political Leadership Team, March 2020

#### COVID-19 Response to Support Local Communities – PLT Brief Report Author: Kirsty O'Callaghan

#### **Essex Welfare Service is Live**

The Essex Welfare Service is now live, this is our central offer and will proactively work through the most vulnerable in our communities and manage reactive calls from the public. It will undertake the following:

- Make welfare calls to a 24-hour service standard
- Deploy re-deployed staff and volunteers through the Priority Me CRM system to support people in our communities.
- Deploy Mental Health First Aid Training via Zoom
- Deploy MHFA Trained Volunteers to support those who may be struggling with anxiety during this difficult time
- As well as promoting the Essex Welfare Service through Essex Corona Virus Action (ECC's facebook page) we will mobilise a website today. The url is essexwelfareservice.org Once the website is live later today, this link will be shared with all members.

We have undertaken capacity modelling for the Essex Welfare Service and we understand the scale of staffing required.

Twice daily sitreps are in place in order to understand capacity, service challenges and safeguarding.

Below is information on how to contact the service:

# THE ESSEX WELFARE SERVICE 0300 303 9988

provide.essexwelfareservice@nhs.net

## **OPENING HOURS**

MON - FRI, 8AM - 7PM SAT - SUN, 10AM - 2PM

THE ESSEX WELFARE SERVICE IS THERE TO HELP YOU FIND AND ACCESS SUPPORT DURING THE COVID-19 CHALLENGE. IF YOU NEED SUPPORT WITH ADVICE, DAILY LIVING TASKS AND WELLBEING, PLEASE CONTACT US.

#### **Essex Coronavirus Action**

#### (ECVA) Update

The ECVA initiative continues to grow - we have now recruited 3,500 volunteers. These have been passed to the new Essex Welfare Service and are being mobilised to support our central offer. The page has reached 700,000 Essex news feeds in just a week and analytics will be available from today.

We have in place on the page a group of 6 Admins who are working around the clock to respond to questions and posts from the public. We have seen the following themes emerge from the public:

• Home infection prevention measures/staying safe, particularly around shielding those living with key workers. There are a lot of lay people giving incorrect or problematic advice. We will

There are a lot of lay people giving incorrect or problematic advice. We will provide some top tips/myth busting e.g. your partner is not going to bring it home on their shoes, you can hang washing out, how to take care of your hands

- Confusion around the 80% salary help for companies and what people are entitled to if shielding/self isolating.
  We are considering creating a flow diagram to help the public better understand the help available, to include which groups have to apply for what and when can residents access the different types of financial support
- Am/are they a key worker?- We will reinforce the list of key workers
- What public services (e.g. banks, post offices etc) are open- We will be developing a stock response for this or redirect to the <u>page on ECC website</u> (and that this should be updated to include services of public interest such as post offices and public transport, or provide direction to where to find this info)

• A number of questions around support for key workers inc. childcare (for those who don't normally access paid for childcare) – we are considering creating a keyworker FAQ

We have put in place a CAB rota, a Mental Health offer, a family legal offer and we will shortly have a resilience training model in place. In addition, we are working hard to put the Tribe app in place for people across Essex with low level need - this will match those people who need support with volunteers. The App is able to check DBS are in place.

This workstream has been endorsed by Facebook as a positive approach to supporting communities during the Covid-19 challenge (See Appendix A)

Provide will be in contact with those people who have already signed up to volunteer this week, in order to advise how they can support those who are vulnerable. A number of ECC staff have signed up to be volunteers.

#### **District Response**

ECC have collated information on the District Council's Response to COVID-19 in terms of supporting their local communities (See Appendix B<sup>1</sup>). This will be a living document, as data continues to be gathered.

#### Local Action/Local Offer

There is a strong voluntary sector is Essex including faith groups, parishes, well established third sector groups and communities themselves. There has already been a strong reaction from the people of Essex stepping forward to help and we need to encourage and support all these local actions. Recent events mean too that we have had to do this at pace to ensure support will be available for people.

In order to understand the capacity, we have written out to VCS and Community Partners to confirm what they are able to re-deploy locally or to support the Essex Welfare Service and local offers.

#### **Recommendations to PLT**

- Where appropriate, ECC staff should be redeployed to support the Essex Welfare Service e.g. to allow redeployment of staff to support foodbanks
- Where appropriate, to allow ECC staff who have signed up to volunteer through Essex Coronavirus Action to undertake this activity during the working day.
- Create better link in with food supply chains to understand the support major food distributors will be able to offer – PLT to confirm if they have any links to senior managers in the major supermarket chains

<sup>&</sup>lt;sup>1</sup> Appendix B has not been included with the Audit, Governance and Standards Committee papers as it is unrelated to the subject of this report.

• Encourage all ECC members to share information on the Essex Welfare Service through their own channels

### Appendix A

### Harnessing the power of communities during COVID-19

UK wide there has been a rapid and growing public response to COVID-19. Over 300 local COVID-19 mutual aid groups have been launched on Facebook in just 72 hours, with well over one million members. It is critical in this time of acute risk and pressure that public authorities and public health teams work with public mobilisations in order to:

 Increase the social impact of public COVID-19 efforts, channelling them to where they will make the biggest difference

 Strengthen and increase the sustainability of public mobilisation, so it can be maintained into the likely long tail of the COVID-19 pandemic

• Manage and mitigate the risks likely to be present in any public response to COVID-19. Essex County Council (ECC) has spent the last two years trialling and scaling a digital-first approach to their most critical public health and wellness issues with significant success. This case study shows how they are using digital tools to align public mobilisation with the local authority's priorities.

#### A new civic infrastructure

With a highly dispersed population, ECC has struggled to reach all its citizens through traditional channels. Two years ago, they observed the rapid growth of highly localised Facebook groups across the country. The ECC public health team built relationships with the admins of all these local groups and invited over 600 of them into one group specifically for the admins of local groups in the county to be part of a program of support, training and funding.

ECC then trialled commissioning services through these Facebook groups and found for services such asmental health first aid training or suicide prevention training, they could match the outcomes of traditional charitable and social enterprise partners at 20% of the cost.

### An enabling and de-risking approach to COVID-19 responders

The COVID-19 outbreak saw a multitude of local mutual aid efforts spring up across the county. ECC wanted to centralise the good will of the county so it could be effectively managed, de-risked, and organised to be a long-term asset for the county. After a number of substantial fake news and misinformation incidents occurred across the county, this rapidly grew in urgency.

ECC's approach can be summarised as the following key steps:

1. Set up a central Facebook page administered by the Council's Public Health team and supported by Public Health England to provide Essex focused COVID-19 information to the public. ECC established core pillars of 'prevent, inform, and assist' to centre their communication strategy.

Branding, using icon-based imagery, which is easily read by visually impaired users and screen readers to ensure it was accessible.

Information distributed using clear, recognisable imagery which reached over 50,000 people in the first 24 hours.

The page was verified by Facebook to provide a layer of trust and confidence that the page is a credible source of information for the population.

Mobilised a council-wide, multi-department response to provide trusted, sourced information on a range of issues facing the community including financial hardship, adult social care, mental health protection and more, while maintaining a 'single point of access approach'.

2. Set up a county-wide citizen support Facebook group which 20,000 people joined in 72 hours. The groups is a Private, Hidden Group to protect the members who are asking for help. Publicly shareable information is posted on the page.

The group is administered by four skilled online community managers with extensive experience of managing locally based Facebook community groups. Facebook's Community Partnerships Team maintains networks of these individuals, or they can be found running the most vibrant local groups in any local authority area.

Several hundred posts per day are being filtered, approved or responded to through the post-approval system in the group. Declining a post with feedback allows a private communication channel with residents in critical need to protect their privacy.

Social Learning Units are being used in the group to collate important information and provide an easy to reference, credible information source for the community.

**3.** Mobilise existing and new local community group Facebook admin teams and give them access to their own dedicated support group to ensure they have direct access to trusted information so they can share it and support their communities.

ECC worked directly with Facebook admins in the county for the last two years through their Essex Local Admin program, which gives local admins running community groups access to support, training, events and micro-grants.

For COVID-19 specifically, admins have been invited to a dedicated COVID-19 local admin group where they can ask questions and receive support (if needed) for people in their community. They are also helping to distribute official information and stem the flow of misinformation in the county.

ECC is mapping all the new hyper-local grassroots initiative support groups to ensure they have the support they need in their areas.

**4.** Set up business and individual citizen volunteer registration to a central database in line with legal regulations and volunteer best practice, to facilitate citizen-led support in local neighbourhoods. 1844 individual and 71 businesses were registered within 24 hours.

Online forms were set up to collect GDPR compliant data from individuals and companies. Links to the forms were posted regularly on the Facebook page and in the group, both as standalone posts and in replies to individuals asking how they could help.

**5.** Council staff from non-essential services are being re-deployed and retrained into community-focused initiatives.

All staff working from home who are not assigned to active work, are being redeployed into support work for the community response. This ranges from project management or mental health first aid support, to entirely new roles for which they are being given training.

**6.** Exploring how to build robust digital infrastructure for the years to come, Facebook has granted its workplace-based tool Workplace Advanced for free for local authorities, public health agencies and first responders for one year. You can apply for access here.

If properly supported, public mobilisation holds the potential to radically improve outcomes over the coming months for citizens. Volunteer efforts, when enabled by councils and public health teams, can be made safer, more impactful, and be built to sustain momentum throughout the times ahead. This can also serve to accelerate long term trends towards a strengthened digital service offering in local authorities.

Produced by Essex County Council.

#### Appendix 4 - Central Law Business Case February 2020

### Purpose

This paper outlines a proposed new service provided by Central Law and seeks support for funding proposals.

Central Law (CL) is a Community Interest Company (CIC) aiming to provide personalised legal and divorce services that offers early access to specialised family lawyers to deliver more equitable access to justice and better outcomes for children.

The outgoing President of the Supreme Court, Lady Hale, said on the Today Programme: on 27<sup>th</sup> December 2019, referring to the lack of access to Justice: "It is a particular problem in Family Law......Most people need legal services at the beginning of a difficulty, and if they have them then it will be sorted out and they wont have to go anywhere near a Court or they wont have to have their home repossessed or whatever because somebody has managed to find a solution to the problem at an earlier stage.....It is that initial lack of advice and help which is a serious difficulty." The CL service will offer a more user friendly and personalised legal service, aiming to be completely client-centric and seeking the best possible outcomes for affected children.

#### DIVORCE - CHILD OUTCOMES <sup>1</sup>

Children of separated families have a higher probability of:

- being in poverty and poor housing;
- being poorer when they are adults;
- behavioural problems;
- performing less well in school;
- needing medical treatment;
- leaving school/home when young;
- becoming sexually active, pregnant, or a parent at an early age:

CL recognises that improved access to justice will result in the best legal outcome for divorcing couples and that parental access (where appropriate) will result in the best opportunities for children's wellbeing and ongoing development.

The not-for-profit structure of CL's CIC and proposed funding arrangements will support an affordable model for parents when compared with alternative legal options. It will also support mediation, which has had a remarkably low uptake as it requires co-operation at the very start of a relationship breakdown – when it is least likely to work.

In addition, access will be available to a co-developed parenting skills and transition planning course that will compliment and reinforce the children-outcomes 'consensus' approach of the CL offer compared with a more common adversarial or transactional legal approach to separation and divorce.

The need for CL is perhaps best expressed by these statistics:

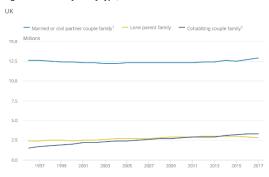
- In 2012/13 83,000 people received legal aid; by 2016/17 that figure had dropped to 440 people – a 99.5% fall.
- Conversely, private Children Act applications (i.e. not involving a public body like the local authority) had risen by over 30% by 2018, to the point where the President of the Family Division conducted a private consultation through the Ministry of Justice in 2019 for assistance in addressing the "creaking" court system. This is despite the fact that most Private Law (Children Act applications are heard by Lay Judges – Magistrates – who have nominal legal training, rather than judges, often leading to extended litigation.

 Litigants in Person (LiPs) in such cases rose from 39% in 2011 to 64% in 2017. Where heard before Lay Judges, the net result is there is only one lawyer in the Court – representing the other side, or worse, none at all except the Court legal advisor. Judge Stephen Wildblood QC was quoted as saying in October 2018 that 80% of the cases before him involved at least 1 LiP, including Public Law cases.

### **Background and Proposal**

Family failures' costs borne by society are estimated to be more than £51 billion annually in the UK and include the additional costs associated with benefits, housing support, police and education interventions, legal services, health care and social care – detail of these cost estimates are provided in **Appendix 1** (Study link see note <sup>4</sup>).

More than a third of new marriages will end within 20 years and four out of ten will ultimately end in divorce. More than one in four children will experience parental divorce by age 16. Divorce rates in England and Wales are among the highest in Europe, though considerably less than in the United States (where most research has been carried out). These statistics of course take no



account of family breakdowns where the parents are source: Labour Force Survey, Office for National Statistics unmarried. The only possible source of information for this is by tracking Schedule 1 (of the Children Act 1989) applications to Court. However, even those statistics would be unreliable in the absence of further information from the Child Maintenance Service.

Family type trends show that married or civil partnership families predominate but with increased prevalence of lone parent and co-habiting families

Research findings in the UK<sup>1</sup> and in the US<sup>2</sup> have identified that the majority of children adjust well to parental divorce with few long-term effects provided they receive appropriate support. These findings have been considered when developing the parental skills courses.

Key factors affecting children's outcomes include:

- financial hardship can limit educational achievement;
- family conflict before, during and after separation can contribute to behavioural problems;
- parental ability to recover from distress of separation affects children's ability to adjust
- multiple changes in family structure increase the probability of poor outcomes;
- quality contact with the non-resident parent can improve outcomes.

#### Parenting Skills and Social Referral Links:

A parenting-skills course will offer a soft skills transition planning element as a key referral option within the services, supported by access to local and national support services. The final content of the training course including referral access to local formal and informal as well as digital networks will be trialled through a pilot programme in early 2020. The pilot programme is supported by the Community Legal Centre Essex and Essex County Council.

Psychology Today<sup>2</sup> conducted a evidence based study in the US based upon a divorce transition programme called the "New Beginnings Programme (NBP)" and determined that the skills building course had significant impact on children's outcomes.

The New Beginnings Programme focused on working with parents to achieve important parenting-related competencies, including using effective discipline, communicating and listening effectively, building more positive interactions, and keeping children out of the middle of the conflict.

Assessments of children's outcomes at 6 years and 15 years (after divorce or separation) disclosed that the soft skills training programme had significant favourable impact on children's wellbeing and life opportunities – the findings are shown in the adjacent "New Beginnings Outcomes" table above.

In addition to the parenting skills course introduction, social referral pathways on offer through the CAB's will be confirmed to ensure separated families access the support services they need.

#### CL Offer – The Present Legal Environment

The CL programme aims to provide legal advice to participants in order to achieve an equitable settlement for both parents and children.

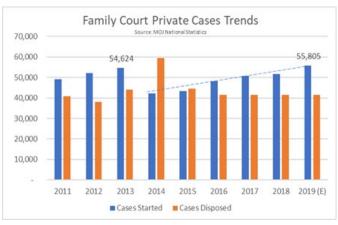
The Family Court is log-jammed, it is running at capacity of around 40,000 case disposals annually whilst facing rising demand for Private Cases starts. Latest MOJ quarterly date (to Sept. 2019) disclosed that Private law Cases are taking three weeks longer than in the same period in 2018, up to 28 weeks. This continues the upward trend seen since the middle of

#### NEW BEGINNINGS OUTCOMES<sup>3</sup>

The New Beginnings Programme randomized trials demonstrated that it improved parenting and reduced children's mental health problems.

The results showed positive program effects in adolescence. The adolescents in the program had 37% lower rates of diagnosed mental disorder, fewer mental health problems, and used less alcohol, marijuana and other drugs. They also had higher self-esteem and better grades. Illustratively, 35% more of the adolescents whose parents were in the NBP had an A or B average in school compared to those in the control condition

At the 15-year follow-up, the NBP reduced the incidence of internalizing disorders, the number of sexual partners from adolescence to emerging adulthood and time spent in jail. For males, the NBP also reduced the number of substance use disorders from adolescence to emerging adulthood, current polydrug and



2016, notwithstanding falling divorce rates overall and where the number of new

cases overtook the number of disposals, creating a greater number of outstanding cases. About 30% of court appearances relate to one or both parents participating in a second divorce.

The withdrawal of Legal Aid for most Family Court cases from April 1, 2013 resulted in a drop in Cases Started year on year for 2014 /15 (graph) – annual demand for 2019 is estimated to have rebounded to 2012/13 pre-abolition levels.

A probable consequence of the withdrawal of legal aid is that in the period April to June 2019 court statistics showed that the proportion of Disposals where neither the applicant nor respondent had legal representation was 39%, an increase of 25 percentage points since Quarter 1, 2013, and up 1 percentage point from the same period in 2018. Correspondingly, the proportion of cases where both parties had legal representation went down -- from 41% in Quarter 1, 2013 to 18% in April to June 2019, and down 1 percentage point compared to the same period in 2018. Rises and falls in these statistics each represent dozens of families, who with legal assistance early in their cases, could see settlement or at the very least, a narrowing of the issues between them. This is true of both Financial applications and Children Act matters. The existence of Direct Access (to barristers) as an option does not in fact address the underlying issue – barristers advise and go to Court - that correspondence between legal representatives could alleviate the pressure on the Courts.

### CL Programme – Legal Advice Offer and Options

**Key Issues:** Divorcing couples need to address several key issues when separating, these include:

- 1) Formal dissolution of the marriage.
- 2) Division of assets (including earning capacity): who gets the house, where do they all live, how do they all live i.e. who funds where they live, how is future earning capacity divided, how are pensions divided (if at all), who will work, who will look after the children (if any). Matters are simpler where there are no children, though more complex the longer the marriage.
- 3) Children: how their time is divided, who bears the costs of the children and how these change over time as children get older. Depends on their ages and needs. Basic issues are who they live with, how they are funded and what the contact arrangements can be agreed.

Legal costs and fees are borne by the divorcing parties and vary considerably depending upon whether agreement can be reached between the couple (with or without mediation / consent order issued by the Court) and whether solicitors and the courts are engaged to adjudicate the case (financial order issued by the Court). Solicitors charges are usually hourly based and will be higher for resolving non-agreed and more complex cases. Couples can expect to pay between £2,000 and £30,000 for solicitors and court costs. Solicitors employed are not always specialist Family Law lawyers and this may negatively impact the outcomes agreed relating to affected children.

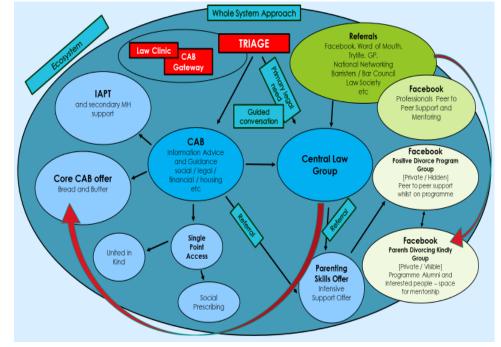
**CL Unique Selling Points**: The CL offer will be structured to deliver specialist family law services to a range of clients, at a lower than market rate offer and with concessionary rates for clients who are less able to fully cover charge out costs. Income will be generated by charging for services and through receipt of other income from grants; costs will be minimised by use of pro-bono & corporate social responsibility staff offers including those from a number of targeted national and

international law firms. The CIC structure will re-invest surpluses and utilise the grant funding to support access to justice across a wider range of clients than would otherwise be available.

**CL Offer #1** - Advice and onward Referral (advice and information service only) – easy access offer utilising a single appointment or by telephone. Attributes are that it is a simple, cheap option for people with few questions or considering divorce, etc. Information to include onward social referrals through CAB or Single Point of Contact (SPOA) for Live Well Link Well services, or Online – digital self-help signposting. Inbound referral sources will include CAB, Social and Community Care sources.

**CL Offer #2** – (CL's Central Law Group Legal offer). Legal support to divorce cases likely to end-up as Private Case Court appearances. The Service will be Essex facing initially but CL is planning to offer this Family Lawyer led service nationally when funding sources are established. Referrals into the CL Legal Offer Service will mainly be triaged by a Citizens Advice Bureau (CAB) Service Gateway (not

exclusively) and onward referrals will be made where appropriate to the **Parenting Skills** Course. A Facebook Legal-Professionals peerto-peer support group will be established for sharing information and exploiting mentoring opportunities. The CAB will retain a central review and refer role to existing Essex social and



wellbeing support services and mental health access.

These services will include CAB Core Offer, Futures in Mind, IAPT, Social Prescribing etc – all participants should be offered the CAB core offer – but also be directed into the Single Point of Access for Live Well Link Well Care navigation service, plus parenting course and Barnardo's as a minimum. (the CAB offer and referral pathways to be reassessed during the roll-out).

**Appendix 3** provides details of the varies stages offered to clients and the underpinning resource requirements for the programme.

**Further Development of the Legal Offer:** The Legal offer will initially focus on specialist Family Law support in Essex but opportunities are under review to develop timings for a national offer and to widen the scope of legal services offered through the programme

**CL Offer #3 Central Law Spin off – Research & Education.** The central program will be augmented to offer training and placements to law students and solicitors contributing their time to the CIC. This will include (non-exhaustive):

- Law students attending magistrates' courts taking notes and effectively providing a transcript for gathering information on how these all-important children cases/injunctive cases (increasing in number and not addressed in the above stats even though the applications are made through the Family Act 1996). These cases are vital as they are increasingly being used to access legal aid where one party – makes an accusation of Domestic Violence (DV).
- Law/Psychology students Students attending advice sessions and taking notes about the effects of divorce on the children; also access to CAFCASS reports, etc.
- 3) Making people aware of Central law through their existing law clinic.
- Talking to Magistrates about how they deal with cases and the effect of their decisions. Note: we must collaborate with the Magistrates Association for this objective.

### Benefits to participants of CL Programme

Parents making use of the proposed CL programme will gain major benefits in a number of areas compared with using existing or alternative services:

 Advice and support will be provided by specialist family solicitors who aim to deliver, through consensus, equitable financial settlements that are centred around the parent's circumstances and which prioritise outcomes for participants' children.
The cost of the CL Legal service to

(for details see Appendix 3)	CIC	IRL
	hours	hours
Divorce - dissolution	1	1.5
Financial proceedings / remedy (Form A).	1	2
Court Directions Order	6	12
First Court Appointment	3	6
'In between' hearings	6	12+
Financial Dispute Resolution Hearing (FDR)	8	20+
Final Hearing	Est 15	20
Child Related litigation	5-8	++
Maximum Hours Required Per Case	48	

participants will be lower than market rates reflecting the non-profit nature of the organisation, CL's funding arrangements and an agreed payments / contribution schedule that reflects the clients' ability to pay (assessment based). This compares with uncapped competitive services reflecting IRL hourly rate charging.

- 3) Soft-skills training and transition planning are available to underpin the child centred consensus approach envisaged within the legal offer.
- 4) Referrals to wider social and mental health support services and the prospect of ongoing peer-to-peer on-line (Facebook) support.

Note: compared with the failing CAB's Law-Saver programme the CL offer provides specialist lawyers, more ambitious outcomes for children and parents, a means assessed affordable price and including legal representation in the Family Court (Russ to comment)

#### Funding Arrangements (draft – to be updated)

CL is not advocating a return to Legal Aid for Family disputes as pre LASPO; there was a substantial misuse of funding in perpetuating litigation met by the public purse. There is, however, an opportunity here to create a hybrid situation where there is funding from a mixture of sources, most notably from law firms. As solicitors, they are bound by professional rules and are officers of the Court. Access to Justice in their own practice jurisdiction should be a primary objective for their Corporate Social Responsibility plans.

CL plans to fund the programme through a combination of grants from high spending LA's, ECC, Community Legal Centre Essex, and Central Government. Clients will be asked to contribute to their own cases based on their ability to pay.

Additionally, a number of law firms and corporations will be targeted each year to donate employee or partner hours (benefits in kind) through their corporate social responsibility programmes.

- "donated or pro-bono" legal time from law firms who have family departments and want to fulfil corporate social responsibility for their firms (CSR). CL will charge for their time and the money accrues to the charity behind CL law to subsidise those who cannot afford to contribute fully for their service.
- Funding from those law firms who do not have family law departments
- Funding Essex-wide rollout Local and central government to fund 3 inhouse lawyers and a number of trainee barristers who need money and experience. These trainees will charge AL for most of their time but at cost recovery / low margins rather than for-profit commercial rates.
- Funding Facebook and other such companies who can see the effect of their money in real time i.e. not only through the overall statistics but one family at a time.

Roll-out / Longer term funding - Local/central governments will be asked to contribute towards wider infrastructure / roll-out funding requirements, or / and to consider match funding private donations either on a 1:1 basis or more generous multiples (2 or 3:1), likely capped for budget planning reasons. *(to be discussed further)* 

# Infrastructure – Indicative Income and Costs modelling for the initial programme:

**Appendix 4** provides an outline of the year-one costs and income assumptions and a number of volume scenarios.

Wider roll-out plans and options are being assessed for year two of the programme.

#### **Next Steps**

Circulate and agree draft business case (v2) reflects the programme vision, objectives and content (Timing - December 31) Branding plans and outline communications plans are to be developed and added as Appendices to the business plan (Timing – mid January) Fundraising initiatives and targets to be agreed – Essex wide offer infrastructure / costs to be determined and fundraising project plan to be completed. (Timing – drafts plans Mid January)

Resourcing Plans to be finalised including core staff and support positions and including targeting plans for pro-bono support from key law firms. (Timing – End January initial approaches?)

CAB / Social Care / Health Care support and referral pathways to be agreed, documented and roll-out implementation agreed – including partners' meetings (Timing – End January)

Process and timetable to be finalised for Essex-wide roll-out including key stakeholders' engagement and support in place for agreed launch date (Launch date to be agreed).

#### Notes

Joseph Rowntree Foundation. Together and apart: Children and parents experiencing separation and divorce, Mavis Maclean (March 2<sup>nd</sup> 2004)

1 <u>https://www.jrf.org.uk/report/together-and-apart-children-and-parents-experiencing-separation-and-divorce</u>

Psychology Today 2018 (US). Enhancing Positive Outcomes for Children of Divorce Six (Evidence-Based!) Skills for Parents. Including report out New Beginnings Programme outcomes

- 2 <u>https://www.psychologytoday.com/gb/blog/the-blame-game/201803/enhancing-positive-outcomes-children-divorce</u>
- 3 http://familytransitions-ptw.com/new-beginnings-program/
- 4 https://relationshipsfoundation.org/publications/pressreleases/cost-family-failure-2018-update/

\_\_\_\_\_Addendum – for JS only (to

consider)\_\_\_\_\_

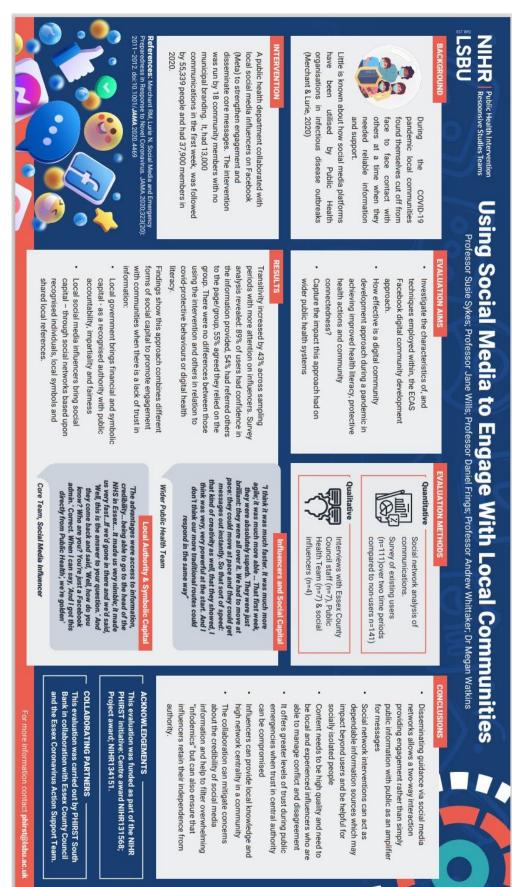
Better Divorce Course Considerations / Addendum – train the trainer "Info for Professionals"

http://familytransitions-ptw.com/new-beginnings-program/

 Better Divorce case / Addendum – Outcomes Discussions "Fewer serious behaviour and emotional problems / Higher grades / Higher self-esteem / Less drug and alcohol use / Less early sexual activity"

http://familytransitions-ptw.com/research-findings/

### Appendix 5 – Public Health Intervention Research Studies Team



Published at https://phirst.nihr.ac.uk/wp-content/uploads/2022/11/EPH-ePoster-Design-1 SS-V2.pdf

Other information relating to the PHIRST evaluation are published here:

Evaluation of the impact of Essex Community Action Site upon Attitudes, Behaviour and public health Systems during the COVID-19 pandemic. Essex - NIHR Public Health Interventions Research Studies Teams (PHIRST)

The seagull said it's OK to go out now: Evaluating a community driven public health intervention during the covid pandemic | LSBU Research Blogs

OSF | EEABS: Evaluation of the impact of Essex Community Action Site (ECAS) upon Attitudes, Behaviour and public health Systems during the COVID-19 pandemic. Essex