



# The Role of Councillors in Collaboration

October 2012

# Contact

## Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales, with the 4 police authorities (*until November 2012 when they will be replaced with Police and Crime commissioners*) 3 fire and rescue authorities and 3 national park authorities as associate members.

### Welsh Local Government Association

Local Government House  
Drake Walk  
Cardiff  
CF10 4LG

Tel: 029 2046 8600

Fax: 029 2046 8601

[www.wlga.gov.uk](http://www.wlga.gov.uk)

Published: October 2012

Copyright: Welsh Local Government Association

ISBN: 978-1-906423-95-7

## Background

Local government has a long track-record of collaboration and partnership; there are a range of joint committees, strategic partnerships and examples of joint commissioning or delivery of council services developed over recent decades.

Collaboration however has a higher profile than ever before. It is a central plank of the Wales' public service reform agenda in order to respond to the challenges presented by the tightening public service finances.

Collaboration is a key priority for the Welsh Government; new collaborative powers and duties have been introduced in recent local government legislation and collaboration plays a key role in councils' Outcome Agreements' grant funding. For Welsh Ministers, collaboration is seen as an alternative to local government reorganisation; it has the potential to realise service efficiencies and/or improved outcomes whilst retaining local democratic and governance arrangements.

## Why Collaborate?

Councils collaborate for a range of different purposes. It is very important that in any intended collaboration there is a clear and agreed statement of what the purpose of the collaboration is; collaboration is not always about joint services. The potential purposes of a collaborative activity include:

- To share experience and align the activities of organisations which continue to work separately
- To have joint plans
- To have shared commissioning or procurement
- To have shared delivery

The overwhelming purpose of collaborative arrangements is that they allow us to keep local government 'local'. We can have local authorities which are small enough to be close to citizens and communities if they work together to plan for larger geographical areas, to procure in global markets or to deliver specialist services.

## A new direction for councils?

Local public service delivery is at the heart of local councils' role. Whilst councils deliver many core services themselves, councils also commission many services from other providers, including other councils and public bodies, businesses and the third sector.

Similarly collaboration is not new; local government has a track record of working in partnership and successive WLGA publications have highlighted the range of joint arrangements, many a number of decades old: Examples of this are available in the WLGA collaboration compendium linked at the end of this document.

Over recent years, councils and councillors have delivered in an increasingly complex and interdependent world of local governance.

What has changed however is the financial imperative and political expectation around this agenda; in particular, the pace and the scale of collaboration.

This in turn will present new challenges for councillors in ensuring that business cases are well developed and that appropriate accountability and governance arrangements are in place to ensure local democratic oversight.

## Collaboration and local democracy

One of the biggest emerging challenges around the collaborative agenda is governance and accountability, the impact on local democracy and the role of the local member.

Inevitably, the reconfiguration of some services will mean that commissioning and/or delivery will take place beyond a local authority's boundaries. Decision-making processes therefore may increasingly be perceived as more distant and more complex, with a range of governance structures and accountability arrangements across a range of different geographical footprints.

"Good scrutiny equals good service in my view. Therefore you don't have to own the service – you can deliver it somewhere else and still have responsibility in terms of that scrutiny element...If we can do services differently it doesn't mean you have to do them all yourself, but you will still have the democratic process and local determination."

**Carl Sargeant AM, Minister for Local Government and Communities<sup>1</sup>**

The business cases, governance arrangements, processes and lines of communication for much of the collaborative arrangements are still evolving. It is critical therefore that all members, whether executive or scrutiny, engage with not only the development and testing of business cases but also the appropriate governance arrangements necessary to ensure local accountability.

---

<sup>1</sup> Public Service Magazine, 24<sup>th</sup> August 2012 [http://www.publicservice.co.uk/feature\\_story.asp?id=20543](http://www.publicservice.co.uk/feature_story.asp?id=20543)

This paper is offered as a starting point to translate the policy agenda around collaboration into practical guidance for members in understanding their role, particularly in leading and monitoring arrangements and communicating the need to work together. The Welsh Government is also commissioning extensive resources and support for councils around collaborative scrutiny, which should be available in the autumn of 2012.

## Compact for Change

The **Compact for Change**<sup>2</sup> is the **underpinning partnership agreement** between the **Welsh Government** and **local government** which outlines not only the **joint commitment to public service reform** in Wales, but also **identifies a number of priority service projects** where **collaborative progress should be achieved**.

"There is a window of opportunity to make changes and take action. We must recognise that there are good and proven models of collaborative working which can generate savings and provide an improved service.

We would be naïve and selfish to believe that in these times of fiscal stress that each public service organisation can single-handedly provide the full range of services without regard to its neighbours or public service partner organisations."

**Carl Sargeant AM, Minister for Local Government and Communities**<sup>3</sup>

**The Compact was signed on** 5th December 2011 at the Partnership Council between Welsh Government and local government and was subsequently considered by all 22 authorities. The WLGA Council recommitted to the Compact on 28<sup>th</sup> September 2012 and agreed to greater urgency around key priority projects.

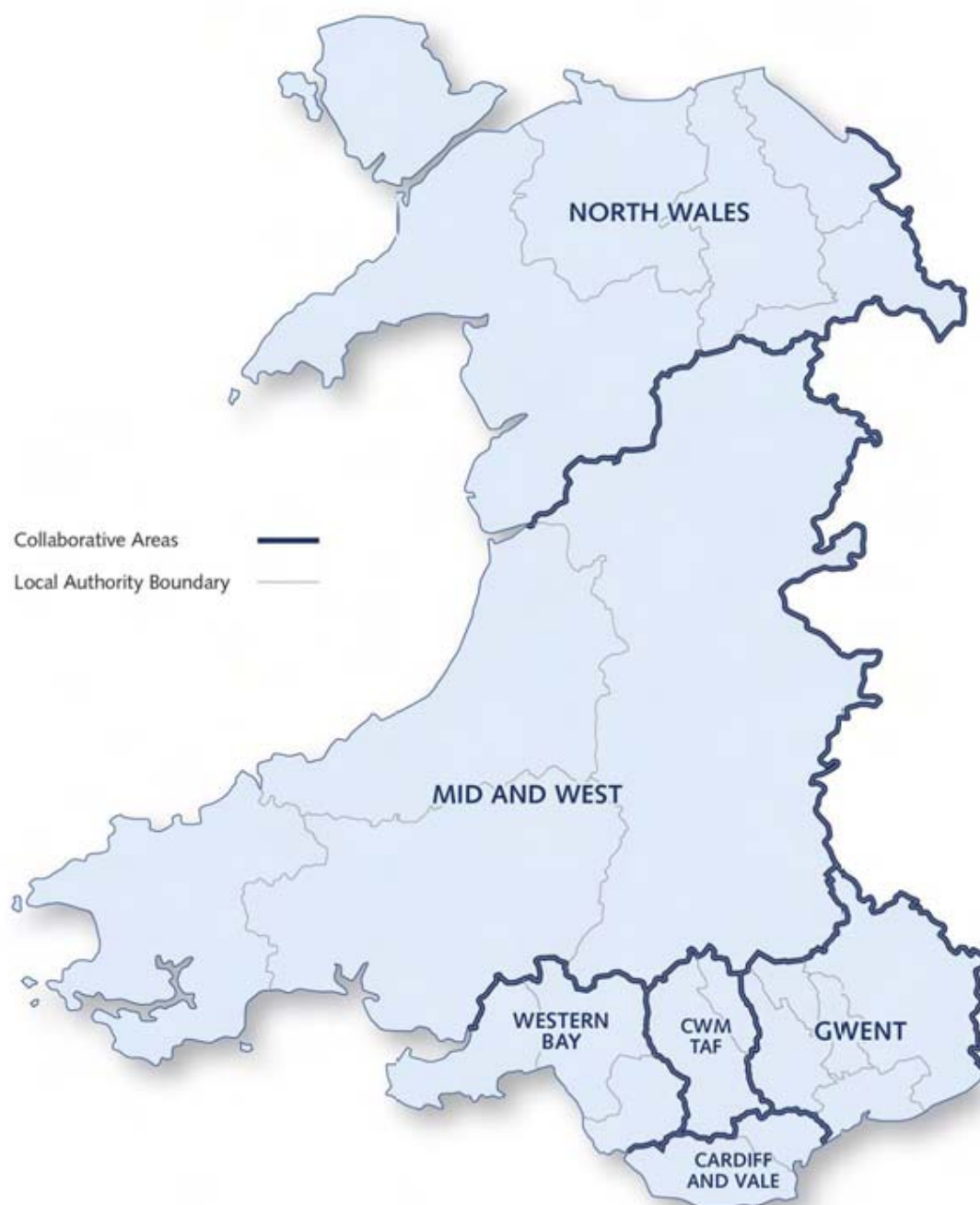
---

<sup>2</sup> <http://wales.gov.uk/topics/improvingservices/publicationevents/publications/compact/?lang=en>

<sup>3</sup> Ministerial Speech to councillors at Welsh Government Regional Events, June and July 2012

## Collaborative Footprint for Public Services in Wales<sup>4</sup>

The WLGA established Regional Boards including Leaders and Chief Executives in 2006, the three Boards (until recently there were 4) follow the 'Collaborative Footprint' outlined by the Welsh Government in 2011. The Collaborative Footprint, based on the Local Health Boards and Police Authorities boundaries, aims to provide a framework within which public services can develop and align consistent approaches to new collaborative working arrangements. Crucially, however, the footprint does not require the replacement or removal of existing, effective collaborative arrangements which may not necessarily align with the footprint.



## What does the Compact say about councillors?

The Compact sets out an agenda for public service reform and a commitment for councils to work together on a range of key services. The Compact also sets out a clear role for local councillors:

“...hand in hand with their responsibility to voice the needs and aspirations of their communities, is a growing role in supporting collaborative activity in pursuit of securing service or efficiency improvements. Given their engagement with local issues councillors are well placed to identify the need for services across areas and to rigorously challenge and scrutinise service design and delivery. The Compact fully recognises the vital role that local councillors undertake. To sustain services councillors will need to encourage and support collaborative arrangements when they reduce cost and / or improve services.

Transparent performance management and governance arrangements which allow councillors continued engagement in service scrutiny are prerequisites for effective collaboration. Increasingly Councillors will also have to give due consideration to their role as community leaders and engage positively in the reform process, recognising that their role extends beyond their own borders.”

## A new role for councillors?

This question was posed and answered in the report that first outlined the need for a Compact; commissioned by the Welsh Government, ‘Local, Regional, National: What services are best delivered where?’ was written by Joe Simpson in March 2011<sup>5</sup>. Simpson’s report suggested that collaboration did not mean a ‘new role for councillors’, but a refocusing of councillors’ current role:

“if we were (wrongly) to see the role of elected councillors purely through that [commissioning and/or delivery] lens then these proposals might be seen as reducing the role. We wish to challenge that assumption.

People normally get involved in local politics to make a difference...a desire to see some improvement at a local school, involvement in some community regeneration work or worries about anti social behaviour in the area. People do not enter local politics with the aspiration to sit on committees....

But if we return to that original intention we should ask how best can we support and engage councillors to be that community voice or community champion. Once we recognise that people in need encounter a range of public services, delivered by a range of public agencies then it is clear that we should not prescribe the role of

---

<sup>5</sup> <http://wales.gov.uk/topics/localgovernment/publications/lnrdelivery/?lang=en>

the councillor purely by those services that are presently delivered by the local authority.”

The Simpson review sets out some of the implications for members particularly in their role as community leaders. This role is not new, many members have long been engaging and leading their communities and doing their best to translate individual and community needs into the best possible local services, or encouraging communities to find their own solutions. Now however there is a need to translate community needs into reforming services in order to secure the best public value and best possible outcomes.

Simpson highlights a key point in the refocusing of the councillor’s community leadership role. Since May’s elections, councillors’ roles and powers have broadened significantly in terms of community leadership and will also go beyond the services of the local authority; it is anticipated that in 2013, councillors’ will have powers, indeed a duty, to scrutinise most public services in their area as well as the power to compel evidence and attendance from partner public bodies.

### **Key issues for councillors to consider**

- There is a joint agreement, between local government and the Welsh Government, to promote and accelerate collaboration through the Compact
- Councils already have a long-track record of collaboration and partnership with each other and other organisations; what has changed is the financial outlook and the pace of change
- Different approaches and models of collaboration are needed, one size doesn’t fit all.
- Collaboration is about individual and collective benefits, in particular around improved service outcomes or efficiency. However the benefits may not be equitable across the collaboration, for example some partners may secure greater savings than others.
- Collaborative arrangements may be for the long term benefit of communities but not show immediate or short term advantages or pay back.
- Collaboration is one of a range of positive tools to secure efficiency savings and/or improve outcomes.



- The challenges associated with different organisational cultures and language when working together leading to the need to have a clear shared understanding and vocabulary among stakeholders for what needs to be achieved.

"The Association is fully committed to driving forward this agenda particularly when there is clear evidence of the benefits of collaboration. We believe there is real progress to be made in a number of areas including procurement, social care, trading standards, civil contingencies and IT...As Leaders, we are determined to see change as matter of urgency and we want this to be the focus of the discussion at the forthcoming Partnership Council...As Leaders of local government we are committed to delivering tangible outcomes and believe that we should be at the forefront of delivering real change."

**Cllr Bob Wellington, WLGA Leader<sup>6</sup>**

**When considering a particular collaborative arrangement or service, these are some of the things that members, with the help of officers, will find it useful to consider:**

The WLGA has produced a '*Collaboration Toolkit*' and a more detailed legal advice note which explore different collaborative models in more detail (for further information, see end of the document), in summary however:

- The options for different accountability and governance arrangements are varied, and include:
  - An informal network
  - A Shared Appointment
  - A Contractual Arrangement
  - Delegation of Functions – Lead Authorities and Joint Committees
  - A Special Purpose Vehicle
  - A Joint Venture
- Different collaborative models may require new accountability and governance arrangements.
- Different governance and accountability arrangements will mean different roles for councillors, in particular whether they act on behalf of their authority or of the collaborative body.
- How shared services and commissioning works, how contracts are made and managed, what sanctions could be put in place in the event of withdrawal.

---

<sup>6</sup> WLGA Letter to Carl Sargeant AM, 4<sup>th</sup> October 2012

- The implication for employees of shared services or joint arrangements as well as corporate implications on the council such as the costs and common terms and conditions associated with transferring staff.
- The future implications for service delivery of decisions taken now regarding collaboration including potential risks (once you have changed delivery arrangements for example outsourcing, it may not be possible to revert to original methods of service delivery).
- Collaborative projects need effective and responsible project management.

### How can councillors contribute to and lead collaboration?

"...Some elements of the Compact have suffered from "death by business case". This was never the intention when local government signed-up to the Compact and its various commitments. While, it is recognised that any service changes must be underpinned by clear financial and service benefits, it appears that in the development of some projects there is a greater focus on process rather than outcomes. It is clear from the WLGA Council that the predominant concern of members is to ensure that these commitments and projects are delivered. Where there is a clear case for change, it needs to be recognised, accepted and delivered with urgency."

**Cllr Bob Wellington, WLGA Leader<sup>7</sup>**

### On the front line

Although there are no significant changes from the way that councillors currently work as community leaders there may be a need to help communities and individuals through the complexities of the collaborative environment. This could mean responding to their queries and complaints and providing appropriate information about services being delivered collaboratively. Councillors will find it useful to be able to:

- Engage with and lead the community in making sure that the council secures the best and most appropriate services and outcomes available from within or outside the authority.
- Communicate council policies and explain decisions to communities.
- Utilise the established lines of communication within the council to make sure the needs of communities are acted upon.

<sup>7</sup> WLGA Letter to Carl Sargeant AM, 4<sup>th</sup> October 2012

- Work with members potentially in different parties and in different electoral divisions and neighbouring authorities to secure outcomes for wider and non-geographical communities.
- Undertake appropriate casework for individuals

## 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 scrutiny<sup>8</sup>.

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

<sup>8</sup> <http://wales.gov.uk/consultations/localgovernment/jointoverview/?lang=en>

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.

## **Cabinet Members**

- Commit to and promote collaboration as a key tool in public service reform
- Challenge officers to take decisions that enable collaboration where there is a business case that will lead to service improvements and/or efficiency savings.
- Take decisions where there is a clear business case for change, where outcomes can be improved or efficiencies achieved.
- Communicate, particularly with other members especially with regard to their frontline role.
- Negotiate political barriers to collaboration.
- Ensure that any perceived loss of power and control is mitigated through appropriate and proportionate accountability arrangements for local executive and scrutiny members.
- Seek to establish manageable governance arrangements – engaging in a growing complexity and multiplicity of models and with varying geographical coverage will be increasingly challenging and demanding.

## **Supporting Councillors in Collaboration**

The Local Government (Wales) Measure 2011 has placed a greater emphasis and onus on authorities to support councillors in all their roles, in particular through member development and scrutiny.

Joint work between councils and the WLGA has provided a range of induction materials and programmes (including both local and regional events) for new and returning councillors following the elections to ensure that they are made aware of the evolving roles and expectations placed on councillors, particularly in the context of collaborative working.

The key challenge for authorities will be supporting members in the increasingly complex accountability and governance arrangements, as well as the Welsh Government's wider expectations around more support for councillors in their community leadership role.

The WLGA has produced guidance notes on governance, financial, legal and human resource implications of the burgeoning collaboration agenda. See the links to further information at the end of this document.

**Councils may wish to consider:**

- The appropriate accountability and governance arrangements of any collaborative project early on, particularly those which are relevant to overview and scrutiny arrangements.
- Providing and promoting opportunities for joint learning/working between authorities (members and officers) to build relationships and trust.
- Arranging early joint meetings of relevant scrutiny members within the region in order to develop relationships, as well as compare and share forward work programmes and potentially scope joint scrutiny activities.
- Suggesting frameworks or examples of questions that members should be asking in terms of either corporate governance or scrutiny of joint arrangements. There might be a role for Results Based Accountability or other performance management frameworks.
- Providing advice on commissioning, procurement and Human Resource implications.
- Providing additional specific guidance and support to members when working in a range of different governance arrangements, for example the different roles accountabilities and liabilities they may encounter when acting as a member of a board or when exercising delegated functions.

Nationally, the WLGA will continue to support members and authorities in this challenging role through:

- Continued project management and officer support for collaboration and the WLGA's regional boards.
- Support for Democratic Services, learning and development, improvement and scrutiny officers in understanding the collaboration agenda through the professional networks.
- Development of the Member Support and Development Charter to encourage authorities to support members in their community and collaboration role.
- Ensuring that the collaboration agenda is embedded in national and regional learning events and materials.
- Updating national frameworks and models such as member role descriptions and development frameworks to emphasise the need for collaboration.