

Summary of key messages arising from the HCW Roles and Responsibilities

Round Table 1
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ACCOUNTS COMMISSION 

Participants

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Douglas Sinclair, Accounts Commission

Emma Burnell, New Local Government Network

Dr. John Bullivant, Good Governance Institute

John Cade, Institute of Local Government Studies

Tim Gilling, Centre for Public Scrutiny

Tim McKay, Accounts Commission

Accounts Commission: Round table discussion: Council members and officers - roles and working relationships: Getting it right.

Building the capacity to manage local government in an increasingly complex environment.

This is the first of two round table events. The discussion covers what the local government operating context means for leadership and governance practice for councils. The discussion relates mainly to practice in England and Wales, reflecting the experience of some of the panel. [A second Scottish-based round table](#)  discusses these themes further and identifies the likely lessons for Scottish local government. In summing up the discussion Douglas Sinclair reflected on how an increasingly complex environment of partnerships and shared service agreements is leading to a growing gap in skills for both officers and councillors. Councillors need to think about how they can change their mind set from one of direct service delivery to one of enabling their communities to shape and deliver services for themselves.

Councillors and officers must also have the skills in place to do an increasingly complex job. This means a commitment from councillors to on-going training - not just induction training on their appointment. There is scope to encourage greater diversity in councillors so they can better reflect the communities they serve. This could also stimulate a greater involvement in local democracy and services. The role of statutory officers in councils with responsibilities for social work, education, finance and governance for example is increasingly important. Monitoring officers¹ in particular must ensure that councils operate effectively and legally and they must have the courage and sufficient

seniority to do their job. And finally, chief executives and leaders must undertake their crucial role in maintaining good relationships to prevent breakdowns occurring.

Context

Funding pressures, expectations of greater community involvement and the need to maximise economic growth opportunities are placing new demands on councils

Douglas Sinclair, Chair of the Accounts Commission, introduced the discussion by outlining the changing local government context of funding constraints, expectations of partnership working, and growing demand. All this calls for a new means of working from councils and their partners – and not least, strong joint working between health boards and councils, which may have quite different cultures. He highlighted the prevalence of coalitions providing the political leadership in Scottish councils, and these now feature in all but two Scottish councils.

Douglas explained that Scotland's community empowerment agenda opens up more services to be delivered directly by communities, potentially by-passing councils to some extent. This makes it all the more important that elected members think carefully about their community leadership role. He questioned the extent to which councils have transformed their services in Scotland and whether austerity will necessitate further change. This could, for example, lead to councils moving away from "the god of direct service delivery" which, despite the current emphasis on outcomes, prevention and addressing inequalities, still dominates the agenda of many councils. Tim Gilling, Centre for Public Scrutiny, highlighted the need for councils to change their mind set about how they engage with communities to 'bring the voice of the community into the council' rather than 'taking the voice of the council out to the community'.

Douglas noted that while a good relationship between the council leader and chief executive is fundamental, the relationship between the leader and the chair of the health board is increasingly important in the context of health and social care integration and community planning. In England and Wales many councils are re-inventing themselves as leaders in economic development following changes to business tax arrangements ; whereas in Scotland the role of council as the driver of local services seems to persist.

As a consequence of these changes, councils in England and Wales have greater autonomy over their own budgets and receive less direct funding through grants. Tim Gilling, Centre for Public Scrutiny, commented that on the face of it this seems a good thing but it is much more difficult in some areas to generate income – bringing a risk of unintended consequences where areas that already have strong, thriving economies grow more quickly than economically depressed areas. Linked to this the panel discussed the so-called Northern Powerhouse agenda², City Region Deals and combined authorities, and identified potential challenges for those councils that lack a clear connection with their wider city regions.

Pressures of reform

John Cade, Institute of Local Government Studies, noted that local people increasingly realise that there are no easy choices, and many councils in England are developing more sophisticated ways to canvass opinion on difficult cuts. He believes there is also an appetite to see others provide services where that will lead to improvements, such as the private and third sector³. Communities themselves have an appetite to take over services such as libraries rather than lose them altogether. In England and Wales it is now rare for councils not to have preferred partners and business transformation plans in place. There was a perception that conservative councils see partnering as an option and that labour councils may at times have been more resistant to externalising services. Tim Gilling highlighted the risks of councillors becoming less able to hold services to account in a highly contractual environment.

The panel spent some time comparing and contrasting the approach to elected member involvement in arm's-length bodies (ALBs) – often referred to as arm's-length external organisations (ALEOs) in Scotland. There appeared to be a striking difference in approach, with much more extensive elected member involvement on the boards of these bodies in Scotland compared to England and Wales. This led to discussion about how aware elected members are of their legal responsibilities as board members, and their understanding of how the aims of the body align with those of the council.

Douglas noted the anomaly of what appeared to be improving customer satisfaction with council services despite service cuts. He questioned whether this could be because some cuts have not been visible to the general population, but instead have impacted on more marginalised or disadvantaged groups, who may be less likely to voice complaints.

Tim Gilling stressed the importance of good data and information so that, as cuts kick in, councils know what their impact is on communities. The need for strong elected member oversight was stressed.

Emma Burnell, of the New Local Government Network, agreed and suggested that cuts in areas such as bin collection will get a strong reaction as they affect all groups including the better off. She felt that despite the scale of the cuts experienced by English councils their impact is only now really beginning to impact on local communities. Tim Gilling agreed adding that rather than just focusing on costs there is a need for some measure of the impact of cuts, perhaps using measures of social value and broader assessments of improved outcomes for people in the area.

It was noted that there is a challenge for councils to meet their broader ambitions to improve their local area and at the same time continue to provide essential statutory services.

Tim felt that combined authorities have set out ambitious objectives in their devolution agreements⁴ often referred to as 'devolution deals' but at this stage it is not always clear what these will deliver and how they will impact on individual districts. Health and well-being is essential to a successful economy, and there is often a lack of joined-up policy-making here at a national government level. The panel discussed the absence to date of any public scrutiny of city region deals and other devolution agreements. This was seen as problematic in terms of democratic accountability.

John Bullivant, Good Governance Institute, observed that in dealing with complex issues, such as improving local outcomes, there can be a tendency to look at objectives one by one, without a sense of their overall impact. This may be driven through urgency but can reinforce short-term thinking rather than developing more holistic or sustainable long-term approaches. Emma saw the change in politics at national level leading to a different view of local government. She saw the emphasis is now on strengthening localities through economic success, with public services picking up on areas of particular demand or risk; whereas before (under New Labour) the emphasis was more on local government's role to identify and address need. Economic success and productivity are an increasing focus – but there are still service needs that need to be addressed.

Tim agreed that there is a growing acceptance that the state can't always deliver and that its role looks increasingly unsustainable with the current state of public finances and predicted patterns of service demand. John said that despite decades of talk about 'joined-up' public services there is still a very long way to go to deliver on that ambition. It often remains the case that there is limited joint working at a local level and this can cause problems in service efficiency and quality.

Antony Clark, Audit Scotland, highlighted the significance in Scotland of the Christie Commission report on the future of public services in Scotland. In particular, its emphasis on the need to shift public services towards more preventative service models, and its emphasis on the importance of community involvement in planning and delivering local services (known in Scotland as co-production). The links between this approach and Scotland's Community Empowerment (Scotland) Act 2015 were noted. This act will potentially give local communities a greater role in local services, including the use of local buildings and other assets such as common good funds.

The discussion then turned to how local government is re-organising itself in the face of ongoing financial pressures, touching on shared service delivery and commissioning. Emma Burnell said that many London boroughs are good at providing shared services, and in some cases even have shared chief executives. John Cade felt that this had been driven by economic pressures.

John Bullivant explained how health commissioning units have merged and pooled their resources. Emma noted that shared services can have benefits and make things easier for the people that use them – for example recycling can be easier where there is only one system across neighbouring London Boroughs.

Tim Gilling pointed out the difficulties where councils have bought into inflexible long-term contracts. Overall, Emma felt that councils were moving away from ‘monolithic’ contracts and are now looking at new approaches such as ‘social value’ contracts. John Cade added that in some cases councils are bringing the services delivered by arm's-length bodies back in-house.

The role of councillor

The role of the councillor is increasingly to enable the community to meet its own needs

Tim Gilling expanded on the councillor role as visible democratically elected representatives – as such their role should be to present the voice of the community to the council; rather than present the voice of the council to the community. He noted that it is important that there is a sense of team work between councillors and officers – councillors are mainly lay people working in a professional environment – so their ability to understand council business is crucial.

Antony Clark observed that in Scotland, while COSLA has had a focus on strengthening local democracy, there seems to have been limited discussion on the role of councillors as community leaders. This was seen as slightly surprising given the increased emphasis in Scotland on community planning and community empowerment. The challenges and tensions that are created by trying to shift towards more participative, rather than representative, models of democracy were discussed. In theory most people agree that shifting the balance of power toward communities is a good idea, but in reality councillors can be wary of doing this for reasons such as perceived loss of control.

John Cade highlighted the fact that introducing an elected mayor is a precondition for councils seeking devolution deals or that want to become combined authorities. The controversial nature of this requirement was discussed, not least in areas such as Yorkshire and the South West where, unlike in some cities, the notion of one person representing a range of diverse communities is problematic. Other issues discussed included the potential centralisation of power in one individual; and the perception of a possible hidden agenda to open up civic leadership to a broader group of participants such as industry leaders.

Tim McKay, Accounts Commission, rounded off this part of the discussion highlighting the need to equip councillors to carry out their roles, stressing the importance of councillors taking part in training opportunities and also identifying their own training needs. He highlighted the need for on-going training alongside induction training given the ‘you don’t know what you don’t know’ paradox in the early days of becoming a councillor.

Scrutiny

Councils must ensure they do not neglect scrutiny – an open culture is essential to avoid service failures

The round table members discussed scrutiny as being particularly challenging and important in a context where service delivery is becoming increasingly complex. John Bullivant noted that it is important that scrutiny officers⁵ have sufficient seniority in the organisation.

Tim Gilling felt that the time available for effective scrutiny is being squeezed as a consequence of reductions in staffing levels in English local authorities. He highlighted, however, that effective scrutiny relies not on structures and support but on having an appropriate culture in place that recognises the value of scrutiny of both policy development and performance. In the context of the major challenges facing public services it is crucial to know who is asking questions over risk and resilience, and performance – and there is a risk of failure where this is lacking or where there is a closed culture. The unfortunate events in Rotherham are perhaps an example of the risks we are talking about.

John Cade agreed and highlighted the debate south of border about the scrutiny role of councillors becoming the poor relation to their more executive roles for example as committee chairs or as members of an executive committee. He felt it is rarer now to have dedicated scrutiny officers because of cut backs and explained that the scrutiny officer role is now often part of policy or democratic service teams. Tim Gilling noted the role of statutory scrutiny officer as a requirement in England under the Localism Act 2011 (albeit not for district councils) and that similar responsibilities for scrutiny apply in Wales for the post of monitoring officer.

Tim Gilling noted that often the back-benchers' role is one of area representative but that scrutiny is another important dimension. John Cade commented that the 2000 Local Government Act introduced a split between executive and scrutiny members and initially this was not well received with the perception that there were two classes of councillors. In his experience in Birmingham however councillors realised that the new arrangements allowed them to look at issues in depth and challenge them, often at earlier stages of the policy development process.

He explained that under the localism act, those councils opting for committee governance do not require scrutiny committees as such, but it is important that there is a mechanism for pre-committee scrutiny to take place. This includes sending papers out in good time and structuring committee meetings to allow time for debate and questions – i.e. fostering a culture of scrutiny. This was seen by the panel as better than relying on call-in powers for scrutiny after decisions have been taken. Other options include the use of Executive Advisory Boards. John Bullivant felt that the kinds of assurance models used in the health sector appeared to be missing for local government. Douglas Sinclair commented that he did not sense the same level of debate over scrutiny in Scotland.

The panel commented that the closure in 2015 of the Audit Commission in England means that there is now no overview of the local government sector or themed reviews. The system is now about self assessment and peer review within councils. Tim Gilling noted that the Audit Commission used to comment on scrutiny as part of their audit. John Cade agreed with the principle of self assessment and peer review but added that it is important that there is an external check and balance. Anecdotally he felt that peer assessment in England was not as strong as the wholly independent work of the Audit Commission. The panel noted that external scrutiny works best where there is a healthy relationship between auditors and auditees as 'critical friend'.

Antony Clark noted that SOLACE and CIPFA are also strong advocates of self-assessment and been promoting improvement and good governance, albeit complemented by proportionate and risk-based external audit and inspection. As a further thought, Tim Gilling noted the interesting concept of an independent, local Public Accounts Committee, to have oversight over all public expenditure in a local area. This would be a means to give assurance over the greater devolution of spending to localities.

Culture and working relationships

A good working culture is set from the top – there must be trust between all parties, and officers must serve the whole-council, not just the administration

The discussion turned to how behaviours are an essential part of effective working: Emma Burnell felt that culture is the key and is set from the top – and the relation between the chief executive and leader is central. There can be issues where a council's political leadership changes and the chief

executive then needs to adapt to a new set of political priorities and potentially different ways of working. John Cade added that trust is important, particularly in the relationship between officers and political parties, and their confidence in the information and advice they receive from officers. He cited one example of strained relations where a political group advised its members not to necessarily trust the information they received from officers.

John Cade explained that the leader sets the standards for councillors, and the chief executive sets the standards for officers. Tim Gilling cited the need for an open culture with all officers helping all councillors - and not being allied to the administration or opposition. John Cade added that chief executives are failing to serve all if they favour the administration, and there is a risk here that they will neglect the role of scrutiny.

John also noted that there can be problems where the roles of chief executives and leaders are blurred, or where they act in each others' capacities. He noted how poor relationships can increase the turnover of chief executives and this can be disruptive.

He said that there is a responsibility for chief executives and monitoring officers to be clear of their roles. The difficulty for monitoring officers in highlighting and challenging what can often be very personal behavioural traits was noted. John felt that monitoring officers do not always fulfil their roles and step in to address issues at an early stage. This can allow problems to develop and grow over time in an insidious way, making it difficult then to address what have become entrenched habits and behaviours.

The discussion highlighted challenge of forming judgements on behaviours where it is not always clear what is appropriate. It was felt a general norm of good behaviours underpinned by recognised principles of ethical conduct should work on most occasions.

John Bullivant highlighted that useful practice elsewhere is to encourage an "etiquette of working" to set pointers for appropriate behaviours rather than a rule book as such. Some boards use simple prompt cards to remind their members of acceptable behaviours, such as challenging the efficacy of information not the integrity of individual officers. This can help legitimise appropriate behaviours and avoid cultures that are 'over polite' or bullying.

Skills

Councillors need to understand their role and be equipped to carry it out. Officers must support them with ongoing training and development opportunities.

The discussion led to how councils ensure that officers and members have the skills to do their job. Emma Burnell noted skills gaps for officers in commercial areas such as procurement – these areas are often paid less well than in the private sector and this adds to the skills gap.

John Bullivant described the increasingly technical aspects of Clinical Commissioning Groups – the bodies established in England to organise the delivery of NHS services. These require specialist training and knowledge, and an appreciation of risk.

Training is important and John Cade noted that officers can be good at providing induction training at the start of the municipal term, but do not always follow this up. He explained it is rare not to have compulsory training for quasi-judicial committees such as planning and licensing and most councils have good programmes – but he felt there is scope to build on this approach in other areas such as scrutiny and member-officer working. There should also be a 'constitution' giving councillors a clear outline of what is expected of their role.

Tim McKay agreed and saw the potential to widen out the expectation of basic or mandatory training more widely to other council functions. He questioned what external support is available. John Bullivant added that the Welsh Local Government Association for example provides training support

and that the Local Government Association has a similar role, although there was a feeling that funding constraints were perhaps impacting on training support overall.

John Cade described instances where budget meetings can be ritualistic and happen too late in the budget-setting process to influence decisions. Douglas Sinclair added that this sounded like living for today not planning for tomorrow.

Tim McKay also spoke of the need for councillors to have good financial skills and understanding and asked about practice to put this in place. Tim Gilling described good practice he'd seen for budget scrutiny in Powys. He explained that this is an area that councillors can struggle with and be shrouded in mystique. Good examples of training he'd seen explained that a budget is simply the council's ambition expressed in numbers and showed how financial information can be scrutinised and de-mystified. John Cade added that the Institute of Local Government Studies (INLOGOV) provides training in this area.

In a similar vein, John Bullivant noted that some clinical commissioning groups are introducing integrated reporting that blends financial and performance information and saw this as a positive development.

Councillor responsibilities and the role of statutory officers

The scrutiny role of councillors should not be over-looked when it comes to councillor pay. Statutory officers have an important role in keeping procedures in check, and in making decision-making and scrutiny structures fit for purpose.

Douglas Sinclair asked how political groups select candidates to serve as elected members. Tim Gilling noted that there is a need to encourage greater diversity in councillors so that communities are better represented. He cited a 2007 report by the Councillors Commission which looked at measures to encourage greater diversity. He added that there is a role for political parties and councils to communicate what being a councillor is about, and to point out the risks of not carrying out the role well.

Emma added that places for labour candidates in some areas can be heavily contested and this helps improve the quality of local representatives. The opposite may be true where there is a more limited electoral base. She said that skills gaps can also occur where there are no time limits on how long councillors can serve, especially where individuals have not adapted to changing circumstances.

In England and Wales independent remuneration panels set special responsibility allowances for councillors. John Cade noted that in practice appointments are often applied at the gift of the council leader or the ruling group. He felt that remuneration for scrutiny chairs is often under-valued compared to other roles, signalling how seriously this role is taken.

Tim Gilling emphasised that it is important that people recognise that there is a cost to democracy. But turn-out at elections is reducing and this can lead to mistrust, especially where elected officials behave inappropriately.

The discussion then turned to the role of statutory officers and to how key appointments are made within councils. John Cade stressed the importance of statutory officers having sufficient seniority. Monitoring officers and chief executives need to have a close relationship and there is a risk of this being diminished. He added that with rationalisation, monitoring officers can become third tier officers, that is appointed below the level of director, and therefore lack clout. Douglas Sinclair agreed that in Scotland these posts are often third tier and may also lack legal qualifications for example. John added that where the statutory children's officer reports to both children's services and education committees, it is important that children at risk issues get sufficient attention.

John emphasised the role of statutory officers in advising elected members. He drew the analogy with MPs expenses scandals where he was even more shocked that officers had approved such inappropriate expense claims.

On appointing key officers within councils John Cade noted that in England the trend over recent years has been to reduce the level of elected member involvement in staff recruitment, with most appointments now made by officers, independently of elected members. Elected member involvement is mostly limited to chief officer appointments that are of strategic significance to the council. Douglas Sinclair highlighted the apparent anomaly of the chief executive being head of paid service but in certain circumstances s/he may be obliged, or influenced, politically to appoint an officer who is not his or her first choice. The subtleties of balancing political will with effective performance was discussed, and the importance of 'political nous' as a core competence for senior managers to operate effectively in local government.

Chief executives need to have the flexibility to adapt to changes in political management arrangements, just as they need to be able to manage changes of political control. Some chief executives find it is easier to manage a traditional committee system than a cabinet system with a dominant party. A council's political balance can influence its choice of committee system – for example John Cade noted that the prevalence of UKIP representatives in one council prompted it to move to a traditional committee system. Tim Gilling commented that it is important that the officer-side can offer continuity for example through changes in leadership.

Emma described it as a brokerage issue and officers need to find common ground and compromise to make progress. This requires an active conversation. John Bullivant pointed out that exit interviews for councillors rarely take place, but can provide a valuable reflection on a council's working.

Roles on boards

To meet their duties boards should keep their membership under review – this includes avoiding conflicts of interest and managing any cultural difference between council and health representatives

John Cade questioned councillors understanding of roles on arm's-length bodies and highlighted the real risks to both the elected members and the board where this is the case. He felt that leaders, chief executives and executive councillors are often more comfortable with such roles compared to for example non-executive or back-bench councillors – there is almost a twin track of understanding, perhaps reflecting the formers' exposure to working in an executive decision-making setting.

John Cade said that in England it is rare that councillors would sit on the boards of arm's-length bodies as such. There is of course the risk of conflicts of interest where councillors take a dual role on bodies that in effect often have an 'umbilical' link to the council. John Bullivant added that councillors duties to the company or trust as a board member or trustee could be seen to conflict with their role as a public representative.

There was some discussion around the increasing role of councils in working with health services. Douglas Sinclair noted the important relationship between the council leader and the chair of the health board. A shared vision for change underpinned by mutual trust across agencies is key to delivering public service reform in relation to health and social care integration.

Highland for example had a good relationship and mutual trust enabling them, uniquely in Scotland, to adopt a lead agency model of health and social care integration, with NHS Highland taking responsibility for all adult services and Highland Council taking lead responsibility for all children's services. It was suggested that the lead agency model could be the most likely to deliver the kind of transformational change required. The other 31 councils have adopted the more complex integrated joint board model with their NHS Boards.

John Bullivant felt there may be a different approach on health boards from councillors, as local political representatives, and from health representatives as part of the national body – and there is little guidance to help. It is important that board members understand their first obligation is to the

board, not to the government, health board or the council. In fact, the language that people are using of 'parent' bodies (i.e. the council or the health board) shows how far we need to go to create a sense of shared culture. This is not helped by the perception in some parts of England and Wales that this agenda is partly about health taking funds from local government – and vice versa.

John Bullivant noted that as a general principle it is important that all boards regularly review their memberships. They must assure themselves that their members or trustees are aware of their duties and have the necessary knowledge, skills and support. Boards are, after all, culpable should anything go wrong. He cited a hospice trust where the chair reviews the contribution of its trustees and links this to training and development options.

Douglas Sinclair questioned whether a similar approach will be expected of integrated joint health boards (IJBs). It was also noted that IJBs have a line of responsibility directly to the minister for NHS representatives inviting questions about how the issues of board member training, development and performance assessment operate across the local government/NHS divide. Emma Burnell noted that the challenge here is to take the politics out of the process.

Endnotes

- ◀ 1 The legal basis for the post is found in section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000. The monitoring officer has duties to ensure that the council, its officers and its elected members maintain the highest standard of conduct.
- ◀ 2 In a speech in Manchester in 2014, Chancellor of the Exchequer, George Osborne described how the lack of economic and physical connections between the cities and city regions of the North of England was holding back their growth – this has led to the Northern Powerhouse agenda involving the city regions and ‘combined authorities’ within Liverpool, Manchester, Leeds, Sheffield, Hull and the North East – and the concept of Initiatives include the Greater Manchester Devolution Deal to give councils responsibilities for health services, Transport for the North, and the Northern Transport Strategy.
- ◀ 3 Sometimes referred to the voluntary or social sector, e.g. non-profit making enterprises and charitable organisations.
- ◀ 4 The Cities and Local Government Devolution Act 2016 allows delegation of powers and budgets over transport, planning, economic development, adult skills and business rates for ‘combined authorities’ with directly elected mayors.
- ◀ 5 In England, the Local Democracy, Economic Development and Construction Act 2009 introduced a new statutory position of “scrutiny officer” – an officer of the council with responsibility for promoting the role of overview and scrutiny, supporting overview and scrutiny committees, and providing advice to officers and members about overview and scrutiny committees.



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