

National Assembly for Wales Communities, Equality and Local Government Committee CELG(4) LGC (05)

Inquiry into Progress with local government collaboration

Response from: The Centre for Public Scrutiny

This submission draws on our thinking about transparent, inclusive and accountable public services; our experience of developing policy and supporting successful practical programmes; and our work with councils and partners. The submission focuses on the aspect of the inquiry relating to 'models of governance and accountability adopted when collaboration takes place'. Whilst we touch on some general principles for collaborative arrangements we focus mostly on the contribution of council scrutiny to good governance. We are happy to give oral evidence to expand on our thinking.

Key messages

- new ways of improving outcomes for people and communities and securing better value are important – but collaborative arrangements need to be built on principles of accountability and scrutiny right at the start
- transparency, involvement and accountability are key principles that can help establish culture and values rather than set up bureaucratic structures and processes
- scrutiny of strategic vision for collaboration and scrutiny of outcomes delivered through collaboration are important – there is no 'formula' for success but considering common principles can help establish appropriate arrangements in the local context
- there are examples from Wales and England that illustrate the benefits and challenges of joint scrutiny and scrutiny of collaborative arrangements
- there are approaches that councils can take to overcome some of the tensions inherent in collaborative or joint scrutiny

About CfPS

CfPS (an independent charity) is a leading organisation for ideas, thinking and the development and application of policy and practice to promote

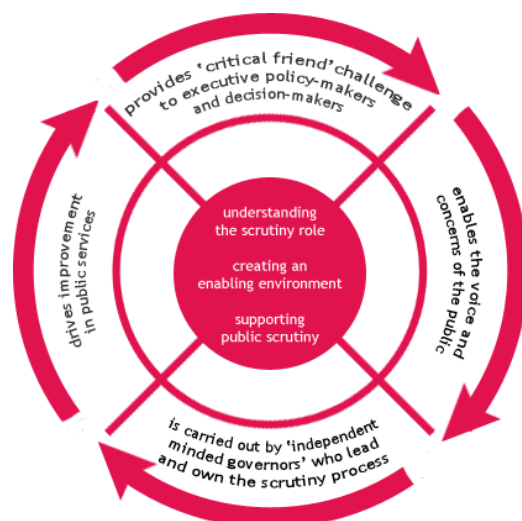
transparent, inclusive and accountable public services. We support individuals, organisations and communities to put our principles into practice in the design, delivery and monitoring of public services in ways that build knowledge, skills and trust so that effective solutions are identified together by decision-makers, practitioners and people who use services.

We work across national and local government and we support councils, partners and others individually and collectively through published guidance, events and our network of expert advisers. We think public services should be transparent, inclusive and accountable. In the context of collaborative working in Wales these principles should be applied to ensure that:

- commissioners and providers understand and respond to the needs and aspirations of local people
- accountability and scrutiny arrangements are integral to designing and delivering collaborative arrangements
- councils are supported to develop approaches to scrutiny that add value to collaboration

Why transparency, involvement and accountability are important

Leaders and organisations building a culture based on these principles are more likely to demonstrate themselves as credible to people who use services and communities. The Centre’s ‘Accountability Works for You’ framework¹ can help leaders and organisations to better reflect our thinking about good governance. Acting in transparent, inclusive and accountable ways means working with different people in different ways – for example citizens, people who use services and elected representatives. Our four mutually reinforcing principles of good scrutiny can support collaborative commissioning and delivery arrangements to embrace:



- constructive ‘critical friend’ challenge
- the voices and concerns of the public
- independent people taking responsibility for their role
- improvements in quality and outcomes

Principles for collaborative arrangements

We think it is increasingly clear that the challenges faced by communities cannot be solved by any one organisation or by professionals and

¹ <http://www.cfps.org.uk/publications?item=7142&offset=0>

communities in isolation. Collaborative arrangements are increasingly recognised as a way of combining resources to tackle common challenges, whilst respecting the independence of local areas (for example health and wellbeing boards, Local Enterprise Partnerships and combined authorities in England).

We think the following principles (based on the Simpson report) are a helpful starting point when developing arrangements for collaborative working:

- shared understanding about vision and strategy
- fair funding based on benefits for participating areas
- monitoring operational performance and outcomes
- effective governance and oversight embracing independent scrutiny
- service users at the centre, including redress when things go wrong

Our own evidence about governance, accountability and scrutiny led us to develop our “Accountability Works for You” framework to help leaders and organisations address culture and values based on principles of transparency, involvement and accountability rather than immediately focusing on structures and processes. These principles can be applied to collaborative working in the following ways:

- Transparency – open and evidence-based approach to decision making and clarity about performance and outcomes
- Involvement – participation across the collaborative area to capture a range of data and information to build insight about views and aspirations
- Accountability – demonstrating credibility, recognising scrutiny as a crucial part of collaborative arrangements

Because our framework links outcomes to culture and values rather than structures and processes it helps people to focus on assessing risks and improving services rather than simply measuring process data. We think the principles in the framework can support collaborative arrangements in Wales.

Principles for scrutiny of collaborative arrangements

Our experience is that effective scrutiny of both individual and collective partners across areas is crucial to the transparency, effectiveness and accountability of collaborative arrangements. Models of governance and accountability that recognise the opportunities and barriers to scrutiny of collaborative arrangements provide an opportunity to manage limited resources by sharing scrutiny work with others around common interests. They are also a way for commissioners and deliverers to invest in scrutiny and accountability in a way that adds value to governance and outcomes. In this way, accountability and scrutiny of collaborative arrangements become something that is a shared, integral part of planning and delivering services – not something that is regarded as additional, bureaucratic red tape.

Further evidence on this is set out in our policy briefing about “sub-regional and supra-local scrutiny”.²

Our thoughts about the implications of collaboration for council scrutiny in Wales are set out in our policy briefing about “regional collaborative areas in Wales”³. We think that scrutiny arrangements will need to reflect the context in different areas and that there is unlikely to be a single formula that delivers success without at least a common understanding between executive and non-executive councillors right from the start, recognising there are two dimensions to scrutiny of collaborative arrangements – firstly, scrutiny of the rationale for collaborative arrangements and secondly scrutiny of performance and outcomes from collaborative arrangements. We think that adopting some common principles will help build credible local arrangements and having a clear understanding about existing partnerships and related scrutiny arrangements will help to co-ordinate scrutiny work and avoid duplication.

But we know scrutiny of this kind is not without its challenges and practice in Wales is developing. Councils in England are also adapting to greater collaborative arrangements for planning and delivering services – for example through the introduction of health and wellbeing boards, Local Enterprise Partnerships, combined authorities and shared service arrangements such as the tri-borough partnership in London. Joint arrangements to scrutinise proposed changes to healthcare services have been operating in England for 10 years, so there is learning about practice that can be shared to raise confidence and ambition in Wales. We think the key challenge for scrutiny is to balance the strategic aspects of collaboration (culture and values across collaborative areas) and the operational aspects of collaboration (outcomes and citizen experience in local areas). Scrutiny needs to add value to both these aspects.

How scrutiny of collaborative arrangements has developed

The Welsh Government is committed to collaborative working as a way of improving public services and using limited resources effectively, alongside governance arrangements to make collaboration accountable. The framework for achieving effective council scrutiny of collaborative arrangements includes:

- powers for councils to form joint scrutiny arrangements through the Local Government (Wales) Measure 2011.
- Regional Collaboration Fund applications provide opportunities to demonstrate arrangements for effective scrutiny and appropriate challenge of outcomes in an open and transparent way.
- support for joint scrutiny through the Scrutiny Development Fund.
- the Wales Audit Office Improvement Study has provided opportunities to reflect on scrutiny practice through peer learning.

²

http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/2012_03_21__sub_regional_scrutiny_draft_2.pdf

³

http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/2012_07_20__wales_pb_final.pdf

- support from CfPS through its Cardiff office and expert adviser team to help councils tackle the developing collaborative agenda, linking to other aspects of support and commentary on scrutiny (for example the WAO, statutory regulators, WLGA and Cardiff Business School).

We believe that an important way forward is to share learning from existing scrutiny arrangements. Some examples from Wales are:

- Prosiect Gwyrdd – Caerphilly, Cardiff, Monmouthshire, Newport and Vale of Glamorgan
- NHS Procurement - Newport and Caerphilly
- Framework for Partnerships - Denbighshire
- Central South Consortium Education - Cardiff, Bridgend, Vale of Glamorgan, Merthyr and Rhondda Cynon Taff

Some examples from England are:

- Greater Manchester Combined Authority
- Veterans' Health in the North East
- Severn Estuary Scrutiny Commission
- Yorkshire and Humber Joint Health Scrutiny Committee

These examples from Wales and England illustrate that scrutiny is able to tackle a diverse and complex agenda, often responding to issues and arrangements that cover very different geographical footprints. In Wales, for example, arrangements for children's safeguarding are different from those for school improvement.

We think these examples highlight the significant opportunities for scrutiny to add value to collaborative arrangements but the practical challenges of scrutiny of this kind should not be underestimated, especially when considering how to respond to scrutiny's emerging broader powers to encompass the wider public sector (for example through scrutiny of 'designated persons'). We are happy to expand on these aspects in oral evidence.

We think that Cardiff Business School's evaluation of practice and potential in the developing culture of collaborative scrutiny will be helpful in developing support for councils to resource and carry out scrutiny of collaborative arrangements well. Although practice may have developed since the time of the original research, we need to continue to win hearts and minds to the cause of collaborative scrutiny by clearly demonstrating that it is an effective way of adding value to the outcomes for people across wide areas. The Wales Audit Office Improvement Study has identified the opportunity to develop some 'characteristics of scrutiny' and we are working with the WAO and practitioners to co-produce these. We think that describing characteristics of scrutiny in a practical way can help bridge gaps between theory, expectations and practice of scrutiny.

Building effective scrutiny

The way public services are planned and delivered is changing, often radically, as governments and organisations look for ways to improve outcomes for citizens in ways that secure better value. We think that effective scrutiny can help ensure that services remain focused on the social value they add to people's lives rather than just financial cost. But we think there is a risk that the proliferation of partnerships and collaborations may leave councils struggling to identify responsive scrutiny arrangements at a time when resources for scrutiny are tighter than ever before. There may be a role for the Partnership Council to look at this aspect through the Compact for Change.

We have identified some examples of joint and collaborative scrutiny earlier in the submission – these show what scrutiny can achieve but we recognise that there is no easy formula for success. Shared understanding about common principles and characteristics can help, but alignment of cultures, expectations, roles and practice can still be hurdles to overcome. Keeping a focus on citizens or framing scrutiny around 'are decision-makers doing what they said they would do?' can be ways to overcome tensions.

Joint or collaborative scrutiny is a power not a duty and resources are tight. Regulators and auditors expect scrutiny to be adding value to council performance and joint or collaborative scrutiny needs to find a balance between the contribution it makes to tackling common challenges over wide areas and the difference it makes to people's lives locally. Focusing scrutiny on stages of the 'commissioning cycle' or adopting a 'life course approach' to scrutiny can help councils identify where the balance might lie in their context.

Scrutiny of Local Service Boards, shared services and forthcoming 'designated persons' risks adding complexity to the scrutiny landscape. The Scrutiny Development Fund can help support new ways of working (for example developing joint education scrutiny arrangements) but the practical support needs at a local level need to be recognised. A consistent finding from our annual surveys of council scrutiny practice has been that dedicated resources tend to result in more effective scrutiny. This is especially relevant in the context of joint or collaborative arrangements where good co-ordination is important.

Conclusion

We have tried to make a positive submission to the Committee's call for evidence, illustrating the benefits of accountability and scrutiny as an integral part of the governance of collaborative arrangements in general and using some examples to illustrate how councils are responding to the challenges of scrutiny in a rapidly changing landscape. Working together with councils, national bodies, academia and the Welsh Government we think our support programme can help councillors and officers tackle the challenges of scrutiny in ways that become sustainable over time. We are happy to provide oral evidence on any of the aspects in this submission.

Rebecca David-Knight (Programme Manager – Welsh Scrutiny Support Programme) and Tim Gilling (Deputy Executive Director) - September 2013