



Llywodraeth Cymru
Welsh Government

Appendix 1

Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards

August 2017



We have been delighted to have produced the Guidance to Local Authorities on Scrutiny of Public Service Boards on behalf of Welsh Government and would like to thank all those that have been involved in its production, particularly the Welsh Scrutiny Officers' Network for their input, analysis and refinement.

Ministerial Foreword




I am pleased to introduce this Guidance for Local Authority Scrutiny Committees on the scrutiny of Public Services Boards.

The key message of the Well-being of Future Generations Act 2015 is for public bodies to come together to deliver improvements in the well-being of people and communities in Wales. An important part of this is for public bodies to account for their contribution to achieving the well-being goals.

This guidance is intended to help local authority scrutiny committees both to provide this accountability and support the development and improvement of Public Services Boards through the sharing of learning and experiences.

This new collaborative way of working is challenging for us all but the rewards, in the form of taking collective responsibility for improving and enhancing the lives of the citizens in Wales are immense.

I would like to thank Rebecca David Knight for her diligent and thorough work on this guidance and I hope it provides a useful and instructive guide for the scrutiny community.

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

Professor Mark Drakeford

Cabinet Secretary for Finance and Local Government



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Introduction

The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. The Act became law on 29th April 2015 and became a requirement for public bodies in Wales from 1st April 2016. It puts long-term sustainability at the forefront of how public services are designed and delivered, and places emphasis on public bodies to work in partnership with each other and the public to prevent and tackle problems.

The Act defines public bodies doing something “in accordance with the sustainable development principle” as the body needing to act in a manner which seeks to ensure that the “needs of the present are met without compromising the ability of future generations to meet their own needs”. It is a notable piece of legislation in placing emphasis on organisational behaviour in the context of partnership working as a key driver of longer-term change in localities.

The Act sets seven national well-being goals which are to be achieved by public bodies acting in accordance with the sustainable development principle. The goals represent the shared vision for the public bodies listed in the Act to work towards. Moreover, the Act makes it clear the listed public bodies must work to achieve **all** of the goals, not just one or two.

The Welsh Government has issued comprehensive statutory guidance on the Act “Shared Purpose: Shared Future” which describes in detail the well-being duties on public bodies. This guidance may be found [here](#).

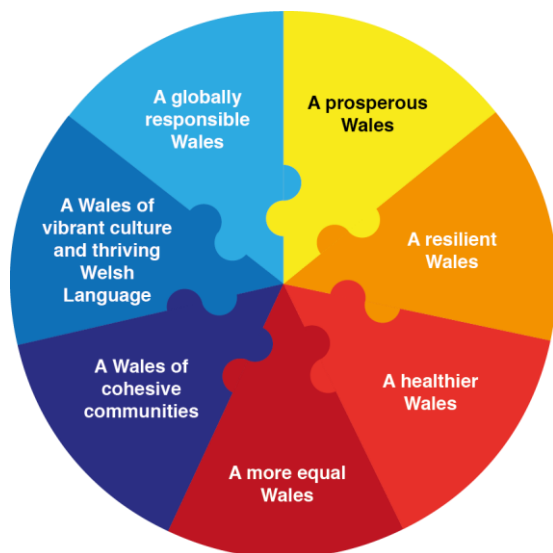
In wishing to support models of local government scrutiny that facilitate effective collaborative working, the Welsh Government has commissioned Centre for Public Scrutiny (CfPS) to develop guidance detailing the contribution scrutiny may make to Public Services Board governance and delivery arrangements.

Public Services Boards

The Act establishes Public Services Boards (PSBs) for each local authority in Wales, consisting of representatives from local authorities, health boards, the Natural Resources Body for Wales and the Welsh Fire and Rescue Authority. Each PSB must undertake a local well-being assessment to inform a local well-being plan, detailing how their area will achieve the sustainable development principle in working towards the seven national well-being goals. Furthermore, PSBs must invite relevant voluntary organisations along with Welsh Ministers, the local Police and Crime Commissioner and the local Chief Constable to participate on the board.

To ensure PSBs are democratically accountable, the Act places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions contained in the Act, overview and scrutiny committees have extensive powers to review the PSB's governance arrangements as well as any decisions made or actions taken by the PSB. In addition, overview and scrutiny committees are provided with considerable reporting powers as they are required to share copies of any reports or recommendations made in connection with the board's functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

A pre-requisite to effective local government scrutiny is a deep understanding of the legal definition of the goals and the sustainable development principle (sometimes described as "the five ways of working"). The well-being goals are reproduced below.. A discussion of the sustainable development principle as it relates to the practical work of overview and scrutiny committees is provided later on in the document.



What is the purpose of the guidance? Who is it for?

The guidance sets out practical advice for overview and scrutiny practitioners based on evaluations of previous local service board (LSB) accountability mechanisms, emerging practice of public services board overview and scrutiny arrangements, and research on partnership governance more generally.

It also aims to provide practitioners with an understanding of the purpose of strategic partnership scrutiny more generally by suggesting a series of outcomes it should work towards. It can be the case that elected members, council officers or partners may not understand the utility or validity of local authority led accountability which is why efforts have been made to identify what positive

impact local government scrutiny in particular can result in. To be effective, it is important that everyone involved understands and welcomes the value of scrutiny.

It is important therefore, to highlight that each local authority should develop arrangements that best meet local circumstance. This is important given the Act's focus on utilising **place**-based resources in achieving **place**-based change.

This guidance is not statutory guidance. However, failure to consider principles informed by good practice is likely to result in scrutiny mechanisms which lack impact and inadequately supports the PSB as a strategic partnership. The risks associated with poor collaborative governance arrangements include weakened decision making, additional complexity, fragmented accountability, lack of transparency and poorer well-being outcomes.

Clarifying the strategic function of public services board scrutiny

The statutory guidance “Shared Purpose: Shared Future 3 – Collective role (public services boards)” identifies that the Well-being Act relies predominantly on local government overview and scrutiny committees to secure **continuous improvement** in local integrated planning¹. It specifies that local authority overview and scrutiny is the means by which the Act assures democratic accountability for partnership working in a locality².

As such the purpose of PSB overview and scrutiny is to take an overview of the board's overall effectiveness through the provision of democratic challenge. However, to assist councils in the development of individual arrangements, it is important to provide some explanation regarding how local government overview and scrutiny can add value to collaborative working to better understand the factors underpinning effective practice.

What is the purpose of PSB overview and scrutiny? What is it meant to achieve?

Research into different forms of partnership governance and area based change programmes identify that capitalising on the representational value of elected members' community leadership role can result in the following beneficial effects for partnerships:

- 1. Provision of a supportive space for reflection and self-analysis:** In exploring the extent to which PSB activity may be said to result in ‘collaborative advantage’ as it relates to the seven well-being goals and five ways of working, local government overview and scrutiny arrangements can provide a supportive space in which attention can be paid to partnership relationships. Impartial, evidence based scrutiny can encourage reflexivity and reflection on the impact of different behaviours upon the PSB's overall performance, encouraging feedback and open discussion at all levels.

¹ “Shared Purpose: Shared Future 3 – Collective role (public services boards)” paragraph 173.

² “Shared Purpose: Shared Future 3 – Collective role (public services boards)” Paragraph 174.

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- 2. Enhanced democratic accountability and improved transparency:** Councils derive their 'Local Authority' from the democratic legitimacy of elected members. The closer accountability gets to citizens, the more credible and valid it becomes in seeking public account from those with power. Partnership scrutiny provides a grounded check and balance to collective decision making by testing assumptions, examining risks and challenging how resources are prioritized. Improving transparency in this way can help the PSB identify how to better align resources, services and institutions around the needs of people and places.
 - 3. A stronger focus on improving local citizen's lives:** In clarifying different contributions to delivery and seeking to improve services from the citizen's perspective, overview and scrutiny can help PSBs stay focused on joint outcomes. Local challenge can help determine whether PSBs are facilitating whole-system approaches to shared problems or whether partners experience constraints that are counterproductive to working as one Welsh public service. A deeper understanding of these issues can assist the development of more 'networked' forms of accountability at local and national level which better supports implementation of the Act.
 - 4. Place based transformation through deeper public engagement:** Elected members are able to channel a wide range of community intelligence into decision making processes. Through their role they are able to invite, authorise and legitimise stakeholder contributions as a horizontal rather than vertical form of accountability. This can help refocus the balance of power between services and the citizens they serve. Not only is this able to help the PSB ensure services are more responsive to local need and aspiration but, in enabling shifts in perspective to occur, so too can new assets and resources be identified.

Research tells us that accountability within partnership environments is complex and that failure to properly understand how different accountability agents work together may lead to situations which hamper effective collaboration³. Conversely, 'softer' forms of accountability such as local overview and scrutiny which are grounded in local context and which seek to use exploratory challenge to strengthen partnership working, can help PSBs embed a 'culture of responsibility' in its activities and ways of working.

What are public services boards accountable to overview and scrutiny for?

Public services boards (PSB) are accountable to overview and scrutiny committees in respect of how they work jointly to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the well-being goals in accordance with the sustainable development principle.

In developing PSB overview and scrutiny arrangements however, it is important to acknowledge the overlaps that exist between the functions of board members as public bodies under the provisions contained in Part 2 of the Act, and the functions public bodies carry out jointly as members of the

³ Office for Public Management, [Total Place – Lessons Learnt](#), 2009, p 3.

public services board contained in Part 4 of the Act. This is unsurprising given the requirement placed on public bodies and PSBs to act in accordance with the sustainable development principle which regards deeper collaboration and integration as central to the achievement of local well-being goals.

This is most clearly demonstrated within the Act in section 7(2) which provides that the well-being objectives of a public body that is also a member of a public services board may be included in that board's local well-being plan. In determining what overview and scrutiny committees can hold the PSB to account against, however, important questions are raised regarding who has ownership of 'joint' well-being objectives and who is ultimately responsible for delivery. Partners have multiple responsibilities but these shared responsibilities should not mean diminished accountability.

In considering the roles of the Auditor General in Wales and the Future Generations Commissioner for Wales as they relate to ensuring the statutory duties of public bodies are being met, it is crucial that local government overview and scrutiny form part of an 'accountability eco-system' that offers a mutually supportive approach to governance. These issues will be discussed in more detail when we consider the powers overview and scrutiny committees have in examining the performance of PSBs and the methodological implications of determining the 'added value' brought about by the PSB as a statutory partnership.

Functions and responsibilities of public services boards

Chapter 2, section 36 of the Act sets out the functions of public services boards which are to;

- Assess the state of economic, social, environmental and cultural well-being in their area,
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals,
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

Section 36 (3) specifies that public services boards are required to carry out its functions in accordance with the sustainable development principle sometimes referred to as the which is defined in section 5 of the Act and summarised in the following table:

The sustainable development principle

1. The importance of balancing short term needs with the need to **safeguard the ability to meet long term needs**, especially where things done to meet short term needs may have detrimental long term effect;
2. The need to take an **integrated** approach, by considering how—
 - (i) the body's well-being objectives may impact upon each of the well-being goals;
 - (ii) the body's well-being objectives impact upon each other or upon **other public bodies'** objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;
3. The importance of **involving other persons** with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population;
4. How acting in **collaboration** with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist **another body** to meet its objectives;
5. How deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or **another body's** objectives.

From an accountability perspective, the Act is unique in emphasising that the process of partnership working via the sustainable development principle is **central** to the PSB's progress in working towards well-being goals. The actions partners take as 'public bodies' under the requirements of the Act have a direct bearing on the PSB's effectiveness as a corporate body. This may make it difficult at times for overview and scrutiny committees to determine the added value brought about by collaborative working.

As such, in discharging its accountability functions, committees should not lose sight of the need to explore the contribution of individual PSB members as it relates to the overall performance of the PSB itself. This approach will take into account levels of partnership commitment to working in accordance with the sustainable development principle and necessitate co-ordinating activities with evidence from the Future Generations Commissioner's office.

Examining the powers of local government overview and scrutiny committees

The Act provides the legislative basis by which local government overview and scrutiny committees can act as a powerful driver of place-based collaborative working. It places a requirement on local authorities to ensure a designated overview and scrutiny committee has power to;

- a) review or scrutinise the decisions made or actions taken by the public services board;**
- b) review or scrutinise the board's governance arrangements;**

c) make reports or recommendations to the board regarding its functions or governance arrangements;

d) consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and

e) carry out other functions in relation to the board that are imposed on it by the Act.

In exercising its powers, overview and scrutiny committees can **require** members of the PSB (or a designated representative) to attend committee meetings to provide explanation in response to committee lines of inquiry.

Whilst committees can require any statutory member of the board to give evidence, the capacity in which they do so must relate to the exercise of joint functions conferred on them as a statutory member of the board. This does not preclude overview and scrutiny committees interviewing individual partners to assess their contribution to collaborative delivery. This power includes any person that has accepted an invitation to participate in the activity of the PSB.

Furthermore, the Act stipulates that an overview and scrutiny committee **must** send a copy of any report or recommendation made in connection to its functions to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.

Roles for overview and scrutiny committees

There are three main roles overview and scrutiny committees may engage in providing democratic accountability to the PSB.

1. Reviewing the PSBs governance arrangements;
2. Acting as statutory consultees on the well-being assessment and well-being plan;
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle;

Overview and scrutiny committees have a variety of methods at their disposal in carrying out these roles ranging from consideration of issues at full committee, to undertaking investigation via a sub-committee or task and finish group.

(i) Reviewing the PSBs governance arrangements

In providing committees with the power to review the board's governance arrangements, elected members have the means to examine the systems and processes by which the PSB functions, as well as the ability to review its activities and outputs. In this way, committees are empowered to develop a more rounded analysis of how the quality of partnership working affects the economic, social, environmental and cultural well-being of their area.

A review of the PSBs governance arrangements may include examination of the PSBs terms of reference (as described in statutory guidance), and may consider:

Decision making and forward work planning

- The board's terms of reference and how it plans and manages its forward work programme.
- How the board makes decisions as a strategic partnership.

Membership and Engagement

- What change needs to happen within the PSB and wider partnership framework to embed the sustainable development principle?
- How the board involves people who are interested in the improvement of well-being in an area and how it is ensured that those persons reflect the diversity of the population of the area served by the board.
- The procedure for resolving disagreements between members relating to the board's functions.
- How the board manages its membership to include examination of statutory member representatives, invited participants and the extent to which designated representatives have the authority to make decisions on behalf of the organisation they represent.
- How the board seeks to engage in a purposeful relationship with the people and communities in the area, including children and young people, Welsh-speakers and those with protected characteristics, in all aspects of its work.

Performance management arrangements

- How the board monitors and reports progress, to include consideration of performance indicators and standards for public service boards (where they have been set).
- The functions and performance of any sub-groups established by the board.
- How the board identifies and manages risk.
- How the board interrelates with the Auditor General in Wales, the Future Generations Commissioner and the Welsh Ministers with regard to discharging its statutory functions.
- How the PSB assesses and learns from its own performance.

Resources and relationship building

- How the board resources the functions it must undertake which are a responsibility of all the statutory members equally. For example, the undertaking of the local well-being assessment and the development of the local well-being plan.
- The level of investment the PSB think necessary to make in strengthening relationships between different members to help the board function effectively as a team.

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- The level of resource the PSB thinks necessary to support effective governance practices including preparation of evidence for overview and scrutiny.

In addition to reviewing the PSB's governance arrangements, overview and scrutiny committees have wide-ranging powers to review or scrutinise the decisions made or actions taken by the public services board.

These investigative powers serve to enable overview and scrutiny fulfil two additional roles; firstly, as a statutory consultee regarding the draft well-being assessment and well-being plan, and secondly to monitor how effective the PSB performs collectively in implementing the well-being plan and reflecting on performance to better contribute to the PSB's planning cycle.

(ii) Scrutiny as statutory consultee

The Act identifies that the public services board must consult with overview and scrutiny committees (in addition to other named consultees) regarding the preparation of both its assessment of local well-being and its local well-being plan.

- Well-being Assessment

In being consulted upon the PSBs draft well-being assessment, overview and scrutiny committees may wish to explore the following as a means to help strengthen its process and content:

1. Whether locally determined outcomes have been developed. If so, what is their relationship to the well-being goals?
2. The extent to which the process of developing the assessment has been undertaken according to the sustainable development principle. For example, how have different organisations worked together using the five ways of working to develop a comprehensive assessment of economic, social, environmental and cultural well-being of the area?
3. The way in which information from the population assessment required under the 2014 Social Services and Well-being Act has been triangulated with the well-being assessment. Does the assessment provide some analysis as to how identified needs correspond to conditions of well-being and place?
4. Does the assessment include in its analysis the well-being of categories of persons such as people considered to be vulnerable, people possessing a protected characteristic, children (including looked after children, those in foster care and care leavers), carers and people who may have need for care and support?
5. How well have the enablers and barriers to well-being been identified over the short, medium and long term?
6. The extent to which the assessment has identified the area's strengths and assets and how these might be utilised to help prevent problems occurring or getting worse in future.

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7. How robust is the evidence base underpinning the assessment? Do different types of evidence contradict each other? What gaps in evidence have been identified as a result of the assessment and how these are intended to be addressed?
 8. Whether attempts have been made to identify what improvement would look like as it relates to economic, social, environmental and cultural well-being in the area. What would indicate that improvements were being made or not?
 9. Have attempts been made to provide some comparison of well-being within Wales and with other high performing areas across the UK?
 10. Does collaborative working encourage deeper integration across public bodies and organisations, and is this likely to result in better experiences for citizens when undergoing transition between service providers?

- **Well-being Plan**

In being consulted upon the PSBs draft well-being plan (or any changes made to an amended well-being plan), overview and scrutiny committees may wish to divide their consideration into two components:

- How local objectives have been set,
- the steps the board proposes to take to meet identified objectives.

Setting objectives

In considering how the PSB has set collective objectives, an important role for overview and scrutiny is to determine the relationship between the **individual** well-being objectives that have been set by PSB Members as public bodies, and the well-being objectives that have been **collaboratively** identified by the PSB.

To assist them to strengthen the overall quality of the plan, overview and scrutiny committees will have access to the advice the Future Generations Commissioner will have provided to the PSB. This will provide information on how the PSB may take steps to meet their local objectives in a manner which is consistent with the sustainable development principle.

It is also important to highlight that the Act provides for the Welsh Ministers to refer a PSB's well-being plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.

In evaluating the quality of the plan, overview and scrutiny committees may wish to explore the following issues with members of the PSB:

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1. How has the well-being assessment been used to identify well-being objectives?
 2. How responsive are the objectives to addressing the issues arising from analysis of the well-being assessment? What evidence is there to show this?
 3. What is the 'theory of change' behind the formulation of well-being objectives? Is the PSB able to describe and illustrate how and why a desired change is expected to happen **over time** within the local context.
 4. How do the objectives link to the well-being goals, and how do the objectives relate to one another?
 5. How is it possible to see the extent to which the objectives have been set in accordance with the sustainable development principle?
 6. Can it be said that the well-being plan reflects where the board has decided that collective action can be taken to have a positive impact on well-being in the area?
 7. How do the PSB's well-being objectives correspond to the individual well-being objectives of the partners constituting the PSB? To what extent have they been reproduced in the well-being plan?
 8. What evidence is there to show that the PSB have set objectives that maximise the 'collaborative advantage' that can be brought about by partnerships? How is the PSB able to show it is aiming to create new value through its well-being objectives?
 9. How far do the objectives reflect the PSB's level of ambition for improving the well-being of people and place?
 10. How far has advice from the Future Generations Commissioner and other Welsh Government Commissioners been taken into account when developing the plan?

Action planning

Paragraph 97 of the statutory guidance identifies that the board must take all **reasonable** steps to meet the local objectives they have set, to deliver on collectively. However, the guidance specifies that it is for the board to:

"...form its own judgement of what steps it would be reasonable to take, on the basis of its own knowledge and consideration of the circumstances and characteristics of its area."

As statutory consultees, overview and scrutiny committees can help strengthen the quality of the overall well-being plan by exploring how identified actions⁴ relate to ownership, the sustainable development principles, time-frames and their likely impact on delivery. Committees may wish to consider the following questions:

1. How likely is it that the actions identified relate to the achievement of the well-being objectives?
2. How can it be evidenced that the actions identified represent the maximum agency and influence able to be committed by the PSB working collectively?
3. How well are the time frames in which actions are intended to take place specified? Does the plan provide for opportunities to review and reflect on whether actions are resulting in desired impact, or whether a change in approach is needed?
4. Who is responsible for delivering on the actions leading to the achievement of objectives?
5. How do the actions identified in the plan link to the actions of partners that are engaged in the work of the PSB?
6. How has advice and guidance provided by the Future Generations Commissioner been used to enhance the quality of the action plan?
7. How will the PSB be able to assess whether identified actions are resulting in measurable change in the short, medium and longer term?
8. To what extent will user experience be used to determine the impact actions are having upon different aspects of well-being in different parts of the area?
9. What flexibility does the PSB have in changing actions contributing to local well-being objectives if needed?

Assessing delivery of the Well-being Plan

A PSB is required to prepare and publish a report detailing the progress made towards meeting local well-being objectives no later than 14 months after the publication of its first local well-being plan. This is intended to enable the board to report on the full year's activity. Subsequently, an annual report must be published no later than one year after the publication of each previous report. The PSB must send a copy of its annual report to overview and scrutiny.

⁴ The actions referred to in the questions may be interpreted as the 'steps' taken by the PSB to meet local objectives.

An important role for overview and scrutiny is to monitor and assess how well the PSB has delivered as a collaborative partnership on the actions intended to achieve local well-being objectives. It may wish to explore the following issues with members of the PSB:

1. To what extent have intended actions been delivered within the timescales specified? How much progress has been made towards meeting the well-being objectives? How far have the PSB's expectations been met?
2. What lessons has the PSB learnt as a result of progress to date? How will these lessons be incorporated into the PSBs planning cycle and how the PSB operates as a partnership?
3. What have been the resource implications of delivering on the well-being plan?
4. How has delivering as a collective impacted on the delivery of individual well-being objectives in accordance with the sustainable development principles?
5. What unintended consequences have arisen from delivering against the well-being plan? What are the main factors that have impacted upon delivery?
6. What gaps in data have been identified as a result of delivery? How have these gaps been identified?
7. To what extent has service user experience been used to assess collaborative performance delivery? What other methods have been used to evaluate effectiveness and impact?

Exploring what makes for 'effective' PSB overview and scrutiny practice

An important role for overview and scrutiny committees in providing democratic accountability is its ability to monitor and scrutinise the performance of the PSB both in terms of how it operates as a board, and how it delivers on its strategic requirements. However, research on partnership scrutiny identifies that whilst local government models can be effective in helping deepen integration, failure to develop good quality relationships with partners at the outset can be counterproductive to the delivery of shared outcomes.

In developing PSB accountability arrangements, it is worth highlighting that the language associated with scrutiny has the potential to be unhelpful in creating an environment in which challenge is welcomed as an opportunity for enhanced learning and self-reflection. For example, the term 'holding to account' may suggest an uneven and oppositional relationship between PSB partners and overview and scrutiny committees.

This can have the effect of creating unnecessary tension and misunderstanding about the aims and intent of elected members involved in reviewing the PSB's collective performance. As the style of scrutiny and methods adopted by committees have a direct effect on the quality of interaction between themselves and PSBs, care should be taken to develop partnership scrutiny in a way that

shows commitment to the sustainable development principle. For scrutiny to be effective, it needs to lead by example.

Research into the practice of collaborative or joint scrutiny in England and Wales identifies that arrangements are effective when they demonstrate the following characteristics:

Characteristics of effective partnership scrutiny

- Scrutiny regards itself as a form of ‘critical friendship with positive intent’ in which scrutiny practitioners act as advocates for the success of joint working.
- Collaborative performance is evaluated from the citizen’s perspective.
- Strong efforts are made to understand the complexity of partnership arrangements and to facilitate learning about the culture and assumptions of different organizations.
- Scrutiny creates positive expectations by focussing on issues regarded as useful to the partnership or where there is consensus that ‘things need to change’.
- Scrutiny demonstrates intellectual independence and investigative rigour in all of its activities.
- Scrutiny demonstrates a positive impact by developing clear, timely, evidence-based recommendations aimed at enhancing collaborative performance.
- Scrutiny critically evaluates its own performance utilising partnership perspectives.

The above characteristics are complementary to the ‘Characteristics of Effective Scrutiny’ framework developed by the Welsh Scrutiny Officers’ Network and referenced within the William’s report on Public Service Governance and Delivery in Wales. In recognition of their utility, it is worth highlighting that the Williams report advocated the framework be developed further to ensure a ‘best practice approach to scrutiny, not least required’ was embedded in Welsh public service delivery⁵.

Developing effective relationships with the PSB

Given that the performance of democratic accountability rests on effective working relationships with the PSB, it is important that councils give thought to the nature of scrutiny’s interaction with partners when establishing scrutiny arrangements.

Working in partnership with the PSB, local government scrutiny functions may wish to co-produce a shared vision for PSB scrutiny arrangements which provides clear direction on the outcomes scrutiny are meant to achieve and the guiding principles that shape its work.

⁵ The Williams report can be found here: <http://wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en>. References to the ‘Characteristics of Effective Scrutiny’ may be found on page 133.

The main levers by which relationships can be influenced include approaches to co-option and the methods by which scrutiny interacts and communicates with the PSB, namely how it handles partner invitations to scrutiny meetings, requests for information and reporting arrangements for scrutiny's reports and recommendations.

As a means to clarify responsibilities, expectations and behaviours, councils may wish to consider developing a guide or protocol for the benefits of the PSB membership. This might provide a useful opportunity for communicating to the PSB a positivist approach demonstrating how scrutiny contributes to local place-based leadership. Wrexham County Borough Council has used its previous Local Service Board scrutiny protocol as the basis of a new protocol for governing its relationships with the Public Services Board.

The protocol is notable for detailing PSB partner's 'commitment to co-operate' with the Council's scrutiny committees. For example, it provides that:

- PSB Partners are provided with information on how to access the Scrutiny process, for example they may request that an issue is presented for scrutiny and have access to relevant information on the Scrutiny Committee timetables and work programmes.

And,

- Explains how the committee's views/recommendations will be communicated following scrutiny and how the PSBs views will be fed back to scrutiny.

In support of the protocol's application, the Council's scrutiny facilitators adopt a pro-active approach to working with the PSBs support officer in co-ordinating the PSB and scrutiny's forward work programmes.

A copy of the protocol may be found at Appendix 1.

- **Overview and scrutiny structures**

Whilst it is a requirement of the Act that councils must designate an overview and scrutiny committee to scrutinise the work of the public services board, it is up to each local authority to determine its own arrangements. Emerging practice of PSB scrutiny arrangements identify distinct models which include:

1. Utilising an existing overview and scrutiny committee to comply with the requirements of the Act. Usually this committee also undertakes scrutiny of local Community Safety Partnerships under the provisions made in the 1998 Crime and Disorder Act. Examples include Caerphilly County Borough Council's [Partnerships Scrutiny Committee](#)
2. Establishing a dedicated committee specifically for scrutinising the work of the local PSB such as Monmouthshire County Council's [Public Services Board Select Committee](#)

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3. Establishing a dedicated scrutiny panel as a sub-committee of the council's designated public services board overview and scrutiny committee. For example, see Swansea City Council's [Public Services Board Performance Panel](#)
 4. Establishing a dedicated joint overview and scrutiny committee to undertake collaborative scrutiny of a merged public services board. For example, the [Cwm Taf Public Services Board Joint Overview and Scrutiny Committee](#) has recently been established by Merthyr Tydfil and Rhondda Cynon Taf County Borough Councils, representing the first formal joint overview and scrutiny committee in Wales. The joint committee comprises equal membership of councillors from each participating council and was established in accordance with requirements of the Well-being of Future Generations (Wales) Act, 2015 taking into consideration the requirements of Section 58 of the Local Government (Wales) Measure, 2011 and associated statutory guidance. Further details may be found [here](#).

Although the structures might look dissimilar, the activities intended to be undertaken are broadly the same. However, regarding the membership of PSB scrutiny arrangements, research from previous joint scrutiny models identifies that co-option can make a big difference to the positive contribution able to be made to partnership governance arrangements.

Co-option and collaborative working

"The partnership approach to the scrutiny of the work of the LSB has brought great value to the outcomes. Partners bring differing perspectives that broaden the constructive challenge, and also lead to scrutiny being informed and truly probing.

I do believe that the LSB's partnership delivery of services around domestic abuse will improve as a result of our work."

(Co-opted Member, Rhondda Cynon Taff's LSB Scrutiny Working Group, April 2011).

The evidence from overview and scrutiny committees in Wales is that the contribution of co-opted members on committees can significantly strengthen their effectiveness. In thinking about how scrutiny arrangements may seek to work in accordance with the sustainable development principles, co-option offers opportunities to enhance collaborative working.

Existing statutory provision under section 76 of the 2011 Local Government (Wales) Measure enables the co-option of persons that are not members of local authorities onto overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. **Statutory guidance accompanying the 2011 Measure provides additional advice and detailed case studies.**

Evidence from those councils utilising multi-agency approaches to Local Service Board scrutiny identified the following four benefits from adopting an integrated approach to partnership working. These have been summarised as follows:

Findings from multi-agency scrutiny arrangements

- The inclusion of partner representatives into democratic scrutiny processes was found to break down organisational fragmentation when analysing joint delivery of cross-cutting themes.
- Greater democratic influence within partner organisations was considered as helping reduce the 'democratic deficit' within public organisations.
- Reports and recommendations from scrutiny were considered to be more palatable to local strategic partnerships due to integration of partners within the scrutiny process. This was considered important in reinforcing scrutiny's credibility and integrity and allaying partnership concerns regarding undue 'political interference'.
- Greater innovation and engagement: a strong culture of accountability was considered supportive of transformational change and improvement in promoting wider dialogue from which creative solutions may be found. It was found that embracing different points of view enabled shifts in perspective to occur as demonstrated by Rhondda Cynon Taff's use of 'experts by experience' when considering joint approaches to the reduction of domestic violence.

In wishing to work collaboratively with the PSB, Swansea City Council's Public Services Board's Performance Panel sought to invite (rather than co-opt) non-executive members of partner organisations comprising the PSB. This included the following:

Public Services Board Statutory Members / Invited Participants	PSB Performance Panel Invitee
Abertawe Bro Morgannwg University Health Board (Statutory Member)	Non-executive Board Member
Mid and West Wales Fire and Rescue Service (Statutory Member)	Member of the Performance, Audit and Scrutiny Committee , Mid and West Wales Fire Authority
Natural Resources Wales (Statutory Member)	Non-executive Board Member
The Chief Constable of South Wales Police (Invited Participant)	Member of the South Wales Police and Crime Panel
The South Wales Police and Crime Commissioner (Invited Participant)	
Probation Service Representative (Invited Participant)	Non-executive

Swansea Council of Voluntary Services (Invited Participant)	Non-executive management Committee Member
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The PSB Performance Panel also identified its ability to co-opt additional members on a temporary basis the length of which to be determined by the Panel. The Panel further stipulated that co-optees should not be acting in an executive capacity for any of the Public Services Board partner agencies and may only be invited to join the Panel with the unanimous agreement of Panel members.

The important point to highlight is the ability of local government overview and scrutiny arrangements to pro-actively engage partners more deeply in its work. In doing so elected members can send powerful messages to the PSB regarding its commitment to effective partnership working through their own structures and practice. This can lead to the creation of enhanced trust and mutual respect in creating accountability relationships that promote dialogue and learning as the key drivers underpinning performance improvement.

However, approaches to partner engagement in the work of scrutiny is **specific to each local authority** and that what “works” for one Council may not directly transfer to another. The crucial issue here is the degree of commitment scrutiny shows in ensuring partners can influence and inform its investigative work.

In evaluating the added value brought about by strategic partnership working, scrutiny can boost its credibility in leading by example.

Reports and Recommendations

Section 35 (2) of the Act requires overview and scrutiny committees to send a copy of any report or recommendation with respect to the board’s functions or governance arrangements to the Welsh Ministers, the Future Generations Commissioner (FGC) for Wales and the Auditor General for Wales.

This requirement has been regarded by some as detracting from scrutiny’s ability to develop ‘softer’ styles of accountability where power relies on its ability to persuade, advise and influence. This can give rise to anxiety that widespread reporting of partnership performance by scrutiny, particularly given the long-term timescales associated with achieving improved well-being, can place unhelpful pressure on PSBs to skew activity towards what is immediately measurable rather than foster more innovative and creative behaviour.

An alternative point of view is that the provision compels local government overview and scrutiny to more proactively correspond with other accountability agents such as the Auditor General in Wales and the Future Generations Commissioner as part of a networked model of accountability. In sharing intelligence about different aspects of partnership performance, scrutiny can add to a wider body of knowledge aimed at better understanding and supporting drivers of collaborative performance. In addition, regarding the role of the Future Generations Commissioner in guiding and advising PSBs to work in accordance with the sustainable development principle, analysis and recommendations arising from local scrutiny may help better focus support and assistance.

Consequently, local government scrutiny arrangements may wish to give thought to how to match the most appropriate method of communication with the degree of intended formality best suited to local circumstance. For example, some councils may wish to utilise Chair’s letters rather than formal reports in providing the PSB with spontaneous feedback as opposed to ‘escalating’ formative

observations to national level. Adoption of a more flexible approach has been reported as having the effect of partners perceiving scrutiny's formal reporting mechanisms as influential 'backstop powers' which in turn has encouraged greater co-operation and a more collegiate relationship with local government scrutiny.

In thinking about how scrutiny wishes to engage the PSB in developing lines of inquiry, requesting evidence, scoping future work items and establishing ways of working it might be the case that the use of Chair's letters or presentations at meetings of the PSB may be most appropriate methods of communication. Similarly, less prescriptive ways of exchanging information may be more suitable when communicating with the PSB informal feedback regarding scrutiny's initial analysis, findings and draft conclusions relating to collaborative performance.

Regarding utilising more formal powers of reporting, it is suggested that scrutiny take appropriate steps to ensuring reports and recommendations are evidence based and describe a suggested course of action to be taken to solve a shared problem. Moreover, to have impact and credibility, recommendations to the PSB should have a clear rationale and be written as statements indicating a directional change of action. In thinking about the validity of conclusions made about the PSB's performance by scrutiny, these should clearly link to scrutiny's original research focus and methods of inquiry in accordance with practice detailed in the 'Characteristics of effective scrutiny' framework.

In accordance with the Act, copies of reports and recommendations should be sent to the Future Generations Commissioner, the Auditor General in Wales and the Welsh Ministers. Given that the minister with lead responsibility for PSBs is currently the Cabinet Secretary for Finance and Local Government, copies of formal reports and recommendations should be sent to the Local Government Partnership team who may arrange that any additional ministers are briefed according to their areas of responsibility.

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