

Open Report on behalf of Richard Wills, Director responsible for Democratic Services

Report to:	Overview and Scrutiny Management Committee
Date:	28 May 2015
Subject:	The role of external scrutiny in maintaining standards and performance

Summary: The Committee on Standards in Public Life have published a response to the LGA's consultation on Taking Stock – where next with sector-led improvement. This report provides an opportunity to consider the response and what lessons there may be for the county council's approach to scrutiny.

Action Required: The Overview and Scrutiny Management Committee is invited to consider the response through several questions:

- A. What is this Committee's view of external challenge?
- B. In respect of the response from the Committee on Standards in Public Life:
 - a. Are there any aspects of it that this Committee would like to draw to the attention of the Scrutiny Review Group;
 - b. Does the Committee have any views on how matters raised may affect the Council's standards regime and its overall culture.

1. Background

- 1.1 In January 2015 The Local Government Association published a consultation document entitled "Taking Stock - Where next with sector-led improvement?" The document set out some key principles.

At the heart of the approach to sector-led improvement is a set of core principles that have been developed with and re-affirmed by the sector. They are that:

- a) Councils are responsible for their own performance and improvement and for leading the delivery of improved outcomes for local people in their area.*
- b) Councils are primarily accountable to local communities (not government or the inspectorates) and stronger accountability, through increased transparency, helps local people drive further improvement.*
- c) Councils have a collective responsibility for the performance of the sector as a whole (evidenced by sharing best practice, offering member and officer peers, etc).*
- d) The role of the LGA is to maintain an overview of the performance of the sector in order to identify potential performance challenges and opportunities – and to provide the tools and support to help councils take advantage of this approach.*

- 1.2 The Committee on Standards in Public Life ('the Committee') is an independent advisory body to the Government, which monitors, reports and makes recommendations on all issues relating to standards in public life. The Committee promotes high ethical standards in public life in the UK and works to ensure that the Seven Principles of Public Life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership – underpin all aspects of public life.
- 1.3 The Committee published its own response to the consultation paper in March 2015. By way of background the Committee noted that councils had a better reputation than central government.

[Paragraph 8] Our research has shown that there has been a continuous and substantial decline in the number of respondents rating standards in public life as high or very high. Furthermore, public trust in Government Ministers and MPs to tell the truth rates just above tabloid journalists at the bottom of the scale. Across all our surveys though, respondents have consistently viewed their local MP much more favourably and in our most recent survey local councillors also score much more favourably than Ministers and MPs. However when we asked the public about attitudes to front line staff with whom the public are likely to have more personal contact, a large majority of respondents thought they would be treated fairly when, for example, receiving medical care at their local doctors surgery or applying to the local council for planning permission. Responses indicate that attitudes towards front line staff with whom members of the public are more likely to have had personal contact, such as local council workers, reveal high levels in the confidence in the fairness in which people will be treated.

- 1.4 One of The Committee's responses relates to scrutiny:

[Paragraph 13] Accountability, for the Committee, means that 'Holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this'. The concept of scrutiny, which is integral to accountability, is not one of the Seven Principles, but is specified in the First Report as one of the 'common threads' to ensure that the Seven Principles of Public Life were properly understood and would become integral to the culture of organisations. These threads are 1) codes of conduct, 2) independent scrutiny, 3) guidance and education. In Lord Nolan's words: "It requires those in senior positions to set a good example: and it requires organisations to monitor the awareness of those standards and take remedial action where necessary." The First Report envisaged that that 'Internal systems for maintaining standards should be supported by independent scrutiny'. This remains the Committee's view.

- 1.5 The Committee noted recent cases in "Rotherham, Tower Hamlets and Birmingham have questioned the effectiveness of scrutiny and challenge in those councils, lack of transparency, and culture of failing to listen and poor behaviours." The reports that have emerged from inquiries demonstrate that not only must the structures be in place for scrutiny but there must be a culture that they are used effectively.
- 1.6 The LGA's consultation document and the Committee's response, related primarily to external scrutiny and peer review as being a necessary part of the overall scrutiny process. The Committee concluded:

[part of paragraph 18] Thus for the public to have confidence in sector led improvement, it must have demonstrable evidence that those in positions of leadership – both political and managerial - have listened, learned and improved.

The use of regular and credible external challenge has great potential to strengthen the behaviour and personal responsibility of individuals, but is not enough by itself. Those individuals need to be supported by the culture of the organisation of which they are a part.

[Paragraph 19] It is the leaders of every council who are responsible for setting an appropriate tone and promoting the right culture. The LGA and its leaders have a responsibility to ensure that this aspect is squarely faced in sector led reviews and that councils are effectively supported to deliver improvements.

2. Conclusion

The Overview and Scrutiny Management Committee is invited to consider the response of the Committee on Standards in Public Life to the LGA's consultation entitled "Taking Stock - Where next with sector-led improvement?" The following questions might aid that discussion:

- C. What is this Committee's view of external challenge?
- D. In respect of the response from the Committee on Standards in Public Life:
 - a. Are there any aspects of it that this Committee would like to draw to the attention of the Scrutiny Review Group;
 - b. Does the Committee have any views on how matters raised may affect the Council's standards regime and its overall culture.

3. Consultation

a) Policy Proofing Actions Required

This item does not require Policy Proofing.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Taking Stock - Where next with sector-led improvement?
Appendix B	Response from the Committee on Standards in Public Life to the Local Government Association consultation 'Taking Stock – where next with sector-led improvement'.

5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Richard Wills, who can be contacted on 01522 553000 or richard.wills@lincolnshire.gov.uk.

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