

## COVID-19 support to councils

# Guide 4: Scrutiny and supporting the vulnerable

*The Centre for Public Scrutiny (CfPS) is supported by the Local Government Association to provide advice, guidance and support to councils on governance and scrutiny. At this time of crisis we are working closely with national partners, and local authorities, to develop practical solutions to the challenges that this situation poses. This includes a series of five guides on key governance responses to the crisis which will be periodically updated.*

*CfPS operates a helpdesk through which we can provide support to councils and councillors on matters relating to governance and scrutiny. This can include answering questions as well as problem-solving assistance and help with member training and development. Contact: [info@cfps.org.uk](mailto:info@cfps.org.uk) or [ed.hammond@cfps.org.uk](mailto:ed.hammond@cfps.org.uk)*

*We are working closely with other partners to ensure that advice of consistent and accurate. More information can be found at <https://www.cfps.org.uk/covid-19-notice/>*

This is the fourth of five guides for councillors (and those supporting them) on managing some of the challenges associated with carrying out their governance roles during the COVID-19 crisis. It covers councils' particular duties, and challenges, in relation to supporting vulnerable people during the crisis. It looks at councils' ability, under the Coronavirus Act, to fulfil a lesser care offer to local people during the emergency, and the way that the decision to do this might be scrutinised. It looks too at new Regulations providing local authorities with flexibility in how they support vulnerable children and young people, particularly around adoption. It reflects on the role that councillors, as corporate parents, might want to perform in this area through the scrutiny process.

It looks at the support being offered to vulnerable people via "mutual aid" groups of local people, and how councillors might better understand and support this activity through scrutiny.

This is based on our arguments in favour of a focused and directed form of scrutiny during the crisis, as set out in [Guide 2](#).

## **Contents**

- 1. Introduction**
- 2. What are the Care Act easements?**  
**How can the scrutiny function add value in relation to these issues?**
- 3. What are the flexibilities in children’s services brought in by new Regulations?**  
**How can the scrutiny function add value in relation to these issues**
- 4. What support is being provided to vulnerable people by “mutual aid” groups?**  
**How can the scrutiny function add value in relation to these issues?**
- 4. Overall, what does proportionate and effective scrutiny look like for services provided to vulnerable people?**

## 1. Introduction

At the moment, councils are focusing their minds and resources on the central issue of how to continue to provide support to vulnerable people in the community. Some of these may be to people already in receipt of social care, or support through children's services – they may be known to the council. Others may ordinarily not require much support and assistance, but have unique vulnerabilities that place them at particular risk during the pandemic.

There is the potential for huge demand for council services. Government has changed the law in several critical areas – the intention being to provide local authorities with more flexibility around how they provide this support. Changes around councils' Care Act duties, and their duties relating to vulnerable children, have been particularly high profile.

Alongside this top-down action, a lot has been happening from the bottom up. In local areas, mutual aid groups have been established to provide street-by-street support to local people.

Many of the people provided with assistance by the council, and by mutual aid groups, are ones traditionally (and erroneously) described as "hard to reach". The physical restrictions brought about by the pandemic could be seen as a further barrier to effective engagement with people who may have sporadic access to the internet, or none whatsoever, or poor local support networks. How can scrutiny make a difference in these areas? It may be part of scrutiny's job to make sure that the voice and concerns of these often marginalised people are front and centre of the decision-making process in a time of unprecedented disruption.

Seeking to understand vulnerable people's needs is important; so is bringing public oversight to huge decisions, which may negatively affect those people's lives for years to come. Ensuring that those decisions are made in the possession of the full facts and that they benefit from as wide as possible a range of perspectives is also critical. And, of course, ongoing evidence gathering to contribute to scrutiny's central role in the debrief and reflection exercise which will follow when the pandemic passes.

This is not just an issue which affects upper tier and unitary councils, with their social care and children's services responsibilities. Shire districts will also be facing the impact of these changes too, and it will be just as important for their councillors to be active in understanding the implications of these legal changes.

The Local Government Association have produced a general guide to the way that councils are seeking to support vulnerable people, which can be found at <https://www.local.gov.uk/protecting-vulnerable-people-during-covid-19-outbreak>. At the time of writing (29 April 2020) the most recent edition of this guidance was published on 3 April 2020; readers should be aware that it therefore predates some of the issues discussed in this paper. The LGA have also produced a guide to the way that councils' legal obligations have changed as a result of COVID-19: <https://local.gov.uk/sites/default/files/documents/Changes%20to%20local%20authority%20powers%20and%20duties%20resulting%20from%20the%20Coronavirus%20Act%202020%200WEB.pdf>

This guide has been drafted to give councils an initial view on some of the governance challenges relating to the care and support available to vulnerable people. It is subject to change and refinement as the sector's, and individual councils', approach changes.

## 2. What are the Care Act easements?

### Pre-existing obligations in the Care Act

Under the Care Act 2014, councils with social care responsibilities have a number of duties which they must perform in order to meet the needs of people in need in their locality. For the purpose of the easements we are setting out in this guide, these can be divided into four main categories:

- The obligation to carry out assessments of people's care and support needs. These assessments are required in order to produce accurate and comprehensive care and support plans;
- The obligation to prepare and review care and support plans;
- The duty to meet the care and support needs of people eligible to have those needs met. We explain the issue of eligibility below;
- The requirement to carry out financial assessments to support the above activity.

Full details of councils' general Care Act obligations, and the rules applying to them prior to the COVID-19 crisis, can be found at <https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets/care-act-factsheets>. LGA guidance produced at the time can be downloaded at <https://www.local.gov.uk/guide-care-act-2014-and-implications-providers>

### Changes brought in as a result of the pandemic: Care Act

In early April 2020 Government produced new rules and guidance which have provided councils with an "easement" relating to these duties. This means that councils which would previously have been obliged to comply with these Care Act obligations to "derogate" from those obligations.

Detailed Government guidance on the subject can be found at <https://www.gov.uk/government/publications/coronavirus-covid-19-changes-to-the-care-act-2014/care-act-easements-guidance-for-local-authorities>.

A readout of a webinar held in April 2020 between civil servants and local government representatives can be accessed at <https://www.local.gov.uk/sites/default/files/documents/Care%20Act%20Easements%20-%20Webinar%20Readout%20and%20QA%20v3.pdf>

Mencap has produced "easy read" material on the guidance which can be found at <https://www.mencap.org.uk/sites/default/files/2020-04/Care%20Act%20easements%20easy%20read%20guide%20%281%29.pdf>

This easement has proven extremely controversial. Organisations representing the interests of disabled people have highlighted particular concerns. There is a risk that the replacement of Care Act systems and processes with novel methods for assessing and evaluating need will mean that people whose needs place them at a higher risk will slip through the support net.

This guide does not address wider issues about social care market sustainability during the crisis, although we anticipate that this is an issue which will be of importance to scrutiny councillors, depending on the risk factors affecting providers in their areas, as monitored by commissioners. The LGA has produced guidance on the subject which can be found at <https://www.local.gov.uk/coronavirus-information-councils/social-care-provider-resilience-during-covid-19-guidance-commissioners>. A wide range of support material around adult social care during the crisis can be found on the LGA website at

### **Sector commentary on the Care Act easements**

“Disability Rights UK urges local authorities not to suspend Care Act rights. There is a real danger that moving to new untested ways of assessing, delivering and prioritising care will lead to disabled people with high care needs falling through the cracks, being alone and unsupported.

We would ask directors of social care to consult with organisations supporting disabled people throughout the crisis, to gain information and understanding of the lived experience of disabled people and to develop and monitor strategies that support and protect us. A serious omission from the guidance is not requiring directors of social care to consult with disabled people’s organisations in the lead up to making a decision to suspend Care Act rights, and we would urge local authorities to consult disabled people’s organisations as part of the process.”

*Fazilet Hadi, Head of Policy, Disability Rights UK*

“We recognise these are temporary measures which should help local services better cope with coronavirus, however, this guidance comes at a time when social care services have been cut back year after year. Many families who do receive some form of care have a much reduced package of support, having had to meet much higher thresholds to get the care they need.

As local authorities respond to coronavirus, carers are hugely concerned about whether the services they depend on will continue, and if they’re cut, whether they’ll be reinstated.”

*Helen Walker, Chief Executive, Carers UK*

The use of the easement carries with it a number of safeguards. There is a relatively high bar to their operation. A particular need is to ensure that decisions comply with an ethical framework set out by Government: <https://www.gov.uk/government/publications/covid-19-ethical-framework-for-adult-social-care> (this guidance was produced before the opportunity was made available to councils to exercise an easement).

The easements took legal effect on 31 March 2020, but should only be exercised by Local Authorities where this is essential in order to maintain the highest possible level of services. They should comply with the pre-amendment Care Act provisions and related Care and Support Statutory Guidance for as long and as far as possible.

[...]

It should be agreed by the Director of Adult Social Services in conjunction with or on the recommendation of the Principal Social Worker. The Director of Adult Social Services and the Principal Social Worker must ensure that their lead member has been involved and briefed as part of this decision-making process. The Health and Wellbeing Board should

be kept informed. The decision should also be fully informed by discussion with the Local NHS CCG leadership.

Local Authorities should have a record of the decision with evidence that was taken into account. Where possible the record should include the following:

- The nature of the changes to demand or the workforce
- The steps that have been taken to mitigate against the need for this to happen
- The expected impact of the measures taken
- How the changes will help to avoid breaches of people's human rights at a population level
- The individuals involved in the decision-making process
- The points at which this decision will be reviewed again

This decision should be communicated to all providers, service users and carers. The accessibility of communication to service users and carers should be considered.

The decision should also be reported to the Department of Health and Social Care (the Department) when Local Authorities decide to start prioritising services under these easements, explaining why the decision has been taken and briefly providing any relevant detail.

*Government guidance*

#### **Matters to be taken into consideration in deciding whether to exercise an easement**

- The reason the decision needs to be taken;
- impact of the decision on the people who ordinarily use the service;
- impact of the decision on families and carers of people who ordinarily use the service; and
- possible alternative sources of care and support and the likelihood of this being available

*Government guidance*

An important feature of the guidance is that it suggests that decisions will be considered, and made, by senior officers (including the whole of the council's strategic management board) rather than by the lead member (who, it is suggested, needs only to be "briefed") or any other member. Given the degree of political contention of this decision, scrutiny members might want to satisfy themselves as to who made the final decision, and in what context. Will it be a decision entirely for professionals – based on specific operational circumstances? Or does the lead member make the final call?

**How can the scrutiny function add value in relation to these issues?**

The presence of these safeguards provides an opportunity to build scrutiny into the process by which councils reflect on the necessity to derogate from their pre-existing obligations.

Members will want to satisfy themselves by findings answers to the questions below. These are probably not questions to ask in formal committee meetings. They can be asked in writing, and informally to senior officers. The answers can be used to construct a proportionate, transparent and targeted approach to scrutiny of those issues which scrutiny members consider most important. Answers will need to be dealt with as part of publicly-available information produced by the council on its exercise of the easement, and will need to be used by scrutiny to reach a determination of what its involvement will be in oversight of the process both before, during and after an easement is exercised.

The critical thing to remember is that the easement will be exercised in different areas in different ways, depending on need and what is “essential”, under specific local circumstances. Oversight, too, will be different from area to area, which is why scrutiny councillors will need to put together a bespoke approach based on what they, executive councillors and senior officers think will be most transparent, proportionate and effective in terms of bringing a spirit of constructive challenge to the process. The mindset and approach behind proportionate scrutiny is something that we dealt with in [Guide 2](#).

### **Questions: Understanding how the council may come to make its easement decision**

Is there a workflow, or process, or map, for the steps that officers and members will go through in exercising the easement?

How will the council monitor its services to understand when it might need to use the easements?

What might the triggers be for a decision to be considered?

Who would be involved in keeping those triggers under review, where relevant?

What other perspectives would be drawn into that ongoing oversight?

Is that rolling process something in which scrutiny should get involved?

If/when it becomes apparent that use of the easements may, in the near future, be essential, what will the local process be to publicly announce that this action is under direct consideration?

Who will be involved in that process? What will the timescale be? What will be placed into the public domain, at the time, about the decision and who will have an opportunity to influence it – formally and informally?

Who is the final decision-maker?

Is there provision for the decision to be locally challenged? (People with standing to do so could choose to apply for judicial review of the decision; the council might wish to put in place a local mechanism to allow for some form of challenge process as a way of providing more independent assurance)

Could or should there be oversight and support, by the scrutiny function, of this overall process?

### **Questions: the decision itself, and what follows**

Exactly how has the council chosen to apply the easement? In relation to which duties, and to what degree?

How does the council's decision impact on its other statutory duties – for example, its duties under the Human Rights Act, the Equality Act and the Children Act?

How has it communicated its decision – how has it identified those likely to be affected and how has it sought to communicate the changes to them? How has it communicated with professionals, and partners, who will be expected to operate under these new provisions?

How will the operation of the easement be kept under review?

Who will undertake this review – what will scrutiny's role be?

At the outset what are the expected short term impacts (days and weeks)? What are the medium term impacts (months)? What are the long term impacts – including impacts which may persist even when the easement no longer applies?

How are these impacts being monitored dynamically – how is information being drawn in, including from service users?

How will the council seek to understand, and immediately act, when the use of the easement is no longer "essential"?

How can scrutiny draw out and look in more detail at particular issues relating to the easement and its broader impact as its use continues?

How will the council plan to make the transition back to "normal" Care Act operation?

### **A model for scrutiny of these issues**

Depending on the answers to the above questions, a "model" approach to scrutiny of this issue might look like:

- Scrutiny councillors having a solid understanding of exactly what triggers will be used to actively consider whether easements should be applied – and keeping an active, watching brief on those triggers;
- Scrutiny councillors being drawn in – formally or informally – when the formal decision comes to be made. The Chair might make representations on the matter to senior officers; senior officers could be invited to give formal evidence to the

scrutiny committee to be questioned on specific issues – for example, the extent and nature of the council’s understanding on the impact on local people, and how the conclusion had been reached that the use of the easement was “essential” (with the focus being on issues arising from likely staff absence making existing service patterns untenable);

- Scrutiny having a more sustained role of oversight as the easement continues to apply. Reflecting the unique risk factors applying scrutiny could work alongside others exercising oversight within the council – a scrutiny chair could convene and facilitate a regular remote call with key stakeholders to provide independent assurance;
- Scrutiny having a role in debrief and reflection once the transition back to “normal” working has been made.. In order to provide assurance and transparency, robust review of the consequences of the decision would need to be made; scrutiny leading that process would seem to provide such assurance. In a future publication we will be providing more general advice on scrutiny’s role in debrief and reflection.

This is only one possible model for scrutiny’s ongoing role. The important thing is that these sorts of functions will need to be exercised by someone within the system, in a way that is more or less public. If there are no plans for such oversight (in particular, for such oversight led by members) then it is an obvious role for scrutiny to fill.

In all instances, the determination of what scrutiny’s role ought to be should be a matter subject to discussion and agreement by the relevant scrutiny chair, the relevant lead member, the Director of Adult Social Care, the Director of Children’s Services and the Monitoring Officer.

### 3. What are the flexibilities in children’s services brought in by new Regulations?

#### Pre-existing obligations

Alongside a range of local partners, councils hold a range of responsibilities and duties towards all children and young people in their area. Most of these will remain unchanged notwithstanding the changes made to council’s duties as a result of the COVID-19 crisis.

In relation to children’s services, elected councillors have a unique duty. They are “corporate parents”, a collective duty held by the council, all councillors, council employees and others with a responsibility of ensuring children’s safety.

The law changed in 2017, providing additional clarity on the building blocks of corporate parenting, and the obligations held by corporate parents to children under the council’s care. Understanding these duties forms a critical part of ensuring that children and young people stay safe and supported – even if changes need to be made to their living environment.

Full details of the corporate parenting duties are set out in an LGA guide:

[https://www.local.gov.uk/sites/default/files/documents/15.11%20Corporate%20parenting\\_v05.pdf](https://www.local.gov.uk/sites/default/files/documents/15.11%20Corporate%20parenting_v05.pdf)

While these responsibilities only technically apply to upper tier and unitary councils, councillors in shire districts will also need to be directly aware of them, as they will impact on young people as service users of matters within a shire district’s control.

#### Flexibility in relation to vulnerable children

Councils have substantial duties in relation to vulnerable children, including in relation to adoption. Changes have also been made to those obligations, in this instance by way of a statutory instrument.

The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 can be found at

<https://www.legislation.gov.uk/uksi/2020/445/contents/made>

The Regulations make changes to 10 specific obligations held by local authorities and those with whom they work. They relate to:

- The removal of the obligation to carry out regular checks on children in residential settings, replaced with an obligation to carry out checks “where reasonably practical”;
- The removal of various safeguards and reviews around adoption;
- The removal of obligations on councils to respond promptly to fostering notifications;
- The removal of specific timescales in relation to the appeal and review of decisions around care and supervision orders;
- The removal of the obligation on councils to produce a response to an inspection report within a set timescale;
- The removal of timescales and of certain safeguards around fostering and children’s placement in other care settings;
- The removal of certain timescales attached to the assessment and oversight of fostering arrangements;
- The removal of timescales attached to the transaction of joint area reviews;
- Amendments to certain obligations with regard to care and educational standards in children’s homes;
- The removal of specific timescales around frequency of Ofsted inspections.

The Regulations apply until September 2020, and the Secretary of State is under an obligation to review them over this period. The Regulations make no change to the fundamental principle set out in section 1 of the Children Act 1989, that the best interests of the child shall be paramount, but they have caused significant controversy. This controversy has been heightened by the suggestion, made in an appearance by the Minister at a select committee on 22nd April, that some of the provisions in the Regulations could be made permanent once the crisis is over. You can download a transcript of this meeting at <https://t.co/vlcHqdnKjR?amp=1>.

### **Sector commentary on the Regulations relating to children and young people**

“This outright assault on safeguards protecting the most vulnerable children is outrageous. Safeguards are there to protect children from harm, so it goes without saying that these changes forced through without any public consultation or parliamentary scrutiny will harm children.

The government has produced no evidence to back up its claim that changes to 10 different sets of regulations are in response to the pressures of lockdown. It has also conveniently omitted to mention that this is the fourth time since 2016 that ministers have tried to impose mass deregulation in children’s social care.”

*Carolyn Willow, Director, Article 39*

“Although the flexibility in timescales is necessary and helpful, there are concerns about the de facto suspension of some of the safeguarding responsibilities at a time when children and young people may need our support more than ever before.”

*Claudia Megele, the chair of the Principal Children and Families Social Worker (PCFSW) Network*

“We recognise the concerns raised about the statutory instrument affording some flexibilities to local authorities due to the outbreak of Covid-19, however, it’s important to recognise that all local authorities and their staff will continue working hard to ensure that we can fulfil our statutory responsibilities to children and young people, particularly the most vulnerable.

The best interests of children and families remain at the heart of any decision made by local authorities.”

*Jenny Coles, President, ADCS*

### **Commentary on vulnerable children more generally**

“The coronavirus emergency has put hundreds of thousands of vulnerable children in England at heightened risk. While the Government’s decision to keep schools open for the most vulnerable children is welcome, sadly most of them are just not showing up. They are most likely at home, often exposed to a cocktail of secondary risks – a lack of food in the house, sofa-surfing or cramped living conditions, neglect, or experiencing acute difficulties due to parental domestic violence, substance abuse and mental health problems. Many will be caring for parents or siblings themselves in these incredibly difficult circumstances.”

*Anne Longfield, Children’s Commissioner for England*

Unlike the safeguards in place around the Care Act easement, there is no process by which local authorities or other agencies need to publicly decide to derogate from their existing responsibilities; the Regulations actively change these responsibilities for the next few months meaning that “derogation” is unnecessary.

This raises issues around oversight and governance. Who will make the decision as to how the Regulations will apply locally, in practice? Who will set the framework within which social workers and others with caring responsibilities will operate? How will risk – overall, and in respect of specific children – be managed and mitigated under new working arrangements which could be unfamiliar to some professionals, with those professionals working under particular pressure at a time of uncertainty for them and for young people under their care?

All of these matters require certainty and transparency.

### **How can the scrutiny function add value in relation to these issues?**

The lack of built-in safeguards around the use of the powers in the Regulations – and their automatic application to all relevant councils without the need for the kind of “gateway” provisions present in the Care Act derogations discussed in the earlier sections – suggest that local oversight needs to be particularly robust.

#### **Questions: on the council’s understanding of the Regulations themselves**

What, if any, changes does the council plan to make now on those issues provided for in the Regulations? To what extent will local timescales and processes remain the same – notwithstanding the flexibility that the Regulations now provide?

What is the justification for those immediate changes? How have risks to the system, and to individual young children, been understood and mitigated? How has the voice of young people themselves been fed into the process?

What framework is the council putting in place to determine the necessity of any further changes? To what extent is this risk based, and how is risk being assessed and evaluated?

What systems are in place to assure consistency of decision-making – operationally and strategically – under these arrangements?

What role are councillors playing in this process?

*A number of the questions highlighted in the section above on Care Act easements have applicability to this situation too.*

#### **Questions: the use of the powers in the Regulations**

What do we know about the day-to-day impact of the changes in (for example) timescales on children looked after, and others in vulnerable positions?

What feedback are we getting from the frontline, and from young people themselves, and how are we feeding that dynamically back into the system?

Do we have early warning arrangements in place – on a case by case basis and more generally – to flag up when unacceptable risks have the potential to emerge?

*A number of the questions highlighted in the section above on Care Act easements have applicability to this situation too.*

Fundamentally, proper assurance and oversight is likely to require that scrutiny councillors satisfy themselves as to what responsibility they need to take on in this area, both as scrutineers but also as corporate parents. The Director of Children's Services, in concert with the relevant scrutiny chair, will need to have practical conversations about how the Regulations will be acted on locally and how scrutiny might be able to provide them, and young people, with an additional degree of protection by ensuring that the system is robust and working as it should.

#### **A model for scrutiny of these issues**

- Commenting on plans for changes to internal systems as a result of the Regulations, in light of those changes' risk profiles and in light of recent Ofsted inspection findings, where applicable;
- Using its power to convene young people, partners and professionals to provide a different perspective on these plans;
- Having a defined and proportionate role to play in overseeing how the council is managing risk as the Regulations have effect, and taking a risk-based, by exception approach to flagging up and looking in more detail at issues of particular concern as they arise;
- Ensuring that arrangements are in place for a smooth transition back to "ordinary" working once the Regulations seek to have effect, and possibly leading on any subsequent debrief/reflection plans.

Some of this activity may need to be carried out at pace – meaning that doing so in formal meetings may be a challenge. Meetings between scrutiny chairs and members and relevant senior officers may happen informally – but the opportunity will need to be taken to ensure that those conversations draw on insights from a wider range of stakeholders (potentially including young people themselves). The product of the conversations will also need to be fed back, and discussed, in the public forum of a committee meeting.

## 4. What support is being provided to vulnerable people by “mutual aid” groups?

Since the onset of the crisis local people in many parts of the country have organised themselves into “mutual aid” groups to provide assistance and support to their neighbours.

Practice differs from area to area. These groups mainly operate by way of Facebook and WhatsApp. Some local people flyer their neighbours’ houses, often using a variant of a template produced for this purpose. When requests for support come in, they might either be dealt with by one person or a group of people on an ad hoc basis or more systematically triaged through a jointly-held spreadsheet.

Assistance might be provided to:

- People shielding (i.e., people with vulnerabilities who are entirely isolating themselves and so cannot carry on ordinary activities like shopping);
- Key workers;
- People facing financial uncertainty (i.e. people who may be self-employed or otherwise not automatically entitled to the various assistance packages put in place by Government);
- Parents, or those with unexpected caring responsibilities, having to juggle those duties with part or full-time work.

There is an overlap between those who might be helped through mutual aid, and those assisted by councils under their social care and children’s services responsibilities.

### Background, opportunities and concerns

“Mutual aid” is not a charitable endeavour in the traditional sense, and is not about establishing new structures or hierarchies. It is entirely volunteer-led and decentralised.

“Mutual aid is where a group of people organise to meet their own needs, outside of the formal frameworks of charities, NGOs and government. It is, by definition, a horizontal mode of organising, in which all individuals are equally powerful. There are no ‘leaders’ or unelected ‘steering committees’ in mutual aid projects; there is only a group of people who work together as equals.

Mutual aid isn’t about “saving” anyone; it’s about people coming together, in a spirit of solidarity, to support and look out for one another.”

Covid-19 Mutual Aid UK

The lack of a central organising structure locally and nationally has meant two things:

- Mutual aid has been able to take quick, concerted action to support local people. Voluntary systems for support were put in place in many areas in the days immediately preceding the lockdown; contrast with the NHS-led national volunteer scheme which has struggled to manage to operate at scale even a number of weeks after being established;

- There has been a degree of tension, in some places, being those involved in mutual aid and those in more “traditional” roles in the community – whether that be the council or existing charities.

Concerns were raised at the outset about:

- Safeguarding: ensuring that both volunteers, and those being provided with support, were safe and protected;
- Data protection: ensuring that where information about personal needs and support was recorded, it was done in a way that is safe and secure;
- Ensuring that people in serious need could be effectively triaged and provided with professional support where this might be necessary.

In some places support arrangements – led by local councils and/or by local councils for voluntary services (CVSs) have been put in place to reduce the potential for these risks to arise. The NCVO have made information available on their website which explains more - <https://blogs.ncvo.org.uk/2020/04/02/covid-19-mutual-aid-and-community-support-how-volunteers-are-getting-involved/>

In some areas, ward councillors have been actively involved in mutual aid groups.

### **How can the scrutiny function add value in relation to these issues?**

Mutual aid groups will be gathering (incidentally, rather than as a primary feature of their work) important insights about the resilience of local communities. How are people responding to the challenge at community and street level? Are trends in support needs emerging – things which might require more systematic action to unpack?

#### **Questions: understanding and supporting mutual aid**

How can the council, councillors and mutual aid volunteers better share information about ward concerns, and how those concerns might be acted on at a strategic level?

How can scrutiny “use” mutual aid groups as a source of intelligence to drive its work programme in the coming months?

How can a greater awareness of scrutiny, its role and responsibilities, be spread in mutual aid groups to assist in this process?

How might mutual aid volunteers themselves be co-opted into certain elements of scrutiny work?

How can the council work productively to support mutual aid, by taking a permissive approach to close working with professionals and support around things like safeguarding

How might the council itself use such intelligence and insight to refine its own approach – through a better understanding of local risk, for example. Risks to vulnerable people might be seen as lower in areas where mutual aid is particular active.

### **A model for scrutiny of these issues**

- Mapping and understanding where active groups are, and seeking to understand which councillors are involved and in what capacity;
- Understanding the extent to which mutual aid groups are linking to existing voluntary activity;
- Understanding where and how intelligence about need is being aggregated and collected, and how the council and others could use that information, and share its own information in such a way that would be useful for such groups;
- Understanding how scrutiny could keep a watching brief over the mutual aid/council professional relationship in a way that is constructive and supportive;
- Identifying and celebrating local good practice and lessons which can be embedded into the way the council works with its partners, and the community, in the longer term.

The approach that we suggest is not one of “scrutiny” of mutual aid and its work, but developing the understanding necessary to enable councillors, and scrutiny, to use mutual aid work as a source of intelligence and as a way to inform work at the council.

## 5. What does proportionate and effective scrutiny look like for services provided to vulnerable people?

Above, we have set out specific questions and systems which councillors might apply to different aspects of the provision of services to vulnerable people. But there is significant overlap, and scrutiny can have a valuable role in asking probing questions around where these intersections lie. For example:

- What implications might Care Act easements have for the support provided by local people through mutual aid?
- How can insight and intelligence garnered through the way that aid is being provided by local people be used as part of a transparent assessment of where risk lies around Care Act easements and services provided to vulnerable children?
- How might children's services be impacted by Care Act easements, and vice versa?
- How might mutual aid volunteers be drawn into a debrief and reflection process once the crisis has passed to provide direct evidence of the impact on local communities and the vulnerable people who live in them?

There is, as we have said, a role for scrutiny in understanding and overseeing the “whole system”, and providing advice based on this unique perspective. Scrutiny has a convening power – bringing together a range of stakeholders to understand and solve problems, independently, in a way that few others can. Care and support for vulnerable people is a complex system – in reality, a number of complex systems overlaid on one another. Scrutiny has the potential to provide the council with an overarching view – and, by keeping a watching brief over the most significant risk factors, a dynamic one as well.