

Communities, Equality and Local Government Committee

Paper to Note – Action Point from 10 October 2013: Inquiry into progress with Local Government Collaboration

CELG(4)-29-13 Paper 3

Annex 1

Extract from “WLGA Collaboration Toolkit”, August 2012

5. How do we scrutinise collaborative activity?

Scrutiny should not be a 'bolt on' to any collaborative activity; indeed, the case for collaboration may have been initiated or at least explored by a scrutiny committee in the first place.

Scrutiny not only plays a key role in terms of governance and performance management arrangements, but also plays a key role in terms of local accountability and local democracy; whilst services may be commissioned or delivered on a collaborative footing, accountability remains local.

There are a range of approaches to scrutiny of collaborative activities, and may include scrutiny by existing scrutiny committees on a council by council basis, joint meetings between councils' scrutiny committees through to the establishment of new joint overview and scrutiny committees (following the Local Government (Wales) Measure 2011).

Depending on the collaborative activity in question, scrutiny could be ongoing and intensive (e.g. regular reporting/review), annual or bi-annual reporting or based on an ad-hoc/time limited arrangements (i.e. no standing scrutiny arrangements but potential to form time-limited scrutiny committees/task & finish groups to carry out investigations/reviews as necessary).

As noted above, scrutiny may have initiated a case for collaborative activity or may be involved from project inception, scrutinising the robustness of proposals, business plans, project plans or risk assessments prior to their approval. Scrutiny may also be involved in monitoring the performance and governance of a collaborative project/service on an ongoing basis; scrutinising the impact of individual projects and disseminating learning to inform future collaborative initiatives; or monitoring the impact on individual local authority areas of collaborative initiatives – e.g. how well does a collaborative project deliver improved services or value for money for the people of a local authority area?

As collaborative business models vary on a case-by-case basis, so too will the appropriate governance and scrutiny arrangements; authorities will need to consider their approaches to scrutiny, including the form and frequency of scrutiny activity, on a case-by-case basis

The Local Government (Wales) Measure 2011 gives powers to councils to form joint overview and scrutiny committees. However, [at the time of writing] the Welsh Government has not issued statutory Guidance or Regulations on joint overview and scrutiny committees, which is expected in the Autumn of 2012. It is anticipated however that joint overview and scrutiny committees will have the full range of powers and duties that are available to individual council committees, including powers to establish sub-committees, powers to call-in and duty to scrutinise designated persons.

Annex 2: Extract from "The Role of Councillors in Collaboration", WLGA Guide, October 2012

Overview and Scrutiny

There are a range of approaches to scrutiny of collaborative activities, and may include scrutiny by existing scrutiny committees on a council by council basis, joint meetings between councils' scrutiny committees, through to the establishment of new joint overview and scrutiny committees (following the Local Government (Wales) Measure 2011). As noted above, the Welsh Government will be commissioning a range of support for collaborative scrutiny in due course and has published draft guidance around new powers around joint overview and scrutinys.

Depending on the collaborative activity in question, scrutiny could be ongoing and intensive (e.g. regular reporting/review), annual or bi-annual reporting or based on an ad-hoc/time limited arrangements (i.e. no standing scrutiny arrangements but potential to form time-limited scrutiny committees/task & finish groups to carry out investigations/reviews as necessary).

Scrutiny may have initiated a case for collaborative activity or may be involved from project inception, scrutinising the robustness of proposals, business plans, project plans or risk assessments prior to their approval. Scrutiny may also be involved in monitoring the performance and governance of a collaborative project/service on an ongoing basis; scrutinising the impact of individual projects and disseminating learning to inform future collaborative initiatives; or monitoring the impact on individual local authority areas of collaborative initiatives – e.g. how well does a collaborative project deliver improved services or value for money for the people of a local authority area?

Scrutinising the Intention to Collaborate

- Scrutiny Committees in their normal business of monitoring service performance may wish to evaluate whether there are activities which may be better undertaken in collaboration with other local authorities.
- Where the Executive is recommending collaborative activity it would be an appropriate role for a scrutiny committee to evaluate the business case and business plan for such collaboration including the extent to which the proposed collaboration will meet the needs of local communities. Where appropriate local authorities may also form joint overview & scrutiny committees to jointly scrutinise proposals for collaboration.

Scrutinising the Performance of Collaboration

- Wherever service delivery is undertaken on a collaborative basis it would be reasonable to expect that the service to deliver to each local authority area is clearly specified. It would be an appropriate role for a scrutiny committee to scrutinise the performance of the service, including the

extent to which the agreed service specification is delivered, and the extent to which the needs of the local community are being met.

- Where services are delivered on a collaborative basis it may also be appropriate for more than one local authority to establish a joint overview & scrutiny committee to jointly scrutinise the operation/performance of a collaborative arrangement either as a time-limited, ad-hoc review or on an ongoing basis over time.

Annex 3

Case Studies included in Appendix A Statutory Guidance from the Local Government Measure 2011: Section 58, Joint Overview and Scrutiny Committees, May 2013

Maximising benefits, minimising waste

Case Study 1: Joint Scrutiny of Partnerships in Waste Management

In being awarded the Centre for Public Scrutiny's 2008 award for its joint scrutiny of partnerships in waste management, the participating four authorities (Cardiff, Monmouthshire, Newport and the Vale of Glamorgan) were successful in supporting elected members work together to address a complex and common issue.

The purpose of the inquiry was to consider the benefits and challenges of joint service delivery of residual waste activities within a regional setting. Whilst being sensitive to each participant's varying experiences of scrutiny and different organisational and political cultures, Members and Officers maximised the collective benefit of individual strengths through carefully thought out methods and ways of working. In this instance, site visits to explore best practice helped engage Members throughout the process, assisted the bonding process and helped to establish a 'team culture'.

A key outcome precipitated by the inquiry was securing the political will necessary for each council to enter into a formal waste partnership. The extensive evidence base generated by the project provided a clear steer to participating councils; that the benefits of partnership working in dealing with waste management were compelling in that collaboration had the potential to provide the public with a better service at lower cost.

Consequently each scrutiny committee recommended to its Executive that the four councils continue to work together to secure a regional waste management solution. In practical terms, this involved fifty scrutiny members from four authorities agreeing upon the same set of recommendations to be sent to their respective Executives. This represents a real first in Wales and demonstrates the willingness of elected members to set aside individual cultural differences to develop productive working relationships characterised by understanding, goodwill and a pragmatic project management approach.

These recommendations have subsequently led to the formulation of the regional Prosiect Gwyrdd partnership which is committed to looking for the best environmental, cost effective and practical solution for waste after recycling and composting has been maximised in each area. Further information about Prosiect Gwyrdd may be found from the following link <http://www.caerphilly.gov.uk/prosiectgwyrdd/>.

Joint Scrutiny - Improving the health of partner relations

Case study 2: The Economic Impact of NHS Procurement: A Study of the Aneurin Bevan Health Board.

"It did not feel like 'scrutiny', but more like partnership" -
Procurement Manager, Aneurin Bevan Health Board, commenting on
experience of joint scrutiny.

In 2009 Newport City Council and Caerphilly County Borough Council were successful in securing funding under the Welsh Government's Scrutiny Development Fund to undertake a joint project to review local procurement by the Aneurin Bevan Health Board (ABHB).

The aim of the project was to use ABHB as a case study to examine the potential impact of local procurement on the local economy and to learn from good practice, sharing the project's findings with other public sector organisations within the wider Gwent area.

Following a competitive tendering exercise, the School of City and Regional Planning and the Welsh Economy Research Unit of Cardiff Business School at Cardiff University were commissioned to carry out research on behalf of the two Councils.

The Task and Finish Group made up from Councillors from both Newport and Caerphilly acted as the Project Board and recognised the co-operation of the ABHB who agreed to take part in the project despite the then recent reorganisation of the former Gwent Local Health Boards and Trust. Senior representatives from the NHS were involved at all stages of the project to ensure that the final recommendations were relevant and realistic. This was important to ensure partners had opportunity to influence the project and determine what benefits were likely to be accrued as a result of their involvement.

In presenting their report to the final meeting of the Task and Finish Group, the research team underlined the significance of the project and its relevance not only to the NHS but also the public and private sectors in general. The Task and Finish Group were keen to ensure that the report should receive a wide a circulation as possible to share the reports findings and conclusions. ABHB have indicated that they would like to share the report with procurement practitioners from other Health Boards and Trusts in Wales and Welsh Health Supplies.

In reflecting upon their experience in the scrutiny project, ABHB reported that the process was something they were pleased to be part of in the interests of openness and transparency. It was reported to be useful that ABHB were dealing with just one Task and Finish Group made up of both councils instead of two separate groups.

Key learning points emerging from the joint project include the need to market the benefits of joint scrutiny exercises to those partners being subject to research and evaluation. Also of importance in this instance was having a worthwhile and relevant topic to explore with partners which resulted in a 'win-win' situation for those involved.

Learning Points from Joint scrutiny

Case Study 3: Prosiect Gwyrdd

Building upon the benefits accrued from the joint scrutiny of waste management partnerships, Cardiff, Newport, Monmouthshire, Caerphilly and the Vale of Glamorgan formed a joint Scrutiny Panel to monitor the decisions made by the Prosiect Gwyrdd Joint Committee. More information about Prosiect Gwyrdd may be found from the following link <http://www.caerphilly.gov.uk/prosiectgwyrdd/>

Prosiect Gwyrdd is a joint project committed to looking for the best environmental, cost effective and practical solution for waste, after recycling and composting has been maximised in each area. The decision making body governing the procurement process of the Project is the Joint Committee which is made up of two Executive Members from each Authority.

Public scrutiny is considered to be an essential part of ensuring that Prosiect Gwyrdd remains effective and accountable. Arrangements have therefore been introduced to provide an opportunity for non-Executive Councillors to influence and challenge key decisions taken by the joint committee and project board.

These arrangements commenced in December 2009, when Councillors from the five authorities met with representatives of Prosiect Gwyrdd to share views on the evaluation criteria which would be used in the procurement process. Following this early involvement, more formal arrangements were put in place and a Joint Scrutiny Panel established.

Positive benefits reported to date include the strengthening of relations between the elected members of the participating councils and an improved engagement with Prosiect Gwyrdd Waste Management Officers. This has resulted in Members being kept properly informed of the work of the Joint Committee so improving their effectiveness as a 'check and balance' for decision making.

Learning points arising from the project include ensuring a clear understanding of the role of scrutiny and the benefits of clear reporting lines. As the project has progressed, improved work programming and support arrangements have been put in place, further adding to the potential for successful scrutiny.

Case Study 4: Officer Support for collaborative scrutiny

The Joint Scrutiny of Partnerships in Waste Management previously referred to in case study brought together four scrutiny committees from different Councils to examine the benefits and challenges of joint service delivery of residual waste activities within a regional setting.

In order to manage the project effectively, Cardiff County Council identified a lead Scrutiny Officer from within its Scrutiny Team. Having one point of contact for the four participating authorities was identified as being an important factor in ensuring work streams and activities were well co-ordinated and progress was regularly reported to stakeholders.

Whilst it was valuable to have a single person provide consistent advice, guidance and support at joint scrutiny meetings, the individual roles of Scrutiny Officers from the participating authorities was also integral to the inquiry's success.

At the beginning of the project, Officers quickly realised that time and care would need to be spent on ensuring that organisational and cultural differences did not become inhibitive.

Consequently Scrutiny Officers from the four Councils met regularly to discuss strategies that would encourage the participation and support of their respective Elected Members. It was reported that this element of joint scrutiny should not be underestimated in terms of its significance to achieving the added value characteristic of effective collaboration. Securing Member 'buy-in' at every stage of the project was reported to being essential to its smooth progression.

With regard to arriving at the project's recommendations, a report detailing the findings was presented to a joint meeting of the Panel. Members subsequently formulated mutually agreed recommendations that were informed by the evidence base generated as a result of the inquiry.

The mechanisms by which the team of Scrutiny Officers had co-ordinated the project ensured high levels of communication and team working which resulted in the recommendations and final report being properly 'owned' by every one of the participating councils.

Case Study 5: Denbighshire's Framework for Partnerships

Denbighshire County Council, in conjunction with Wrexham and Conwy County Borough Councils, successfully secured funding from the Welsh Government's (WG) Scrutiny Development Fund (SDF) in 2008/09 which enabled them to jointly commission training packages specifically tailored for scrutiny members.

Part of the funding received was used to commission a bespoke training course on how to effectively scrutinise partnerships and collaborative working arrangements. As a result of the training events, the 'Guidelines for Scrutinising Cross-Organisational Bodies, Partnerships and Collaborative Working Arrangements' were drawn up.

The framework builds upon the 'seven success factors for scrutiny' as set out in the Welsh Government's Advice Note 'Wider Scrutiny and Partnership Working' and provides some useful criteria that may be used to help identify which partnerships to scrutinise. Additional details of the Guidelines and Framework for Partnership Scrutiny may be found in the vault section of the Scrutiny Timebank website www.scrutinytimebank.co.uk.

The framework also provides a helpful template which may be used to form the basis of a protocol between a JOSC and a partnership as it details many of the practical issues that will be faced by members, officers and partners. Denbighshire acknowledges that scrutiny of partnerships is an area which requires improvement and with the establishment of a dedicated Partnerships Scrutiny Committee in May 2011 greater emphasis is intended to be placed on scrutinising the effectiveness of partnerships in delivering desired outcomes for local citizens.

In addition, Denbighshire's scrutiny function is keen to explore the associated benefits to the Council, both financially and otherwise, of delivering services via a range of partnership arrangements.

Annex 4:

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

24 JULY 2013

REPORT OF THE ASSISTANT CHIEF EXECUTIVE – LEGAL AND REGULATORY SERVICES

APPOINTMENT OF MEMBERS TO THE JOINT OVERVIEW AND SCRUTINY EDUCATION COMMITTEE

1. Purpose of Report

- 1.1 To inform Council of the proposals for the development for a Joint Overview and Scrutiny Committee to provide strategic overview and accountability for the Central South Consortium and to seek Council's approval for two Members from the Children and Young People Overview and Scrutiny Committee to sit on this Joint Committee.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 Under Section 58 of Part 6 of the Local Government Wales Measure 2011 there is provision to enable two or more Local Authorities to form joint Overview and Scrutiny Committees. The aim of section 58 is to strengthen scrutiny arrangements through the promotion of collaboration and the sharing of best practice. The Statutory Guidance issued under Section 58 of the measure states that:

'Enabling local authorities to establish JOSCs is intended to make it easier to scrutinise the delivery of providers whose services cover more than one county, or to examine issues which cut across geographical boundaries. The provision for joint scrutiny expands the options currently available to councils in undertaking wider public service scrutiny, and provides for a more flexible way of working to secure improved outcomes.

In addition, where joint scrutiny exercises have been undertaken they have facilitated opportunities to share learning and scrutiny capacity across local authorities. The harnessing of 'collective intelligence'

through JOSCs is intended to lead to more effective forms of governance, and higher standards of democratic accountability.'

- 3.2 At its meeting on 8 April 2013, the Children and Young People Overview and Scrutiny Committee received a report updating them on the work of the Central South Consortium Joint Education Service since its establishment in September 2012. The Interim Regional Director, Central South Consortium provided a report detailing the key components of the Central South Joint Education Services as well as progress achieved and future priorities.
- 3.3 At this meeting the Committee were also advised by the Scrutiny Officer that work was being undertaken, following a request from Members, to take forward the proposals for a Joint Scrutiny Committee with the other four Local Authorities involved in the Consortium; Cardiff, Merthyr Tydfil, Rhondda Cynon Taf and The Vale of Glamorgan; and to formulate methods of accountability for the Joint Education Consortium.
- 3.4 A series of meetings have been held amongst the Scrutiny Officers from the five participating Councils which have been facilitated by a representative of CfPS (Centre for Public Scrutiny) to discuss the proposed establishment of a Joint Overview and Scrutiny Education Committee (JOSEC). As a result of these meetings, officers have developed a proposed way forward, which is set out in this report.

4. Current Situation / Proposal

- 4.1 The purpose of the JOSEC will be to provide strategic oversight and accountability to the Central South Consortium Joint Education Committee (which comprises two Executive Members from each of the five authorities) in ensuring the delivery of effective school improvement services resulting in improved educational outcomes.
- 4.2 The JOSEC will act as a 'critical friend' to the Central South Consortium making sure that it is appropriately challenged in its responsibility to ensure that the Joint Education Service and the Learning and Innovation Network for Schools (LINKS) service raise education standards in the schools of the five local authorities.
- 4.3 It is important that there is clarity regarding the role of the JOSEC in relation to individual council education scrutiny committees as the establishment of the JOSEC does not seek to replicate or duplicate the role of local authority scrutiny committees. Instead it seeks to focus primarily on holding the Consortium to account for the effective delivery of school improvement services. It will not have the responsibility of scrutinising the performance of individual local

education authorities within the Consortium area or the performance of individual schools.

- 4.4 However, in undertaking all or some of the functions, the JOSEC will undoubtedly consider local performance data as a means to make wider inferences about the effectiveness of Central South Consortium education services and the performance of the Joint Education Committee in ensuring the achievement of improved educational outcomes.
- 4.5 Consequently, it will be necessary for the JOSEC and participating councils to ensure they engage in two way communication with a view to developing forward work programmes that are complementary, flexible and make best use of the local intelligence that can be provided as part of elected member's community leadership roles.
- 4.6 Attached at Appendix A are the outline Terms of Reference for the JOSEC, which have been drawn up and developed through meetings with Scrutiny Officers from the five participating Councils, facilitated by a representative of CfPS. These are currently being considered by each of the five participating Local Authorities for approval.
- 4.7 It is proposed that the composition of the JOSEC will mirror the Central South Consortium Joint Education Committee in that each of the five authorities will nominate two (non-executive) Member representatives from their Overview and Scrutiny Committee that has Education as part of its remit. Following discussions with the other four local authorities, it has been proposed that the two Members nominated include the Chair of the relevant Scrutiny Committee, and one other Member. The Guidance for the Local Government Measure (Wales) 2011 states that:

'Councils will need to make attempts to ensure that member representation on JOSECs reflects the political balance represented in the relevant scrutiny committee so far as possible.'

In light of this, it is proposed that the Chair of the Children and Young People Overview and Scrutiny Committee, (who is a Member of the Independent Annibynwyr Group), be nominated, in addition to one representative from the Labour Group.

- 4.8 It is also recommended that the JOSEC, when formally established, appoints a chairperson from amongst its membership with a view to appointing a vice chairperson from a different local authority. These positions could be alternated on an annual basis or some other frequency as a developmental opportunity for elected members..

- 4.9 In March 2013, the Independent Remuneration Panel issued draft supplementary guidance which stated that any Chair of a Joint Overview and Scrutiny Committee should be a paid position. The final report is still to be published, however, the draft report proposes that Joint Overview and Scrutiny Committee Chairs will be paid a senior salary by their host council, but this will be additional to the maximum number of senior salaries a local authority can pay.
- 4.10 It has been suggested that the JOSEC meet four times a year as a minimum.
- 4.11 The JOSEC is initially being set up as a pilot project and is intended to be evaluated by the participating local authorities after a period of 24 months. Currently, there exists no dedicated resource allocated to supporting formal collaborative scrutiny processes within the five participating councils. Whilst CfPS will be able to support the establishment of any joint education scrutiny arrangements and provide initial policy advice and research capacity to the Joint Committee's early meetings, its capacity to do so on a regular basis is limited by the conditions of its funding arrangements with WG.
- 4.12 The establishment of a formal JOSEC for the regional consortium represents the first project of this kind in Wales and it is therefore proposed that potential joint funding between the five authorities be sought under the Welsh Government's Scrutiny Development Fund. The bid would cover a post of Joint Education Scrutiny Co-ordinator (JESC) and the Joint Scrutiny Committee costs for two years. This post will provide the JOSEC with dedicated analytical and project management support in helping ensure the delivery of effective school improvement services significantly improves educational outcomes. It will also be the role of the post holder to ensure that the learning and experiences of formal joint scrutiny inform the development of other collaborative accountability arrangements.
- 4.13 Initial discussions with Welsh Government have indicated that they would be receptive to funding a potential bid of this nature.
- 4.14 It has been proposed that Bridgend be the host authority for the JOSEC and the associated costs are being incorporated into the SDF bid.
- 4.15 At its meeting on 5 July 2013, the Children and Young People Overview and Scrutiny Committee agreed the draft Terms of Reference of the JOSEC and agreed to nominate Cllr Peter Foley and Cllr Gareth Phillips as the two Members to sit on the Joint Scrutiny Committee representing Bridgend.

5. Effect upon Policy Framework & Procedure Rules

5.1 None

6. Equalities Impact Assessment

6.1 There are no Equalities Impacts relating to this report.

7. Financial Implications

7.1 The proposals outlined in the report are dependent on grant funding being received from Welsh Government. Should the funding not be received, the project would be unlikely to go ahead, due to the additional costs and the complications associated with sharing those costs across the local authorities that are part of the consortium.

8. Recommendation

8.1 Council is asked to note the report and approve the appointments of the following Members from the Children and Young People Overview and Scrutiny Committee, to sit on the JOSEC as representatives from Bridgend:

- (i) Cllr Peter Foley
- (ii) Cllr Gareth Phillips

Andrew Jolley

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Background documents

None