

apse direct news

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Beyond the Fragments

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A woman with long brown hair, wearing a black sequined dress, stands at a silver podium with a microphone. She is looking towards the camera with a slight smile. The background is a stage with a pink and purple light scheme. A banner in the background reads "apse performance networks".

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Editorial

As a new financial year looms in local government we should perhaps be thinking about clearing out the 'efficiency' cobwebs and looking for new ideas and new solutions to take us forward in 2012. APSE has been around long enough to realise that whilst there are no quick fixes to solving gaps in budgets there are amazing examples of innovation in local government, that will help us all as we try to shape future service delivery.

In January, APSE hosted a service delivery models seminar in Harrogate which explored examples of innovation in service delivery models. (See the event report on pages 24 and 25 of this edition of direct news.) It was perhaps a timely reminder that innovation and entrepreneurship are nothing new to local government. As well as relatively new examples of innovation in trading and charging for services, and organising service delivery differently, we explored existing models of 'municipal' entrepreneurship. Going as far back as bus deregulation and the advent of the Municipal Bus companies in the late 80's, to trading arrangements set up to help local councils cope with new priorities, local government has a rich history of responding to change.

Of course innovation is not unique to the UK local government family. On pages 8-9 of this edition of direct news you will see the first in a new series of articles for direct news with an international focus produced through APSE's work with the European Knowledge Transfer Partnership. The Danish experience on innovation in the public sector is interesting and highlights that in whatever country, and with whatever budgets and structures there are in place, there are clear benefits to networking and sharing best practice and innovation.

So as we approach a new financial year it is timely to move forward with action that will help shape a sustainable future for local government services. We don't need expensive experiments in 'new' or 'modernised' public services when we have a rich history and a culture of sharing, innovation and best practice. As spring approaches it must now surely be about gaining the impetus to stop the talking and start the walking... and we can move forward by learning lessons from each other.

Best wishes

Paul O'Brien, APSE Chief Executive

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Beyond The Fragments: Enfield's Vision of the Co-ordinating Council

As we begin the year 2012, it feels like a great deal is at stake here in Enfield. As we all know, this is London's Olympic year, where the spectacle will unfold right here in our own city and we will have our one and only chance to make the most of this unique event. It is also a year of unprecedented challenge. Challenge for us a local authority, but primarily challenge for the people that live in our borough. The economic downturn is increasing poverty, unemployment and deprivation.



Enfield is a large, diverse borough where over half of the population come from ethnic minority communities. Perhaps traditionally considered to be an affluent area, there is significant and worsening deprivation with shocking disparities in life chances between the relatively settled west of the borough and the highly mobile east.

Like the rest of the local government world, we are facing huge financial pressures; pressures that mean that we have to make choices about what we do and how we do it. We are also in a new world where the Coalition government want local authorities to help them deliver their much vaunted localism agenda.

Meanwhile, economic hardship and an aging population means that need for services is only going in one direction.

Solutions to this quandary seem to be coming from every corner at the moment. Westminster's Civic Contract is certainly creative in the uses it proposes making of the new general power of competence. However, it also seems rather dogmatic in some of its assumptions about providers and I wonder whether even right in the very heart of London it will be realistic to ask residents or visitors to make a larger contribution without this having some unwanted knock on effects.

KPMG have issued a thought provoking paper entitled the 'Brilliant Local Authority of the Future'. In order to become 'brilliant councils' we will need to be canny commissioners, with payment by results becoming the default. We'll have to be pragmatic about what we do and don't do and we will have to promote joint working as much as possible. An 'iron like grip on the organisation's financial position will be imperative'. I'm sure many of us will say that we are already striving toward these aims.

So let me move on to our approach. We have developed a concept that we call the Co-ordinating Council. It recognises that the big society isn't going to materialise overnight, if at all, particularly in areas where communities may not be long established, or the capacity to get involved is limited by skills shortages and the everyday difficulty of just getting by. We recognise that there are already a range of organisations which provide local services. We understand that services provided directly by a single organisation are likely to become less and less common. But we believe that it is vital that someone co-ordinates all this activity and is able to advocate on

behalf of local residents. As the only organisation with a democratic mandate and the only organisation whose responsibilities cover all elements of public life, we believe that it is the local authority that must fulfil this role. If local residents want something more than services at the lowest price irrespective of social, employment, or environmental consequences then the Council has a legitimacy to do that.

The August riots provided the biggest test of this approach that we could possibly have had. Enfield lies just to the north of Tottenham where the trouble began on the Saturday night. Rioting broke out across our borough on the Sunday evening. It was a frightening time. The Council took immediate action. This was not just about cleaning up the debris and broken glass – it was about engaging directly with a shell shocked community in need of reassurance. An effective campaign has brought together community leaders, statutory agencies, businesses, the young and the old. We have set up a commission on the riots which is about to complete its work. The recommendations will involve working closely with organisations throughout Enfield to deliver a package of measures to address some of the underlying issues behind the rioting and to prevent it from happening again.

Looking forward, I am particularly concerned about how we ensure that young people within Enfield can

access the services that they need in this increasingly fragmenting society. Our schools are above average compared with London and the UK as a whole. Our youth provision is well regarded. The Council has a good record in keeping children safe. However, Youth unemployment in the borough is well above the national average. Pollution, as it is throughout London, is too high, leading to preventable childhood illnesses. Too many children are obese. Addressing these issues requires multi-agency working and it requires leadership. I believe that the Co-ordinating Council is the answer to meeting these challenges.

Local Councils are nothing if not able to make places better, make lives better and tackle the fundamental causes of unfairness and inequality.

We will be publishing a pamphlet in March this year, focussing on how we are supporting children and young people. You will be able to find it, along with other publications and articles at our dedicated website: www.enfield.gov.uk/fragmentingsociety

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Nu-Phalt re-launches Jetpatcher in UK providing a single source solution for urban and rural road repairs.

Transport infrastructure solutions provider Nu-Phalt is adding another string to its bow with the formal launch of its Jetpatcher UK operations. The development is thought to be significant in terms of the opportunity it will give to Local Authorities to potentially transform highway maintenance delivery in respect of the management and repair of pot hole damage to both urban and rural roads.

The company has already been formally accredited for its expertise in this area, winning numerous awards for its highly efficient and eco friendly Infrared Road Repair System, which is now being used by an ever increasing number of councils throughout the UK.



Nu-Phalt's single vehicle (urban) solution

Robert Muir, who has been working as Nu-Phalt Sales Director for over 3 years will also head up the Jetpatcher team, says the combination of the two systems offers an unprecedented cost saving solution for road repair needs across the network, from city streets to country lanes.

"As organisations look to work smarter, we've found that it's important for Local Authorities to be able to select the right application for the right defect and manage their limited resources most effectively," Mr Muir said. "For example, we would specify Nu-Phalt for urban roads, including areas near utilities and parked cars, due to its precision and quality. In rural areas, with much reduced traffic, our Jetpatcher system would be a more appropriate and cost effective solution.

"The addition of Jetpatcher, which operates through an official UK and European agency agreement with the Jetpatcher Corporation, is part of a strategic worldwide partnership for both companies. Bringing a greater focus and investment to developing our transport infrastructure service will help our customers extract the best value from their future maintenance budgets.

"We want to help our clients to gain the maximum value from their highways budgets, while at the same time delivering sustainable solutions. This is essential in the current climate



Jetpatcher single vehicle (rural) solution

when budgets are so tight. It is imperative that Local Authorities gain a better return in both quality and cost of investment."

The highway network is arguably the most valuable asset that a council owns. Replacement value for many local authorities would be in excess of £900m. For many years the investment in the infrastructure has been insufficient to maintain overall integrity. Consequently, many roads are now structurally unstable and require urgent investment.

Mr Muir said. "Lack of investment has created a culture of quick fix repairs which if viewed in isolation, may appear the cheaper solution. But in fact, due to the poor performance of such repairs, they can necessitate several repeat visits and end up costing much more. Thankfully there are a number of Authorities using both Nu-Phalt and Jetpatcher products in their Highways toolbox delivering reported savings of up to a third over a wide range of repairs.

"Both Nu-Phalt and Jetpatcher repairs give Local Authorities a greater capacity to address proactive maintenance projects without worrying about attending to the same recurrent defects."

Mr Muir says that both facilities offer flexible contracting and procurement solutions for customers, providing training or operators as required, to a variety of councils and private companies across the UK and abroad.

"The two systems are completely different in terms of the technology and process used, but there is commonality in terms of benefits," he said. "Beyond the cost savings, both processes are quick and easy to operate, reduce time, raw material and labour costs, as well as offering minimum disruption to the public. There is also the additional benefit of a significant reduction in carbon emissions."

Contact: Nu-Phalt Group Ltd, Roman Way, Glebe Farm Industrial Estate, Rugby, Warwickshire, CV21 1DB
Tel: 08442 571 570 Email: enquiries@nuphalt.com

Advertorial

Nu-Phalt's continued investment delivers a range of be-spoke heater solutions to meet specific repair problems

For over 5 years, Clean Burner Systems (CBS), the manufacturing expertise and sister company behind Nu-Phalt's award winning solution to road repair, have designed and developed a range of dedicated heaters meeting the individual repair requirements for highways, utilities and more recently, a pole heater designed in partnership with Openreach, part of the BT Group. Other potential areas to benefit from the pole design will be Street Lighting and Street Furniture reinstatements.



Clean Burner Systems (CBS) in Rugby



Failed Joint Heater 2 x 0.5 (APSE May/June 2011)

Openreach case study

Following an introduction and demonstration to Openreach at the Three HAUC's show at Wetherby in June 2010, Nu-Phalt's R&D department were challenged to design and manufacture a be-spoke thermal heater to repair small excavations around new and replacement telegraph poles.

Openreach contractors use traditional repair methods to carry out permanent reinstatements. The distance between quarry and site was recognised as an issue with temperature of the material a key factor to quality on small excavation repairs. The challenge was to establish a quality first time reinstatement with minimal disruption for small complex areas which would reduce the environmental impact and deliver a seamless repair joint.



A C.A.T and Genny is used to detect any possible shallow power cables. Following this a reflective aluminised heat barrier capable of withstanding radiant temperatures in excess of 2000oC is wrapped around the base of the pole. The Nu-Phalt heater is then positioned around the base of the pole to deliver pulsed heat for 4-6 minutes with a heater reading taken to ensure optimum working temperature. The area is then scarified and raked levelled, new material added, and then compacted. A metal tamp is used to compact areas closest to the pole to avoid damage. The aluminised heat barrier is then taken off and packed away into the Nu-Phalt van along with the traffic management ready for the next site. The whole process from arriving to leaving site takes roughly 25-30 minutes.

Image left: Pole heater designed for Openreach



"The Nu-Phalt system allows for the recycling of the existing material giving a reduction in the carbon footprint by a major reduction in the use of fossil fuels, a reduction in the impact on the environment by reusing the existing stone and cutting landfill. It gives less disturbance to road and footway users and a quick and practical solution not only to first time reinstating but also in the carrying out of repairs to existing reinstatements.

With the solution for reinstating around poles it opens up a wider solution to complex reinstatement issues that not only gives a reduction in costs but it ticks all the right boxes in the environmental and commercial environment we all face".

Contact: Chris Hayward, EToN Development & Training, NRSWA Consultant, Business Supplier Management | Openreach

No More Innovation Heroes

An exciting Danish research project studies how to overcome the barriers to collaborative innovation. Professor Eva Sørensen and Professor Jacob Torfing discuss the issues.



There is a growing demand for innovation in the public sector and collaboration in networks and partnerships is a key mechanism for enhancing public innovation. This is the hypothesis guiding the Danish research project on Collaborative Innovation in the Public Sector (CLIPS). The CLIPS-project aims to identify the drivers and barriers of collaborative innovation and seeks to explore the role and impact of institutional design and innovation management on processes of collaborative innovation.

Growing need for public innovation

The public sector is far more dynamic and innovative than its reputation. Nevertheless, there seems to be an increasing demand for public innovation. Firstly, it is impossible to meet the rising expectations of citizens and private firms in a situation with limited, or even shrinking, public budgets without generating new and smarter solutions. Secondly, we are facing an increasing number of 'wicked problems' in terms of inner city decay, youth crime, long-term unemployment, and climate change mitigation, which cannot be solved by standard solutions or by spending more money, and thus calls for innovative measures. Finally, globalization constructs countries, regions and localities as participants in a global competition that produce winners and losers depending on their capacity for innovation. An innovative public sector will free resources for investment in economic growth and new jobs and it will support the private sector's ability to meet the challenges of the global economy.

Public innovation is a means to improve welfare services, break policy deadlocks and create a better and more fulfilling working life for the public employees who are eager to use their professional skills and competences in developing new services and policy solutions instead of merely delivering what is measured and documented by the audit regime associated with New Public Management. Public innovation might even pave the way for cuts in public expenditure without lowering the quality and supply of welfare services. As such, it provides an intelligent alternative to across-the-board cuts.

Collaborative innovation: the argument

In the last decades, we have celebrated the role and impact of different kinds of innovation champions whose genius, creativity and entrepreneurial spirit have been seen as the primary driver of public innovation. In his now classical study, Nelson Polsby (1984) focused on the entrepreneurial role of political executives who need to advance new and creative ideas in order to attract the support of voters. The protagonists of New Public Management have emphasized the role of public managers and private contractors who are innovating in response to competitive pressures. Human Resource Managers, professional societies and the trade unions have underscored the importance of tapping into the ideas, skills and resources of the public employees. Finally, there has been a growing interest in user-driven innovation, especially in the health care sector, in which public managers and employees aim to learn from or about different user groups in order to reshape public policies, services and organisations in response to new or previously undiscovered needs.

Despite the unique contributions of these different innovation champions, the CLIPS project takes departure from the assumption that public innovation is seldom the result of the individual efforts of single innovation heroes. In most cases public sector innovation requires collaboration between a host of public and private actors including politicians, civil servants, experts, private firms, user groups, interest organisations and community-based associations. Collaboration is here defined as the process through which a plurality of actors aim to arrive at a common definition of problems and challenges, manage conflicts in a constructive way, and find joint solutions based on provisional agreements that may co-exist with disagreement and dissent. The focus on collaboration opens up the innovation process for the active participation of a broad range of actors and it ensures that it is different actors' innovation assets, in relation to solving wicked problems, rather than formal organisational boundaries, that determine who gets involved in the generation and implementation of new and creative ideas.

The case studies conducted by the CLIPS-project shows that collaboration has the potential to improve all phases of the innovation process. The framing of problems and challenges can be improved when different experiences and forms of knowledge are taken into account. The generation of new and creative ideas can be promoted by cross-fertilization of ideas and mutual learning. The selection and testing of the most promising ideas tends to gain speed when different actors with different perspectives participate in the assessment of risks and gains. Finally, the implementation of new and bold ideas is spurred when collaboration leads to the mobilisation of resources, trust-based coordination and creation of joint ownership.

Processes of collaborative innovation can be facilitated by different institutional designs. Crosscutting teams of public managers and employees in close contact with citizens and users, may spur collaborative innovation within public



organisations. Managerial networks may help public managers to identify other organisations' successful innovations and to translate and adjust them to fit their own organisation. Finally, partnerships with private firms and networks with citizens, civil society organisations and interest organisations might help public actors to mobilize the ideas, resources and energy of private actors.

Drives and barriers to collaborative innovation

The CLIPS-project has conducted a large survey of public managers and a Delphi study of innovation experts in order to identify the drivers of, and barriers to, collaborative innovation. The survey shows that a large proportion of public managers are highly motivated to engage in the promotion of public innovation, and think that they have sufficient skills to drive and manage innovation processes. However, the survey also shows that public managers do not seem to spend much of their working time on innovation and that they view themselves and their employees as the primary sources of innovation, whilst users of public services, private firms and politicians are seen to play a very limited role. The experts in the Delphi study have a different view. First, they claim that public managers focus too much on rules, top-down governance and performance measurement and leave far too little space for experimentation in public organisations. Second, the innovation experts argue that public innovation calls for collaborative innovation that not only involves public employees, but also relevant user groups, private actors and the elected politicians. However, the hierarchical structure of public organisations and their division into organisational and mental silos tend to prevent collaborative innovation. In order to change this situation, the innovation experts agree, a change must take place in the culture and the institutional set up of the public sector as well as in the management practices and role perception of public managers.

Overcoming barriers through innovation management

Many of the barriers to collaborative innovation identified in the survey and the Delphi study may either prevent the relevant actors with key innovation assets from interacting and collaborating with each other or prevent collaborative endeavours from generating innovation. In order to bring together the relevant and affected actors in interactive arenas, the innovation managers must act as conveners and stewards. In order to get the actors to engage in a constructive management of differences, the innovation managers must act as facilitators and mediators. Finally, in order to ensure that collaboration generates innovation, the innovation managers must act as catalysts and seek to disturb the common frame of meaning and spur transformative learning processes. The CLIPS-project is analyzing the impact of different kinds of innovation management and is conducting design experiments in order to produce situated knowledge of what works.

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Hold the front page

Michael Burton has seen it all during 25 years as a journalist covering local government for The MJ. Here he reflects on famous figures he has met, what has changed and what the future for the sector is likely to hold.

When you have managed to chalk up 25 years working for the same employer people tend to see you either as a complete anorak or a fount of all knowledge. I prefer to think of myself as the latter, though I guess there is a bit of the former. Either way, it is true that I have worked for the company that publishes The MJ since 1986.

One of the highlights was a reception at the House of Lords this January to celebrate my professional longevity. The event was hosted by Baroness Eaton and attended by some 200 leading players from the sector from right across the political divide. Guests included ex-ministers Baroness Armstrong, Nick Raynsford, Hazel Blears and John Healey, current ministers Bob Neill and Eric Pickles and shadow ministers Hilary Benn

and Jack Dromey. And of course, APSE's own chief executive and regular MJ columnist, Paul O'Brien, was also there.

I had no long-term plans when I joined The MJ all those years ago, but the sector soon got under my skin. I began to realise that the real levers of power lay at local level and we at The MJ, or Municipal Journal as it was, were in the midst of this vortex of activity.

Let me cast your minds back 25 years. The music charts were dominated by Duran Duran, Madonna, Whitney Houston, Simple Minds and Bon Jovi. In politics, Mrs Thatcher was heading for a third election victory having abolished the Greater London Council and the Met counties. The average house price was £44,000. The bank interest rate was 8%. And we had brand new computers, called Amstrads, made by an Essex

entrepreneur named Alan Sugar.

My first interview was with a rising politician called Ken (now Lord) Baker, who gave me a book of his poetry afterwards. And they say Thatcherism was hard-hearted!

I recall being at the annual conference in Dundee organised by ADLO – the predecessor to APSE – in 1992 and escorting David Blunkett, who later became Home Secretary and his dog up to the platform. The other guest was the late Donald Dewar, a brilliantly witty speaker and later First Minister for Scotland, who told us an election story of being invited into someone's house during canvassing only to be shown a dead body stretched out on the dining room table. The householder thought he was the local undertaker come to measure up her late husband.

Over the years, I was to get to know many local government ministers, including Hilary Armstrong, now Baroness, Labour's first local government minister in 1997. Nick Raynsford, one of the longest-serving local government ministers, became – and still is – one of our best columnists. And I remember John Prescott after a press conference taking us journalists on a tour of the Admiralty where he was based as deputy PM. He showed us the Admiralty boardroom and proudly said: 'I'm in charge of that. Not a bad achievement for a former ship's steward.'

It was at The MJ awards events that Hazel Blears made her first public speech as the new secretary of state in July 2007. She was confirmed in new Prime Minister Gordon Brown's first cabinet just hours before our event, turned up at 7pm, made a speech and went off to be interviewed by Jeremy Paxman on Newsnight.

In 2000, I was at Livingstone's triumphalist press conference the day after he was elected independent Mayor of London – beating the Labour candidate. A reporter stuck up his hand. 'Mr Livingstone,' he intoned, in a pompous voice. 'Do you think your election sends a message to the government?' Livingstone looked at him as if gazing on a small child and said: 'I think that question wins first prize for stating the bleeding obvious.' We will await the May 2012 election with interest to see whether history repeats itself.

I realised early in my career that councils, managers and members are in the delivery business. The main thing I've learned is that Whitehall advises but councils do the job. It's why so many bright council chiefs end up running Whitehall departments. And that will only increase. Local government, while being slimmed down, remains the only entity with the capacity and

the networks, along with its partners in the private and third sectors, to turn policy into action.

Last autumn, I passed The MJ editor's baton into the very capable hands of Heather Jameson, who is almost as much of a 'local government anorak' as myself after ten years as the magazine's news and deputy editor. This gives me chance to concentrate on my role as editorial director for the entire Hemming Group. As well as The MJ, Hemming publishes Surveyor, Local Government News and a range of other titles and we are working on some interesting plans for the future including setting up our own local government think tank style forum.

As the public sector moves to 'whole place' community budgets, local government is in pole position to help deliver this potentially huge joining-up agenda and I hope the DCLG will make sure the rest of Whitehall is well behind it.

Because despite the budgetary scene, local government's responsibilities will increase, not diminish, as we can see already with community budgets, welfare reform and the public health agendas and with Whitehall's shrinking role. These may be times of threats – but they are also times of opportunity.

I very much look forward to the next 25 years...

Michael Burton is editorial director at Hemming Group, which publishes weekly local government publication The MJ and associated titles including Surveyor and Local Government News.

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Lessons in Insourcing

Ian Day and Lucy McKell reflects on lessons that have been learned from bringing Bradford's education services back in-house

Bradford Council returned its education services in-house last July at the end of a ten year contract. The decision to insource, which was taken following consultation with parents, teachers and other stakeholders, is enabling a more strategically integrated approach to education within the authority and enhancing local accountability. The insourcing process was managed carefully and a number of valuable lessons were learned along the way, which the council is happy to share with other authorities that are considering returning services in-house.

Background to insourcing

The government decided to outsource Bradford Council's education services in July 2001 following a critical Ofsted report. A ten-year contract, which was based on a government template, was one of the largest of its type to be awarded to a private sector provider in Europe. An intended value of £368m increased due to contract variations and to reflect additional work required and the final contract value was some £440m.

The contract was awarded to Serco, operating locally as Education Bradford, which employed some 1,300 staff and was responsible for support services to 205 schools attended by more than 84,000 pupils. The contract was extended after 12 months to include taking children with special educational needs to schools and social services' adult clients to day centres.

In 2009, the authority consulted teachers, parents and other stakeholders to establish a consensus as to what should happen when the contract ended in July 2011.

The overwhelming feedback was that the strategic responsibility for education services should return to Bradford

Council. The authority unanimously endorsed this view as its preferred option in December 2009 and received approval from the then Secretary of State for Education.

The decision to in-source was not taken as a result of the way in which the contract was being run, but reflected the need to strengthen the strategic integration of education within the council. The Bradford district encompasses one of the most culturally diverse cities in the country with a young, fast growing population and skills within the region as a whole are not where the authority would like to see them.

The district's Community Strategy puts education firmly at the heart of what the authority wants to achieve – not easy when educational services are operated by a third party. Ensuring education services are governed and managed as effectively as they can be demands the most is made of service integration. Working within the confines of a contract established ten years previously was an added frustration, particularly at a time of rapidly shifting political and economic circumstances.

Managing the transition process

The programme to in-source Bradford's education services received cross party support. A Programme Management Office (PMO) and team were set up. Specific project teams focused on technical areas, such as HR, ICT, legal, assets and finance, as well as longer-term transformational issues such as education improvement and inclusion. Establishing clear processes managed through the PMO meant targets remained on track. The PMO, although an internal team, was not sourced from the department where the programme activity was taking place.

A protocol was agreed, which outlined the way in which the council and contractor would work together. A concerted effort to build strong working relations with Education Bradford staff during the period before transfer paid valuable dividends after the transfer took place.

Strong governance and leadership

Strategic oversight of the programme included wide political membership and involved representation from primary, secondary and special school head teachers, chairs of governors, early years and further and higher education professionals as well as representatives from the Department for Education and trade unions. This provided appropriate and robust challenge for the programme, as well as support and advice. A clear structure connected this to senior officers, the PMO team and those managing the practical delivery of the transfer.

Expedient and effective decision making from the Strategic Director of Children's Services, the programme's Senior Responsible Owner provided clear and strong leadership. Programme and Project Managers operated in a culture where problems would be considered and dealt with quickly.

Consultation, communication and engagement

Regular meetings with head teachers and governors took place throughout the two year period leading up to transfer. Maintaining this on-going dialogue was very constructive.

Transferring 1300 staff under TUPE arrangements is complex. Early and on-going consultation with trade unions helped build understanding of key and emerging issues.

Managing communication on a high profile programme with an intricate make-up of stakeholders requires careful planning. A clear communication strategy and resource was an essential ingredient in the programme.

A monthly newsletter, articles in the council's corporate communications, and regular news releases meant that staff, the general public and the media were kept informed of progress. Transparency throughout the process instilled confidence amongst stakeholder groups.

Reflecting on insourcing

We have reflected realistically on the insourcing process in order to take on board important lessons. For example, hindsight shows that an earlier understanding of legal and operational limitations may have recognised that transformational change could only take place after transition – and thus helped manage expectations.

Other lessons that have been learnt in the process might appear obvious but have the potential to make a big difference. These include recognising that; staff will have different levels of expertise in terms of project management experience; different departments will give programmes a different priority; and not all resources are able to be mobilised at the same time. There was also an unrealistic expectation that due diligence information would be readily available in a format and structure that would translate into the council's processes. Another issue that became apparent was the cultural difference in terms of language and process that exists between the public and private sectors.

Managing ICT is rightly acknowledged as an area of significant risk in any programme of change. Considerable time and energy was invested in planning for ICT migration and generally the transfer of systems worked extremely well. However, the new log on procedure, linking the computers of transferring staff to the council system for emails was less effective. Our advice would therefore be to never underestimate the need for robust testing and keeping an eye on the detail.

The insourcing process was a positive experience for Bradford District Council and the benefits of a strong but agile programme management approach to the transfer of education services have been numerous. The authority now has the opportunity to deliver on its strategic goals and build an integrated approach to education and deliver services that will support schools and benefit young people in the district.

Ian Day and Lucy McKell are programme managers for education services review at Bradford Council.

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Performance networks 2011

'Armchair audits: Is this the future for performance management in local government?' was the question posed to delegates at the annual APSE performance networks seminar. Here we explore the key issues that came out from the seminar debates and workshops.



Professor Colin Talbot

The performance networks seminar is an annual event that allows delegates to benefit from listening to an excellent panel of key note speakers from across the U.K. and actively contribute to dedicated service specific workshops. This working seminar is an essential part of the performance networks timetable and encourages delegates to focus both individually and collectively on using the data and sharing best practice.

Professor Colin Talbot of Manchester Business School opened the seminar by explaining the scope for greater use of all public sector data sets. Professor Talbot argued that 'fuzzy' data sets can produce comparative information to inform and advance performance improvement in public services. He also stressed that by teasing out different configurations in data this could help inform outcome based approaches to public policy decision making.

Professor Talbot explained that in this context 'fuzzy' doesn't mean unrigorous or sloppy data but quite the opposite: In social sciences it has been an area of great importance for over 20 years and more recently 'fuzzy set theory' has been used to explore complex causal relationships and finding a way of teasing out the

configurations that lead to specific outcomes. Professor Talbot argued that by more effective use of public data we could help to find more discerning solutions for complex problems and this included the drive for efficiencies in public services. For example looking at demand based information and resources available to meet need, and also the behavioural impacts.

Alex Linkston, from the Commission for the Future Delivery of Public Services in Scotland agreed with Professor Talbot's analysis and highlighted two of the priorities from the Commission were 'working together to deliver outcomes' and 'improving performance and reducing cost'; both of which are dependent on good performance information and sharing data. Mr Linkston paid tribute to the late Dr Campbell Christie who had chaired the initial 'Christie Commission' whose remit was to recommend ways to improve the future delivery of public services.

Mr Linkston explained that the budget constraints and increasing demands on services meant that for Scotland the need for public services to work in a different way was now pressing. He explained that the Commission had highlighted that reform should pursue 4 key objectives which are:

- services built around people and communities
- working together to deliver outcomes
- prioritising prevention, reducing inequalities and promoting equality
- improving performance and reducing cost

Within Wales, like Scotland, there are new programmes focussing on performance and improvement. Alan Morris, Director of Local Government Performance from the Wales Audit

Office, highlighted the revised Wales Programme for Improvement and the ongoing Best Value duty. The emphasis is on local collaboration but he stressed the need for effective performance information to drive improvements in services including the work already carried out in collaboration with APSE such as Ffynnon, the Welsh performance management system.

Mark Bramah, APSE's assistant chief executive, who has strategic responsibility for performance networks, provided delegates with an overview of all the performance issues that impact on APSE member authorities throughout the UK. Mark explained that the factors that are setting the agenda for public services in the UK include the Localism Act in England and the Open Public Services White Paper but more essentially across the UK was the extreme pressure on local government budgets. Mr Bramah said there were real dangers that budget pressures would lead to 'damaging fragmentation of service delivery arrangements' but new models of delivery were in no way guaranteed to deliver the budget savings and, in some cases, could hamper attempts to reduce expenditure. Mark urged delegates to use performance information to support the improvement of frontline public services, but to also be an effective means to respond to new initiatives like 'Community Right to Challenge'. It was critical, he argued, that frontline services were able to meet new challenges and demonstrate their own performance and ability to deliver effective and efficient public services.

Day two of the working seminar saw delegates addressed by Clive Betts MP who is chair of the local government select committee. Mr Betts said that whilst the Communities Secretary, Eric Pickles, had set great store by 'town hall

transparency,' putting pressure on councils to publish their spending and rely on 'an army of armchair auditors' which he believed would hold local councils to account, the proposals were in no way a substitute for proper examination of propriety, and indeed the legality, around local council spending. Mr Betts argued that independent examination of accounts remained crucial and that it is still necessary to safeguard audits with professional and independent support.

Mr. Betts said that whilst there are changes which will produce opportunities there are also considerable elements of risk that the proposed changes will bring. Data and performance information that is better matched to local needs is bound to be welcomed, but, he said, some councils will struggle to establish robust independent audit arrangements and accountability could therefore be reduced. In response to a question from a delegate Mr. Betts said that 'armchair auditors' could not be a substitute for effective scrutiny over spending decisions and local performance.

Michael Kitts of Pricewaterhouse Coopers followed Mr Betts with an explanation of the approach that they take to re-engineering public services. Mr Kitts said that the aim of 'securing better customer outcomes at lower cost' was one that many client local authorities were grappling with but that with analysis of demand, and how needs are met, it was possible to improve how public services interact and satisfy that demand.

Andy Mudd, APSE's principal consultant from APSE's own ethical consultancy service 'APSE Solutions' provided delegates with a much needed practical insight on using performance data to improve local public service delivery. Andy described the need to use data effectively to drive improvement. Data was not an end in itself but

should give public sector managers and performance officers the ability to scrutinise and use data to explain differences in performance and allow 'data drilling'. Mr Mudd said that effective data use would allow for corroboration. Does the data square with what people say on the ground and vice versa? He also urged delegates to use data as a critical 'indication' on service performance for example use of labour cost data to clarify points of excess cost and potential for savings, and indication of low productivity or for example 'over provision' of services.

He also explained how APSE had assisted authorities in the practical exploration of matching staffing resources to actual expected demands. Ineffective or very low use of demand analysis could lead to wasteful expenditure on 'add ons' to the pay bill whereas better demand based analysis could help shift resources to areas where pressure is greatest. Work systems were explained to delegates with practical examples in areas as diverse as catering and street scene services.

Mr Mudd concluded that it was possible to optimise the use of resources to limit the impact on frontline service delivery and maintain vital services, but, he said, this means using diagnostic tools alongside performance data to inform the process. This would be a more effective and quicker way to deliver savings than relying upon the seductive language of savings through outsourcing, which is often a long and complex process that will not create the quick wins on savings that the current budget situation demands.

Contact: www.apse.org.uk/performance-networks

Delegates applaud the plenary speakers at this years performance networks seminar





1 Midlothian Council



2 Highland Council



3 Clackmannanshire Council



4 Waveney District Council

5 Neath Port Talbot County Borough Council

6 Gedling Borough Council





7 Solutions SK - A Stockport Council Company



8 Knowsley Metropolitan Borough Council



9 Dorset County Council

apse performance networks

1. Best performer for building cleaning



Sponsored by Numatic International

Finalists: Hull City Council, Inverclyde Council, Midlothian Council, Redcar and Cleveland Borough Council, St Helens Metropolitan Borough Council, Staffordshire County Council, Warrington Borough Council

Winner: Midlothian Council

2. Most improved performer for building cleaning



Sponsored by Numatic International

Finalists: Bridgend County Borough Council, Caerphilly County Borough Council, City of Edinburgh Council, East Ayrshire Council, Highland Council, Hull City Council, Inverclyde Council, North Lanarkshire Council, Orkney Islands Council

Winner: Highland Council

3. Best performer for building maintenance



Sponsored by Trukrax Vehicle Racking Systems

Finalists: A1 Housing Ltd - Bassetlaw District Council, Chesterfield Borough Council, Clackmannanshire Council, Oxford City Council, Sheffield City Council, Waveney District Council, West Dunbartonshire Council

Winner: Clackmannanshire Council

4. Most improved performer for building maintenance



Sponsored by Trukrax Vehicle Racking Systems

Finalists: A1 Housing Ltd - Bassetlaw District Council, Chesterfield Borough Council, Clackmannanshire Council, East Renfrewshire Council, Falkirk Council, Waveney District Council, West Dunbartonshire Council

Winner: Waveney District Council

5. Best performer for civic, cultural and community venues

Sponsored by Toltec



Finalists: The Spa Bridlington- East Riding of Yorkshire Council, Westdale Lane Community Centre - Gedling Borough Council, Upton Community Centre - Halton Borough Council, The Platform - Lancaster City Council, Baglan Community Centre - Neath Port Talbot County Borough Council, Freeman Street Resource and Community Centre - North East Lincolnshire District Council

Winner: Baglan Community Centre - Neath Port Talbot County Borough Council

6. Most improved performer for civic, cultural and community venues

Sponsored by Toltec



Finalists: Arnold Hill Community Centre - Gedling Borough Council, Murdishaw Community Centre - Halton Borough Council, The Platform - Lancaster City Council, The Cross Community Centre - Neath Port Talbot County Borough Council, Freeman Street Resource and Community Centre - North East Lincolnshire District Council, Radley Common Community Centre - Warrington Borough Council

Winner: Arnold Hill Community Centre - Gedling Borough Council

7. Best performer for education catering

Sponsored by Premier Foods



Finalists: Denbighshire County Council, Gwynedd Council, North Tyneside Metropolitan Borough Council, Redcar and Cleveland Borough Council, South Lanarkshire Council, Solutions SK - A Stockport Council Company, Sunderland City Council

Winner: Solutions SK a Stockport Council Company

10 Nottingham City Council

11 Halton Borough Council

12 Wakefield Metropolitan District Council





13 East Riding of Yorkshire Council

14 Hull City Council

15 East Riding of Yorkshire Council

8. Most improved performer for education catering

Sponsored by Premier Foods



Finalists: Barnsley Metropolitan Borough Council, Cardiff City Council, Gwynedd Council, Inverclyde Council, Knowsley Metropolitan Borough Council

Winner: Knowsley Metropolitan Borough Council

9. Best performer for highways and winter maintenance

Sponsored by Multihog



Finalists: Argyll and Bute Council, City of York Council, Dorset County Council, Durham County Council, East Lothian Council, Orkney Islands Council, South Gloucestershire Council

Winner: Dorset County Council

10. Most improved performer for highways and winter maintenance

Sponsored by Multihog



Finalists: Aberdeen City Council, Dorset County Council, East Riding of Yorkshire Council, Kirklees Council, Moray Council, Nottingham City Council, Orkney Islands Council, South Ayrshire Council, South Gloucestershire Council

Winner: Nottingham City Council

11. Best performer for parks, open spaces and horticultural services

Sponsored by SGM Contracts LLP



Finalists: Burnley Borough Council, East Ayrshire Council, Fife Council, Halton Borough Council, Midlothian Council, Newcastle-Under-Lyme Borough Council, Stockton-on-Tees Borough Council

Winner: Halton Borough Council

12. Most improved performer for parks, open spaces and horticultural services

Sponsored by SGM Contracts LLP



Finalists: Ashfield District Council, Broxtowe Borough Council, Scottish Borders Council, St Helens Metropolitan Borough Council, Wakefield Metropolitan District Council

Winner: Wakefield Metropolitan District Council

13. Best performer for refuse collection

Sponsored by Kyron Energy Systems



Finalists: Clackmannanshire Council, East Riding of Yorkshire Council, Falkirk Council, Hull City Council, North Lincolnshire Council, Rotherham Metropolitan Borough Council, West Lindsey District Council

Winner: East Riding of Yorkshire Council

14. Most improved performer for refuse collection

Sponsored by FAUN Zoeller



Finalists: East Dunbartonshire Council, Enfield London Borough, Falkirk Council, Gedling Borough Council, Hull City Council, North Ayrshire Council, North Lincolnshire Council, Renfrewshire Council

Winner: Hull City Council

15. Best performer for sports and leisure facility management

Sponsored by Walker Morris



Finalists: Lammas Leisure Centre - Ashfield District Council, Bramcote Leisure Centre - Broxtowe Borough Council, Energise - City of York Council, Beverley Leisure Centre - East Riding of Yorkshire Council, Wentworth Leisure Centre - North Country Leisure, Northumberland County Council, Quarry Swimming and Fitness Centre - Shropshire Council

Winner: Beverley Leisure Centre - East Riding of Yorkshire Council

16 Gwynedd Council

17 Eastleigh Borough Council

18 Conwy County Borough Council





19 Denbighshire County Council



20 Dumfries and Galloway Council

16. Most improved performer for sports and leisure facility management

Sponsored by Walker Morris



Finalists: Edgewood Drive Leisure Centre - Ashfield District Council, Bramcote Leisure Centre - Broxtowe Borough Council, Haltemprice Leisure Centre - East Riding of Yorkshire Council, Canolfan Hamdden Plas Francon - Gwynedd Council, Westview Leisure Centre - Preston City Council, Haslingden Sports Centre - Rossendale Leisure Trust, East Bridgwater Leisure Centre - 1610, (formerly Somerset Leisure Trust Ltd)

Winner: Canolfan Hamdden Plas Francon - Gwynedd Council

County Council, Merthyr Tydfil County Borough Council, Perth & Kinross Council

Winner: Denbighshire County Council

20. Most improved performer for street lighting

Sponsored by De Montfort University



Finalists: Aberdeenshire Council, Denbighshire County Council, Dudley Metropolitan Borough Council, Dumfries and Galloway Council, Perth & Kinross Council, Rotherham Metropolitan Borough Council

Winner: Dumfries and Galloway Council

17. Best performer for street cleansing

Sponsored by Kinetic Consultancy Solutions



Finalists: Barnsley Metropolitan Borough Council, Bassetlaw District Council, Dudley Metropolitan Borough Council, Eastleigh Borough Council, Hinckley and Bosworth Borough Council, Stockton-on-Tees Borough Council

Winner: Eastleigh Borough Council

21. Best performer for transport operations and vehicle maintenance

Sponsored by DAF Trucks



Finalists: East Ayrshire Council, East Dunbartonshire Council, East Renfrewshire Council, North Tyneside Metropolitan Borough Council, Oxford City Council, South Gloucestershire Council, Southampton City Council

Winner: East Renfrewshire Council

18. Most improved performer for street cleansing

Sponsored by Kinetic Consultancy Solutions



Finalists: Conwy County Borough Council, Hyndburn Borough Council, Knowsley Metropolitan Borough Council, Midlothian Council, Southampton City Council, St Helens Metropolitan Borough Council, Stockton-on-Tees Borough Council, Wakefield Metropolitan District Council

Winner: Conwy County Borough Council

22. Most improved performer for transport operations and vehicle maintenance

Sponsored by DAF Trucks



Finalists: Conwy County Borough Council, Doncaster Metropolitan Borough Council, Fife Council, Midlothian Council, North East Derbyshire District Council, Oxford City Council

Winner: Fife Council

19. Best performer for street lighting

Sponsored by De Montfort University



Finalists: Denbighshire County Council, Durham County Council, East Lothian Council, Flintshire

21 East Renfrewshire Council

22 Fife Council





Gone but not forgotten

Stephen Young, Assistant Director for Highways and Business Development at Bolton Council, discusses the way in which his authority has dealt with the sensitive subject of roadside memorials.



The subject of roadside memorials is obviously a very sensitive one. But it was an issue that Bolton Council felt duty-bound to address as we were getting an increasing number of calls from residents making observations about the growth in both the number and size of roadside memorials.

The amount of flowers, teddy bears, cards and other items left at roadside spots, in memory of people who had died in accidents, was continuing to expand and it was felt that these could be a safety hazard. The council was concerned that families and friends of victims were putting themselves at risk by placing items at busy junctions or on railings and memorials can also be a distraction to motorists. For some residents, memorials can also be a troubling constant reminder that

something tragic has happened outside of their home. It's not just traffic accidents that can prompt memorials either – sometimes memorials appear following other fatal incidents on or near the highway.

Bolton Council is hugely sympathetic to those who have lost loved ones in accidents and we have made sure we have handled this issue in a slow and measured way. The policy we formally implemented in January this year can be traced back to 2009 when we undertook extensive consultation.

This included discussions with the road safety organisation Brake, Bolton Victim Support, police, faith groups, the local and regional media and other key stakeholders. A questionnaire to members of the public and local groups asking for views on roadside memorials received 1133 responses. Two thirds of those respondents supported the removal of flowers and other items from the roadside after an appropriate timescale. There was also strong support for a permanent, centrally located memorial to be established where people could leave tributes and have a peaceful spot to grieve for lost friends and relatives.

So the council ensured that a permanent memorial was in place before officially implementing its policy on roadside tributes. We worked with local groups on the design of the memorial in Queen's Park in Bolton's town centre. A plinth with a brass plaque and simple wording was unveiled in April 2011. It is located in a secure, private spot with benches and shrubs to enable visitors to remember loved ones in a suitable setting. This permanent memorial for people killed in road crashes also includes a tree of remembrance.

The council's new policy on removing roadside memorials went live at the start of the year as the permanent memorial is now well established. Having taken every possible step to be sensitive to bereaved families, Bolton Council has now implemented its policy to remove roadside tributes after 30 days unless they are left in a dangerous place, in which case they will be removed immediately.

Flowers and other items can still be left on anniversaries, but would be subject to the same 30-day time limit. Non-perishable items such as teddy bears and photographs will be placed into storage for 90 days at Bolton Crematorium until they are reclaimed. Perishable items such as flowers and paper will be recycled. Notices will be placed on memorials notifying people of the council's intention to remove the memorial and giving 30 days, during which families can remove items themselves if they wish.

The policy has involved close liaison with the local police. If a memorial is noticed, the first point of contact is the police Family Liaison Officer (FLO), who has built up a relationship with the victim's family. The officer will sensitively explain the policy and, importantly, information on roadside tributes produced by Bolton Council is now included in a general information pack grieving families receive in such circumstances and the FLO will take time to explain what the council is doing, why and how they can find out more information if they need to. This is the first time Greater Manchester Police has worked with a council in this way and we are grateful for their support. GM Police are viewing this approach as a pilot and if the approach works they will work with other councils to do the same.

There are some 20 roadside memorials at sites across Bolton at present, some of which are more than ten years old. FLOs will make every attempt to contact families to explain the process of removal in advance of the notice being placed on the memorial. Families are provided with a number families can call with questions and for advice.

When the policy was formally introduced a few weeks ago, our local daily newspaper ran an article and phone poll and the majority of respondents were in favour of the new approach – which mirrored our own consultation in 2009. While the public is generally supportive, we understand that some individuals may find it difficult. We have tried to be considerate towards them and make sure their needs are accounted for throughout this process.

It must be stressed that prevention of accidents happening in the first place is still the number one priority for the council. We work closely with local communities, have a road safety team in schools and encourage drivers' feedback on trouble spots. When we see more than one accident happening in the same area we look at ways of engineering problems out. We have taken every possible step to deal sensitively with roadside memorials and have considered this issue within the widest context of the safety and well-being of all of Bolton's citizens.

Contact: stephen.young@bolton.gov.uk

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Can tenants fix it for us?

A fresh look at customer led inspection. Falkirk Council explains its approach to direct news readers.

Meaningful, rather than tokenistic engagement with service users in decision making and performance management is an important challenge for public services, particularly in the current financial climate. Gathering views through surveys or focus groups and then not acting on them – or acting on them but not making this clear to service users – are two of the most common pitfalls of the consultation process that don't sit well with the concepts of best value and accountability in local government. But what might meaningful engagement look like?

One method of upping the ante in terms of meaningful engagement is through Customer Led Inspections (CLI's). CLI's are an intensive service user scrutiny mechanism designed to provide an independent view of service quality, and ultimately to deliver improvements across the board.

Keen to develop a culture of community involvement that shapes how services are designed and delivered, Falkirk Council recently changed its approach to self assessment within its Repairs & Maintenance Services. The service, which serves some 16,000 Council housing tenants as well as home owners in mixed tenure estates, first opened its doors to a CLI in 2011, with encouraging – and in some respects surprising – results.

Initially motivated by a positive experience of Mystery Shopping, a group of Falkirk Council service users, supported by tenant participation officers, began the search for good practice in CLI's in 2011. They reviewed inspection reports written by other tenants' groups across the country,

visited West Lothian Council and even conducted a video conference call with Aberdeen City Council. They then combined the best aspects of what they had learned with their own unique approach. This involved using the Scottish Housing Regulator's 'Self Assessment' questions to ensure their inspection criteria were objective. Having now gone through the process of reviewing a service with the staff to identify its strengths, weaknesses and areas for improvement, the group is now able to share their lessons learned with others.

One tenant member of the group, Grace Rae, said:

"This inspection has made me realise how important it is for tenants to give their feedback about the repairs service when asked. I didn't realise how much influence tenants could have, but the Council has proved that they do listen, and they do use that feedback to improve. Overall, I was surprised at how open and transparent the staff were during this inspection."

The volunteers from households across the Falkirk Council area scrutinised every aspect of service delivery, including information on satisfaction levels, planned maintenance programmes and promoting the choice of kitchens and bathrooms available for tenants. Policies, procedures, performance reports and anonymised complaints letters were all made available to the group, who had each signed a Code of Conduct covering issues from confidentiality to whistle blowing.

The inspection took over six months to complete and has resulted in an action plan which recommends a range of actions including adjusting template letters to encourage

feedback and promoting the methods in which tenants can report repairs.

From an officer's perspective, one of the most surprising aspects was just how realistic the group's recommendations were. Far from leading to demands for unaffordable or unlawful changes to services, the volunteers actually took great care in recommending changes that would not be overly expensive or burdensome to implement.

Kenny Gillespie, Property and Asset Manager, said:

"We hoped through this process to get a new way of making council services more customer focused – by having customers closely examine every aspect of our repairs and maintenance service – and it has delivered."

"The volunteers who took part have shown major commitment, and the action plan which has now been drawn up based on their recommendations will be implemented and reported on in due course."

"Crucially, this also puts in place a system of involving customers in self assessment before the new Scottish Housing Regulator requires us to do so."

The Housing (Scotland) Act 2010 has helped create this added impetus for landlords and tenants to work together on self assessment through the new Regulator and Social Housing Charter from April 2012.

The methods used in the CLI within Falkirk included:

- A thorough examination of the service by tenants and residents
- New build site visits
- Interviews with staff and customers
- Interviews with tradespersons
- A review of documents and websites
- Exit interviews with tenants and owners
- 'Mystery shopping' phone calls

Overall, the CLI found a number of positives including the quality of new builds currently underway but one of the recurring themes in their recommendations was for all communication to be in plain English.

Whilst some critics might argue that CLI's are a very resource intensive process – and they are – the benefits they generate if done properly and given full support can be significant.

The benefits of CLI's, aside from improvements to services, are in their power as a change management process. Working together over a period of time has led to far more commitment on the part of staff and tenants throughout the organisation to implement the action plan, because it is essentially made up of their own ideas on how to make the services more efficient and more customer focused.

Contact: kenny.gillespie@falkirk.gov.uk

apse seminars

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Book your place by contacting Keisha Swaby at kswaby@apse.org.uk or call 0161 772 1810.



The Localism Act

In a previous edition of direct news Walker Morris solicitors looked at some of the Community Rights contained in the Localism Bill. Now the Act has received Royal Assent they take another look and assess the impact for Local Authorities focussing on Community Right to Challenge.

The new Localism Act covers many areas including some 241 clauses and 25 Schedules. It is a substantial piece of legislation.

Amongst the new provisions are a new General Power of Competence, transfer and delegation of functions to permitted authorities from other public bodies or quangos, governance, standards, pay accountability provisions requiring Councils to issue information about their highest paid staff, changes to Non Domestic Rates and the calculation of Council Tax as well as the requirement for a referendum if an excessive Council Tax is set, big reforms to planning including Neighbourhood Planning and the so called 'Right to Build' as well as reforms to housing legislation and London specific legislation.

The plain English Guide describes the Act as providing:

- New freedoms and flexibilities to Local government
- New rights and powers for local communities
- Planning system reform making it more democratic and effective
- Reform to ensure that decisions made in relation to Housing are fairer

On an initial view however (and much of the Act is subject to further regulation) is that the freedoms and flexibilities don't sit side by side neatly with the new rights and powers – in fact some of the rights and powers will have the potential to increase bureaucracy and costs to Councils. A look back at the Impact Assessment documents published early through the Bill's progress show that savings are more focussed on savings to the private sector than otherwise.

Community Right to Challenge

As with much of the Act, further detail will only emerge when regulations are made in due course, but we look here at the right to challenge as it exists now and the issues on which legal input will be needed. Only those parts which grant the Secretary of State the rights to issue Regulations and the provision of financial support to groups making a challenge are in force at present. The plain English guide suggests that the aim is to have most of the rest of key parts of the Act in force by April 2012.

'The Community Right to Challenge' is one area, in particular, which has the potential to cause headaches for local authorities and this could be made much worse if it is not managed properly. Local voluntary and community groups, charities, Parish Councils and Council employees are given the right to express an interest in running, or assisting in the running of, a service provided by an English County, District or London Borough Council in the exercise of its functions. The Council must consider and (unless there is a reason why not which are to be set out in Regulations) accept the challenge, triggering a procurement exercise in which the challenging organisation can bid. The Secretary of State can

extend the right to other bodies (including potentially private companies), make other public bodies (and their services) subject to the challenge and, on the other hand, can exclude specific services from the right.

For Councils this raises a range of management and policy issues, from the resources needed to manage the process, through to fragmentation of services if large numbers of local expressions are received. For their lawyers the task will be to avoid legal challenges and, if services are taken over, to ensure that this is properly documented and that the Council has remedies to manage the contract that will be required.

Timing

The Act allows a Council to specify, for a particular service, periods during which expressions of interest may be submitted, and Councils can refuse to consider any expressions of interest submitted outside those periods. In doing so, Councils must have regard to guidance to be issued by the Secretary of State. A policy document published in October proposes that these factors should be:

- the need to provide sufficient time to prepare and submit expressions of interest
- the nature, scale and complexity of the service for which a period is being specified
- the timescale for any existing relevant commissioning cycle or other authority processes.

Councils also need to specify a maximum timescale for notifying a relevant body of their decision on an expression of interest that is submitted.

Setting a timescale may help a Council to stay in control of when expressions of interest can come in. It can either identify particular services that are most likely to attract expressions of interest and set a timescale for them, or set an overall timescale for any expression of interest in any service, perhaps based on its commissioning or budget cycle, its capacity to manage both the expression of interest process and the subsequent procurement. However it will be necessary to identify in advance and define services and in effect advertise their potential outsourcing.

Grounds for rejection

A Council can only reject an expression of interest on specified grounds. Frustratingly, these are something else that has been left to regulations. The October policy document suggests the following possible grounds for rejection:

- the relevant body is not suitable to provide the service
- has been stopped or de-commissioned or a decision has been taken to do this

- the service is already the subject of a procurement exercise or negotiations for a service agreement
- is subject to an existing contract (provided that no period for submitting expressions of interest for that service has been specified)
- the expression of interest is frivolous or vexatious
- the expression of interest contains unsatisfactory, inadequate or incorrect information
- accepting the expression of interest would lead the Authority to contravene any law (such as its best value or equality duties).

An earlier consultation document also included:

- where the service wasn't wholly provided by the Council,
- where it could not be lawfully outsourced; or
- where outsourcing would not produce best value.

In theory these may give wide grounds to reject an Expression of Interest but as ever the devil will be in the detail and it depends how any Regulations are finally crafted. It will be crucial, of course, to ensure that any rejection complies with the Regulations, otherwise a judicial review challenge may follow.

The procurement exercise

Acceptance of an expression of interest does not mean that those submitting it will get to run the service. The Council will be required to carry out a procurement which must be: "such as is appropriate having regard to the value and nature of the contract that may be awarded as a result of the exercise" - which may mean in some cases a full 'OJEU' procurement. The Council must consider how the procurement can promote or improve the social, economic or environmental well-being of its area (as long as this is done in a way that complies with procurement law).

Key procurement issues will include:

- should the Authority set minimum standards of economic and financial standing and/or professional and technical ability, notwithstanding that this may rule out the very people who trigger the process in the first place and leave the field open to established commercial providers?
- what award criteria will be appropriate?
- will any staff transfer under TUPE or property be made available?
- have specifications and contracts been drafted to define and regulate the services, which will still be delivered on behalf of the Authority and presumably at the cost of the Authority?
- will it be open to the Authority to refuse to accept any bid if none is acceptable?

What about the impact on in-house teams and how will this apply to local authority companies?

If a Council decides to accept an expression of interest (taking into account whether it would promote or improve the social, economic or environmental well being of the authority's area) which then triggers a procurement exercise then on the face of the legislation an in house team would not be excluded from a tender exercise. The Act provides that the procurement exercise must be "appropriate having regard to the value and nature of the contract that may be awarded as a result of the exercise". This raises a number of issues however:

- Whether the in-house team would normally tender to provide

services in the council

- The extent to which financial standing and other selection or evaluation criteria would be applied to consider the in-house team
- The policy of the particular council e.g the Council may have felt unable to reject an Expression of Interest in accordance with the Regulations (yet to be published) but want the in-house team to bid. Other Councils might not take the same view and in effect by accepting the expression of interest mean that they are unlikely to support an in-house bid.

At the moment local authority companies are not a 'Relevant Authority' for the purpose of receiving an expression of interest but the Secretary of State could make regulations deeming them so. They could of course be carrying out a service which is the subject of an Expression of Interest and therefore if there are no grounds for a rejection (e.g time periods, they are carrying out a service under an existing contract) then the service could be subject to a procurement exercise with the associated issues/risks for the company.

The way the Council handles this will be open to review throughout, with potential for legal challenges from the bodies submitting the expression of interest, service users concerned about future provision whether under the equality duty or otherwise, staff and unions, and bidders in the procurement. Perhaps there is more than one meaning to the Community Right to Challenge. The anticipated regulations and guidance should provide more clarification. Watch this space!

Main changes between Bill and Act

IN	OUT
More powers to Integrated Transport Authorities, Passenger Transport Executives and Economic Prosperity Boards	Local referendums
Transfer and Delegation of Functions	Elected mayors as chief executives
Mandatory Code of Conduct	Chief executives as shadow mayors
Planning permission: local financial considerations	Optional Code of Conduct

Main areas needing order / regulation

- Removing statutory constraints on general power of competence
- Transfer of functions
- Governance
- Standards
- Council tax calculations
- Community Right to Challenge
- Assets of Community Value
- Abolition of Regional Strategies
- Planning
- Housing allocation
- Tenancy strategy

Contact: julie.muscroft@walkermorris.co.uk

APSE and Walker Morris will be hosting a Masterclass on the Localism Act and the Community Right to Challenge on 30 May in Leeds. To book or for more details please contact John Clough at APSE on jclough@apse.org.uk

On the frontline of innovation

Councils are becoming increasingly entrepreneurial in the face of unprecedented pressure. APSE's recent seminar was a chance to explore the risks and rewards associated with a range of models for delivering services in innovative ways

Necessity is the mother of invention and local government is responding to the demand to maintain service quality in the face of financial pressures by looking at new ways of doing things. APSE's seminar Entrepreneurship, innovation and frontline services, which took place at Harrogate Pavilions on 19th January, attracted almost 100 delegates from councils around the UK. The event brought authorities together to explore options for delivering frontline services in inventive ways in an era of diminished budgets.

The seminar opened by considering the direction of travel for local government and then took a look at a range of service delivery models in action: co-operatives and mutuals; a commercial, publicly owned company; returning outsourced services in house; a wholly owned council company; an in-house public sector partnership; and a municipal bus company.

Future direction

APSE members are all too aware of the demands being placed upon them. The Chancellor's Autumn Statement means the period of austerity has lengthened by at least another two years, while previous challenges such as rising citizens' expectations, climate change and an ageing population remain.

Katie Schmuecker, associate director at think tank IPPR North, pointed out that future funding will be based on 'incentives to grow the economy rather than need' and changes to police, schools and health services will mean challenges for co-ordination across public services.

Ms Schmuecker said the Open Public Services White Paper, published in July 2011, calls for councils to find innovative methods of meeting outcomes and many are responding by looking at what being a 'commissioning', 'cooperative', 'catalyst' or 'collaborative' council might look like. 'The Government's emphasis is on contracting out and the Prime Minister has a vision for a mixed economy of public service delivery, including more co-operatives and mutuals. There are difficult questions about how public services continue to be delivered to a high standard under these models however,' she said.

'We need to be asking how to deliver excellent services more efficiently and involve communities, how to scale up back office efficiencies, share services across boundaries and look at the pooling and aligning of budgets. Collaboration is needed to drive innovation... We need to be bold and break down barriers between departments and between the council and service users. I am aware it is easy to say these things and a lot harder to do them, but the old ways of working simply will not suffice,' she said.

Different models will suit the politics and circumstances in different authorities: 'The direction of travel is up to you,' she concluded.

Mark Bramah, assistant chief executive at APSE, discussed the implications of the current policy environment for frontline service delivery.

'The prevailing orthodoxy is about commissioning and enabling and there are very many across the local government sector who are trying to articulate what the future role of the local authority should be,' he said. 'But APSE has developed an alternative approach based on the idea of an Ensuring Council. The Ensuring Council is a council that has strategic core capacity to deliver services and can use this to maximise its responsibility for place-shaping, civic entrepreneurship, innovation, social cohesion, democratic accountability, stewardship, scrutiny, value for money and supporting local economies.' He pointed out that the Ensuring Council can also provide consistency at a time when we are witnessing market failure and instability.

There are some opportunities within the Localism Act around the General Power of Competence, particularly if linked to trading and charging. However there are some concerns that the Right to Challenge may be a return to a form of compulsory competition which failed in the past and the Secretary of State has reserved to himself a wide range of powers to determine how local authorities should in practice deliver 'localism'. 'We must look for evidence of what actually works locally and make sure that 'guided localism' is not just a new incarnation of CCT,' Mr Bramah said.

Finding the right solution to suit each authority's particular circumstances

involves examining the risks as well as the rewards of different models. APSE's chief executive, Paul O'Brien, who chaired a panel and audience discussion, said: 'We all know about the serious pressures facing councils. Seductive language is being used to promise rewards from new ways of doing things, but some of these models carry risk and you need to weigh up that risk against what you are trying to achieve. It's about finding out what your area needs and objectively examining the most effective ways to respond to that.'

Legal forms of co-ops and mutuals

Andrew Upritchard, senior partner in the public sector team at Walker Morris, examined legal forms for co-operatives and mutuals can take and types of funding that can be accessed. 'Placed in an open competitive procurement environment many of these models will struggle, particularly start-ups' he said. 'They need to be sheltered from the full rigours of the competitive process.'

A commercial model

The Norse Group is a publicly-owned company, which has an annual turnover of £240m and provides facilities management, grounds maintenance, catering, cleaning, property, and care services. It is owned 100% by Norfolk County Council and senior Council Members and Officers sit on its Board.

The Norse Group was formed in 2006 by incorporating Norfolk County Services Ltd and NPS Property Consultants Ltd. The Group has been involved in joint ventures to provide services for other Councils since 2004. These include Councils as diverse as Waveney, Enfield, Devon, Barnsley, Wellingborough and Suffolk. TUPE applies to most partnerships the Norse Group enters into. As a public/public partnership, the Norse Group qualifies for Teckal Exemption under EU procurement regulations: it has no private interest; a degree of influence by the awarding Authority; and the majority of work is undertaken for the host Authority.

Group Managing Director, Mike Britch, said that advantages of this model include cost savings, improved services, investment opportunities, freedom from local government restrictions, economies of scale and the

ability to trade commercially. 'We are different from the private sector and gave £5m to partner Authorities in rebates last year,' he said.

He told the Harrogate audience: "This is just one possible solution. It's whatever suits a particular Authority best."

Insourcing

Examples of councils bringing previously outsourced services back in-house have been documented in APSE's research. Ian Day and Lucy McKell programme managers for education services review at Bradford Council told delegates how the authority approached bringing education services and 1,300 staff back in-house on time and on budget in July 2011.

Mr Day said a key learning point was that the authority needed a steady and stable transition before transformation could take place. Other lessons are not to underestimate the amount of time spent managing cultural change and that ICT was a larger part of the programme than originally anticipated.

Lucy McKell added: 'A key lesson is to be confident in your own ability, capitalising on your own internal skills and capacity.'

The insourcing case study is discussed in detail on page 12-13 of this issue of Direct News.

Wholly owned council company

Swindon Commercial Services (SCS) Ltd was launched two years ago as a wholly owned company of Swindon Borough Council. It has 800 staff, £65-

70m annual turnover and 17 trading arms covering activities including environmental services, construction, grounds maintenance and renewable energy.

SCS has been innovative in introducing mobile working, real-time information systems, training in multi-skilling of staff - resulting in performance improvements and efficiency savings of 40%. It is now providing services to housing associations, private sector clients and other local authorities including Wiltshire, Dorset, Winchester and Doncaster.

One of SCS' next priorities is commercial and domestic renewable energy installations using direct labour. It has Microgeneration Certification Scheme Accreditation and has re-skilled electricians and craftsmen. It is using financial modeling developed through APSE. Renewable energy products manager, Neil Saunders, said: 'As a council owned company, people trust you and want to buy from you. We have successfully delivered over £1m of solar during 2011.'

Despite changes to Feed In Tarrifs rates, Mr Saunders believes there is still profit in solar photovoltaics. He told delegates: 'Panels have come down in price and we have got smarter on installation. The forthcoming Green Deal entails £1.4bn spending, which means there is an opportunity, and councils doing it themselves is best way to take a slice of that opportunity. Doing it yourself gives a legacy of local skills and intelligence for your area. Entrepreneurial vision is what is needed.'



A municipal bus company

David Squires, managing director Network Warrington Bus Company discussed how the local authority owned Warrington Borough Transport Ltd has modernised public transport in the borough.

See the next issue of Direct News for a case study detailing Network Warrington's service improvement model.

Contact: mbaines@apse.org.uk

Image above: Katie Schmuecker of IPPR

Image below: Audience view of Andrew Uprichard, Walker Morris Solicitors



Report back

A round up of APSE lobbying and events on behalf of our members

January and February proved busy months for APSE with a range of conferences, meetings and lobbying activity on behalf of APSE members.

England

Green light for better asset management

Thursday 5 January 2012 saw APSE's first strategic forum of the New Year on the theme of energy efficiency in asset management. Guest speaker was David Kilduff, Head of the Commercial Group at Walker Morris Solicitors, who gave an overview of the issues facing local government in this area.

Vorsprung durch Technik

2 lucky apprentices visited Bremen Germany on Wednesday 11 to Friday 13 January courtesy of Faun Zoeller. APSE's chief executive accompanied the apprentices and described the trip as 'a career enhancing experience' for the young transport and fleet apprentices to see the production facilities at Faun Zoeller's state of the art German manufacturing facilities.

Green Jobs

APSE assistant chief executive Mark Bramah addressed a TUC launch event on green jobs in London on the 31 January, together with Cllr Richard Williams, who is chair of APSE's Strategic Forum on the environment. The event also heard contributions from Caroline Lucas MP and leader of the Green Party and Francis O'Grady, Deputy General Secretary of the TUC.

Made in Yorkshire

The Great Yorkshire Showground in Harrogate hosted APSE's first policy seminar of 2012 exploring service delivery models in local government. You can read a full report about the event on pages 26 – 27 of this edition of direct news.

Chester FM

The APSE annual facilities management seminar took place in Chester on the 25 – 26 January and amongst key note speakers were Chief Executive of the Cleaning and Support Services Association, Andrew Large, Lynda Mitchell, Chair of LACA and Noel O'Neill, Head of Facilities and Asset Management at

Cheshire West and Chester. The seminar was also addressed by Dr Jo Pike from the University of Hull, a specialist in health and nutrition.

Cemeteries and crematoriums

The City of London cemetery provided a suitable backdrop for APSE's December seminar on 'Cremes and Cems' with topics for discussion including a debate on re-use of graves, the growth in demand for natural burials and new legislation on mercury emissions and abatement.

Transforming Friends

The 24 November saw APSE host a service transformation event at the Friends meeting house in London. For information on future events in London and the south please contact Rob Bailey on rbailey@apse.org.uk

Wales

South expands into Wales

A shared APSE Southern and APSE Wales transport meeting took place at Brunel's Old Station, Bristol. Delegates concentrated on delivering efficiencies in fleet transport and maintenance, shared service models and the latest research from the Freight Transport Association on the 'State of the Market' report. DAF Trucks also provided an informative update on low carbon vehicles.

Share and share alike in Wales

The APSE Wales research on Shared Services and Collaborative Working in a Welsh Context is being conducted by APSE in partnership with De Montfort University. The final publication will be distributed to member authorities in February 2012. A launch event will take place in April 2012 to showcase some of the case studies featured in the research.

Performing surveyors

The new performance report for the County Surveyors Society in Wales covering Highways and Street lighting services will be available in the next few weeks, containing the final results for 2010-11. Contact Debbie Johns on Djohns@apse.org.uk for more details

Service transformation the Welsh way

The APSE Wales strategic forum on service transformation will be held on 7 March 2012 in Llandrindod Wells. Contact Keisha Swaby to register your interest on Kswaby@apse.org.uk

Scotland

Full Association

The new year saw APSE take its Full Association meeting to Edinburgh on the 20 January with an opportunity for delegates to debate the concept of the 'Ensuring Council' with Dr Steven Griggs of De Montfort University as key note speaker.

Building up to housing

APSE Scotland's annual Building and Housing Seminar will be held in Peebles on 16 - 17 February 2012. A topical programme will see three M.S.P's form a 'Question Time' panel to open the conference.

Edinburgh's environment

APSE's strategic forum on the environment was held on Thursday 26 January and addressed by Gavin Dick, an independent energy consultant who spoke about renewable energy schemes. Richard Lyle MSP was amongst the guests debating the issues.

Northern Ireland

Focussing on parks, open spaces and cemeteries

The Lough Neagh Discovery Centre at Oxford Island in Lurgan was the venue for a well attended event focussing on parks and cemeteries in December. As well as hearing about case studies highlighting community engagement, funding, the impacts of cleaner neighbourhoods legislation, access and biodiversity, there were three specific presentations.

Douglas Swan from the, National Association of Memorial Masons spoke about memorial safety in burial grounds, Liam McQuillan from DoE NI talked about local authority management of closed churchyards and Mike McClure from Sport NI presented on The impacts of the Occupiers' Liability legislation in NI on outdoor recreation and the impacts for councils.

Northern Ireland Local

Government Awards 2011

Nearly 50 submissions were received for the Local Government Awards – Northern Ireland 2011 across the 7 categories. The judging panels have identified the finalists to be hosted at the NILGA annual conference at the Hilton Hotel Templepatrick on 23rd February 2012. For details contact Phil Brennan on pbrennan@apse.org.uk

Image below: APSE Transport and vehicle maintenance apprentice of the year finalists, along with APSE Chief Executive Paul O'Brien and Ashley Webster of Faun Zoeller in Bremen, Germany. The apprentices are: Christopher Davies, London Borough of Redbridge and Colin Lothian, Scottish Borders Council along with Faun Zoeller apprentices.



APSE people pages...



New arrival

A special welcome to baby Eleanor Mairead Stanley who was born on the 4 January 2012 weighing in at 6lbs 8ozs baby Eleanor is the lovely new daughter of APSE's marketing and events coordinator Jenny Hughes.

Congratulations to Jenny and Bernard!



New recruit

A warm welcome to Davina Rai who is APSE's new Client Coordination Officer working with APSE Solutions. Davina joins APSE from Milton Keynes Council where she worked in the Projects team for Environmental Services, and will be working closely with Andy Mudd, APSE's principal consultant and Gayle Gibson APSE's senior consultant. Davina will also be working with APSE's network of associate consultants and liaising with APSE's extensive network of clients across the UK. Welcome to the APSE team Davina!

Tell us your news!

Share your news, comments, recruits and articles with APSE members. Email Mo Baines at mbaines@apse.org.uk

APSE briefing notes update

Briefing notes and research reports produced since the last issue of Direct News

12-06	Presentation of waste for collection	February 2012
12-05	Reducing workforce costs	January 2012
12-04	OFT Competition commission aggregates	January 2012
12-03	Scottish Governments regeneration strategy	January 2012
12-02	Health and safety in driving	January 2012
12-01	Refuse collection trend analysis	January 2012

For more information on the briefing notes and research reports, contact the APSE office on 0161 772 1810 or visit our website at www.apse.org.uk

Events diary

Date	Event	Venue
February 15	Transport Advisory Group	Manchester Town Hall ●
February 16 and 17	Scottish Building & Housing Seminar	Peebles Hydro Hotel ●
February 22	Tools for efficiencies and savings in building cleaning	Birmingham ●
February 23	Co-operatives and Mutual's - what do they mean for your service?	London ●
February 27	A Duty to involve – for local authorities and schools	Edinburgh ●
February 28	Street cleansing seminar 2012	Aston Villa Football Club ●
February 29	Service delivery models advisory group	Manchester Town Hall ●
March 1	Renewables and Climate change advisory group	YHA Manchester ●
March 1	Street Cleansing and StreetScene Supervisory skills for team leaders	Southampton ●
March 2	Managing change in parks and green spaces – fight or flight	London ●
March 2	Renewable energy Masterclass	Leeds ●
March 5	Health and safety in waste and environmental services	Glasgow ●
March 2	Scottish Roads & Lighting Advisory Group	Glasgow ●
March 7	APSE Wales Strategic Forum	Llandrindod Wells ●
March 7	Scottish Parks, Grounds & Street Advisory Group	East Lothian ●
March 8	Scottish Transport & Mechanical Advisory Group	Venue TBC ●
March 8	Service improvement advisory group	Manchester Town Hall ●
March 8 and 9	Highways Seminar 2012	Newcastle Holiday Inn ●
March 7	Clean neighbourhoods and environment act Northern Ireland	Newry & Mourne ●
March 9	Project management in leisure services	Dundee ●
March 12	Catering and Cleaning supervisory skills for team leaders	Cardiff ●
March 12	Health and Safety management for senior managers and elected members	Glasgow ●
March 13	Cemeteries and Crematoria Supervisory skills for team leaders	North Ayrshire ●
March 14	Green Deal Masterclass	London ●
March 15	Waste Advisory Group	YHA Manchester
March 19	Preparing for a leisure services in house bid	Manchester ●
March 19	Catering and Cleaning supervisory skills for team leaders	Manchester ●
March 27	Climate Change Masterclass	Manchester ●
March 29	Supervisory skills in building maintenance	Powys ●
March 30	Supervisory skills in Leisure	Somerset ●
March 30	Cemeteries and Crematoria Supervisory Skills	Runnymede ●
March 28	Parks one day seminar	Manchester ●

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Fuel economy and the environment have become the key focus for everyone working within the automotive industry - especially at DAF. We're constantly striving for improved fuel efficiency and the new LF Hybrid sets a whole new standard in practicality and care for the environment. You can rest assured that whatever your needs, DAF has the right model with the optimum specification and most importantly, with the lowest emissions. By continual product development, DAF are committed to helping the environment so you can drive for efficiency at every turn.

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