



Briefing 11/16 March 2011

Response to 'Local Government Reform – Policy Proposals' (Northern Ireland).

To: Chief Executives and contacts in Northern Ireland
For info: Contacts in England, Wales and Scotland

Key issues

Time of considerable change for councils in NI
DoE expect to put in place a Best Value duty
Performance management arrangements including reporting to public proposed

1. APSE's response to the consultation paper

APSE has responded to the Department of Environment (Northern Ireland) consultation document 'Local Government Reform – Policy Proposals' on behalf of its membership. APSE has held a number of meetings regarding local government reform and this response follows the pattern of the arguments made over that period. Individual APSE member authorities will have forwarded their own detailed responses direct to you.

The Association for Public Service Excellence (APSE) represents council officers and members involved in the management and provision of quality public services. APSE's mission statement positions the organisation as "networking organisation which consults, develops, promotes and advises on best practise in the delivery of public services". APSE is currently working with almost 300 authorities within the United Kingdom. APSE members are local authorities and a small number of housing associations.

2. General comments

APSE welcomes the publication of 'Local Government Reform – Policy Proposals. A Consultation Document' as a part of the development of local government in Northern Ireland.

Reform of local government in Northern Ireland has been ongoing for a number of years and although this had led to some frustration, at least the sector is in a position to learn the lessons that have emerged from local government in other parts of the UK. Such lessons must be understood, the pitfalls avoided and the benefits harnessed in the context of Northern Ireland local government reform.

With a focus on frontline services, APSE is especially interested in the sections of the paper looking at Service Delivery and Performance Improvement, Community Planning and Power of Well Being. Comments relating to specific questions are found below.

The delivery of front line services for the benefit of local citizens and businesses and ensuring that attention is paid to improving those services is at the heart of APSE work. We believe that there is benefit in tracking performance over time and comparing levels of performance to see where councils can learn from each other. However it is not just about comparing figures – real improvement comes from speaking with other service providers and looking at the processes that are in place which then lead to those levels of performance being achieved. APSE facilitates this type of process benchmarking as part of Performance Networks, the APSE performance management and benchmarking model. The model has had input from over 200 local authorities over the 12 year period it has been in existence, mainly in England, Wales and Scotland whilst we have worked with the Welsh Assembly, Audit Commission, School Food Trust and Audit Scotland. Performance Networks has also been audited by INLOGOV and the Department of Culture, Media and Sport in order that it could be included as an element in Comprehensive Performance Assessment in England.

In order for councils to learn from each other they need certain types of information about each other. This means information about the scale, priorities or functions within a council to understand the context. Any performance data must be standardised across those involved in the comparison to ensure the same things are being considered. For example in Performance Networks, there are standard performance indicators, with definitions and guidance to ensure true comparison. Once this data is collected and available it is a source of information to councillors, citizens and businesses as well as officers and should be publicised as appropriate.

The Department must encourage councils to develop a culture of continuous improvement, which some have already adopted. Experience from elsewhere in the UK means establishing some formal arrangements to help embed practices within the councils. This might mean things like risk assessment, auditing procedures, corporate business plans and service plans, corporate improvement plans, regular service reviews and other approaches which formalise existing good practice. Statutory performance indicators and inspection regimes will fall into this category and it has been the case elsewhere that when such arrangements are put in place they do become part of business as usual within public sector providers. Clearly there is a need to avoid too much work for councils and there should be flexibility built in to enable councils to put their own arrangements in place if they wish to.

3. Responses to specific questions

Service Delivery and Performance Improvement	
28	Do you agree that a newly defined best value (continuous improvement) duty should be placed on councils?
29	Should the Department be able to issue guidance in relation to best value?
30	Should councils be required to have regard to any guidance issued?

APSE agrees that a newly formed best value duty should be introduced with associated guidance and that councils be required to have regard to that guidance. This should be based on existing work carried out in other areas of the UK and provide a framework to which all councils should agree whilst enabling an element of local flexibility to ensure councils do not feel that they are having best value 'done to them'.

Service Delivery and Performance Improvement	
31	Do you agree that the Department should be able to specify performance indicators for the delivery of council functions?

The performance indicators established should be limited in number to enable the culture of performance management to grow within the sector. Creating a procedure which is large and cumbersome as a big bang is unlikely to be welcomed. A limited number of indicators established by the Department can be enhanced by indicators created locally or established by practitioners within the sector such as leisure or environmental services.

We at APSE have a set of such indicators and have used them currently in use across the UK and have used some of them in Northern Ireland previously.

Targets remain a delicate area. There will be a range of local circumstances, both historical and current, which will impact upon performance and each council's ability to reach a standard. By their nature targets are easy to meet for some and difficult for others who begin from a range of starting points. They can inhibit performance in some organisations and discourage others who are unable to meet them. As such any targets should be set locally with local priorities in mind.

The paper makes reference to "councils having regard to outcomes when measuring improvement in their performance". Whilst these are undoubtedly important, there will be a need for performance indicators which look at inputs and process as well as outcomes. These measures may not need to be reported to the Department but they will be important for managers and councillors within the council in question.

The paper states that "The aim in specifying performance indicators and standards would be to promote efficiency, effectiveness and economy in the way that councils carry out their functions". It is vital that any performance indicators are established to inform councillors and service users and this should be considered something to be promoted as part of establishing any performance indicators. Such performance information will add to councillor knowledge and the scrutiny process as well as to transparency and openness in decision making, all of which are mentioned elsewhere in the paper.

	Service Delivery and Performance Improvement
32	Do you agree with the proposals for the public reporting of a council's performance improvement?

It is important that performance is reported to service users and a corporate plan is a valid route for doing so. There is a danger in being too prescriptive with what content should be in a corporate plan and associated guidance. Users must be able to understand the information they are being given which should therefore be simple and not too technical.

The paper also notes that the information should enable comparison between councils. Our experience shows that comparison between councils can lead to misunderstandings based on the issue noted earlier, local circumstances. No two councils are the same so comparison needs to be selective and explained. There should be flexibility to compare across a range of groups and factors rather than a blanket comparison which may lead to league tables without descriptions of differences between comparators. Again this can lead to disengagement from the process or manipulation of figures.

	Service Delivery and Performance Improvement
33	Should the local government auditor have a role in providing external assurance in relation to a council's improvement plan?
34	Is the proposed role for the local government auditor as comprehensive as might be required?

There is a role for the local government auditor but the paper does not clarify the role. The auditing of what constitutes a corporate and improvement plan is appropriate but not a significant job nor will it have any impact upon the quality or cost of the services provided.

The paper also states that "the relevant government department should have the power to direct the local government auditor to carry out an examination of a council in respect of its delivery of functions transferred by that department". It seems peculiar that central Departments are willing to transfer functions but then want to be able to send an auditor in to check up that they are being delivered effectively.

There is a role for inspection of services but this should not be limited to the transferred services. The benefits that an inspection process brings are applicable to all services. What constitutes inspection is also unclear. Auditors have a place in local government but they are not the most effective people inspecting for example the practicalities of a street cleansing service or leisure centre use. These roles require experience of front line service delivery if the process is not to degenerate into a series of criticisms. Inspectors must be able to add value to the process – explain solutions to problems, give alternatives, point to areas of good practice and generally show that they know enough about the service as the people they are advising know. This is generally not the case with auditors.

Inspection can be a very formal process as was the case when the best value inspections started in England – they were time consuming for both officers, councillors and inspectors, expensive for the council, required a lot of documentation and form filling. These problems should be avoided.

Councils should be encouraged to inspect themselves across the sector. Peer Reviews can be just as beneficial as auditor inspections especially if they are managed by an external organisation. For example this could involve the creation of a team of senior managers across NI and the UK who are willing to inspect services across NI bringing their knowledge of service delivery in that area of work from other councils. These teams should be managed by someone from an external organisation who has responsibility for ensuring an agreed process is followed and recommendations are made to the council.

These peer reviews could work alongside a series of inspections managed by the Department undertaken by service experts.

The intention is to encourage councils to develop a culture of continuous improvement and getting them involved in inspections rather than 'receiving' inspections is one way of doing so.

Service Delivery and Performance Improvement	
35	Do you agree that Ministers should be able to intervene if a council is failing to deliver services?

The term 'inspection' is mentioned only once throughout the paper when it states that "We recognise that there may be occasions, albeit limited, when an inspection of a council makes information available to Ministers which gives them cause for concern about whether a council is discharging its responsibilities as required."

There may well be occasions when intervention is required but the paper does not make it clear how Ministers will become aware of problems in the services councils are delivering or indeed what will trigger any stages of intervention.

Clearly intervention must be an option of last resort and a series of stages must be in place before intervention occurring. The paper does not refer to any interim stages. Clearly preventing services getting into any state where they are performing badly is the ideal situation but this requires support and guidance for councils either from the Department, other councils or external organisations.

Community Planning	
36	Do you agree that councils should lead and facilitate community planning and that a requirement should be placed on them to do so?
37	What are your views on departments and statutory bodies being required to participate in and support community planning?
38	Should councils be required to publish community plans for their districts, and to review these as necessary?
39	Do you agree that the Department should be able to issue guidance to support community planning, and in relation to the format and content of a council's community plan?

APSE agrees that councils should lead and facilitate community planning and the focus of such work should be on the services that each organisation provides. It should avoid setting up arrangements that run parallel to existing council structures or employing further staff. APSE also agrees that departments and statutory bodies should be required to participate. As organisations

providing services to the public, they should come together for the benefit of service users who are normally less interested in the management arrangements and more concerned with the actual service.

The Department’s idea that district councils publish reports on community planning is a worthwhile one as long as they are not expected to provide irrelevant detail in a separate plan. Any such reports should be short and based on actions plans developed by the partners in the community planning process and included within the corporate and improvement plans noted elsewhere in the paper.

Any guidance issued would be welcome but as mentioned above should be flexible enough to accommodate local circumstances within different areas.

	Power of Well-Being
40	Do you agree that a power of well-being should be introduced for councils, and that the Department should be able to issue guidance to support its operation?

Once again this is a welcome idea but it will be limited in scope to those functions which councils provide to the local population.

	Partnership Panel
41	Should a Partnership Panel be established to formalise relations between central and local government?
42	What are your views on the proposed remit of the Panel?

This is also a good idea and, in line with the ethos of continuous improvement, there should be measures put in place to track its progress and measure how effective it is being – in other words it should be accompanied by a process which ensures it is adding value.

	Supervision of Councils
43	Do you agree that the supervision powers currently available to the Department of the Environment should be made available to all departments?

The powers of supervision appear to refer to items covered elsewhere in the paper. Providing information about the exercise of functions is something which councils will be doing via the corporate and improvement plans noted earlier in the paper. Introducing specific reports for the Department would create duplication and bureaucracy that would not add value to the work of the councils.

Causing local inquiries or investigations to be held would appear to duplicate the inspection /peer review process mentioned above in this response. Intervention is also mentioned earlier in the consultation paper. These should all be under the stewardship of the Department for Environment rather than those departments previously responsible for subsequently transferred functions. As the department responsible for local government, the Department for Environment is the natural place for any inspection and intervention roles to sit and it is right that there is a single approach to these issues from a single department. Having a number of departments trying to carry out similar but different roles would lead to confusion and mistrust. Other departments from whom functions are transferred must be willing to let those responsibilities go. They may be involved in

providing support and guidance during periods of transfer and the initial stages of delivery by councils but they cannot expect to be able to call councils to account whenever something happens which they do not agree with.

4. Performance Networks

As noted above APSE runs the largest public sector performance management and benchmarking service in the UK and has a wealth of experience about these topics as well as best value and continuous improvement. We are keen to share that knowledge with the Department and we are sure we can provide a performance management model which will meet all requirements laid down in this paper. The service developed out of the Best Value legislation enacted in England and has been developed by many service managers over the past 12 years.

APSE will be holding a number of free workshops in Northern Ireland in March and April to encourage discussion about the role of performance management in local authorities, how they should take forward the issue and the benefits of Performance Networks. Departmental representatives are welcome to attend these events.

We would also be happy to be involved in any further work concerned with taking forward the proposals in this paper and look forward to contributing to the debate for the benefit of our members and the users of public services across Northern Ireland.

5. APSE Contact details

If you wish to discuss this response further please contact Phil Brennan at pbrennan@apse.org.uk or on 0161 772 1810.

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