

A wider conversation effective scrutiny of local strategic partnerships

introduction

Councils have a unique community leadership role. The challenge to councillors is to:

- **lead** the provision of public services in the area
- **engage** with local communities and stakeholders
- **define** with them the future of the place represented
- **achieve** the strategies and vision which people agree.

This is what the best councils are doing, and their legitimacy derives from their role as democratic bodies. All councillors – not just the executive – have a role in community leadership. The overview and scrutiny of strategic partnerships is one vital way of ensuring councillors are engaged in this.

This publication discusses the scrutiny of local strategic partnerships. It aims to be helpful to a range of audiences, including councillors and staff involved in scrutiny, and organisations, particularly non-council public services, which are involved in LSPs and may become involved in scrutiny.

It explores how councillors can use overview and scrutiny to help make a reality of community leadership. This includes:

- strategy development
- involving local people and community organisations in scrutiny activity
- developing the dialogue with public service providers outside and inside the council
- reviewing whether goals are being achieved and what can be done to enhance performance and achievement.

It also shows how scrutiny can achieve positive outcomes for other public services.

Scrutiny was initially seen as providing challenge to the council's own service performance. That remains one aspect of the role, but much of the most effective work of scrutiny bodies has involved engagement with wider community and public service issues. Imaginative forms of engagement are being used to involve local people, service users and others in scrutiny. This is the wider conversation that scrutiny can lead.

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scrutiny of local strategic partnerships

the key challenges

The wider uses of scrutiny have come from local initiatives, using the right to investigate any issue of concern to the area. Specific powers to scrutinise health services have been added to this. More recently, new legislation (discussed later), is expanding the powers of scrutiny.

This will encourage scrutiny of the Local Strategic Partnership and its sub-partnerships, and there will be a particular emphasis on Local Area Agreements. Even before they gain further powers, councils are showing what can be done to lead a dialogue with other service providers and bridge the democratic deficit.

the key challenges

The key challenges for council scrutiny of Local Strategic Partnerships are:

enhancing the democratic leadership of partnerships

- widening the understanding and engagement of elected members with partnership work
- bringing the knowledge of local issues and communities which ward councillors have, to service providers involved in partnerships
- holding the leadership of strategic partnerships, including council representatives, to account.

helping to build, not undermine, effective partnership work

- using scrutiny projects to bring partner organisations together to find new ways of working jointly to tackle important local problems
- communicating, raising the profile of scrutiny and its work priorities, and developing understanding of roles
- building alliances with the council executive and other stakeholders to gain support for recommendations.

04

adding value

- working towards positive recommendations and improvements
- ensuring council scrutiny concentrates on what only scrutiny can do, rather than duplicating the work of regulators and inspectorates.

improving the performance of partnerships

- helping to make performance management more locally defined rather than top-down from central government and its agencies
- using scrutiny to dig out the issues behind the statistics – for example, in reviewing performance on Local Area Agreements.

widening the conversation

- giving a public forum to service providers to gain greater awareness of what they are trying to do
- using scrutiny to engage local people with service providers, involving ward councillors, neighbourhoods, users and communities
- hearing a wider range of voices, clarifying problems and developing more ideas and solutions.

understanding local strategic partnerships

This section provides practical information about Local Strategic Partnerships and summarises the different types of partnerships in which local government is involved.

Definitions are given of Local Strategic Partnerships, community strategy, Local Public Service Agreements, and Local Area Agreements. It also sets out the strategic partnership requirements for councils in England and key strategic plans that relate to them, and provide a summary of the legal framework for the scrutiny of services external to the council.

types of partnership in which local government is involved

This publication covers Local Strategic Partnerships and their sub-groups. There are many other projects involving local government that could be termed partnerships, including:

- contracting and procurement – including big, council-wide partnerships with the private sector, often also called ‘strategic partnerships/partnering’
- Public-Private Partnerships and Private Finance Initiative (PFI) projects
- area and neighbourhood based partnership initiatives such as Sure Start and New Deal for Communities

- grant aid to local organisations – often involving representation of the council on a board or management committee
- compact (an overarching protocol) with the voluntary sector
- specific funded projects with the voluntary sector
- regional and sub-regional working arrangements
- formal multi-council arrangements such as Passenger Transport Authorities
- informal projects, networks, working groups.

As this list indicates, the full range of partnerships in which a council is involved is likely to be wide. If councillors embark on scrutiny of the council’s partnerships as a whole – potentially a very large project involving disparate organisations and activities – they should be very clear about the scope and objectives of the review.

what is a Local Strategic Partnership?

A Local Strategic Partnership (LSP) is a single, multi-agency body that matches a council’s boundaries. LSPs aim to bring together local representatives from the public, private, community and voluntary sectors. The council generally takes a lead role but encourages the engagement of others.

In two tier (county and district) areas, a variety of arrangements is possible but generally there is some kind of LSP at both district and county levels. An LSP is not required by law but has been required for certain types of funding. LSPs are usually involved in the development of Local Area Agreements, which are explained later.

Generally, LSPs are not executive bodies, but provide a framework for liaison, co-ordination and the agreement of priorities for the locality without having many staff or large budgets of their own.

Frequently, the LSP has a structure of sub-partnerships covering issues such as crime and disorder, the environment, and so on (see below). There is often a board and a wider membership that meets less frequently.

The local government White Paper, *Strong and Prosperous Communities*, 2006, clarified the role of councils in leading LSPs. The Local Government and Public Involvement in Health Bill, published in December 2006, set out legal requirements on some public services beyond the council to engage with the work of LSPs and Local Area Agreements. This legal requirement to participate in community planning already exists, in a different form, in Scotland. The White Paper also emphasised the place shaping role of councils, which will require partnership work to develop.

sub-partnerships

There is local choice about arrangements for LSPs but most LSPs have a set of sub-partnerships, some of which are required by law. Those with a statutory base (see table) include the Children's Trust, which is not legally a trust but a partnership, and the Crime and Disorder Reduction Partnership. Sub-partnerships that are not required by law include culture, environment (often called Local Agenda 21, from the Rio Earth Summit in 1992), older people, health, economic development, neighbourhood renewal, and transport.

For example, the LSP for the London Borough of **Southwark**, which is called the Southwark Alliance, has the following themed sub-partnerships:

- Enterprise Task Group
- Stronger Communities Task Group
- Healthy Southwark
- Young Southwark
- Safer Southwark Partnership
- Employment Task Group.

Some LSPs are structured around the four blocks of the Local Area Agreement (LAA): Safer and Stronger Communities, Children and Young People, Healthier Communities and Older People, and Economic Development and Enterprise. There is no requirement to be structured in this way.

strategic partnerships

England

partnership	statutory base	statutory partners	tier in county/ district areas	review and assessment
Local Strategic Partnership	no legal requirement but has been a condition of neighbourhood renewal funding	No statute	Usually LSP at both tiers	Locally determined
Children's Trust arrangements	Children Act 2004 requires a children's services authority to promote co-operation between itself and other agencies, to improve children's well-being	Children's services authority, district council where appropriate, police authority, probation board, youth offending team, strategic health authority or primary care trust, learning and skills council	County-led	Joint area review (feeding into CPA) assesses how services work together to improve children's well-being
Crime and Disorder Reduction Partnership	Crime and Disorder Act 1998. Now changing with the Crime and Disorder Act Review and Police and Justice Act 2006	Councils, police, fire authority, PCT	Was district, but moving to both tiers after Police and Justice Act	Annual report to Home Office being replaced by performance management from government office for the region
Health Improvement Partnership	Health Act 1999. Likely to be affected Local Government and Public Involvement in Health Bill	All local authorities and NHS	In two tier areas, county leads	Audit Commission makes CPA assessment of joint working. Partnership must sign off local delivery plan including local joint working targets, produced by PCT and Strategic Health Authority

key strategies and performance agreements

strategy	statutory base
(Sustainable) Community Strategy	Local Government Act 2000 (likely to be developed by Local Government and Public Involvement in Health Bill 2006)
Local Area Agreement	Non-statutory (statutory requirements likely to be developed by Local Government and Public Involvement in Health Bill 2006)
Local Public Service Agreement	Non-statutory – now being superceded by Local Area Agreement
Neighbourhood Renewal Strategy	Non-statutory
Crime and Disorder Reduction Strategy	Crime and Disorder Act 1998, Police and Justice Act 2006
Children and Young People's Plan	Children Act 2004
Local delivery plan (health)	Department of Health requirement, responsibility of PCT and signed by coterminous council

what is a community strategy?

A community strategy sets out a long-term vision for a council-wide area, backed up by action plans to achieve it. Every local authority should prepare a community strategy for promoting or improving the economic, social and environmental well-being of its area and contributing to the achievement of sustainable development in the United Kingdom. This is a requirement of the Local Government Act 2000. Given the aim of contributing to sustainable development, the government now prefers the term sustainable community strategy.

The community strategy should be approved by the council, but its development should involve widespread community consultation and engagement. Usually, the LSP is involved in developing and agreeing the strategy (see above). This engages organisations beyond local government in agreeing the way forward for the area, in strategy development and implementation. The community strategy should provide a framework that also brings together more issue-based strategies, for example for the environment, children, or crime and disorder reduction. The LAA is increasingly important in implementing the community strategy.

The achievements of the community strategy action plans, including the LAA, should be monitored and problems tackled. The plans will require periodic revision.

The community strategy should clearly relate to the Local Development Plan, a strategy for spatial development and land use planning. The 2006 Local Government White Paper sets out proposals to integrate the consultation requirements of the community strategy and the Local Development Plan. The place shaping role of councils, emphasised by the *Strong and Prosperous Communities* White Paper, will make it all the important to have good integration of the area's key strategies.

what is a Local Area Agreement?

Local Area Agreements are three-year, negotiated agreements between an upper tier council and Whitehall departments. The Local Government and Public Involvement in Health Bill, published in December 2006, sets out a new legal framework for LAAs. If it is agreed by Parliament it is likely to be implemented from 2008. LAAs are likely to be of increasing importance to the work of the Local Strategic Partnership.

Currently, the agreement sets out a series of targets the council must achieve and the funding streams Whitehall will pay to the council to enable it to meet them. It also includes 'enabling measures', which are changes central government agrees for a particular area to help it meet its targets. Some targets in the LAA will also include stretch targets, which attract reward money if the local area can deliver them.

As well as national targets negotiated with central government, the LAA should include local targets that are a priority for the local area as set out in the community strategy. Central funding can be used to help deliver local targets as well as national targets.

Though LAAs are an agreement with the upper tier council, it is expected that negotiation, ownership and delivery of the LAA will lie with the Local Strategic Partnership, and in two tier areas will include all the districts.

Within the LAA, as noted earlier, the local and national targets and the funding streams are divided into four blocks: Safer and Stronger Communities, Children and Young People, Healthier Communities and Older People, and Economic Development and Enterprise.

Funding streams many councils received in the past that are now part of an LAA include the Neighbourhood Renewal Fund, the Safer and Stronger Communities Fund, the Children's Services Grant, and the Local Enterprise Growth Initiative.

Local areas are required to have a system to deliver performance management and financial accountability for the LAA. This system should be developed locally but must be agreed by the government office for the region.

While LAAs aim to put national objectives into practice locally, primarily they should be a means of developing and delivering on local priorities, as expressed in the community strategy.

Local Public Service Agreements

Local Public Service Agreements (LPSAs) were negotiated agreements between a council and central government that preceded the introduction of LAAs. An LPSA agreement set 12 targets over a three-year period and was owned by the council but delivered in partnership with the members of the LSP. The targets were stretch targets that were more challenging than the usual level of improvement expected from the council and its partners. Councils were given so-called pump-priming money to help achieve them and were offered reward money for each stretch target achieved in full or in part.

New LPSAs are no longer being negotiated because LPSA is now part of an LAA. As part of their LAA negotiation, councils and their partners agree additional stretch targets for some of the basic targets in the agreement. These new stretch targets attract pump priming and reward money for success in the same way as they did with LPSAs.

challenges for implementing Local Area Agreements

LAA's are a new initiative and they will develop a statutory framework, which the first round of agreements described here did not have. The experience of many councils is that they have not yet achieved their full potential. Councillors undertaking scrutiny will want to be aware of the specific challenges presented by LAA's so they can assess how well they are being met in their local area:

two-tier LAA's

Many two tier areas have found LAA's difficult to implement. Although many counties and districts regularly work in partnership to deliver local priorities, the large number of LSP partners involved in bringing together all the councils in a county area can make deciding priorities and targets challenging. There can also be difficulties with implementation because councils operate with different performance management cycles and systems. Councils and partnerships will also want to think carefully about the reward money associated with achieving stretch targets, and the complexity in deciding how reward money will be distributed when many partners are contributing to delivery.

central-local relations

The LAA should contain both central and local priorities but some councils have found it challenging to ensure local priorities are not forgotten in the process. Local areas are only required to include national priorities when it is mandatory. All the mandatory national targets have funding attached, apart from one on reducing health inequalities.

However, some LSP's have found it difficult to move away from the optional outcomes and indicators suggested in the national guidance and develop a truly local and distinctive LAA. It can also be hard for other public sector partners to commit to local priorities because they are under pressure to deliver their own national targets.

enabling measures

The LAA presents a good opportunity for partners in the LSP to identify areas where being able to work in a different way would help them deliver better for the community.

But, so far, local areas have found it challenging to think of new ideas about things they could do differently – and when they have made requests to central government departments for enabling measures, these have seldom been agreed.

There are many opportunities for scrutiny to help partnerships identify obstacles and encourage LSPs to be ambitious when they ask for enabling measures. There is also, potentially, an important political role for councillors to put pressure on Whitehall to agree to reasonable requests.

management of local priorities

Local areas are expected to deliver the targets in the LAA and serious under-performance can lead to interventions such as the withdrawal of funding streams. This means that there is a challenge for local areas:

- do they focus on including local targets to ensure the LAA is a local as well as a national document – and risk being penalised for being ambitious?
or
- do they restrict the local elements of the LAA – and risk having partners only focus on delivering national priorities?

Scrutiny may have an important role in monitoring these risks and opportunities and encouraging the LSP to discuss this issue with the Government Office.

legal powers that underpin partnership scrutiny

This information relates to England.

general legal framework for scrutiny

The requirement for councils to adopt a constitution with an executive/scrutiny split was brought in by the **Local Government Act 2000**. There must be one or more overview and scrutiny committees of councillors who are not on the executive. There is a wide range of options as to how this is organised, including permanent committees and panels set up to carry out a particular piece of work over a few months or more (Dungey, 2001).

The range of activities in which overview and scrutiny may be involved includes: regular performance reports and questioning of executive and senior staff, work to contribute to the council's future policies and budgets, and select committee style enquiries into particular topics.

The Local Government Act 2000 includes requirements for the organisation of scrutiny and these are set out in Part 2, Section 21 of the Act. As well as scrutiny of the council's executive, the Act says scrutiny arrangements should include the power to report 'on matters which affect the authority's area or the inhabitants of that area.' However, when the Act was passed, it required only members of the council executive and staff to respond to scrutiny activities. Scrutiny bodies could invite but not compel others to attend (see changes to this below).

The **Local Government Act 2003** allows authorities to grant voting rights to scrutiny committee co-optees who are not councillors. This is in addition to co-opted school governors and diocesan representatives co-opted with voting rights onto education scrutiny committees. In other cases, co-opted members will be non-voting unless the council introduces a co-option scheme under the Act.

The **Local Government and Public Involvement in Health Bill 2006**, develops the legal framework by creating a clear requirement on the executive to respond to scrutiny recommendations.

scrutiny of health

Councils in England have specific rights to scrutinise health issues including the National Health Service. For England only, the Local Government Act 2000 has been amended by the **Health and Social Care Act 2011**, which sets out the health scrutiny role. There are regulations and guidance that develop the role of scrutiny in relation to health and NHS services, issued under the Health and Social Care Act 2011.

The Housing and Social Care Act 2011 includes provision for representatives of local NHS bodies to be required to attend and provide information to council scrutiny bodies. There is a particular role in commenting to the Secretary of State for Health on major proposed changes to NHS provision in the area. Scrutiny of other health improvement issues as well as comment on NHS matters is encouraged.

This right is held by social services authorities and in two tier areas there is generally a county level health scrutiny committee with co-optees from the districts.

scrutiny of crime and disorder issues

The **Police and Justice Act 2006** contains new powers on scrutiny of police, crime and disorder issues, which are likely to be implemented from 2008. A right to scrutinise Crime and Disorder Reduction Partnerships is given, and regulations will detail issues such as rights of access to information, requirements to attend the committee, and co-option. Those involved in Crime and Disorder Reduction Partnerships under the Crime and Disorder Act 1998 are police and police authorities, councils, PCTs, and fire authorities.

The Act also introduces the Community Call for Action, which in two-tier areas would be exercised by district councillors. Members of the public or community groups can raise persistent problems of anti-social behaviour with their ward councillor and, if there is no action, with the council's executive.

The ward councillor will be able to decide what to do about the issue, with the option of referring it to a scrutiny committee. The scrutiny committee would be able to investigate, report and require a response from the agencies concerned.

scrutiny of Local Area Agreements

The **Local Government and Public Involvement in Health Bill 2006**, if it becomes law, will add to scrutiny powers. The Bill sets out statutory requirements for Local Area Agreements:

- a duty of named organisations to co-operate with LAAs
- a duty on these organisations to respond to scrutiny in relation to targets of the LAA with which they are involved including responsibilities on partner organisations to provide information in response to scrutiny requests, and to have regard to scrutiny recommendations.

partnership scrutiny

in practice

This section looks at what scrutiny of Local Strategic Partnerships aims to achieve. It covers a range of different roles scrutiny can play in relation to LSPs and related partnerships, and gives examples of what some councils have done.

roles partner organisations may play in scrutiny

Whether or not the organisation is subject to a legal duty to respond to scrutiny, members of LSPs from outside the council may become involved in scrutiny. This could be as:

- **a subject of scrutiny:** a local service external to the council may be the subject of a local scrutiny enquiry, covering its plans and/or performance in general, or a particular topic. The enquiry could be a one-off question and answer session, or involvement in a more substantial enquiry over a longer period.
- **a witness:** scrutiny enquiries often work like parliamentary select committees (but probably rather more informally), gathering evidence over a series of hearings. Witnesses from partner organisations, or other experts, could be invited to give a presentation and answer questions, and be asked for written information or to answer survey questions. Partner organisations could also be asked to take part in other forms of evidence gathering such as user consultation.

- **an expert adviser:** some scrutiny enquiries appoint an expert adviser to the whole project, again, following the model of parliamentary select committees.
- **a co-optee:** scrutiny panels and committees can co-opt members who are not councillors, either temporarily or permanently.

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effective outcomes from scrutiny

It is essential that scrutiny work is based on a sense of what it is intended to achieve and how it plans to be influential. Positive achievements from scrutiny of partnerships can be divided into:

improving what the partnership does

- ways to improve the achievements of the partnership and solve any performance problems are devised and put into action
- through an open process of investigation and dialogue, the partners find new ways to tackle local problems
- there is a wider influence of ward councillors and local people on the content of the main strategies, such as the community strategy, making them better reflect what communities want.

improving how the partnership works

- members understand the council's partnership arrangements better
- recommendations are made and implemented to make the LSP work more effectively
- the scrutiny role supports wider community and user dialogue with partnerships, improving community engagement with vital local services and issues
- recommendations are made and implemented to improve the LSP's communication and openness.

adding value from the role of scrutiny

Partnership working is intended to tackle the fragmentation and lack of local accountability which has been created in the public arena. One of the problems is the complexity of partnership arrangements. A second problem is the multiple accountabilities of many public services, which are subject to inspection and auditors with many targets and reporting requirements, national government intervention, and regional government offices.

It is vital that councillors recognise the complexity of the scrutiny map in relation to partnerships, and find ways in which scrutiny can genuinely add value. The particular characteristics of scrutiny should be built on in identifying its role. These include linkage with the democratic role of the council, local knowledge, links with wider strategies and partnerships, openness, scope for community and user involvement. The work of other agencies such as inspectorates can be used as information by overview and scrutiny committees but should not be duplicated.

roles of overview and scrutiny

Generally, the roles overview and scrutiny can be defined as

- holding to account
- performance management
- policy development
- policy review

These roles are discussed specifically in the following sections in relation to the scrutiny of LSPs.

scrutiny role: holding to account

This scrutiny role in relation to LSPs includes:

- providing challenge: for example the 'call to action' in the Police and Justice Act enables scrutiny to take up issues raised by the public
- putting community leadership into practice as a democratic body: many local services are not under democratic control and scrutiny can make a contribution to filling the democratic deficit
- creating greater openness from partnerships: scrutiny investigations can bring information into the public domain and can identify the need for greater communication from partnerships.
- working in ways that create greater accountability to communities and users, for example through co-option or consultation.
- ensuring partnership structures are open and fit for purpose (governance issues), for example how they relate to local democratic structures and whether different sectors are adequately represented.

CASE STUDY NOTTINGHAM

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how the city council could better support the LSP

In 2004, the Nottingham LSP had been having problems. The board suspended itself and a fresh start process commenced. One of the overview and scrutiny committees had started a review of partnership work and it prioritised looking at how the city council could better support the LSP. The members wanted to identify how scrutiny could make a positive contribution to improvement. This included looking at how it could improve the involvement of various stakeholders including the voluntary sector. Witnesses with whom this was discussed included the Nottingham Council for Voluntary Service, a representative from the Liverpool LSP, the leader of the council, the deputy chief executive, and a representative from the Government Office for the East Midlands.

Recommendations were made on strengthening the council's role, clearer communication from the LSP, improved definition of the priorities of the partnership, and performance management. After a positive response to the report from the leader of the council, the report went to the new LSP board, which has agreed to take forward many of the recommendations. The work helped councillors to understand the LSP better and helped the council see where to target resources.

CASE STUDY SOUTHWARK

enhancing the accountability of the LSP

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The London Borough of Southwark's overview and scrutiny committee carried out a review of the working of its LSP, during 2004–5. This stemmed from the concerns of members about openness, and about links with neighbourhood work, where ward councillors did not feel sufficiently involved in decision-making. Hearings included the Government Office for London (involved in performance management for the NRF), consultants, staff and ward councillors. The committee's recommendations focused on three themes:

- the accountability and performance management arrangements for the Southwark Alliance
- communications with the council and ward councillors
- Southwark Alliance's links with the democratic infrastructure of the council including its community councils.

Among the suggestions for improving accountability and scrutiny suggested by the council's consultants, Shared Intelligence, were:

- an annual or biannual accountability session on the LSP with the leader of the council and other board members answering questions from scrutiny members
- scrutiny enquiries into specific subjects, for example investigating particular performance problems
- scrutiny enquiries into overall achievements in specific priority neighbourhoods
- scrutiny of the achievements in realising the community strategy
- scrutiny of the LAA.

Although Southwark Alliance did not accept all the recommendations, it was interested in pursuing the possibility of scrutiny investigations into particular areas of underachievement, to utilise an investigative capacity it did not otherwise have.

scrutiny role: performance management

This scrutiny role in relation to LSPs includes:

- reviewing the performance management arrangements of the LSP to ensure they are robust and effective
- a review of the implementation of the community strategy and sub-strategies such as crime and disorder education
- scrutiny of the past and current performance of partnerships, including performance failures
- scrutiny of the implementation of LAAs including investigating under performance
- a review of the use of resources by partnerships
- scrutiny of the council's contribution to the implementation of wider partnership work
- performance at a neighbourhood level.

scrutiny of the Local Area Agreement

The role of overview and scrutiny in relation to the Local Area Agreement covers:

- development: deciding what councillors want the LAA to achieve locally and how this can be linked to national priorities and mandatory outcomes, pushing for greater local freedom through 'enabling' measures.
- performance: looking at how well the LAA is being implemented and reaching its goals, identifying what is going well and what is going wrong and how things can be improved.
- review: the LAA has to be reviewed and refreshed annually to reflect changes such as new funding streams or improvements to mandatory performance indicators. This is also an opportunity for issues identified by scrutiny to be fed into the LAA process.

developing the LAA

Alongside the community strategy, the LAA is fundamental to what the council and its partners want to achieve locally. Scrutiny meetings have been used in the development of LAAs to keep members informed of the process and to contribute views. However, all councillors need to be able to engage with the LAA and scrutiny meetings should not be the only opportunity. All members of the council should have the opportunity to attend information and training sessions, workshops, and debates by the whole council, to help them engage with LAAs. For example, in **Birmingham**, even though the timetable for LAA development was very tight, there was a meeting for all councillors to discuss the draft LAA. As well as a city-wide LAA, Birmingham also has four pilot district-level LAAs and councillors have also been engaged at this level. Voluntary and community involvement is also important for LAAs, and councillors may want to engage with their discussions.

structures for scrutiny of LAAs

Some councils have changed their scrutiny arrangements to bring them more into line with the four blocks of the LAA. For example, in **Doncaster** the scrutiny panels have been changed to cover the four blocks although there also has to be inclusion of other council services and some adaptation. Partner organisations as well as the council are involved and they are usually pleased to have the opportunity to raise issues in a public forum.

In two tier areas there is a county-wide LAA involving the county council, all the districts and other partners. This makes scrutiny arrangements complex.

Cornwall reviewed its options and decided to set up a new multi-organisation scrutiny committee for the LAA. This consists of the chairs and vice chairs of their five scrutiny committees and one member from each of the six district councils. Three more members were co-opted from health and the police.

performance management of LAAs

LSPs are expected to have a performance management and financial accountability framework, agreed by the government office for the region, to monitor and manage the LAA. The council is defined as the 'accountable body' and must give the government office performance information on the whole LAA twice a year.

The scrutiny role in this process is a matter for local choice. There are productive ways in which scrutiny can strengthen the basic performance monitoring requirements for the Government Office. As part of the performance management framework, LSPs will need to demonstrate that they have:

- regular, robust and frequent processes to identify whether performance is succeeding, failing or travelling in the right direction
- clarity about who is responsible for each specific target
- a local 'ladder of intervention' – a method to escalate issues when under performance is identified
- mechanisms for identifying and addressing under performance.

A system that meets these requirements will be accessible for scrutiny and present many opportunities for scrutiny to play an important role. Overview and scrutiny committees can maximise their effectiveness by ensuring the design of the performance management and financial accountability framework explicitly includes a strong role for scrutiny. This will need to be agreed with the council and the LSP.

what scrutiny could do

The scrutiny committee(s) could lead the local performance management of the LAA. It could receive regular performance reports on LAA targets, perhaps with a simple set of 'traffic light' indicators as to which services were meeting the goals in a satisfactory way.

This could be backed up with more detailed investigation into problem areas that would unpick underlying reasons and propose solutions. These would be evidence-based and would draw on current good practice in scrutiny such as:

- co-option
- evidence gathering
- hearing witnesses
- imaginative community engagement and consultation
- visits and informal investigations on the ground.

All the bodies signed up to the LAA could take part as could user groups and other local people. This open process would encourage public and media engagement with partnership work and local problems.

Currently, not all public service organisations are legally obliged to be accountable to council scrutiny, although they could take part voluntarily. However, this is likely to change if the Local Government and Public Involvement in Health Bill becomes law. Various named public agencies will be given a duty to co-operate in developing the LAA. Other LSP partners, the voluntary, community and private sectors, would only be involved on a voluntary basis, as at present.

scrutiny role: policy development and review

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This scrutiny role in relation to LSPs includes:

- input into the development of the community strategy and related partnership strategies
- in-depth investigations of topics to contribute to partnership work
- ward or neighbourhood level input to policy review and development
- proposing changes in policy to tackle problems and poor achievement in specific areas of partnership work
- reviewing partnership work from a specific perspective such as sustainability
- the review of particular pieces of partnership work.

Strategy development is an area of overview and scrutiny that may need greater attention. There should be opportunities for all members to be involved in the development of the community strategy and other linked strategies such as health, crime and disorder, or children's services. The input of overview and scrutiny committees can be an important contribution to strategy development.

examples of thematic reviews involving partners

- in the London Borough of **Southwark**, scrutiny is involved in a project for the children and young people partnership, tracking young people's experience of regeneration schemes.
- a joint scrutiny review on drugs, alcohol and substance abuse, carried out jointly by **Rugby** Borough Council and **Warwickshire** County Council led to recommendations for action by a range of partners. The review took place after county discussions with the PCT suggested there were particular treatment problems for drug users in Rugby. The borough was positive about the proposals and a joint review between the borough, the county and health partners meant an integrated range of solutions could be considered, covering offending, treatment, rehousing, and other services. Outcomes included better communication and joint working between probation, social services and housing. The review's effectiveness has led to proposals for a similar approach in another part of the county.
- the London Borough of **Harlow** decided on a scrutiny investigation into the fear of crime, as public opinion findings were not in line with the level of crime in the borough. Members of the Crime and Disorder Reduction Partnership (CDRP) were engaged from the beginning.

One aspect of the evidence gathering was a community conference, with a panel of experts from the local police, the Metropolitan Police Authority and the council, where residents were able to flag up issues of concern. The recommendations were all endorsed by the CDRP and the success of this initial experience of partnership work through scrutiny led to the borough commander suggesting a scrutiny review on anti-social behaviour.

- in **Doncaster**, the Health and Wellbeing Scrutiny Panel investigated childhood obesity. The review engaged a wide variety of partner organisations from the beginning, with an initial expert presentation being attended by 34 people from local organisations. Evidence was also gathered from a survey of local schools and the draft review and recommendations were discussed at a seminar led by local MP Jeff Ennis. Eighty people took part. The scrutiny recommendations were endorsed by the council executive before being received by the Primary Care Trust. The engagement of partner organisations from an early stage helped gain a positive response to the work from the PCT. The review has provided information to support other local organisations in tackling this threat to public health.

CASE STUDY BIRMINGHAM

developing a relationship with the LSP

Councillors in Birmingham set up a task and finish scrutiny group to look at the Birmingham Strategic Partnership (BSP), and investigate its role and its relationship to democratic decision-making. Birmingham City Council has a structure with devolution to district level, with partnership bodies at this more local level. Ward councillors were concerned about the decision-making role of the BSP and its thematic sub-groups, particularly in relation to the use of neighbourhood Renewal Funds. The scrutiny review led to recommendations on the role and membership of the LSP, communication, openness, and accountability. Generally, these recommendations have been implemented in a positive way; BSP meetings are now open to the public, with papers on a website, and a governance handbook sets out a code of conduct and arrangements for disputes resolution among other matters.

The relationship between the BSP and council scrutiny is now developing positively. The chair and head of scrutiny presented their work programme to the BSP and reciprocally the BSP chair talked to the Scrutiny Coordinating Committee. A scrutiny review of the LAA will take this forward. In relation to BSP, scrutiny has chosen to focus on big trends for the city and areas where performance is not on track. Detailed performance management of the LAA is the responsibility of an LSP board sub-group.

the future for partnership scrutiny

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This section looks at aspects of the scrutiny of Local Strategic Partnerships which are likely to be important in the future. These include:

- responding to the higher profile of partnership work
- linking neighbourhood and community engagement with the work of the LSP
- learning the lessons of health scrutiny and feeding them into the new statutory framework
- ensuring that member support within the council contributes to partnership scrutiny success.

the increasing importance of Local Strategic Partnerships

The increasing profile of the role of LSPs brings new opportunities for scrutiny, but also a need to work at a higher level, and to ensure the council has a cohesive and well thought out approach to the management of scrutiny and partnership. New legal duties from the Police and Justice Act, and the Local Government and Public Involvement in Health Bill, build on the increasingly high profile health scrutiny role.

The next phase of the Comprehensive Performance Assessment (CPA) will also give greater emphasis to area based assessment and the council's role as the leader of strategic partnership work.

Councils will increasingly be involved in issues such as sustainability or tackling demographic change, which require work across institutional boundaries. It is vital that councils plan a more influential role for scrutiny which makes a real difference to this work.

neighbourhoods and partnership scrutiny

Neighbourhood level working – and community involvement more generally – is of increasing importance. It is emphasised in the 2006 Local Government White Paper, *Strong and Prosperous Communities*. Some LSPs, particularly those with a big emphasis on regeneration and neighbourhood renewal, have been heavily engaged in neighbourhood level work. There may be links from the LSP to:

- neighbourhood or area-based arrangements covering the whole council area
- particular partnership arrangements in some neighbourhoods, for example those which have received New Deal for Communities or Single Regeneration Budget funding.

The impact of services on particularly disadvantaged neighbourhoods may be of particular importance to the LSP in achieving its targets.

There is a range of ways in which links can be made between LSP scrutiny, and the neighbourhood:

- the new Community Call for Action in the Police and Justice Act and likely to be developed from the Local Government and Public Involvement in Health Bill
- the use of area or neighbourhood forums for scrutiny evidence gathering such as neighbourhood based hearings and consultation
- using the knowledge of ward councillors more systematically
- developing performance information at a very local level
- carrying out neighbourhood scrutiny enquiries
- scrutiny investigation of the distribution of funding in an area and the impact of existing services.

community involvement and scrutiny

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There are many ways in which community involvement in scrutiny can be developed

- a comprehensive community involvement strategy should underpin the development and revision of the community strategy and the local development framework. Scrutiny could contribute to the development of this strategy or review what is proposed.
- overview and scrutiny committee work can be a focus for community involvement, hearing witnesses from local organisations, organising consultation events, and commissioning public opinion surveys
- scrutiny investigation could look at how well community members and organisations are involved in the LSP, both within its structures and through initiatives such as community conferences.

CASE STUDY TOWER HAMLETS

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the role of ward councillors in the LSP

In 2005/6, a scrutiny working group in the London Borough of Tower Hamlets carried out a review on the role of ward councillors in the Tower Hamlets Partnership. There had been concern about the relationship of ward-based and area arrangements and how they related to the work of the wider Tower Hamlets Partnership. Some councillors felt marginalised. There was also concern that some of the partner organisations did not understand the role of councillors. The review carried out a survey of all councillors and members of the partnership about the role of councillors in the LSP.

Among the recommendations the review supported:

- the development of a job description for councillors as community leaders and enhancement of the support provided for this role
- learning and development activities, including induction, for members, to focus more on this role and on understanding the partnership
- ward based performance data
- scrutiny chairs participating in community plan action groups
- the creation of improved links between councillors and area directors co-ordinating neighbourhood management
- identifying how partners can use the experience of councillors, especially in communicating with local residents including harder to reach groups

developing a new legal framework for partnership scrutiny

As mentioned earlier, the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Bill provide a new legal framework for partnership scrutiny. The main precedent for this is scrutiny of health and health services and we now have several years' experience of this. The 'Lessons from health scrutiny' panel suggests what has been learnt from this work.

Evaluation of the first years of scrutiny of health services has been carried out by Manchester University (Bradshaw et al, 2006). Related research by Anna Coleman on health scrutiny (Coleman, 2006) suggests that two of the aims of this power were: to increase the democratic accountability of NHS services locally through 'scrutiny as democracy' and to help joint work between the council and other services through 'scrutiny as integration'. In the early years, the main area of success was this identification of better ways to work jointly in tackling problems.

LESSONS FROM HEALTH SCRUTINY

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- **agree how you are going to work.** From the outset, liaise with external services and partner organisations that may be subject to scrutiny. Create a protocol or code of conduct agreeing mutual roles and practical arrangements about how you are going to work. Meet partners regularly to identify future issues and review how work is progressing.
- **create positive expectations.** Good, early reviews engage a range of services including the council; on subjects seen as useful and positive by the agencies under scrutiny; are contained and manageable in scale; and are on topics where there is a consensus that 'things need to change'. Use scrutiny to build effective partnerships.
- **develop skills and understanding.** Joint training and development will help you learn about the culture and assumptions of different organisations. Don't just do this at the beginning. Members need basic knowledge about structures and responsibilities of service under scrutiny but don't let them be intimidated by professionals or jargon.
- **scrutiny must be member led.** Identify issues they think are important and ensure organisations under scrutiny understand the democratic role of members as community leaders.
- **plan and prioritise your work programme.** Ensure scrutiny does what only scrutiny can do – use its unique characteristics: democratic engagement, partnership building, local priorities and place-building. Don't duplicate inspectorates and regulators. Ensure reviews have very clear objectives. Be realistic – better to do a limited number of reviews in depth and well. Don't let national priorities squeeze out local issues – you don't have to take part in national consultations if it is not a local priority.
- **community and user involvement is vital.** Ensure information provided for elected members and the community is easily understood by lay people. Allow time and resources for consultation, and use your imagination about how to do it. Use existing resources and organisations to consult in addition to new initiatives such as surveys. Let people know how their involvement contributed to the review findings and subsequent changes.
- **ensure scrutiny makes a difference.** Ensure reviews are evidence based and engage with influential people and organisations. Develop clear, timely, targeted recommendations, linked to evidence and public opinion, that are challenging but achievable. Allow scrutinised organisations to check your facts before publication.
- **manage communications.** Build positive links with the local media and help them understand the purpose of scrutiny. Use them to engage the public. Agree joint press releases if possible and agree who will deal with the media
- **evaluate and learn from your experience.** Monitor the response to recommendations. Review your projects and work programme to see what could be improved and engage those being scrutinised in this.

supporting the scrutiny of LSPs

At present, most but not all councils have scrutiny support teams. Other forms of support include research budgets, use of independent advisors, use of co-option from community organisations and others, secondment from council departments, and scrutiny networks for members and scrutiny officers. The development of partnership scrutiny calls for a reassessment of the support given.

The Community Call for Action raises issues about the support the council gives to ward councillors to help them deal with matters and problems in their wards. Those raised as a Community Call for Action should where possible be solved before needing to be referred to a scrutiny meeting – this should be a last resort for major or persistent problems.

New legal powers for partnership scrutiny will also require support. As well as direct support from scrutiny teams, there will need to be closer working between staff supporting partnership work, and staff supporting scrutiny. Communications between councillors involved in LSPs, particularly in a leadership role and councillors involved in scrutiny is also vital. The evidence is that partnership work can be enhanced by scrutiny, but communication and liaison is vital to ensure this happens.

Scrutiny of strategic partnerships presents a chance to develop the role and raise the profile of scrutiny. The council and its senior management have a responsibility to ensure this development is supported and achieves its potential.

further information, reading and acknowledgements

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websites

- Centre for Public Scrutiny website has extensive resources for scrutiny: publications, events, a library of review reports, a discussion forum: www.cfps.org.uk
- Department for Communities and Local Government website includes research reports on scrutiny, under Local and Regional Government Research: www.odpm.gov.uk
- The Improvement and Development Agency website has extensive resources for local government: www.idea-knowledge.gov.uk
- The Local Government Information Unit website gives information on publications and other scrutiny work: www.lgiu.gov.uk

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